

Chapter 200-220 WAC

USE OF THE PUBLIC AREAS OF THE CAPITOL BUILDINGS AND GROUNDS

WAC

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GENERAL PROVISIONS

WAC 200-220-010 Purpose. These rules guide the use of the public areas of the capitol buildings and grounds by the public for free speech and assembly activities, for commercial activities, and for private activities. General administration's objective is to balance the conduct of government business, public access and expression, and the stewardship of the historic capitol buildings and grounds. These rules are not applicable to the conduct of government.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-010, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125

(11/17/11)

and 46.08.150. WSR 09-22-059, § 236-17-010, filed 10/30/09, effective 11/30/09.]

WAC 200-220-020 Nondiscrimination. General administration will not discriminate in the application of these rules on the basis of race, religion or creed, color, national origin, age, disability, the use of a service animal, marital status, veteran's status, sexual orientation or gender identity, or political viewpoint.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-020, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-020, filed 10/30/09, effective 11/30/09.]

WAC 200-220-030 Definitions. For purposes of these rules, these words or phrases have the following meaning:

(1) "Activity" means one or more people gathering for a common purpose or cause.

(2) "Applicant," "I," "you" or "your" refers to any person(s) or organization(s) seeking permission to use the public areas of the capitol buildings and grounds.

(3) "Banners and signs" means pieces of material presented publicly to display a message, slogan, advertisement, or other similar information. Government-recognized flags are not considered banners or signs for purposes of these rules.

(4) "Capitol buildings and grounds" means those buildings and grounds over which the department of general administration exercises custody and control under RCW 43.19.125.

(a) "Buildings" means enclosed buildings and adjoining structures. Buildings include, but are not limited to, the Legislative Building, the Temple of Justice, the Old Capitol Building, and the Natural Resources Building.

(b) "Grounds" means exterior spaces including, but not limited to, walkways, plazas, lawns, plantings and parks.

The grounds include such locations as the capitol campus, Heritage Park, Marathon Park, Centennial Park, Sylvester Park, the surface and shores of Capitol Lake, and Deschutes Parkway.

(5) "Commercial activity" means an activity that promotes, creates, or exchanges commercial products or services. Commercial activities include, but are not limited to, advertising, fund-raising, buying or selling any product or service, encouraging paid membership in any group, association or organization, or the marketing of commercial activities. Commercial activities do not include such activities by or for government entities.

(6) "Director" means the director of the department of general administration.

(7) "Exhibit" or "display" means an object or collection of objects presented publicly with the intention to communi-

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cate facts, a particular impression, a viewpoint or an opinion. Exhibits or displays include, but are not limited to, paintings, sculpture, ceramics, photographs, video or computer screens, informational booths and tables, or other similar objects and arrangements. Exhibits and displays do not include equipment used in the performance of medical or therapeutic services during a permitted activity, such as a blood drive, delivering flu shots, or administering a therapeutic massage.

(8) "Free speech and assembly activity" means an activity for the purpose of communicating information or ideas to others that will draw the attention, attendance, or participation of others. Free speech and assembly activities include, but are not limited to, assemblies, marches, rallies, performances, community events, press conferences, demonstrations, celebrations, ceremonies, speeches and other similar expressive activities.

(9) "General administration," "department," "us," or "we" refers to the department of general administration.

(10) "Permit" means a written permit issued by the department of general administration authorizing the use of public areas of the capitol buildings and grounds as required by these rules.

(11) "Private activity" means an activity sponsored by a private individual, business or organization that is not open to the general public. Private activities include, but are not limited to, banquets, receptions, award ceremonies, weddings, concerts, dances, and seminars.

(12) "Public area" means those areas of the capitol buildings and grounds that are generally open to the public, such as a building's primary public entrance lobby; rotundas and adjoining public mezzanines; and exterior plazas and lawns. Public areas do not include offices, meeting rooms, and other work areas that are ordinarily reserved for or primarily devoted to conducting the business and operations of state government; the governor's mansion; and any area which is identified by a sign pursuant to WAC 236-12-450 indicating that the area is not open to the public.

(13) "Service animal" means an animal, including guide dogs, trained to do work or perform tasks for the benefit of a person with a disability, as defined by applicable state and/or federal laws.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-030, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-030, filed 10/30/09, effective 11/30/09.]

PERMIT APPLICATION REQUIREMENTS

WAC 200-220-100 Do I need to apply for a permit?

A permit process is essential to balancing the conduct of government business, public access and expression, and the stewardship of the historic capitol buildings and grounds. A permit enables you to reserve access to specific locations and amenities for specific times, so that the department can schedule and manage the many activities and visitors that come to the capitol buildings and grounds each year.

You do not need a permit for free speech and assembly activities involving less than twenty-five people in capitol buildings or involving less than seventy-five people on the capitol grounds.

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You must obtain a permit for free speech and assembly activities involving twenty-five or more people in capitol buildings or more than seventy-five people on the capitol grounds, and for all private or commercial activities.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-100, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-100, filed 10/30/09, effective 11/30/09.]

