

ORDINANCE NO. 2011-09

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to rules of conduct at City Hall and other city-operated facilities, and amending Chapter 2.02 of the Bainbridge Island Municipal Code (BIMC).

WHEREAS, RCW 35A.13.080 sets forth the powers and duties of the City Manager and pursuant to subsection (9) authorizes the City Council to determine other duties that the City Manager may perform by ordinance or resolution; and

WHEREAS, the City Council deems it prudent to establish rules of conduct for public areas in and around City Hall and in other city-operated facilities open to the public and would like to delegate the authority to establish such rules to the City Manager;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.02 of the Bainbridge Island Municipal Code is hereby renamed "City Business Hours and Facilities."

Section 2. A new Section 2.02.020 of the Bainbridge Island Municipal Code is hereby created to read as follows:


2.02.020 Rules of Conduct.

The city manager may adopt rules which: 1) designate the areas in and around city hall and other city-operated facilities which are open to the public; 2) establish limits on permitted conduct at such facilities; and 3) regulate, consistent with constitutional standards, methods of public communication activities at such facilities in order to allow for the orderly conduct of business and to protect the safety of citizens, employees, and elected officials.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this 8th day of June, 2011.

APPROVED BY THE MAYOR this 8th day of June, 2011.



Kirstin Hytopoulos, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	May 27, 2011
PASSED BY THE CITY COUNCIL:	June 8, 2011
PUBLISHED:	June 10, 2011
EFFECTIVE DATE:	June 15, 2011
ORDINANCE NUMBER:	2011-09

CITY OF BAINBRIDGE ISLAND CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2011-09 relating to rules of conduct at City Hall and other city-operated facilities, and amending Chapter 2.02 of the Bainbridge Island Municipal Code (BIMC)	Date: June 8, 2011
Agenda Item: Ordinances/2 nd Reading	Bill No.: 11-040
Proposed By: Brenda Bauer, Interim City Manager	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req:	Budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amend. Req? <input type="checkbox"/> Yes <input type="checkbox"/> No

REFERRALS/REVIEW

Study Session: June 1, 2011	Recommendation: Forward to June 8, 2011 business meeting
City Manager <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Legal <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Finance <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

DESCRIPTION/SUMMARY

Action Item:

Consideration of Ordinance No. 2011-09 relating to rules of conduct at City Hall and other city-operated facilities, and amending Chapter 2.02 of the Bainbridge Island Municipal Code (BIMC).

History:

The administration recommends that the City establish administrative rules of conduct for public areas in and around City Hall and in other city-operated facilities open to the public. The recommendation is to amend the Code to delegate the authority to establish such rules to the City Manager.

RECOMMENDED ACTION

Motion:

I move that the City Council approve Ordinance No. 2011-09 relating to rules of conduct at City Hall and other city-operated facilities, and amending Chapter 2.02 of the Bainbridge Island Municipal Code.

RULES REGARDING CITY HALL AND ADJACENT PREMISES

1. Purpose

The purpose of these rules is to: 1) designate which areas in and around City Hall are open to the public; 2) establish rules of conduct for such areas; and 3) establish rules governing public communication activities in such areas.

2. Definitions

"City Hall" means the building located at 280 Madison Avenue North, with public entrances on Madison Avenue and Henshaw Way.

"Adjacent Outside Areas" means the areas located between the outside walls of City Hall and the public sidewalks.

"Public speech activities" means the following activities when engaged in by members of the general public on City property:

- Distributing leaflets or other material intended to convey a message;
- Gathering signatures on petitions, letters, or other similar materials; and,
- Orally communicating a message via amplification or in a voice sufficiently loud to be reasonably understood as intended to generally communicate with persons in the speakers' vicinity rather than as a conversation with another specific person or persons. It does not include communicating in this manner to the extent necessary to deal with an emergency that endangers or potentially endangers property or personal safety.

"Public sidewalk" means the areas provided for pedestrians' use as a public right of way and that are located between the curblines of the streets surrounding City Hall and the property line demarcating the City property upon which City Hall is built.

3. Areas Open To The Public

Unless posted otherwise, the following City property is open to the public as noted:

- a. City Hall is open to the public from 8 a.m. to 4 p.m. and during public events (for example, City Council meetings). City Hall is not open to the public on Saturdays, Sundays, and City Holidays.
- b. The first floor lobby, including the area outside the City Council Chambers are open to the public when City Hall is open to the public.

- c. Elevators and stairways are open to members of the public when they are: 1) attending to City business; or 2) attending City sponsored or authorized events or activities as an invitee.

