



## **POLICY FOR PUBLIC EXPRESSION AT NAVY PIER**

This Policy for Public Expression at Navy Pier (this “Policy”) applies to individuals and groups who seek to engage, free of charge, in non-commercial expressive activities at Navy Pier, which includes Polk Bros Park and the walkways leading to Navy Pier. Groups of ten (10) or more persons wishing to engage in such activities, and any person desiring to conduct leafletting as provided in Section II(A)(3) of this Policy, must first obtain approval from the Navy Pier, Inc. (“NPI” or the “Pier”), and must confine their activities to certain areas, as described below.

### **I. FACTUAL FINDINGS AND STATEMENT OF AUTHORITY’S INTERESTS**

NPI operates and manages Navy Pier under a lease agreement with the Metropolitan Pier and Exposition Authority (the “Authority”).

NPI developed Navy Pier into a commercial, entertainment, and tourist venue that is unique in the midwest region of the United States. The Pier’s attractions and amenities include numerous restaurants and shops; the Chicago Children’s Museum; Flyover; commercial passenger boats; a marina; Pier Park, which contains the Centennial Wheel, Carousel, and Wave Swinger; Festival Hall, a convention, trade show and meeting facility; historical structures housing meeting and facilities and the Aon Grand Ballroom; and the South Dock, an outdoor promenade with concessions and entertainment that runs along the Pier’s south side (the “South Dock”). Immediately across the street from the Pier’s main west entrance is Polk Bros Park, which NPI maintains pursuant to long-term agreement with the City of Chicago.

NPI has a substantial financial interest in maintaining the Pier as an attractive and safe destination for the Chicago land residents and visitors alike, and in avoiding disruption of the commercial and entertainment activities taking place at the Pier. NPI strives to ensure that visitors encounter a fun, pleasant atmosphere conducive to shopping, dining, and other recreational options provided by our tenants. To this end, NPI engages in promotional activities, regulates its tenants, and manages leasing and licensing of space on the Pier to attract visitors to the Pier and promote a fun, family-oriented environment that ensures the success of the Pier’s rent paying tenants and therefore the success of the Pier itself. NPI also has a substantial interest in maintaining a free and orderly flow of traffic on Navy Pier. The Pier poses unique emergency and crowd control challenges due to its long, narrow structure bounded on three (3) sides by water with only three egress points at one of its narrow ends. Given this configuration and given that as many 85,000 people visit Navy Pier on a crowded day, NPI has a substantial interest in managing all the activities on the Pier so as to avoid threats to the health and safety of the Pier’s visitors and employees.

Navy Pier has been judicially determined to be a non-public forum. NPI intends to maintain the Pier as a non-public forum, prohibiting picketing, demonstrations, marches, solicitations of signatures or contributions, and other similar forms of public expression of views. NPI finds that allowing such activities to occur on the Pier would make it substantially less attractive, as a tourist destination, discourage visitors from returning, adversely impact the business of the Pier and its tenants, and pose significant public safety dangers considering the Pier’s physical configuration. Pursuant to the Seventh Circuit’s decision in *ACORN v. Navy Pier, Inc.*, 150 F.3d 695 (7th Cir. 1998), this Policy expressly allows non-disruptive leafletting at certain locations on the Pier, notwithstanding the continued designation of those locations as non-public forums.

As currently configured, Polk Bros Park and the South Dock are public forums, which are available for a wide range of expressive activities. This policy sets forth a number of time, place and manner regulations of the use of those areas.

## II. RULES AND REGULATIONS

### A. Areas for Public Expression

The following areas are available, free of charge, for non-commercial public expressive activity at Navy Pier, pursuant to approval granted by NPI, if so required by this Policy:

(1) Polk Bros Park. Picketing marches, demonstrations, solicitation of signatures or contributions and similar forms of public expression of views are permitted in Polk Bros Park, which is located across the street from the main entrances to Navy Pier. To accommodate other users of Polk Bros Park, such activity will generally be located in a designated area centrally located on the north side of the main walkway entering the South Dock, directly east of Illinois Street providing 100' by 15' as shown on Attachment A – Public Expression Site Maps – Polk Bros Park, unless an alternative location within Polk Bros Park is requested and can be accommodated.

