

## 4.5 Speech Related Activity Policy

The Traverse Area District Library has the authority to make reasonable rules that are universally applicable regarding the allowed use of library buildings and property, including content-neutral restriction of conduct involving free speech activity. MCL 397.182. The public sidewalks, lawn, and vehicular circulation and parking areas around the library property are subject to reasonable time, place and manner restrictions on those wishing to use them for purposes protected by the First Amendment of the Constitution of the United States.

The Traverse Area District Library's core purpose is to provide resources and a space for patrons to stimulate their intellectual curiosity, learn, read, and engage in other personally enriching activities. In order to provide these resources and the spaces to its patrons conducive to these activities, without interruption or disruption, and in order to maintain a work environment for the Traverse Area District Library staff conducive to providing core Library services and conducting regular and scheduled Library activities, without disruption and interruption, the Traverse Area District Library determines that picketing, soliciting, leafleting, signature gathering, and other similar free speech activities shall be conducted outside of the Library buildings and are subject to the following rules and regulations:

### **Scope:**

This policy applies to all leafleting, display of signs, signature gathering, solicitation of funds, and other constitutionally protected speech related activity at the Traverse Area District Library.

### **Definitions.**

"Large Gathering" means five (5) or more persons engaged or expected to be engaged in any free speech activity.

"Leafleting" includes but is not limited to the repetitive distribution of free pre-printed literature such as leaflets, handbills, pamphlets, flyers, brochures, pins, buttons, badges, cards, pictures, envelopes, invitations or any similar items.

"Library" shall mean all of the areas comprising all branches of the Traverse Area District Library as now existing or as the same may be expanded and developed and shall include all of its facilities, including but not limited to all Library buildings and property, enclosed or not enclosed, under the control, management or legal ownership of the Traverse Area District Library.

"Picketing" shall mean one or more persons marching or stationing themselves in an area in order to communicate their position on an issue.

"Soliciting" shall mean any request made for the contribution or donation of money, checks, credit card transaction, goods, services, or financial assistance on the representation that such contributions or donations, or a part thereof, will be used for religious, charitable, memorial, or

political purposes and include any oral or written request, any offer to sell merchandise, subscription, ticket or any other thing, or any attempt to solicit immediate donations or contributions.

### **Leafleting, Soliciting, and Signature Gathering.**

1. Persons circulating petitions for signatures, leafleting, or soliciting may stand on Library property; however, they may not engage in collecting signatures, soliciting, or distributing leaflets inside Library buildings because this activity is disruptive to the core function of the Library.

2. Petition circulation, soliciting, or leafleting must take place outside Library buildings at least thirty feet (30') from entrances and exits.

3. Persons circulating petitions, soliciting, or leafleting shall not block, hinder, interfere, or otherwise impede patrons and staff wishing to enter or exit Library buildings or to use book returns or vehicular circulation.

4. Persons circulating petitions, soliciting, or leafleting shall not intimidate patrons or staff into signing a petition, accepting a leaflet, or contributing or donating.

5. Persons circulating petitions, soliciting, or leafleting shall not occupy areas designated as fire or emergency lanes and shall not occupy parking spaces.

6. No solicitation is permitted for the purposes of selling items, merchandise, tickets, or other for-profit activities.

7. Persons requesting permission to solicit funds shall attach to their request for permission a federal tax-exempt status form or a State of Michigan certificate of exemption.

8. No exchange of funds shall take place on Library property. Exchange of funds means cash, checks, credit card transaction or any other exchange of items for value. Donation envelopes may be distributed.

9. Persons circulating petitions, soliciting, or leafleting shall comply with all federal, state, and local laws, including the Michigan Election Law when applicable.

### **Picketing or other Large Gatherings.**

1. Picketing and other Large Gatherings may not occur inside Library buildings because this activity is disruptive to the core function of the Library.

2. Picketing and other Large Gatherings must take place outside Library buildings as follows:

- a. **Main Library.** In order to ensure the free and orderly flow of pedestrian and vehicular traffic in the parking lot and vehicular circulation area adjacent to Woodmere Avenue and the main entrance to the Main Library, Picketing and Large Gatherings shall occur only in the following locations:
  - The lawn or sidewalks located behind the Main Library, which is the portion of the Main Library facing Boardman Lake.
  - The lawn or sidewalks on either side of the Main Library or the lawn in front of the main entrance to the Library, but not closer than 30 feet from the main entrance to the Library.
- b. **Kingsley Branch.** Traverse Area District Library does not control the area outside the Library buildings. Any request for use of the area outside of the Library building shall be directed to the Village of Kingsley, but in no case shall Picketing or Large Gatherings occur within 30 feet of the main entrance to the Library to ensure patron access to the Library.
- c. **East Bay Branch.** Picketing or Large Gatherings shall not occur within 30 feet of the main entrance to the Library to ensure patron access to the Library. Additionally, all free speech activity shall comply with the Michigan Election Law when the Branch is being utilized as a polling place.

