

## **ERIE-WESTERN PENNSYLVANIA PORT AUTHORITY FACILITY USE POLICY**

### **INTRODUCTION**

The Erie-Western Pennsylvania Port Authority (the “Port”) believes that freedom of expression is an indispensable quality of life, and that active participation in political and social expression both enhances the education of the individual and contributes to the betterment of society. The Port is committed to respecting and promoting the right afforded by the First Amendment to the Constitution of the United States, including the right to free speech, petition, and assembly.

The Port further recognizes that it has an obligation to maintain an atmosphere that allows it to carry out its broad mission of operating a port and provides public service in the course of the normal operations of the Port. The purpose of this Facility Use Policy is to provide access fairly and reasonably. It is the goal of the Port to balance the need of users to reserve facilities for exclusive use and the needs and expectations of residents.

To achieve the objectives of this Facility Use Policy, it is essential that free expression be accomplished in a manner that allows for the orderly function of normal Port operations. Thus, the purpose of the time, place, and manner regulations as forth in this Facility Use Policy is to promote opportunities for exercise of the rights protected by the First Amendment to the Constitution of the United States on Port Property and to ensure that these activities do not interfere with the furtherance of the Port’s mission-related responsibilities for which the Port buildings, facilities, and grounds are dedicated.

### **RENTAL OF FACILITIES**

The buildings, facilities and equipment of the Port are primarily designed to accommodate programs, activities, and meetings of the Port and its tenants. Consequently, Port users and rentals shall have first priority. Designated facilities shall be available on a first-come, first served basis and appropriate facility use agreements and fees are applied to all users. The Port has not designated its rental facilities for unlimited expression by the general public. The Port reserves the right to determine which days, times, and facilities are reserved based upon the scheduled use, wear or maintenance issues.

### **SCOPE**

This Facility Use Policy shall apply to any and all individuals and groups that engage in First Amendment Activities while on Port property.

### **DEFINITIONS**

**First Amendment Activities:** An expressive activity, such as a gathering, rally, protest, march, sit-in, or other similar activity, that is intended to show individual or group support or opposition to any person, group, organization, cause, institution, idea, or policy that would qualify as protected First Amendment Activities.

Group: Two or more people that engage in First Amendment Activities together on Port property.

Individual: A person that engages in First Amendment Activities on Port property.

Limited Public Forum: A portion of Port property that is open to an individual or group for First Amendment Activities, subject to reasonable time, place and manner restriction.

Non-Public Forum: A portion of Port property that is not open to an individual or group for First Amendment Activities.

Port Property: Any building, structure, property, platform, park, street, sidewalk, or crosswalk that is owned and operated by the Port.

### **PROCEDURE FOR PROVIDING NOTICE OF USE OF LIMITED PUBLIC FORUM AREA FOR FIRST AMENDMENT ACTIVITIES**

The following locations are Limited Public Forums and open to any individual or group for First Amendment Activities that are consistent with the regulations set forth in this Facility Use Policy:

1. Any public sidewalk that is located on Port Property.
2. The grounds of Liberty Park, Front Street Park, and Land Lighthouse Park.
3. The portion of Dobbins Landing located north of Bicentennial Tower Building only.

### **REGULATIONS ON FIRST AMENDMENT ACTIVITIES**

The Port has the power to regulate and enforce the time, place, and manner of First Amendment Activities to protect public safety and the orderly and efficient operation of Port property. As such, First Amendment Activities on Limited Public Forums shall comply with the following regulations:

1. No First Amendment Activities shall block the safe flow of pedestrian, vehicular, and/or boating traffic.
2. No First Amendment Activities shall impede or prevent a person's ability to enter or exit from any portion of Port property. This includes, but is not limited to, buildings, doorways, stairways, intersections, parks, and parking spaces.
3. No First Amendment Activities shall unreasonably impede or prevent a person's ability to engage in recreational activities on Port property, including but not limited to fishing, boating, running, walking, and biking.
4. No First Amendment Activities shall obstruct or disrupt the regular operation of Port administrative offices.

5. The use of sound/voice amplifiers is prohibited if it disrupts the regular operation of Port administrative offices or the operation of other Port facilities.
6. First Amendment Activities must be conducted in a manner that does not imminently threaten the safety of any person(s).
7. No First Amendment Activities shall cause damage or destruction to Port Property.
8. No First Amendment Activities shall use firearms, fire, torches, smoke, Tiki lamps, or similar open flame devices during the entirety of First Amendment Activities.
9. First Amendment Activities Groups of twenty-five (25) or more must apply for a First Amendment Activities permit.

**NOTICE**

The group or individual desiring to use a Limited Public Forum area to engage in First Amendment Activities is requested to provide notice of the intent use of the desired Limited Public Forum area as follows:

Executive Director  
Erie Western Pennsylvania Port Authority  
1 Holland Street  
Erie, PA 16507

The notice of use of a Limited Public Forum area for First Amendment Activities is to contain following:

1. The contact information for the group or individual that will conduct the event, including group name, contact person name, address, email address, and telephone number; and
2. The date, time, and Limited Public Forum area to be used for the First Amendment Activities; and
3. The nature and purpose of the First Amendment Activities; and
4. The estimated number of people expected to attend the First Amendment Activities, both as participants and as spectators.

**NON PUBLIC FORUMS**

The following locations are Non-Public Forums and are not open to any individual or group for First Amendment Activities:



1. The inside of any administrative building that is owned and operated by the Port. This includes the Erie-Western PA Port Authority building located at 1 Holland Street, Erie PA 16507.
2. Port properties that are leased to a commercial entity and used for commercial or Port purposes.
3. Wolverine Marina and Building.
4. Lampe Marina.
5. The Bicentennial Tower.
6. The Land Lighthouse.
7. Lampe Campground.
8. The property that was formerly the Erie Coke Property.
9. Liberty Park Amphitheater.


### **SIGNS AND ADVERTISING**

No signs, advertising or other public notices may be placed upon Port property or facilities without the approval of the Port administration. No signs, advertising or public notices which are detrimental to public health or safety will be permitted.

### **APPEAL OF AGGRIEVED PARTIES**

The Board of the Port will review appeals for facility use requests managed by the Port Administration. Any person aggrieved by a decision on the use of or request for a facility use may submit a request for appeal to the Executive Director of the Port within ten (10) days of the decision has been communicated to the aggrieved party. Upon receiving the appeal the Board of the Port will hold a hearing of such appeal within a reasonable time after filing the appeal with notice to the aggrieved party.

This Police was adopted by the Erie-Western Pennsylvania Port Authority on this 14<sup>TH</sup> day of AUGUST, 2024.

  
Secretary

# 2524781.v1