

SOUTH SUBURBAN PARK AND RECREATION DISTRICT

A RESOLUTION ADOPTING RULES AND REGULATIONS CONCERNING SPEECH AT DISTRICT FACILITIES

WHEREAS, the South Suburban Park and Recreation District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the Board of Directors of the District (“Board”) is authorized to adopt and enforce rules and regulations for carrying on the business, objects, and affairs of the Board and the District; and

WHEREAS, the District owns and operates recreation facilities, such as recreation centers, golf courses, trails, and parks, and the sidewalks adjacent thereto (collectively, the “SSPR Facilities”); and

WHEREAS, the intended purpose of the SSPR Facilities is to provide recreational activities for members of the public; and

WHEREAS, the SSPR Facilities are not a place of unrestricted public access; and

WHEREAS, the Board recognizes that, under the First Amendment to the United States Constitution (“First Amendment”), its ability to regulate public communications and expressive activities (collectively, “Speech Activities”) on District property depends on the type of “forum” or government property at issue; and

WHEREAS, the United States Supreme Court has identified three categories of fora for First Amendment purposes, namely, public fora, limited public fora, and nonpublic fora, the characteristics of which are described in *U.S. Postal Serv. v. Council of Greenburgh Civic Ass’n*, 453 U.S. 114, 129 (1981), *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37 (1983), and *U.S. v. Kokinda*, 497 U.S. 720 (1990); and

WHEREAS, after studying this issue and reviewing the characteristics of each type of forum, the Board has determined that the SSPR Facilities, except for public parks and trails, are “nonpublic fora” for purposes of the First Amendment, because recreation facilities have not traditionally been made available for Speech Activities; the District has not intentionally opened the SSPR Facilities for Speech Activities; and Speech Activities are generally incompatible with the usual functioning of the SSPR Facilities; and

WHEREAS, furthermore, the Board has determined that, pursuant to the United States Supreme Court’s analysis in *Kokinda*, the District-owned sidewalks adjacent to the

SSPR Facilities are also a “nonpublic forum,” because they are not a public thoroughfare; they were constructed solely to provide for the passage of individuals using the SSPR Facilities; and the District has not dedicated such sidewalks to Speech Activities; and

WHEREAS, because the SSPR Facilities (excluding public parks) are a nonpublic forum, the Board can impose viewpoint neutral prohibitions or restrictions on Speech Activities at the SSPR Facilities that are reasonably related to a legitimate District purpose; and

WHEREAS, public parks may be a traditionally public forum, however, the District’s parks have not traditionally been open for public speech and the main purpose of the District’s parks is to provide recreational opportunities for District residents and visitors; and

WHEREAS, even if the District’s parks are classified as a traditionally public forum, the District may impose viewpoint-neutral restrictions on time, place and manner of speech that are necessary in order to serve the compelling interest in maintaining the primary purpose of the parks as recreation sites for District visitors and residents; and

WHEREAS, the District has a substantial interest in preserving the aesthetic quality of its parks, protecting the health and integrity of its trees, and preventing any harm or injury to its residents and visitors; and

WHEREAS, distribution of materials on parked vehicles at SSPR Facilities often creates litter; and

WHEREAS, the Board hereby finds and determines that adopting rules and regulations concerning the time, place, and manner of speech activities at SSPR Facilities is appropriate and necessary to preserve the normal function, use and operation of the SSPR Facilities and to protect the rights of others to use, enjoy and move freely about the SSPR Facilities for their intended purpose, which is recreation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the South Suburban Park and Recreation District as follows:

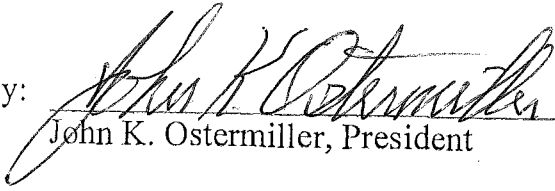
1. **Adoption of Rules and Regulations Concerning Speech Activities.** The rules and regulations concerning speech activities at SSPR Facilities described in **Exhibit A**, attached hereto and incorporated herein, are hereby adopted.
2. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

3. **Effect on Prior Policies.** This Resolution amends and replace any prior policies concerned Speech Activities at SSPR Facilities, including the Policy Regarding Dissemination of Informational and Advertising Materials at District Facilities adopted in the Spring of 1992.
4. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the Board.

