



## **POLICY FOR PUBLIC EXPRESSION AT NAVY PIER AND THE HEADLANDS**

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

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

The NPI operates and manages Navy Pier and the Headlands area under a lease agreement with the Metropolitan Pier and Exposition Authority. The NPI’s principle goals include creating and maintaining desirable venues to compete successfully in the international market for conventions, trade shows and exhibitions; attracting visitors to the Chicago metropolitan area and Illinois; providing Chicago land residents and tourists with a place for fun and relaxation; and generating economic activity, jobs and business opportunities for Illinois residents. By attracting visitors to the City and State, the NPI’s tourist, convention and trade show activities at Navy Pier provide significant benefits to the economies of both the City of Chicago and the State of Illinois, and produce substantial local and state tax revenues. The continued viability of Navy Pier as an attractive and financially successful commercial venture and tourist destination is of paramount importance to the NPI and the State of Illinois.

To serve these goals, the NPI developed Navy Pier into a commercial, entertainment and tourist venue that is unique in the Midwest. The Pier’s attractions and amenities include numerous restaurants and shops; the Chicago Children’s Museum; an IMAX theater; commercial passenger boats; an indoor botanical garden called the Crystal Gardens; the Skyline Stage; Pier Park, which contains a Ferris wheel, carousal, and wading pool/ice skating rink; Festival Hall, a convention, trade show and meeting facility; the Shelter and Terminal Buildings, which are historical structures housing meeting and facilities and the Grand Ballroom; and the South Dock, an outdoor promenade with concessions and entertainment that runs along the Pier’s south side. Immediately across the street from the Pier’s main entrance is Polk Bros Park, which the NPI maintains pursuant to long-term agreement with the City of Chicago.

In leasing Navy Pier, the Metropolitan Pier and Exposition Authority provided the NPI with no operating grants. Rather, it intended that the NPI would manage Navy Pier so that revenues would cover all operating expenses. The NPI earns revenues from fees charged for long-term leases and short-term licenses; from a percentage share of tenants’ sales;

from food, beverage and other service charges charged to short-term licensees of space at the Pier; and from parking fees paid by those who park at the Pier. Maintaining a high volume of visitors is essential to the Pier's financial survival. The Pier has succeeded in becoming one of the top-ranked destinations for leisure and cultural activities in the Chicago land Area. If the Volume of visitors were to decline, current tenants that offer goods and services to visitors would be less likely to renew their leases or licenses, or to achieve sales levels entitling the Pier to a percentage of their revenues. In addition, prospective commercial tenants would be less likely to lease or license space, or to pay the prevailing rates for such a space.

The 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. The 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, the NPI engages in promotional activities, regulates its tenants, and manages its leasing and licensing of space on the Pier so as to attract the public 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. The 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 because it is a long narrow structure bounded on three sides by water with only three egress points at one of its narrow ends. Given this configuration, and given that as many 85000 people visit navy Pier on a crowded day, the NPI has a substantial interest in managing all the activities on the Pier so as to avoid threats to the health and safety of Pier visitors and employees.

Navy Pier has been judicially determined to be a non-public forum. The 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. The 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 in light of the Pier's physical configuration. Pursuant to the Seventh Circuit's decision in *ACORN v. Navy Pier, Inc.*, 150 F.3d 695 (7<sup>th</sup> Cir. 1998), this Policy expressly allows non-disruptive leafleting at certain locations on the Pier, notwithstanding the continued designation of those locations as non-public forums.

As currently configured, Polk Bros Park and South Sidewalk are public forums, which are available for a wide range of expressive activity. 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 and the Headlands, pursuant to a valid permit granted

by the 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 the 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) South Sidewalk. Picketing marches, demonstrations, solicitation of signatures or contributions and similar forms of public expression of views are also allowed on the public sidewalk immediately to the south of the point at which the pavers end. The two cement squares immediately adjacent to the Head House roadway. This area provides a 20' by 10' area at the entry to the south dock as shown on Attachment A – Public Expression Site Maps – South Sidewalk, unless an alternative location on the South Sidewalk is requested and can be accommodated. Because of this area's close proximity to the Pier's entrances, use of this area may not obstruct or hinder pedestrian or vehicular traffic onto or off of the Pier.

(3) Navy Pier (Leafletting 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 leafletting, however, is permitted on Navy Pier in the following designated areas: (All as shown on Attachment A – Public Expression Site Maps.)

