	Administrative Policy	No.	2024-06
	Subject: Rules Regarding City Facilities and Adjacent Premises	Date:	Sept. 2024 (updated)
		Authority:	City Manager

1. PURPOSE

The purposes of these rules are to establish:

- A. The hours City facilities and adjacent premises are open to the public;
- B. That portions of City facilities and adjacent premises are not open to the public at any time;
- C. The rules of conduct that apply related to City facilities and adjacent premises;
- D. That permission to remain in City facilities or on adjacent premises is conditioned upon compliance with rules of conduct and with all applicable laws; and
- E. The City’s administrative process for establishing, modifying, and enforcing public operating hours, access, and rules of conduct for City facilities and adjacent premises. These rules supersede all other rules that have been adopted administratively by the City related to this topic area.

2. SCOPE

These rules apply to all City facilities and adjacent premises. In addition to these rules, the City may adopt or post rules for specific City facilities, areas of City facilities, or adjacent premises. To the extent that a written or posted rule for City facilities or adjacent premises conflicts with one of these general rules, the more specific rule shall govern for the particular area at issue.

3. GENERAL AUTHORITY RELATED TO ENFORCEMENT

Enforcement of these rules shall be conducted in a fair and reasonable manner. See, e.g., Sections 9-13 of these rules. City of Bainbridge Island Police officers, other law enforcement officers, and other authorized City personnel or designated agents may:

- A. Intervene to stop activities that violate applicable laws and/or these rules;
- B. Revoke the violator’s permission to remain in City facilities or adjacent premises;
- C. Issue an order that the violator not return to City facilities for a specified period of time from one day up to one year; and/or
- D. Remove items from City facility premises in accordance with these policies.
- E. City of Bainbridge Island Police officers or other law enforcement officers may issue citations

or arrest a violator for criminal trespass or for other crimes. See, e.g., Chapter 9A.52 RCW.

4. DEFINITIONS

- A. "City" means the City of Bainbridge Island.
- B. "City Facilities" means all buildings and property owned by the City of Bainbridge Island, in particular City Hall, the Ted Spearman Justice Center, and the City Public Works Facilities as defined below.
- C. "City Public Works Facilities" means buildings and property owned by the City of Bainbridge Island, in particular, the Operations and Maintenance Yard, the Wastewater Treatment Plant, and the Decant Facility.
- D. "BIMC" means the Bainbridge Island Municipal Code.
- E. "City Manager" means the City Manager of the City or their designee.
- F. "Designated Agents" means sworn members of the Bainbridge Police Department, City security employees, and other City employees or contractors authorized by the City Manager to enforce these rules on City property.
- G. "Adjacent Premises" means the City-owned or occupied exterior real property adjacent to City facilities and subject to the jurisdiction of the City, including parking lots used by City employees and Town Square. It does not include areas that are part of the public sidewalks or other public rights of way.
- H. "Public Speech Activities" means the following activities when engaged in by members of the general public on City property:
 - (1) Distributing leaflets or other material intended to convey a message;
 - (2) Gathering signatures on petitions, letters, or other similar materials; or
 - (3) Verbally 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.
- I. "Weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

5. OPERATING HOURS AND AREAS OPEN TO GENERAL PUBLIC ACCESS

- A. Unless posted otherwise, City Hall and the Ted Spearman Justice Center are open to access by

the general public as follows:

- (1) The facilities are open to the public from 8:00 AM to 4:00 PM Monday through Friday, except that they are also open during certain public activities and events (e.g., City Council meetings).
 - (2) The facilities are generally not open to the public on Saturdays, Sundays, City holidays, and on weekdays after 4:00 PM and before 8:00 AM.
 - (3) The lobby areas are open to general public access when the facility is open to the public.
 - (4) Elevators and stairways at City Hall are only open to members of the public when they are:
 - (a) Attending to City business and when accompanied by a City employee or official;
or
 - (b) Attending City sponsored or authorized activities or events as an invitee.
 - (5) Adjacent Premises. The Adjacent Premises surrounding the facilities are not open to the public from 4:00 PM to 8:00 AM, unless posted otherwise or as authorized by the City.
 - (6) Fire exits. All fire exits must be kept clear pursuant to health and safety requirements and applicable fire code provisions.
- B. Unless posted otherwise, the Operations and Maintenance Yard, the Wastewater Treatment Plant, and the Decant Facility are not open to access by the general public.
- (1) The facilities are generally staffed and may be accessed by the public by prior appointment for an established purpose from 8:00 AM to 4:00 PM Monday through Friday.
 - (2) Adjacent Premises. The Adjacent Premises surrounding the facilities are not open to the public, unless posted otherwise or as authorized by the City.
 - (3) Fire exits. All fire exits must be kept clear pursuant to health and safety requirements and applicable fire code provisions.
- C. Other Posted Hours. The City Manager may, by posting:
- (1) Establish other operating hours for any City property; or
 - (2) Temporarily close any City property (e.g., for staff meetings or building lockdowns required to protect public safety).

