

## **BUILDING USE ORDINANCE**

**WHEREAS**, it is felt that the use of the buildings and grounds under the charge and control of the County of McHenry is most appropriately governed by unified rules and regulations; and

**WHEREAS**, it is the recommendation of your Management Services and Finance Committees that such rules and regulations should be embodied in an Ordinance.

**NOW, THEREFORE BE IT ORDAINED**, that the following rules and regulations shall apply to all buildings and grounds under the charge and control of the County of McHenry. To wit:

**SECTION I. Title:** This Ordinance shall be known as the McHenry County Building Use Ordinance.

**SECTION II. Authority:** This Ordinance is adopted pursuant to 55 ILCS 5/5-1005 and 55 ILCS 5/5-1015.

**SECTION III. Accessibility:** All County controlled property shall be open to the public for the transaction of business during normal business hours (8:00 a.m. until 4:30 p.m.). Access within departments shall be at the discretion of the relevant department head/elected official. Use of County controlled property after hours shall be governed by Section XI below.

**SECTION IV. Prohibitions:** It shall be unlawful to:

- A. Dispose of rubbish on County controlled property in unauthorized containers.
- B. Willfully destroy or damage County controlled property.
- C. Remove County property from the premises.

D. Create a hazard of any kind on County controlled property.

E. Throw articles of any kind from or at a County controlled building.

F. Climb on any part of a County controlled building.

G. Loiter, initiate disorderly conduct, or initiate any conduct which creates a nuisance; reasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; impedes or disrupts the performance of the official duties of County employees; or which prevents the general public from conducting business in a timely manner.

H. Enter upon County-controlled property, or while on the property, be under the influence of, use or be in possession of any narcotic drug, hallucinogen, marijuana, barbiturate or amphetamine. This prohibition shall not apply in cases where the drug or substance is prescribed for a patient by a licensed physician.

I. Enter upon County controlled property, or while on the property be under the influence of alcoholic beverages. The use of alcoholic beverages on County controlled property is strictly prohibited. This prohibition shall not apply in instances where alcohol is allowed to be used by patients under the care of the County.

J. Erect a tent, monument, structure, portable toilet, platform, or sign on the grounds of County controlled property.

K. Camp on the grounds of County controlled property.

L. Carry into a County controlled building sticks, poles, or any device used for hoisting signs or placards overhead or for any other purpose.

**SECTION V. Solicitation, Vending, and Debt Collection:** The solicitation of alms, commercial solicitation, and unauthorized commercial vending, the unauthorized

distribution or display of commercial advertising, and the collection of private debts on County controlled property is prohibited. This prohibition shall not apply to:

A. Local drives for funds for welfare, health or other purposes as authorized by the County in accordance with Section XI of this Ordinance;

B. Advertisements and concessions authorized by the County, and concessions or personal notices posted by employees on authorized bulletin boards;

C. Solicitation of labor organizations membership or dues as authorized by the County under the Illinois Public Labor Relations Act (5 ILCS 315/1 et.seq.);

D. Solicitation of funds by non-profit charitable, fraternal, religious, veterans and political groups in accordance with Section XI of this Ordinance. Public areas of County controlled property may be used for activities permitted in accordance with Section XI.

The posting or affixing of materials, such as posters, pamphlets, handbills or flyers, on bulletin boards or elsewhere in County controlled property is prohibited, except as authorized in this Section or when such displays are constructed as part of authorized County activities. Distribution of materials, such as pamphlets, handbills or flyers is prohibited, except in the public areas of the property as defined in Appendix 1 (attached hereto and made part of this Ordinance), and unless conducted as part of authorized County activities. Any person or organization proposing to distribute materials in a public area under this Section shall first obtain a permit from the County Administrator's Office pursuant to Section XI and shall conduct distribution in accordance with the provisions set forth therein. Failure to comply with those provisions is a violation of this Ordinance.

Photographs may be taken in space occupied by a County agency only with the consent of the relevant department head/elected official. Except where a court order or local 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 relevant department head/elected official.

**SECTION VI. Animals:** All animals, except for support dogs for the physically impaired and animals that are part of official County business (including animals participating in Court appearances), shall not be allowed in or on County controlled property.

**SECTION VII. Vehicular and Pedestrian Traffic:** Drivers of all vehicles entering upon County controlled property shall drive in a careful and safe manner at all times and shall comply with all signals and directions of authorized individuals and all posted traffic signs. The blocking of entrances, driveways, walks, loading platforms or fire hydrants on County controlled property is prohibited.

