

#### townhall.virginia.gov

# Proposed Regulation Agency Background Document

Agency name	Department of General Services
Virginia Administrative Code (VAC) citation(s)	1VAC-30-150
Regulation title(s)	Regulations for Public Use of Robert E. Lee Monument
Action title	Issuance of Proposed Regulations for Robert E. Lee Monument
Date this document prepared	July 16, 2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual.* 

### **Brief summary**

The Robert E. Lee Monument, located at 1700 Monument Avenue, is the largest monument on the City of Richmond's Monument Avenue. The 60-foot high statue is composed of a granite base and a 14-foot tall bronze equestrian statue of Robert E. Lee that stands in the middle of Lee Circle, a traffic circle at the intersection of Monument Avenue and Allen Avenue. The purpose of this regulation is to establish and codify regulation governing the use of this state-owned property.

### **Acronyms and Definitions**

For the purpose of this regulation the following terms are defined as follows:

"DGS" means the Department of General Services.

"Lee Monument" is defined as the statue of Robert E. Lee and the surrounding 25,000 square feet of state-owned property located at 1700 Monument Avenue in the City of Richmond. The Lee Monument does not include the abutting sidewalk or streets, which are the property of the City of Richmond.

## Legal basis

Section 2.2-1102 A.1 of the *Code of Virginia* authorizes the Department of General Services to prescribe regulations necessary or incidental to the performance of the Department's duties or execution of powers conferred by the *Code*. For this regulation, EO67 (2017) directed DGS to promulgate this regulation

#### Purpose

This regulation is promulgated to replace Emergency Regulations issued in response to the events of August 2017, when a "Unite the Right" rally evolved into a violent incident of civil unrest in Charlottesville, Virginia, and necessitated a State of Emergency declaration by Governor McAuliffe to address the violence. Executive Order 67 details the rationale for requiring a review of the regulations at the Lee Monument, and that rationale is incorporated by reference here. *See* 34 Va. Reg. 393 (Sept. 18, 2017). This stage of the regulatory process will make the Proposed Regulations permanent.

#### Substance

No substantive changes from Emergency/NOIRA

#### **Issues**

The primary advantage of this regulation is that it offers guidelines for public assembly at Lee Monument that seek to protect public safety, Commonwealth-owned property, and the residents and property around the Monument, while providing a space for the public to exercise their First Amendment rights. The regulation places limits on the times for public assembly, items allowed during a permitted event, and number of attendees in an effort to maximize safety in this unique space situated in a residential area in the middle of a heavily traveled intersection.

#### **Requirements more restrictive than federal**

There are no applicable federal requirements.

#### **Localities particularly affected**

The City of Richmond is affected as the adjacent landowner and the municipality with jurisdiction of the adjacent property.

## **Public participation**

In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Rhonda Bishton, Regulatory Coordinator, Department of General Services, 1100 Bank Street, Suite 420, Richmond, VA 23219, or email: <u>Rhonda.bishton@dgs.virginia.gov</u>. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <u>http://www.townhall.virginia.gov</u>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<u>http://www.townhall.virginia.gov</u>) and on the Commonwealth Calendar website (<u>https://www.virginia.gov/connect/commonwealth-calendar</u>). Both oral and written comments may be submitted at that time.

#### **Economic impact**

Economic impact is indeterminate. DGS could incur more administrative cost to review applications for permits and staff events, but the impact would depend on the number of applications received. The Division of Capitol Police could incur additional manpower cost for providing law enforcement services at the Monument, but again that is indeterminate based on the number of applications that may be submitted. The same would apply to the City of Richmond, which now must consider each request when it was not previously required to do so. Homeowners adjacent to the Monument could face economic impact, but that is indeterminate based on the number of events that could be held at the Monument. There also could be an economic impact on those applying for a permit if the City of Richmond required them to receive a street closure or other permit from the City or if the Commonwealth required they provide security for an event.

#### **Alternatives**

An alternative would be to not permit events at this location.

### **Regulatory flexibility analysis**

None

Periodic review and small business impact review report of findings

Not applicable.

