# Designated Forum

## PROPOSED ORDINANCE REVISIONS – CLEAN COPY – APRIL 25, 2018

## RULES AND REGULATIONS GOVERNING PUBLIC BUILDINGS AND GROUNDS

### § 37.030 TITLE.

This subchapter shall be known, and may be cited, as the “Rules and Regulations Governing Public Buildings and Grounds” or “this subchapter”.

(Ord. passed 10-9-2007)

### § 37.031 AUTHORITY.

These rules and regulations are adopted pursuant to 55 ILCS 5/5-1005, 5/5-1015, 5/5-1049, and 5/5-1058 of the Illinois Compiled Statutes.

(Ord. passed 10- -2007)

### § 37.032 APPLICABILITY.

These rules and regulations apply to all property under the charge and control of the county and to all persons entering in or on the property. Each county agency shall be responsible for the observance of these rules and regulations.

(Ord. passed 10-9-2007)

### § 37.033 ADMISSION TO PROPERTY.

Property shall be closed to the public during other than normal working hours. The closing of property will not apply to that space in those instances where the county has approved the after normal working hours use of buildings or portions thereof for activities authorized under §§ 37.060 through 37.070. This section shall not apply to county property which is not regularly open to the public.

(Ord. passed 10-9-2007)

### § 37.034 PRESERVATION OF PROPERTY.

The improper disposal of rubbish on property; the willful destruction of or damage to property; the theft of property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from or at a building to cause damage thereto or the climbing upon statues, fountains or any part of the building is prohibited.

(Ord. passed 10-9-2007)

### § 37.035 CONFORMITY WITH SIGNS AND DIRECTIONS.

Persons in and on property shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the direction of other authorized individuals.

(Ord. passed 10-9-2007)

## § 37.036 DISTURBANCES.

Any unwarranted loitering, disorderly conduct, or other conduct on property which creates loud or unusual noise or a nuisance; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by county employees; or which prevents the general public from obtaining the administrative services provided on the property in a timely manner is prohibited.

(Ord. passed 10-9-2007)

## § 37.037 ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES.

Entering upon the property, or while on the property, under the influence of or using or possessing any narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine is prohibited. This prohibition shall not apply in cases where the drug is being used as prescribed for a patient by a licensed physician. Entering upon the property, or being on the property, under the influence of alcoholic beverages is prohibited. The use of alcoholic beverages on property is prohibited except upon occasions and on property upon which the head of the responsible agency has for appropriate uses granted an exemption.

(Ord. passed 10-9-2007)

## § 37.038 SOLICITING, VENDING, AND DEBT COLLECTION.

(A) Soliciting alms, commercial soliciting, and commercial vending of all kinds, displaying or distributing commercial advertising or collecting private debts on county-controlled property is prohibited.

(B) This rule does not apply to:

(1) Drives for funds for welfare, health, or purposes related to County government or the courts as sponsored by the county, the head of an occupant agency or the Circuit Court;

(2) Authorized concessions, and concessions or personal notices posted by employees on authorized bulletin boards; and

(3) Solicitation of labor organization membership or dues authorized by the county under the Illinois Public Labor Relations Act (P.A. 83-1012).

(C) Designated public areas of county-controlled property may be used for other activities permitted in accordance with §§ 37.060 through 37.070.

(Ord. passed 10-9-2007)

## § 37.039 DISTRIBUTION OF HANDBILLS.

Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on county-controlled property is prohibited, except as authorized in § 37.038 or when these displays are conducted as part of authorized county or County-sponsored activities. Posting of material, such as pamphlets, handbills, and flyers, by County Departments, County-wide

elected officials and the Circuit Court may be allowed on designated bulletin boards upon request to the Buildings Manager. The material to be posted must first be presented to the Buildings Manager and must relate to the official business of the County, occupant agency or the Circuit Court . Upon approval by the Buildings Manager, the material may be posted on the designated bulletin boards for a period as determined by the Building Manager. Upon expiration of the approved period, the material will be removed. Distribution of materials, such as pamphlets, handbills, or flyers is prohibited, except in the designated public areas of the property as defined in §§ 37.060 through 37.070, unless conducted as part of authorized county activities.

