

**CITY OF PLATTSBURGH
GUIDELINES FOR INSURANCE REQUIREMENTS
USE OF CITY FACILITIES**

1. General Statement of Policy

- If you wish to use city property for an event, permission is required.
- Insurance is required unless expressly not required, or waived.
- Regardless of the activity or location, insurance is always required for:
 - Events held by profit making entities
 - Non profit activities where an admission fee is charged
 - The use of a city street
 - Use of athletic facilities by organized teams or leagues
 - If alcoholic beverages are served during the event.
- In most cases the applicable insurance requirement is General Liability Insurance for Premises-Operations Contractual BI/PD, \$1 million CSL, \$2 million aggregate. Policies must be in comprehensive form and the City of Plattsburgh must be named as an additional insured.
- In some cases, other types of insurance may be required, such as Automobile Liability, Worker's Compensation, NYS Disability and Liquor Liability.
- If alcoholic beverages are served on City property, Liquor Liability insurance is required i.e. Premises-Operations BI/PD \$1million CSL. The person selling or serving the beverages must have an off premises license from the NYS Liquor Authority and proof of worker's compensation and disability insurance for his employees.
- Where insurance is required, if the persons or group organizing and conducting the event does not have insurance, the event may be sponsored by another person or organization who provides insurance coverage for the specific event.
- Use fees may apply.
- Other charges or restrictions on the use of City property may apply.
- The intent of these Guidelines is to provide information to the public and guidance to City officers and Employees on the use of City property.

2. Risk Evaluation Factors

The following factors have been considered in deciding when insurance is required and will be considered in deciding whether insurance should be waived.

Type of user:

1. for profit entity
2. not for profit corporation, or other formal organization
3. group of persons with a common purpose, not formally organized.
4. individual

Purpose:

1. to sell or promote products or services for profit [e.g. trade shows]
2. activity in furtherance of the not-for-profit's corporate purposes as set forth in its articles of incorporation or other organizational document.
3. to raise funds for another not-for-profit organization
4. to educate or inform the public
5. to celebrate an occasion that is not open to the public [private parties, weddings]

Public or Non Public

1. open to the public
2. limited to members or invitees

Nature of Activity

1. athletic competitions
2. meetings
3. educational displays
4. artistic or cultural performances
5. parades
6. demonstrations
7. entertainment event where admission is charged
8. trade shows

Other Factors:

1. Location of event
2. Number of people participating in an event
3. When the event will be held (e.g. insurance may be required for Friday, Saturday night events)
4. The length of the event
5. Types of risks, security issues
6. Whether alcoholic beverages are served
7. Vehicles and parking involved
8. Valuable materials used in conjunction with activity and left at city facility for a period of time
9. Other factors pertinent to the risk of injury to persons or property.

TABLE OF INSURANCE REQUIREMENTS

Type of Event	Insurance Required	Department to Contact
USE OF STREETS (applies to streets only; not sidewalks)		
PARADES; more than one group or organization that wishes to <u>march in a public street</u> in celebration of a state or national holiday or a city sponsored event.	YES, unless city sponsored	City Clerk
DEMONSTRATIONS; one or more group or organization that wishes to <u>march or assemble in a city street</u> to express a political, philosophical or religious point of view	NO, but use of the street may be denied if there are other suitable alternatives	City Clerk
FUND RAISING WALKS; a not for profit organization that wishes to walk in city streets to raise funds and increase awareness of the organization	YES	City Clerk
STREET DRIVES; groups and not for profit corporations that are authorized to solicit charitable contributions. at designated street intersections	YES	City Clerk
BLOCK PARTIES; the use of part of a city street by person(s) hosting a party which is open to a limited group of persons and not the public generally.	YES	City Clerk
SIDEWALK CAFES. Use of part of a street or sidewalk to sell food or beverages in conjunction with a business.	YES; worker's comp., liquor liability insurance and abc license is required if alcohol is sold	City Clerk

ATHLETIC FACILITIES	Insurance Required	Department to Contact
Types of Facilities: <ul style="list-style-type: none"> • baseball, foot ball and soccer fields • gymnasiums • crete center 		
By organized groups or organizations who use the facility on a schedule through out the season; e.g. little league baseball, soccer league, north stars football	YES	Recreation
By a group of persons who are not formally organized and wish to make occasional use of the facility; e.g. a pick up touch football, softball or basketball game; use of gymnasium for child's birthday party games	NO, but waivers may be required	Recreation
Use of Meeting or Group Activity Room in Base Gym for meetings, crafts, and demonstrations	NO, but waivers may be required	Recreation
PARKS & BEACH		
Private parties where space is requested for the exclusive use of the applicant and guests, including wedding receptions	YES, but may be waived by Department with Mayor approval.	Recreation
Wedding Ceremonies	NO	
Group Picnics	NO	
Demonstrations	NO	
PERFORMANCE STAGE; DURKEE WALKWAY	YES, but may be waived for performances open to the public without charge	Recreation
PERFORMANCE STAGE MC DONOUGH MONUMENT	YES, but may be waived for performances open to the public without charge	Recreation

