

Mohave County Library District PO Box 7000, Kingman, AZ 86402 928-692-5705		<b>Citizens' Advisory Committee</b>	
<b>Title: Free Speech Activities on Mohave County Library Property</b>			
COVERAGE: All Staff		RESPONSIBLE: All Staff	Page 1 of 3
AUTHOR: Ryan Esplin, Deputy County Attorney		SUPERCEDES: New	
REVIEWED BY: Kathy Pennell		APPROVED BY: Citizens' Advisory Committee	
ADOPTED: BOS 07/03/2017	REVISED:	EFFECTIVE: 07/03/17	NEXT REVIEW:

**Policy Statement:**

The Mohave County Library District exists to serve the literary and educational needs of the public. Although the county library is not a traditional public forum for the direct expression of free speech, there may be times when citizens wish to exercise their right to free speech on the exterior portions of the county's public libraries. Mohave County respects, values, and honors the constitutional right to freedom of speech. The County also recognizes the public's right to the use and enjoyment of the libraries in a safe environment, including the staff's right to conduct the necessary business activities of the library without interference. As a limited use public forum, the following regulations are designed to protect all of these rights.

**Regulations:**

1. **Description of Free Speech Activities:** Free Speech Activities include, but are not limited to, the following: demonstration activities such as holding or carrying signs, protesting, using expressive conduct or speech, distributing or passing out literature and flyers, acting as a public speaker, requesting or soliciting signatures/donations/contributions, and seeking signatures for petitions. Such activities shall be referred to in these regulations as "Free Speech Activity" or "Free Speech Activities". Free Speech Activities are permitted, subject to the regulations set forth herein.
2. **Content-Neutral:** The regulations stated herein shall be construed as "content neutral", meaning that the County does not take a position on any message administered or communicated by the Free Speech Activities.
3. **Library Interior:** The interior of the libraries are dedicated to the quiet enjoyment and use of the library by its visitors, patrons and employees. Their safety and use of the library is of the utmost importance. Free Speech Activities shall not take place within the library's interior. Nothing in these regulations shall replace the policies and procedures already in use for the interior portions of the libraries.
4. **Access to Library:** At no time shall Free Speech Activities hinder, obstruct, or delay a person's right to access and use the library.
5. **Location of Free Speech Activities:** These regulations preserve the safe ingress and egress of the libraries. To ensure the safety and well-being of the library visitors, patrons, and employees, no free speech activities shall take place within thirty (30) feet of any library doors. No Free Speech Activity may take place in landscaped areas commonly referred to as flower beds, shrubs, and planter boxes. To protect against

property damage, Free Speech Activities shall not occur within five (5) feet of any part of the library buildings. Those engaged in free speech activities may use tables, chairs, umbrellas and other appropriate personal property during their activities, but they may not be placed in the protected areas specified in these regulations. Library staff reserves the right to request the relocation of people, furniture, or other items of personal property upon discovering that a free speech activity is interfering with or hindering access to the library.

- 6. Parking Lots:** To avoid the risk of physical harm or property damage, and to ensure an unimpeded and orderly flow of traffic, no free speech activity shall take place in the parking lots of the county's libraries. The distribution of leaflets, flyers, handbills, and any like material on vehicle windshields is strictly prohibited.
- 7. Obedience to the Law:** Those engaged in Free Speech Activity must abide by all federal, state, and local law, including any municipal codes, county ordinances, and zoning laws. Any such violations are grounds for immediate removal and termination of Free Speech Activities.
- 8. Noise:** Library users and staff have a significant interest in reading, studying, and conducting library business without distractions and unreasonable noise. Those engaged in Free Speech Activity must control their level of noise in a way that will not disturb the library users and staff.
- 9. Petitions, Pamphlets, Leaflets and Printed Material:** Petitions, posters, pictures, notes, pamphlets, leaflets, brochures, banners, handbills, and flyers shall be hand-held or hand-distributed. Those participating in Free Speech Activities may not post, place, or attach any of these materials on any portion or part of the library buildings, walls, columns, lights, or other structural or ornamental features of the library. Unattended materials, such as signs and personal property, if found by library staff shall be removed and discarded.
- 10. Solicitation of Money on Site.** Those engaged in Free Speech Activities that involve the solicitation of money shall abide by all of these regulations and shall respect the decisions of library visitors and staff. No commercial sales shall occur on the exterior (outside) portions of the library properties, with the exception of those organizations whose primary mission is to support the library.
- 11. Contact with Library Visitors and Staff:** Those engaged in Free Speech Activities shall treat library visitors and staff with courtesy and respect and shall not behave in a way that would cause a reasonable person to experience distress, embarrassment, or intimidation. Persons engaged in Free Speech Activities are prohibited from continuing to impose upon, follow, shout at or against, or otherwise press an issue after having been informed of the library visitor's or employee's lack of interest or opposing viewpoint and desire to be left alone. No person is allowed to unreasonably surround or make serial approaches of a library visitor or employee. No person is permitted to present or impose upon library visitors or employees any obscene material, pictures, or photographs. What is defined as obscene is determined by the definitions found in Chapter 35, Title 13 of the Arizona Revised Statutes.
- 12.** The county does not assume responsibility for any harm or injury suffered by those participating in Free Speech Activities.
- 13.** For county libraries leased on privately owned property, the following rules shall apply:
  - (a) Those wishing to conduct Free Speech Activity must abide by the rules and

regulations of the owner of the property, and Regulations 1, 2, 3, and 4 above shall apply to these properties, and (b) regulations 5 through 13 also apply to those conducting Free Speech Activities at county libraries leased on privately owned property, but only to the extent that these regulations do not conflict with the private property owner's rules, regulations, and rights, as well as the terms and conditions of any existing lease agreements between the County and the private property owner(s). To the extent allowed by law, these regulations shall not interfere with any lease agreement between the County and the private property owners. Those seeking to conduct Free Speech Activity at county libraries leased on privately owned property shall assume full responsibility for gathering information about, adhering to, and abiding by the private property owner's rules and regulations.

### **Procedures:**

1. Any person wishing to conduct Free Speech Activity on library property shall contact the library staff employee in charge of the library during the activity. The library staff member shall provide a copy of these regulations to the person, and the person shall acknowledge written receipt of the regulations. If a group, club, entity, or organization (hereinafter referred to as "group") intends to conduct Free Speech Activity on library property, a representative of the group shall contact the library staff member and acknowledge written receipt of the regulations on behalf of the members of the group. The representative's acknowledgment shall be binding upon all members of the group. No person or group shall be denied the right to conduct Free Speech Activity in violation of federal and state civil rights.
2. Upon discovering any violation of these regulations, any library staff employee may take any of the following actions: (1) issue a warning of the violation and direct compliance with the regulations, (2) remove or relocate personal property or materials in order to comply with these regulations, (3) request those participating in the Free Speech Activity to leave the library property, (4) trespass any person who violates the regulations, (5) contact law enforcement and request assistance if the person(s) refuse to leave the property, (6) contact law enforcement and request assistance if any person is violating any federal, state, or local laws or the activities pose a threat of harm to library staff or library visitors.
3. The decision to deny or restrict any Free Speech Activities may be appealed to the Mohave County Library Director by written request. The Director shall review the request and issue a written decision to the person or group within a reasonable amount of time.