(B) Any person or organization proposing to distribute materials in a public area under this section shall first obtain a permit from the authorized official under §§ 37.060 through 37.070 and shall conduct distribution in accordance with the provisions of §§ 37.060 through 37.070. (C) Failure to comply with those provisions is a violation of these regulations.

(Ord. passed 10-9-2007)

### § 37.040 PHOTOGRAPHS FOR NEWS, ADVERTISING, OR COMMERCIAL PURPOSES.

Photographs may be taken in space occupied by a county agency only with the consent of the respective department head. Except where a court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of the department head of the agency occupying the space where the photographs are to be taken.

(Ord. passed 10-9-2007)

### § 37.041 DOGS AND OTHER ANIMALS.

Dogs and other animals, shall not be allowed upon property for other than official purposes. This section does not apply to documented service animals or animals brought onto County property for official purposes by the County or the occupant agencies.

(Ord. passed 10-9-2007)

### § 37.042 VEHICULAR AND PEDESTRIAN TRAFFIC.

(A) Drivers of all vehicles entering or while on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of authorized individuals and all posted traffic signs.

(B) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants on property is prohibited.

(C) (1) Except in emergencies, parking on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owners' risk and expense.

(2) This subsection (C) may be supplemented from time to time by the issuance and posting of any specific traffic directives that may be required, and when so issued and posted the directives shall have the same force and effect as if made a part hereof.

(3) Proof that a motor vehicle was parked in violation of these regulations or directives may be taken as prima facie evidence that the registered owner was responsible for the violation.

(Ord. passed 10-9-2007)

### § 37.043 WEAPONS AND EXPLOSIVES.

No person entering or while on property shall carry or possess firearms, other dangerous or deadly weapons, articles, explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes.

(Ord. passed 10-9-2007)

### § 37.044 NON-DISCRIMINATION.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, sex, color, handicap, political affiliation, religious belief, or national origin in furnishing or by refusing to furnish to the person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on the property.

(Ord. passed 10-9-2007)

### § 37.045 AUTHORITY OF BUILDINGS MANAGER.

The Buildings Manager shall designate locations outside the county buildings as designated public areas where expressive activities may be permitted within the meaning of this subchapter. The Buildings Manager may also develop reasonable time, place and manner rules on the conduct of expressive activities at the designated locations. In designating public areas and developing policies, the Buildings Manager shall attempt to minimize the adverse impact of permitted activities on the free ingress and egress within the building, the conduct of official business, and the free enjoyment of the use of the building by tenants and other members of the public.

The Buildings Manager further has authority to approve the use of designated locations of County Buildings and property for the use by County departments, county-wide elected official occupants of the County Buildings or the Circuit Court for activities within the scope of the functions of their respective offices, and to approve County, county-wide elected official occupants of the County Buildings or Circuit Court sponsored events and commemorations provided those events or commemorations remain under the control and direction of the County, County elected officials, or the Circuit Court, without requiring compliance with the formal permitting process provided herein.

Nothing herein limits the authority of the Buildings Manager to allow temporary use of rooms or other private locations within the County Buildings for purposes consistent with the operations of the County Buildings.

(Ord. passed 10-9-2007)

## OCCASIONAL USE OF PUBLIC AREAS IN PUBLIC BUILDINGS

### § 37.060 SCOPE AND PURPOSE.

Designated public areas of buildings and grounds under the jurisdiction of the County Board can occasionally be made available for Expressive Activities as defined herein. The purpose of these regulations is to create rules and procedures to be followed in permitting the occasional use of public buildings and grounds for these and other activities authorized by this subchapter.

(Ord. passed 10-9-2007)

### § 37.061 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply.

***APPLICANT.*** Any person, firm, partnership, association, corporation, or organization of any kind who applies for a permit to use a public area within a public building or its grounds.

