

ORDINANCE NO. 470 OF THE CITY OF BUCKHANNON, AN ORDINANCE
REQUIRING THE USERS OF CITY PROPERTY PURSUANT TO THE POLICIES OF
THE CITY, INCLUDING THE CITY'S PARKS AND STOCKERT YOUTH AND
COMMUNITY CENTER, TO SECURE LIABILITY INSURANCE PROVIDING
COVERAGE FOR ANY EVENTS ADVERTISED OR OPEN TO THE PUBLIC,
PROVIDING FOR EXEMPTIONS, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Buckhannon offers the use of certain of its facilities – including but not limited to the City's parks, theater, Event Center, and Stockert Youth and Community Center – to members of the public, including organizations, for meetings, shows, or other events; and,

WHEREAS, the City feels that providing opportunities for such outside individuals and organizations is an important amenity for the City to provide; and,

WHEREAS, many individuals and groups have used city facilities for public and private events over the years, to the benefit of the greater Buckhannon-Upshur community; and,

WHEREAS, the policies of the City have been to require organizers of events held on city property to – in appropriate circumstances – maintain liability insurance coverage to protect against potential losses or damages arising from such events, and to protect against the City's exposure to losses or damages arising from the acts or omissions of the respective event organizers, and,

WHEREAS, the Council of the City of Buckhannon feels that the current practice of requiring liability insurance coverage should be memorialized by ordinance; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

ARTICLE I – INSURANCE COVERAGE REQUIRED FOR CERTAIN EVENTS:

a) Whenever any individual or group – whether incorporated, organized, unincorporated, or unorganized – shall request the use of a city-owned property for an event under the individual's or group's direction, the event organizer shall – as an express precondition for the use of such city facility – secure event liability insurance from an insurance carrier authorized to do business in the State of West Virginia, in an amount designed to provide sufficient coverage for foreseeable losses and damages arising from the event, which amount shall be approved by the City acting through its Director of Finance or such other designee as the Mayor may identify.

b) Whenever any insurance policy as required in subsection (a) shall be secured, the event organizer shall – also as an express precondition for the use of such city facility – name the City of Buckhannon as an additional insured under the event policy.

The event organizer shall tender to the City a Certificate of Insurance establishing the City's coverage upon the reasonable demand of the Director of Finance.

c) Failure by the event organizer to comply with the requirements of this Article shall result in a forfeit of any facility reservation, and cancelation of the event.

ARTICLE II - EXEMPTIONS

a) The requirements of Article I may be waived by the Director of Finance when an event organizer is:

1) An entity of the City of Buckhannon, or another political subdivision of the State of West Virginia.

2) The State of West Virginia, or any of its agencies.

3) The United States of America, or any of its agencies.

b) The requirements of Article I may be waived by the Director of Finance when a proposed event is entirely private; that is, an event that is not advertised or open to the general public, or the attendance at which is determined by the event organizer to be by invitation only; *Provided*, that the requirements of Article I shall not be waived for a private event when that event presents a sufficient risk of loss in the opinion of the Director of Finance as to justify the protection afforded by third-party liability insurance, especially when an event may include the serving of alcoholic or other intoxicating substances.

ARTICLE III - EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., October 5, 2024.

FIRST READING: August 15, 2024

SECOND READING, PASSAGE AND ADOPTION: September 5, 2024


Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 470 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on September 5, 2024.


Randall H. Sanders, City Recorder