

## DEPARTMENT OF PERSONNEL AND ADMINISTRATION

### Division of Central Services

#### STATE CAPITOL BUILDINGS GROUP GROUNDS PERMIT REGULATIONS

##### 1 CCR 103-3

*[Editor's Notes follow the text of the rules at the end of this CCR Document]*

#### Preamble

Unless otherwise noted in a specific provision, the Division of Central Services Capitol Complex Grounds Permit Rules were adopted by the Executive Director and made effective on May 2, 2004.

This version reflects rulemaking by the Executive Director of the Department of Administration as follows: to repeal Rule 1.11; modify Rule 1.12 for grammar, numbering; modify Rule 1.13 for numbering; modify Rule 2.3 to clarify time; add Rule 2.8 regarding cleaning of site; modify numbering of Rule 2.9 and add Rule 2.9.1 regarding public safety and other restrictions; modify Rule 4.7 regarding donations; add Rule 4.7.1 regarding donation schedule; modify Rule 6.2 and 6.3 to clarify applications; add Rule 8.4 regarding denials.

#### Statement of Basis, Purpose, and Authority

The purpose of these rules is to establish standards for the acceptance, processing, review and disposition of permit applications for demonstrations and special events at the State Capitol Complex Buildings and Grounds. Statutory authority exists in § 24-30-102(2)(a), 24-82-101, and § 24-82-105, C.R.S.

#### 1.0 Definitions

- 1.1 "Commercial enterprise" means any activity that may be considered or reasonably interpreted as being for the advertisement, promotion, sale, or transfer of products or services, or the participation in a commercial venture of any kind.
- 1.2 "Event" includes picketing, speechmaking, marching, holding vigils or religious services, press conferences, historical reenactments, celebrations, entertainments, exhibitions, parades, fairs, pageants, sporting events, and all other similar activities which involve the communication or expression of views or ideas, engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers, but does not include casual use by visitors or tourists.
- 1.3 "Event Marshal" refers to those persons within the group or organization planning an event who are responsible for maintaining order within their group, including making sure that traffic is still able to flow through the State Capitol parking circle during the event.
- 1.4 "Executive Director" means the Executive Director of the Department of Personnel & Administration, or the Executive Director's designee.
- 1.5 "Limitation" includes, but is not limited to, the size of a group.
- 1.6 "Lincoln Park" refers to the area bounded by Lincoln Avenue, Broadway, Colfax Avenue, and 14th Avenue in the City and County of Denver.

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- 1.7 "Solicitation" means any in-person, face-to-face request or demand for monetary contributions or offers to sell expressive materials, such as bumper stickers or buttons, made to passers-by or members of the public in a continuous or repetitive manner.
- 1.8 "State Capitol Complex Buildings and Grounds" means the area encompassing State-owned buildings and grounds within the area bounded by 16th Avenue, Broadway, 11th Avenue, and Grant Street in the City and County of Denver.
- 1.9 "State Capitol Grounds" refers to the area bounded by Grant Street, 13th Avenue, Lincoln Avenue, and Colfax Avenue in the City and County of Denver that may be permitted for an event.
- 1.10 "Festival" means an event that is open to the general public, featuring commercial vendors, booths and stages.
- ~~1.11 "Assembly" means an event that is open to general public whereby the primary purpose is free speech that involves the communication or expression of ideas, views or grievances. Assemblies may include picketing, speechmaking, marching, holding vigils, religious services or press conferences.~~
- 1.12-11 "Event Coordinator" means the person who submitted the application, was granted the permit, and is responsible for returning the site to the way it was presented to them; this includes including clean up and liability for any damage.
- ~~1.13-12~~ "Extraordinary Event" means a time period during which a large-scale special event of national or international significance is occurring within the City and County of Denver and for which a large number of permit applications are anticipated.

## 2.0 General Requirements

- 2.1 All Event activities shall be conducted at the permitted location on the State Capitol Grounds or in Lincoln Park. Permits do not extend into the buildings unless otherwise authorized to do so.
- 2.2 Event activities shall not result in damage to or destruction of state property, including, but not limited to buildings, statues, fixtures, and lawns.
- 2.3 All Event activities must align with the City and County of Denver's curfew rules which prohibit Events occurring during the hours of 11:00 pm through 5:00 a.m.
- 2.4 Event activities shall provide ten (10) feet of undisturbed space at all entrances to State buildings to allow for ingress and egress, and shall not otherwise impede or block entrances or vehicle or pedestrian traffic into or around buildings, unless prior authorization to do so has been granted by the Executive Director or the ranking police supervisory official present at an event.
- 2.5 Sound systems are allowed unless the Executive Director finds that a system would unreasonably interfere with other lawful activities occurring in the area.
- 2.6 It is the responsibility of any permitted group or organization to identify an Event Coordinator. The Event Coordinator must be present during the entire Event. If there are multiple Event Coordinators, a roster of all Event Coordinators must be provided prior to the Event. The roster must include the name of each Event Coordinator, their scheduled shift(s) and emergency contact telephone numbers, where they may be reached during their shift(s).
- 2.7 It is the responsibility of any permitted group or organization to select one or more Event Marshal and inform them of the content of these regulations, law enforcement contacts, and any other conditions or limitations affecting the Event. Each Event Marshal must have identification provided

