



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Tracie Davies

Deputy Administrators
Dawn Huston
Aric Hochstettler

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 25-394

IN THE MATTER OF ADOPTING A DELAWARE COUNTY FACILITY USE POLICY:

It was moved by Mr. Benton, seconded by Mrs. Lewis, to approve the following:

WHEREAS, the Deputy County Administrator/General Counsel recommends the adoption of a revised Facility Use Policy;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, approves the following Facility Use Policy:

DELAWARE COUNTY FACILITY USE POLICY

Title	Effective	Supersedes
Facility Use Policy	05/29/2025	Resolution No. 21-449

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; (4) conference rooms in the Byxbee Building; (5) the Sheriff's Training Facility; and (6) 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 not specifically enumerated herein 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. Use by Delaware County officials or employees for official county business shall not be subject to this policy.

Delaware County Commissioners, The Historic Courthouse, 91 North Sandusky Street, Delaware, Ohio 43015

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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 Posting signs promoting events, other than temporary signs providing directions to attendees on the day of the permitted event
- 5.3 For-profit commercial or business activities, except upon a determination by the Board that such activity serves a public purpose
- 5.4 Film productions (For clarity, this policy does not restrict an individual's right to personally record on public property in accordance with established constitutional rights. Commercial film productions (for-profit or not-for-profit) are prohibited under this policy and shall require a separate filming or location agreement between the producer and the Board.)
- 5.5 Political events for the primary purpose of fundraising
- 5.6 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
- 5.7 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 legal counsel and the Communications Director, develop a Delaware County Facility Use Permit Form ("Permit Form") in accordance with this policy.
- 6.3 The applicant shall agree 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. This requirement shall not apply to other governmental entities. The applicant shall provide proof of insurance coverage in amounts the County Administrator determines will be sufficient to protect Delaware County, but in no event less than the minimum requirements set forth in this Section 6.3. Facility use permits require proof of General Liability Insurance for at least one million dollars (\$1,000,000) each occurrence, combined single limit for bodily injury and property damage, and damage to rented premises with a sublimit, if any, of not less than one hundred thousand dollars (\$100,000). Delaware County, its elected officials, and employees, shall be named as additional insured.
- 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. The Permit Form shall be fully completed and submitted at least ten (10) days, but not more than one hundred eighty (180) 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 Each Permit Form shall be submitted to the Delaware County Sheriff, Delaware County security personnel, and the Director of Facilities for their respective review and recommendation.
- 6.7 For uses expressly authorized by this policy that include fewer than thirty (30) attendees, the County Administrator may grant the permit.
- 6.8 For uses that include thirty (30) or more attendees or that are not expressly authorized by this policy shall be submitted to the Board for its determination to grant or deny a permit.

7.0 Fees and Rules for Usage

- 7.1 A granted permit under this policy shall be subject to the following fees:
 - 7.1.1 A flat processing fee of \$25.00, which shall be waived for other governmental entities located within Delaware County;
 - 7.1.2 A cleaning fee, if any, as recommended by the Director of Facilities, pursuant to the review required in

Section 6.6;

- 7.1.3 A security fee equal to the actual security expenses for 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 due to increased security needs as recommended by the Delaware County Sheriff or security personnel, pursuant to the review required in Section 6.6;
- 7.1.4 The entire fee shall be paid in advance of the use in the form of cash or a check, payable to "Delaware County." Failure to pay fees in advance shall be cause to revoke a permit.
- 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 returning the facility to its 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 Temporary signage and banners identifying the event and directing attendees to the event 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.

Vote on Motion

Mr. Merrell Absent

Mr. Benton Aye

Mrs. Lewis Aye

I, Brandy Wilson, Deputy Clerk to the Board of Delaware County Commissioners hereby certify that the foregoing is a true and correct copy of a resolution of the Board of County Commissioners of Delaware County duly adopted on May 29, 2025, and appearing upon the official records of said Board.

Brandy Wilson

Brandy Wilson, Deputy Clerk to Commissioners