

**MONONGALIA COUNTY COURTHOUSE
POLICIES AND PROCEDURES
(COURTHOUSE SQUARE USE)
Adopted on October 17, 2018
Revised on August 17, 2022**

The Monongalia 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 Monongalia County Commission adopts these policies and procedures for non-governmental use of the Courthouse Square to ensure and protect the interests and the constitutional rights of the Monongalia County government, the courthouse, the citizens of Monongalia County, and the public.

1. USE

- 1.1. Public use of the Courthouse Square 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, 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 Square. The decision to issue a permit for use of the Courthouse Square 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 Square. 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 Square may only be used for non-governmental activities when authorized by a permit issued by the Monongalia County Commission.
- 1.4. Permits issued by the Monongalia County Commission are subject to these policies and procedures. The Monongalia County Commission will not grant any exceptions unless the exception is specifically authorized by these policies and procedures.
- 1.5. The Monongalia County Commission 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 III of the Constitution of West Virginia.

2. GENERAL POLICIES

- 2.1. ***Decorum.*** The proposed use must be consistent with the intent described herein and the appropriate use of the Courthouse Square.

- 2.2. **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.
- 2.3. **Cost.** The user must pay all fees and costs resulting from the activity, display, or event. 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.
- 2.4. **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 III of the West Virginia Constitution.

3. PERMIT APPLICATION

- 3.1. Any citizen of Monongalia County who wishes to use public space on the Courthouse Square must apply for a permit. The Monongalia County Commission will consider permit applications at the next regularly scheduled meeting after the permit application is received. 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.
- 3.2. The application must be on a form approved by the Monongalia County Commission 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 of any proposed display, equipment, or other item that will be brought onto the Courthouse Square. Any item brought onto the Courthouse Square must be consistent with the decorum due the seat of county government and with the appropriate, non-disruptive use of public property.
- 3.4. If a permit application meets the conditions of this policy, the Monongalia County Commission shall grant the application. If the Commission grants the application, the Commission 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.
- 3.5. If the Monongalia County Commission denies an application, the Board will issue a notice of denial stating the reason for the denial. Such a denial is a final action for purposes of administrative law.

4. PERMIT HOLDER RESPONSIBILITIES

- 4.1. 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 Monongalia County Commission.

- 4.2. 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 Monongalia 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.
- 4.3. The permit holder is responsible for any damage to the courthouse, the Courthouse Square, or county property that arises in connection with the permitted use. The Monongalia County Commission will notify the permit holder of any such damage and the cost of repairs.
- 4.4. If the permit holder cancels an activity after a permit has been issued, the permit holder must promptly notify the Monongalia County Commission in writing or by email.
- 4.5. The permit holder agrees to sign a credit card authorization form authorizing the Monongalia County Commission to charge their credit card \$100 if they do not return the electrical outlet lock key within two (2) business days following the use of the Courthouse Square.

5. ALCOHOL

- 5.1. If approved, the Courthouse Square Use Application will permit the Applicant/Organization to have and consume alcohol on the Courthouse Square provided the following rules, regulations, and conditions are understood and adhered to.
- 5.2. Approval is only valid on the day requested and only for the hours that Courthouse Square is reserved. The County reserves the right to revoke or cancel permit approval for any violation of compliance requirements or abuse of privilege.
- 5.3. The service of alcoholic beverages shall be in compliance with all applicable state and local laws and an approved Courthouse Square Use application **must** be on site with the event coordinator.
- 5.4. The facility will be used in a safe manner, with all members of the named organization complying with all the facility rules and regulations as established by Monongalia County and all applicable laws of the State of West Virginia, including the West Virginia Alcohol Beverage Control Administration. It shall be the obligation of the Applicant/Organization, and all members of such, to be aware of said rules, regulations, and laws.
- 5.5. The West Virginia Alcohol Beverage Control Administration may require the Applicant/Organization to apply to the State of West Virginia for a temporary alcohol permit under certain conditions. It is the Applicant's/Organization's responsibility to determine if a temporary alcohol permit is required under state law. Information on how to receive a temporary alcohol permit can be received from the West Virginia Alcohol Beverage Control Administration at (304) 356-5500 or online at <https://abca.wv.gov/Pages/default.aspx>.

