

**TOWN OF HERNDON, VIRGINIA**

**RESOLUTION**

**FEBRUARY 24, 2015**

**Resolution- Adoption of a Policy Statement - Use of Town Buildings, Public Open Spaces, and Streets.**

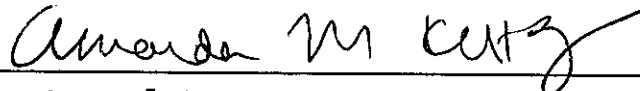
**WHEREAS,** the Town of Herndon 2035 Vision Plan included initiatives to enhance activities in the downtown through the use of town buildings, public open spaces and streets; and

**WHEREAS,** a policy (attached) has been developed to facilitate the use of the Town Hall Square, Herndon Municipal Center, Town Green, Mary Ingram Council Chambers, Hoover Conference Room, and other public open spaces and streets; and

**WHEREAS,** within the policy the Council adopts a fee schedule for the use of the facilities.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby adopts a policy and fee schedule regarding the use of town buildings, public open spaces, and streets as outlined in the attached titled "Policy Statement, Use of Town Buildings, Public Open Spaces, and Streets".

**This is certified to be a true and accurate copy of Resolution 15-G-08 adopted at a legally convened meeting of the Town Council of the Town of Herndon on February 24, 2015.**



**Amanda M. Kertz, Deputy Town Clerk**

The Town of Herndon, Virginia Policy Statement, Use of Town Buildings, Public Open Spaces, and Streets and the Town Buildings, Public Open Spaces, and Streets Fee Schedule are attached for reference.

**TOWN OF HERNDON, VIRGINIA  
POLICY STATEMENT**

**USE OF TOWN BUILDINGS, PUBLIC OPEN SPACES, AND STREETS**

**February 24, 2015**

**I. PURPOSE**

The town here establishes a policy to support procedures and determination of conditions for community use of certain Town of Herndon buildings and downtown streets and public open spaces. This policy statement summarizes the “Town of Herndon Use of Town Facilities in Herndon’s Historic Downtown.” In case of conflict, the latter document prevails. The Town Council’s public purpose is to utilize public property to create, maintain, and increase public interaction, enjoyment, and use of such public land.

The policy does not apply to town operated programs, use by governments for governmental purposes; or events in which the Town Council has authorized the town as a sponsor, including a co-sponsor.

**II. GENERAL CONDITIONS OF USE**

The policy of the Town Council is that town buildings, streets, and public open spaces covered by this policy are generally available for community use by individuals; by non-profit or not-for-profit civic organizations or businesses that in either case serve or relate to the Herndon community and in either case where the function or activity serves or relates to the Herndon community. Community use includes a lawful personal, artistic, expressive, fund-raising, social, civic, entertainment, or business activity. Non-profit or not-for-profit civic organizations include a charity; and entity organized for scientific, literary, educational, recreational or athletic purposes; a fraternity or sorority; or a political organization as described in, but not necessarily qualified under, § 501 of the Internal Revenue Code. Business use is restricted to town open spaces and must not include any business activity for which the business has received a business license and must be consistent with the town’s zoning ordinance; additionally, town public spaces must remain open to the public during business use and no admission fee may be applied. Town residents, town non-profit or not-for-profit civic organizations and town businesses have priority when reserving space over non-residents, non-profit or not-for-profit civic organizations and businesses.

Town sponsorship of an event means that that the Town Council by budgeting or other measure has indicated support for or operational interest in (that is or may be publicly acknowledged) an event or activity.

The town buildings covered by this policy are the Mary Ingram Council Chambers, the Mary Ingram Council Chambers lobby, the Hoover Conference Room, and the Herndon Municipal Center Lobby (facilities); the town open spaces covered by this policy are the Town Green or the Town Hall Square (open spaces). Public parking areas which may be utilized are the Herndon Municipal lot, the HMC lot, the James Building lot and the Ahmed lot (public parking areas). Town streets covered by this policy are Vine Street between the W&OD Trail and Center Street, and Lynn Street between Center Street and Station Street (streets). The streets and public parking areas uses are covered by the same policy as set forth here for use of open spaces, except that if business use will be made of the streets or public parking areas, the requirements of § 15.2-2013, Virginia Code, requiring Town Council approval by resolution, must be complied with. Otherwise, the Town Manager enjoys the power temporarily to close for parking a street for purposes outlined in this policy under § 42-47, Herndon Town Code. Facilities, open spaces, public parking areas, and streets may be referred to as “the space.” Use of other town proprietary land or proprietary facilities is controlled or determined by the appropriate town department or officer.