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by the Event Coordinator identifying them as an Event Marshal. Although it is not the Event Marshals' responsibility to conduct law enforcement duties, it is their responsibility to know who to contact regarding law enforcement needs.

2.8 It is the responsibility of any permitted group or organization to return the event site to the condition in which it was presented to them at the onset of the Event. Permitted groups or organizations are required to conduct adequate clean-up of the Event site on the same day as the permitted event, and remove any and all equipment, signage, garbage or other materials related to the Event. Failure to perform adequate clean-up may result in liability for damage, and/or denial of additional permits.

2.8-9 The Executive Director may impose any other reasonable time, place, and manner restrictions deemed necessary for the protection and the safety of the participants, the public and the State.

2.9.1 Additional required provisions may include but are not limited to fencing, portable toilets, garbage receptacles and/or service, and security services.

### 3.0 State Capitol Grounds

3.1 Permits will only be approved and issued for one Event at a time in one of the following locations: West Capitol Steps, Pearl Harbor Memorial, Closing Era Monument, Armenian Garden, U.S.S. Colorado Memorial, Civil War Monument, and Sand Creek Plaque.

3.2 Events and Solicitation may be conducted on the State Capitol Grounds only within a 100-foot external radius of the site defined by a permit. Solicitation is not allowed on State Capitol Grounds except during a permitted Event. No other Solicitation is allowed on the State Capitol Grounds, except on the perimeter sidewalks.

3.3 Commercial Enterprise authorized by a permit holder may be conducted on the State Capitol Grounds only on grassy areas within a 100-foot radius of the site defined by a permit. No other Commercial Enterprise is allowed on the State Capitol Grounds, except on the perimeter sidewalks.

3.4 Camping is not allowed on the State Capitol Grounds.

3.5 Nothing shall be attached to State property including, but not limited to rope, tape, stakes, and people.

3.6 No vehicles shall be parked on the hardscape pavers located at the west entrance of the Capitol.

3.7 All incendiary devices are prohibited on the State Capitol Grounds, excluding cigarette lighters.

3.8 In accordance with State Risk Management standards, Festivals must provide proof of liability insurance including general, personal injury and automobile liability (including bodily injury, personal injury and property damage) must be provided to the program prior to receiving the approved permit.

### 4.0 Lincoln Park

4.1 Permits will only be approved and issued for one Event at a time in Lincoln Park.

4.2 Solicitation is allowed in Lincoln Park during a permitted event.

4.3 Commercial Enterprise authorized by a permit holder may be conducted only on grassy areas in Lincoln Park pursuant to a permit. No other Commercial Enterprise is allowed in Lincoln Park, except on the perimeter sidewalks.

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4.4 Camping is not allowed in Lincoln Park.

4.5 Nothing shall be attached to State property including, but not limited to rope, tape, stakes, and people.

4.6 Candles may be used only in grassy areas and used only with cups or other containers that prevent wax from dripping onto State buildings or grounds. Cigarette lighters are permissible. All other incendiary devices are prohibited.

4.7 For Events other than Assemblies in Lincoln Park, permit holders must make a \$150.00 donation, which is used for the maintenance and preservation of the monuments in Lincoln Park.

4.7.1 The donation schedule for Events in Lincoln Park shall be published on the Capitol Complex Web site.

4.8 In accordance with State Risk Management standards Festivals must provide proof of liability insurance including general, personal injury and automobile liability (including bodily injury, personal injury and property damage) must be provided to the program prior to receiving the approved permit.

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## 5.0 Other State Buildings and Grounds

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5.1 Solicitation and Commercial Enterprise within State buildings and on grounds other than the State Capitol Grounds and Lincoln Park are not allowed except on the perimeter sidewalks, when in conjunction with Department of Human Services business enterprise activities pursuant to § 26-8.5-101, et seq., C.R.S., or in the useable space of an agency occupying a building as an approved tenant when the head of the agency approves the Event in writing and takes full responsibility for the Event.