**SECTION VIII. Parking:** Parking is provided for the convenience of the public and for County employees to attend their work. 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. This paragraph may be supplemented from time-to-time by the issuance and posting of specific traffic directives and when so issued and posted, such directives shall have the same force and effect as if made a part hereof. 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.

**SECTION IX. Weapons and Explosives:** No person shall carry or possess firearms, other dangerous/deadly weapons, explosives, or materials intended to be used to fabricate an explosive or incendiary device while in or on County controlled property (whether carried openly or concealed) except for official purposes.

**SECTION X. Demonstrations:** The holding or conducting of any demonstration, public meeting, gathering, or parade on or in a County controlled building or their grounds is prohibited, unless a permit for such activity has been issued by the County. No such request shall take precedence over a County government activity which has been previously scheduled and approved by the County Administrator's Office. Any group seeking a permit hereunder, that will have 25 or more participants, shall have one marshal per every 25 participants. In such instances, the County Administrator's Office shall consult and coordinate with the Sheriff and shall issue a permit to an applicant unless that intended activity will:

- A. Unreasonably interfere with the movement of vehicular traffic in the parking lots of the County controlled facility, or persons within the buildings or on the grounds;
- B. Occur in any area that will create or cause a health and/or safety hazard and that will impede the conduct of public business;
- C. Endanger the health and safety of the permit applicants; or the public; or
- D. Conflict in date, time, and place with a previously scheduled activity of another applicant or a County government agency.

No person or group of persons shall use any electronic loudspeaker, bullhorn, or any other sound amplifying device during a demonstration, public gathering, or parade, unless prior authorization by the County Administrator's Office is obtained pursuant to Section XI of this Ordinance.

**SECTION XI. Public Use:** Certain areas of County controlled buildings and grounds may be occasionally made available for cultural, educational, civic, and other public activities, including solicitation of funds as outlined in Section V of this Ordinance. The purpose of this Section is to outline procedures to be followed in permitting such occasional use.

A. Terms used in this Section shall have those definitions cited in Appendix 1.

B. Permits. Any person or organization desiring to use a public area of a County controlled building or its grounds shall first obtain a permit from the County Administrator's Office. To obtain this permit, a copy, sample, or description of any material or item proposed for distribution, sale or display shall be submitted along with an application 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 conducted;
6. The approximate number of persons to be engaged in this activity; and
7. The indemnification of the County relative to the applicant's activities under the permit. When appropriate, the application shall be accompanied by a certificate of insurance evidencing the following minimum insurance coverage: (i) \$100,000 damage and property; and (ii) \$500,000 general public liability. In addition, McHenry County shall be named as an additional insured on the policy as their interest may appear.

See Appendix 2 for a sample application and permit forms. Appendix 2 is attached hereto and made part of this Ordinance.

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.

Any person or organization desiring to use a public area of a County controlled building or grounds for the soliciting of funds not prohibited by Section V. of this Ordinance shall, in addition to the requirements cited above, submit a statement signed by the applicant that:

1. The applicant represents, and will be soliciting funds, for a non-profit charitable, fraternal, religious, veterans, or political group.

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

Failure to submit the information required by this Section, including proof of tax exempt status, shall result in denial of a permit. However, the applicant will have the opportunity to appeal the denial of a permit application in accordance with Section XI D of this Ordinance.

Applications shall be filed during regular working hours in the County Administrator's Office or such other place as he or she may designate. Applications may be submitted by mail or in person.

A single permit shall be issued within 10 (ten) working days following receipt of the completed application by the County Administrator's Office. Such a permit is deemed a privilege, and not a property right of the applicant.

C. 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 30 calendar days, unless specifically approved by the Management Services 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.

If permits are requested for the same public area for the same time period, the County Administrator's Office will issue permits on a first-come-first-serve basis.

It is the sole prerogative of the County to assign rooms based on anticipated group size, the nature of the event, and anticipated space needs for official purposes.

If possible, notification of cancellation should be made to the County at least 24 hours in advance of the proposed activities.

Due to the limitations on facilities and staff, the room configurations shall be approved by the County Administrator's Office, in consultation with the applicant. No alterations in room configurations can be made without 24 hours advance notice and then only when the change requested is capable of being accomplished by the Building Operations Department.

Permits will be granted only if the date is available. All premises shall be returned to the condition in which they were found.

The County Administrator's Office 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 Appendix 1 of this Ordinance;
2. Obstructs the free ingress and egress of the users of a 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 members of the public;
7. Is obscene within the meaning of obscenity 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;  
or
9. Is being conducted with a permit issued in response to an intentionally false or incomplete application.

