

Managing Large-Scale Outdoor Events

Introduction

The concept of the “county fair” was initiated by Elkanah Watson, a New England patriot and farmer. Watson worked diligently for many years helping communities organize their own agricultural societies and their respective shows (fairs). By 1819 most counties in New England had organized their own agricultural societies and the movement was spreading into the other states. The nineteenth century closed with almost every state and province having one or more agricultural fair or exhibition.

Today, approximately 2,000 fairs are held in North America each year. They provide industrial exhibits, demonstrations and competitions aimed at the advancement of livestock, horticulture and agriculture with special emphasis placed on educational activities such as 4-H, Future Farmers of America (FFA) and other similar youth development programs. Most fairs also provide exceptional educational activities to help today’s consumers understand the importance of farming and the source of the food on their plate. While enjoying these high-minded pursuits, fair visitors are also able to see, hear, touch, smell and taste the richness and variety of what the area in which they live has to offer.

Since their early inception, fairs have evolved to serve many other purposes. Focused on providing fun, education, and engaging entertainment for all who attend, fairs symbolize to many an exciting seasonal pastime.

According to the Association of Connecticut Fairs, each year there are 20 major fairs in Connecticut, four district fairs, nine local fairs, and the Connecticut 4-H County Fairs. In addition to these there are also multiple carnivals, festivals and other outdoor seasonal events hosted by the CIRMA-member municipalities.

COVID-19 has had an impact on all aspects of life. An area specifically affected by the pandemic was the events industry. The year 2020 saw the cancellation of many local prominent festivals, sporting events, exhibitions and outdoor concerts. These events were cancelled in an effort to slow the spread of the COVID-19 virus.

Now that COVID-19 restrictions have loosened, CIRMA-member communities are eager to return to a sense of normalcy, including being able to attend their local fairs, festivals and carnivals. As a result, CIRMA Risk Management developed this whitepaper to provide guidance on managing their large-scale outdoor events.

Site Selection

Selecting the location for an outdoor event goes beyond finding the right venue within the municipality. This can be a long process that requires time management, knowledge about the event, consideration of the needs of the events (food vendors, rides, concerts, etc.) as well as the risk transfer steps needed to protect the municipality, all in an effort to make the event a successful and sustainable for your communities.

Site Selection Process¹

Site selection is an important critical step in the planning process. The first step is to pick a location. Although it might sound very straightforward, there are items you want to remember before picking the best location for your event.

Once a location has been decided on, aside from the actual property, keep in mind

¹ <https://www.eventmobi.com/blog/best-practices-for-site-selection-when-designing-your-event-experience/>

Selecting Alcohol Liability or (Liquor Liability) Insurance covers the liability of insureds in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages.

certain elements that may need to be reviewed are:

- **Define the Event Location** - This can be done with temporary or permanent structures such as fencing.
- **Site Inspection** - A site inspection should be conducted prior to finalizing the location for the event. The site inspection should focus on things such as;
 - Is the location large enough?
 - Is the location in good condition?
 - Are there obvious hazards present, such as extremely uneven ground, poor drainage, limited or no lighting (if a nighttime event), easy access into the location?
 - Does the location meet local authorities having jurisdiction (AHJs) requirements? This would typically be the local health, fire and public safety officials.
- **Equipment** – What equipment will be needed? Will vendors need tables and chairs, if so, is this included in the vendor participation agreement? Is the municipality providing tents? Who will be setting up these items?
- **Wi-Fi Availability** – Are you providing Wi-Fi for / at the event? Has a secured visitor/guest network been established? Is it segregated from all business-critical servers and networks?
- **Clean-Up Crew** – Who will be on responsible for the site cleanup? Will this be contracted out, or completed by municipal employees?
- **Capacity limits** - When selecting the location, determine if there will be capacity limits. Primarily from a fire life safety and public safety perspective; has there been a determination on how many people safely can be within the the defined event location? Special consideration should be given to current COVID-19 precautions, if any, local infection rates and local health official requirements.
- **Parking** – Is on-site parking available at the location? Is it available off-site? Is signage posted stating that the municipality is not responsible for damaged, lost, or stolen vehicles? Will there be a shuttle service from off-site locations to the event location? Who will be operating the shuttles? Have traffic patterns been reviewed and established to make for safe and efficient entry and exit of parking areas?
- **Accessibility** - Is the location accessible to everyone? Consideration for guests of all ages, abilities and special needs should be part of the site selection process. Everyone needs to be able to access the event and its offerings. The municipality's ADA Title II & III Coordinator's name and contact information should be available and easily accessible. This provides opportunities for those wishing to attend the event and who may need accommodations the ability to contact the ADA coordinator and request such accommodations. It is the municipality's responsibility under the ADA to make every reasonable effort to accommodate the needs of everyone wishing to attend their event.