# **Public comment**

Commenter	Comment	Agency response
Daphne Cole	"The statue is lovely and well placed. Remove the name if you must.	DGS has received and taken this comment into consideration.
Claire Gastanaga, ACLU	Comments in brief are: (submitted a white paper as well) "Our analysis of the validity of the Emergency Regulations is based on the fact that the Lee Monument grounds are and have been a traditional public forum. The Governor and Attorney General erroneously allege that the area around the Lee Monument is not a "traditional public forum." Lee Monument has always been used as a public park and a public gathering space, which has routinely held large events including protests, rallies, Easter Parades, and live music events. Moreover, the Fourth Circuit has ruled that even mere median strips are in fact traditional public forums. The U.S. Supreme Court has said that "the nature of a place, the pattern of its normal activities, dictate the kinds of regulations of time, place, and manner that are reasonable." Because it includes a public walkway and grassy area and has been used traditionally as a public park, the Lee Monument grounds are, in fact a public forum and should be regulated as such."	DGS has received and taken this comment into consideration.

# **Family impact**

#### None

# **Detail of changes**

For changes to existing regulation(s), please use the following chart:

Current section number	Proposed new section number,	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements	
1VAC30-150- 10.		The Robert E. Lee Monument, located at 1700 Monument Avenue, is the largest Monument on the City of Richmond's Monument Avenue. The 60-foot high statue composed	The Robert E. Lee Monument, located at 1700 Monument Avenue, is the largest Monument on the City of Richmond's Monument Avenue. The 60-foot high statue composed of a granite base and	

Purpose, applicability and definitions	<ul> <li>of a granite base and 14-foot tall bronze equestrian statue of Robert E. Lee, stands in the middle of Lee Circle, a traffic circle at the intersection of Monument Avenue and Allen Avenue. The purpose of these regulations is to establish and codify regulations governing the use of this state-owned property.</li> <li>For the purposes of this regulation, the following terms are defined as follows:</li> <li>"Lee Monument" is defined as the statue of Robert E. Lee and the surrounding 25,000 square feet of state-owned property located at</li> </ul>	<ul> <li>14-foot tall bronze equestrian statue of Robert E. Lee, stands in the middle of Lee Circle, a traffic circle at the intersection of Monument Avenue and Allen Avenue. The purpose of these regulations is to establish and codify regulations governing the use of this state-owned property.</li> <li>For the purposes of this regulation, the following terms are defined as follows: "Lee Monument" is defined as the statue of Robert E. Lee and the surrounding 25,000 square feet of state-owned property located at 1700 Monument Avenue in the City of Richmond. The Lee Monument does not include the abutting sidewalk or streets, which are the property of the City of Richmond.</li> </ul>
	1700 Monument Avenue in the City of Richmond. The Lee Monument does not include the abutting sidewalk or streets, which are the property of the City of Richmond.	
1VAC30-150- 20. General Rules	<ul> <li>The following rules apply to any person, including but not limited to permit applicants and permit holders at the Monument: <ul> <li>A. The Monument shall be closed to the public from sunset each night until sunrise the following morning.</li> <li>B. Any event that is expected to draw ten (10) or more participants requires a Special Event Permit.</li> <li>C. The maximum occupancy of the Monument is 500 persons.</li> <li>D. There shall be no motor vehicles on the Monument at any time.</li> <li>E. No banners, flags, posters or other objects shall be placed on or affixed to the statue itself.</li> <li>F. No persons shall climb on the statue itself.</li> <li>F. No persons shall climb on the statue.</li> <li>G. Unlawful activity is</li> </ul> </li> </ul>	<ul> <li>The following rules apply to any person, including but not limited to permit applicants and permit holders at the Monument: <ul> <li>A. The Monument shall be closed to the public from sunset each night until sunrise the following morning.</li> <li>B. Any gathering that is expected to draw ten (10) or more participants requires a Special Event Permit.</li> <li>C. The maximum occupancy of the Monument is 500 persons.</li> <li>D. There shall be no motor vehicles on the Monument at any time.</li> <li>E. No banners, flags, posters or other objects shall be placed on or affixed to the statue itself.</li> <li>F. No persons shall climb on the statue itself. This provision also applies to the steps of the statue.</li> </ul> </li> </ul>
1VAC30-150- 30. Rules regarding permitted events	A. All permitted events must be coordinated with the City of Richmond to ensure that such event will not interfere with major vehicular traffic within the traffic circle. The areas surrounding the Monument are Residential Zones. In conjunction with Code of	A. All permitted events must be coordinated with the City of Richmond to ensure that such event will not interfere with major vehicular traffic within the traffic circle. The areas surrounding the Monument are Residential Zones. In conjunction with <i>Code</i>

