

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1289

AN ORDINANCE ENACTING SECTION 17-114 OF THE CITY CODE OF THE CITY OF MILES CITY, MONTANA, SO AS TO REQUIRE LIABILITY INSURANCE IN SPECIFIED AMOUNTS PRIOR TO ISSUANCE OF A PARK USE PERMIT.

WHEREAS, the City Code of the City of Miles City authorizes the use of City park grounds and recreational facilities so long as an application is filed and park use permit is issue;

AND WHEREAS, the City of Miles City desires to establish criteria for the type and amount of liability insurance which shall be carried by the applicant;

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. A new Section 17-114 is hereby enacted, and shall read as follows:

Sec. 17-114. – Liability Insurance Required. Liability insurance shall be required for certain uses of City owned property. All policies of liability insurance required in this part shall name the City of Miles City, Montana, as an additional insured, on a primary / noncontributory basis.

1. Prior to the issuance of a park use permit, or any permit for the use of any City owned property, the following insurance requirements shall apply, for each requested use, and based on the hazard level designation set forth in this part:
 - a. For activities included under Hazard Level I which will include less than 50 people in attendance, no liability insurance shall be required.
 - b. For activities included under Hazard Level I which are anticipated to include 50 or more people, and for activities included under Hazard Level II, P proof of liability insurance in the amount of ~~Seven Five Hundred Fifty Thousand Dollars (\$500,000.00)~~750,000.00) per claim, One Million Five Hundred Thousand Dollars (\$1,500,000.00) per occurrence, or such higher amount as may be required by the city depending on the requested use, and which must name the City of Miles City, Montana, as an additional named insured, shall be is required, prior to the issuance of a park use permit, or a permit for the use of any other City owned property, for the following uses:
 - c. For activities included under Hazard Level III, proof of liability insurance in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) per claim, One Million Five Hundred Thousand Dollars (\$1,500,000.00) per occurrence, shall be required.
2. Liquor liability coverage in the same amount as is required for each hazard designation, but not less than the amount required for Hazard Level 1 events attended by 50 or more people, shall be required for all events which include the sale or consumption of alcohol, with the exception of

host provided alcohol, or privately provided alcohol, consumed at private events which are attended by 50 or fewer people, for which no admission or other fee is paid, and so long as an alcohol variance has been properly obtained from the City.

3. Property damage coverage in the amount of \$50,000.00 shall be required for all Hazard Level I events which are anticipated to include 50 or more people in attendance, and for all Hazard Level II events. Property damage coverage in the amount of \$100,000.00 shall be required for all Hazard Level III events.
4. In the event multiple organizations, entities, or vendors will be operating under one permit, each must be covered and show proof of all insurance required herein.
5. All permittees shall ensure that employees are covered by workers compensation, and may be required to provide proof of the same.
6. All vehicles which are used on city owned property must be covered by personal or business liability auto coverage.
7. The following hazard level designations shall be used for determination of required insurance coverages in this part. Any proposed use which is not covered by the following shall be assigned a hazard level designation by the City's Lease Administrator. The City of Miles City reserves the right to increase the hazard level of an activity based on information received by the City which tends to show that the activity is of a greater risk than that designated below. The City of Miles City may refuse to issue a park use permit, or any permit for the use of City owned property, for an activity for which the City may determine, through its Lease Administrator, poses too great a risk for public safety, regardless of the hazard level classification of the activity.
 - a. Hazard Level I: Antique shows, art festivals/shows, auctions, auto shows, awards presentations, ballets, banquets, bazaars, beauty pageants, bingo games, boat shows, body building contests, business meetings / shows, chamber of commerce events, charity benefits (including auctions/sales), cinemas, civic club meetings, classical music concerts, indoor concerts under 1,500 people, symphony concerts, consumer shows, indoor conventions, craft shows, dance shows (including rehearsals), debutante balls, dinner theaters, drill team exhibitions / competitions, educational exhibitions, electronics conventions, indoor exhibitions / exhibits, indoor expositions, fashion shows, indoor fishing events, flower shows, garden shows, graduation ceremonies, gymnastics competitions, harvest festivals, home/housing shows, ice skating shows, instructional classes (non-mechanical), civic club events, lectures, luncheons, indoor meetings, mobile home shows, motion picture theaters, musicals (not including rock music), operas/operettas, organized sightseeing tours, pageants, parties/celebrations (no liquor), picnics, plays, proms, pumpkin patches / corn mazes, recitals (music, dance, piano), religious assemblies, RV shows, scouting jamborees, seminars, speaking engagements, teleconferences, telethons, theatrical stage performances, trade shows (indoor), vacation shows, weddings and receptions wedding photography.
 - b. Hazard Level II: Aerobics / Jazzercise classes, animal training, block parties / street enclosures, Christmas tree lots / farms, outdoor concerts under 1,500 (except as otherwise addressed herein), corporate events, dances, debuts, dog shows, evangelistic meetings (revivals), outdoor exhibitions, outdoor exposition, outdoor fishing events, food concessions, graduation night (university only, no high