WAC 200-220-110 When do I have to apply? You must give us a completed application at least two full working days prior to the date that you wish to reserve if your activity requires a permit. Saturdays, Sundays, and state holidays are not working days, and the day you submit your application does not count as a working day. For example, you must submit your application by the close of business on Monday to hold an event on the following Thursday, and you must submit your application by the close of business on Wednesday to hold an event on the following Saturday, Sunday, or Monday.

You may not submit an application more than one year in advance of the date that you wish to reserve.

A permit is not required for a spontaneous activity in response to news or events coming into public knowledge which precludes meeting the two day advance notice requirement; however, you must notify us of your activity at least two hours in advance during working hours so that we can determine if there are conflicts with other permitted activities.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-110, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-110, filed 10/30/09, effective 11/30/09.]

WAC 200-220-120 What information do I have to provide? (1) On your application, you must provide the following information:

(a) Your name, mailing address, and a current e-mail address or telephone number.

(b) Your desired date, time, duration, and location for your activity.

(c) A description of the nature and type of activity.

(d) An estimate of the number of people who will attend your activity.

(e) A description of any equipment or gear to be used for your activity.

(2) We may also require additional information, including but not limited to:

(a) Any special consideration or accommodations being requested; and

(b) Any services provided by general administration that you will need and for which there are fees. These may include, but are not limited to, custodial services, sound or electrical equipment set-up or tear-down, or temporary amenities such as speaker stands, tents, platforms, stages, or chairs.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-120, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-120, filed 10/30/09, effective 11/30/09.]

(11/17/11)

WAC 200-220-130 How long will it take to make a decision on my application? We will issue your permit or deny your application as promptly as reasonably possible, and in all cases within two full working days of receiving your completed application form. We will state the reasons for any denial to you in writing.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-130, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-130, filed 10/30/09, effective 11/30/09.]

WAC 200-220-140 How will general administration make a decision on my application? First priority for the use of capitol buildings and grounds is for state government activities. If there would be no conflict with state government activities, we will process permit applications for other uses on a first-come, first-served basis.

We will also consider whether your requested activity complies with our general use requirements (WAC 236-17-200 through 236-17-280) and any other applicable requirements set forth in this chapter.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-140, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-140, filed 10/30/09, effective 11/30/09.]

WAC 200-220-150 How can I appeal a denial of my application? To appeal a denial of your application, you must submit your appeal in writing to the director of general administration within five full working days of the date of denial. Your appeal must state why you think the application was improperly denied.

The director will issue a decision on the appeal in writing within three full working days of receiving it, and this will be the final decision of the department of general administration.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-150, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-150, filed 10/30/09, effective 11/30/09.]

GENERAL USE REQUIREMENTS

WAC 200-220-200 General use requirements. The following general use requirements apply to all activities in the public areas of the capitol buildings and grounds, including free speech and assembly activities and private or commercial activities, regardless of whether a permit is required under this chapter. These requirements are not applicable to government activities. These requirements facilitate use of the public areas of the capitol buildings and grounds while protecting the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

All activities in the public areas of the capitol buildings and grounds must comply with all applicable laws, rules and regulations.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-200, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-200, filed 10/30/09, effective 11/30/09.]

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WAC 200-220-210 General administration may set reasonable time, place, and manner limits on activities. We may establish reasonable time, place, and manner restrictions for use of the public areas of the capitol buildings and grounds, according to design, health, safety, operational or other such considerations. We may make further details about such reasonable time, place, and manner restrictions available for public inspection during normal business hours or post them where appropriate. These may include, but are not limited to:

- (1) Time and duration available for use;
- (2) The maximum number of people or vehicles allowed at any particular location for any given time or period; and
- (3) Locations available for use.

We will not permit an activity that would conflict with the date, time, or location of a previously permitted activity. We may recommend to you other options for dates, times, or locations if your request would conflict with a previously permitted activity.

No exhibits or displays may be placed in, or posted or affixed to, any capitol building.

Banners and signs may be used during an activity in a capitol building only if they are handheld and not affixed to sticks or poles. We will allow you to post way-finding signs during your permitted activity, subject to reasonable time, place, and manner limits.

You may place or post banners, signs, exhibits or displays on the capitol grounds. Such items must be removed at the end of the activity. Such items must identify the sponsor and contain a disclaimer stating that the items are not owned, maintained, promoted, or supported by or associated with the state. The state assumes no liability for loss or damage to such items.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-210, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-210, filed 10/30/09, effective 11/30/09.]

WAC 200-220-220 Activities may not disrupt the conduct of government business. You may not engage in any activity that unreasonably disrupts, conflicts with, or interferes with the normal conduct of any state business, meeting, or proceeding.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-220, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-220, filed 10/30/09, effective 11/30/09.]

WAC 200-220-230 Activities may not obstruct safe access for people or vehicles. You may not unreasonably obstruct entrances, exits, staircases, doorways, hallways, or the safe and efficient flow of people or vehicles.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-230, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-230, filed 10/30/09, effective 11/30/09.]

WAC 200-220-240 Activities may not create a hazard to people or damage to property. We will not permit activities in any location where the activities would present a hazard to people or property.