6. RULES OF CONDUCT

- A. Posted Rules of Conduct. In addition to these written rules, the City Manager may post rules of conduct at City facilities or any City property. Failure to comply with a posted rule of conduct may result in the same consequences as failure to comply with a written rule of conduct.
- B. General Rules of Conduct. The following conduct is prohibited at City Facilities and

Adjacent Premises:

- (1) Any conduct prohibited by federal, state, or local law.
- (2) Allowing an animal to be unleashed, to unreasonably disturb others, to interfere with scheduled events or City business, or to leave waste.
- (3) At the Ted Spearman Justice Center, knowing possession of weapons is prohibited in areas which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. At City Hall, the open carry of weapons is prohibited in all areas of the building. Signage notifying the public of the restrictions shall be posted at appropriate locations.
- (4) Smoking, vaping, chewing tobacco, or other tobacco use, or carrying a lighted or smoldering pipe, cigar, or cigarette, or using an e-cigarette, unless within a designated smoking area.
- (5) Unreasonably disturbing others by engaging in loud or raucous behavior.
- (6) Behavior that unreasonably interferes with others' use of City facilities Hall or the Adjacent Premises.
- (7) Abusive or harassing behavior.
- (8) Blocking entrances, exits, fire exits, disabled persons access areas, public walkways or roadways, or obstructing pedestrian traffic or otherwise interfering with the provision of services or the use of City facilities or Adjacent Premises.
- (9) Sitting anywhere except in seating or areas designated for that purpose.
- (10) Spitting, urinating, or defecating except in restroom facilities.
- (11) Improperly using restrooms (e.g., no bathing, shampooing, washing clothes, sleeping, or eating).
- (12) Entering or remaining in City facilities without shoes or a shirt or being attired so as to be disruptive to City business. In addition, nudity, or the display or exposure, with less than a full opaque covering, of any portion of a person's genitals, pubic area, or buttocks or that portion of the breast lower than the upper edge of the areola, is not allowed and is not considered a form of expression.
- (13) Entering or remaining in nonpublic areas except while attending to City business or with other authorization (such as attending a City-authorized function, event, or activity to which the person is an invitee).
- (14) Any act which could result in substantial risk of harm to persons or property.
- (15) Sexual misconduct, such as indecent exposure, offensive touching, or sexual harassment.
- (16) Possession of flammable liquids, explosives, acid, or any other article or material capable of causing serious harm to others.
- (17) Possession or use of fireworks, firecrackers, or any other explosive or incendiary device.