Alcohol Service

Selecting Alcohol Liability or (Liquor Liability) Insurance covers the liability of insureds in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages. With this type of coverage, the insurer agrees to pay those sums that the insured becomes legally obligated to pay as damages because of bodily injury or property damage resulting from the selling, serving, or furnishing of any alcoholic

beverage. Knowing whether or not alcohol will be provided or sold at a special event is very important when analyzing risk exposures. Although avoidance is a risk management technique used to help eliminate an exposure, a municipality would have to decide whether or not this is an option. What's more important is having a plan and policy in place to help ensure that the municipality is adequately protected from the potential liability of having alcohol present at a third-party's special event. If any alcoholic beverage is sold, served, or otherwise made available at any special event, Liquor Liability Insurance should be provided by the vendor who retains the alcoholic beverage license or the third-party who will be providing the alcohol at their event. For example, alcohol available at a wedding, birthday party, anniversary, bachelor/ bachelorette party, etc.

It is important to note that in most General Liability Insurance policies, coverage is excluded for persons or organizations in the business of manufacturing, distributing, selling or serving alcoholic beverages, for injuries or damage arising out of these activities. It is therefore a CIRMA recommended best practice for the municipality to check for these exclusions in any third-party's insurance policy. In most policies where this coverage is excluded an endorsement may be purchased where alcohol liability coverage is made available on the policy. Otherwise, a third-party should be required to purchase the coverage elsewhere, for instance through a Tenant Liability User Insurance Program (TULIP)². A certificate of insurance and policy should be obtained to verify that the municipality, its officials, employees and volunteers are named as additional insureds. A Hold Harmless and indemnification agreement should also be signed.³

Anytime alcohol is being served at a municipal event there will be an expectation by the court systems that proper protocols, procedures, and policies are in place and enforced to reduce the potential liability associated with overserving a customer to the point of intoxication. If a bar or restaurant (a "dram shop") does "overserve" a customer who then causes an accident, the seller of alcohol can be held responsible for the injuries caused by the drunk driver.

It is well established that drinking and driving is against the law and most of the time results in less desirable outcomes. Because of this, the Connecticut has a Dram Shop Law which imposes a responsibility on those serving alcohol to refrain from selling or continuing to sell alcohol to a person who is intoxicated.

Conn. General Statute 30-102:

- If any person, by such person or such person's agent, sells any alcoholic liquor to an intoxicated person, and such purchaser, in consequence of such intoxication, thereafter injures the person or property of another, such seller shall pay just damages to the person injured, up to the amount of two hundred fifty thousand dollars, or to persons injured in consequence of such intoxication up to an aggregate amount of two hundred fifty thousand dollars, to be recovered in an action under this section, provided the aggrieved person or persons shall give written notice to such seller of such person's or persons' intention to bring an action under this section. Such notice shall be given (1) within one hundred

² For more information regarding the TULIP program go to www.ebi-ins.com/tulip

³ CIRMA's recommended third-party coverages and minimum limits can be found in the CIRMA Risk Management Best Practices Guide *Risk Transfer* (see Appendix N - page N1).