Upon initiating action to disapprove an application or to cancel an issued permit for any of the above reasons, the County Administrator's Office shall:

1. Promptly notify 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 Management Services Committee under Sub-Section D of Section XI of this Ordinance.

D. Within seven (7) working days of notification of the initial decision to disapprove any application, or deny a fee request waiver, or cancel an issued permit under this Section, the applicant or permittee may appeal to the Management Services Committee by notifying the Committee, in writing, that he or she desires to appeal.

Although a formal hearing or presentation is not required, the applicant or permittee and the County Administrator shall have the opportunity to orally state the reasons that the application or cancellation should or should not be approved. Written materials and documents may also be submitted. The Management Services

Committee shall affirm or reverse the County Administrator's determination based on this information. The Management Services Committee shall affirm or reverse the Administrator's determination within ten (10) working days of the date on which the Management Services Committee received the applicant or permittee's notification of his or her desire to appeal. If the Management Services Committee does not rule within this period, the application will be considered to be approved or the permit validly issued. Upon reaching a decision on an appeal taken under this Section, the Management Services Committee shall promptly notify the applicant or permittee and the County Administrator of the decision and the reasons therefore. The decision of the Management Services Committee shall be final and shall represent the last step of administrative remedy available pursuant to this Ordinance.

E. Nothing in this Section shall prevent the County Administrator's Office from:

1. Reserving the use of 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.

F. Public areas made available may be used during or after the regular working hours of County agencies, provided this after hour use will not interfere with the conduct of County business. When public areas are used by permittees 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. Appropriate notification of arrangements shall be made with building security in this regard. **Under no circumstance will an after hours meeting or event extend past 10:00 p.m.**

G. The space to be provided under this Section is subject to a fee of \$50.00 for a period of four hours or less. A fee of \$100 will be charged for facility use greater than four hours but less than eight hours. The County Administrator may waive the fee if circumstances indicate doing so. If a request for a waiver of the fee is denied, the applicant has the opportunity to appeal said denial in accordance with Section XI D of this Ordinance.

H. There shall be no alteration to public areas used under this Ordinance. The permittee must make adequate provisions for the:

1. Protection of the safety to users of the public area; and
2. Prevention of damage to the public building and County-owned equipment.

I. County-owned equipment, including overhead projectors, VCR's, televisions, film projectors, and screens are not available for use.

J. The permittee shall not:

1. Misrepresent his or her identity;
2. Distribute any item for which the prior approval from the County Administrator's Office has not been obtained;
3. Leave leaflets or other material unattended at any place on County-controlled property;
4. Conduct any activities in a misleading or fraudulent manner;

5. Discriminate on the basis of race, creed, color, sex, handicap, age, or national origin, in conducting the permitted activities.

K. Initial clean-up from the permitted activity shall be the responsibility of the applicant. The Building Operations Manager shall report related damage to the County Administrator immediately. The permittee shall be liable for all costs to repair damage caused by the permitted activity, including loss of County equipment.

**SECTION XII. Posting of Notices and Information:** Only the following types of notices or information items may be posted on bulletin boards in non-public areas of a County-controlled building:

- A. Official business notices of the County;
- B. Request for funds for welfare, health, and other purposes, approved by the County of McHenry or by the head of the occupant agency;
- C. Personal notices of agency employees, such as the sale of an employee's property or requests for carpool participation; and
- D. Labor organization notices.

**SECTION XIII. County Non-affiliation:** The County reserves the right to advise the public through signs or announcements of the presence of any permittees in a building or on the grounds of County-controlled buildings and of their non-affiliation with the County of McHenry.

**SECTION XIV. Emergencies:** In case of any emergency, all persons within or upon a County-controlled building or its grounds shall comply with an evacuation procedures or oral instructions from security personnel. To report an emergency, contact the Security Office at extension 5061.

**SECTION XV. Enforcement:** This Ordinance shall be enforced within all County-controlled facilities by the McHenry County Sheriff.

**SECTION XVI. Penalties:** Whoever shall be found guilty of violating any provision of this Ordinance while on any property under the control of the County of McHenry is subject to a fine of not less than \$50.00, nor more than \$500.00. Nothing in this Ordinance shall be construed to abrogate any other County laws or regulations or any State and local laws or regulations applicable to any area in which the relevant property is situated.

**SECTION XVII. Building Commission:** When necessary or appropriate, the County Administrator shall seek the advice and consent of the McHenry County Public Building Commission with respect to this Ordinance.

