

# VAN ZANDT COUNTY PREMISES USE POLICY

## 1.0 POLICY BACKGROUND AND OBJECTIVE

The adoption of this policy is intended to clarify and memorialize Van Zandt County's traditional approach to allowing individuals or groups to assemble on County owned property and to clearly state the procedures and guidelines to be followed by individuals or groups seeking the use of County owned property. Van Zandt County has a vested interest in allowing the use of County owned property from time to time. Some of the considerations given in drafting this policy include:

- 1.1 The importance of county government property being accessible to the community;
- 1.2 The development of positive perceptions about local county government within Van Zandt County, Texas;
- 1.3 Preserving the historical relationship that Van Zandt County, has had with the community;
- 1.4 Preserving the community values of Van Zandt County, Texas;
- 1.5 Providing festive and seasonal decorations which are pleasant for not only members of our community, but invite and welcome visitors to Van Zandt County, Texas;
- 1.6 Ensuring the safety of the community; and
- 1.7 Providing clarity to the public on Van Zandt County's policies and procedures on the use of County property and the placement of displays on County property.

## 2.0 POLICY ON ASSEMBLY OR DEMONSTRATIONS ON COUNTY PROPERTY

2.1 This policy applies to all County owned property.

2.2 Applications for use of County owned premises for assembly of groups may be obtained from the Van Zandt County Judge's Office. A copy of the Application is attached hereto as part of Appendix "A" and shall include the following information:

- 2.1.1 Applicant's Name, Address, and Telephone Number;
- 2.1.2 Name of any organization if different from Applicant;
- 2.1.3 Start and End date(s) and time(s) of assembly and/or demonstration;
- 2.1.4 Estimated attendance;
- 2.1.5 Nature or brief description of program; and
- 2.1.6 Applicant's signature acknowledging receipt of a copy of this policy and the Agreement on Terms and Conditions for use of Van Zandt County Property.

2.3 Applications must be submitted in accordance with the following schedule, based upon the number of attendance:

2.3.1 Groups of twenty five (25) or fewer: at least thirty (30) days, but not more than (90) days prior to the requested date of use;

2.3.2 Groups of twenty six (26) to one hundred (100): at least forty (40) days, but not more than (90) days prior to the requested date of use;

2.3.3 Groups in excess of one hundred (100) at least forty-five (45) days, but not more than one hundred and twenty (120) days prior to the requested date of use.

2.4 For demonstration applications with an estimated attendance of 200 or greater, a certificate of insurance, in the amount of at least \$1,000,000, naming Van Zandt County as an additional insured, shall be provided to the County Judge, prior to a permit being approved and issued.

2.5 Van Zandt County may place time, manner and location restrictions or variances upon any assembly or demonstration. Restrictions or variances may be considered depending upon security needs, number of attendees, vendor spaces needed, liability to county, potential damage to County property and the use of additional non-county property adjacent to County property.

2.6 All applications must be approved by the Van Zandt County Commissioners Court.

### **3.0 POLICY ON PUBLIC DISPLAYS, DECORATIONS, OR MONUMENTS ON COUNTY PROPERTY**

3.1 Except those areas that have been established as public forums as a matter of law, Van Zandt County property has not been, by tradition or designation, a public forum. Van Zandt County may contract with individuals or private groups to place displays or decorate County property; however, any displays placed on County property are for Van Zandt County's intended purpose.

3.2 Any personal property left unattended on County property will be removed.

3.3 No permanent structures, fixtures, or displays will be permitted on County property without prior County Commissioner Court approval.

3.4 Any requests for displays, decorations, or monuments shall be made, in writing, and directed to the Van Zandt County Judge. The written request should include:

3.4.1 The name of the individual and organization making the request;

3.4.2 A description of the item(s) requested to be displayed on County Property;

3.4.3 The location upon County Property where you would like to place the display;

3.4.4 The date you would like to begin the display, and the name, address and telephone number of the person who will be responsible for erecting the display;

3.4.5 The date the display will end and the name, address, and telephone number of the person who will be responsible for removing the display.

- 3.5 With respect to requests made pursuant to Section 3.0 of this policy, the County Judge may approve the request, or at his/her discretion, he may place the request on a Commissioners Court agenda for consideration by the Commissioners Court. If any single County Commissioner disapproves of the County Judge's approval or denial of a request, the Commissioner can have the matter placed on a Commissioners Court agenda for consideration by the Commissioners Court as a whole.
- 3.7 It is acknowledged that the Commissioners Court has control over any monument, display, or decoration placed on County property. The Commissioners Court specifically reserves the right to:
  - 3.7.1 Approve or deny, in whole or in part, any request for display on County property;
  - 3.7.2 Rescind or modify any approval of a display;
  - 3.7.3 Control the location of the display and set the duration to allow the display, if any; and
  - 3.7.4 Control the message that is delivered to the public by the use of property owned by Van Zandt County.

