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ORDINANCE 2015-02

FRANKLIN COUNTY COURTHOUSE
POLICIES AND PROCEDURES
(COURTHOUSE GROUNDS USE)



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AUDITOR, FRANKLIN COUNTY

The Franklin County Courthouse serves as the seat of county government; is the repository for the county's official records; and houses departments that have confidential civil, criminal, juvenile, legal, medical, mental health, and personnel records. The courthouse lawn has historically been the "people's lawn," used by the public with permission of the county for everything from festivals to family picnics, displays to demonstrations. The Franklin County Board of Commissioners adopts these policies and procedures for non-governmental use of the courthouse grounds to ensure and protect the interests and the constitutional rights of the Franklin County government, the courthouse, the citizens of Franklin County, and the public.

1. USE

- 1.1. Public use of the courthouse grounds includes, but is not limited to, activities sponsored by county departments; celebrations; community events; cultural, educational, and historical activities; displays, demonstrations, exhibits, marches, rallies, press conferences, speeches, and vigils related to government or public issues; memorial services, performances, wedding ceremonies, and other expressive activities. The purpose in doing so is to provide a forum to promote understanding of issues of public concern and to foster respect for the rights of all individuals.
- 1.2. It is the county's policy to provide all county citizens with equal access to the courthouse grounds. The decision to issue a permit for use of the courthouse grounds will be made on a nondiscriminatory basis and will not be based on the religious or political content of the activity, display, or exhibit.
- 1.3. The business of county government takes precedence over any other use of the courthouse grounds. No activity, display, or event may interfere with the operation of the court or the county government or any government agent, employee, officer, or official in the performance of his or her official duties. Moreover, the courthouse grounds may only be used for non-governmental activities when authorized by a permit issued by the Board of Commissioners.
- 1.4. Permits issued by the Board of Commissioners are subject to these policies and procedures. The Board of Commissioners will not grant any exceptions unless the exception is specifically authorized by these policies and procedures.
- 1.5. The Board of Commissioners may make changes to any permit and may cancel any permit if necessary to protect the public health, safety, or welfare or if it is in the interest of the county to do so, consistent with the rights of permit holders under the First Amendment to the United States Constitution and Article 1 of the Indiana Constitution.

2. GENERAL POLICIES

- 2.1. **Decorum.** The proposed use must be consistent with the intent described herein and the appropriate use of the courthouse lawn.
- 2.2. **Small Group Exception.** Groups of 10 people or fewer seeking to demonstrate need not apply for a permit.
- 2.3. **Security.** No use will be authorized or permitted if it has the potential to conflict with a previously scheduled use or if the proposed use may lead to damage or injury to any person or property.
- 2.4. **Display Location.** Displays and signage without associated demonstrations may be located on the areas of the courthouse lawn designated by the Board of Commissioners.
- 2.5. **Areas.** The Board of Commissioners will prepare a map of the courthouse lawn indicating the areas available for displays. No display may exceed a square area of 20 feet per side. Display areas will be as uniform as possible given the number of displays, and requested location of displays, and any permanent features located within the display location. The Board will also prepare a map of the areas of the courthouse lawn available for weddings, festivals, demonstrations, and other desired uses.
- 2.6. **Availability and Assignment.** Display areas are available on a first come, first served basis. An applicant may request a specific display area and will be assigned to that area if it is available. If the requested area is not available, an open display area will be assigned.
- 2.7. **Electricity.** Electricity is available on a first come, first served basis, and must be requested as part of a permit application. The electricity is metered, and permit holders will be charged for their use of that electricity. If multiple permit holders use electricity simultaneously, the charge for an electricity will be divided equally among those permit holders.
- 2.8. **Size Limit.** A display must be located entirely within the boundaries of the assigned display area. The display may not extend more than 20 feet above the ground.
- 2.9. **Duration.** A permit is valid for a maximum of 45 days. A permit may not be renewed and a permit for the same or substantially the same display may not be requested for the same display area within 30 days of the expiration of a permit. A permit may not be requested for the same or substantially the same display at a different location within 30 days of the expiration of a permit.
- 2.10. **Number.** Only one permit will be issued to an applicant or applicants representing the same organization at any one time.

