

DELAWARE COUNTY FACILITY USE POLICY

Title	Effective	Supersedes
Facility Use Policy	05/24/2021	Resolution No. 19-810, adopted 08/19/2019

1.0 Authority

The Delaware County Board of Commissioners (the “Board”) adopts this policy pursuant to sections 307.01, 307.02, and 307.03 of the Revised Code.

2.0 Purpose

The primary public purpose of Delaware County facilities, buildings, and grounds is for the necessary and efficient operation of county government offices and agencies. Access to and use of facilities, buildings, and grounds by the general public serves a secondary public purpose by meeting the needs and interests of and benefiting the Delaware County community at large through providing clean, safe, and accessible spaces for public meetings and gatherings, provided such secondary purpose does not disrupt or interfere with the primary purpose. This policy establishes procedures, regulations, and fees for permitting the general public access to and use of certain facilities, buildings, and grounds owned by and under the control of the Board.

3.0 Scope

This policy shall apply to all Delaware County facilities, buildings, and grounds owned by and under the control of the Board. Only those facilities, buildings, and grounds determined by the Board, in its sole discretion, to be amenable to the public purpose stated herein shall be available for use by the general public. Specifically, the Board finds and determines that the following facilities, buildings, and grounds are amenable to the public purpose stated herein and shall be available for use by the general public, subject to this policy: (1) conference and meeting rooms in the Historic Courthouse (Rooms 203 and 303); (2) Room 235 in the Rutherford B. Hayes Building; (3) conference room in the Frank B. Willis Building; and (4) the areas outside Delaware County buildings, including lawns, courtyards, and plazas, but not parking lots or facilities, except as used as parking for permitted events. Offices assigned to Delaware County elected officials and their employees shall not be made available for use. Access to and use of any other facilities, buildings, or grounds shall be subject to approval by the Board. Courtrooms and other areas necessary for the efficient operation of the courts of Delaware County shall not be available for use pursuant to this policy, and any request to use such facilities shall be submitted to, and subject to approval by, the applicable court or judge.

4.0 Permitted Uses

- 4.1** Speaking engagements on a matter of public concern
- 4.2** Political campaign functions or events (permitted on outside grounds only)
- 4.3** Public meetings, conferences, seminars, and symposia
- 4.4** Community-oriented programs and activities

5.0 Prohibited Uses

- 5.1** Private social functions, such as receptions or parties
- 5.2** For-profit commercial or business activities, except upon a determination by the Board that such activity serves a public purpose
- 5.3** Political events for the primary purpose of fundraising
- 5.4** Any activity that involves the following: fires; permanent attachment to structures; fireworks; firearms, concealed weapons or dangerous ordnances; or the possession, distribution, consumption, or use of drugs or alcoholic beverages

5.5 Illegal activities

6.0 Permit Process

- 6.1** Access to and use of Delaware County facilities, buildings, and grounds shall require a permit issued in accordance with this policy.
- 6.2** The County Administrator shall, in consultation with the Staff Attorney and the Communications Director, develop a Delaware County Facility Use Permit Form (“Permit Form”) in accordance with this policy.
- 6.3** The Permit Form requires the person or organization seeking a permit to indemnify and hold harmless Delaware County from any losses, claims, liens, demands and causes of actions of every kind, including but not limited to judgments, penalties, and legal fees, and to provide sufficient insurance coverage to protect Delaware County.
- 6.4** Those persons or organizations that wish to obtain a permit shall complete and submit the Permit Form to the Communications Department under the Delaware County Board of Commissioners. The Permit Form is to ensure that the requested facilities are available and ready for use by the community and that the County is adequately prepared for the activity. If the request includes use of any interior room or space, then the Permit Form shall be fully completed and submitted at least ten (10) days prior to the requested use. If the request is limited to exterior spaces, then the Permit Form shall be fully completed and submitted at least three (3) days prior to the requested use.
- 6.5** If there are competing requests for the use of a facility, priority shall be given in the following order of preference:
- 6.5.1** Delaware County sponsored programs and activities;
 - 6.5.2** Uses by other governmental entities;
 - 6.5.3** Uses by a group consisting primarily of residents of Delaware County or an organization that is headquartered in Delaware County;
 - 6.5.4** In those instances unresolved by the preceding preference, the first to make a request will be given priority.
- 6.6** For uses expressly authorized by this policy that include fewer than thirty (30) attendees, the County Administrator may grant the permit.
- 6.7** For uses that include thirty (30) or more attendees or that are not expressly authorized by this policy, the Permit Form shall be forwarded to the Delaware County Sheriff, Delaware County security personnel, and the Director of Facilities for their respective review and recommendation. Such Permit Forms shall then be submitted to the Board for its determination to grant or deny a permit.

7.0 Fees and Rules for Usage

- 7.1** Use of Delaware County facilities, buildings, and grounds outside normal business hours (Monday through Friday; 8:00 AM to 4:30 PM), on Delaware County holidays, or when the use of a Delaware County facility requires the need of security personnel or cleaning services, shall require that a fee be charged to the permit holder to cover the County’s actual expenses. The entire fee shall be paid in advance in the form of a check, payable to “Delaware County.” It shall be submitted with the Permit Form and is a condition of approval. For uses that include fewer than thirty (30) attendees, the fee shall consist of the following: (a) a flat fee of \$25.00; (b) \$50.00/hour for security personnel; and (c) a cleaning fee of \$100.00. For uses that include thirty (30) or more attendees, the minimum fee shall be a flat fee of \$125.00 plus \$50.00/hour, and the applicant shall submit an estimate of the number of attendees for review, pursuant to Section 6.7. If it is determined that the event will result in additional security or cleaning expenses, then the applicant shall be informed of the additional expenses and that an additional fee shall be required as a condition of permit approval.
- 7.2** Delaware County is not responsible for the parties attending any permitted use, and the permit holder shall assume responsibility for those in attendance.
- 7.3** Delaware County will not provide utilities for outdoor events.

- 7.4 Delaware County reserves the right to limit the number of participants and the time of the activities to protect the health, safety and welfare of the community.
- 7.5 Permit holders shall be responsible for cleaning the facility used, unless a cleaning fee is assessed pursuant to Section 7.1. All facilities shall be returned to their pre-use condition.
- 7.6 Unless otherwise arranged with Delaware County, the permit holder shall be responsible for providing all equipment necessary for the permitted use, including, but not limited to, audio/visual equipment.
- 7.7 Outdoor tents, canopies, or other structures shall be strictly temporary and shall only be secured in a non-invasive manner that complies with all applicable laws, regulations, rules, resolutions, and ordinances.
- 7.8 Signage and banners may be erected and shall be removed immediately upon termination of the use.
- 7.9 Any advertisement or distributed materials shall contain a statement as follows: “The views and beliefs expressed at this event do not necessarily reflect those of Delaware County or its elected officials.”
- 7.10 Permit holders shall be responsible for any damage suffered by Delaware County facilities during the permitted use.
- 7.11 The permit holder shall be responsible for ensuring that the use complies with all applicable laws, regulations, rules, resolutions, and ordinances.

8.0 Policy Violations

The Board reserves the right to deny or revoke a permit to any individual or organization that the Board determines, in its sole discretion, has violated any provision of this policy.

9.0 Non-Discrimination

The Board affirms that this policy complies with and shall be administered in accordance with all applicable Federal and State laws, regulations, and rules with respect to non-discrimination. Permits shall not be denied on the basis of the applicant’s status as a member of any protected class. The use restrictions stated herein are content-neutral, and a permit shall not be denied as a result of the event’s content.

Approved 05/24/2021