***BUILDINGS MANAGER.*** The County Administrator or his or her designee.

***EXPRESSIVE ACTIVITIES.*** Constitutionally protected expressive activities.

***COMMERCIAL ACTIVITIES.*** Activities undertaken for the primary purpose of obtaining a profit for the benefit of an individual or organization organized for profit, as opposed to activities whose purpose is the expression of ideas or advocacy of causes, whether of a religious, artistic, political, charitable, educational, or cultural nature, where the commercial aspects involved are incidental to the purpose of the activity.

***DESIGNATED PUBLIC AREA.*** Any area of a public building grounds designated to be open to members of the public by the Buildings Manager as a location in which expressive activities may be permitted pursuant to §§ 37.060 through 37.070,.

***LABOR ORGANIZATION.*** A labor organization recognized under the Illinois Public Labor Relations Act, 5 ILCS 315/1 et seq.

***PERMITTEE.*** Any person, firm, partnership, association, corporation or organization who has been granted a permit to use a public area within a public building or its grounds.

***PUBLIC BUILDING.*** Any building and its grounds, or part thereof, under the charge and control of the County Board.

(Ord. passed 10-9-2007)

### § 37.062 PERMITS.

(A) *Application.* Any person or organization desiring to use a public area of a public building or its grounds shall first obtain a permit from the Buildings Manager. To obtain the permit, a copy, sample, or description of any material or item proposed for distribution or display and a written application on a form provided by the Buildings Manager shall be submitted, setting forth the following:

(1) The full name, mailing address, and telephone number of the applicant;

(2) The full name, mailing address, and telephone number of the person or organization sponsoring, promoting, or conducting the proposed activity;

(3) The full name, mailing address, and telephone number of the individual person or persons who will have supervision of and responsibility for the proposed activity;

(4) A description of the proposed activity;

(5) The proposed dates and hours during which the activity is to be carried out;

(6) The approximate number of persons to be engaged in this activity, if known;

(7) An agreement to indemnify the county, its officers, boards, committees, agents, and employees from losses or claims of every kind and nature arising out of or resulting from the acts or omissions of the applicant, its officers, agents, or employees in connection with the permitted activity (but not for damages or losses directly caused by spectators or others reacting to the exercise of the applicant's protected First Amendment rights);

(8) The proposed location of the activity;

(9) The time at which the applicant, its agents, or employees, intend(s) to begin to assemble for the activity;

(10) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the activity;

(11) The approximate number of spectators expected;

(12) A designation and description of any county services or equipment proposed to be utilized;

(13) A plan the applicant proposes to follow to clean and clear the site of the activity from debris, litter, pamphlets, and activity-related signage upon conclusion of the activity; and

(14) Any additional information that the Buildings Manager finds reasonably necessary to a fair determination as to whether a permit should issue.

(B) *Applicant's authority.* If the applicant claims to represent an organization, a letter or other documentation is required showing that the applicant has authority to represent that organization.

(C) *Applications for permit to solicit contributions.* Any applicant desiring to use a public area of a public building or its grounds for purposes of soliciting funds not prohibited by § 37.038 shall, in addition to the above requirements, submit a statement signed by the applicant that the applicant represents, and will be soliciting funds for, a non-profit charitable, fraternal, religious, veterans, or political group, and that the:

(1) Applicant's organization has received an official Internal Revenue Service (IRS) ruling or letter of determination stating that the organization or its parent organization qualifies for tax-exempt status under 26 U.S.C. § 501(c)(3), (c)(4), or (c)(5); or

(2) Applicant's organization has applied to the IRS for a determination of tax-exempt status under 26 U.S.C. § 501(c)(3), (c)(4), or (c)(5), and that the IRS has not yet issued a final administrative ruling or determination of this status.

(D) *Failure to complete application.* Failure to submit the information required by subsections (A), (B), and (C) of this section shall result in denial of a permit; however, no permit shall be denied without the opportunity for a hearing as provided for herein.

(E) *Filing.* Applications shall be filed during regular working hours in the Buildings Manager's office or any other place as he or she may designate. Applications shall be filed a reasonable period of time in advance of the proposed activity, taking into account the number of participants and spectators expected to attend the activity, the police protection and crowd control necessary to ensure the safety and welfare of the participants, spectators, and the public, the potential disruption to the county agencies, departments, and services and the public's access thereto, and the spontaneity or timeliness of the subject matter to which the activity pertains. Applications may be submitted by mail or in person. If mailed, applications are deemed filed upon receipt by the Buildings Manager.

