



## EICHELBERGER AMPHITHEATER RULES AND REGULATIONS

This amphitheater is an outdoor venue, and therefore, weather would determine if a show or concert would occur. Various in-house shows and festivals will be sponsored by the City of Huber Heights and its Advisory Boards and/or affiliated agencies. Information regarding availability may be obtained by contacting Chris Lindeman (YMCA) at (937) 236-9622 during regular business hours of 8:00 AM to 5:00 PM, Monday through Friday.

Following are rules and regulations to be followed for use of this venue:

**DEPOSIT:** A refundable deposit of \$100.00 is required at the time application is made.

**FEES:** Rental fee is required at the time application is made. All events must end by 9 p.m. or dusk. The Park closes at dark.

City of Huber Heights residents:	\$50.00
Non-Residents:	\$100.00
Public Works Attendant(s):	\$35.00 each, per hour, per attendant (if needed)

Fees entitle the use of:

Amphitheater stage

Public Parking lot

Seating Area (no chairs provided, the use of lawn chairs and blankets is encouraged)

Public Restrooms

**Please note that the Park itself cannot be reserved. It is open to the public.**

**REFUNDS:** The \$100.00 deposit will be returned to the renter upon final post-event inspection by the Public Works Manager.

Additional questions may be directed to the Parks and Recreation Department, City of Huber Heights, 937-236-9622.

**\*\*IN CASE OF AN EMERGENCY MON-FRI AFTER 4:30 AND ON WEEKENDS CALL POLICE DISPATCH 233-2080.**

A. Reservations

1. Amphitheater usage is to be scheduled and approved through the information provided above. No for-profit event will be approved.
2. Use of the amphitheater is determined on a first-come/first-serve basis and may be booked one (1) year in advance. Dates will not be confirmed until an agreement is signed and received by the person in charge of scheduling the event, along with the appropriate deposit and/or fee.
3. Person in charge of event must be at least 21 years of age, and must be on-site during the scheduled event.
4. The City reserves the right to deny any group the privilege of holding an event at this venue that have been found in violation of the rules and/or have damaged the venue in the past.

#### B. Conduct

1. The City through its representatives, agents, and employees, reserves the right to control all activities at the Amphitheater, and to eject any person(s) who is/are objectionable and acts contrary to the rules and regulations.
2. The City through its representatives, agents, and employees, may revoke permission previously granted at any time if it is determined the agreement entered into contained any misrepresentations or false statements, or that the rules and/or regulations for the Amphitheater are not being complied with, or that the safety of the individuals attending the function are endangered by the continuation of the event.
3. The group and/or individual signing the agreement scheduling an event shall be responsible for all activity at the site being properly controlled, and all rules enforced, and must have a designated person(s) of authority on site at all times for the event. Such individuals will take every action necessary to prevent any and all disorderly or boisterous conduct or immoral practices of any kind.

#### C. Responsibility

1. The City shall assume no responsibility for any property placed on or in the Amphitheater or adjacent park grounds. Furthermore, the City is released and discharged from any and all liability for loss, injury, or damage to persons or property that may be sustained by the use or occupancy of the Amphitheater.
2. If any of the terms or conditions of this agreement are violated, the City will have the right to pursue all of its rights and remedies at law or in equity including, without limitation, the right to recover court costs and/or attorney fees.
3. Approval of the Agreement will be granted with the understanding that the City reserves the right to cancel the Agreement, with or without notice, in the event that the Amphitheater becomes unavailable due to physical conditions.

#### D. Laws and Ordinances

1. All groups using the Amphitheater shall comply with all Federal, State, County, and Local laws, including all ordinances of the City of Huber Heights, along with all rules and regulations of the City's Fire and Police Departments. Note: All fire lanes must remain clear at all times. All user groups must conform to these rules and regulations which may be adopted from time to time, including any and all alterations that might be imposed on the operational hours and utilization policies.

#### E. Defacement of Facility

1. No decorative or other materials shall be nailed, tacked, screwed or otherwise physically attached to any part of the Amphitheater without special permission from City Staff. All user groups shall leave the premises in as good condition as it was prior to their usage. The City shall invoice the user any costs incurred if a group does not comply with the conditions outlined in the Agreement.

#### F. Amphitheater Curfew

1. Due to the location of the Amphitheater and the importance of maintaining a positive relationship with the surrounding residential neighborhoods, all activities at the Amphitheater may not begin until 10:00 a.m. and must end by 9:00 p.m. This curfew does not apply to City sponsored Movie Nights, which will begin around dusk and end prior to midnight.

