

UNION COUNTY COMMISSIONERS JOURNAL 2019

August 8, 2019

Motion was made by Charles Hall and seconded by Christiane Schmenk that this resolution be adopted and carried by the following vote:

Steve Stolte, Yea
Charles Hall, Yea
Christiane Schmenk, Yea

* * *

RESOLUTION NO. 19-319:

Establishing the Union County Grounds Use Policy

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RESOLUTION NO. 19-319:

Union County Grounds Use Policy

Whereas, the Board of County Commissioners, Union County, Ohio, choose to provide persons and organizations access to certain Union County grounds for use by the public for conducting governmental business; public meetings for free discussion of public questions; corporate, non-profit, or public events or for activities of a broad public purpose, but subject to reasonable limitations on the time, place, and manner of the use as contained in this Policy,

Now Therefore Be It Resolved, by the Board of County Commissioners that:

The Board of County Commissioners establishes this Union County Grounds Use Policy.

1. Areas Designated as Limited Public Forums.

- 1.1. This policy applies to the grounds around these locations in Marysville, Ohio:
 - 1.1.1. the Union County Office Building, 233 West Sixth Street;
 - 1.1.2. the Union County Courthouse, 215 West Fifth Street;
 - 1.1.3. the grounds on the north side of the Union County Justice Center, 221 West Fifth Street;
 - 1.1.4. the grounds between the entry drives off State Route 4 and County Home Road on the west and south sides of the Union County Agriculture Center, 18000 State Route 4; and
 - 1.1.5. Portions of the parking areas at the Union County Office Building, the Courthouse, the Justice Center, the Union County Agriculture Center, and the Union County Service Center, 940 London Avenue.
- 1.2. The grounds and parking areas around these County buildings have not by tradition or designation been public forums for public communication. This Policy designates these grounds and parking areas as limited public forums and establishes regulations for use and activities on these County grounds that are both reasonable and viewpoint-neutral.
- 1.3. For purposes of this Policy, "grounds" refers to the area surrounding a County building, excluding paved [or graveled] vehicle parking areas and sidewalks in the public right-of-way, but including internal sidewalks, walkways, or other hard-surface areas. For purposes of this Policy, "parking areas" refers to paved [or graveled] areas designated for parking vehicles.

2. Areas Designated as Non-Public Forums.

- 2.1. The offices assigned to County personnel in any County building or facility will be off limits for persons or organizations requesting the use of County grounds.
- 2.2. The portions of the Justice Center, 221 West Fifth Street, Marysville, occupied by the Union County Sheriff or used to support public safety are designated as non-public forums, which are not available for public expression.
- 2.3. The Prosecuting Attorney's Building, 249 West Fifth Street, Marysville, including the parking area, occupied and used by the Union County Prosecuting Attorney and the Prosecutor's staff is designated as a non-public forum.
- 2.4. The grounds on the west side of the County Office Building, 233 W. Sixth Street, south of the west-side entrance to the building are designated as non-public forum, not available for public expression.

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2.5. The Board reserves the right to designate or redesignate the classification of County grounds or facilities. The designation of the areas identified above is not exclusive and does not imply that areas not otherwise designated are of any particular status.

3. **Primacy of County Business; Countervailing Considerations.**

3.1. The conduct of County business at each County location shall take precedence over any other requested use of each County location.

3.2. No proposed public use or activity shall

3.2.1. unduly burden the County by requiring excessive financial, staff, security, or equipment resources;

3.2.2. unduly threaten the physical, historical, architectural, artistic, or esthetic condition of the County buildings or grounds;

3.2.3. unduly threaten the safety of the public or County employees; or

3.2.4. expose the County to the likelihood of unreasonable expenses and/or damages which cannot be recovered reasonably.

4. **Permit; Application; Decision; Appeal**

4.1. The Union County Grounds Permit is to ensure that the grounds are available and ready for use to the community in a timely and orderly manner. An application for the Union County Grounds Permit Form must be completed and submitted at least ten business (10) days before the requested date for use of the Union County grounds to ensure that the County is adequately prepared for the activity.