Under the revised law, any business that sells alcohol to an intoxicated person who thereafter injures another is now responsible for up to \$250,000 in liability damages.

twenty days of the occurrence of such injury to person or property, or (2) in the case of the death or incapacity of any aggrieved person, within one hundred eighty days of the occurrence of such injury to person or property. Such notice shall specify the time, the date and the person to whom such sale was made, the name and address of the person injured or whose property was damaged, and the time, date and place where the injury to person or property occurred. No action under the provisions of this section shall be brought but within one year from the date of the act or omission complained of. Such injured person shall have no cause of action against such seller for negligence in the sale of alcoholic liquor to a person twenty-one years of age or older.

Prior to Conn. Supreme Court Case *Kowal v. Hofher*, Connecticut's Dram Shop Law limited liability for overserving a customer to a financial cap of \$20,000. That law changed in 2010 when the Connecticut legislature amended the Dram Shop Laws. Under the revised law, any business that sells alcohol to an intoxicated person who thereafter injures another is now responsible for up to \$250,000 in liability damages.

Because of the expanded responsibility placed on those who sell alcohol it is important to make sure that best practices are followed when selling, and/or contracting the selling and service of alcohol during municipal events.

Key Recommendations

CIRMA Risk Management recommends the following best practices to prevent these incidents from occurring.

- Consider transferring the risk associated with alcohol sales and service to third-party vendors during municipal events.
- Consider insuring that all those who will be selling and serving alcohol are properly trained in identifying intoxication through programs such as TIPS (Training for Intervention Procedures). TIPS is the global leader in education and training for the responsible service, sale, and consumption of alcohol. Proven effective by third-party studies, TIPS is a skills-based training program designed to prevent intoxication, underage drinking, and drunk driving. (visit <https://gettips.com/index.html> for more information)
 - Connecticut is a voluntary training state for alcohol seller and server training program requirements;
Conn. General Statute Sec. 30-47 (b) The Commissioner of Consumer Protection may, in his or her discretion, require a permittee who has had his or her permit for the sale of alcoholic liquor suspended or revoked pursuant to subsection (a) of this section to have such permittee's employees participate in an alcohol seller and server training program approved by the commissioner. The commissioner may require proof of completion of the program from the permittee prior to reactivation or reissuance of such permit.
- Consider establishing a process to stop serving those who demonstrate or exhibit signs of intoxication.
- Enforce municipal policies, procedures and protocols regarding the sale and service of alcohol at municipal events. This includes managing volunteers to insure compliance with such practices.
- Train all employees and volunteers who will be at the event to notify law enforcement when erratic behavior or driving is noticed.

Proper planning and evaluations of these events is an important part in identifying potential hazard and developing the appropriate controls.

Risk Transfer⁴

Most municipalities either sponsor or allow special events throughout the course of the year. These events include a wide variety of activities such as fairs, parades, fireworks, block parties, road races, etc. Events such as these create potential risks and claims against municipalities. Proper planning and evaluations of these events is an important part in identifying potential hazard and developing the appropriate controls.

First, the municipality should determine its role in any special event. If the municipality plans on controlling an event, hiring a contractor for services or having the primary responsibility for organizing and planning the overall event, then the municipality should take appropriate safety and planning measures. As a sponsor of event, which may include contributions in the form of money, personnel, products or equipment, the municipality could be exposed to possible liability. On the other hand, if an individual or outside organization sponsors an event, the municipality can and should transfer some liability to the other party thus minimizing the exposure to potential claims. As best practices, when special events are being held a municipality should consider the following:

- Establish policy and procedures for all special events including permit applications, licenses, event checklists, accident reporting and investigations, communications, contracts, emergency planning, medical and first aid, parking and traffic control, site safety, crowd control, current regulations etc.
- Establish if the municipality will have any involvement in the special event as a sponsor or organizer.
- Evaluate the potential risks of the event.
- Evaluate who may be liable should a loss should occur.
- Require organizers or sponsors to obtain the appropriate liability coverage and limits.
- Require any individuals and groups who are responsible for any portions of an event, such as vendors and exhibitors, to obtain the appropriate liability coverage and limits.
- The municipality should require being named as an additional insured on the policies and require a certificate of insurance from all vendors, organizers, or sponsors.
- Any insurance policies should be reviewed for coverage, limits, endorsements and exclusions.
- Hold-harmless and indemnifications agreements should be used with all parties involved.
- All contracts should be reviewed by legal counsel, CIRMA is also available to assist with contractual provisions for risk allocations, insurance requirements and safety plans.