# Form: TH-02

		Virginia §18.2-419 and the City		of Virginia §18.2-419 and the City
		of Richmond's noise ordinance		of Richmond's noise ordinance
		level restrictions, events at the		level restrictions, events at the
		grounds may only occur during		grounds may only occur during
		the following hours, unless the		the following hours, unless the
		times referenced below conflict		times referenced below conflict
		with section 1VAC30-150-40.B		
		of this regulation:		with section 1VAC30-150-20.A of
		<ol> <li>Monday through</li> </ol>		this regulation:
		Friday:		<ol> <li>Monday through Friday:</li> </ol>
		i. 9:00 a.m. to		i. 9:00 a.m. to
		4:00 p.m.		4:00 p.m.
		ii. 7:00 p.m. to		ii. 7:00 p.m. to
		9:00 p.m.		9:00 p.m.
		2. Saturday:		2. Saturday:
		i. 9:00 a.m. to		i. 9:00 a.m. to
		9:00 p.m.		9:00 p.m.
		3. Sunday:		3. Sunday:
		i. 2:00 p.m. to		i. 2:00 p.m. to
		9:00 p.m.		9:00 p.m.
	В.	Permitted events may last a	В.	Permitted events may last a
		maximum of two (2) hours,		maximum of two (2) hours, with
		with an additional 30 minutes		an additional 30 minutes to set up
		to set-up and 30 minutes to		and 30 minutes to break down
		break down the event. If the		the event. If the City of Richmond will require road closure,
		City of Richmond will require		permitted events will be
		road closure, permitted events		authorized to last one (1) hour,
		will be authorized to last one		with an additional 30 minutes to
		(1) hour, with an additional 30		set up and 30 minutes to break
		minutes to set-up and 30 minutes to break down the		down the event. Permitted events
		event. Permitted events shall		shall not exceed these time
		not exceed these time		parameters.
		parameters.	С.	The following items and activities
	C.	The following items and		are prohibited on the Monument
	0.	activities are prohibited on the		and any violation will result in an
		Monument and any violation		immediate revocation of the
		will result in an immediate		permit and removal from the
		revocation of the permit and		Monument:
		removal from the Monument:		1. Weapons: any pistol,
		<ol> <li>Weapons: any pistol,</li> </ol>		rifle, shotgun or other
		rifle, shotgun or other		firearm of any kind,
		firearm of any kind,		whether loaded or
		whether loaded or		unloaded, air rifle, air
		unloaded, air rifle, air		pistol, paintball gun,
		pistol, paintball gun,		paintball rifle, explosive,
		paintball rifle,		blasting cap(s), knife,
		explosive, blasting		hatchet, ax, slingshot,
		cap(s), knife, hatchet,		blackjack, metal
		ax, slingshot, blackjack, metal		knuckles, mace, iron
		knuckles, mace, iron		buckle, ax handle,
		buckle, ax handle,		chains, crowbar,
		chains, crowbar,		hammer, or any club,
		hammer, or any club,		bludgeon or any other
		bludgeon or any other		instrumentality used, or
		instrumentality used,		
		or intended to be		intended to be used, as
		used, as a dangerous		a dangerous weapon.
		weapon.		2. Bricks, stones, rocks,
		·		pieces of asphalt or concrete