### **Conduct.**

Persons engaged in free speech related activity:

1. Shall not in any manner indicate to the public that he or she is an official of the Traverse Area District Library or in any manner misrepresent the identity of the organization he or she represents.
2. Shall not intentionally grab, restrain, or in any way intimidate any person.
3. Shall not disrupt or interfere with the free and orderly flow of pedestrian or vehicular traffic.
4. Shall not use any sound or voice amplification device, any other noise making devices or engage in any other behaviors disruptive to patrons' use of the Library for its core purpose.
5. Shall not erect any racks, tables, or other means of displaying printed materials or other items or place any chairs, boxes or other obstructions except any items necessary to accommodate a disability.
6. Shall not attach any sign, circular, or other written material to any wall, booth, post, counter, or other surface of a Library building, structure, or vehicle.

7. Are responsible for returning the areas used in conducting their events or activities to their original condition. Individuals or organizations are responsible for any vandalism, damage, breakage, loss or other destruction to the Library caused by that person or participant. Costs will be assessed to persons for damages incurred.

8. Shall indemnify and hold harmless Traverse Area District Library, its board members, agents and employees, from and against any and all suits, damages, claims, or other liabilities due to personal injury or death, damage to or loss of property to the Library or to others, or for any other injury or damage arising out of or resulting from the use of the Library.

9. Shall not engage in speech activities in a manner prohibited by this policy or contrary to this policy.

### **Prior Notification and Request to Use Library Facilities Required.**

Prior to engaging in any free speech activity at the Library, a person shall provide Prior Notification of Intent and Request for Accommodation of Free Speech Activity on Library Grounds and Property. The request shall include the following information: The name of the persons engaged in the activity, the nature of the activity, each location at which the activity is proposed to be conducted, the purpose of the activity, the hours during which the activity is proposed to be conducted, the number of persons anticipated to be involved in the activity, and the beginning and end dates of such activity.

Requests must be provided at least two (2) regular business days (Monday through Friday) in advance for Picketing or Large Gatherings to allow for any accommodations that the Library may need to make in order to accommodate the activity, such as security, barricades, or other measures, except in circumstances where there is breaking news. When use of the Library for Picketing or a Large Gathering is requested as a result of breaking news circumstances, requests should be provided as soon as possible. Any accommodations that may be required shall be at the expense of the requester.

Upon receipt and review of a complete request, determination that the intended activity and accommodations requested are consistent with Library policy, and determination that there is space available for the intended use, the Library Director will provide the applicant with written notification of the specific location authorized for the activity, the authorized time period for use of Library space, and a copy of this policy or a summary of this policy, receipt of which shall be acknowledged by the person granted permission.

If there is no space available to accommodate a request, the applicant can choose to place his or her name and phone number on a waiting list and shall be granted preference in the order of application as space becomes available.

All requests to use Library facilities shall be granted on a first-come, first-served basis. No request to use Library facilities to engage in free speech shall be granted for a period of time in excess of 30 days.

The Library reserves the right to re-locate a free speech activity to a more suitable location in the event that there is not enough space to accommodate all persons engaged in the activity at the location requested or that the free speech activity is impeding patrons wishing to enter or exit Library buildings or use book returns or parking or any other vehicular or pedestrian movement of Library patrons, staff, or visitors.

### **Revocation or Denial.**

If a person is denied the ability to engage in a free speech activity at the Library under this Policy, the person may appeal the denial as set forth in the Appeals Process set forth in Traverse Area District Library Policy 4.1.

If a person has violated any of the foregoing provisions of this Policy, the ability to engage in a free speech activity at the Library may be revoked subject the Appeals Process set forth in Traverse Area District Library Policy 4.1.

### **Miscellaneous.**

The Library will not assume responsibility for any harm or injury suffered by persons engaging in free speech activities.

The presence of persons engaging in free speech activities at the Library does not constitute the Library's endorsement of any candidate, nor does it constitute support or opposition of the subject matter of any free speech activity.

The presence of person(s) engaging in free speech activities at the Library does not constitute the Library's endorsement of the policies, beliefs or political affiliations of any person or group engaging in free speech activities.


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New policy on September 20, 2018 / *Re-affirmed and renumbered November 17, 2022*

Motion by: Jones

Adopted: ☒ Yes ☐ No

Support by: Deyo

  
J. Wescott, Board Secretary

11/17/22  
Date