school), haunted houses, horse shows, hotel shows, jam & jazz sessions, job fairs, marathons, outdoor meetings, parades, parties / celebrations (with liquor, other than those addressed under Hazard I), political rallies, reunions, rummage sales, school band exhibitions / competitions, séances, sidewalk sales, state & county fairs, street fairs, trade shows (outdoors), voter registration.

a.c. Hazard Level III: Animal shows, bicycle rallies, carnivals (no rides), casino & lounge shows, comedy shows, rock concerts under 5,000, alternative music concerts under 1,500, country western events (no equine), film productions, head of state events, kiddielands (no rides), live entertainment (except as otherwise addressed herein), livestock shows, martial arts events, night club shows, petting zoos, promoters, recreational events, skating parties, ski events / demos, sporting events (indoor, outdoor, baseball, basketball, softball, soccer, tennis, etc.), swimming events, theatrical road shows, union meetings, zoos.

~~(1) Any exclusive use of any portion of City property, including, but not limited to: weddings or wedding receptions, class reunions, photo shoots, dances, or any other similar private exclusive use. The following shall be excepted from the requirements of this provision: reservation of seating in a park shelter for a birthday party or similar use, which does not involve commercial catering or consumption of alcohol.~~

~~(2) Privately hosted events on City property, regardless of exclusivity, which include the commercial catering of food or beverages, or involves vendors of goods or services.~~

~~(3) Any use of City property, regardless of exclusivity, which includes any of the following activities:~~

- ~~a. Air shows involving the aerial display of Aircraft;~~
- ~~b. Circuses;~~
- ~~c. Rodeos;~~
- ~~d. Fireworks;~~
- ~~e. Animal racing;~~
- ~~f. Carnival or amusement rides;~~
- ~~g. Motorized vehicle racing;~~
- ~~h. Water sports other than those associated with city swimming pools, lakes or other city designated aquatic areas;~~
- ~~i. The rental of any motorized vehicle or apparatus used for individual conveyance or entertainment;~~
- ~~j. Boxing or other martial arts competition.~~

Section 2. This ordinance shall be in full force and effect thirty (30) days after its final passage and approval.

Said Ordinance read and put on its passage this 14th day of April, 2015.

C.A. Grenz

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 12th day of May, 2015.

Chris A. Grenz

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce

Lorrie Pearce, City Clerk

MMIA - TENANT/USER PROGRAM HAZARD SCHEDULE

(A "Tenant/User Event" is an event that is held or sponsored by companies, organizations, or individuals that have been permitted to use your premises)

TENANT/USER EVENT	HAZ I	HAZ II	HAZ III	U/W Approval Required	NO Participant Coverage
AEROBIC & JAZZERCISE CLASSES		X			
ANIMAL ACTS / SHOWS			X		
AMINAL TRAINING		X			
ANTIQUE SHOWS	X				
ART FESTIVALS / SHOWS	X				
AUCTIONS	X				
AUTO SHOWS (No Auto Coverage)	X				
AWARDS PRESENTATIONS	X				
BALLETS	X				
BANQUETS	X				
BAZAARS	X				
BEAUTY PAGEANTS	X				
BICYCLE RALLIES			X		X
BINGO GAMES	X				
BLOCK PARTIES / STREET CLOSURES (Excludes Bleachers)		X		X	
BOAT SHOWS	X				
BODY BUILDING CONTESTS	X				
BUSINESS MEETINGS / SHOWS	X				
CARNIVALS (NO Rides)			X	X	
CASINO & LOUNGE SHOWS (No Performer or Crew Coverage)			X		
CHAMBER OF COMMERCE EVENTS	X				
CHRISTMAS TREE LOTS / FARMS (No cut your own)		X			
CHARITY BENEFITS (Including Auctions / Sales)	X				
CINEMAS	X				
CIVIC CLUB MEETINGS	X				
COMEDY SHOWS (No Performer or Crew Coverage)			X		
CONCERTS (NO Hip/Hop, Rap, Heavy Metal)					
Classical Music	X				X
Indoors under 1,500	X				X
Symphony	X				X
Outdoors under 1,500		X			X
Rock under 5,000			X	X	X
Alternative under 1,500			X	X	X
CONSUMER SHOWS	X				
CONVENTIONS (Inside)	X				
CORPORATE EVENTS		X			
COUNTRY WESTERN EVENTS (NO Equine)			X		X
CRAFT SHOWS	X				