4.2. Persons or organizations that wish to conduct activities on County-owned property must obtain a Union County Grounds Permit Form if:

4.2.1. the activity is designed or planned to gather thirty (30) persons or more;

4.2.2. any group or individual using or intending to use any kind of sound amplification or other equipment; structures; vehicles; banners or signs to be placed on or attached to the County grounds; or

4.2.3. any group or individual engaging in or intending to engage in an activity that poses a potential hazard to the safety of any person, or that poses a potential threat to the physical, historical, architectural, artistic, or esthetic condition of the County buildings or grounds.

4.3. The County Administrator shall issue the Permit Form for a permitted event or activity if the number of participants will be less than one hundred (100). Events or activities on County grounds involving one hundred (100) or more participants will require the approval of the Board of County Commissioners, and notification of the Sheriff and supervisor of the property.

4.4. In determining whether to grant permission, the Board of County Commissioners, or its designee, shall consider only whether the purpose serves the interests or general welfare of the public; the timeliness of the request; the public health, welfare, and safety; the security and maintenance of the grounds; and the normal conduct of County business. Permitted use of County grounds does not imply endorsement or approval of the entity or activity.

4.5. If there are conflicting pending applications (as to date and time, including the time required for an orderly transition between events) to use particular grounds, the County will give priority to those applications by a resident of Union County or organization

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headquartered in Union County. In instances not resolved by the preceding preference, the first individual or group to submit a request will be given priority. An "approved" application takes precedence over an application not yet approved.

- 4.6. The 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.
- 4.7. A decision on the request to use County grounds will be made within ten business (10) days. On written notice to the applicant, the time for a decision may be extended an additional ten business (10) days. If the request is denied, the County will promptly notify the applicant of the reason for the denial and inform the applicant of the right to appeal the decision.
 - 4.7.1. A decision by the County Administrator to deny an application or to cancel a permit to use County grounds may be appealed to the Board of County Commissioners by filing a written request to review/notice of appeal with the following information:
 - 4.7.1.1. The name, address, and contact information of the applicant ;
 - 4.7.1.2. A description of the permit sought; and
 - 4.7.1.3. A concise statement of the reason the Board should grant the appeal.
 - 4.7.2. The appeal shall be filed with the Clerk of the Board of County Commissioners within thirty (30) days after the date of the notice of denial or cancellation of a permit.
 - 4.7.2.1. The Board can consider the appeal at a regular or special session.
 - 4.7.2.2. The Board shall give the applicant not less than forty-eight (48) hours' notice of the time, date, and place it will consider the appeal.
 - 4.7.2.3. The applicant may request to address the Board on the subject of the appeal at any such meeting.
 - 4.7.3. A decision by the Board of County Commissioners is subject to appeal as provided in R.C. §307.56.

5. Permit Holder's Responsibilities and Rights

- 5.1. The person named on the permit as in charge of the permitted activity on-site must be present for the duration of the event, including set up and break down, and have full authority to make any decision about the activity. Permit holders are responsible for informing contractors, suppliers, and participants of relevant permit terms and conditions that apply to their respective activities on the event site. The person in charge of the permitted activity shall be accountable for all individuals, groups, and vendors involved with the permit.
- 5.2. Permit holders conforming to County rules and the conditions of their permit are deemed to have reasonable expressive and physical control of the area of and for the duration of the permitted event. Any group or individual not holding a permit for the area may be required, at the request of the permit holder, to move to the adjoining sidewalk, or to another location as appropriate.
- 5.3. The Permit Holder may not transfer or assign the Grounds Permit to another person or organization without the prior written consent of the County Administrator.
- 5.4. The Permit holder shall clean County grounds and return them to the pre-event condition immediately after the designated event, or the Permit holder shall arrange to pay the County for the cost of cleaning.