	2.	Bricks, stones, rocks,		3.	Glass bottles, glass jars
		pieces of asphalt or			or glass containers of
		concrete.			any kind.
	3.	Glass bottles, glass		4.	Tents, tables,
		jars or glass		F	scaffolding or staging. Penetration of the
		containers of any kind.		5.	ground by any object.
	4.	Tents, tables,		6.	
	4.	scaffolding or staging.		0. 7.	Solicitations, sales,
	5.	Penetration of the		1.	collections or
	0.	ground by any object.			fundraising activities.
	6.	Stick-holding		8.	Food, alcohol or
		placards.			beverages of any type.
	7.	Solicitations, sales,		9.	Auxiliary and portable
		collections or			lights.
		fundraising activities.		10.	Open air burning. Hand-
	8.	Food, alcohol or			held candles with drip
		beverages of any			guards are acceptable.
		type.		11.	The use of unmanned
	9.	, ,			aircraft systems
		lights.			(drones).
	10.	Open air burning.		12.	Hazardous, flammable,
		Hand-held candles			or combustible liquids or
		with drip guards are		40	materials.
	44	acceptable.		13.	Animals, except service
	11.	. The use of unmanned			animals that are
		aircraft systems (drones).			individually trained to do work or perform tasks
	12	Hazardous,			for people with
	12	flammable, or			disabilities.
		combustible liquids or		14	Fossil fuel powered
		materials.			generators.
	13	Animals, except		15.	Any mask, hood or other
		service animals that			device whereby a
		are individually			substantial portion of the
		trained to do work or			face is hidden or
		perform tasks for			covered unless
		people with			otherwise permitted by
		disabilities.	_		law.
	14.	Fossil-fuel powered	D.		in this regulation shall
	45	generators.			a disabled person from
	15.	Any mask, hood or			, possessing or using a
		other device whereby a substantial portion			air, cane, walker, or levice necessary for
		of the face is hidden			g mobility so that the
		or covered unless			may participate in a
		otherwise permitted			d event.
		by law.	E.		in this regulation shall
	D. Nothing	in this regulation shall			certified law enforcement
		a disabled person from			or other public safety
		g, possessing or using a		officials	acting in their official
		hair, cane, walker, or			r from carrying or
		device necessary for			ing materials, weapons
		ng mobility so that the			levices used in the
		may participate in a		•	ance of law enforcement
		ed event.	-	duties.	and the set of the set
		in this regulation shall	F.		portions of sections
		certified law ment officers or other			)-150-30.A, B and C may
		afety officials acting in			y to established events, ave been approved for
		ficial capacity from			an three (3) consecutive
		g or possessing			the Department of
<u> </u>	carryinę	y or possessing	L	years D	

		materials weapons and/or	General Services and City of
1VAC30-150- 40. Special event	F.	<ul> <li>1VAC30-150-30.A., 1VAC30- 150-30.B., and 1VAC30-150- 30.C. may not apply to established events, which have been approved for more than three (3) consecutive years within the State or City of Richmond permitting processes prior to the enactment of this regulation.</li> <li>Requests for a special event permit must be submitted in writing, on the forms required by the Department of General</li> </ul>	<ul> <li>General Services and City of Richmond permitting processes prior to the enactment of this regulation.</li> <li>A. Requests for a special event permit must be submitted in writing, on the forms required by the Department of General Services, and must be</li> </ul>
permit process	B.	<ul> <li>Services, and must be submitted to the Director of the Division of Engineering and Buildings at least 45 days prior to the requested event date.</li> <li>All applications shall contain at a minimum, the following information: <ol> <li>Type and purpose of event, meeting or function.</li> <li>Name, address, telephone numbers, and email address of the Applicant.</li> <li>Name of the organization, date of origin, status (corporation, unincorporated association, partnership, nonprofit corporation etc.), address and telephone numbers. If applicable, the federal tax ID number, registered agent's address, telephone numbers and email address.</li> </ol> </li> <li>Organization's primary point of contact, to include name, title, permanent addresss, telephone numbers</li> <li>Organization's primary and alternative point of contact who will be on-site at the</li> </ul>	<ul> <li>submitted to the Director of the Department of General Services at least 45 days prior to the requested event date.</li> <li>B. All applications shall contain at a minimum, the following information: <ol> <li>Type and purpose of event, meeting or function.</li> <li>Name, address, telephone numbers, and email address of the Applicant.</li> <li>Name of the organization, date of origin, status (corporation, unincorporated association, partnership, nonprofit corporation etc.), address and telephone numbers. If applicable, the federal tax ID number, registered agent's address, telephone numbers and email address.</li> <li>Organization's primary point of contact, to include name, title, permanent address, telephone numbers and email addresses.</li> </ol> </li> <li>d. Organization's primary and alternative point of contact who will be on-site at the Monument for the event, to include name, address, telephone numbers and email addresses.</li> <li>d. Organization's on-site primary point of contact shall be responsible for the conduct of participants at the event.</li> <li>e. If the event is designed to be held by, or on behalf of or for, any person other than</li> </ul>