ADOPTED this 14th day of October, 2015

South Suburban Park and Recreation District

By:


John K. Ostermiller, President

Attest:

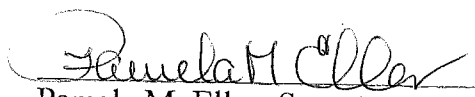

Pamela M. Eller, Secretary

EXHIBIT A

RULES AND REGULATIONS CONCERNING SPEECH AT THE SOUTH SUBURBAN PARK AND RECREATION DISTRICT FACILITIES

The following rules and regulations apply to the public facilities owned and operated by the South Suburban Park and Recreation District (the “District”), including the District’s recreation centers, golf courses, parks and trails, and the District-owned sidewalks and trails adjacent thereto (collectively, the “SSPR Facilities”).

1. Unsolicited, verbal communications intended to persuade or attempt to persuade another person to the speaker’s point of view, including petitioning, picketing, leafleting, campaign activities, proselytizing, the sale and distribution of newspapers, carrying of placards, and the display of signs, banners, or other written materials (collectively, “Speech Activities”), are permitted at SSPR Facilities only in designated areas (“Speech Areas”) at a time, place and in a manner consistent with these Rules and Regulations and as approved by the Executive Director or designee.
2. The Executive Director or other designee shall identify Speech Areas for the SSPR Facilities. Such areas must be outside of any building, and generally should be at least 100 feet from the entrances to any building or active use area, safe for both the speakers and users of SSPR Facilities, and allow adequate room for passage. A bulletin board, counter, or table top may be provided upon request within a public area of a District building for the display of written materials. In order to prevent the disruption of District operations, the size of any sign, leaflet, handbill, or distribution of any kind may be limited to a maximum size of 8 ½ x 11 inches.
3. Those engaging in Speech Activities in designated Speech Areas are not permitted to:
 - (a) Create a dangerous or hazardous condition, interfere with access and use of the SSPR Facilities, damage property, or create an unnecessary maintenance expense for the District;
 - (b) Post promotional materials (i.e. banners, materials, signs, etc.) on trees or other natural features within SSPR Facilities, or post promotional materials on man-made features within SSPR Facilities without prior approval from the Executive Director or his/her designee;

- (c) Distribute promotional materials on vehicles parked at SSPR Facilities;
 - (d) Have more than two speakers in the Speech Area at any time, except with prior approval from the Executive Director or other designee;
 - (e) Hinder, impede, block the passage of District patrons, employees or visitors;
 - (f) Harass or continue to impose upon, follow, shout at or against, mark for approach by others or otherwise press an issue after having been advised of the patron's, employee's, or visitor's lack of interest in an opposing viewpoint and/or desire to be left alone;
 - (g) Surround or make repeated approaches to a District patron, employee, or visitor;
 - (h) Incite or promote arguments with or among District patrons, employees, or visitors;
 - (i) Incite or promote imminent acts of violence;
 - (j) Present, impose, or otherwise impress upon District patrons, employees, or visitors obscene materials or materials, photographs, or demonstrative exhibits generally offensive in the community; or
 - (k) Violate these Rules and Regulations or any additional time, place and manner restrictions imposed by the District.
4. The following are exempt from these Rules and Regulations, except that all signs, banners and other materials displayed shall be inoffensive and family-friendly, and the District reserves all rights related to review and enforcement thereof:
- (a) The District may display signs, banners or other materials;
 - (b) Individuals and organizations who rent a meeting room at SSPR Facilities may display a sign in a location designated by the Executive Director or an appointed designee for informational purposes that states the name of the individual or organization, and the date, time and location of the meeting;
 - (c) Individuals and organizations who pay a sponsorship fee to support the District's facilities, activities, events, and/or operations may display promotional materials (i.e. banners, materials, signs, etc.) in

a location designated by the Executive Director or an appointed designee; and

- (d) Nonprofits and governmental entities that partner with the District to provide information to the public and for which the District receives reciprocal benefits may display promotional materials (i.e. banners, materials, signs, etc.) in a location designated by the Executive Director or an appointed designee.
5. Any individual who violates these Rules and Regulations will first be given a verbal warning. If the violation does not cease, such individual will be escorted off District property without receiving a refund for any entrance or program fees paid. Violations may also result in the revocation of the right to utilize the SSPRD Facilities and programs.
 6. If a violation of these Rules and Regulations also constitutes a violation of federal, state, or local law (e.g., trespass, disorderly conduct, nuisance), the individual will be subject to all applicable penalties under such law.
 7. The Executive Director or an appointed designee is responsible for the administration of these Rules and Regulations.