4. Rules Governing Public Speech Activities

a. General Rules

- 1) All public speech activities, wherever conducted, must comply with all applicable laws (for example, see BIMC 9.70.010, "Disorderly Conduct").
- 2) Disruption Prohibited. All public speech activities allowed by these rules must be conducted in such a manner that they: 1) do not disrupt or impede the ability of City employees' or members of the public to conduct City business; 2) do not interfere with the public's access to City services; 3) do not interfere with the ability of City employees or members of the public to enter, leave, and move about in City Hall; and 4) do not endanger the safety and security of employees or members of the public.
- 3) Amplified sound. Amplified sound inside City Hall requires a permit or other authorization.
- 4) Signs and Banners. Signs, banners, and other objects may not be attached to walls, railings, or other structures anywhere either outside or inside City Hall. No unattended signs are allowed, except for one free-standing sign during an event not to exceed 36" x 36". Hand-carried signs are allowed in specific areas as provided below.
- 5) The City Manager or designee may modify or suspend these rules in order to accommodate City sponsored or approved events.

b. Rules for Specific Locations. Some rules governing Public Speech Activities vary according to the location.

- 1) Public Sidewalks. Public Speech Activities on the public sidewalks do not require any special permit or authorization, except that a permit may be required for groups of 30 or more people (see BIMC 12.06, "Parades and Assemblies") or to place a sign, table, or other structure on the public sidewalk (see BIMC 15.08 "Sign Code").
- 2) Adjacent Outside Areas. Public Speech Activities on Adjacent Outside Areas do not require any special permit or other prior authorization, with the following exceptions:
 - a. Large Gatherings. Any gathering attracting, or reasonably expected to attract, fifty (50) or more people requires a permit or other authorization;

- b. Amplification. Any use of amplification equipment requires a permit or other authorization;
 - c. Equipment. The placement of any tables, equipment, or other objects requires a permit or other authorization; and,
 - d. Signs and banners. An individual may carry one sign or banner no larger than 36" by 36". No unattended signs are allowed, except for one freestanding sign during an event not to exceed 36" x 36". Signs and banners must be carried in a manner that does not jeopardize the safety of others.
- 3) Inside City Hall. Areas inside City Hall are not a forum for public speech activities. However, limited public speech activities are allowed in designated areas as follows:
- a. City Hall First Floor Lobby. Members of the public may, on a first come-first served basis, distribute literature or gather signatures while stationary or circulating around in the first floor lobby without a permit or other prior authorization. Tables or other objects are not permitted in the first floor lobby.
 - b. Stairways. The stairway from the first floor lobby to the second floor office area is a means of passage from the first floor lobby to those offices. The stairway is not a forum for public speech activities.
 - c. Inside City Council Chambers. Although the public is free to attend City Council meetings and the City Council regularly invites public comment on legislative matters, City Council Chambers are not a forum for public speech activities. Prohibited activities include that use of amplification equipment other than that provided by the City, the placement of any tables, equipment, or other objects and signs or banners larger than 36" by 36." Signs and banners must be carried in a manner that does not jeopardize the safety of others.

5. Permits And Other Authorization

- a. The City Manager may develop and approve application and other forms for requesting a permit or authorization required by these rules. Such forms may be requested from the City Clerk.
- b. The City Manager shall respond in writing to an application within a reasonable time by either granting, denying, modifying, or adding reasonable conditions. In making the decision, the City Manager shall consider the following factors regarding the proposed event or activity's impact upon:
 - 1) The safety of employees, members of the public, and the event participants;

- 2) The ability of the City to conduct City business;
- 3) The ability of members of the public to access City services;
- 4) Other City-sponsored events or activities;
- 5) Other permitted events or activities; and,
- 6) Public property.

c. If the decision is to deny, to modify, or to issue the permit with conditions, the City Manager shall explain in writing the reasons, explaining how the permit as requested would create an unreasonable risk to or adverse impact upon one or more of the factors described above.

d. Applications for permits to conduct any activities on the public sidewalk that require a permit should be directed to the Police Department.

6. Enforcement

Engaging in any activity which requires a permit or authorization without such a valid permit or authorization constitutes a violation of these rules.

Any violation of these rules or other applicable rules or law may result in: 1) revocation of a person's permission to remain in City Buildings and/or on the adjacent premises; 2) issuance of a notice of exclusion; and/or 3) arrest or citation.

7. Procedures

The City Manager is authorized to issue procedures regarding the implementation of this rule, including but not limited to:

Developing and approving application or other forms for the permitting or approval process;

Developing special guidelines or procedures regarding specific locations such as, lobbies and stairways.