



# AGENDA

## COMMITTEE OF THE WHOLE WORKSESSION

MONDAY, MAY 8, 2023

**6:00 PM**

CITY HALL LARGE CONFERENCE ROOM #119

1. Mayor's Office:
  - a. Use of [City Facilities Policy](#) discussion.

PUBLIC COMMENT.

The City of Kentwood does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The Human Resources Director, 4900 Breton Ave., SE has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the American with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.

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## MEMORANDUM

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**TO:** The City Commission  
**FROM:** Shay P. Gallagher, Deputy City Administrator  
**SUBJECT:** Use of Facilities Policy  
**DATE:** May 4, 2023

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**ACTION REQUESTED:** None at this time.

**BACKGROUND:** The Committee of the Whole first reviewed the draft Use of Facilities Policy at the January 17, 2023, meeting. It was determined at that time that additional revisions would be required before a second review by the Committee could occur. The City Attorney and the Mayor's office have provided input and updates to the following policy. It is requested that the Committee of the Whole review the most recent draft.

If you have any questions, please contact Shay P. Gallagher at 554-0770

Thank you for your consideration of this request.

## City of Kentwood

### Use of City Facilities Policy

#### I. Purpose and Objective.

The City of Kentwood's facilities include community rooms, parks, parking lots, recreation areas, and other government buildings and facilities. The intent of this Policy is to establish uniform guidelines for the use of City facilities, balance competing interests in terms of the use of City spaces, provide sufficient forums for gathering and expression of speech, identify the purposes of City facilities, ensure the efficient uninterrupted administration of the City government and City facilities and their premises, and ensure the enjoyment of City facilities by all users.

The City of Kentwood also hosts or sponsors several events throughout the year, including events on the grounds of City Hall and at other specific locations. This Policy is also intended to establish uniform procedures and guidance for the use of those grounds and the rules for participation in and attendance at these sponsored events.

To the extent that this Policy regulates First Amendment activity, it is not the intent of this Policy to impose uniformity of expressive conduct at all locations, at all events, or within all areas of a specific location. Any attempt to limit the use of a forum is not intended to silence speech or engage in prohibiting expressive conduct based upon its content. The intent of this Policy is to be applied uniformly, without regard to the viewpoint of any person or entity.

#### II. Definitions. As used in this Policy, the following terms are intended to have the following specified meanings:

A. Facility Manager. The Facility Manager shall be the department head, designee, or representative responsible for processing applications and enforcing this Policy in relation to any City facility. The term shall include any specific individual(s), including but not limited to an on-site facility manager, designated as the City's or the facility's contact person for matters relating to the facility rental (including but not limited to cancellations and special requests identified in this Policy as requiring the Facility Manager's permission).

B. Limited Public Forum. Any City facility, City-owned property, or portion thereof that is not within the definition of a Traditional Public Forum, but which has been expressly designated in this Policy as a Limited Public Forum for specific purposes identified in this Policy. It is the intent of this Policy that, where a portion of a facility or property is designated as a Limited Public Forum, that designation shall be narrowly construed as applying only to the identified portion of the facility or property, and is not intended to transform the property as a whole or any other portion of the facility or its premises (e.g.,

common hallways, lobbies, sidewalks, and parking lots) into either a limited or Traditional Public Forum.

