

RESOLUTION 2022-05-09A

POLICY REGULATING THE USE OF COUNTY PROPERTY FOR EXPRESSIVE ACTIVITIES

WHEREAS, the Board of County Commissioners recognizes and supports the rights of the people to engage in expressive activities, including leafleting, displaying signs, picketing and other activities involving the advancement, communication or expression of views, ideas, or grievances on County-owned properties. The Board of County Commissioners will protect freedom of speech, petition, and peaceful assembly as set forth in the United States Constitution. Expressive activities will neither be restricted based upon the content, subject matter, or viewpoint of the message conveyed nor limited simply because the message may be offensive to others.

WHEREAS, the Board of County Commissioners also recognizes that public property must be used for its primary purpose of conducting the lawful functions of government without undue interference. Consistent with federal law, the Board maintains the ability to regulate expressive activities on County-owned properties with reasonable, content-neutral, time, place, and manner restrictions. This includes the designation of public forums where public assemblies are allowed.

WHEREAS, the Board of County Commissioners does hereby designate the following areas of County-owned property as public forums for expressive activities because these areas have been traditionally used as public forums for such activities. All other County-owned properties are not public forums.

- Certain portions of the unrestricted, public access grounds of the Custer County Courthouse, located at 675 B Street, in Arapaho, Oklahoma, as outlined in yellow in Attachment 1. These areas are described as the lawn/green space on the north side of the County Courthouse building, excluding the uncovered sidewalk and parking area; the lawn/green space on the south side of the Custer County Courthouse, excluding the uncovered sidewalk and parking area; the lawn/green space on the east side of the Custer County Courthouse, excluding the uncovered sidewalk and parking area. Areas depicted in green are not County-owned property.
- Certain portions of the unrestricted, public access grounds of the Custer County Detention Center, located at 300 N. 7th Avenue in Arapaho, Oklahoma, as outlined in yellow in Attachment 1. These areas are described as the lawn\green space located at the public entrance on the east side of the Custer County Detention Center. Areas depicted in green are not County-owned property.

WHEREAS, the Board of County Commissioners declares that both the interiors and exteriors of County-owned buildings are not open to the public for the purpose of expressive expression and are expressly reserved for the exclusive functioning of County government and the Courts. Signs, banners, or other materials (to include but not be limited to white boards, sandwich boards, placards, posters, flyers, handbills, announcements, notices, brochures, etc.) affixed to the walls or surfaces of County-owned buildings or structures, including the walls and surfaces of the Custer County Courthouse and Custer County Detention Center are prohibited. This prohibition does not apply to signs, banners, or other materials affixed to the walls or surfaces by the Board of County Commissioners, an Elected Official, or their employees in the performance of their official duties.

WHEREAS, in order to protect the safety of those participating in or observing expressive activities and to maintain public areas for the use of the public and the functioning of County government and the Courts, the following apply to all acts or expressions of free speech conducted in the designated public forums. Expressive activities may not:

- Be conducted in an unlawful manner.
- Be conducted within 25 feet of any building entrance or exit during times when the building is open and operating public business.
- Interfere with the flow of pedestrian or vehicular traffic.
- Create an imminent safety, security or health hazard.
- Use any amplified sound (i.e. bullhorn, portable amplifier, portable speaker, drumming, etc.) during times when the Courthouse is open and operating public business.
- Create excessive noise that disrupts the functioning of the Court, as determined by any judge of the District Court, during times when the Courthouse is open and operating public business.
- Be conducted in a manner that damages public property.

WHEREAS, the Custer County Sheriff is charged with the statutory duty to provide security for the Courthouse and to keep the peace in all areas of the County. Therefore, it may be necessary for the Custer County Sheriff and his deputies to communicate this policy to citizens seeking to engage in First Amendment protected activities. Citizens who chose to violate this policy after being informed thereof may be ejected from the premises. Assemblies that pose an imminent danger to public safety may be required to disperse immediately and without prior warning. Citizens whose activities violate state law or municipal ordinance may be arrested without priorwarning.

NOW THEREFORE BE IT RESOLVED that the Custer County Board of County Commissioners does hereby adopt the above and foregoing Policy Regulating the Use of County Property for Expressive Activities.

APPROVED this 9th day of May, 2022.

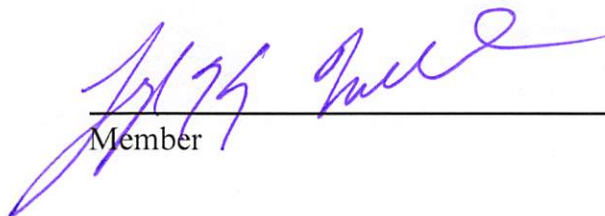
BOARD OF COUNTY COMMISSIONERS



Chairman



Member



Member

ATTEST:



Melissa Graham, County Clerk



Not County Property

Designated County Property
for public forums