		Monument for the			the Applicant, the Applicant
		event, to include			shall file with the Director
		name, address,			written documentation from
		telephone numbers		1	the person or organization
		and email addresses.			seeking to host the event,
		The organization's		i	authorizing the Applicant to
		on-site primary point		i	apply for the permit on behalf
		of contact shall be		(	of the person or
		responsible for the		(	organization.
		conduct of			The estimated number of
		participants at the		1	participants for the event.
		event.			The maximum occupancy for
	6.	If the event is			the Monument is 500
		designed to be held			persons.
		by, or on behalf of or			Requested date and start
		for, any person other			and end times.
		than the Applicant,			Whether the event is being
		the Applicant shall file			advertised, to include
		with the Director			advertising on social media
		written documentation			platforms.
		from the person or			Proof that all needed permit
		organization seeking			applications have been
		to host the event.			submitted to the City of
		authorizing the			Richmond, to include a road
		Applicant to apply for			closure permit if necessary.
		the permit on behalf			The Applicant understands
		of the person or			that if the City of Richmond
		organization.			will require road closure,
		The estimated			authorized events will be
		number of			permitted to last one (1)
		participants for the			hour, with an additional 30
		event. The maximum			minutes to set up and 30
		occupancy for the			minutes to set up and so
		Monument is 500			event. All events will begin at
		persons.			the agreed upon time and
	8.	Requested date and			must fall within the allowable
		start and end times.			time periods addressed in
		Whether the event is			this section.
	9.	being advertised, to			List of requested items or
		include advertising on			equipment to be used during
		social media			the event.
		platforms.			Waste management plan
	10	Proof that all needed			and a point of contact for the
	10.	permits have been			plan, including name and
		submitted to the City			telephone number.
		of Richmond, to	C.		anding the 45-day
		include a road closure	Ο.		ent for a special event
		permit if necessary.			e Applicant may apply for a
		The Applicant			an event that is proposed to
		understands that if			cted in less than six (6)
		the City of Richmond		days, pro	
		will require road			The Applicant submits a
		closure, authorized			
		events will be			completed special event
					permit application in
		permitted to last one			accordance with this
		(1) hour, with an			regulation.
		additional 30 minutes			A showing by the Applicant,
		to set-up and 30			n writing, clearly describing
		minutes to break			why the circumstances
		down the event. All			giving rise to the proposed
		events will begin at			event did not reasonably
		the agreed upon time	1	i	allow the Applicant to apply

	and must fall within	for a permit within the time
	the allowable time	45-day period.
	periods addressed in	c. The event has not been
	this section.	planned for more than six (6)
	11. List of requested	days in advance of the
	items or equipment to	proposed event.
	be used during the	d. Proof that all needed permit
	event.	applications have been
	C. Notwithstanding the 45-day	submitted to the City of
	requirement for a special event	Richmond, to include a road
	permit, the Applicant may	closure permit if necessary.
	apply for a permit for an event	The Applicant understands
	that is proposed to be	that if the City of Richmond
	conducted in less than six (6)	will require road closure
	days, provided:	based on the size of the
	1. The Applicant submits	event, authorized events will
	a completed special	be permitted to last one (1)
	event permit	hour, with an additional 30
	application in	minutes to set up and 30
	accordance with this	minutes to break down the
	regulation.	event. All events will begin at
	2. A showing by the	the agreed upon time and
	Applicant, in writing,	must fall within the allowable
	clearly describing why	time periods addressed in
	the circumstances	this section.
	giving rise to the	D. Permit applications may be submitted
	proposed event did	up to one year in advance of the
	not reasonably allow	proposed event.
	the Applicant to apply	E. The Director of the Department of
	for a permit within the	General Services shall take action on
	time 45-day period.	all permit applications within (10) ten
	3. The event has not	business days of receiving a complete
	been planned for	special event permit application, and
	more than six (6)	as soon as practicable but not more
	days in advance of	than three (3) business days for
	the proposed event.	applications submitted for events to
	4. Proof that all needed	be held within six (6) business days. If
	permits have been	no permits are required by the City of
	submitted to the City	Richmond, the Department shall
	of Richmond, to	approve or deny the application within
	include a road closure	10 days. If one or more permits are
	permit if necessary.	required by the City of Richmond, the
	The Applicant	Department of General Services shall
	understands that if the City of Richmond	acknowledge receipt of the application within ten (10) business days, but the
	will require road	Director shall not grant final approval
	closure based on the	until proof that all permits required by
	size of the event,	the City, to include a road closure
	authorized events will	permit, have been issued.
	be permitted to last	F. The Director of the Department of
	one (1) hour, with an	General Services shall deny a request
	additional 30 minutes	for a permit if:
	to set-up and 30	1 Another application has
	minutes to break	been previously
	down the event. All	submitted with a request
	events will begin at	for the same date and
	the agreed upon time	time;
	and must fall within	,
	the allowable time	2 Upon advisement from
	periods addressed in	law enforcement, the
	this section.	Director determines that
		approving the permit
		and allowing the event

