

PUBLIC SPACE DESIGNATION OF TOWN PROPERTY POLICY

PURPOSE

The Victor Town Board is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Town's employees and the general public who do business with or use the services of the Town.

This policy ("Policy") is intended to delineate those portions of Town Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis.

Each department shall designate their Town public spaces using the following terms and guidelines:

Traditional Public Forum - a place that has a long-standing tradition of being used for, is historically associated with, or has been dedicated by government act to the free exercise of the right to speech and public debate and assembly. (Examples: streets, sidewalks, common areas inside/outside public buildings). Restrictions cannot be based on content or viewpoint; unrestricted forums.

Designated or Limited Access Public Forum – Spaces not traditionally regarded as a public forum but which the government has intentionally opened up for that purpose. The space is not generally open to or occupied by the public; is open to or occupied by the public on only a limited, as-needed, or by invitation basis; or is in an area generally open to or occupied by the public in close proximity to where private third parties conduct business with Town employees. (Example: conference rooms).

Nonpublic Forum – a space that is not traditionally a forum for public communication with flexibility to craft rules limiting speech. Regulations on speech must be reasonable and not an effort to suppress expression merely because of opposing views. (Examples: private work areas - personal offices, workstations, courtrooms, waiting rooms, secure locations, etc. – can be marked and treated as nonpublic forums.

Special attention must be taken when determining forum rules to ensure the public's rights are upheld.

Reasonable justifications for excluding general public from designated nonpublic forums on government property are:

- Protecting the private information of citizens and employees
- Prevention disruption of government business
- Public safety

Examples of protecting private information of citizens and employees include, but are not limited to, spacing limitations to remove view of private information, records areas, etc.

Each department will establish forum designations based on the definitions within this policy. Limited Access Areas and Nonpublic Forum spaces may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards, or other visible indications. The lack of visible indications shall not prevent the Town from considering or treating an area as a Limited Access Area. The Town shall retain the right to verbally instruct third parties that an area is a Limited Access Area.