

## PORT AUTHORITY OF KANSAS CITY, MISSOURI

**Policy Name:** Berkley Riverfront Usage Policy

**Policy Statement:** The following policy is adopted by Port Authority of Kansas City, Missouri (“Port KC”) for the purpose of promoting the management of Berkley Riverfront in a manner that ensures it continues to remain a safe, welcoming, and inclusive environment for the benefit of the general public. Nothing herein will preclude Port KC from modifying or amending the same from time-to-time as it deems appropriate for the purposes of achieving these objectives.

### I. RESTRICTED ACTIVITIES

The following activities, except to the extent expressly authorized by the terms and conditions of an event license pursuant to Section II, are prohibited at all times within Berkley Riverfront:

1. Use of drones in a manner inconsistent with applicable FAA guidelines and regulations.
2. Possession, use and/or distribution of drugs or drug paraphernalia as prohibited by federal, state and/or local law or regulation, excluding marijuana.
3. Littering.
4. Camping (whether in a tent or otherwise).
5. Setting, igniting or otherwise tending any open fire.
6. Operation of motorized vehicles (including, but not limited to, motorcycles, mopeds, and all-terrain vehicles) on any sidewalk, trail, or grassed area, excluding battery-powered or battery-assisted bicycles, scooters consisting of a footboard mounted on two wheels, authorized public service vehicles, and personal mobility devices utilized to accommodate a physical disability.
7. Posting of placards or advertisements.
8. Acts of vandalism, including but not limited to graffiti.
9. Removal or cutting of any tree or vegetation.
10. Unlawfully brandishing and/or discharging any firearm or other weapon capable of inflicting bodily injury.
11. Conduct and/or speech intended or reasonably likely to harass, intimidate or create a fear of imminent bodily injury.
12. Failure to abide by any other posted rules or regulations, or lawful directives from Port KC.

13. Engaging in any other form or manner of conduct violating federal, state, or local law or regulation.

Any person engaged in any prohibited activity may be regarded as trespassing and removed from Port KC property with or without such notice as Port KC shall determine to be reasonable under the circumstances.

## II. PERMITTED EVENTS

For purpose of this policy, an “Organized Event” shall refer to any event organized by one or more persons or entities for a particular purpose and held at one or more predetermined dates and times.

Except as provided in Section III below, any Organized Event that meets or is reasonably anticipated to meet any one or more of the following criteria shall be required to make application to Port KC for an event license:

1. The attendance of more than twenty (20) people;
2. The payment of an admission fee, whether pre-paid or paid upon entry;
3. The restricting of access to those holding tickets/passes;
4. The selling of food, beverage and/or merchandise;
5. The use of sound amplification devices, including but not limited to microphones, megaphones, speakers or amplifiers;
6. The closure, in whole or in part, of any facilities, trails, sidewalks and/or streets;
7. The blocking, in whole or in part, of any trails, sidewalks, and/or streets that in a manner as to impede pedestrian and/or vehicular access;
8. The erection of any tent, canopy, staging, and/or other temporary structures, whether staked or un-staked;
9. The use of motorized vehicles on or across any trails, sidewalks, and/or grassed areas;
10. The use of video or photography for financial gain; and/or
11. The solicitation of funds or donations.

A completed application for an event license and any applicable fees shall be submitted to Port KC pursuant to Port KC’s Berkley Park Event Policy.

### III. PROTECTED ACTIVITIES

Port KC values the exercise of free-speech and does not discriminate or infringe upon those rights in any manner prohibited by law. In order to balance the exercise of free-speech with the rights of the general public at-large, and to properly manage use of Berkley Riverfront and ensure public safety, Port KC has implemented the following viewpoint and content-neutral time, place and manner restrictions.

Notwithstanding anything to the contrary in Section I, the event permit and fee requirements shall be waived for any peaceful gatherings the primary purpose of which is to engage in First Amendment protected activities, subject to the following criteria:

1. The event must not include the use of sound amplification devices, including but not limited to microphones, megaphones, speakers or amplifiers.
2. Participants electing to speak must do so solely under the power of their unaided voice and refrain from using whistles, horns or other devices intended to disrupt or deny to others the right to speak and be heard.
3. The event must not require the closure, in whole or in part, of any trails, sidewalks and/or streets.
4. The event must not block, in whole or in part, any streets in a manner as to impede the normal flow of vehicular traffic or otherwise endanger the life and well-being of any pedestrian or motorist.
5. The event must not block, in whole or in part, any trails or sidewalks in a manner as to impede the normal flow of pedestrian traffic or otherwise endanger the life and well-being of any pedestrian. While the participants are free to utilize the trails and sidewalks, they must allow sufficient space for unimpeded pedestrian traffic and may not maliciously obstruct or detain passers-by.
6. Participants may carry or hold signs, banners, or other materials to express their speech, but no such signs, banners, or materials may be physically placed on or in the ground in a manner as to obstruct the access to, access through, or use of Berkley Riverfront.
7. The event must not block, in whole or in part, the entrance to any facility.
8. Participants must refrain from any speech advocating for or intending to provoke imminent civil disobedience or illegal conduct.
9. The event must not include the erection of any tent, canopy, staging, and/or other temporary structures, whether staked or un-staked.

10. The event must not include the operation of motorized vehicles (including, but not limited to, motorcycles, mopeds, and all-terrain vehicles) on any sidewalk, trail, or grassed area, excluding battery-powered or battery-assisted bicycles, scooters consisting of a footboard mounted on two wheels, authorized public service motor vehicles, and personal mobility devices utilized to accommodate a physical disability.

Those wishing to hold any event which would not comply with each of the above-listed criteria may do so only upon obtaining an event permit as provided in Section II and the Berkley Park Event Policy.

#### IV. GENERAL PROVISIONS

Any event, permitted or otherwise, that causes violence or unnecessary disruption, includes the propagation of libel, slander, or obscenity, or includes speech directing or inciting imminent lawless action, or which is reasonably likely to result in imminent lawless action, may be disbanded.

Hate groups with a demonstrated history of using public assemblies for the purpose of inviting or encouraging violence against third parties based on race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age may be denied the use of Berkley Riverfront, whether on a permitted basis or otherwise. In determining whether such violence is similarly likely to result from an event held at Berkley Riverfront, Port KC will consider the entirety of the circumstances including, but not limited to, social media posts and past actions at events of a similar nature.

Port KC may require that any event, permitted or otherwise, be relocated to another accessible, visible location in the event the area in which the event would occur conflicts with a competing event or poses an unreasonable level of risk to the safety of the general public.

Any event, permitted or otherwise, shall be confined to the property under Port KC's management and control. For purposes of avoiding any ambiguity, no event shall be permitted or allowed to proceed on any real property owned by, or leased or licensed to a third party, except upon the written consent of such third party, which they may grant or withhold in their sole discretion.