submitted up to one year in advance of the proposedsigr pub event. The Director of the3	ccur would pose a
advance of the proposed pub event. The Director of the 3 Any	
advance of the proposed pub event. The Director of the 3 Any	nificant threat to
event. The Director of the 3 Any	lic safety;
· · · · · · · · · · · · · · · · · · ·	
	of the conditions
	not agreed to by the
	olicant;
approval until proof that a 4 The	Director concludes
permit has been approved by that	the event could not
	sibly conform to the
	ditions prescribed in
	regulation;
	of the information
5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 -	tained in the
	lication is found to
applications within (10) ten be f	false or inaccurate;
business days of receiving a or	
	e City of Richmond
	ies a needed permit.
(3) business days of receiving G. If a Permit request	-
a special event permit that is Director shall sen	
	y the event permit
	f applicable, provide
application as outlined in the Applicant with	n alternative times or
section III.C of this regulation. dates.	
All actions by the Director are H. If a Permit is den	ied due to a pre-
	on for the same time
	ector shall notify the
	riginally requested
permits, to include a road date and time be	
closure permit, are required by I. Authorization for	
	e set forth in a letter
required by the City, the addressed to the	
	is/her designee may
furnish proof to the Director contact the Applie	
	cant and the event
	time to discuss or
that the proper permits have organizer at any t	
that the proper permits have organizer at any t	time to discuss or ts of the application
that the proper permits have been obtained.organizer at any t clarify the contenF.The Director of Engineeringor any additional	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the contenF.The Director of Engineering and Buildings shall deny aor any additional restrictions to be	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the contenF. The Director of Engineering and Buildings shall deny a request for a permit if:or any additional restrictions to be	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any f clarify the contenF. The Director of Engineering and Buildings shall deny a request for a permit if: 1Another application has beenor any additional restrictions to be	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any f clarify the contenF. The Director of Engineering and Buildings shall deny a request for a permit if: 1Another application has been previously submitted with aor any additional 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the contenF. The Director of Engineering and Buildings shall deny a request for a permit if: 1Another application has been previously submitted with a 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional and Buildings shall deny a request for a permit if: 1Another application has been 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional and Buildings shall deny a request for a permit if: 1 Another application has been 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional restrictions to be request for a permit if: 1 Another application has been 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional and Buildings shall deny a request for a permit if: 1 Another application has been 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional restrictions to be request for a permit if: 1Another application has been 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional restrictions to be request for a permit if: 1Another application has been 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional restrictions to be request for a permit if: 1 Another application has been 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional restrictions to be request for a permit if: 1Another application has been 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional restrictions to be request for a permit if: 1Another application has been 	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional restrictions to be request for a permit if: 1Another application has been 	time to discuss or ts of the application conditions or
<ul> <li>that the proper permits have been obtained.</li> <li>F. The Director of Engineering and Buildings shall deny a request for a permit if:</li> <li>1 Another application has been previously submitted with a request for the same date and time;</li> <li>1. Upon advisement from law enforcement, the Director determines that approving the permit and allowing the event to occur would pose a significant threat to public safety;</li> <li>2. Any of the conditions are not agreed to by the</li> </ul>	time to discuss or ts of the application conditions or
that the proper permits have been obtained.organizer at any t clarify the conten or any additional restrictions to be request for a permit if: 1Another application has been previously submitted with a request for the same date and time;organizer at any t clarify the conten or any additional restrictions to be1.Upon advisement from law 	time to discuss or ts of the application conditions or
<ul> <li>that the proper permits have been obtained.</li> <li>F. The Director of Engineering and Buildings shall deny a request for a permit if:</li> <li>1 Another application has been previously submitted with a request for the same date and time;</li> <li>1. Upon advisement from law enforcement, the Director determines that approving the permit and allowing the event to occur would pose a significant threat to public safety;</li> <li>2. Any of the conditions are not agreed to by the</li> </ul>	time to discuss or ts of the application conditions or
<ul> <li>that the proper permits have been obtained.</li> <li>F. The Director of Engineering and Buildings shall deny a request for a permit if:</li> <li>1 Another application has been previously submitted with a request for the same date and time;</li> <li>1. Upon advisement from law enforcement, the Director determines that approving the permit and allowing the event to occur would pose a significant threat to public safety;</li> <li>2. Any of the conditions are not agreed to by the Applicant;</li> </ul>	time to discuss or ts of the application conditions or
<ul> <li>that the proper permits have been obtained.</li> <li>F. The Director of Engineering and Buildings shall deny a request for a permit if:</li> <li>1 Another application has been previously submitted with a request for the same date and time;</li> <li>1. Upon advisement from law enforcement, the Director determines that approving the permit and allowing the event to occur would pose a significant threat to public safety;</li> <li>2. Any of the conditions are not agreed to by the Applicant;</li> <li>3. The Director concludes that the event could not</li> </ul>	time to discuss or ts of the application conditions or
<ul> <li>that the proper permits have been obtained.</li> <li>F. The Director of Engineering and Buildings shall deny a request for a permit if:</li> <li>1Another application has been previously submitted with a request for the same date and time;</li> <li>1. Upon advisement from law enforcement, the Director determines that approving the permit and allowing the event to occur would pose a significant threat to public safety;</li> <li>2. Any of the conditions are not agreed to by the Applicant;</li> <li>3. The Director concludes that the event could not possibly conform to the</li> </ul>	time to discuss or ts of the application conditions or
<ul> <li>that the proper permits have been obtained.</li> <li>F. The Director of Engineering and Buildings shall deny a request for a permit if:</li> <li>1 Another application has been previously submitted with a request for the same date and time;</li> <li>1. Upon advisement from law enforcement, the Director determines that approving the permit and allowing the event to occur would pose a significant threat to public safety;</li> <li>2. Any of the conditions are not agreed to by the Applicant;</li> <li>3. The Director concludes that the event could not possibly conform to the conditions prescribed in</li> </ul>	time to discuss or ts of the application conditions or
<ul> <li>that the proper permits have been obtained.</li> <li>F. The Director of Engineering and Buildings shall deny a request for a permit if:</li> <li>1Another application has been previously submitted with a request for the same date and time;</li> <li>1. Upon advisement from law enforcement, the Director determines that approving the permit and allowing the event to occur would pose a significant threat to public safety;</li> <li>2. Any of the conditions are not agreed to by the Applicant;</li> <li>3. The Director concludes that the event could not possibly conform to the</li> </ul>	time to discuss or ts of the application conditions or