- (18) Throwing objects at people or City property.
- (19) Discharging a laser-emitting device (e.g., laser pointer).
- (20) Hanging, swinging, or climbing on City property.
- (21) Camping.
- (22) Littering, dumping, or creating unsanitary conditions.
- (23) Defacing, destroying, or otherwise vandalizing City property, including the building, fixtures, grounds, signs, or other City property.
- (24) Tampering, misuse, abuse, or destruction of emergency or security equipment.
- (25) Assisting unauthorized access to buildings (e.g., propping open exterior doors).
- (26) Disrupting City business, events, or other City sponsored or authorized activities.
- (27) Operating, stopping, or parking a vehicle in any roadway or location restricted for City vehicles.
- (28) Possession or use of illegal drugs.
- (29) Assaults or threatening behavior.
- (30) Leaving packages, backpacks, luggage, or other personal items unattended.
 - (a) Any such items are subject to immediate confiscation.
 - (b) Items identified as personal property may be removed for safe keeping *or* will be tagged to notify the owner that:
 - i. The personal property must be removed within 24 hours;
 - ii. Personal property remaining after 24 hours will be removed and stored in a storage area at the Ted Spearman Justice Center or City of Bainbridge Island Operations and Maintenance Yard at the discretion of City staff, where it can be claimed by appointment during business hours of 8 AM – 4 PM Monday – Friday, or by alternative arrangement with law enforcement; and
 - iii. If the personal property is not claimed within sixty (60) days, it will be considered abandoned and disposed of according to Chapter 63.32 RCW.
- (31) Lying down or sleeping except in designated areas.
- (32) Skateboarding, bicycle riding, rollerblading, roller skating, or operation or possession of any other wheeled device, including a scooter, except for walkers, wheelchairs, or similar devices to assist a disabled person, baby strollers, maintenance equipment, and City sanctioned use of wheeled devices by City employees for official City business.

7. PUBLIC SPEECH ACTIVITIES: TIME, PLACE, AND MANNER LIMITATIONS

The City respects and values civic engagement and expression by individuals and intends to

apply these rules so that the rights of any individual are compromised only as necessary protect the rights and safety of other individuals and the ability of the City to engage in the orderly business of the public.

A. General Rules

- (1) All Public Speech Activities, wherever conducted, must comply with all generally applicable laws (see, e.g., BIMC 9.70.010, “Disorderly Conduct”).
- (2) Disruption Prohibited. Public Speech Activities must be conducted in such a manner that they:
 - (a) Do not disrupt or impede the ability of City employees or members of the public to conduct City business;
 - (b) Do not interfere with public access to City services;
 - (c) Do not interfere with the ability of City employees or members of the public to enter, leave, and move about in City facilities; and
 - (d) Do not endanger the safety and security of employees or members of the public.
- (3) Amplified sound. Amplified sound inside City facilities requires a permit or other authorization.
- (4) Signs and Banners. Inside or outside City Facilities or Adjacent Premises, signs, banners, and other objects may not be erected or attached to walls, railings, or other structures anywhere either outside or inside City Facilities. No unattended signs are allowed. Hand-carried signs are allowed in specific areas as provided below.
- (5) The City Manager may modify or suspend these rules in order to accommodate City sponsored or approved events or public activities that can be conducted in a manner that is consistent with the purpose of these rules.

B. Rules for Specific Locations

Some rules governing Public Speech Activities vary according to the location, including the following:

- (1) Public Sidewalks. Public Speech Activities on public sidewalks do not require a special permit or authorization, except that a permit may be required for groups of 30 or more people (see, e.g., Chapter 12.06 BIMC) or to place a sign, table, or other structure on a public sidewalk (see, e.g., Chapter 15.08 BIMC).
- (2) Adjacent Premises. Public Speech Activities on Adjacent Premises do not require a special permit or other prior authorization, with the following exceptions:
 - (a) Large Gatherings. Any gathering attracting, or reasonably expected to attract, thirty (30) 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.
 - (d) Signs and banners. No unattended signs are allowed. Signs and banners must be carried in a manner that does not jeopardize the safety of others.
- (3) Inside City facilities. Areas inside City facilities are not a forum for all 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) Ted Spearman Justice Center First Floor Lobby and Second 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 lobby.
 - (c) Stairways and Elevators. The stairway from the first-floor lobby to the second floor is a means of passage from the first-floor lobby to those offices and rooms located on the second floor. The stairways and elevators are not a forum for Public Speech Activities.
 - (d) 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, the City Council Chambers are not a forum for all Public Speech Activities. Prohibited activities include the use of amplification equipment other than that provided by the City, and 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.
 - (e) Inside the Municipal Courtroom. Although the public is free to attend Municipal Court proceedings, the Municipal Court is not a forum for all Public Speech Activities. Prohibited activities include the use of amplification equipment other than that provided by the City. No food or drink may be brought into the Municipal Courtroom, unless it is medically necessary. Appropriate attire must be worn (no shorts, tank tops, etc.). No hats or head coverings are allowed to be worn in the Municipal Courtroom, unless worn for a medical or religious purpose. Cell phones must be silenced upon entering the Municipal Courtroom.
 - (f) Inside City Public Works Facilities. Areas inside City Public Works Facilities are not open to the general public and are not a forum for Public Speech Activities.