- 2.11. **Cost.** The user must pay all fees and costs resulting from the activity, display, or event, including electricity costs if the activity, display, or event needs to use electricity from the courthouse. If there are additional costs outside the normal services provided by county departments or other agencies, the user must pay all costs related to the proposed use.
- 2.12. **Risk.** A proposed use may not pose an unreasonable risk of exposure or liability to the county. A proposed use shall not include obscenity, “fighting words,” or defamatory material. The scope of the proposed use may require a risk assessment, certificate of insurance, hold harmless agreement, or contract. Such assessments must be made on a non-discriminatory basis and in compliance with the First Amendment to the United States Constitution and Article 1 of the Indiana Constitution.
- 2.13. **Non-Endorsement.** Issuance of a permit does not constitute an endorsement of the proposed activity, display, or exhibit, or of the permit holders or of the permit holders’ purposes by Franklin County or any of its boards, commissions, committees, employees, officials, or officers. For displays and signage not part of an active demonstration, each such display and sign shall include an attached or separate sign of sufficient size for passersby to see, stating that the display or sign is privately placed and not sponsored, maintained, funded, or endorsed by Franklin County.
- 2.14. **Transferability.** A Grounds Use Permit is not transferrable.

3. PERMIT APPLICATION

- 3.1. Any citizen of Franklin County who wishes to use public space on the courthouse grounds must apply for a permit no more than eleven (11) months nor less than four (4) weeks prior to the proposed use. Scheduling is on a “first come, first served” basis, and applications will be stamped with time and date received to remove any potential for dispute regarding order of priority. Applicants are encouraged to apply as far in advance as possible. Consistent with the First Amendment to the United States Constitution and Article 1 of the Indiana Constitution, this requirement shall not be applied if a requested use is a “spontaneous use,” in response to a news item or current event that prevents a timely application four (4) weeks prior to the desired use.
- 3.2. The application must be on a form approved by the Board of Commissioners and must explain in detail the nature of the proposed activity, display, or event. Application forms will be available at the Commissioners’ office.
- 3.3. An applicant must provide a description, sketch, or photo of any proposed display, equipment, or other item that will be brought onto the courthouse grounds. Any item brought onto the courthouse grounds must be consistent with the decorum due the seat of county government and with the appropriate, non-disruptive use of public property.
- 3.4. The Board of Commissioners will consider permit applications at the next regularly scheduled meeting after the permit application is received. The Board of

Commissioners may, but is not required to, hold a special meeting to consider a permit application. The Board of Commissioners will record its action on the application, including any exceptions and the reasons for granting or denying an application, in its meeting minutes.

- 3.5. If a permit application meets the conditions of this policy, the Board of Commissioners shall grant the application. If the Board grants the application, the Board will issue a Grounds Use Permit to the applicant. Any special requests that have been approved and any policy exceptions that have been granted will be stated on the permit.
- 3.6. If the Board of Commissioners denies an application, the Board will issue a notice of denial stating the reason for the denial and will provide the applicant with a copy of the minutes of the meeting at which the application was considered. Such a denial is a final action for purposes of administrative law.

4. FEES

- 4.1. The applicant must submit a nonrefundable fee of \$25 with the application to cover the cost of processing the application.
- 4.2. The county will determine the estimated cost of providing county services in connection with a proposed activity, display, or event that are in excess of the costs that would be incurred by the county in the absence of the proposed activity, display, or event. The estimated costs will be based on information from the applicant and appropriate county departments.
- 4.3. The Board of Commissioners will notify the applicant of the estimated costs and may require prepayment of all or part of the estimated costs.
- 4.4. If the application is approved, the applicant must submit a security deposit of \$250 within 5 days of the approval. The security deposit will be used to offset the cost of any labor and materials necessary to clean up, repair, or remove items from the display area at the expiration of the permit. The security deposit, less any offsets, will be returned within 30 days following the expiration of the permit.

