

EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
29 Delaware Code, Sections 6303A and 6307A (29 Del.C. §§6303A & 6307A)

FINAL

ORDER

Promoting, Maintaining and Controlling the Public Use of the Legislative Mall

AND NOW, this 2nd day of May, 2012, Ann Shepard Visalli, as Director of the Delaware Office of Management and Budget, in accordance with 29 Del.C. §§6303A & 6307A, for the reasons stated below enters this ORDER adopting and promulgating the State of Delaware Legislative Mall Usage Regulation. (the "Regulation").

NATURE OF PROCEEDINGS; SYNOPSIS OF THE SUBJECT AND SUBSTANCE OF THE PROPOSED REGULATION

In accordance with procedures set forth in 29 Del.C. Ch. 11, Subch. III and 29 Del.C. Ch. 101, the Director of the Delaware Office of Management and Budget is adopting the final Regulation governing the public use of the Legislative Mall.

The purpose of the Regulation is to further provide for the effective and efficient maintenance and operation of the Legislative Mall.

This Regulation is adopted to establish rules and procedures to help promote, maintain and control the public use of the Legislative Mall.

FINDINGS OF FACT AND CONCLUSIONS

1. The Delaware Office of Management and Budget has established rules and procedures to help promote, maintain and control the public use of the Legislative Mall.
2. The Regulation reflects these rules and procedures.
3. The Director of the Delaware Office of Management and Budget has statutory authority to promulgate regulations pursuant to 29 Del.C. §§6303A & 6307A.

DECISION AND ORDER CONCERNING THE REGULATION

NOW THEREFORE, under the statutory authority and for the reasons set forth above, the Director of the Delaware Office of Management and Budget does hereby ORDER that the Regulation be, and that it hereby is, adopted and promulgated as set forth below. The effective date of this Order is ten days from the date of its publication in the Delaware *Register of Regulations*, in accordance with 29 Del.C. §10118(g).

Ann Shepard Visalli, Director, Delaware Office of Management and Budget

Promoting, Maintaining and Controlling the Public Use of the Legislative Mall

1.0 Purpose

The purpose of this Regulation is to establish rules and procedures to help promote, maintain and control the public use of the Legislative Mall.

2.0 Enabling Legislation

Pursuant to 29 Del.C. §§6301A and 6307A, the Office and Facilities Management were established. The Office has authority to make regulations pursuant to 29 Del.C. §6303A(16).

3.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Environmental Health Field Services" means the State of Delaware Department of Health and Social Services, Division of Public Health, Environmental Health Field Services.

“Facilities Management” means the State of Delaware Office of Management and Budget, Division of Facilities Management.

“Miss Utility” means Miss Utility of Delaware.

“Office” means the State of Delaware Office of Management and Budget.

“State” means the State of Delaware.

4.0 Request Procedure

- 4.1 Upon receiving a request to use Legislative Mall, Facilities Management will issue a tentative reservation letter detailing the rules and regulations governing use of the property. Reservations are not considered final until all required paperwork is filed with Facilities Management prior to the event. Permission to utilize the area cannot be assigned or transferred without prior written approval from Facilities Management.
- 4.2 Facilities Management approval only grants permission to utilize the property; it is the responsibility of the event sponsor to obtain all necessary permits required by the City of Dover and other governmental agencies.

5.0 Approval To Use Legislative Mall Is Subject To The Following Conditions:

- 5.1 The event sponsor must provide satisfactory evidence of a minimum of \$1,000,000 (one million dollars) liability insurance coverage listing Facilities Management, as the certificate holder on the policy binder for the event (copy of document must be supplied to Facilities Management prior to the event).
- 5.2 The event sponsor must execute an indemnification and save harmless agreement to ensure that the State and Facilities Management shall accrue no liability for damage or injury to persons or property occurring on State premises.
- 5.3 The event sponsor must contact the City of Dover Police Department [(302) 736-7111] and the City of Dover Fire Marshal’s Office [(302) 736-7010] to obtain the necessary permits and file the same.
- 5.4 If food will be prepared and/or served at the event, the event sponsor must contact Environmental Health Field Services [(302) 744-1220] to obtain any necessary permits.
- 5.5 Contact the City of Dover Police Department and the Delaware Capitol Police [(302) 739-3200] to ensure the availability of police for traffic, noise and crowd control.
- 5.6 Contact the City of Dover Police Department to coordinate any necessary street closings.
- 5.7 No street closure of Legislative Avenue can take place without the written approval of Debby Porter, Legislative Council, at (302) 744-4387.
- 5.8 Tent supports or other ground penetrations are not permitted within 20 feet of the outside perimeter of Legislative Mall. It is the responsibility of the event coordinator to contact Miss Utility [(800) 282-8555] to have utilities that are not the responsibility of Facilities Management located and marked.
- 5.9 Only open-sided “Event” tents will be allowed to be erected for any single event and will be subject to approval of placement by Facilities Management.
- 5.10 No individuals may sleep or camp on Legislative Mall.
- 5.11 Any event related signage must be placed in a location that is approved by Facilities Management.
- 5.12 All signage must be removed by the end of the day of the event, before 11:59 p.m.
- 5.13 The grounds must be left in good repair and free of litter upon departure.
- 5.14 Vehicles and/or trailers of any type will not be permitted on grassy areas or sidewalks without the express permission of Facilities Management.
- 5.15 The use of paint or other permanent substances to mark streets, parking lots, grass, etc. is prohibited.
- 5.16 The use of tape, wire, nails, etc. to adhere signs, balloons or other materials to street lights, trees, benches, signs, buildings, etc. is prohibited.
- 5.17 Open fires are not permitted. All barbecue grills must remain curbside.
- 5.18 The serving and/or consumption of alcoholic beverages is not permitted.
- 5.19 The State of Delaware is not responsible for personal items and possessions on the Legislative Mall property. Unattended personal property is subject to removal by the Facilities Management or law enforcement.

6.0 Effective Date

This Regulation will become effective 10 days after being published as a final regulation.

15 DE Reg. 1771 (06/01/12) (Final)