

## Rules for the Public's Use of the County Courthouse Grounds

### 1. Purpose.

These Rules are intended to ensure fair and equal access by the public to the Courthouse Grounds without interfering with or disrupting Court Business, maintaining the safety of those persons conducting Court Business, conserving County resources, and maintaining the aesthetics of the Courthouse Grounds.

### 2. Definitions.

The following terms apply to these Rules:

- A. **Courthouse Grounds or the Grounds** means the real property owned by the County on which the Albemarle County Courthouse is located, which is part of the block commonly known as “Court Square,” bounded on the west by the City of Charlottesville’s Court Square Park, on the north by East High Street, on the east by Park Street, and on the south by East Jefferson Street, as shown on the map identified as Appendix A, but does not include any buildings or their interiors.
- B. **County** means the County of Albemarle, Virginia.
- C. **County Executive** means the County Executive appointed by the Albemarle County Board of Supervisors or the County Executive’s delegee or designee.
- D. **Court Business** means the business of the Courts, the Offices of the County Clerk, the Commonwealth’s Attorney, or the Sheriff, or a combination thereof.
- E. **Invitees** means persons expressly invited by the County, Albemarle County Public Schools, the County’s Courts, or the Offices of the County Clerk, the Commonwealth’s Attorney, or the Sheriff (the “Inviters”), and include officials and agencies of the State or Federal government, representatives of public or private schools, and organizations of which one or more Inviters are members such as the Virginia Association of Counties, the Virginia School Boards Association, and the Thomas Jefferson Planning District Commission.
- F. **Nonpublic Forum** means property which is not by tradition or designation a public forum for First Amendment purposes.
- G. **Selective Access** means those areas of the Courthouse Grounds where the County reserves eligibility for access to a particular class of members of the public who must obtain permission from the County Executive to use the Grounds as provided in Section 5.

### 3. Applicability.

- A. **Property to which these Rules apply.** These Rules apply only to the Courthouse Grounds, but do not apply to any buildings on the Grounds or their interiors.
- B. **Persons to whom these Rules apply.** These Rules apply to any persons on the Courthouse Grounds who are not: (1) County or State officers or employees, (2) County or State volunteers and contractors working on the Courthouse Grounds or in its buildings; and (3) Invitees.
- C. **Map.** Appendix A is a map depicting the Courthouse Grounds.

- D. **Prior Rules, Policies, and Designated Public Forums.** These Rules supersede any previous policies, rules, or acts pertaining to the public's use of the Courthouse Grounds. Any previous policy, rule, or other act by the Board of Supervisors to designate any portion of the Grounds as a public forum for First Amendment purposes.

#### 4. **Authority of the County and the County Executive.**

The County regulates the use of Courthouse Grounds pursuant to Virginia Code § 15.2-1800(E). In relation to this authority:

- A. **County Executive is authorized to administer and enforce these Rules.** The County Executive is authorized and has the duty to administer and enforce these Rules. The County Executive may also delegate this authority and duty to a Deputy County Executive, an Assistant County Executive, or the director of the County department responsible for managing County properties. The delegation must be in writing and the writing must be kept on file in the Clerk of the Board of Supervisors' Office. The County Executive may rescind any delegation at any time for any reason.
- B. **County Executive is the "person lawfully in charge of the property" in trespass situations.** As provided in County Code § 10-120(B), the County Executive is designated as the "person lawfully in charge of the property" for the purpose of forbidding another person to go or remain on the Courthouse Grounds and for the purpose of enforcing a trespass pursuant to County Code § 10-120(B) or Virginia Code § 18.2-119. The County Executive may delegate this authority as provided in County Code § 10-120(B).
- C. **County Executive may designate the Albemarle County Police Department as the "person lawfully in charge of the property" in trespass situations.** The County Executive may designate the Albemarle County Police Department, or any officer thereof, as the "person lawfully in charge of the property" for the purpose of forbidding another person to go or remain on the Courthouse Grounds and for the purpose of enforcing a trespass pursuant to County Code § 10-120(A) or Virginia Code § 18.2-119. The County Executive may designate the Albemarle County Police Department as provided in County Code § 10-120(B).
- D. **County Executive is the "person in charge" in disorderly conduct situations.** As provided in County Code § 10-103, the County Executive is designated as the "person in charge" for the purpose of ejecting any person from the Courthouse Grounds who violates County Code § 10-103 or Virginia Code § 18.2-415. The County Executive may delegate this authority as provided in County Code § 10-103(B).
- E. **Request to leave.** The County Executive may ask any person to leave the Courthouse Grounds if the person is not on the property for a purpose authorized by these Rules. The County Executive may delegate this authority to any other person identified in Section 4(A).