## 6.0 Permit Applications

6.1 Events may be conducted on the State Capitol Grounds and in Lincoln Park only with a permit issued by the Executive Director.

6.2 Applications to conduct an Event at the State Capitol Complex Grounds may be obtained from the Department of Personnel & Administration, Division of Central Services, located at 1525 Sherman Street, B-15, Denver, Colorado 80203 submitted on the approved form. Applications will not be accepted more than 180 days nor less than 30 days before a proposed Event is scheduled to occur. Applications must be legible and complete, and on the approved form.

6.3 Applicants may apply for a waiver from the requirement of a minimum of 30-day notice prior to an event. The Executive Director may grant a waiver if it appears that, under the circumstances, it will be possible to adequately protect the public safety, health, and welfare. To request a waiver, applicants complete the "Request for Waiver of 30-Day Notification" section of the application.

6.4 The Executive Director will approve or deny an application for an Event within 20 days of receipt of a legible and complete application.

## 7.0 Conflicting Applications

7.1 When more than one application for a permit is received on the same business day for the same date and location, the following criteria will be used in the order listed to determine which request is granted:

7.1.1 Events classified as "Historic Usage," meaning the same applicant has been granted a permit at a particular date, time and location for more than five (5) consecutive years unless the date, time or location was changed by the Executive Director due to a conflict.

7.1.2 If the Historic Usage rule does not apply, conflicting applications submitted on the same business day requesting the same date for a permit shall be part of a lottery process.

7.1.3 A lottery shall be conducted as follows: no later than ten (10) days after the conflicting applications are received, the Executive Director, in a public meeting, shall draw at random from the applications received for permits for the date at issue. Only one application per organization will be submitted for the drawing. The first application drawn at random shall be issued a permit and have first choice of the time slot, as specified in the application. The second application drawn at random shall be granted the permit for the second choice time slot available for the same day. This process shall continue until all applications are granted a time slot. If any of the applications for a permit on a given day indicate an unwillingness to conduct an Event in the remaining time slots available, the Executive Director shall select another application for the remaining time slots at random, and continue in this fashion until the remaining available time slots are filled.

7.2 If the Event qualifies as an Extraordinary Event, the process described in 7.1 will be applicable. If designated as an Extraordinary Event, the application receipt period will be extended ten (10) days past the 180 day deadline established in regulation 6.2. The lottery will then take place within ten (10) days of the deadline and will include all applications received within the application receipt period.

## 8.0 Permit Denials

A permit may be denied in writing by the Executive Director on the following grounds:

8.1 The Executive Director determines that the permit application is incomplete, or that the information submitted in the application is false or misleading.

8.2 A completed application for an Event for the same time and place has already been received from another applicant, and a permit has been or will be granted for the event. In such a case, an alternative date, if available, will be proposed by the Executive Director.

8.3 The proposed Event is of such a nature that it cannot reasonably be accommodated in the particular area applied for or during the particular time applied for. In that case, the Executive Director shall propose an alternate time or place to the applicant, if available for the activity, taking into account possible damage to the area, including trees, shrubbery, other plantings, installations and statues.

8.4 The individual, group or organization applying for an Event permit has previously held an Event which was not in compliance with any of the rules contained herein.

## 9.0 Permit Revocation

9.1 A permit issued for an Event at the State Capitol Complex Buildings and Grounds is revocable if the permit holder or participants violate these regulations or the laws of the United States or State of Colorado in the course of the Event and the violation(s) pose a direct, immediate, and significant threat to public safety or public property.

9.2 During the conduct of an Event, the ranking law enforcement official in charge may revoke a permit if it reasonably appears that continuation of the Event is likely to incite or produce imminent lawless action. Law enforcement officials may direct counter-demonstrators to alternative locations in order to preserve the permit holder's privileges and to protect public health, safety, and welfare.

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## 10.0 Cancellations

The permit holder must notify the Executive Director 24 hours in advance of any cancellation of an Event. The Executive Director may cancel a scheduled Event when necessary to protect public safety in the case of a threat to the State Capitol Grounds, as determined by the President, the Governor, the U.S. Department of Homeland Security, or the Colorado Office of Preparedness, Security, and Fire Safety.

## 11.0 Appeals

All appeals and hearings which are required by law regarding denial, suspension, revocation, limitation, or modification of a permit shall be requested, provided, and conducted in accordance with the requirements of Article 4 of Title 24, C.R.S.

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## Editor's Notes

### History

Entire rule eff. 05/02/2004.

Rule 1-11 emer. rule eff. 02/25/2008; expired 05/25/2008.

Entire rule eff. 07/01/2010.

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