

ORDINANCE NO. **BG2011 - 31**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO EXEMPT CERTAIN SPECIAL EVENTS FROM SERVICE COSTS RELATED TO THE USE OF POLICE SERVICES FOR THE SPECIAL EVENTS

WHEREAS, Ordinance No. BG2010-37 amended Chapters 19 (Police) and 22 (Traffic and Motor Vehicles) related to the off-duty employment of police officers and the use of police officers for non-essential services for special events; and,

WHEREAS, that ordinance provided that three events would not be subject to the provisions of the ordinance and the City would provide police services at no cost for the annual Veterans Parade, Christmas Parade and Martin Luther King, Jr. Parade; and,

WHEREAS, the Board of Commissioners now wishes to further amend Chapter 22 to provide that additional special events be exempt from reimbursing the City for service costs associated with the use of police officers for these events by grandfathering those special events that took place in 2009, and again in 2010, as long as the request for services and the cost to the City does not significantly increase; and,

WHEREAS, the grandfather provision will be applicable to those specified special events so long as the event continues on an annual basis, but the grandfather provision shall end should that event not occur in any fiscal year; and,

WHEREAS, these amendments are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 22 (Traffic and Motor Vehicles) is hereby further amended as follows:

22-5 PARADES/SPECIAL EVENTS.

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22-5.16 Insurance, Hold Harmless Agreement and Security Plan Required.

a. If required by City Central, the permittee shall obtain and present evidence of comprehensive liability insurance naming the City as an additional insured in an amount and from an insurance company satisfactory to the City.

b. The permittee shall provide a hold harmless agreement in which the permittee agrees to defend, pay and hold harmless the City, its officers and employees, from any and all claims for personal or property injuries or damages arising from or in any way connected to the parade or special event.

c. The permittee shall cooperate with the City's Police Department in designing a security plan for the parade or special event that may involve the use of City police, whether on-duty or off-duty, or police cadets. The decision to use City police officers, whether on-duty or off-duty, or police cadets and the number of such employees and the rank of the police officers provided shall be within the sole discretion of the Chief of Police based on the appropriateness of the request and the ability of the Police Department to provide staffing to fulfill the requested service. Any off-duty use of City police officers in which the police officer is in his police uniform or using City equipment shall require the approval of an agreement with the Police Department and the permittee. The City shall be reimbursed the established service costs of contracted police officers, on-duty police officers or police cadets at the portion of the established service cost set out below. The Chief Financial Officer is authorized to determine an established service cost for each rank of police officer and police cadets and to modify those established service costs on an annual basis to account for cost of living increases.

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| 1. Private (for profit) and Post Secondary Education Institutions | 100% |
| 2. Non-profit organization and schools located in the City | 50% |
| 3. City sponsored parades/events (Veterans, Christmas and Martin Luther King) | 0% |

Certain designated special events are exempt from the provisions of this Subchapter

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and police services shall be continued at no cost to the sponsoring organization so long as the request for police services and the cost to the City are not significantly increased. Should any of these designated special events not occur in any fiscal year or the request for police services and the cost to the City significantly increase, as determined by the Police Chief, this provision shall cease and that special event shall be subject to the provisions of this Subchapter. The special events grandfathered by the provisions of this Subchapter are: Veterans Parade, Christmas Parade, Martin Luther King, Jr. Parade, Great Teddy Bear Run, Humane Society 5k Walk, Holley National Hot Rod Association (NHRA) Reunion, Thunderfest, Trooper Island Sunset Run, Corvette Homecoming Parade, BGHS Purple Striders, BG Sprint Triathlon, BG Noon Lions Club Run/Walk, American Heart Association Heart Walk, Mayor's Bike Ride, Kruisin' 4 Kids, Toys for Tots Motorcycle Parade, Twilight Thunder Cruise, Likeskills Run/Walk for Autism and Medical Center 10k Classic.

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2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

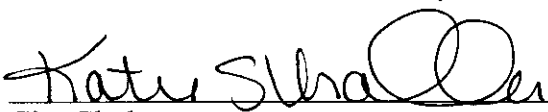
3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on June 21, 2011, and given final reading on June 27, 2011, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

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ADOPTED: June 27, 2011

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 06/14/2011, 1:00 p.m.