Copies of County Code §§ 10-103 and 10-120 are attached as Appendix B.

#### 5. **Rules Applicable to the Courthouse Grounds.**

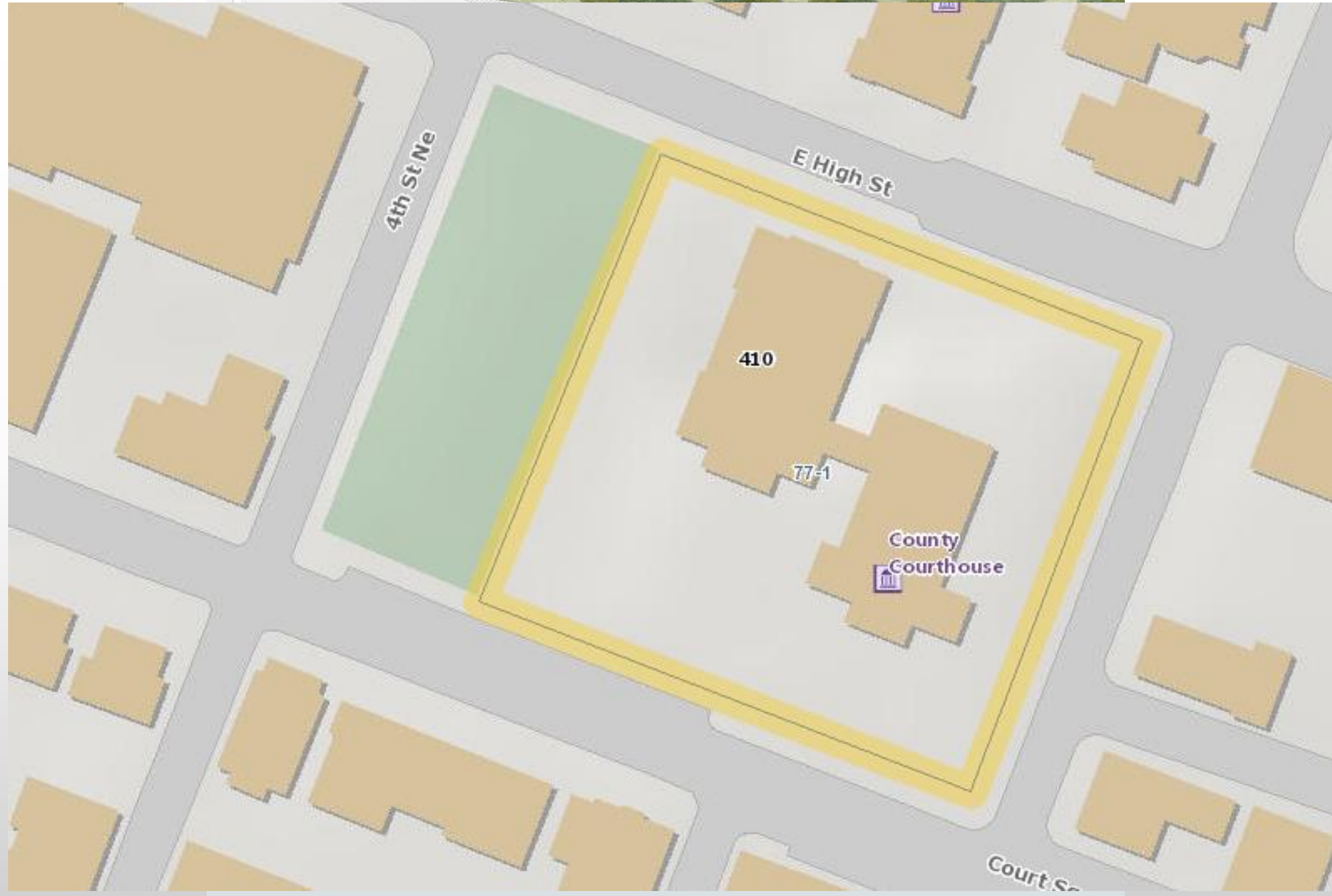
- A. **Status.** For purposes of First Amendment analysis, the Courthouse Grounds are a Nonpublic Forum.
- B. **Rules for Use.** The Courthouse Grounds may be used by:
1. **Court Business.** Persons conducting Court Business.
  2. **Traveling.** Persons actively traveling from one public sidewalk abutting the Grounds to another, provided they do not disrupt Court Business.
  3. **Selective Access.** Persons announcing their candidacy for public office; persons being administered oaths for public office; persons participating in history tours or a class operated or sponsored by the