8. PERMITS AND OTHER AUTHORIZATION

- A. The City Manager may develop and approve applications 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 likely impact of the proposed event or activity 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, modify, or 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.

9. ENFORCEMENT

- A. Engaging in any activity which requires a permit or authorization without such a valid permit or authorization constitutes a violation of these rules.
- B. 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 Hall, the Ted Spearman Justice Center, the Adjacent Premises, and/or other City Facilities;
 - (2) Issuance of a notice of exclusion; and/or
 - (3) Arrest or citation.

10. CRIMINAL TRESPASS – AREAS NOT OPEN TO THE PUBLIC

Any person who enters or remains on City property when such areas are not open to the public in violation of these rules or applicable law may be subject to arrest and prosecution for criminal trespass.

11. CRIMINAL TRESPASS – NOTICE OF EXCLUSION

- A. Notice of Exclusion. The City Manager or their Designated Agent(s) may issue a notice of

exclusion revoking any person's permission to remain on or in any City property, or imposing certain conditions under which such person may return to any City property, if that person violates any rule of conduct or any applicable law. Such an exclusion notice may be for a period of one day up to one year. The length of the period of exclusion may depend upon such factors as the seriousness of the violation, the number of violations, and the individual's prior record regarding conduct on property owned or operated by the City, including but not limited to City property subject to the jurisdiction of the City.

- B. Criminal Trespass. Any person who fails to comply with an exclusion notice is subject to arrest for criminal trespass. See, e.g., Chapter 9A.52 RCW.
- C. Effect of Exclusion. Unless otherwise specified, the exclusion shall take effect immediately upon actual or constructive receipt of the notice by the person being excluded. A person may not defeat the effectiveness of an exclusion by refusing to accept the notice. Receipt of the notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that their privileges to enter upon City property have been revoked. Receipt of the notice is also construed to have been accomplished two (2) days after an exclusion notice is placed in the U.S. mail to an individual's last known address.
- D. Delegation. The City Manager hereby delegates to sworn City of Bainbridge Island Police Department personnel the authority to enforce on City property these and any other applicable written or posted rules, and to issue notices of exclusion for violations. In addition, the City Manager may delegate to others the authority to enforce on City property these and any other applicable written or posted rules, and to issue notices of exclusion for violations.

12. ADMINISTRATIVE REVIEW OF NOTICES OF EXCLUSION

- A. A person who receives a notice of exclusion for a period greater than five (5) days may, within 14 business days of issuance of the notice, submit a written request for an administrative review. The person seeking the review shall include in the request any written documentation they seek to have considered in the review process. The notice of exclusion shall remain in effect pending administrative review.
- B. If a person timely requests an administrative review, the City Manager shall designate a review officer to conduct the administrative review. The administrative review is an informal process designed to give the individual the chance to explain their side of the events surrounding the alleged violation. Administrative reviews are typically confined to the written record and generally do not include witnesses or sworn testimony. The review officer may, at their discretion, allow the excluded individual the opportunity to meet with the review officer to verbally present their side of the events surrounding the alleged violation.
- C. Decision. The review officer shall provide a written recommendation to the City Manager within 10 business days after the administrative review is completed. In making the recommendation, the review officer shall review the exclusion order, consider the written record, the individual's written administrative review request, and other information gathered by the review officer. The review officer may at their discretion conduct meetings or interviews with the individual excluded and other individuals who may have information

relevant to the notice of exclusion.

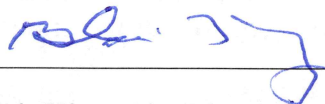
- D. City Manager Review. The City Manager shall consider the review officer's recommendation and may then affirm, modify, terminate, or reverse the exclusion order. The City Manager's decision is final and may not be appealed.

13. PROCEDURES

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

- A. Developing and approving applications or other forms for the permitting or approval process.
- B. Developing special guidelines or procedures regarding permit applications and permit issuance for specific locations, such as lobbies and stairways.

Approved By:



Blair King, City Manager

10/18/24

Date