**a. Leafletting Area #1** (Indoors) consist of an area that is 10' by 20' and is located in the concourse directly southwest of the parking garage entrance/exit at Door #1 and directly west of the Goddess and the Baker 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. Leafletting 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 Grand Staircase to the exposed interior pillar 20' to the west. Persons using this zone may not obstruct pedestrian traffic on the South Dock.

**c. Leafletting 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. Leafletting Area #4** (Indoors) is a 10' by 20' area in the east concourse main walkway just past the entry doors to the Riva Restaurant. The designated area is running along the east wall. This area is directly east of the elevator and restroom area. Persons using this zone may not obstruct traffic in the concourse walkway.

**e. Leafletting Area #5** (Outdoors) consist of an area that is a 15' by 20' and is located on South Dock at Ballard #36. It is located directly across from the Signature Store. Persons using this zone may not obstruct traffic on the South Dock.

**f. Leafletting Area #6** (Outdoors) consist of an area that is 12' by 6' and is located on the South Dock directly across from Compass Rose outside of Entrance #2. The area is between two brick planter boxes and is located on the north side of the main walkway

to the Grand Ballroom.

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

(1) Polk Bros Park. While the NPI has no set limits on the numbers of persons who may engage in expressive activity in Polk Bros Park at a given time, the NPI reserves the right to set such limits if the NPI Director of Security determines that the proposed number of participants creates a risk of injury or damage to Navy Pier resources; causes traffic congestion; interferes with activities for which the 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.

(2) South Sidewalk. Because of the space limitations, the NPI permits up to ten (10) individuals to engage in expressive activity at a time on the South Sidewalk.

(3) Leafleting Areas on Navy Pier. The NPI permits only one person to leaflet in each of the designated Areas, for a total of six (6) leafleters (one in each zone) at any given time.

### **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, and 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 writing to the NPI Director of Security, 600 East Grand Avenue, Chicago, Illinois 60611, or by calling the NPI Director of Security at 312-595-5175.

### **D. Rules Governing Expressive Conduct**

(1) Polk Bros Park and South Sidewalk. Persons engaged in non-commercial expressive activity in Polk Bros Park and on the South Sidewalk 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 who obtain a permit to use Navy Pier's designated Leafleting Areas ("Leafleters") 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 and South Sidewalk. If a Leafleter requests it, Navy Pier will provide a table for the Leafleter to sit at within the leafleting are. 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.

The NPI reserves the right to require removal of any person and immediately cancel any permit, if the individual(s) or group(s) materially violate any of the foregoing rules. Questions concerning whether an applicant's proposed conduct would comply with these rules can be directed to the NPI Director of Security at 600 East Grand Avenue, Chicago, Illinois 60611.

In addition to the foregoing rules, expressive activity in Polk Bros Park and South Sidewalk 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 a permit but who otherwise engages in non-commercial expressive activities at Navy Pier and in the Headlands area, 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 the NPI. See NPI's Policy for Short-Term Licenses for Space at Navy Pier.

## **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 Vice President of Communications, Navy Pier, Inc., 600 East Grand Avenue, Chicago, Illinois 60611. In the alternative, the appeal may be sent via email to the Vice President of Communications, Navy Pier, Inc. [NavyPierPR@navypier.org](mailto:NavyPierPR@navypier.org). Applications for use of Polk Bros Park, or South Sidewalk by ten or more persons, must be received by the NPI at least three business days before the day for which the permit is sought. The Director of Security may waive this requirement if the Director 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:* The NPI Director of Security, or his/her authorized designee, will grant or deny applications to use Polk Bros Park or South Sidewalk within three business days after receipt of the application. The NPI Director of Security, or his/her authorized designee, will grant or deny applications to use the Leafleting Areas, one business day after receipt of the application, or upon receipt of a completed application presented in person at the NPI's Administrative Office. Applicants will be notified via facsimile, if available; by telephone or mail; or in person.

(3) *Review criteria:* The NPI grants permit applications on a first-come, first-served basis without reference to content of the message to be expressed. The NPI will deny a permit if the NPI Director of 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 the 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 law. In addition, the 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 the NPI. The 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 applicants.

(4) *Terms and Conditions:* If the NPI grants a permit, 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 day. Depending on the volume of requests, the 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 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 the NPI denies an application because prior permits have been granted for a particular day, the NPI will offer the applicant the opportunity to request an alternative date for the same place.