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You may not alter or cause damage to capitol buildings or grounds.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-240, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-240, filed 10/30/09, effective 11/30/09.]

WAC 200-220-250 Service animals are allowed. You may have service animals in the public areas of the capitol buildings and grounds. You may not have other pets or domestic animals in the public areas of capitol buildings, except as part of the conduct of state government business.

You may have pets or domestic animals in the public areas of the capitol grounds; however, you must keep them under your direct physical control and clean up after them at all times. If the director designates off-leash areas in the public areas of the capitol grounds, any such areas will be clearly posted.

You may not allow your pet or domestic animal to menace or injure other people or animals.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-250, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-250, filed 10/30/09, effective 11/30/09.]

WAC 200-220-260 Permits are not transferable. You may not transfer your permit to another person or organization. Your permitted activities may only be held in the area and during the time period designated by the permit.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-260, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-260, filed 10/30/09, effective 11/30/09.]

WAC 200-220-270 General administration may cancel a permit. We may cancel your permit at any time if your activity does not comply with any applicable laws and rules or the terms of the permit. If your permit is canceled and you persist in your activity, you may be subject to appropriate law enforcement action.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-270, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-270, filed 10/30/09, effective 11/30/09.]

WAC 200-220-280 General administration may limit use at any time due to unforeseen operational circumstances. We reserve the right to cancel a permit or limit use of the public areas of the capitol buildings and grounds at any time due to unforeseen operational circumstances, including, but not limited to, urgent security concerns, emergency repairs, or other necessary state government activities. We will make reasonable efforts to alleviate the effects of such circumstances on permitted activities.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-280, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-280, filed 10/30/09, effective 11/30/09.]

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FREE SPEECH AND ASSEMBLY ACTIVITIES

WAC 200-220-300 Exercise of rights to free speech and assembly. People have the right to exercise their rights to free speech and assembly at the capitol buildings and grounds, subject to reasonable time, place, and manner limits. In addition to our general use requirements described above, the following requirements facilitate use of the public areas of the capitol buildings and grounds, regardless of whether a permit is required under this chapter, while protecting the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-300, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-300, filed 10/30/09, effective 11/30/09.]

WAC 200-220-310 There is no fee for free speech and assembly activity permits. There is no fee for a permit for free speech and assembly activities. However, you may be responsible for paying for any services provided by general administration that you will need (such as for equipment set-up or custodial services). In order to manage our services effectively, you must submit your request for our services at least five full working days prior to your activity, regardless of when you submit your permit application for your activity.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-310, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-310, filed 10/30/09, effective 11/30/09.]

WAC 200-220-320 General administration may set reasonable time, place, and manner limits on free speech and assembly activities. We may set reasonable time, place, and manner limits on free speech and assembly activities in the public areas of the capitol buildings and grounds, according to design, health, safety, operational or other such considerations. These may include, but are not limited to, limits designated by the director under WAC 236-17-210.

Free speech and assembly activities may not exceed fourteen consecutive calendar days in duration. We may set further limits on duration in order to accommodate and manage the many activities and visitors that come to the capitol buildings and grounds.

[Statutory Authority: 2011 c 43, WSR 11-23-093, recodified as § 200-220-320, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-320, filed 10/30/09, effective 11/30/09.]

PRIVATE AND COMMERCIAL ACTIVITIES

WAC 200-220-400 Private and commercial activities may be permitted if consistent with state government needs. In addition to the general use requirements described above, these requirements accommodate private and commercial use of the public areas of the capitol buildings and grounds to the extent such use is consistent with state government needs and while protecting the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

(11/17/11)

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-400, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-400, filed 10/30/09, effective 11/30/09.]

WAC 200-220-410 Private and commercial activities may be charged applicable fees. General administration will establish a fee schedule for permits for private and commercial activities and make the fee schedule available for public inspection. You are also responsible for paying for any services provided by general administration that you will need (such as for equipment set-up or custodial services). In order to manage our services effectively, you must submit your request for our services at least five full working days prior to your activity, regardless of when you submit your permit application for your activity.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-410, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-410, filed 10/30/09, effective 11/30/09.]

WAC 200-220-420 General administration may set reasonable time, place, and manner limits on private and commercial activities. We may set reasonable time, place, and manner limits on private and commercial activities in the public areas of the capitol buildings and grounds, according to design, health, safety, operational or other such considerations. These may include, but are not limited to, limits designated by the director under WAC 236-17-210.

Private and commercial activities may not exceed fourteen consecutive calendar days in duration.

Private or commercial sales, solicitation, or fund-raising activities are not permitted in the public areas of capitol campus buildings.

We may designate locations on the capitol grounds for private or commercial sales, solicitation, or fund-raising activities.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-420, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-420, filed 10/30/09, effective 11/30/09.]

WAC 200-220-430 General administration may require additional conditions for private and commercial activities. We may require additional conditions for private and commercial activities through written contract or agreement, including, but not limited to:

- (1) Liability insurance covering the applicant and the activity;
- (2) Hold harmless and indemnification provisions; and
- (3) Information on your ability to finance, plan, and manage the activity in order to protect the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-430, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-430, filed 10/30/09, effective 11/30/09.]