

DEKALB COUNTY COMMISSIONERS
RESOLUTION NUMBER 2012-R-10
DeKalb County Code 32-4-2-3
Ordinance Amending Court House
Lawn Displays Requirements

WHEREAS, the County Commissioners of DeKalb County, Indiana, on January 13, 1997, as Resolution 97-1, DeKalb County Code 32-4-2-2 enacted an Resolution reaffirming that the DeKalb County Court House Lawn at Auburn, Indiana, is nonpublic property, and based upon aesthetical, environmental and economical criteria, prohibited non-governmental displays on the DeKalb County Court House lawn; and

WHEREAS, the Commissioners affirm the finding that the Court House lawn is nonpublic property, and continue to believe it is too burdensome retaining the aesthetical, environmental, and economical beauty of the Court House lawn to permit all individuals and organizations to use said lawn on a regular basis; and

WHEREAS, however, the County Commissioners do not believe the preservation of aesthetical, environmental, and economical beauty of the Court House lawn will be unduly harmed by permitting limited governmentally approved tax exempt public entities to have limited use of the Court House lawn.

NOW, THEREFORE, BE IT RESOLVED THAT, the DeKalb County Commissioners hereby amend DeKalb County Code 32-4-2-2 to permit governmentally approved tax exempt entities to use the Court House lawn, in the sole discretion of the Commissioners, as follows: a local governmentally approved agency, may apply for limited use of the Court House lawn, within the sole discretion of the County Commissioners, and requiring advance written consent of the Commissioners, which shall not be granted unless all of the following apply:

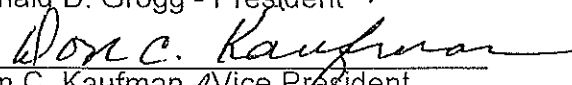
1. The application must be filed at least thirty (30) days in advance.
2. The applicant must be a not for profit entity based in DeKalb County, approved by the appropriate governmental agencies as tax exempt, and in existence in DeKalb County, Indiana, for at least two (2) years prior to the application.
3. The applicant must be the actual user.
4. The approval shall be for a limited period of time not to exceed six (6) hours on a single day, and no more than that one (1) day.
5. There shall be no sales of anything during the event, and nothing promoting any such sales.
6. The applicant may request a specific part of the Court House lawn within which to have its event, but the Commissioners shall have the sole discretion to determine where such event will take place on the Court House lawn, and the applicant can either agree or the application shall be denied.
7. No structures of any sort shall be placed or physically attached with any type of device driven into the lawn, and the only items of tangible personal property that will be permitted on the Court House lawn shall only be with advanced written consent of the County Commissioners, which consent may be unreasonably withheld.

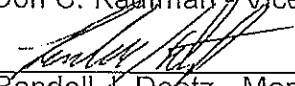
8. The applicant shall be responsible for setup and cleanup, with the setup and cleanup to be performed by the Superintendent of Grounds for the DeKalb County Court House, who shall be retained for that purpose, the applicant must pay for all setup and cleanup and other services and supplies furnished by the County Court House Superintendent of Grounds, and the arrangements must be approved in advance by the County Commissioners.

Dated this 27th day of August, 2012.

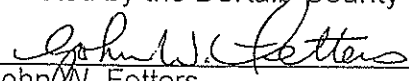
DEKALB COUNTY COMMISSIONERS:


Donald D. Grogg - President


Don C. Kaufman - Vice President


Randall J. Deetz - Member

Attested by the DeKalb County Auditor


John W. Feters

dsl\County\Res2012-courthouse-public-display-7-2012

APPLICATION FOR USE OF COURTHOUSE LAWN

- A) Date of application: _____
- B) Applicant organization: _____
- C) Applicant address: _____
Phone number: _____
Email address (if any): _____
- D) Contract Person for applicant organization:
Name: _____
Address: _____
Phone number: _____
Email address (if any): _____
- E) Date and time requested for use of Courthouse lawn:
Date: _____
Time: _____
- F) Location on Courthouse lawn requested: _____

- G) Specifics of requested use, including list of tangible personal property to be used:

- H) Representative(s) of applicant organization responsible for setup and cleanup details working Superintendent of Grounds for DeKalb County: _____

BY SIGNING THIS APPLICATION, APPLICANT ORGANIZATION UNDERSTANDS AND AGREES THAT THE DEKALB COUNTY COMMISSIONERS HAVE SOLE DISCRETION TO DETERMINE IF THE REQUEST WILL BE APPROVED, WHERE THE EVENT MAY TAKE PLACE ON THE COURTHOUSE LAWN, AND THAT NO STRUCTURES OF ANY SORT MAY BE PLACED OR PHYSICALLY ATTACHED TO ANY KIND OF DEVICE DRIVEN INTO THE LAWN AND THAT THE ONLY ITEMS OF TANGIBLE PERSONAL PROPERTY THAT WILL BE PERMITTED ON THE COURTHOUSE LAWN SHALL BE WITH THE ADVANCED WRITTEN CONSENT OF THE COUNTY COMMISSIONERS, WHICH CONSENT MAY BE UNREASONABLY WITHHELD; AND FURTHER UNDERSTANDS AND AGREES THAT THE APPLICANT SHALL BE THE ACTUAL USER; THAT THE APPLICANT MAY NOT HAVE A PERIOD OF TIME FOR USE OF THE COURTHOUSE LAWN TO EXCEED SIX (6) HOURS ON A SINGLE DAY, AND THE REQUEST SHALL BE FOR NOT MORE THAN THE USE FOR

ONE (1) DAY; AND THAT THERE SHALL BE NO SALES OF ANY THING DURING THE EVENT, AND NOTHING PROMOTING ANY SUCH SALES. THE APPLICANT ORGANIZATION UNDERSTANDS AND AGREES THAT IT SHALL BE RESPONSIBLE FOR ANY AND ALL COSTS AND SUPPLIES INCURRED BY THE COUNTY FOR SETUP AND CLEANUP. APPLICANT ORGANIZATION CERTIFIES THAT IT IS A NOT FOR PROFIT ENTITY BASED IN DEKALB COUNTY, APPROVED BY THE APPROPRIATE GOVERNMENTAL AGENCIES AS TAX EXEMPT, AND HAS BEEN IN EXISTENCE IN DEKALB COUNTY, INDIANA, FOR AT LEAST TWO (2) YEARS PRIOR TO THE DATE OF THIS APPLICATION.

Dated this ____ day of _____, 20 ____.

Name of organization: _____

BY: _____

(printed name of representative)

(office of representative signing for applicant organization)

APPROVED/DENIED BY DEKALB COUNTY COMMISSIONERS
THIS ____ DAY OF _____, 2012.

DeKalb County Commissioners

By _____
Donald D. Grogg, President