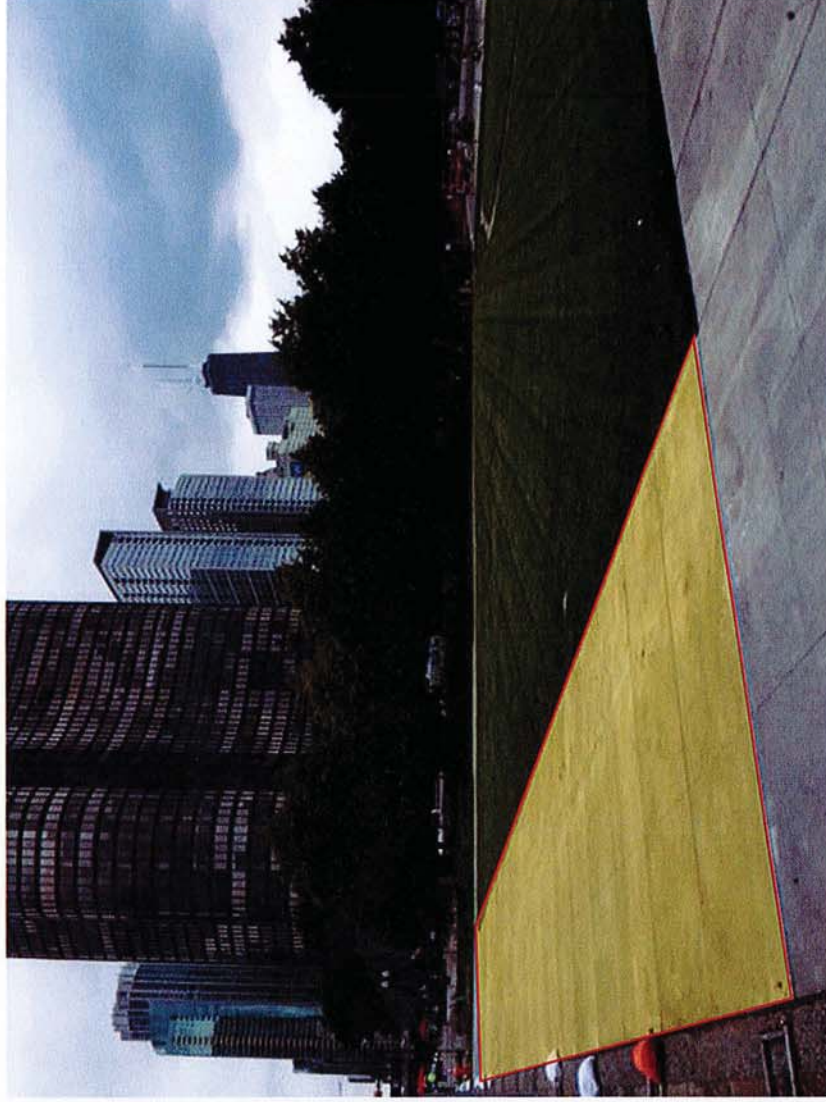
(6) *Appeal of Denials:* Applicants may appeal a permit denial in writing submitted by mail or hand delivery addressed to the President/CEO of the NPI within three business days of receiving notice of the denial. The appeal should be addressed to President/CEO, Navy Pier, Inc., 600 East Grand Avenue, Chicago, Illinois 60611. In the alternative, the appeal may be sent via email to the President/CEO, Navy Pier, Inc., c/o [NavyPierPR@navypier.org](mailto:NavyPierPR@navypier.org). The President/CEO will issue a decision within three business days of the date the NPI receives the letter appealing the decision. Applicants will be notified of the President/CEO's decision by Facsimile, if available, or by telephone or mail.

# Polk Bros Park

## Polk Bros Park (Outdoors):

This location is located adjacent to the Polk Bros. Park Promenade where a majority of our guests walk to and from The Pier.

Dimensions: 100' x 15'





# South Sidewalk

## South Dock Entry (Outdoors):

This location is positioned at the entrance to the south dock, just south of the main walkway, and adjacent to the main Taxi stand.

