

DGS-Controlled Property Event Permitting

Purpose:

Pursuant to §4-5.11b of the 2021 Appropriation Act, “All property controlled by the Department of General Services shall require a permit for use by persons, organizations, or groups for events. Such events are eligible for a permit when the use will not interfere with or disrupt a function sponsored by the Commonwealth of Virginia government entity in support of an agency's mission. The Department shall prepare and publish on its website the requirements for the submission, processing, review, and disposition of permit applications for events on property controlled by the Department to ensure the health, safety, and welfare of the public; coordinate multiple uses of the property; preserve the rights of individuals to free expression; and to protect the Commonwealth from financial and property losses.

For the purposes of this subsection, an ‘event’ means the assemblage on property controlled by the Department of ten (10) or more persons for any demonstration, rally, march, performance, picketing, speechmaking, holding of vigils, sit-ins, or other activities that involve the communication or expression of views or ideas having the effect, intent, or propensity to draw a crowd or onlookers. An ‘event’ does not include casual use of the property by visitors or tourists.

All existing regulations for the use of property controlled by the Department shall remain in effect unless amended or rescinded. The Virginia Division of Capitol Police and other law enforcement entities having jurisdiction shall enforce the Department's property use requirements.”

Definitions:

- “Applicable Law” means applicable federal and state laws.
- “Application” means the “Application for Use of DGS Property,” as may be amended by the Department from time to time.
- “Commercial activity” means any activity or action, undertaken by one or more business entities and/or individuals, whose purpose, in whole or in part, directly or indirectly, is to derive or realize a present or future financial gain for the individual(s) or business entity or entities.
- “Department” means the Department of General Services.
- “Director” means the Director of the Department.
- “Event” means the assemblage on property controlled by the Department of ten (10) or more persons for any demonstration, rally, march, performance, picketing, speechmaking, holding of vigils, sit-ins, or other activities that involve the communication or expression of views or ideas having the effect, intent, or propensity to draw a crowd or onlookers.
- “Government function” means a function sponsored by a state government entity in support of the agency’s mission.
- “Permit” means a written authorization from the Department allowing use of DGS property as set forth in the permit. A permit serves as a reservation to use a portion of DGS property with the priority for use set forth in these rules.
- “Permit Area” means the area of DGS property where the event will take place. Requirements for determining this area are further set forth in these rules.
- “Permittee” means the individual or entity identified in the permit as the holder of the permit.
- “Virginia” means the Commonwealth of Virginia.

General:

- All events scheduled on DGS property must be permitted through the Department. The permittee must complete the application and sign a copy of the "Rules for Capitol Square and DGS Property," which can be found on the DGS website at dgs.virginia.gov. For government functions on DGS property, the government entity must complete and submit a "Request to Hold an Event in a Common Area" to the Department for approval. The application for each type of event can be found at dgs.virginia.gov.
- All activity must adhere to the Department's "Rules for Capitol Square and DGS Property." These rules can be found on the Department's website at dgs.virginia.gov.
- DGS property is primarily for the operation and function of government and nothing will be permitted that may interfere with those functions.
- No activities will be permitted that may harm or destroy the natural, horticultural, or architectural beauty, or that may harm the physical condition or safety of any DGS property.
- No activities will be permitted that violate applicable law, DGS' "Rules for Capitol Square and DGS Property" or threaten the health, safety, or welfare of persons on DGS property.
- Commercial activity is not permitted on DGS property.
- An event is not considered approved until the Department has issued a permit.

Permit Area:

- Permittee must define the desired permit area on the application and must remain in the approved permit area for the duration of the event.
- Events may not:
 - be in or within 25 feet of any building or within 50 feet of any construction area
 - occur on any street, parking lot, or parking structure
 - block any sidewalk
 - be within 100 feet of any residence
- Events in the Darden Garden area adjacent to the General Assembly Building in Richmond are to be managed and permitted by the Senate of Virginia and Virginia House of Delegates while the General Assembly is in regular session, as described in Article IV, Section 6 of the Constitution of Virginia.
- Events at the Virginia War Memorial will be managed and permitted by the Virginia Department of Veterans Services.
- Events within Capitol Square are managed and permitted through a separate process, which can be found on the DGS website at dgs.virginia.gov.

Rules for Permitted Events

- All activities shall be performed in compliance with DGS "Rules for Capitol Square and DGS property," as well as any applicable law. Unlawful activity is prohibited.
- At no time shall any entrance or exit of any building be blocked in such a way as to impede free access to or from the building by its occupants or the public.
- Posting, hanging, tying, fastening, suspending or affixing signs, banners, flags, announcements, documents, or decorations on any exterior surface of DGS property or any tree, pole, or other landscape or architectural feature is prohibited.
- All event items and materials are to be removed upon conclusion of the event. All areas must be returned to their pre-event condition.