(2) Navy Pier (Leafleting Only). Picketing marches, demonstrations, signing, chanting, solicitation of signatures or contributions and similar forms of public expression of views (including but not limited to waving posters, shouting through bullhorns, soapbox speeches, and the like) are strictly prohibited in any of the public areas of Navy Pier. Non-disruptive leafleting, however, is permitted on Navy Pier in the following designated areas: (All as shown on Attachment A – Public Expression Site Maps.)

a) Leafleting Area #1 (Indoors) consist of an area that is 6.5' x 8' and is located in the concourse directly southwest of the parking garage entrance/exit at Door #1 and directly west of the Potbelly restaurant. The zone is in the area which encompasses the south wall of the main walkway of the concourse. Persons using this zone may not obstruct traffic in the concourse walkway.

b) Leafleting Area #2 (Outdoors) consists of an area that is 20' by 10' on the South Dock running from the first stainless steel railing post west of the Wave Wall Staircase to the exposed interior pillar 20' to the west. Persons using this zone may not obstruct pedestrian traffic on the South Dock.

c) Leafleting Area #3 (Indoors) consists of an area that is 5' by 5' and is located in the main east to west concourse walkway at the corridor to the entrance/exit of parking garage Door #6. This 5' by 5' area is immediately west of the first pillar south of the doors leading into the West Lobby from the parking areas. Persons using this zone may not obstruct traffic in the concourse walkway.

d) Leafleting Area #4 (Outdoors) consists of an area that is a 15' by 20' and is located on the South Dock at Ballard #36. Persons using this zone may not obstruct traffic on the South Dock.

### B. Number of Persons Permitted to Engage in Expressive Activity

(1) Polk Bros Park. While NPI has no set limits on the numbers of persons who may engage in expressive activity in Polk Bros Park at a given time, NPI reserves the right to set such limits if determined that the proposed number of participants: creates a risk of injury or damage

to Navy Pier's resources; causes traffic congestion; interferes with activities for which NPI has granted a lease or license; impairs the operation of Navy Pier facilities; presents an imminent risk to the health or safety of the public or Pier visitors; or otherwise threatens to violate section D(1) of this policy.

### C. Time Periods for Expressive Activity

Persons may engage in non-commercial expressive activity pursuant to this policy in Polk Bros Park from sunrise to sunset, on the South Sidewalk and the Leafleting Areas during the hours that the applicable area is open to the general public, as defined in the Navy Pier Rules and Regulations. Navy Pier's operating hours vary by season, and current information on operating hours may be obtained by visiting Navy Pier's website.

### D. Rules Governing Expressive Conduct

(1) Polk Bros Park. Persons engaged in non-commercial expressive activity in Polk Bros Park may not:

- Violate any laws, City ordinances or zoning requirements or prohibitions;
- Cause injury or damage to Navy Pier resources or facilities;
- Interfere with ingress or egress of Navy Pier patrons;
- Impair the operation of Navy Pier facilities;
- Endanger the health or safety of the public or Navy Pier patrons;
- Carry or distribute balloons;
- Litter;
- Generate noise through the use of amplified sound devices, such as bullhorns, public address systems, in violation of levels permitted in the City of Chicago Ordinances.
- Affix signs, Literature or other materials to any object, structure, sculpture, or tree on Navy Pier or in Polk Bros Park;
- Use vehicles or any other wheeled device as part of an expressive activity, with the exception of wheelchairs and other similar motorized devices for those individuals physically requiring such devices;
- Store or leave unattended any boxes or bags of literature or any other materials;
- Erect any table, chair, booth or other structure or physical prop;
- Disseminate obscene materials

(2) Leafleting Areas on Navy Pier. Persons ("Leafleters") who obtain a permit to use Navy Pier's designated Leafleting areas ("Leafleting Areas") may only engage in non-disruptive leafleting, and may not engage in other forms of public expression which this Policy prohibits on the Pier. Leafleters must observe all rules applicable to users of Polk Bros Park. If a Leafleter requests it, Navy Pier will provide a table for the Leafleter to sit at within the Leafleting Area. In addition, Leafleters may not:

- Use any voice amplification device (e.g., bullhorns);
- Leaflet outside the designated Leafleting Area;
- Solicit passers-by for contributions or signatures (except that does not prevent a Leafleter from handing out material that seeks donations);
- Carry, post or affix signs or placards to any portion of the Pier.

NPI reserves the right to require removal of any person and immediately cancel any permit, if the individual(s) or group(s) violate any of the foregoing rules.

In addition to the foregoing rules, expressive activity in Polk Bros Park is subject to all of the rules and regulations generally applicable to public parks and sidewalks imposed by the City Of Chicago or the Chicago Park District. Any person not required to obtain approval but who otherwise engages in non-commercial expressive activities at Navy Pier, which includes Polk Bros Park and the walkways leading to Navy Pier, shall conduct themselves in conformance with the foregoing requirements. In addition, NPI may require that such activity cease or remove such persons for the reasons set forth in Section II (F)(3) below.