Dimensions: 20' x 10'

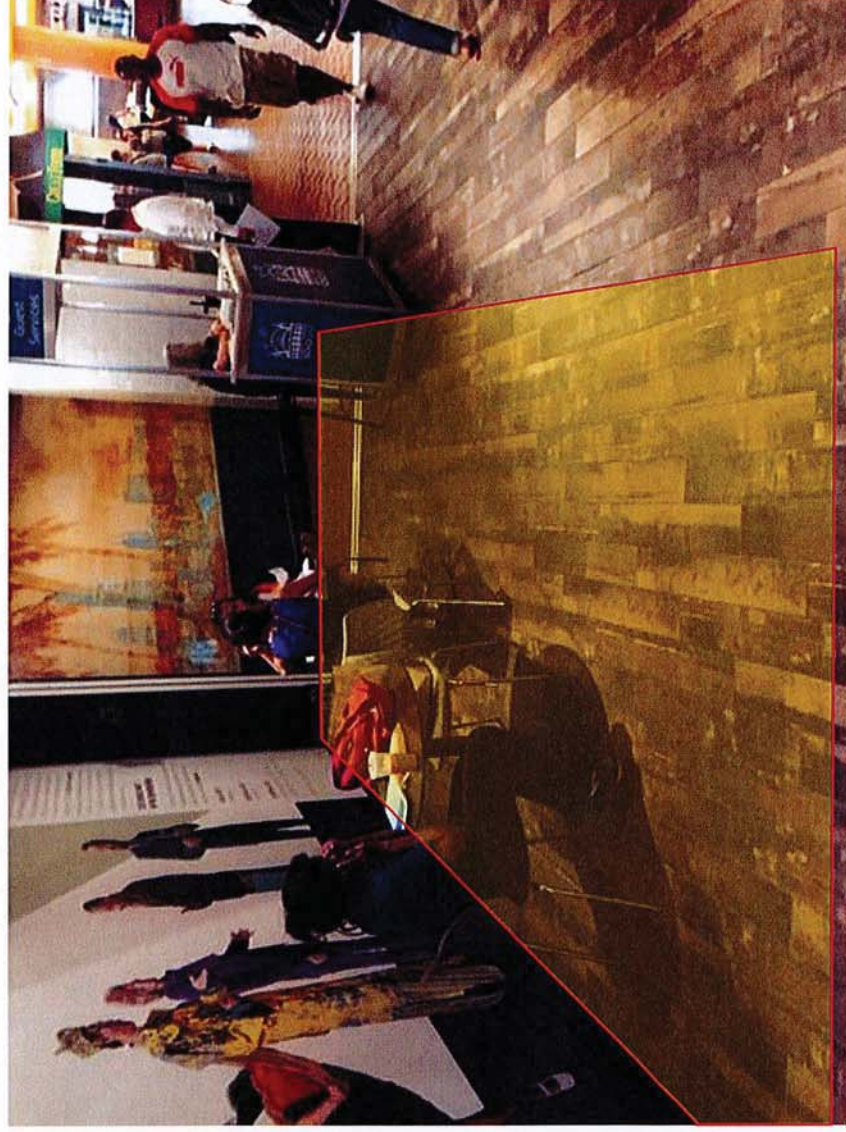


# Leafletting #1

## Food Experience Entry (Indoors):

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

Dimensions: 20' x 10'