- Declination of Events could be due to the attendance size or level of performers
- Athletic Participant's coverage requires prior company approval and signed waiver(s)-per State Requirement
- Liquor Legal Liability for Hazard Group II must be submitted for Underwriter Approval. See Page 16 for details)

TENANT/USER PROGRAM HAZARD SCHEDULE (Continued)

(A "Tenant/User Event" is an event that is held or sponsored by companies, organizations, or individuals that have been permitted to use your premises)

TENANT / USER EVENT	HAZ I	HAZ II	HAZ III	LAW Approval Required	NO Participant Coverage
DANCE SHOWS (includes Rehearsals & Dancers)	X				
DANCES		X			
DEBUTANTE BALLS	X				
DEBUTS		X			
DINNER THEATERS (No Performer or Crew Coverage)	X				X
DOG SHOWS		X			
DRILL TEAM EXHIBITIONS / COMPETITIONS	X				
EDUCATIONAL EXHIBITIONS	X				
ELECTRONICS CONVENTIONS	X				
EVANGELISTIC MEETINGS (Revivals, etc)		X			
EXHIBITIONS / EXHIBITS (Inside)	X				
EXHIBITIONS / EXHIBITS (Outside)		X			
EXPOSITIONS (Inside)	X				
EXPOSITIONS (Outside)		X			
FASHION SHOWS	X				
FILM PRODUCTIONS			X	X	
FISHING EVENTS (Inside)	X				
FISHING EVENTS (Outside)		X			
FLOWER SHOWS	X				
FOOD CONCESSIONS		X			
GARDEN SHOWS	X				
GRAD NIGHT (University Only - NO High School)		X			
GRADUATION CEREMONY	X				
GYMNASTIC COMPETITIONS (No Participant Coverage)	X				X
HARVEST FESTIVALS	X				
HAUNTED HOUSES		X		X	
HEADS OF STATE EVENTS			X		
HOME / HOUSING SHOWS	X				
HORSE SHOWS		X			X
HOTEL SHOWS		X			
ICE SKATING SHOWS	X				X
INSTRUCTIONAL CLASSES (non-mechanical)	X				
JAM & JAZZ SESSIONS		X			
JOB FAIRS		X			
KIDDIELANDS (NO Rides)			X		

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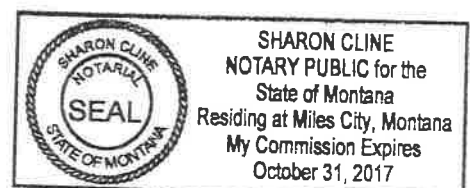
Affidavit of Publication

STATE OF MONTANA }
County of Custer } ss.

Mary Rose Bovee, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. City of Miles City. Public Notice, Ordinance Number 1289. A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period and time of publication, on the following dates, to-wit: April 17, and 24, 2015.

Signed Mary Rose Bovee
Subscribed and sworn to before me this 17th
day of April, 2015
Sharon Cline

Sharon Cline, Notary Public for the state of Montana, residing at Miles City. My Commission Expires October 31, 2017



LEGAL NOTICE
NOTICE IS HEREBY GIVEN that the City Council of the City of Miles City at a Regular Council Meeting held on Tuesday, April 14, 2015, at 7:00 p.m., passed on first reading the following Ordinance:
ORDINANCE NO. 1289:
An Ordinance Enacting Section 17-114 Of The City Code Of The City Of Miles City, Montana, So As To Require Liability Insurance In Specified Amounts Prior To Issuance Of A Park Use Permit
The above Ordinance is on file and available for public inspection at the City Clerk's Office at City Hall, 17 S. 8th Street, Miles City, Montana. You are further notified that objections to the final adoption of the Ordinance will be heard by the City Council at its regularly scheduled meeting in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana, on Tuesday, April 28, 2015, at 7:00 p.m.
For information or questions you may contact the City Clerk at 234-3462.
BY ORDER OF
THE CITY COUNCIL
Lorrie Pearce
City Clerk
(Published April 17, and 24, 2015)
MNAXLP