Volunteers

Many large-scale outdoor events will have the involvement of volunteers from the community and outside organizations. What can be confusing is whether or not a particular volunteer or volunteer organization is acting on behalf of the municipality.

⁴ A sample Special Events Policy can found in CIRMA Risk Management Best Practices Guide *Risk Transfer* (see Appendix P, page P1).

In many municipalities there are individuals who donate their time as volunteers; for instance, on committees or groups organizing and sponsoring these large-scale events. It gets very difficult to determine on whose behalf the individual is acting, the municipality's or the organization's.

If a municipality provides personnel, it could also open itself to potential liability and workers' compensation exposure. A recommended best practice to avoid such confusion is for volunteers to form a non-profit organization or group whose purpose and function is to organize and operate these events. This type of non-profit will rely largely on volunteers but these volunteers will not be acting on behalf of the municipality, but rather on behalf of their non-profit that will be tasked with operating, sponsoring and organizing these events. Therefore, most of the liability arising out of these activities is transferred to the non-profit's liability insurance, not the municipality's.

Restroom Protocols

Event portable toilets shouldn't be an afterthought. Regardless of size of the event, there are four considerations to keep in mind when focusing on portable toilets for your next outdoor event.⁵

1. Attendee comfort

Restrooms are critical for attendee comfort. A basic portable toilet may be all that is needed; however, consideration should be given to making sure that several ADA accessible portable toilets are present at the various locations.

2. Municipal regulations

Municipalities should determine if there are any local specific ordinances or regulations specific to portable toilets.

Most municipalities and local health officials will require portable toilets at outdoor events, and dictate where they have to be placed within the event location.

Additionally, there may servicing guidelines to follow. These will vary throughout the State, but fun runs, carnivals, fairs, outdoor theater gatherings, and other events all trigger restroom requirements.

Additional considerations that should be part of the event planning may include:

- How long the toilet can be left outdoors?
- How often it has to be serviced (interior cleaned and pumped)?

Check with your local public health authority as to any other requirements they may have; such as, requiring a service person to be on site during the event.

3. Number of toilets that are needed

The American Restroom Association published a [set of guidelines](#) to determine how many toilets are required for most outdoor events (*see <https://americanrestroom.org/> for more information*). Below is a summary of those guidelines:

- Most events require at least one toilet for every 300 people. However, it is recommended that there be one toilet for every 30 to 50 people assumed to attend the event.

⁵ <https://www.zters.com/blog/5-reasons-you-need-an-event-portable-toilet>

For additional information on this topic, please contact your CIRMA Risk Management Consultant.

- Events with primarily women and children should have at least one toilet for every 200 people.
- Events where alcoholic beverages are served should have at least one toilet for every 240 people.

These are only guidelines. Depending on the event, it's a good idea to provide more than the suggested number of toilets. The municipality should work closely with their local AHJ's to determine the number of units they require and their placement.

4. Keep things clean

Providing at least one portable toilet at an outdoor event will prevent people from going rogue. Making sure that the event has the proper number of portable toilets, and that they are kept reasonably clean will assist in keeping the venue location clean.

Portable toilets, along with proper garbage disposal, help keep the area from getting trashed during the event. This protects the environment and it prevents disputes with residents who live nearby the event. Portable toilets are easy to rent for an event, and they can make or break the comfort of event attendees.

Security and Safety

The topic of active shooter preparedness and emergency planning for mid and large-scale events, such as parades, fairs, and graduations, has become an essential need. CIRMA Risk Management found that the U.S. Department of Justice Office of Community Oriented Policing Services (COPS) was directed by the Consolidated Appropriations Act, 2004, to submit a report to Congress on the "best practices" developed by various federal, state, and local law enforcement agencies to secure special events of national and regional importance.

