



ADMINISTRATIVE POLICY AND PROCEDURE ORDER

Issued by Mark D. Vanderpool, City Manager

~ Policy guidelines for the employees of the City of Sterling Heights to ensure professional conduct and behavior including a listing of the City's expectations in the provision of orderly and cost efficient services to its citizens ~

SUBJECT: EXPRESSIVE ACTIVITIES ON CITY GROUNDS

PURPOSE: *To establish rules that promote fairness and freedom of expression while balancing the public interest in minimizing harassment, disruptions, annoyance, litter, noise, and obstructions when expressive activities are undertaken on City grounds, in and around City buildings and facilities, and during City events (i.e. Memorial Day Parade, Sterlingfest, Music in the Park, Sterling Christmas, etc.).*

STATEMENT OF POLICY:

RULES AND REGULATIONS

Rationale

Sterlingfest and similar events are unique community events that have limited space, a unique theme, and significant attendance. Such events are not unlimited public fora to be used for the expression of any forms of communication, whether commercial, political, or religious. Similarly, City buildings and facilities are not public fora and have public functions that should not be disturbed by individuals without City business at such locations. Finally, outdoor locations near City buildings and facilities may be more suitable for public expression, but such expression may still be regulated in order to protect public safety and public functions.

For each location chosen for expressive activities, the prohibitions and restrictions herein are designed to prevent litter and visual blight; to ensure that guests have an enjoyable time at an event; to prevent pedestrian congestion along sidewalk and exhibitor display areas; to prevent harassment or bother of pedestrians and/or exhibitors in the walkway area and concert attendees; to ensure a safe and free flow of shuttle and pedestrian traffic at the intersection of Dodge Park and Utica Roads and the surrounding areas; and to prevent the disturbance of City functions, City employees, and guests utilizing City facilities for their intended purposes. All parties who wish to communicate with the public are subject to the rules set forth above and are treated equally regardless of the message they are conveying, so long as such messages are not disruptive to, or at odds with, the theme of City events, which is "fun and entertainment" for area families and residents at all City events held in and around City buildings, facilities, ways, and parks.

Individuals attending City events shall also comply with all local ordinances applicable to City parks and public property, as well as all state laws regarding pedestrian traffic and solicitation from vehicles.

Prohibited Activity

Unless conducted at a pre-approved location assigned in accordance with the rules and regulations in this Order, the following activities are prohibited within the boundaries of City events and within City buildings and facilities:

- Solicitations involving signature gathering and/or handouts
- For-profit and not-for-profit sales of any nature
- Distribution of handbills, literature, or other tangible items
- Affixing or erecting any sign, advertisement, tent, or temporary structure on public property
- Remaining immobile or loitering within a limited area for the purpose of conveying a message

City Events

Notwithstanding the prohibitions set forth above, verbal interaction with guests at a City event is permitted for the purpose of conveying a message, but all individuals desiring to interact with guests for such purposes shall remain mobile and shall not remain in any one space or area for the purpose of interacting with persons who pass by. Stationary activities may only be undertaken by individuals at pre-approved locations. Stationary guests who are waiting in a line may be verbally addressed without the use of handouts, but such interaction shall not interrupt the guest's activity and may not disrupt any waiting lines, vendor business, transportation, or other guests, and the individual addressing such guests shall avoid remaining at any waiting line beyond brief interaction with the guest and shall not remain stationary at a line in order to greet each of the waiting guests as they move forward in line. Further, disturbance of guests who are a "captive audience" is not permitted, and to that end, guests who are in a stationary position enjoying a concert, performance, parade, or similar display shall not be approached unsolicited or otherwise disturbed, and individuals wishing to express themselves during such events may briefly mingle with such guests only when the performance or event is not underway.