#### E. Commercial Speech Not Covered By This Policy

This Policy is intended to apply only to non-commercial expressive activity. The distribution of commercial leaflets or other forms of advertising on the Pier is strictly prohibited except as allowed pursuant to a lease or a short-term license obtained from NPI.

#### F. Permit Application and Review Criteria

(1) How to submit the permit application: When required by this Policy, a permit to engage in non-commercial expressive activity in the areas described above may be obtained by completing the application attached to this policy. Applications should be submitted by mail or hand delivery addressed to, Navy Pier, Inc., 600 East Grand Avenue, Chicago, Illinois 60611. In the alternative, the appeal may be sent via e-mail to, Navy Pier, Inc. [NavyPierPR@navypier.org](mailto:NavyPierPR@navypier.org). Applications for use of Polk Bros Park, or South Sidewalk by ten (10) or more persons, must be received by NPI at least ten (10) business days before the day for which the permit is sought. This requirement may be waived if NPI determines that it was not reasonably possible to submit the application in a timely manner and that adequate security and operational facilities exist to accommodate the issuance of a permit.

(2) When a permit will be granted or denied: NPI's Head of Safety and Security, or his/her authorized designee, will grant or deny applications to use Polk Bros Park or South Sidewalk within a commercially reasonable time after receipt of the application. NPI's Head of Safety and Security, or his/her authorized designee, will grant or deny applications to use the Leafleting Areas, within ten (10) business days after receipt of the application, or upon receipt of a completed application presented in person at NPI's Administrative Office. Applicants will be notified of NPI's decision via e-mail.

(3) Review criteria: NPI grants permit applications on a first-come, first-served basis without reference to content of the message to be expressed. NPI will deny a permit if the Head of Safety and Security finds that such activity would (a) violate laws or City ordinances, including but not limited to zoning ordinances; (b) create a risk of injury or damage to Navy Pier resources or facilities; (c) interfere with or impede the flow of pedestrian or vehicular traffic; (d) interfere with other activities for which NPI has granted a lease, license or permit; (e) impair the operation of Navy Pier facilities; (f) present an imminent danger to the health or safety of Navy Pier patrons, Pier employees, the public, or the applicant; or (g) for other similar reasons in accordance with the governing law in the state of Illinois. In addition, NPI may deny a permit if the applicant, or the individual or group on whose behalf the application for the permit was made, on prior occasions (h) has made material misrepresentations regarding the nature or scope of an event or activity previously permitted; (i) has violated the terms of prior permits issued to or on the behalf of the applicant; or (j) has damaged Pier property and has not paid in full for such damage, or has outstanding and unpaid debts to NPI. NPI may also deny a permit if the application (k) is materially incomplete; (l) contains material misrepresentations; or (m) fails to designate a responsible person for group applications.

(4) Terms and Conditions: If NPI grants approval, the applicant must comply with the conditions stated in the permit, including the time, place and manner of the activity, as well as the rules outlined in this Policy. Permits for Polk Bros Park and the South Sidewalk may be granted for a period of up to one (1) day. Depending on the volume of requests, NPI reserves the right to limit applicants' access to Polk Bros Park, South Sidewalk and Leafleting Areas to equal time periods of less than one (1) day, in order to accommodate more applications.

(5) Denials of Permits: If a permit application is denied, the official denying the application will provide a written explanation of the grounds for denial. If NPI denies an application because prior permits have been granted for a particular day, NPI will offer the applicant the opportunity to request an alternative date for the same place.

(6) Appeal of Denials: Applicants may appeal a permit denial in writing submitted by mail or hand delivery addressed to NPI within five (5) business days of receiving notice of the denial. The appeal should be addressed to Navy Pier, Inc., 600 East Grand Avenue, Chicago, Illinois 60611. In the alternative, the appeal may be sent via e-mail to Navy Pier, Inc., c/o [NavyPierPR@navypier.org](mailto:NavyPierPR@navypier.org). The organization will issue a decision within a commercially reasonable time period after the date NPI receives the letter appealing the decision. Applicants will be notified of the decision by e-mail.

## **LEAFLETING AT NAVY PIER**

Leafleting is allowed to all non-commercial individuals and groups, free of charge, pending all completed applications are submitted to the Public Relations Department. Individuals and/or Groups may apply for permits. All interested persons must complete an application.

Upon completion of review, the permit application is submitted to the Navy Pier President for approval or denial. The applicant/organization will receive a written response that they must have present with them on the day of their activity at Navy Pier, if approval is granted.