5. PERMIT HOLDER RESPONSIBILITIES

- 5.1. The permit holder is responsible for paying all costs in connection with a proposed activity, display, or event, including any costs incurred by the county for services that are in excess of the costs that would be incurred by the county in the absence of the activity, display, or event.
- 5.2. The permit holder assumes responsibility for all activities conducted in connection with the permitted use, including supervision and control to prevent injury or damage; maintenance of the premises in connection with the permitted use; and coordination with the Board of Commissioners.

- 5.3. The permit holder must comply with all applicable federal, state, county, and city ordinances, policies, procedures, regulations, rules, and statutes. The permit holder agrees to indemnify, hold harmless, and defend Franklin County and its agents, employees, officers, and officials against any and all damages or claims that arise because of the issuance of a permit, the permitted use, or the placement of any display, equipment, or other item in connection with the permitted use.
- 5.4. The permit holder must meet with the Board of Commissioners prior to the commencement of the permitted use to determine the specific placement of any display, equipment, or other item.
- 5.5. The permit holder is responsible for any damage to the courthouse, the courthouse grounds, or county property that arises in connection with the permitted use. The Board of Commissioners will notify the permit holder of any such damage and the cost of repairs.
- 5.6. If the permit holder cancels an activity after a permit has been issued, the permit holder must promptly notify the Board of Commissioners in writing or by email. Cancellation by the permit holder will entitle the holder to a refund of the security deposit paid, but not of the application fee paid.

6. LIABILITY

- 6.1. The county is not responsible for the theft or damage to any property that the permit holder brings onto the courthouse grounds or into the courthouse.

7. PERSONNEL AND SECURITY

- 7.1. The permit holder is required to pay any extra personnel costs incurred by the county in connection with the permitted use, including clean up after the permitted use ends.
- 7.2. The permit holder is required to pay for any extra building security during the period that any person is in the courthouse in connection with the permitted use, including periods of setup, take down, and clean up.

8. EQUIPMENT, FACILITIES, AND SAFETY

- 8.1. The courthouse is not equipped or staffed to provide the amenities normally associated with conference centers and other venues that specialize in providing space and support for demonstrations, rallies, and other outdoor events.
- 8.2. Requests for equipment or support services must be made in advance and should be included in the permit application. Requests received on the date of use will not be honored. The county will only provide such equipment and support services as it has expressly stated in writing that it will provide.

- 8.3. No county equipment may be moved or used without the express written permission of the Board of Commissioners and no county equipment may be removed from the courthouse or the courthouse grounds.
- 8.4. Electrical wires must be secured by tape or other means so that they do not present a safety hazard.
- 8.5. The permit holder is responsible for the set up and take down of all displays, equipment, and other items.
- 8.6. The permit holder is required to clean up any trash before vacating the courthouse grounds. If the permit holder fails to remove trash, the county will do so and the permit holder will be required to pay the cost of doing so.

9. SPECIFIC PROHIBITIONS

- 9.1. An applicant may not advertise the use of the courthouse grounds for an event until it has been issued a permit, except when authorized to do so by the Board of Commissioners.
- 9.2. Alcoholic beverages are not permitted in the courthouse or on the courthouse grounds.
- 9.3. Camping on the courthouse grounds is prohibited.
- 9.4. Candles, grills, and other open flame sources are not permitted without specific permission.
- 9.5. Firearms, ammunition, ordnance, and other dangerous weapons are prohibited, except for law enforcement or military personnel acting within the scope of official duties.
- 9.6. Gambling and gambling machines are prohibited.
- 9.7. No animal, other than a service animal, is permitted on the courthouse grounds without specific permission.
- 9.8. No item, including banners, may be draped, glued, hung, pasted, taped, or in any other manner affixed to any part of the courthouse without specific permission of the Board of Commissioners. The term "any part of the courthouse" means both the interior and exterior of the courthouse, is to be broadly construed, and includes, but is not limited to ceilings, doors, elevators, fixtures, floors, furniture, glass, lighting, posts, railings, and walls.
- 9.9. No one may enter any courtroom, office, or other nonpublic area of the courthouse unless the person is, or is accompanied by, a county agent, employee, officer, or official in the performance of his or her official duties.