Notwithstanding the preceding paragraph, and unless the Parks and Recreation Director modifies these restrictions for smaller-scale Parks and Recreation events, individuals soliciting guests during City events are prohibited from:

- Soliciting in the walkway area between the City Center Commons and Dodge Park
- Soliciting in the vendor areas in front of the City Center Commons
- Soliciting in front of the primary Dodge Park entranceway during Sterlingfest
- Soliciting attendees or passersby who are walking or mingling near the entrances or exits of the Sterlingfest event
- Soliciting attendees in any other areas designated by City police or administration as being off limits for public safety and welfare reasons

Sidewalk areas on both sides of Dodge Park Road and on the southwest side of Utica Road may be utilized for soliciting guests and other pedestrian travelers, and handouts will be permitted in such areas, but these areas must remain unobstructed and any person engaging in solicitation activities must remain mobile and may not set up any structures, signs, or seating, and must honor any

person's request not to be solicited and must honor any refusal to accept handouts. Police officers are authorized to relocate or terminate any solicitation activities if they create an actual or perceived public safety concern, cause harassment or obstruction complaints from guests, disturb the event, or result in litter.

Each year, a map will be created for Sterlingfest to depict the restricted areas for any persons requesting clarification of the restrictions set forth above. Similar maps may be created for other City events if deemed needed due to the nature of the event or anticipated solicitation activity.

Limitations on Indoor Activities

The Parks and Recreation Department may grant indoor space at the Senior Center and the Rec Center for expressive activities if the activities do not present a disruption to scheduled activities, staff, visitors, or traffic flow inside the building, or present a danger to the building patrons or City staff. All requests must be submitted in writing (see attached form) to the Parks and Recreation Director or his/her designee no less than 2 business days prior to the requested date. In order to accommodate the maximum number of potential requests in the most efficient and fair manner, indoor space shall be limited as follows:

1. Each requestor may reserve 1 indoor expressive activity space.
2. A requestor who authorizes a minor age 14 through 17 to utilize an indoor expressive activity space may reserve a space for that minor (limited to 1) for the same date as the requestor's reservation. The minor may only utilize the reserved space under the supervision of the requestor.
3. A maximum of 8 spaces will be made available on any given date at the Senior Center and a maximum of 2 spaces will be made available on any given date at the Rec Center.
4. Each requestor may be accompanied by up to 1 child under the age of 12 without the need for a second reserved space.
5. Each requestor is limited to a maximum of 6 dates during each of 3 reservation block periods:
 - a. September/October/November
 - b. December/January/February
 - c. March/ April/May.
6. No more spaces will be made available and no expressive activities outside of a designated space will be permitted.
7. Spaces will only be assigned by date, not by blocks of time. One reserved date is counted as the entire date, regardless of how much time the requestor actually utilizes on that date.
8. Cancellations and no-shows will be counted against the requestor's maximum of 6 dates during the reservation block period, even if another requestor reserves the space after the cancellation. However, the Parks and Recreation Director retains final discretion for purposes of determining whether any claim of emergency (bereavement, medical issues, etc.) will be sufficient to restore any date that was counted against the 6 date limit due to failure to timely cancel.
9. Reservations are not transferable. Only the requestor who reserved the indoor expressive activity space may utilize the reservation.
10. Availability on any given day or date will be dependent upon available space and operational considerations.
11. Activities will be restricted to the specific area determined by the Parks and Recreation Department, which can be changed at any time at the discretion of department staff.
12. This limited exception for indoor expressive activities will not be made available during the months of June, July, and August.

Requestors shall be advised when reserving a date that this limited indoor exception is a privilege, not a right, and any abuse of the privilege or violation of the rules herein or other reasonable restrictions established by the Parks and Recreation Director based on the nature of the activities, location, and operations on the requested date(s) will lead to loss of the privilege at that time, or for a longer duration at the discretion of the Parks and Recreation Director, and could lead to the termination of this exception for everyone if abuses become frequent.