- C. Non-Public Forum. Any City facility, City-owned property, or portion thereof that is not within the definition of a Traditional Public Forum, and which has not been expressly designated in this Policy (or any other City policy) as a Limited Public Forum, whether expressly identified on site as a Non-Public Forum or not. It is the intent of this Policy that Non-Public Forums are not to be the site of any activity or use by non-City individuals or entities for purposes unrelated to the purpose for which the facility or property exists. To the extent that this Policy and/or City Ordinances regulate First Amendment Activity in Non-Public Forums, such regulations are intended as reasonable regulations to promote the efficient and undisturbed use of the forum for its intended purpose.
- D. Rental Representative. The person who is identified in a facility's rental application, arranges the reservation of a facility, and/or who is otherwise the primary contact person for a Renter.
- E. Renter. Any individual, group, organization, or other entity that has arranged for the use of a City facility, whether through reservation, rental agreement, or other means, and regardless of whether the facility is a fee-based or non-fee-based facility. Without limiting the foregoing, Renter shall also mean an individual or entity that has signed up to rent a booth at a City-sponsored event in accordance with Section V of this Policy.
- F. Traditional Public Forum. City parks (to the extent that they are open-air and not designated for specific uses such as, but not limited to, sports fields and reservation-based picnic shelters), public streets, and public sidewalks that are part of the City's general transportation network and recognized as Traditional Public Forums. These properties are open to a broad range of expressive purposes consistent with applicable state and federal law. To the extent that this Policy and/or City Ordinances regulate activities within Traditional Public Forums, such regulations are intended and shall be interpreted only to reasonably regulate the time place, and manner of activities within the forums as permitted under relevant law.

III. Generally Applicable Procedures and Disclosures and Reservation of Rights for All City Facilities. Unless otherwise stated in this Policy, these General Procedures shall apply to all City of Kentwood facilities. Where a procedure for a specific facility elsewhere in this Policy conflicts with or expands upon a General Procedure, the facility-specific procedure shall control.

- A. Application Required. No Renter may reserve the use of a City facility without requesting and scheduling the facility through the appropriate Facility Manager for the facility at least      hours in advance of the date of use, with a signed

and completed application form delivered in person, by e-mail, online, or by fax and the payment of any established fee or deposit.

- B. Discretion to Deny Application. The City, at its sole discretion, reserves the right to limit and/or deny requests for meetings, parties, or other events, or the renting of booths (or other rentable space) at City-sponsored events. In reviewing a request, the City shall consider factors including, but not limited to: (a) the applicant's history of compliance with City facility-use policies; (b) conformity with the application to this Policy and all other applicable policies, ordinances, laws, and regulations; (c) whether using the facility as proposed would threaten public health, safety, or welfare, based on factors including but not limited to the ability to manage crowds at the facility, expected public interest, and the need to maintain order due to expected protests at the event; (d) the consistency of the proposed use with the purposes for which the room is designed and intended, such as but not limited to the size, dimensions, and existing furniture, fixtures, and equipment in the room; (e) the availability of the room, facility, booth, or other space; (f) whether the proposed use would conflict with the administration or needs of, or uses by, the City government; and, (g) any other factor deemed relevant by the Facility Manager of the facility involved (e.g., whether the application represents a monopolization of the Facility by a single user).
- C. Events Involving Minors. The City reserves the right to limit and/or deny requests for meetings, parties, or other events for minors. If an application is approved for such an event, the application must be signed by a responsible party who is over 21 years of age, and one chaperone over 21 years of age must be provided for every 8 minors.
- D. Insurance. The City of Kentwood does not provide individual accident or health insurance for use of its facilities or grounds. The City may require groups or individuals using City facilities to procure and maintain a general liability insurance policy, at their sole cost and expense, for any death(s) or injuries to persons or loss or damage to property that may arise from or in connection with the individuals' or groups' use of the facility and the activities associated with it. When such groups or individuals are required to procure and maintain such general liability insurance policy, the City must be supplied with a certificate of such insurance which names the City of Kentwood as an additional insured. Minimum acceptable limits of such insurance will be \$1 million for each occurrence and \$1 million aggregate. The City of Kentwood must receive verification of the insurance coverage, including the dates of coverage and financial limits for the event, at least      days prior to the first rental date.
- E. First Aid. No on-site medical treatment is available at City facilities. First aid is the direct responsibility of any Renter of City facilities.
- F. Gratuities. City facility personnel are not allowed to accept gratuities.