- 9.10. No one, singly or in combination with any other person, may obstruct any entrance or exit to the courthouse, any office in the courthouse, or the courthouse grounds or engage in any demonstration, parade, or other activity in such a manner as to disrupt the orderly flow of pedestrian or vehicular traffic on the courthouse grounds or the conduct of county business by county employees on the courthouse grounds or in any building on the courthouse grounds.
- 9.11. No physical alterations to the courthouse or courthouse grounds are permitted.
- 9.12. Solicitations and sales on the courthouse grounds are prohibited except with the prior written approval of the Board of Commissioners.
- 9.13. Use of the county seal by a permit holder in connection with any permitted event is prohibited.

10. VEHICLES AND PARKING

- 10.1. Parking is permitted in public parking spaces near the courthouse. The permit holder, workers, and visitors must comply with all posted parking regulations, unless a specific exemption is allowed. Violators may be ticketed or towed, or both.
- 10.2. No vehicle may be driven or parked on any sidewalk or lawn on the courthouse grounds except for the specific purpose of loading or unloading in areas that have been designated by the Board of Commissioners. A vehicle may be driven or parked on a sidewalk or lawn only for the period of time that it takes to load or unload. Any vehicle driven or parked on a sidewalk or lawn in violation of this provision may be ticketed or towed, or both.
- 10.3. Any vehicle that is permitted to drive on a sidewalk may not operate in excess of 5 miles per hour. Any person operating a vehicle in violation of this speed limit will be required to immediately remove the vehicle, will be prohibited from using any vehicle on any sidewalk, and may be subject to further enforcement action.
- 10.4. No vehicle may block or interfere with pedestrian use of a sidewalk.

11. WEDDINGS AND SOCIAL RECEPTIONS

- 11.1. Weddings are allowed on the lawn. Wedding receptions and other private social receptions are not allowed on the lawn. Birdseed, bubbles, rice, and other items may not be used or thrown in the courthouse or on the courthouse grounds. No rooms are available for changing clothes.
- 11.2. The county does not provide the amenities normally associated with venues that specialize in providing space for weddings.

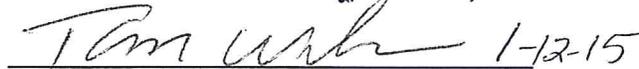
12. RESERVATION OF RIGHTS

- 12.1. The county reserves the right to refuse to permit the courthouse grounds for any event that may compromise the security of the courthouse, the safety of courthouse employees, or the safety of the public.
- 12.2. The county reserves the right to cancel, move, or preempt any permitted event and the county may, when acting in good faith and consistent with the First Amendment to the United States Constitution and Article 1 of the Indiana Constitution, exercise this right without penalty or liability to the permit holder.
- 12.3. If the county cancels a permit, the Board of Commissioners will notify the permit holder in writing or by email, provide a statement of the reason for the cancellation, and work with the permit holder if the permit holder wishes to reschedule the event. No additional application fee will be required to reschedule the activity.
- 12.4. The county reserves the right for any county agent, employee, officer, or official to access and enter the courthouse during a permitted event.
- 12.5. The county reserves the right to remove and dispose of any unauthorized display, equipment, or item and to correct or eliminate any hazardous situation. The county will charge the permit holder for the costs of doing so.

13. QUESTIONS

- 13.1. Any questions about these policies and procedures and the after hours use of the courthouse should be directed to the Board of Commissioners.

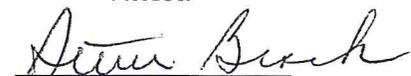
Franklin County Indiana, Board of Commissioners


Tom Wilson


Tom Linkel


Eric Roberts

Attest:


Steve Brack, Auditor
Franklin County Indiana