- 5.6. Applicant/Organization assumes liability for all damages to County property caused by any member of the event, whether accidental, willful, or the result of carelessness or negligence.
- 5.7. Applicant/Organization assumes all risk and responsibility for regulating the consumption of alcohol. The Applicant/Organization contact person is responsible for informing all vendors of alcoholic beverage application rules, regulations, and conditions. The County assumes no responsibility for incidents that arise as a result of the consumption of alcoholic beverages.
- 5.8. Alcohol shall be consumed only in the immediate area of the Courthouse Square. Applicant/Organization **must** fence or restrict the event area to prevent participants from leaving the area with alcoholic beverages.
- 5.9. The serving of alcoholic beverages shall not begin before the designated event start time. There shall be no open containers of alcohol on site before this designated time. All alcohol **must** be removed from the facility by the conclusion of the event.
- 5.10. Any consumption of alcohol by employees, workers, volunteers, etc. selling the alcohol is strictly prohibited.
- 5.11. Alcohol consumption by a minor will not be tolerated. The Applicant/Organization understand that if alcohol is served to minors, the Commission may cancel the permit approval and/or request assistance from the Monongalia County Sheriff's Department. In such an event, the applicant maybe held responsible for the illegal distribution of alcohol.

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 Square 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. No county equipment may be moved or used without the express written permission of the Monongalia County Commission and no county equipment may be removed from the courthouse or the Courthouse Square.

- 8.3. The permit holder is responsible for the set up and take down of all displays, equipment, and other items.
- 8.4. The permit holder is required to clean up any trash before vacating the Courthouse Square. 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 Square for an event until it has been issued a permit, except when authorized to do so by the Monongalia County Commission.
- 9.2. Candles, grills, and other open flame sources are not permitted.
- 9.3. Firearms, ammunition, ordnance, and other dangerous weapons are prohibited, except for law enforcement or military personnel acting within the scope of official duties.
- 9.4. Gambling and gambling machines are prohibited.
- 9.5. No animal, other than a service animal, is permitted on the Courthouse Square without specific written permission from the Monongalia County Commission.
- 9.6. 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 written permission of the Monongalia County Commission. 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.
- 9.7. 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.
- 9.8. 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 Square 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 Square or the conduct of county business by county employees on the Courthouse Square or in any building on the Courthouse Square.
- 9.9. No physical alterations to the courthouse or Courthouse Square are permitted.
- 9.10. Solicitations and sales on the Courthouse Square are prohibited except with the prior written approval of the Monongalia County Commission.
- 9.11. 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. 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 Square. Any vehicle driven or parked on a sidewalk in violation of this provision may be ticketed or towed, or both.
- 10.3. No vehicle may block or interfere with pedestrian use of a sidewalk.

11. RESERVATION OF RIGHTS

- 11.1. The county reserves the right to refuse to permit the Courthouse Square for any event that may compromise the security of the courthouse, the safety of courthouse employees, or the safety of the public.
- 11.2. 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, exercise this right without penalty or liability to the permit holder.
- 11.3. If the county cancels a permit, the Monongalia County Commission 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.
- 11.4. The county reserves the right for any county agent, employee, officer, or official to access and enter the courthouse during a permitted event.
- 11.5. 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.
- 11.6. The county reserves the right to charge the permit holder's credit card \$100 if the permit holder does not return the electrical outlet lock key within two (2) business days following the use of the Courthouse Square.

12. QUESTIONS

- 12.1. Any questions about these policies and procedures and the after-hours use of the courthouse should be directed to the Monongalia County Commission.