- Props, equipment, and other moveable materials that do not require power to be used in connection with the event are allowed, provided that prior notice is given on the application and the size, location, and structure of the items conforms to the reasonable conditions, limitations, and restrictions provided for by the Department. The permittee shall bear all risk related to the use of any such props, equipment, and other moveable materials, including any loss or damage thereto.
- DGS reserves the right at all times to immediately remove, or cause to be removed, any and all items of display it determines would damage state property, inhibit ingress or egress, or raise safety issues with regard to state property, attendees, or the public.
- Items/props used for the event may not impede normal business operations or create safety concerns.
- Due to the presence of underground utilities, irrigation, and other lines, nothing shall be driven into the ground or placed on the grounds anywhere without the location and method of placement approved in advance and in writing by the Department.
- Temporary structures of any kind may not be erected. This includes tents, cabanas, canopies, stages and all other types of covered or enclosed structures, as well as tables, stages, projectors, screens, or other structures.
- The Director reserves the right to require special amenities, such as portable toilet facilities, be provided at the applicant's expense if the number of expected attendees would place undue burdens on existing infrastructure.
- Sound amplification is not permitted.
- Activities that create loud or unusual noise, or are disruptive to the performance of official duties or delivery of services may be denied, ceased, or interrupted by DGS or Capitol Police.
- It is unlawful for any person to carry any firearm or explosive material within the Capitol of Virginia, Capitol Square and the surrounding area, any building owned or leased by the Commonwealth or any agency thereof, or any office where employees of the Commonwealth of Virginia or any agency thereof are regularly present for the purpose of performing their official duties.

Permittee Responsibilities

- The permittee and alternate contact for the permit shall be at least 18 years of age.
- The permittee shall indemnify the Commonwealth of Virginia against any loss or damage that may occur in connection with the permittee's use of, and presence at, the property.
- A permittee shall be required to notify the Department of any changes to the information contained in the application as soon as practicable.
- A permittee should identify an alternate contact in the application, and either the permittee or alternate contact person must be present during the entire activity, including setup and cleanup. The permit and any related authorizations will be suspended if these requirements are not met.
- A permittee must work directly with the designated Department coordinator and Capitol Police regarding setup, access, security, logistics, and all other aspects of the planned event. An in-person pre-meeting may be required by the Department to discuss the details of the requested event.
- A permittee is responsible for returning the areas used in conducting its event to their original condition, including removal of any materials and debris connected to the event. Any costs incurred by the Department to restore the area to its original condition will be charged to the permittee.
- A permittee shall comply with all applicable law and the "Rules for Capitol Square and DGS Property."
- The permittee agrees to notify law enforcement if any unlawful activities occur during the permitted event. For emergencies, the permittee shall call 911 and the Capitol Police emergency number at (804) 786-4357. For non-emergencies, the permittee shall call (804) 786-2568.

Requesting a Permit:

- The Governor will have priority over use of any DGS property.
- Requests generally will be considered on a first-come, first-serve basis.
- DGS property is available for permitted events from sunrise to sunset; however, events shall not begin earlier than 6 a.m. or conclude later than 9 p.m.
- Permitted events may last a maximum of one (1) hour, with an additional 30 minutes to set up the event and 30 minutes to take down.
- No more than one event will be scheduled for the same time on the same day. This includes permitted setup and takedown time.
- An application shall be submitted to the Department at least six (6) days prior to the planned event when the expected attendance is less than 1,000 individuals. An application for an event when expected attendance is more than 1,000 individuals shall be submitted 45 days in advance, except as specified below.
- An application must contain, at a minimum, the following information:
 - Type and purpose of event, meeting, or function.
 - Name, address, telephone number, and email address of permittee.
 - Name, address, telephone number, and email address of alternate contact.
 - Name of organization, date of origin, status (corporation, unincorporated association, partnership, nonprofit corporation, etc.) and name, address, telephone number, and email address of registered agent, if the permittee is a corporation or other business entity.
 - Approximate number of people who will attend the event.
 - Requested date and time of the event.
 - Requested location of the event.
 - Whether the event is being advertised or promoted to the general public.
 - Transportation plan for attendees.
 - Waste management plan.
- An applicant may request an exception to the 6-day or 45-day requirements by providing written explanation of the reason such exception should be granted by the Department, provided, among other items:
 - The applicant submits a completed application in accordance with these rules.
 - The applicant shows, in clear and descriptive writing, why the circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit in compliance with the time requirements; and
 - The event has not been planned for more than six days in advance of the proposed date of the event for those with fewer than 1,000 attendees, or more than 45 days for events with more than 1,000 attendees.
- The speaker and programmed activities for any permitted event must be located within the permit area.
- An application may be submitted up to 180 days in advance of the date of the proposed event. The Department will deny an application submitted more than 180 days in advance of the date of the proposed event.
- Generally, the Department will endeavor to grant or deny permit requests within five (5) business days. Permit requests for events that are likely to require additional Department or law enforcement resources may take longer to review.
- The permit and the rights thereunder are non-transferable and may not be assigned to a third party.
- Events should not be announced, promoted, or advertised until the applicant receives a permit.
- Applications, issued permits, and supporting documentation are subject to release under Virginia's Freedom of Information Act, 2.2-3700, et seq. of the Code of Virginia.