State, County, the City of Charlottesville, the University of Virginia or any other public or private school, or any County or City historical society or organization; and, with the prior consent of the Court, the organizers, sponsors, and participants of any road race and other activities similar to those identified in this subsection; provided they do not disrupt Court Business. The County Executive, with the recommendation of the director of the County department responsible for managing County properties, may establish a reservation and application procedure consistent with Sections 7(D) and 7(E) of the Rules for the Public's Use of the County Office Buildings and Their Grounds for one or more of the persons or groups identified in this subsection.

- C. **The County Executive's authority to close the Courthouse Grounds.** The County Executive may close the Courthouse Grounds to all but those persons conducting Court Business in the following circumstances:
1. **Interfering with, or disrupting, Court Business.** When the County Executive determines that persons on the Grounds interfere with, may interfere with, or disrupt, Court Business.
  2. **When persons assembled in Court Square Park or on abutting public sidewalks.** When persons are assembled in Court Square Park or on any public sidewalk abutting the 500 block of East Jefferson Street, the 400 block of East High Street, or the 300 block of Park Street, or any combination thereof, and the County Executive determines that the assemblage poses a physical threat to persons conducting Court Business or a threat of damage to any buildings on the Courthouse Grounds.
  3. **Declared emergency.** When a local emergency is declared by the County pursuant to Virginia Code § 44-146.21 or a state of emergency is declared by the Governor.

## **Appendices**

- A. Map of the Courthouse Grounds
- B. County Code §§ 10-103 and 10-120



## Albemarle County Code

### Sec. 10-103 Disorderly conduct in public places.

- A. *Prohibited conduct.* It is unlawful for any person who, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:
1. In any street, highway, public building, or while in or on a public conveyance, or public place, engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, the conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter; or
  2. Willfully, or being intoxicated whether willfully or not, and whether the intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of the county or a division or agency thereof, or of any school, literary society or place of religious worship, if the disruption: (i) prevents or interferes with the orderly conduct of the funeral, memorial service; or meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; provided, however, the conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter; or
  3. Willfully, or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or activity conducted or sponsored by a school, if the disruption: (i) prevents or interferes with the orderly conduct of the operation or activity; or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.
- B. *Person in charge may eject persons violating this section.* The person in charge of any building, place, conveyance, meeting, operation or activity referred to in subsection (A) may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any person who may be called upon for such purpose.
- C. *Designating the county executive as the person in charge of county property.* The county executive is hereby designated as the “person in charge” for the purpose of ejecting any person from any county owned or county-leased lands, buildings, or premises who violates this section or Virginia Code § 18.2-415.
1. Delegation to others; rescission. The county executive may delegate this authority to a deputy county executive, an assistant county executive, any county department head, and the superintendent of schools. The county executive may rescind any delegation of authority.
  2. Delegation and rescission must be in writing; exception. Any delegation, and any rescission of a delegation, shall be in writing and the writing shall be kept on file in the office of the clerk of the board of supervisors. If the circumstances make it impracticable for the county executive to make a delegation in writing, he may do so orally and memorialize the delegation in writing and file it as soon as it is practicable to do so. The writing shall include the date and time that the oral delegation was made. A person violating any provision of this section shall be guilty of a class 1 misdemeanor.
- D. *Penalty.* A person violating any provision of this section shall be guilty of a class 1 misdemeanor.

