



Risk Management Policy and Procedure Manual

Section: Security	Policy#: 4.5
Title: Public Use of County Property	
Dept: Human Resources	Division: Risk Management
Issued: 1/12/2018	Revised:

1.0 Rules Governing the Use of County Property

The following Rules and Regulations have been approved by The Board of County Commissioners. These rules govern the use of County-owned facilities or property. Except for the area between Main Street and the Courthouse (Courthouse Square) and area between the two buildings which make up the Hamilton County Justice Center (Justice Center Courtyard), the use of county facilities and property is strictly limited to:

- (1) State or County Judges, Officials, Employees, and agents performing their official duties;
- (2) Members of the public during regular business hours attending public court proceedings, hearings and meetings, seeking information which the State and County government must make available for public inspection, or transacting public business with State or County Judges, Officials, Employees or agents; and
- (3) Events or functions sponsored by one or more State or County Judges or Officials and held in the area of the county facilities which has been assigned to the State or County Judge or Official sponsoring the function or event.

Where an area of any county facility has been assigned to a State or County Judge or Official, the County Risk Manager or designee may permit that unassigned area to be used on a temporary basis by any political subdivision as defined in Ohio Revised Code Sec. 2744.01 provided that the county is reimbursed for any costs associated with the temporary use of the area of the county facility. The Risk Manager and Director of County Facilities may require that any Judge, Official or Political Subdivision using space for an event, function or temporary use, to provide reasonable, advance notice of the event, function, or temporary use so that any additional chairs, tables, podiums, and the like may be provided and access to the facility arranged. The Courthouse Square and Justice Center Courtyard are areas in which individuals have traditionally exercised their First Amendment Rights of Free Speech. Any person or group seeking to use either the Courthouse Square or Justice Center Courtyard for special events or rallies shall obtain a permit for each special event or rally (see Section B).

2.0 Application for Permit to Use County-owned Property

- A. All "Applications for Permit" are to be completed by Non-County Agencies. Exceptions can be made at the discretion of the County Administrator. Application for use of Courthouse Square or the Justice Center Courtyard by any person or group shall be made to the Director of Facilities or designee and shall contain:
 1. The name, address, and telephone number of the applicant.
 2. The name, address and telephone number of the officers of the applicant; or any other



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- person or persons authorized by the applicant to represent it and act as its agent in regard to this application.
3. The proposed use of the Courthouse Square or Justice Center Courtyard.
 4. Whether any type of equipment is necessary, such as tables, chairs, amplification, podium etc.
 5. The length of time the use of the Courthouse Square or Justice Center Courtyard is necessary which shall not exceed one day. Political Subdivisions or agencies or instrumentalities of the state or federal government may be issued a permit that exceeds one day.
 6. The date and hours of intended use, number of attendees expected, and other pertinent information.
- B. Application for permit must be submitted at least fourteen (14) calendar days in advance of the event.
- C. The County Risk Manager must approve all permits.

3.0 Rules for Using County-owned Property

- A. No displays, exhibits, or structures erected pursuant to a use permit shall remain on the premises at times other than those stated in such permit; except that displays, exhibits or structures pursuant to the consecutive days permit issued to a political subdivision (as defined in Ohio Revised Code Sec. 2744.01) or agency or instrumentality of the state or federal government, may be permitted to remain on the premises if necessary to facilitate their use of the Courthouse Square or Justice Center Courtyard. Should there be permit requests for the same dates and times, the Director may issue up to three concurrent permits for less than full use of the Courthouse Square or Justice Center Courtyard, so long as public health, safety and welfare issues can be resolved to the satisfaction of the Risk Manager and Director of Facilities. Concurrent permits shall be issued only where space allows and where activities associated with such multiple permits are compatible, and will not unreasonably interfere with each other. If, in the opinion of the Risk Manager or Director of Facilities, such conflicts cannot be resolved, the Risk Manager may require the Director of Facilities to issue a permit to a person or group, which first applied, or may refuse a permit to a person or group which has received a permit for another date in the same calendar year.
- B. No speakers or assemblages will be permitted from 10:00 p.m. to 6:00 a.m. The surrounding community and will generally be permitted only between 12:00 noon and 1:00 p.m., Monday through Friday, and for one hour between 12:00 Noon and 6:00 p.m. on Saturday and Sunday.



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- C. No food or beverages shall be distributed by the applicant on or near the Courthouse Square or Justice Center Courtyard. No commercial advertising may be placed or commercial material distributed by the applicant. However, in the event other literature, pamphlets, or materials are distributed on or near the Courthouse Square or Justice Center Courtyard, the applicant shall be responsible for removal of anything so distributed which is dropped or falls as litter.

- D. Displays, exhibits or structures shall be suitably constructed and protected so as to minimize damage by elements and vandalism. To determine if the display, exhibit or structure is suitably constructed, the Risk Manager or Director of Facilities may require that the display, exhibit or structure comply with the American Association of State Highway and Transportation Officials (AASHTO) engineering and design standards, or other similar applicable standards, and all applicable regulations and laws. Plans and specifications for displays, exhibits or structures shall be submitted to the Director of Facilities no later than fourteen (14) days prior to the event. The Risk Manager or Director of Facilities may limit the size and number of displays, exhibits or structures.

- E. Displays, exhibits or structures shall not obstruct entrances, exits or passageways, and shall be so placed to be least obstructive as possible to pedestrian traffic.

- F. The Risk Manager or Director of Facilities, at any time before or after issuance of use permit, may require that a display, exhibit or structure be attended, or that appropriate security personnel be provided at cost of applicant, for all or some portion of the permit period, for the purpose of protecting or providing for the public health, safety or welfare.

- G. The Risk Manager or Director of Facilities may suspend or revoke any use permit, if necessary, for reasons of public health, safety or welfare.

- H. Applicant shall pay to the County the cost of cleaning the Courthouse Square or Justice Center Courtyard in excess of those costs normally associate with routine use. In addition, the applicant shall be responsible for repairing damage to the Courthouse Square or Justice Center Courtyard, its appurtenances, facilities, and landscaping, which in any way arises from the proposed use. After the proposed use of the Courthouse Square or Justice Center Courtyard occurs, the County will inspect the location of the event, will perform the necessary cleanup and/or repair damages, and will bill the charges to the applicant pursuant to the terms and conditions herein. Additional applications for the use of a Courthouse Square or Justice Center Courtyard will not be approved until and unless such charges are paid in full.

- I. Applicant shall conform to all responsive directives of the Local Police Department, Fire Forces, Hamilton County Sheriff and to the directives of the Risk Manager or Director of Facilities, as set forth in the permit and as given orally or in writing subsequent to the issuance of the permit and related to the use.



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- J. By accepting a use permit, an applicant agrees to be solely and exclusively responsible for all displays, exhibits or structures. The applicant agrees to indemnify and hold the County harmless from any and all risks, claims, and causes of action which may arise from or in association with the special event or rally for which the permit is granted. The agreement to indemnify the County, and hold the County harmless is a material condition of the permit being issued.

- K. The Risk Manager may require the applicant to post with the County a liability insurance policy, designating the applicant and the County as named insured. The policy will provide insurance in the minimum amounts of \$1,000,000 per occurrence, and \$2,000,000 in the aggregate, and \$50,000 fire damage coverage. If the County has available a Tenant/User Liability Insurance Program, the Risk Manager may require the applicant to participate in that program.

- L. If a use permit is granted, the applicant shall be so advised in writing by the Director of Facilities. The permit shall state any limitations inconsistent with the application. If a permit is denied, the reason for the denial shall likewise be stated in writing.