false or inaccurate; or         5. The City of Richmond denies a needed permit.         G. If a Permit request is denied, mutting, an explanation of why the event permit was denied and if applicable, provide the Applicant with alternative times or dates.         H. If a Permit is denied due to a pre-existing application for the same time and date, the Director shall notify the Applicant if the originally requested date and time become available         I. Authorization for the use of the Monument will be set forth in a letter addressed to the Applicant.         J. The Director on his/her designee may contact the Applicant and the event organizer at any time to discuss or clarify the contents of the application of a application for yide general security, crowd control, and assistance to participants based on size of the event. If general security is required, th shall be provided by law enforcement personnel licensed by the Commonwealth of Virginia.       D. The event organizer is responsible for may be required to providing a safe and secure event and may be required to provide general security is required, to security is equired, by the Commonwealth of Virginia.         B. By submitting an application for a special event permit under this section, the Applicant understands the following statements and conditions and restrictions: in this regulation.       D. The Applicant and organization agrees to comply with all rules, conditions and agrees to all prohibitions and organization agree to indemnify the Commonwealth of virginia.	Г <u> </u> Т			1
loss or damage to the property.	50. Permit holder	H. I. J.	<ol> <li>The City of Richmond denies a needed permit.</li> <li>If a Permit request is denied, the Director shall send, in writing, an explanation of why the event permit was denied and if applicable, provide the Applicant with alternative times or dates.</li> <li>If a Permit is denied due to a pre-existing application for the same time and date, the Director shall notify the Applicant if the originally requested date and time become available. Authorization for the use of the Monument will be set forth in a letter addressed to the Applicant.</li> <li>The Director or his/her designee may contact the Applicant and the event organizer at any time to discuss or clarify the contents of the application or any additional conditions or restrictions to be applied.</li> <li>The event organizer is responsible for providing a safe and secure event and may be required to provide general security, crowd control, and assistance to participants based on size of the event. If general security is required, it shall be provided by law enforcement personnel licensed by the Commonwealth of Virginia.</li> <li>By submitting an application for a special event permit under this section, the Applicant understands the following statements and conditions and agrees to comply with all rules, conditions and restrictions:         <ol> <li>The Applicant agrees to all prohibitions and restrictions identified in this regulation.</li> <li>The Applicant and organization agree to indemnify the Commonwealth of Virginia against any</li> </ol> </li> </ol>	<ul> <li>providing a safe and secure event and may be required to provide general security, crowd control, and assistance to participants based on the size of the event. If general security is required, by the Commonwealth, it shall be provided by law enforcement personnel licensed by the Commonwealth of Virginia.</li> <li>E. By submitting an application for a special event permit under this section, the Applicant understands the following statements and conditions and agrees to comply with all rules, conditions and restrictions: <ol> <li>The Applicant agrees to all prohibitions and restrictions identified in this regulation.</li> </ol> </li> <li>The Applicant and organization agree to indemnify the Commonwealth of Virginia against any loss or damage to the Monument, which may occur in connection with the Applicant or event organizer's use of the</li> </ul>