# Leafleting #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'

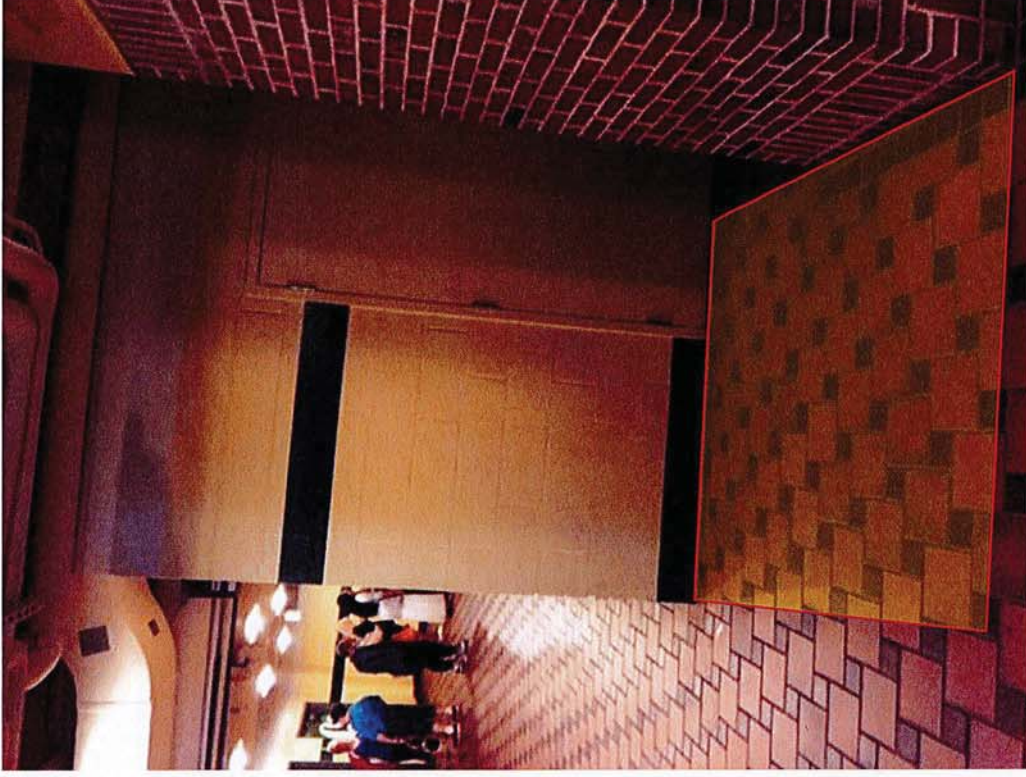


# Leafletting #3

## 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'

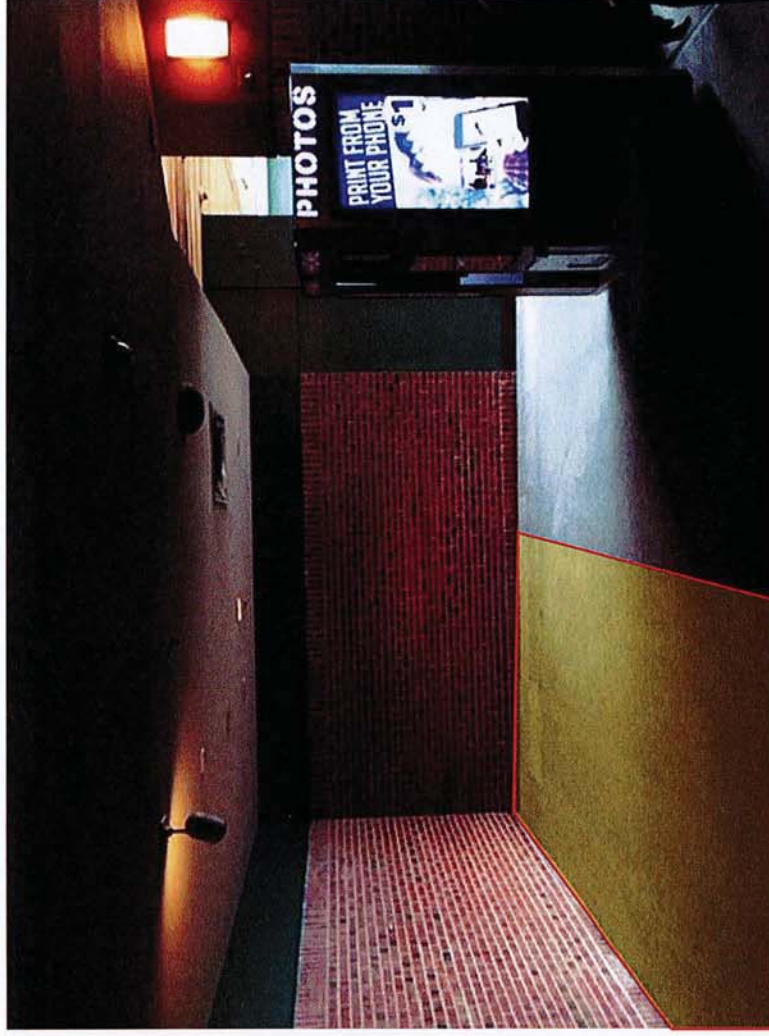


# Leafletting #4

## South Dock Corridor (Indoors):

This location is located in the indoor corridor just east of Riva Restaurant, between door 8 & 9 for the parking garage.

Dimensions: 20' x 10'



# Leafletting #5

## 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'



# Leafletting #6

## South Dock Compass Rose (Outdoors):

This location is located at the east end of the south dock and at the entrance to the beer garden area.

Dimensions: 12' x 6'