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- 5.5. The holder of a County Grounds Use Permit shall be required to reimburse the County for the cost of any damages to the grounds subject to the Permit and resulting from the use or activity.
6. **Requirement for Security, Clean-Up, or Other Services; Fees.**
- 6.1. When a permitted activity on or use of County grounds will be outside normal business hours), or when the Board of County Commissioners, or its designee, determine in its reasonable discretion that a planned activity at or use of the County grounds requires security personnel or cleaning services, a fee will be charged to the permit holder.
- 6.2. A minimum fee of \$40 per hour is established. Additional fees may be imposed following the review of the permit application due to the need for additional services, such as additional security or maintenance needs.
- 6.3. Fees must be paid when the Union County Permit Form is delivered and is a condition of approval.
7. **Rules for Use of Grounds.**
- 7.1. Any individual or group present on County grounds or parking areas, whether or not a permit holder, must abide by the general provisions of this Policy for use of the grounds.
- 7.2. In addition to the following regulations for use, the Board reserves the right to regulate any conduct or activity not appropriate or consistent with the use of the County grounds as described in this rule, or that may cause damage to state property or pose a hazard to any member of the public or County employee.
- 7.3. Rules relating to the use of County grounds.
- 7.3.1. County grounds shall not be used for any activity inconsistent with or in violation of local, state, or federal laws, rules, or regulations.
- 7.3.2. County grounds shall not be used for Commercial Activity, as defined in this Policy.
- 7.3.2.1. Commercial Activity. "Commercial Activity" includes either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its stated purpose. Activities where commercial aspects are incidental to the primary purpose of expression of ideas or advocacy of causes are not "commercial" for the purpose of this policy.
- 7.3.3. No person shall possess controlled substances (as defined by state or federal law and excepting a medicine legally prescribed to the person in possession) on County property.
- 7.3.4. The use of Union County grounds will comply with the Union County Alcohol policy.
- 7.3.5. No equipment, apparatus, machine, or vehicle is permitted on County grounds without the express permission of the Board of County Commissioners, or the County Administrator.
- 7.3.6. Sound amplification devices shall not be permitted in County buildings or on County grounds if the noise level interferes with the normal use of County buildings or grounds or is inappropriate to the surrounding area. No sound equipment may be used in or on County buildings or grounds unless given express written permission by the Board of County Commissioners or its designee.

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- 7.3.6.1. "Sound amplification" means when sound volume is increased by any electric, electronic, mechanical, or motor-powered means.
- 7.3.6.2. "Sound Equipment" means any machine or device that can be used for the amplification of the human voice, music, or any other sound.
- 7.3.6.3. Nevertheless, voice-powered, acoustic devices may be use on County grounds without prior written permission.
- 7.3.7. The use of any device or prop that utilizes smoke, gas or an open flame is prohibited on County grounds. With the exception of candles used in conjunction with outdoor vigils, lighting or maintaining a fire on County grounds is prohibited. Candles used in conjunction with vigils must be used in conjunction with a nonflammable holder or container. Fireworks of any class are prohibited.
- 7.3.8. Attachments to Structures are prohibited.
- 7.3.9. Discharging of Firearms is prohibited
- 7.3.10. Concealed weapons (except as specifically permitted by Ohio law) or dangerous ordinance are not permitted on County grounds subject to this Policy.
- 7.3.11. No person shall:
 - 7.3.11.1. improperly dispose of rubbish on County grounds;
 - 7.3.11.2. knowingly destroy, deface, or damage County grounds;
 - 7.3.11.3. steal or otherwise without privilege remove property from County grounds;
 - 7.3.11.4. create any hazard to persons or things; or
 - 7.3.11.5. climb upon statues, fountains, or other exhibits at County grounds.
- 7.3.12. All packages, briefcases, and other containers in the immediate possession of any person entering County grounds or facilities may be subject to inspection. Persons refusing to allow such inspection may be prohibited from entering County grounds or facilities.
- 7.3.13. Pets or animals are prohibited at events or activities on County grounds without the permission of the Board of County Commissioners or its designee. Animals used to guide or assist disabled individuals are excepted from this provision.
- 7.3.14. Consistent with this guidance, and in the interest of preserving the rights of persons engaged in personal expressive activity protected under the First Amendment of the United States Constitution or the Ohio Constitution, message bearing signs and displays may be used in conjunction with public assemblies, vigils, rallies, demonstrations, religious activities, and other forms of public expression provided that
 - 7.3.14.1. a Permit has been issued and approved by the Board or its designee.
 - 7.3.14.2. Each such sign or display is to be attended at all times by a person. "Attended" is defined as an individual person being on-site within arm's reach of the sign or display.
 - 7.3.14.3. No stand or display device for a sign or display may pierce the ground or pavement.
 - 7.3.14.4. Unattended signs will be collected and disposed of as refuse.