- G. Assignment/Transfer. No rental, rental agreement, permit, or facility reservation shall be assigned or transferred without the City's express written consent.
- H. Right of Inspection and Control. The City reserves the right to inspect and control all events, private parties, meetings, and receptions held on its premises. It is a condition of any rental that the Renter will be responsible to immediately pay the City the costs of replacement for all destroyed, damaged, or missing facility property caused by the Renter or the Renter's guests, independent contractors, agents, or any person acting on Renter's behalf. The Renter is also responsible to reimburse the City for all fees and costs incurred by the City should additional City staff be required to control the Renter's event.
- I. Damage to City Facilities. Any damages to a City facility, building, and/or grounds will be charged to the Rental Representative that signed the agreement. The Rental Representative is responsible for checking the room for damages and cleanup in a manner that is acceptable to the City. The City reserves the right to charge the Rental Representative for the cost of staff time dedicating to cleaning up an event after an event, meeting, party, or other rental of a City facility, if the Renter does not clean the City facility or grounds to the City's satisfaction.
- J. Personal Property. The City shall not be responsible and assumes no liability for lost or stolen equipment, personal property, merchandise, money, personal effects, and goods at a City facility. The safekeeping and protection from theft of or damage to all equipment, personal property, merchandise, money, personal effects, and goods brought onto City premises or into City facilities shall be solely the responsibility of the Renter, any user of the facility, and the owner of the personal money, effects, and goods. The City will assume no liability for any equipment, personal property, merchandise, money, personal effects, and goods left in a City facility or for any damages to such items if they are moved, cleaned, or stored by City employees or agents in the performance of their duties.
- K. Hold Harmless and Indemnification Agreement. The Rental Representative and the Renter they represents shall pay on behalf of, indemnify, and hold harmless the City of Kentwood, its elected and appointed officials, employees, volunteers, and all others working on behalf of the City of Kentwood, against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Kentwood, its elected and appointed officials, employees, volunteers, and others working on behalf of the City of Kentwood, by reason of personal injury, including bodily injury or death and/or property damages, including loss of use thereof, which arises out of or is in any way connected or associated with their use of a City of Kentwood facility or

grounds. Where a facility requires a written rental agreement, a hold harmless and indemnification provision that consists of language substantially similar to that of this paragraph shall be included in the signed agreement.

- L. Cancellation. The City reserves the right to accept, reject, or cancel any event, use, rental agreement, or reservation for any reason and in its sole discretion. If a facility is mistakenly scheduled for more than one event, use, rental, or reservation of a City facility or space at the same time, the Facility Manager or their designated representative shall contact each party involved to identify the mistake and ascertain whether any party will voluntarily agree to reschedule; and, if not, then the Facility Manager shall, in their discretion, decide which party's event, use, rental agreement, or reservation is cancelled. If an event, use, rental agreement, or reservation must be cancelled due to a scheduling mistake as described above, or due to circumstances beyond the control of the City of Kentwood, including but not limited to inclement weather, loss of utilities, civil unrest, pandemic of disease, act of God, or other uncontrollable happenstance, the event will be rescheduled at the earliest convenience of all parties. If a rental fee has been paid in connection with an event use, or a reservation must be cancelled due to a scheduling mistake by the City as described above, or a reservation must be cancelled by the City for any other reason, and the event, use, or reservation cannot be rescheduled for any reason, the City shall refund any rental fees previously received to the Renter, which shall constitute the full extent of any obligation or liability of the City in connection with such cancellation to the Renter and any third parties. The City shall not be obligated, liable, or responsible for the payment of any amount(s) or damage(s) for losses due, directly or indirectly, to a cancellation incurred by a Renter (other than a refund of a rental fee paid, if applicable), Rental Representative, any person, guest, vendor, or contractor associated with the event, use, reservation, rental, or rental agreement, or any other third party including, without limitation, any consequential damages. If a Renter or Renter's Representative cancels a rental, the City will not refund any rental fees paid, except as may be otherwise specifically allowed in this Policy.
- M. Policy Enforcement/Penalties. Failure by the Renter or its guests, invitees, independent contractors, or agents to comply with this Policy may result in all or any of the following: forfeiture of some or all of the Renter's rental or security deposit; cancellation of the event, meeting, or other rental use of the City facility; immediate termination of the event, meeting, or other rental use, without notice or warning; immediate removal of individuals from the premises by City staff or the Kentwood Police Department, without notice or warning; payment to the City for the costs of replacement for any and all destroyed, damaged, or missing City property caused by Renter's guests, independent contractors, Renter, Renter's agent or any person on Renter's behalf; rejection of any or all future requests to use or rent the City's facilities; criminal prosecution for any violations of law or ordinance; and any other civil remedies to which the City may be entitled by law or in equity.

