

## **128-4-02 Capitol buildings or grounds use: general rules and requirement of a permit.**

(A) Capitol buildings or grounds are available for use by the public for the purpose of governmental business, public meetings for free discussion of public questions, or for activities of a broad public purpose, provided that, when necessary, the authorized permit procedure has been followed and appropriate approvals have been received. Capitol buildings or grounds are available for use by the public only if such use:

(1) Does not interfere with the primary use of the capitol buildings or grounds, including but not limited to its use as the site of the legislative activities of the Ohio general assembly; offices of state elected officials; as a living museum of Ohio's historical, artistic, and architectural heritage; and as a public park;

(2) Is appropriate to the legislative, historical, artistic, architectural and esthetic context of the capitol buildings or grounds;

(3) Does not unduly burden the managing authority by a use that includes but is not limited to one that requires excessive financial, staff, security, or equipment resources, or that unduly threatens the physical, historical, architectural, artistic, or esthetic condition of the capitol buildings or grounds, or unduly threatens the safety of the public or state employees; and

(4) Does not expose the state to the likelihood of unreasonable expenses and/or damages which cannot be recovered.

(B) A permit for use of the capitol buildings or grounds may be obtained by following the procedures in rule 128-4-03 of the Administrative Code. Any group or individual engaging in any of the activities described in paragraphs (B)(1) to (B)(4) of this rule, in or on the capitol buildings or grounds without a permit is in violation of this rule and will be required to move to the adjoining sidewalk or other appropriate location. Violations of this rule will be prosecuted to the extent allowed by law. A permit is required of the following:

(1) Any group or individual engaged in public speech or other expressive activity designed to gather crowds;

(2) Any group or individual engaged in any activity, expressive or otherwise, that can reasonably be anticipated to gather crowds;

(3) Any group or individual using or intending to use any kind of sound amplification or other equipment; structures; vehicles; banners or signs to be placed on or attached to the capitol buildings or grounds; electricity, water, or other utility service; or engaging in any activity, expressive or otherwise, that can reasonably be anticipated to require the presence of security or maintenance personnel;

(4) Any group or individual engaging in or intending to engage in activity, expressive or otherwise, that poses a potential hazard to the safety of any person, or that poses a potential threat to the physical, historical, architectural, artistic, or esthetic condition of the capitol buildings or grounds.

(C) Permit holders conforming to capitol square rules and the conditions of their permit are deemed to have reasonable expressive and physical control of the area of and for the duration of the permitted

event. Any group or individual not holding a permit for the area may be required, at the request of the permit holder, to move to the adjoining sidewalk, or to another location as appropriate. Violations of this rule will be prosecuted to the extent allowed by law.

(D) The capitol buildings or grounds shall not be used for any activity conducted purely for profit or any activity inconsistent with or in violation of local, state or federal laws, rules or regulations.

(E) There shall be equal access for all groups in the use of capitol buildings or grounds regardless of race, religion, color, national origin, ancestry, sex, disability, age, military status, or the content or viewpoint of any speech or expressive activity.

(F) Capitol buildings or grounds shall be available for use on any day of the week between the hours of seven a.m. to twelve midnight with the exception of state holidays.

(G) Any individual or group present in or on the capitol buildings or grounds, whether or not a permit holder, must abide by the following regulations for use. In addition to the following regulations for use, the board reserves the right to regulate any conduct or activity not appropriate or consistent with the use of the capitol buildings or grounds as described in this rule, or that may cause damage to state property or pose a hazard to any member of the public or state employee.

(1) Structures and vehicles--no equipment, apparatus, machine, or vehicle is permitted on capitol buildings or grounds without the express permission of the capitol square review and advisory board.

(2) Signs, banners, flags--the use of stickers or labels, cellophane pressure sensitive tape, screws, nails or any other mounting technique for displaying signs, banners, or flags that might affect the structural or decorative condition of the capitol buildings or any permanent structure on the premises is prohibited. All signs or banners on sticks, poles or stakes are prohibited, except that poles with bases from which signs or banners can be hung may be rented from the board.

(3) Animals--no animals or pets of any kind are permitted on capitol buildings or grounds except assistance dogs used by individuals with disabilities, unless express permission is granted by the capitol square review and advisory board. Any animals or pets that are permitted or for which permission has been granted shall be contained in an enclosed environment or securely leashed and any droppings must be disposed of properly.

(4) Commercial solicitation--no person shall solicit contributions or solicit to sell any merchandise or service on state property without the express permission of the board.

(5) Concessions--no concession stands or vending machines shall be operated in or on capitol buildings or grounds without the express permission of the board.

(6) Alcoholic beverages--possession or consumption of an alcoholic beverage on state property is prohibited, except when authorized by the department of liquor control in accordance with local and state liquor permit laws.

(7) Amplification devices -- sound amplification devices shall not be permitted in or on capitol buildings or grounds if the noise level interferes with the normal use of capitol buildings or grounds or is inappropriate to the surrounding area. No sound equipment may be used in or on capitol buildings or grounds unless rented from the board or given express written permission by the board.

(8) Camping on the capitol grounds is prohibited.

(9) Smoking or vaping tobacco or electronic nicotine delivery systems, including but not limited to e-cigarettes, within the capitol buildings is prohibited.

(10) Weapons - with the exception of those carried by peace officers in the course of their duties and as expressly authorized under division (N) of section 105.41 of the Revised Code, firearms or other weapons, concealed or otherwise, are prohibited within the capitol buildings and grounds without the express written permission of the board.

(11) Attire - full attire, including shirts and shoes or comparable footwear, are required within the capitol buildings.

(H) The board reserves the right to limit the use of capitol buildings or grounds, at any time, due to unforeseen operational circumstances, including but not limited to emergency repairs or urgent security concerns. Every reasonable effort will be made to alleviate the effects of any such limitation.

(I) These rules may be waived by the executive director, chairman, or their designees for good cause shown. Any person wishing to obtain a waiver of board rules must contact the board, in writing, within a reasonable time in advance of the event.

Effective: 10/5/2015

Five Year Review (FYR) Dates: 03/12/2017

Promulgated Under: 111.15

Statutory Authority: 105.41

Rule Amplifies: 105.41

Prior Effective Dates: 10/29/93, 3/15/97, 1/18/04, 10/24/05, 12/22/08, 3/22/12, 5/9/13, 7/18/14

Five Year Review (FYR) Dates: 2/26/2018

WITHDRAWN ELECTRONICALLY

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Certification

02/26/2018

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Date

Promulgated Under: 111.15  
Statutory Authority: 105.41  
Rule Amplifies: 105.41  
Prior Effective Dates: 10/29/1993, 03/15/1997, 01/18/2004, 10/24/2005,  
12/22/2008, 03/22/2012, 05/09/2013, 07/18/2014,  
10/05/2015