(F) *Permit issuance.* A single permit shall be issued, disapproved, or an alternative permit issued without unreasonable delay, and in no event later than ten days following receipt of the completed application by the Buildings Manager. A permit is deemed a privilege, and not a property right of the applicant.

(1) Except as provided in § 37.063, each permit shall authorize the permittee to conduct the activity for the period of time requested; provided that a permit shall not be issued for a period of time in excess of seven calendar days, unless specifically approved by the Financial and Administrative Committee. After the expiration of the permit, a new permit may be issued to the former permit holder upon submission of a new application. In such a case, applicants may be permitted to incorporate by reference any required information or documentation filed with a previous application.

(2) If permits are requested for the same public area for the same time period, the Buildings Manager will issue permits on a first-come, first-served basis.

(Ord. passed 10-9-2007)

## § 37.063 ALTERNATIVE PERMIT ISSUANCE.

(A) *Grounds for alternative permit.* The Buildings Manager may refuse to issue a permit as requested and may instead authorize the activity at a date, time, or location or in a manner different from that described in the application, if the Buildings Manager finds that:

(1) A permit application for a different location at the same time has already been granted, or has been received and will be granted, or another event is scheduled elsewhere in the county, and the police resources required for that prior activity are so great that in combination with the subsequent proposed activity, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; or

(2) The activity, as proposed, poses an unreasonable risk of harm to the health, safety, and/or welfare of the applicant, potential spectators, or other members of the public.

(B) *Notice of alternative permit.* Upon initiating action to issue an alternative permit, the Buildings Manager shall:

(1) Promptly notify the applicant in writing of the intent to issue an alternative permit, the terms of the alternative permit, and the reasons for this action; and

(2) Inform the applicant of his or her right to appeal the alternative permit to the Financial and Administrative Committee, under § 37.065.

(Ord. passed 10-9-2007)

## § 37.064 DISAPPROVAL OF APPLICATION OR CANCELLATION OF PERMIT.

(A) *Grounds for disapproval or cancellation.* The Buildings Manager shall initiate action to disapprove any application or to cancel an issued permit for use of a public area if the proposed use:

(1) Is a commercial activity as defined in § 37.061;
(2) Is not Expressive Activity as defined herein;

(2) Obstructs the free ingress and egress of the users of the public area;

(3) Damages the public building or any property within the public building;

(4) Disrupts the official business of the agency or agencies occupying the public buildings;

(5) Interferes with a tenant's quiet enjoyment of their leasehold;

(6) Interferes with a previously approved use of the public area by another member, or members, of the public;

(7) Is obscene within the meaning of obscenity set forth in 720 ILCS 5/11-20;

(8) Pertains to any judicial proceeding then pending in the public building and this use is intended to influence or impede the judicial proceeding;

(9) Is being conducted with a permit issued in response to an intentionally false or incomplete application;

(10) Violates any of the conditions or standards set forth in this subchapter or any permit issued hereunder; or

(11) When a public emergency arises when police resources required for that emergency are so great that deployment of police services for the activity would have an immediate and adverse effect upon the welfare and safety of persons and property.

(B) *Notice of intent for disapproval of application or for cancellation of permit.* Upon initiating action to disapprove an application or to cancel an issued permit for any of the above reasons, the Buildings Manager shall:

(1) Notify promptly the applicant or permittee in writing of the intent to disapprove or cancel and the reasons for this action; and

(2) Inform the applicant of his or her right to appeal the pending disapproval or cancellation to the Financial and Administrative Committee under § 37.065.

