


**CITY OF GRAND RAPIDS**

# **ADMINISTRATIVE POLICY**

<b>NUMBER: 17-02</b>	<b>DATE: October 1, 2017</b>
<b>REVISIONS:</b>	
<b>ISSUED BY: City Manager</b>	<b>SIGNED:</b> 

**SUBJECT: EXPRESSIVE ACTIVITY ON PUBLIC PROPERTY**

**PURPOSE:** This policy is intended to provide direction to City staff for the handling of activities involving acts of free speech or expression protected by the First Amendment to the U.S. Constitution.

## **INTRODUCTION:**

### **I. POLICY STATEMENT**

The City Manager has established the following policy to encourage the free exchange of ideas and expression protected by the U.S. Constitution on public property while providing guidance to citizens and City staff on procedures and rules allowing for the peaceful and orderly use of public space. This policy applies to activity conducted in the public right-of-way, all buildings, parks, or other spaces owned or controlled by the City of Grand Rapids. Guidelines consistent with this Policy shall be promulgated by the City Manager to assist the public with their planning and execution of such activities.

#### **A. Definitions.**

“*Expressive Activity*” for purposes of this policy means any act of speech or expression protected by the First Amendment to the U.S. Constitution, including any gathering of one or more persons on public property for the purpose of engaging in such activity, including but not limited to:

1. Meetings and other group activities;
2. Speeches, demonstrations, marches, rallies, vigils, and other events;  
and
3. Distribution of literature, such as leafleting and pamphleting.

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- B. Expressive Activity is not the same as a “Special Event”. Organizers of Expressive Activities may voluntarily decide to secure a Special Event Permit, if they so choose. For events conducted pursuant to a Special Event Permit, the requirements of Chapter 53 "Special Events" apply.
- C. The sale of merchandise, food or services is not “Expressive Activity”. Such commercial activity is not Constitutionally-protected expressive activity, and must comply with the Special Event permitting process.
- D. This policy should not be construed as a restriction on Expressive Activity protected under the First Amendment of the U.S. Constitution, beyond the reasonable time, place and manner restrictions provided herein.

## II. PROCEDURES AND GUIDELINES

- A. **Notice Not Required.** Advance notice to the City is not required. However, to best allocate City resources, and to ensure public safety, organizers are encouraged to give as much notice as possible to the City of planned activities.
- B. **Logistics Generally.** City Staff may become aware of planned activities and may contact organizer(s) and offer assistance to relieve anticipated logistical concerns such as overbooked or incompatible locations, construction or traffic issues, or other logistical difficulties.
- C. **Crowd Estimates.** In order to anticipate the number of participants reasonably expected to attend an activity for purposes of this policy, City officials may use any information or source of information that a reasonable person uses in determining event planning, including but not limited to information obtained from activity organizer(s), advertisements on radio, print, television, internet, or social media; and City staffs’ aggregate experience with participant turnout at similar past activities.
- D. **Protests and Counter-Protests.** If organizers of Expressive Activity promoting different objectives, causes, actions, or policies desire to use the same sidewalk, park or facility at the same time, the City may allocate space at such location on an equitable basis, proportionate to the number of objectives being promoted. When allocating space as described in this paragraph, the City shall to the extent practical and safe, make reasonable efforts to maintain all participants in a position such that they can be seen and heard by their intended audience.

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E. **Overbooked or Incompatible Locations.** If any of the following circumstances exist, the City Manager or his or her designee should make efforts to contact the organizer to inform them that the planned activity:

1. Is reasonably expected to cause or result in a crowd larger than the venue can safely contain; or
2. Will likely violate Park Rules; or
3. Is likely to unreasonably disrupt or interfere with a construction project, permitted event, park reservation, or City programming; or
4. Is likely to interfere with ingress or egress to a to a hospital, fire station, or other emergency response facility; or
5. Is likely to impede access to any interstate highway, including ramps, access roads and bridges; or
6. Is not Expressive Activity, but is instead a Special Event that requires a permit under Section B of this Policy, or any provision of Chapter 53 of City Code (“Special Events”).

City Staff shall engage in a good faith effort to work with the organizer to address any such obstacles through, for example, finding suitable alternative arrangements or conditions that would resolve capacity, incompatibility or other logistical concerns.

## F. **Promulgation of Guidelines and Standards of Conduct**

The City Manager or his or her designee is authorized to promulgate Guidelines and Standards of Conduct consistent with this Policy. Such Guidelines and Standards of Conduct shall be published and made available to the public on the City's website.

## G. **Fees and Charges**

The City shall not charge fees or require insurance or indemnification as a prerequisite for conducting expressive activity as defined herein.

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## H. Emergency Cancellation and Crowd Disbursement

Expressive Activity may be cancelled due to the existence an unreasonable threat to public safety, health and welfare based on the existence of security, safety, or weather hazards. The City staff representatives designated below are responsible for cancellation decisions, and communication of such decisions to organizers, for the hazards specified, and may at that time direct the dispersal of persons so assembled and take further lawful action to effect the order:

1. Police Command Officer when on-site: may cancel for weather, safety, or security hazards, after all reasonable efforts have been exhausted to resolve the safety or security concerns.
2. Fire Chief or his or her designee: may cancel for fire or fireworks-related hazards or hazardous materials.
3. Senior Parks and Recreation Department employee: may cancel for weather hazards when the event occurs in a park.

**ATTACHMENT: Guidelines and Standards of Conduct**