

**WHEREAS**, pursuant to an order adopted by the city council on November 12, 2002, City Hall was placed under the care, custody and control of the city manager as the seat of the government of the city of Worcester;

**WHEREAS**, to ensure the safety and rights of all persons who utilize City Hall, the city manager adopted a City Hall Conduct Policy on April 16, 2015;

**WHEREAS**, the hallways within City Hall have never, by policy or practice, been opened to the general public as a place of public assembly;

**WHEREAS**, freedom of speech and assembly are fundamental rights protected by the First Amendment and the Constitution and establish the right to a lawful assembly and protest in areas designated as “traditional public forum”;

**WHEREAS**, to ensure the safety of all residents, visitors, and employees of City Hall, I, Eric D. Batista, as City Manager of the city of Worcester, and pursuant to the power vested in me reaffirm the longstanding time-honored practice and policy of the use of City Hall for city business, as the seat of the government and hereby establish the following guidelines for conduct at City Hall.

### **Definitions**

**City Hall** - For purposes of this policy, City Hall includes all spaces within the building located at 455 Main Street. City Hall is designated as the seat of the government of Worcester and is not a “traditional public forum.”

### **Prohibited Conduct**

The following conduct is prohibited at City Hall:

- Engaging in any activity in violation of Federal, state, or local law;
- Threatening behavior including but not limited to violence, threats of violence, and possession of weapons (M.G.L., c. 269 § 10);
- Fighting or challenging to fight; pushing or shoving a person, or throwing objects;
- Being under the influence of alcohol and or illegal drugs and selling, using, or possessing alcohol and or illegal drugs;
- Sexually, verbally, or physically harassing, intimidating, or threatening others; this includes, but is not limited to, behavior such as stalking, staring, or lurking with intent to annoy, offensive touching, obscene acts, and indecent exposure. This also may include, but is not limited to, the use of obscene or abusive language or gestures;
- Smoking of any kind, including but not limited to the lighting of a cigar, cigarette, pipe, vape, electric cigarette, or other tobacco product or

possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled (M.G.L. c.270, § 22), chewing and other tobacco use in the building, including use of all e-cigarettes or any other nicotine delivery devices. Smoking shall be prohibited within fifty (50) feet of all municipal building entrance and exit ways, per City of Worcester Revised Ordinances of 2008, Part One, Chapter 8, Tobacco Products Control Ordinance;

- Creating a disturbance by making noise, yelling, or engaging in other disruptive conduct which could reasonably be expected to disturb other persons;
- Gambling;
- Stealing, damaging, altering, or inappropriately or illegally using City Hall property (including furniture, computer hardware and software, printers, copiers, phones and other equipment); damaging, vandalizing, or defacing City Hall property, including interior or exterior of the building, in any way, including but not limited to graffiti;
- Rearranging furniture, sitting on tables and other inappropriate use of furniture and facilities;
- Entering the building without a shirt or other covering of the upper body or without shoes or other footwear;
- Persons whose bodily hygiene is offensive so as to constitute a nuisance to other persons shall be required to leave the building.
- Bringing animals into the building except those needed to assist persons with disabilities (M.G.L. c. 272, § 98A);
- Misusing the rest rooms, including using as a laundry, grooming or bathing facility. Flushing of any materials other than waste and toilet paper is strictly prohibited;
- Running, sleeping, littering;
- Blocking aisles, hallways, exits, entrances or stairwells
- Spitting (M.G.L. c. 270, § 14);
- Soliciting or canvassing;
- Presence in City Hall without legitimate city business as further defined below;
- Protesting, unlawful assembly, rioting;
- Election campaign activities;
- Entering areas posted “Employees Only” without permission, trespassing in nonpublic areas or camping on City Hall grounds;
- Using or storing wheeled devices in City Hall (all bicycles must be left outside of the building);
- Otherwise interfering with another person’s right to use or work at City Hall.

**And further,** it is hereby declared that the use of City Hall is limited to persons having a legitimate reason to be present in the building. Persons visiting a city department or a tenant of the city located within City Hall for official business, or

attending a public meeting, are examples of persons presumed to have legitimate reason to be present.

All persons must leave promptly when the building is closed. When the building is open for limited purposes, such as open meetings held after business hours, persons shall only remain in the building for purposes related to such limited use.

### **ENFORCEMENT**

City Hall staff or security may address any other behaviors which interfere with the use and enjoyment of the facilities by other persons and/or interfere with City Hall staff in the performance of their duties. Failure to comply with these rules, regulations, and policies may result in expulsion from City Hall for a period of time, and/or in arrest and prosecution when applicable. Determinations regarding expulsion will be made based on the severity of the violation.

Law enforcement may be called and appropriate legal action may follow, including an arrest for unlawful assembly<sup>1</sup> or trespass.

Those who damage or deface City Hall property will be prosecuted. Parents are responsible for the behavior and supervision of their young children. Parents may be held liable for damage done by a child under 18 (M.G.L. c. 231, § 85G).

Unattended items (such as bags, backpacks or laptops) may be regarded as suspicious and removed. The city is not responsible for any lost or stolen item.

### **APPEALS**

An individual who has been banned from City Hall shall have the right to file a written appeal to the City Manager or designee. The appeal must be filed within ten (10) calendar days of the date that the individual is notified that the individual is barred from the premises. The decision of the City Manager shall be final and conclusive.

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<sup>1</sup> A group of 5 or more persons with a dangerous weapon or 10 or more persons.