The events covered present unique security concerns for local law enforcement officials because they were to be attended by large numbers of people at sporting events, concerts, and cultural exhibitions. The COPS office was also directed by Congress to develop a program to train law enforcement on how to effectively secure facilities where events of national or regional importance are taking place.

The COPS office engaged the Institute for Law and Justice (ILJ), a nonprofit criminal justice research organization, to assist its office in conducting a nationwide study on the best practices of law enforcement regarding the planning and managing security for major special events. ILJ collaborated with staff from the Department of Criminal Justice and Police Studies, Eastern Kentucky University, and several private security experts to work on this project.

The COPS office published a best practices and guidelines resource. These guidelines provide a resource for Law Enforcement on Planning and Managing Security for Major Special Events (visit <https://cops.usdoj.gov/ric/Publications/cops-w0703-pub.pdf> for more information) and provides a framework for local law enforcement to plan and manage these unique events that draw large numbers of people to the same location for short periods of time.

The guidelines are designed to offer examples of effective approaches used during key special events handled by a variety of federal, state, and local law enforcement

It is important that municipalities and event sponsors work with their local public safety teams to establish a well-thought-out prevention, response and recovery plan.

agencies throughout the country and by private security.⁶ These guidelines have been reviewed by and endorsed by the CIRMA Law Enforcement Advisory Committee as best practices to consider. It is important that municipalities and event sponsors work with their local public safety teams to establish a well-thought-out prevention, response and recovery plan.

First Amendment Implications

Municipalities dedicate countless hours and dollars each year planning and hosting family-friendly activities for their communities. Among the many pre-event considerations CIRMA members face, running a fair and efficient vendor application process is among the most important. Recent events have identified a need to reexamine how municipalities develop and implement the vendor application process in order to mitigate liability associated with a vendors First Amendment Rights at one of these events.

The Federal Supreme Court has established and continues to enforce that governmental entities are protected by the Government Speech Doctrine. The Government Speech Doctrine recognizes that a government entity “is entitled to say what it wishes” **and** to select the **views that it wants to express**. In essence, the government is not barred by the Free Speech Clause of the First Amendment from determining the content of what it says and can engage in viewpoint discrimination.

With the Government Speech Doctrine in mind, municipalities should create a policy consisting of conditions and considerations that vendors must follow during these events. Language contained in this policy may state, “All vendors must have professional looking concessions,” and, “Pictures of your set-up and lists of products you wish to sell should be included with your application.” The municipalities also have the ability to ask vendors to remove any of their products that the municipality deem to violate the fair’s policy.

The courts have ruled that municipalities have acted within their rights to exercise this discretion when determining which vendors comply with the event’s family friendly culture, and therefore are provided defenses that can be used to limit liability. However, if the municipality inconsistently applies its own policies, as they do not always require vendors to submit photographs of the merchandise being sold, and was unreasonable in its treatment of the vendor, there may be an increase in liability.

Current case law, and precedent confirms a municipality’s rights to control free speech at its events; however, it also highlights the need to consistently enforce their policies equally. Below are some useful tips that CIRMA members can follow to better protect themselves from Violation of Rights claims.

- **Policy:** Develop and adopt a policy consistent with the municipality’s right under the Government Speech Doctrine. Consider submitting the policy to CIRMA Risk Management for review and recommendations. In addition to CIRMA’s review, the municipality’s legal counsel should review language to ensure it is consistent with applicable state and federal laws.
 - Within the policy, consider omitting language that states the municipality, commission, or event organizer will review all products and materials.
 - Consider including language such as, “*The [event organizer] reserves the right to refuse any exhibit, item, action, activity it considers to be inappropriate to its*

⁶ <https://cops.usdoj.gov/ric/Publications/cops-w0703-pub.pdf>

Using effective principles, municipalities will be able to manage and control event attendees and reduce potential liability.

