

Green Street

Green Street Public Forum Policy: 1st Amendment & Free Speech

Background: Historically, the Civic Plaza, an outdoor extension of Lee's Summit City Hall ("City Hall") from the City Hall building to the sidewalk on the west side of Green Street, that is now a part of Green Street, was not a Traditional Public Forum. The City of Lee's Summit Missouri (the "City") may designate City owned property and public areas as Limited Public Forums. The City may also adopt reasonable time, place, and manner restrictions on activities in public forum areas, such as the street and sidewalk, which leave open alternative avenues of communication. This comports with First Amendment law. City Hall's previous policy for the Civic Plaza allowed people to picket or pass out leaflets and other information on the sidewalk and street adjacent to the Plaza, but not in the Plaza itself.

Definitions:

Green Street Facilities and Events Manager: the person who holds this title as an employee of the City of Lee's Summit, and his or her designees.

Limited Public Forum: A designated Limited Public Forum is a nonpublic forum the government intentionally opens to expressive activity for a limited purpose such as use by certain groups or use for discussion of certain subjects.

Traditional Public Forum: A designated Traditional Public Forum, within the protection and enforcement of the First Amendment guaranty of free speech and expression, is a public place which the government has expressly dedicated to speech activity but may include dedications for limited purposes or uses.

Public Pedestrian Access: Areas of Green Street that are open for the public to access, use and enjoy. These are spaces that allow egress and ingress into the premises – like a sidewalk or walkway.

Restricted Pedestrian Access: Areas of Green Street that limit public access, use and enjoyment, based on the private or public usage of the area.

Restricted Public Space: Controlled areas of Green Street that are used for private and public events. When these spaces are not being used for public and private events, they are accessible to the public, but reasonable limitations can be placed on their use.

Open Public Space: Areas of Green Street that are open for the public to access, use, and enjoy in a lawful manner.

Public Forum Policy:

Green Street is intended to be enjoyed and used by the public. Portions of Green Street are dedicated as limited public forums where public access can be restricted. Other portions of Green Street are dedicated as open public forums. The designation of each separate and distinct area of Green Street determines whether it is a public forum or a limited public forum.

Traditional Public Forum: Areas of Green Street that provide Open Public Space and Public Pedestrian Access, where the public can walk freely, such the sidewalk or portions of streets and road that are safely accessible for the public, will be considered a Traditional Public Forum. Per City Council designation, **Exhibit A** outlines the areas of Green Street considered to be Traditional Public Forum. Areas of public streets and roads that are designated for vehicular travel, when such areas are open and in service for vehicular travel according to normal right-of-way operations and not closed by the City or another governmental entity, are not considered part of the traditional public forum because they are not safe places for the public to stand or be present. Further, the public will not be allowed to congregate in lanes of vehicular travel for the purpose of expressive activity.

While a licensed or permitted private event is occurring, demonstrations, picketing, and/or distribution of newspapers, leaflets, pamphlets or any other form of literature shall not be conducted within the designated Green Street event space. This policy shall not be construed to limit the right to picket or distribute newspapers, pamphlets, leaflets, or other literature to people on public sidewalks abutting and around Green Street; so long as such activity does not obstruct ingress and egress of the public or vehicular traffic to and from Green Street, or pose a safety hazard for the public and drivers in downtown Lee's Summit.

Limited Public Forum:

Limited public forums areas of Green Street are accessible to the public, but where Restricted Pedestrian Access and Restricted Public Space may occur by a legitimate use, such as but not limited to, event rental, public and private programming, and private ownership or leases to private entities by the City for the long-term operation of private facilities.

Green Street may be used for special events, as approved by the Green Street Facilities and Events Manager. The areas where events may take place are considered limited public forums. Request to use Green Street for an event must be made to the Green Street Facilities and Events Manager in writing. Such request may require a special event agreement with Green Street and a special event permit pursuant to Section 29-451.

The Green Street Farmers Market is considered a City facility. All City facilities have historically been designated as Limited Public Forums, and the same designation shall

apply to the Green Street Farmers Market, the connected canopy and green turf field adjacent to the Farmers Market structure, and the oval area associated with the five white pickets.

Green Street Boundaries:

This policy applies to the boundaries of Green Street: 3rd Street to the Southeast, Johnson Street to the Northeast, 2nd Street to the Northwest, and City Hall to the Southwest, all located in Lee's Summit, Missouri, and as further depicted in **Exhibit A**.