#### G. Noise/Sound Ordinance

1. Sound levels at the Amphitheater are not to exceed those levels established by the City. Monitoring of sound levels may be taken periodically throughout the Activity, as well as during set-up. If sound levels exceed the established level or cause a disturbance as deemed by the City, City representatives will direct that the volume be turned down, and failure to comply with such direction shall be cause for fines, and/or termination of the activity. All amplified instruments shall be plugged in through a City supplied Volume Controller, which will regulate the maximum sound levels. The volume controller will be set so that a maximum of eighty (80) decibels is audible at a point not less than fifteen feet from the noise source as will be the same for the music level at the Kroger Aquatic Center. For the City sponsored Movie Nights, the speakers shall be placed at the top of the seating area pointed towards the movie screen.

#### H. Security

1. The Amphitheater is an open-air, unsecured, public facility. The City is not responsible for restricting access during activities. In the event a City representative determines that security is required at any event, the group filing the application will be responsible for the cost of City Police Officers to be present at least thirty (30) minutes prior to the event, during the event, and at least thirty (30) minutes thereafter.

I. Clean-Up

1. User groups must vacate the site within one hour after the event, unless specified in writing prior to the activity. Any items and/or trash remaining at the site will result in an additional fee.

J. Prohibited Items

1. The following items would be prohibited at the site: open-flames (candles, torches, etc.), signs, banners, tents, skateboards, fireworks, alcohol (unless specifically agreed upon prior to the event and in accordance with local laws and ordinances; permit required), knives and other weapons.

In consideration of being permitted to use the Amphitheater for an Activity, the user group agrees as follows:

“No liability either express or implied, will be incurred by the City, its agents, servants, and employees, arising out of the use of the premises during the date and time specified in the Agreement. User group agrees to indemnify and save harmless the City, its agents or employees, from and against any and all liability for damages arising from injuries to persons or damage to property occasioned by any negligent acts or other omissions of such User Group, its agents or employees, including any and all expense, legal or otherwise, which may be incurred by the City, or its agents, or employees in defense of any claim, action or suit, irrespective of any claim that an act, omission or negligence of the City, or its agents, or employees contributed to such injury or damage.”

**All Amphitheater Rules are subject to the discretion of the City. The City reserves the right to modify or waive any rules as it deems necessary and in the best interest of the City.**



## Eichelberger Amphitheater Alcohol Permit

*This permit must be presented if requested by a City Official*

All attendants of the event must abide by all local and state laws. Alcohol is ONLY permitted within the seating and stage areas of the Amphitheater. It is not permitted in parking lots.

Permit fee: \$25.00 (cash or check)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number(s): Primary \_\_\_\_\_ Secondary \_\_\_\_\_

Date of Event: \_\_\_\_\_

### Police Division Review

Comments:

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### Fire Division Review

Comments:

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### Parks and Recreation Division Review

Comments:

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The City approves this request for distribution of alcohol at the approved private event at the Eichelberger Amphitheater.

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date



## Eichelberger Amphitheater Rental Application

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #(s): \_\_\_\_\_

Driver's License #: \_\_\_\_\_

Date of Event: \_\_\_\_\_ Number of Participants: \_\_\_\_\_

Will Alcohol be Served (permit required): \_\_\_\_\_

***This is an application only and must be approved by a City of Huber Heights representative. The rental will be guaranteed only after a contract is signed by a City representative and deposit submitted by applicant.***

FEES: Huber Heights Resident \$50 / Non-resident \$100

Refundable\* deposit of \$100

*Fees entitle use of the stage, seating area, public restrooms, and shared parking lot.*

*Chairs are not provided.*

\*No refund will be issued until post-event inspection by Public Works Manager

I agree to take full responsibility for my actions and the actions of my organization and those attending my event and to abide by all City of Huber Heights rules, regulations and ordinances. Eichelberger Amphitheater Rules and Regulations are attached.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
YMCA Representative

\_\_\_\_\_  
Date

### Office Use Only

Deposit Collected \$\_\_\_\_\_ cash/check

Rental Fee Collected \$\_\_\_\_\_ cash/check

Post-Event Inspection Completed (Public Works Manager \_\_\_\_\_)

Deposit Refunded \$\_\_\_\_\_ Name of Person Issuing Refund \_\_\_\_\_