For additional information on this topic, please contact your CIRMA Risk Management Consultant.

reputation or image, and this includes the right to ask the exhibitor to remove any exhibit or item or cease such actions or activities.”

- **Communication:** Communicate the policy to all vendors and merchants prior to the event, typically during the application process or thereabouts.

Traffic Control

Large-scale outdoor events typically bring large volumes of visitors into your municipality. These events can cause associated traffic problems such as congestion and accidents on typically low volume traffic roads. Utilizing lesson learned from previous years will provide you with an understanding of where opportunities for procedural enhancements may arise. This will help with planning traffic management, and predicting parking needs of both attendees and staff. Planning is an important process when designing a traffic control plan. The planning process should include;

- Working with the local traffic authority to determine what personnel resources will be needed and the need to close down roads.
- Insuring those conducting traffic directions have been properly trained and have the appropriate Personal Protective Equipment (PPE); such as ANSI Class I & II high visibility clothing.
- Managing signage and traffic pattern changes are in accordance with the Municipal Uniformed Traffic Control Device (MUTCD) manual.
- If utilizing the Community Emergency Response Team (CERT) ensure that proper documentation has been filed and approved and that activation have been established through the State of Connecticut Department of Emergency Management and Home Land Security (DEMHS) has been filed and approved.
 - Additional information on traffic control can be found within the Law Enforcement on Planning and Managing Security for Major Special Events - <https://cops.usdoj.gov/ric/Publications/cops-w0703-pub.pdf>

Crowd Management

As the size of your event grows, the planning role becomes more complex. In addition to making basic preparations for an event, you also will need to factor in crowd management and how to respond to any incidents that may occur.

The ability to manage and control crowds at any event, large or small, is an important part of the event planning process. Using effective principles, municipalities will be able to manage and control event attendees and reduce potential liability.

To create a successful crowd management plan, a thorough analysis is needed for these factors⁷

- The type of event
- The attributes of the location
- The size and makeup of the crowd
- Entry and exit points
- Communications
- Effective crowd control practices and tools

⁷ <https://www.blockader.com/crowd-control-blog/guide-planning-crowd-control-for-your-event/>

Above all, utilizing the risk management process, including risk mapping activities, will ensure that the event is successful and can be sustained for many years.

Effective crowd management occurs throughout your event, from planning to the event after action briefings. Municipalities should focus on handling the internal and external crowds and providing security. After the event, those responsible should regroup and document the lessons learned in order to plan for future events.

Property Maintenance⁷

The event location should be well maintained and assessed prior to, during and after the event to ensure that no obvious hazards exist. This includes making sure;

- Areas of low light have proper lighting
- Walkways and exit directions are clearly identified
- Signage is posted near restricted areas to keep visitors out
- Signage is posted as to the inherent risks for many different types of activities present at the event

Part of the planning phase should also include the layout of the event. Having a well designed layout will assist in crowd control and crowd movement during the event.

When the event is over, gating and fencing systems can prevent crowds from moving out of the event. All entrances can be turned into exit points if the layout allows for it. If there is an emergency, all entrances and exits can be opened to evacuate the crowd. In the parking lot, the flow of traffic can be reversed out of the lot and onto the streets through the same barrier system.

Above all, utilizing the risk management process, including risk mapping activities, will ensure that the event is successful and can be sustained for many years. For assistance applying a holistic risk management approach, and completing risk mapping activities, CIRMA members should contact their CIRMA Risk Management consultant.

The Connecticut Interlocal Risk Management Agency, CIRMA, is Connecticut's leading provider of municipal risk financing and risk management services. A member-owned and governed agency, CIRMA provides high quality insurance for municipalities, school districts, and local public agencies. CIRMA operates two risk pools, the Workers' Compensation and the Liability-Auto-Property pool. It also provides Heart & Hypertension claims services and claims administration and risk management services to self-insured municipalities. CIRMA's financial strength enables it to provide assured rate stability, open availability, and expert risk management and claims services.

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11/17/22