		connection with the	3	
		Applicant or event		leave the premises clean
		organizer's use of the		and orderly.
		property.	4	. The Applicant and
	3.	The Applicant agrees		participants agree to obey all
		to leave the premises		state and local laws and
		clean and orderly.		ordinances.
		The Applicant will	5	. The Applicant agrees to
		provide a waste		notify law enforcement, to
		management plan		include the Division of
		and a point-of-contact		Capitol Police, if any
		for the plan.		unlawful activities occur
	4.	The Applicant and		during the permitted event.
	4.			
		participants agree to		In addition to 9-1-1, the
		obey all state and		Applicant should call the
		local laws and		Capitol Police emergency
	_	ordinances.		number at (804) 786-4357.
	5.	The Applicant agrees		For non-emergencies,
		to notify law		Applicants should call (804)
		enforcement, to		786-2568.
		include the Division of	6	. Unlawful activities will be
		Capitol Police, if any		handled by law enforcement,
		unlawful activities		to include the Division of
		occur during the		Capitol Police.
		permitted event. In	7	. The Applicant shall be
		addition to 9-1-1, the		required to notify the Director
		Applicant should call		of the Department of General
		the Capitol Police		Services of any changes to
		emergency number at		the information contained in
		(804) 786-4357. For		the permit application as
		non-emergencies,		soon as practicable.
		Applicants should call		ions of this chapter shall result
	0	(804) 786-2568.		nediate revocation of the permit
	6.	Unlawful activities will	by the	e Director of the Department of
		be handled by law	Gene	ral Services or his designee, and
		enforcement, to	in the	event such revocation occurs,
		include the Division of		ticipants shall be required to
		Capitol Police.		diately vacate the Monument.
	7.	The Applicant shall be		
		required to notify the		e of any person to immediately
		Director of the	vacat	e the Monument after proper
		Division of	notice	shall be considered trespassing
		Engineering and	in viol	ation of VA Code §18.2-119.
		Buildings of any		
		changes to the		
		information contained		
		in the permit		
		application as soon		
		as practicable.		
		ns of this chapter shall		
		immediate revocation		
		ermit by the Director of		
		sion of Engineering and		
		s or his designee, and		
		vent such revocation		
		all participants shall be		
		to immediately vacate		
		ument. Failure of any		
		to immediately vacate		
		nument after proper		
1			1	
	notice s	hall be considered		

#### Town Hall Agency Background Document

# Form: TH-02

trespassing in violation of VA Code §18.2-119.	
---	--