**SECTION XVIII. Non-discrimination:** There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, sex, color, handicap, age, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations and activities provided thereby on property controlled by the County.

**SECTION XIX. Interpretations:** The County Administrator, in consultation and collaboration with the Management Services Committee, shall be responsible for interpretation of this Ordinance.

**SECTION XX. Supersede:** This Ordinance shall supersede all Resolutions and Ordinances dealing with the use of County facilities previously approved by this County Board.

**DATED** at Woodstock, Illinois on this fifteenth day of August, A.D. 2000.

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MICHAEL W. TYON, Chairman  
McHenry County Board

ATTEST:

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KATHERINE SCHULTZ  
County Clerk

## APPENDIX 1

### Definitions

A. "Public building" shall mean any building and its grounds, or part thereof, under the charge and control of the McHenry County Board.

B. "Public area" shall mean any area of a public building or its grounds ordinarily open to members of the public, such as lobbies, courtyards, auditoriums, meetings rooms, and any other area not specifically leased by any lessee of the public building, and excluding office corridors, restroom facilities, elevators, stairways and parking areas for purposes of authorized distribution of literature or solicitation of funds since such activity in those places would substantially interfere with prompt and efficient County operations and pedestrian traffic, and would pose dangers to public safety.

C. "Applicant" shall mean any person or organization who applies for a permit to use a public area within a public building or on its grounds.

D. "Permittee" shall mean any person or organization who has been granted a permit to use a public area within a public building or on its grounds.

E. "Cultural activities" shall mean those activities pertaining to acquaintance with and taste in fine arts, humanities, and broad aspects of science as distinguished from vocational and technical skills.

F. "Educational activities" shall mean those activities pertaining to the action or process of providing or receiving academic, vocational or other instruction related to the improvement of human skills and knowledge.

G. "Civic activities" shall mean those activities pertaining to rights and duties of citizens and involving the general public, their activities, needs and understanding in relation to the local government and its citizenry.

H. "Commercial activities" shall mean 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.

APPENDIX 2



Permit Application  
Public Building Use

INSTRUCTIONS

1. Complete application in its entirety. Please include all applicable attachments. Please type or print.
2. Submit to the County Administrator, 2200 N. Seminary Ave., Room B120, Woodstock, IL 60098.
3. Permit will be issued to the applicant within ten (10) business days of receipt of this application.
4. In submitting a permit application, the applicant acknowledges that he/she understands, and is subject to, the McHenry County Building Use Ordinance.

I. APPLICANT INFORMATION

ORGANIZATION REPRESENTED

(If Applicable)

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

Street Address: \_\_\_\_\_

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

Telephone Number: \_\_\_\_\_

II. DESCRIPTION OF PROPOSED USE

Proposed Use: \_\_\_\_\_

Proposed Date (s): \_\_\_\_\_

Proposed Hours: \_\_\_\_\_

**(NO MEETING BEYOND 10:00 P.M.)**

Proposed Location (s): \_\_\_\_\_

Estimated Number of Persons Attending: \_\_\_\_\_

Name and Address of Responsible On-Site Attendant (s): \_\_\_\_\_

- III. Applicant assures that applicant organization is tax exempt or 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 the IRS has not yet issued a final administrative ruling or determination of this status.
- IV. Applicant assures that individuals engaged in the authorized solicitation of funds shall visibly wear identification at all times while on County controlled property containing the individuals name, address, telephone number, and name of applicant organization.
- V. The applicant shall indemnify, hold harmless and defend the County of McHenry, its officers and employees against any and all liability, loss, costs, damages, expenses, claim or actions, including attorney's fees which the County of McHenry, its officers or employees may hereafter sustain, incur or be required to pay, resulting from the negligent, willful or wanton acts or omissions of the organization, its employees and agents, without limitation, arising out of or resulting from the use of the County of McHenry's facilities.
- VI. If the applicant (or the applicant organization) is insured, a certificate of insurance detailing the type and amount of coverage (per occurrence and in aggregate) shall be submitted to the County Administrator's Office at least ten (10) business days prior to the intended use date. Insurance will not be considered grounds for denial of a permit

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

**PERMIT NO:**

**PERMIT FOR PUBLIC BUILDING USE**

**This permit, as evidenced below by the signature of the County Administrator or designee, is issued in accordance with the McHenry County Building Use Ordinance and is based upon the proper application and assurances of the person named above.**

**Approved by:** \_\_\_\_\_

**Title:** \_\_\_\_\_

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

cc: Permit File  
 Court Security  
 Building Operations Manager