(4-21-76; Code 1988, § 13-7; Ord. 98-A(1), 8-5-98; Ord. 10-10(1), 11-3-10; Ord. 19-10(1), 10-16-19)

**State law reference**--Authority of county to adopt, Va. Code § 18.2-415.

**Sec. 10-120 Trespass--After having been forbidden to do so.**

If any person, without authority of law, goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by such persons or by the holder of any easement or other right-of way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Virginia Code §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or 19.2-152.10 or an ex parte order issued pursuant to Virginia Code § 20-103, and after having been served with such order, he shall be guilty of a class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of Virginia Code §§ 18.2-132 through 18.2-136.

- A. *Designating the police department as the person lawfully in charge of the property.* Any owner, lessee, custodian, or person lawfully in charge of any real property may designate the Albemarle County Police Department as a “person lawfully in charge of the property” for the purpose of forbidding another to go upon or remain upon the lands, buildings, or premises as specified in the designation, for the purposes of enforcing a trespass pursuant to this section or Virginia Code § 18.2-119.
1. *Form of designation.* Any designation shall be in writing on forms provided by the chief of police and the county attorney and shall be kept on file with the police department.
  2. *Discretion of the chief of police to accept the designation.* The decision whether to accept or rescind a designation is solely within the discretion of the chief of police or his designee, who may base his decision on factors including, but not limited to, resource levels of the police department and the proper allocation of resources.
  3. *Authority to establish rules.* The chief of police, in consultation with the Commonwealth’s Attorney and the county attorney, may establish rules for accepting, using, and rescinding a designation.
- B. *Designating the county executive as the person lawfully in charge of county property.* The county executive is hereby designated as the “person lawfully in charge of the property” for the purpose of forbidding another to go upon or remain upon county-owned or county-leased lands, buildings, or premises for the purposes of enforcing a trespass pursuant to this section or Virginia Code § 18.2-119.
1. *Delegation to others; rescission.* The county executive may delegate this authority to a deputy county executive, an assistant county executive, any county department head, and the superintendent of schools. The delegation shall be in writing and the writing shall be kept on file in the clerk of the board of supervisors’ office. The county executive may rescind any delegation of authority.
  2. *Designating the police department.* The county executive may designate sworn personnel of the Albemarle County Police Department as a “person lawfully in charge of the property” as provided in subsection (A). The designation shall be in writing and the writing shall be kept on file in the clerk of the board of supervisors’ office. The county executive may rescind the designation.
  3. *When a written delegation or designation is not required.* If the circumstances make it impracticable for the county executive to make a delegation or designation in writing, he may do so orally and memorialize the delegation in writing and file it as soon as it is practicable to do so. The writing shall include the date and time that the oral delegation or designation was made.

(Code 1967, § 13-23; 4-13-88; Code 1988, § 13-21; Ord. 98-A(1), 8-5-98; Ord. 10-10(1), 11-3-10; Ord. 19-10(1), 10-16-19)

**State law references--** Va. Code §§ 15.2-516, 15.2-1218, 15.2-1501, 15.2-1717.1, 18.2-119.