- All permitted activities on DGS property must strictly adhere to the times as scheduled to ensure that the activities will not conflict with other scheduled and permitted activities.

Denials/Revocations

- The Department may deny a request for a permit or revoke a permit (before or during an event) upon determination of the Director, or his or her designees, that any of the following conditions has occurred:
 - Sufficient DGS or Capitol Police resources are not available to cover the event.
 - A completed application for an event at the same time already has been received from another applicant, and a permit has been or will be granted for the event. In such a case, an alternate date or time, if available, will be proposed.
 - Incomplete information, false statement(s), or misrepresentation(s) have been made on the application.
 - Fraud was committed or a misrepresentation was made in obtaining the permit.
 - The permittee or the alternate contact persons are not present for the duration of the event, including during setup and take down times.
 - The conduct of either the permittee or persons attending the event involves a violation of the permit, these requirements, applicable law, or the Department's "Rules for Capitol Square and DGS Property."
 - The number of persons engaged in the event exceeds the number of permitted attendees or cannot be safely accommodated.
 - The permittee twice (i) violated the terms of prior permits issued to the permittee or (ii) violated applicable law while applying for or using a prior permit. In such instances, the permittee is banned from obtaining a permit for eighteen (18) months from the date of the most recent violation.
 - The Governor's Office will be using all or part of the permit area during all or part of the requested time.
 - The Senate of Virginia or the Virginia House of Delegates will be using all or part of the permit area during all or part of the requested time for a government function.
 - The permit applicant has not certified that the applicant will comply with these requirements, applicable law or DGS' "Rules for Capitol Square and DGS Property."
 - The application is not submitted within the required timeframes of 6 days or 45 days, depending on the number of planned attendees, or the Department has not granted an exception to the time requirements.
 - The application was submitted more than 180 days in advance of the proposed event.
 - The requested use would cause a clear and present danger to the orderly processes of Commonwealth of Virginia government or to the use of DGS property due to:
 - I. Advocacy of the imminent, violent overthrow of government of the United States or the government of Virginia, or any political subdivision thereof;
 - II. The willful damage or destruction, or seizure and subversion of public property;
 - III. The forcible disruption or impairment of, or interference with, the regularly scheduled functions of the Commonwealth of Virginia;
 - IV. Causing harm to, or violating the lawful rights of, any person; or
 - V. Other disorders of a violent or unsafe nature.
 - Prior to commencement of the permitted event, the Department finds it necessary to revoke the permit due to previously unknown circumstances.

- The Department reserves the right to limit the use of DGS Property, at any time, due to unforeseen operational circumstances, including but not limited to emergency maintenance or urgent public health or security concerns. Every reasonable effort will be made to alleviate the effects of any such limitation.
- The Department may cancel a scheduled event if the location is required for a government function. In such cases, the Department will notify the contact person as soon as possible, and every reasonable effort will be made to allow for rescheduling the event.
- During an event, the Capitol Police may require discontinuation of the event if activity presents a clear and present danger to public safety, good order or health, or for any violation of applicable statutes, regulations, rules, or policies.

Appeals

This section and the appeal procedures set forth herein shall apply only in cases when a timely and complete application was filed in accordance with these rules and the permit was denied. No appeal shall be available if a timely and complete application was not filed.

- If an application is denied, the applicant will be informed in writing of the reason(s) for the denial, and will be advised that the denial may be appealed by written request to the Director submitted within five (5) business days of receipt of notice of such denial. The Director may reverse, affirm, or modify the original determination. The Director's written determination on the appeal shall be provided no later than 24 hours prior to the requested event time, provided it is received by the Department at least 48 hours prior to the requested time.
- The appeal shall include the name, address, and contact information of the applicant; a concise statement of the reason the appeal should be granted; and a description of the event for which the permit is sought.

Violations

Violations of these requirements, applicable law, or the DGS “Rules for Capitol Square and DGS Property” shall result in the immediate revocation of the permit by the Department or discontinuation of the event by the Department or Capitol Police. In the event such revocation or discontinuation occurs, all participants shall immediately leave the permit area. Remaining in the permit area after proper notice that the permit has been revoked or the event discontinued shall be considered a trespass in violation of § 18.2-119 of the Code of Virginia.