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- 7.3.15. No tent is allowed on the site without prior approval of the Board of County Commissioners, or its designee. No tent flooring is permitted without the approval of the Board of County Commissioners, or its designee.
- 7.3.15.1. Tents must be installed by use of weighted ballast rather than ground penetrating devices.
- 7.3.15.2. Tent material and installation must comply with National Fire Protection Association (NFPA) Standard 102.
- 7.3.16. Camping on County grounds is prohibited.
- 7.3.17. Staging material and installation must comply with NFPA Standard 102.
- 7.4. Any of these rules may be waived by the Board of County Commissioners, the County Administrator, or their designees, for good cause shown. Any person wishing to obtain a waiver of Board of County Commissioners' rules must contact the Board of County Commissioners, in writing, within a reasonable time in advance of the event.
- 8. Sanctions for Violations.**
- 8.1. In addition to any other penalty that may be provided by law, the following penalties may be imposed for the violation of these rules or the permit for use of County grounds.
- 8.1.1. The removal of the violator from County grounds; and/or
- 8.1.2. The banning and/or confiscation of the object prohibited under the permit; and/or
- 8.1.3. The closing or canceling of the event.
- 9. Indemnification; Security Deposit for Damages.**
- 9.1. The person or organization granted a permit shall indemnify and hold harmless the County, its officials, agents, and employees from any and all losses, claims, damages, lawsuits, costs, judgments, expenses or any other liabilities which they may incur as a result of bodily injury, sickness, disease or death, or injury to or destruction of tangible property including the loss of use resulting therefrom, caused in whole or part by the negligent act or omission of the contractor, any subcontractor, any person directly or indirectly employed by any of them or any person for whose acts any of them may be liable.
- 9.2. To protect the County against damage, destruction to, or theft of County property arising in connection with or as a result of the activity of the organization, participants, or spectators, and to ensure the safety of all persons, the Board may require the permit holder to post a security or damage deposit of one thousand dollars (\$1,000.00) or more if the event involves the use of equipment, structures, vehicles, banners, or signs to be placed on or attached to the County grounds.
- 9.3. The security deposit may be satisfied by an official or cashier's check, a certified check, a money order payable to the order of the Union County. If, and when the Board of County Commissioners adopts payments by financial transaction devices, payment by that method will be accepted. Payment by currency or coin will not be accepted. The security deposit may also be satisfied by a surety bond or irrevocable, stand-by letter of credit in favor of the County. Such bond or letter of credit will be refundable after the event if the permit holder has complied with all the terms and conditions of the permit.
- 10. County Use Exempt.**
- 10.1. The provisions of this Policy shall not apply to officially sponsored functions of the County or any public agency operating from a County facility.

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11. **Limitation of Liability.**

11.1. Except as provided by law, the County is not responsible for the safety of parties attending the event or activity.

12. **No Utilities.**

12.1. The County will not provide utilities, including water, power, or sanitation, for events or activities on County grounds. The County will not provide access to utilities or facilities inside County buildings in connection with events or activities on County grounds.

Motion by Steve Stette, seconded by Christiane Schrak, to adopt this resolution, resulting in this vote:

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Motion was made by Steve Stolte and seconded by Christiane Schmenk that this resolution be adopted and carried by the following vote:

Steve Stolte, Yea
Charles Hall, Yea
Christiane Schmenk, Yea

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RESOLUTION NO. 19-320:

Transfer of Appropriations and/or Funds

The County Commissioners approved the following transfer of appropriations and/or funds: