

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF GENERAL SERVICES**

**CHAPTER 0690-06-01  
PROCEDURES FOR USE OF THE TENNESSEE WAR MEMORIAL PLAZA  
AND COURTYARD**

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**0690-06-01-.01 STATEMENT OF INTENT.**

- (1) It is the intent of these rules that the administration and operation of the War Memorial Plaza and Courtyard shall be governed by the following principles:
  - (a) Public use of the War Memorial Plaza or Courtyard shall not adversely affect or threaten the health and safety of persons on or near the War Memorial Plaza or Courtyard.
  - (b) Public use of the War Memorial Plaza or Courtyard shall not interfere with the conduct of state business.
  - (c) Preservation of the War Memorial Plaza and Courtyard shall be carried out through the exercise of management responsibilities by the Department of General Services.
  - (d) Nothing herein shall apply to federal, state or local law enforcement personnel engaged in their official duties.
- (2) Nothing in these rules is intended to prevent the expression of free speech and peaceable assembly in a manner protected by the Constitution of the United States and the Constitution of the State of Tennessee, or to require a permit as a prerequisite for the exercise of those constitutional rights on the War Memorial Plaza or Courtyard.
- (3) The sections, clauses, sentences and parts of these rules are severable. If any one or more section, clause, sentence or part is for any reason adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions, but shall be confined in its operation to the section, clause, sentence, or part thereof directly involved in the controversy in which such judgment was rendered.

**Authority:** T.C.A. § 4-3-1105(8), (11) and (12). **Administrative History:** Original rule filed August 22, 2012; effective November 20, 2012.

**0690-06-01-.02 DEFINITIONS.**

- (1) The following terms shall have the meanings set forth in this rule:
  - (a) The War Memorial Plaza ("Plaza"), located in downtown Nashville, is the open public space in front of the War Memorial Building, bounded between Union Street, Sixth Avenue and Charlotte Avenue.
  - (b) The War Memorial Courtyard ("Courtyard") is open public space located adjacent to the Plaza, and is bounded on the west by Seventh Avenue.

(Rule 0690-06-01-.02, continued)

- (c) The "Capitol Facility Administrator" is the Department of General Services employee whose duty it is to manage and maintain the Plaza and Courtyard.

**Authority:** T.C.A. § 4-3-1105(8), (11) and (12). **Administrative History:** Original rule filed August 22, 2012; effective November 20, 2012.

**0690-06-01-.03 GENERAL PROCEDURES.**

- (1) The following rules shall apply to the use, administration, and operation of the Plaza and Courtyard:
  - (a) Stepping or climbing upon statues, monuments, fences, lighting fixtures, light wells, trees, or parts of the Plaza or Courtyard not intended for such purposes is not permitted.
  - (b) Entering, wading, or swimming in any fountains is not permitted. Submerging personal belongings into the fountains is also not permitted.
  - (c) Vehicles, bicycles, skates, skateboards, sleds or similar devices shall not be used or operated on the Plaza or Courtyard. Persons with disabilities or mobility impairment, however, may use wheelchairs, scooters, or other similar devices designed for use by persons with disabilities or mobility impairments necessitating such use.
  - (d) Alcoholic beverages shall not be dispensed or consumed on the Plaza or Courtyard, unless all permits required by state and local law have been obtained and prior written approval has been granted by the Department of General Services. This approval may be obtained following the procedure outlined in part 0690-06-01-.04 of these rules.
  - (e) Open flames or fuel are not permitted on the Plaza or Courtyard, unless all permits required by state and local law have been obtained and prior written approval has been granted by the Department of General Services. This approval may be obtained following the procedure outlined in part 0690-06-01-.04 of these rules.
  - (f) Use of any electrical outlets located on the Plaza or Courtyard is not permitted, unless prior written approval has been granted by the Department of General Services or the Capitol Facility Administrator. This approval may be obtained following the procedure outlined in part 0690-06-01-.04 of these rules.
  - (g) Use of the water hose connections and water spigots located on the Plaza or Courtyard is not permitted, unless prior written approval has been granted by the Department of General Services or the Capitol Facility Administrator. This approval may be obtained following the procedure outlined in part 0690-06-01-.04 of these rules.
  - (h) Picketing or the distribution of literature shall not impede or interfere with state business or public access to and use of the Plaza or Courtyard. In order to inform persons or groups of the procedures for the use of the Plaza and Courtyard, it is recommended, but not required, that persons or groups desiring to picket or distribute literature on the Plaza or Courtyard provide the date and time of this activity to the Capitol Facility Administrator.
  - (i) Camping or sleeping overnight on the Plaza or Courtyard is not permitted.
    - 1. Camping is defined as the use of the Plaza or Courtyard for living accommodation activities such as:

(Rule 0690-06-01-.03, continued)

- (i) Sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping);
  - (ii) Storing belongings for future use (e.g. food for consumption in the future);
  - (iii) Making any fire;
  - (iv) Using any tent or shelter or other structure or vehicle for living accommodation activities such as sleeping; or
  - (v) Carrying on cooking activities.
2. These activities constitute camping when it reasonably appears in light of all of the circumstances that the participants, in conducting these activities, are in fact using the area as a living accommodation, regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.
- (j) In order to maintain the security, safety and aesthetic appearance of the Plaza and Courtyard and to provide for regular maintenance, no improvements or alterations, such as stages and reviewing stands may be erected, unless prior approval has been granted in writing by the Capitol Facility Administrator prior to the erection of any structures.
  - (k) In case of fire, bomb threat, utility malfunction, structural failure, severe weather or any other unforeseen emergency or threat to public safety or health, the Department of Safety or the Capitol Facility Administrator may evacuate the Plaza or Courtyard and deny access to the Plaza or Courtyard for the duration of the emergency or threat to public safety or health.
  - (l) Defacing or damaging the Plaza or Courtyard, which includes, but is not limited to, trees, shrubbery, flowers, lawns, surfaces, sidewalks, fences, lighting fixtures, light wells, fire hydrants, benches, statues, monuments and plaques, is not permitted. Likewise, defacing or damaging the walls and surfaces of the Plaza or Courtyard, which include but are not limited to, the entrances, porches and staircases, is not permitted.
  - (m) Due to the presence of underground utility, electrical and drainage lines, and the protective covering of the subterranean Legislative Plaza area, no object shall be driven into the surface or ground of the Plaza or Courtyard.
  - (n) Due to the fact that many of the stones on the Plaza and Courtyard are supported on only their corners and will break if this weight limit is exceeded, items or equipment placed on the Plaza or Courtyard weighing more than four-hundred-and-fifty (450) pounds per stone are not permitted.
  - (o) Any metal or stone item or equipment brought onto the Plaza or Courtyard must have a rubber or wood buffer to prevent damage to the Plaza and Courtyard stones.
  - (p) Equipment or structures of any kind brought onto the Plaza or Courtyard in connection with an event shall be removed entirely at the conclusion of the event by the persons or group conducting the event.

(Rule 0690-06-01-.03, continued)

- (q) A person or group shall not remove state property from the Plaza or Courtyard, unless the removal has been previously authorized in writing by the Department of General Services.
- (r) Any person who refuses to adhere to these conditions shall be subject to, in addition to criminal penalties provided by law, immediate removal from the Plaza or Courtyard by the Capitol Facility Administrator or any other person designated by the Capitol Facility Administrator.
- (s) Nothing contained herein shall be construed as limiting prosecution under any existing or future law.
- (t) Nothing contained herein is intended to supersede or negate any other state and federal laws or administrative rules.

**Authority:** T.C.A. §§ 4-3-1105(8), (11) and (12); and 39-14-414. **Administrative History:** Original rule filed August 22, 2012; effective November 20, 2012.

**0690-06-01-.04 PROCEDURES FOR RESERVING THE PLAZA OR COURTYARD.**

- (1) The Department of General Services may allow persons and groups to reserve areas of the Plaza and Courtyard. Reservations give persons and groups planning events on the Plaza and Courtyard the assurance that they will have access to, and exclusive use of, a predetermined area for a predetermined amount of time. The exclusive use of the permitted area must comply with all of the conditions of these rules, and shall not unreasonably interfere with the general public's use of areas not subject to the reservation. Additionally, the reservation process provides persons and groups planning events a procedure to obtain the proper approvals and permits necessary to carry out the activities described in rules 0690-06-01-.03(1)(d), (e), (f), and (g).
  - (a) Persons or groups seeking to reserve areas of the Plaza and Courtyard must submit a written application and an administration fee in the amount of sixty-five dollars (\$65.00) per reservation day to the Department of General Services.
    - 1. This application is available upon request from the Department of General Services' website, or by contacting the Department of General Services at:

Department of General Services  
312 Rose L. Parks Ave., 22nd Floor  
Nashville, TN 37243  
615.741.2228
    - 2. The address and phone number for the Department of General Services provided in rule 0690-06-02.04(1)(a)(1.) may be changed with notice placed on the Department of General Services' website.
  - (b) Applications to reserve the Plaza and Courtyard are subject to written approval by the Department of General Services. The decision to approve an application to reserve the Plaza or Courtyard will be based upon a determination that public health and safety, natural or cultural resources, implementation of management responsibilities, proper allocation and use of facilities, public enjoyment of the grounds, and the avoidance of conflict among visitor use activities will not be adversely impacted.
  - (c) The Department of General Services may also deny an application to reserve the Plaza or Courtyard on any of the following grounds:

(Rule 0690-06-01-.04, continued)

1. The application for reservation (including any required attachments and submissions) is not fully completed and executed;
  2. The applicant has not tendered the required application fee with the application or has not tendered the required indemnification agreement or insurance certificate;
  3. The application for reservation contains a material falsehood or misrepresentation;
  4. The applicant is legally incompetent to contract or to sue and be sued;
  5. The applicant or the person, on whose behalf the application to reserve was made, has on prior occasions damaged the Plaza or Courtyard;
  6. The applicant has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of a prior reservation issued to, or on behalf of, the applicant;
  7. The proposed use or activity would present an unreasonable danger to the health or safety of the applicant, other users of the Plaza and Courtyard, or the public; and
  8. The use or activity intended by the applicant is prohibited by state or federal laws or administrative rules promulgated thereunder.
- (d) If an application to reserve the Plaza or Courtyard is denied, the Department of General Services may suggest alternative times, dates and locations.
- (e) Any applicant, whose application for reservation is denied, may file an appeal to the Commissioner of the Department of General Services within fourteen (14) days after the denial. The applicant may appeal an adverse ruling by the Commissioner by petitioning the Chancery Court for Davidson County, Tennessee for Writ of Certiorari (See T.C.A. §27-8-101).
- (f) Since the areas available for events are limited and the demand is, at times, high, it is recommended, but not required, that requests be made at least one month in advance. The Department of General Services shall decide whether to grant or deny an applicant's request for reservation within fourteen (14) days after receipt of a fully completed application, unless, by written notice to the applicant, the Department of General Services extends the period an additional fourteen (14) days.
1. Requests for information about reserving use of the War Memorial Courtyard or Plaza in conjunction with the rental of the War Memorial Auditorium should be made to:  

Tennessee Performing Arts Center ("TPAC")  
505 Deaderick Street, 3<sup>rd</sup> Floor  
Nashville, TN 37243  
615.782.4000
  2. Requests for information about reserving use of the War Memorial Courtyard or Plaza not in conjunction with the use or the rental of the War Memorial Auditorium should be made to:

(Rule 0690-06-01-.04, continued)

Department of General Services  
312 Rose L. Parks Ave., 22<sup>nd</sup> Floor  
Nashville, TN 37243  
615.741.2228

3. The addresses and phone numbers for TPAC and the Department of General Services provided in rules 0690-06-02.04(1)(f)(1.) and (2.) may be changed with notice placed on the respective entity's website.
- (2) The following procedures shall be followed in the administration and operation of the Plaza and Courtyard for persons and groups seeking to reserve parts of the Plaza and Courtyard:
- (a) In the case of fire, bomb threat, utility malfunction, structural failure, severe weather or other unforeseen emergency or threat to public safety or health, the Capitol Facility Administrator may cancel, delay or postpone any scheduled event until the emergency or threat no longer exists.
  - (b) Persons or groups reserving use of any area of the Plaza or Courtyard shall either: (1) indemnify and hold harmless the State of Tennessee, its departments, agents and employees from and against any and all suits, damages, claims and other liabilities due to personal injury or death, damage to or loss of property to the State and to others, and for any other injury or damage arising out of or resulting from the use of the Plaza or Courtyard; or, (2) agree to carry \$1,000,000.00 general liability insurance naming the State of Tennessee, Department of General Services, as an additional insured in said policy.
  - (c) Food and beverages may be served at a reserved event provided that the following criteria are met:
    1. The applicant receives prior written approval from the Department of General Services to serve food or beverages;
    2. The applicant specifies in writing, prior to the event, the type of food and beverages to be served and the desired service area;
    3. The applicant assumes responsibility for the preparation, service, and consumption of all food and beverages provided during the event, as well as clean-up following the event;
    4. The food and beverage service will not result in physical or aesthetic damage to the Plaza or Courtyard; and
    5. Alcoholic beverages may only be dispensed or consumed on the Plaza or Courtyard, if all permits required by state and local law have been obtained and prior written approval has been granted by the Department of General Services.
  - (d) If equipment for an event is required by the applicant, the applicant may notify the Capitol Facility Administrator's Office which has limited equipment for use at events on the Plaza or Courtyard. Arrangements may be made for the Capitol Facility Administrator to provide such equipment, if available, upon payment of reasonable charges by the persons or groups responsible for the event. Otherwise, equipment shall be provided by the persons or groups sponsoring events. Persons or groups planning to bring equipment onto the Plaza or Courtyard for an event must receive prior written approval from the Capitol Facility Administrator for both the equipment and its

(Rule 0690-06-01-.04, continued)

location. Persons or groups using the equipment of the Capitol Facility Administrator's Office are responsible for any damage to, or loss of, that equipment.

- (e) All items, materials, and food must be removed promptly after an event by the person or group holding the event. Equipment or structures of any kind that are placed on the Plaza or Courtyard in connection with an event shall be removed at the conclusion of the event by the persons or group holding the event.
- (f) The Department of Safety is responsible for providing security of the Plaza and Courtyard. (See T.C.A. § 4-3-2006). The Department of Safety may require, based on reasonable concerns for public health and safety, persons or groups planning an event to pay the cost of security, which will be based upon the size and scope of the event. If security is deemed necessary, the Department of Safety will determine whether security should be provided by State Troopers or by private security guards duly licensed by the State of Tennessee. Security must be on duty one-half hour prior to an event opening until one-half hour after the event closes. The cost of this security, provided by either State Troopers or by private security guards, shall be paid by the persons or groups holding the event.
- (g) No charges will be made to persons or groups for use of the Plaza and Courtyard other than fees charged for an application to reserve use of the premises, the use of equipment, power and labor to set-up the event, operation and removal of equipment, security, and the repair of any damage to the Plaza and Courtyard by the persons or groups during the event.

**Authority:** T.C.A. §§ 4-3-1105 (8), (11), and (12), and 4-3-2006(a)(2). **Administrative History:** Original rule filed August 22, 2012; effective November 20, 2012.