Applicants proposing to use facilities, open spaces, public parking areas, or streets must generally reserve them in advance. An application must be completed and filed with the office of the Town Manager, 777 Lynn Street, Ste. 105, Herndon, Virginia, 20170, telephone 703-787-7367 or by email at [town.manager@herndon-va.gov](mailto:town.manager@herndon-va.gov). Applications for first-time large events (500 or more attendees) must be received at least 120 calendar days prior to the proposed event or function; large events requiring significant use of town services may be submitted a year or more in advance of the requested date. Applications for small (less than 500 attendees) or for recurring events must be received no less than 60 calendar days prior to the proposed date.

In case of an immediate, public event on the Town Hall Square or Town Green, the Town Manager for documented good cause may waive the advance application requirement, application fee, use fee, insurance requirement, administrative requirements, or time limits; and the Town Manager may act on such an application or other request with little or no notice, using the best information available and complying with these requirements with necessary changes to accommodate the immediacy.

No later than 30 days prior to the event, applicants must provide a Certificate of Insurance for a policy naming the Town of Herndon as an additional insured for the entire event period in the amount of no less than \$1,000,000. This requirement may be waived for small events at the discretion of the Town Manager, based on documented

good cause, absence of need, or inability to pay for such insurance. The Town of Herndon, its officers, employees, or volunteers, will not be held liable for any claims or civil actions that are indirectly or directly related to events outlined in the application.

The Town Manager may require payment of the cost of town services based on the size and scope of a planned event. All applications for events will be evaluated to determine whether Herndon Police Department or Department of Public Works services may be required. If town services are needed but unavailable, the town will work with event organizer to select alternate times or dates.

The Town of Herndon reserves the right to deny any application if the town manager determines the event to be inappropriate for the requested site or to have an adverse effect upon the surrounding community, based on the standards of this policy. These standards include the consistency or not with the limitation on the uses or users; effect on the space; cost to the town; availability of town staff and resources to support the function; or procedural or substantive propriety of the application. An application may also be denied based upon the organizer's relationship or not to the Town of Herndon community, as well as the applicant's non-compliance with requirements of the application, public safety and public convenience. The Town Manager shall set forth in writing and deliver to the applicant the reasons for any denial.

The Town Manager may revoke a special event permit at any time he or she determines that as a result of inclement weather, conduct of the special event would unreasonably damage the open space or if he or she determines that any provision of any condition of the permit has not been met or is being violated. Additionally, the town reserves the right to revoke a special event permit if the space is needed for a Town of Herndon public purpose. A decision by the Town Manager to revoke a permit is final.

Nothing in this policy affects the Town Council's regulations on meetings, parades, or demonstrations found in §66-96 through §66-99, Herndon Town Code. Those regulations prevail in case of conflict.

### **III. FEES**

Except as provided below, the fees for use of the space are as per Attachment 1 ("hour" means a whole or part of an hour).

- The town may charge the cost for supporting police or public works services that the town deems to be necessary for public health and safety reasons or for support of the event.
- Except as provided above for open spaces, public parking areas, and streets, a \$50 nonrefundable permit application fee is to be paid at the time of the filing of the application.

- In all cases, a cancellation notice of 24 hours is required; applicants cancelling events with less than 24 hours notice will be charged for planned police and public works services, and all town set up/prep services, including labor and personnel.
- Fees may be increased or decreased to reflect the approved fees established by the Town Council.
- Town costs associated with permit conditions (e.g., electrical, security, fire, health or similar) are the sole responsibility of the applicant.
- A security deposit may be required by the town based on the standards of this policy at least one week prior to the event, as set out above.

Except for the Mary Ingram Council Chambers or the Hoover Conference Room, rental fees do not include tables and chairs.

#### **IV. ALTERNATE FEE FOR LARGER EVENTS**

When any organizer reserves and uses two or more open spaces, public parking areas, or streets at the same time for a large event, the fee shall be the greater of 15 percent of gross revenues of the event, if any, or the fee set out in Attachment 1.

Location	Type of Renter	Length	Resident	Non-Resident
Council Chambers / Chambers Lobby / Hoover Conference Room	Individuals, non profits, civic groups	Base Rate - 2 Hours	\$ 15.00	\$ 25.00
	Additional Hour	Additional Hour	\$ 7.00	\$ 12.00
Municipal Center Lobby	groups	Base Rate - 2 Hours	\$ 75.00	\$ 125.00
	Additional Hour	Additional Hour	\$ 25.00	\$ 40.00
Town Hall Square	Non profits, civic groups	Base Rate - 4 Hours	\$ 100.00	\$ 150.00
	Individuals, businesses	Base Rate - 4 Hours	\$ 200.00	\$ 300.00
	Additional Hour	Additional Hour	\$ 50.00	\$ 75.00
Town Green	Non profits, civic groups	Base Rate - 4 Hours	\$ 200.00	\$ 300.00
	Individuals, businesses	Base Rate - 4 Hours	\$ 400.00	\$ 600.00
	Additional Hour	Additional Hour	\$ 100.00	\$ 150.00