The following restrictions apply:

- A permit application must be submitted in writing at least one week prior to the requested date
- Distributors must remain in determined designated areas on Navy Pier grounds.
- Applicants must adhere to permit guidelines
- There can only be one person leafleting in each of the six designated areas Application information is attached which includes:
  - a) Date of Application
  - b) Applicant's name
  - c) Applicant's address
  - d) Applicant's phone numbers
  - e) Name of organization, if any
  - f) If organization: name, address, and phone number of person responsible for group
  - g) Date and time for which permit is requested
  - h) Type of activity planned
  - i) Requested area and number of persons planning to engage in expressive activity
  - j) Signature of applicants

Applications may be submitted to: [NavyPierPR@navypier.org](mailto:NavyPierPR@navypier.org).

PLEASE NOTE: Navy Pier, Inc. reserves the right to determine what is an acceptable request and appropriate use of Navy Pier Facilities based on the safety and dignity of its visitors and the overall image of Navy Pier.

Polk Bros Park (Outdoors):

This location is located adjacent to the Polk Bros. Park Promenade.

Dimensions: 100' x 15'

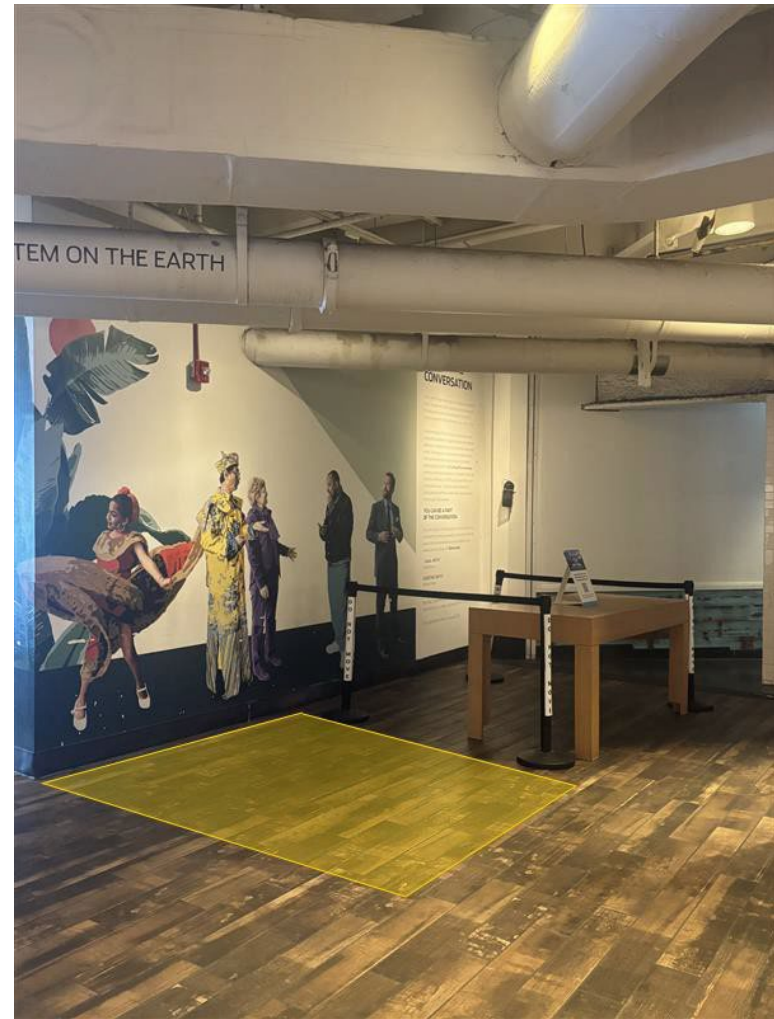


## Leafleting Area #1

### Food Experience Entry (Indoors):

This location is located at the west entrance to the Food Experience, directly adjacent to Margaritaville Restaurant.

Dimensions: 6.5' x 8'



## Leafleting Area #2

### South Dock Wave Wall (Outdoors):

This location is located along the main walkway of the South Dock, immediately west of the wave wall staircase.

Dimensions: 20' x 10'



### Leafleting Area #3

South Dock Corridor (Indoors):

This location is located at the east end of the Food Experience area and adjacent to door 6 to the west parking garage.

Dimensions: 5' x 7'



#### Leafleting #4

South Dock Bollard 36 (Outdoors):

This location is located along the main walkway of the South Dock, directly outside the Festival Hall area.

Dimensions: 20' x 15'