# APPENDIX A

## AGREEMENT ON TERMS AND CONDITIONS FOR USE OF VAN ZANDT COUNTY PROPERTY

### A1.0 Collection of Revenue

A1.1 There must be total public access to all events. Applicant may not charge a premises use fee to any person wishing to enter event or for the use of County owned property. This does not prohibit the selling of merchandise, vendor booths, or other commercial activity, so long as commercial activity is not conditioned upon entry to event or upon property.

### A2.0 Rules of Use

A2.1 User will maintain a copy of signed Permit approval at the event at all times and will present same to any law enforcement officer or any elected county official, upon request.

A2.2 Users will be responsible for the cleaning of County property during and at the conclusion of use.

A2.3 There will be no use of County electricity, water, or other utilities. The permissible use of outdoor property does not contemplate the use of any indoor facilities and the use of indoor facilities or utilities will not be authorized without express approval by Commissioners Court.

A2.4 There will be NO overnight demonstrations or camping on County property. Use of County property for multiple days does not authorize overnight stays;

A2.5 All County property is drug and alcohol free, and the possession of either is strictly prohibited.

A2.6 County property shall be vacated promptly at the expiration of event permit;

A2.7 No demonstration or assembly will be allowed to be disruptive or cause a breach of the peace. No excessive noise will be allowed. Any excessive noise or disturbance of the peace may result in the permit being vacated and the event canceled;

A2.8 With the exception of certified peace officers, there will be no firearms on County property.

A2.9 No portable toilets may be placed on County property without prior approval from the Commissioners Court.

### A3.0 Agreement on Condition of Use

The User agrees to the following as a condition of use:

A3.1 Adherence to all of the rules listed above in A2.0 and the applicant's best efforts to ensure that all event attendees are in adherence.

A3.2 User assumes the duty to inspect the premises prior to use for any unsafe condition and to notify a representative of Van Zandt County if an unsafe condition is found. In the event that any unsafe condition is found that

cannot be corrected or cured prior to the start of the event, the event should be canceled.

- A3.3 To notify a representative of Van Zandt County and to immediately cease use of County property at any time the use of the premises becomes unsafe.
- A3.4 Not to interfere in any way with the operation of county business;
- A3.5 Must ensure that attendees and the property of Van Zandt County, is safe from harm or damage;
- A3.6 Not to build, erect, affix, or attach any equipment or permanent structure to any structure or fixture upon County property. When attaching temporary displays for use during permitted demonstration times, users will not use nails, screws, or any similar fasteners to attach said displays to County structures or fixtures, including the trees and landscaping on County property.
- A3.7 To ensure that no illegal activity is taking place on County property.
- A3.8 To report any damage to County property immediately to a representative of Van Zandt County as soon as it is known.

#### **A4.0 Defense, Indemnity, and Release of Van Zandt County**

- A4.1 Applicant agrees that Van Zandt County will not be responsible for any losses whatsoever.
- A4.2 APPLICANT HEREBY AGREES TO RELEASE FROM LIABILITY, DEFEND, AND INDEMNIFY VAN ZANDT COUNTY, TEXAS, ITS OFFICERS, ELECTED OFFICIALS, AGENTS, AND EMPLOYEES FROM ANY AND ALL LIABILITY, SPECIFICALLY INCLUDING, BUT IN NO WAY LIMITED TO ANY ACCIDENTS OR EVENTS CAUSED BY THE NEGLIGENCE OF VAN ZANDT COUNTY, TEXAS, OR ITS OFFICERS, ELECTED OFFICIALS, AGENTS, AND EMPLOYEES, INCLUDING GROSS NEGLIGENCE, WHETHER IT BE PROPERTY DAMAGE OR PERSONAL INJURY (INCLUDING DEATH), ARISING OUT OF THE APPLICANT'S USE OF COUNTY PROPERTY.

#### **A5.0 Default**

- A5.1 Applicant agrees that any violation of any of the terms of the Premises Use Policy or the agreement on terms or conditions may result in revocation of any permit, and the immediate cancelation of any scheduled event, assembly, or demonstration.
- A5.2 In addition to the above, Applicant also agrees that any violation may result in the denial of any future application of Applicant or Applicant's Organization.
- A5.3 Applicant agrees to repair or to make full restitution to Van Zandt County for any damage to County property as a result of Applicant's event.

## VAN ZANDT COUNTY EVENT PERMIT

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Applicant's Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Primary Telephone: \_\_\_\_\_ Alternate Telephone: \_\_\_\_\_

Estimated Attendance: \_\_\_\_\_ Nature and Brief Description of Program:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) Requested: \_\_\_\_\_

Times Requested: \_\_\_\_\_

I, individually, and/or as an officially delegated representative of the above named organization, do hereby acknowledge receipt of a copy of the Van Zandt County Premises Use Policy and Appendix attached Hereto and agree to the conditions therein concerning the use of the building/grounds for which this permit is to be granted.

\_\_\_\_\_  
Signature of Applicant

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Granting Authority

Date: \_\_\_\_\_