

RESOLUTION NO. 16-0427-1

A RESOLUTION OF THE CEDAR CITY COUNCIL AMENDING THE CITY'S POLICY RELATED TO EVENT INSURANCE

WHEREAS, in 2014 the Cedar City Council adopted a resolution adopting guidelines related to event insurance requirements; and

WHEREAS, the 2014 resolution specifically required events using the City's facilities where the anticipated attendance is greater than 250 people and the event is offering, associated with, or incorporating large animals, interactive inflatable attractions, climbing walls, or any sort of projectile to provide a minimum liability insurance policy of \$3,000,000.00; and

WHEREAS, Fun Time Inflatables is a local business that is involved in the business of providing inflatables, climbing walls, and many other amusement devices for rent; and

WHEREAS, Fun Time Inflatables has approached the City with a concern that they cannot secure a \$3,000,000.00 liability insurance policy at a reasonably affordable cost; and

WHEREAS, City staff has worked in conjunction with the City's insurance companies and researched liability insurance for businesses offering inflatable attractions and found that it is not commercially reasonable to purchase a \$3,000,000.00 liability insurance policy and that the City would be well suited to accept a \$2,000,000.00 liability insurance policy which would be available at commercially reasonable rates.

NOW THEREFORE it is hereby resolved by the City Council of Cedar City, State of Utah that the City's resolution containing guidelines related to event insurance is hereby amended as follows:

1. The guidelines contained below shall be used as a guide by City Staff when assessing the amount of insurance an individual event or activity shall be required to obtain. These guidelines are to be used so that future events can be grouped with events having similar crowd sizes and relative risk to persons and property.
 - A. Activities with similar numbers of anticipated participants and risk will not be required to provide insurance¹:
 1. Park pavilion rentals for groups less than 100 people. Types of activities in this category shall be similar to family reunions, company picnics, social gatherings, and church parties.
 2. Free public events.

¹ Activities using animal rides for paying customers, inflatable slides or other interactive inflatable attractions, mechanical rides, climbing walls or other similar devices and meeting the broad categories contained herein shall be moved to another category for determination of the appropriate insurance coverage.

3. Not for profit outdoor dances with an estimated attendance of 500 people or less.
4. Community rally or march.
5. Art Festivals.
6. Walks.
7. Unless the event planned for the Heritage Center or Festival Hall requires insurance pursuant to another section of this policy, use of the Heritage Theater or Festival Hall.
8. 5K/10K road or trail races.
9. Archery Shooting Competitions.
10. Roping events.
11. Barrel Racing events.
12. Jr. Rodeos.
13. Working Cow Horse events.
14. Reining Shows.
15. Events of a similar nature to those listed above and hosted by a recognized non-profit sponsor such as the 4H

B Activities with similar number of anticipated participants and risk will be required to obtain a one million dollar (\$1,000,000.00) insurance policy:

1. Baseball/softball tournaments.
2. Swimming meets.
3. Musical concerts
4. Soccer tournaments.
5. Not for profit outdoor dances with anticipated attendance greater than 500 people.
6. Fly ball events and equipment leases.
7. Bicycle races.
8. Events using City's portable stage.

9. Road races with a greater distance than 5K/10K.
10. Triathlon.
11. Unless stated otherwise herein, Equestrian events, other than rodeos, with anticipated attendance of more than 100 people.
12. Sports leagues unless otherwise specified in a contract.
13. Utah Summer Games.
14. Parades requiring closure of a City street.

C. Activities with similar number of anticipated participants and risk will be required to obtain a two million dollar (\$2,000,000.00) insurance policy:

1. Events using the City's portable stage with anticipated attendance with over 500 hundred.
2. Events incorporating, associated with, or offering: animal rides, inflatable slides or other interactive inflatable attractions, mechanical rides or amusement devices, climbing walls, food or liquor, or other similar devices.
3. Soap box derby.
4. Events using the top floor of the City parking garage for something other than parking.
5. Events where the anticipated attendance is greater than 250 people and the event is offering, associated with, or incorporating large animals, interactive inflatable attractions, climbing walls, or any sort of projectile.

D. Activities with similar number of participants and risk will be required to obtain a three million dollar (\$3,000,000.00) insurance policy:

1. Rodeos.
2. Carnivals.
3. Circus.
4. Aircraft or hot air balloons.
5. Motorized racing vehicles.
6. Participants.

~~7. Events where the anticipated attendance is greater than 250 people and the event is offering, associated with, or incorporating large animals, interactive inflatable attractions, climbing walls, or any sort of projectile.~~

2. When estimating the number of persons in attendance staff shall be allowed to rely on the representations from the event sponsor and in the case of a repeat event the staff will be allowed to use past years attendance. Event attendance for a multi-day event shall be the total attendance during the entire duration of the event.
3. Individual departments have more experience with the events they normally work with and are encouraged to use that experience when determining the level of insurance. Department heads shall be responsible for administering this resolution when the events will be using the department's facilities. If an event is going to use facilities from more than one department the department heads will coordinate their efforts so the information given to the event sponsor is consistent. If there is a question as to the proper amount of required insurance department heads are encouraged to consult with the legal department. If there is further question as to what insurance should be required the decision of the City Manager is final.
4. Insurance policies are for general liability covering each occurrence, damages to the rented premises, personal injury, products, and a general aggregate. The minimum insurance required above shall be for the general liability with the other insurances provided at standard industry amounts. All policies must cover the event related liabilities of the insured and additional insured parties. If appropriate to the event the insurance policy shall include other areas of coverage as are appropriate. Rates for additional coverage areas shall meet the minimum requirements of this policy. Insurance policies must be on a per occurrence basis and name Cedar City Corporation as an additional insured.
5. Insurance policies will be accepted from a reputable provider. The event host is responsible for obtaining appropriate insurance. Using a local insurance vendor is encouraged. The event host may also inquire with City staff for event insurance offered through the City's affiliation with URMMA which will cover the entire event including City's liability for its operation and maintenance of the facility.
6. Cedar City will not be permitted to apply for UDOT permits or provide the City's liability insurance for UDOT permits for parades or events that are not principally organized, funded, and managed by Cedar City and require a UDOT permit.

This resolution, Cedar City Resolution No. 16-0427-1, will be effective upon passage.

Ayes: 4 Nays: 0 Abstained: 0

Dated this 28th day of April, 2016.

[SEAL]
ATTEST:



Maile L. Wilson

MAILE L. WILSON
MAYOR

Renon Savage

RENON SAVAGE
RECORDER