PUBLIC BUILDINGS	Insurance Required	Department to Contact
<ul style="list-style-type: none"> • City Hall meeting room. • City Hall Auditorium & Rotunda • Farmers' market 		
MEETINGS; group discussions on public interest issues; may be open to public or limited to group members	NO	City Clerk
SALE OF GOODS OR SERVICES	YES if by for profit entity; May be waived for non profit by City Clerk with Mayor approval	City Clerk
ENTERTAINMENT, FUND RAISING, OTHER EVENTS WHERE ADMISSION IS CHARGED OR DONATIONS ARE SOLICITED.	YES if by for profit entity; May be waived for non profit, but not if alcohol is served. May be waived by City Clerk with Mayor approval	City Clerk
EDUCATIONAL DISPLAYS AND PROGRAMS	NO	City Clerk
CITY SPONSORED EVENTS	No insurance required for Volunteers;	Must be designated by City Sponsored Event by Common Council
PARTIES AND RECEPTIONS SPONSORED BY NON PROFIT ORGANIZATIONS	YES, but may be waived by City Clerk with Mayor approval. liquor liability insurance and ABC license is required if alcohol is served	City Clerk
WEDDINGS AND OTHER EVENTS NOT OPEN TO THE GENERAL PUBLIC	Not required for ceremony, but food or beverages may not be served on premises.	City Clerk

3. CITY SPONSORED EVENTS; VOLUNTEERS

As a general rule insurance is not required for volunteers who assist in City sponsored events.

- A. City sponsored events are activities, which are planned, promoted, staffed, scheduled, and implemented by the City and its volunteers.
- B. The Common Council generally will not designate an event as a City sponsored event unless the following criteria are met:
 - a. It is open to the public.
 - b. It is held in recognition of an event that is recognized by the state or national government
Examples are the Quadra-centennial Celebration of the Discovery of Lake Champlain, Earth Day, state and national holidays, City wide events such as the Mayor's Cup Sailboat Race, the Battle of Plattsburgh.
 - c. The event serves or promotes a broad public interest.
- C. Although an event may be a City Sponsored event, insurance requirements will apply to persons or organizations participating in the event, unless they are Volunteers or qualify for a waiver.
- D. Volunteers are persons or organizations who provide material assistance to the City in planning, promoting, staffing and implementing the event.
- E. Volunteers must register as volunteers with the City officer or employee responsible for supervising the event. A list of participating volunteers shall be filed with the City Clerk promptly after the conclusion of the event.
- F. Volunteer participation must be under the general supervision of a designated city officer or employee.

4. FIRST AMENDMENT CONSIDERATIONS

The above guidelines shall be interpreted and enforced with consideration for the public's right to assemble and express opinions. As a general rule, the City may impose reasonable restrictions on the time, manner and place of speech and assembly, but not the content.

5. APPLICATION TO USE CITY FACILITIES.

A person or organization who wishes the use a City facility, must:

- A. File an application to use the facility with the appropriate department.
- B. For the use of city streets or to reserve a facility for exclusive use, it is recommended that you apply at least 60 days before the event.
- C. The application will include a provision to the effect that the applicant will "hold the city harmless and defend and indemnify the city against any claims related to its use of the city's facilities."
- D. Provide proof of insurance, where required.
- E. Provide requested information to city departments.
- F. For City Sponsored events, the application should be signed by the City officer or employee with general supervision over the event.

6. FEES FOR USE

The applicant may be charged a fee for the use of City facilities which shall be determined at the time the application is approved. The fee is to cover the estimated cost of city personnel, equipment and utilities which may include the following:

- A. \$15.00 for administrative costs in processing the application.
- B. The estimated cost of city employee wages and benefits when an employee must be present on days or hours when they are not regularly scheduled to work. Certain city employees are entitled to be paid a minimum number of hours for overtime work. The applicant should inquire before requesting the use of a facility.
- C. Employee services that may be required are police, ambulance, public works and MLD to connect or disconnect utilities, the person responsible for opening or closing a city building.
- D. Trash removal fees.
- E. The estimated cost of utilities consumed by the applicant.

The above Guidelines were adopted by the Common Council on April 8, 2009 and may be amended by resolution from time to time.