(Ord. passed 10-9-2007)

### § 37.065 APPEALS FROM DISAPPROVAL OF APPLICATION, CANCELLATION OF PERMIT, OR ALTERNATIVE PERMIT NOTIFICATION.

(A) *Time for appeal.* Within five calendar days of notification of the Buildings Manager's decision to disapprove any application or cancel an issued permit under § 37.064 or issue an alternative permit under § 37.063, the applicant or permittee may appeal the Buildings Manager's determination to the Financial and Administrative Committee by notifying the Financial and Administrative Committee, in writing, that he or she desires to appeal.

(B) *Record.* Although a formal hearing or presentation is not required, the applicant or permittee and the Buildings Manager shall have the opportunity to orally state the reasons that the application or cancellation should or should not be approved or an alternative permit issued. Written materials and documents may also be submitted. The Financial and Administrative Committee shall affirm or reverse the Buildings Manager's determination based on this information.

(C) *Time for review.* The Financial and Administrative Committee shall affirm or reverse the Buildings Manager's determination without unreasonable delay and in no event later than ten days of the date on which the Financial and Administrative Committee received the applicant's or permittee's notification of his or her desire to appeal. If the Financial and Administrative Committee does not rule within this period, the application will be considered to be approved or the permit validly issued.

(D) *Notification.* Upon reaching a decision on an appeal taken under this section, the Financial and Administrative Committee shall promptly notify the applicant or permittee and the Buildings Manager of the decision and the reasons therefor.

(Ord. passed 10-9-2007)

### § 37.066 SCHEDULE OF USE.

(A) *Schedule.* Nothing in these regulations shall prevent the Buildings Manager from:

(1) Reserving certain times of the year for use of designated public areas of the public buildings for official county business;

(2) Setting aside certain days or time for maintenance, construction, or repair; or

(3) Preempting an approved use of a public area for official county business.

(B) *Time.* Designated public areas made available may be used during or after the regular working hours of county agencies, provided this use will not interfere with the conduct of county business. When designated public areas are used by permittees under this subchapter after normal working hours, all adjacent areas not approved for after-hours usage shall be locked, identified by signs, or physically barricaded, as appropriate, to restrict the participants' movements to only that space or area(s) approved for usage.

(Ord. passed 10-9-2007)

## § 37.067 SERVICES AND COSTS.

(A) *Costs.* The space to be provided under these regulations is furnished free of charge. Services normally provided at the building in question, such as security, cleaning, heating, ventilating, and air- conditioning, shall also be provided free of charge. Crowd control, if needed, will be provided free of charge. The applicant shall reimburse the county for costs of labor and/or services over and above those normally provided. An advance deposit may be required based upon the Buildings Manager's reasonable estimate of the additional costs associated with the labor and/or services requested. If the applicant desires to provide services, such as security and cleaning, this request must be approved by the Financial and Administrative Committee who may decide to provide the services free of charge if the cost is insignificant and if it is in the public's interest.

(B) *Alterations of public area.* Generally, there shall be no alteration to designated public areas used under these regulations by persons, firms, or organizations, unless it is determined by the Financial and Administrative Committee that changes should be made in a public building to encourage and aid in the proposed use. The permittee must make adequate provisions for:

(1) The protection of the safety of a user of the public area; and

(2) The prevention of injury or damage to the public building.

(C) *Program requirements.* The furnishing of any item necessary for the proposed activity, such as audiovisual equipment, and the like, shall be the responsibility of the permittee unless prior arrangements have been made with the Buildings Manager.

(Ord. passed 10-9-2007)

## § 37.069 POSTING OF NOTICES AND INFORMATION BULLETINS.

Only the following types of notices or information bulletins may be posted on bulletin boards in non-public areas of the public building:

(A) Official business notices of the occupant agency;

(B) Requests for funds for welfare, health, and other purposes, sponsored by the county, the head of the occupant agency, or the Circuit Court;

(C) Personal notices of agency employees, such as the sale of an employee's home, requests for carpool participation, and the like; and

(D) Labor organization notices and issuances on space provided by the county under agreement between the county and the recognized labor organization.

(Ord. passed 10-9-2007)

## § 37.070 NON-AFFILIATION WITH THE COUNTY.

The county reserves the right to advise the public through signs or announcements of the presence of any permittees and of their non-affiliation with the county.

(Ord. passed 10-9-2007)