Under this limited exception, expressive activities may be held within the following general parameters (more specific parameters remain within the discretion of the Parks and Recreation Department):

1. Activities must not harass or follow visitors or City personnel
2. Activities must not impede or obstruct visitors or City personnel
3. Activities must not present a danger to visitors, City personnel, or City property
4. Activities must not be vulgar or obscene in nature
5. Activities must not disrupt building functions, use of City buildings by visitors, or City personnel
6. Amplified and/or recorded sound is not permitted
7. All activities must comply with all federal, state, and local laws, ordinances, and regulations

Limitations on Outdoor Activities

In addition to the rules set forth in each of the sections above, the following rules shall apply to expressive activities conducted outdoors on City property:

1. Access (including ingress/egress) to and use of City buildings/facilities (including parking lots, sidewalks, steps, and similar publicly-owned areas) shall not be obstructed or impeded
2. Vehicles shall not be used to convey messages on City property, other than being driven to, and properly parked within, a marked parking space.

Groups of individuals desiring to engage in expressive activities will be separated farther from each other and relocated farther from City buildings as the number of individuals grows larger, regardless of whether all of the individuals share the same or have opposing viewpoints or messages.

Permissible locations for expressive activities conducted outdoors on City property shall be determined in the following manner:

1. Affected City directors and managers shall pre-determine the "zones" outside of City buildings, facilities, and events that may be utilized for expressive activities without disruptions. For buildings and facilities, the first zone closest to the building or facility shall be limited to a pre-determined number of individuals. The first individuals to arrive shall be permitted to remain in that zone upon the arrival of others, and the later arrivals shall be relocated to the second zone. In the event that City officials are unable to determine which individuals arrived first, the first zone shall be cleared and all individuals shall be relocated to the second zone.
2. New zones shall be defined outside and beyond the first zone for individuals arriving after the limit for the first zone has been reached. The number of individuals permitted in each zone shall be pre-determined based on distance from the City building or facility, size of the zone, and factors relating to unimpeded patron and employee access. As a general guideline/ to account for the space necessary for comfortable interaction with visitors and guests without

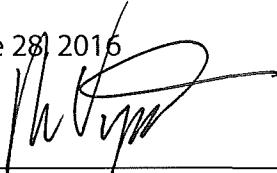
impeding any visitors and guests/ 1 individual will be permitted for every 4 square feet of space in the zone.

3. Chairs will be counted as 1 individual when calculating the number of individuals participating in each zone.
4. Expressive activities may include tables/ freestanding displays/ and/or signs/ but only if they are no taller than 4 feet and placed on City grounds no more than 5 feet at all times from the individual who placed/ or is responsible for/ the table/ display/ or sign.
 - a. Tables will be counted as 1 individual for any tabletop surface area measured at 2 square feet and under/ and tables with a tabletop surface area measured at 4 square feet or greater shall be relocated to the next more distant zone if there are individuals who cannot be accommodated within the closer zone.
 - b. Freestanding displays/signs will be counted as 1 individual for any surface coverage measured at 2 square feet and under/ and freestanding displays with surface coverage measured at 4 square feet or greater shall be relocated to the next more distant zone if there are individuals who cannot be accommodated within the closer zone. Measuring shall occur at the largest surface coverage area of the display from its base to its top/ even if that area is not itself actually situated on the ground.

For all outdoor expressive activities/ the first individuals to establish a position in a zone shall be deemed to have priority for that location over all others so long as the individual remains in that zone. No person may reserve/ save/ or hold a position in any zone/ and any person who departs from a zone for any reason must take his or her chair/ table/ or display at the time of departure and may not return to that zone if it reaches the maximum permitted capacity during the person/s absence. In the event that City officials are unable to determine which individuals have priority in any zone/ that zone shall be cleared or redefined/ and all involved individuals shall be relocated as determined to be appropriate in order to accommodate all of the individuals at issue.

Failure to abide by these rules for expressive activities shall be met first with a request for corrective compliance action within a prompt but reasonable amount of time/ followed by a request to vacate the area if corrective compliance action is not completed within the time directed/ followed by a request for police involvement to address the continuing trespass for failure to honor the request to vacate.

EFFECTIVE: June 28, 2016



APPROVAL:

Mark D. Vanderpool, City Manager

DATE: 6/28/2016



STERLINGFEST AREA MAP STERLING HEIGHTS, MICHIGAN

N



- Permitted Solicitation (Pink)
- Sterlingfest Festival Boundary (Light Blue)