- N. City-Sponsored Events. The City's use of its own facilities is specifically excluded from compliance with this Policy. City-sponsored events (whether conducted on City premises or otherwise) may be subject to certain other or additional rules and regulations as described in Section V. To the extent that an event-specific rule under Section V conflicts with a general rule under this Policy, the event-specific rule shall apply.
  - O. Exceptions to Policy. The City Commission may allow exceptions to this Policy to accommodate and enable events of regional, state-wide, or national significance to be held at City facilities such as, but not limited to, visits by the President of the United States or Michigan Governor, or candidates for such positions.
- IV. Political and Fundraising Activities in City-Owned Buildings and on City-Owned Properties.
- A. General Policy. Except as, where, and when specifically allowed under this Policy, City facilities shall not be used for political activities, events, fundraisers, or assemblies. Where specified political activities, events, fundraisers, or assemblies are permitted, they must be open to the public, subject to occupancy limits and security concerns.
  - B. Political Campaign Events and Fundraisers. Political campaign events and fundraisers advocating a political candidate, ballot proposal, or other political cause may occur only in the fee-based rental rooms of City Hall and at other City-owned properties, or in fee-based rental areas of City-owned properties. In these facilities and at these locations, the activity must be confined to the rented room or area, and be carried out consistent with all other applicable provisions of this Policy.
  - C. Campaign Finance Law. No City facility or property shall be used in a manner that would cause the City to be in violation of the Michigan Campaign Finance Act, Act 388 of 1976, as amended, or any other applicable state or federal law.
  - D. Government Officials in their Official Capacities. This Policy shall not be construed to limit the ability of elected or appointed government officials from using either fee-based or non-fee-based facilities in furtherance of performing their public duties associated with their office.
  - E. Signature Gathering. No portion of a City facility (including but not limited to meeting rooms, hallways, corridors, and internal sidewalks, parking lots, and drives) other than a Traditional Public Forum shall be used by any person or group having the primary purpose of soliciting signatures for candidate nominating petitions, ballot proposal petitions, or similar documents. This Policy, however, is not intended to prohibit an invitee or guest of a Renter of a



room from incidentally asking other invitees or guests attending the same event within the same room to sign a petition.

F. Political Fundraisers. Except for designated rental rooms, City facilities shall not be used for the primary purpose of conducting a political fundraising event for any candidate, ballot question, political party, or campaign committee. This Policy, however, is not intended to prohibit invitees or guests of a Renter from incidentally asking other invitees or guests attending the same event in the same room to support a fundraising effort of an individual attendee or the Renter of the room (e.g., selling tickets for some future event; circulating a fundraising brochure; selling products such as cookies; or holding a 50/50, door prize, or similar raffle solely among attendees of the event), or to engage in activities within the scope of the meeting for which the room was reserved related to the administration of an off-site fundraiser (e.g., collecting monies owed from an off-site fundraiser, distributing fundraiser materials such as brochures or raffle tickets; replenishing supplies for a product-based fundraiser; distributing goods ordered through a prior fundraiser).

V. Event-Specific Regulations. The following event-specific regulations are intended to establish Limited Public Forums in accordance with this Policy and to address City-sponsored events (and specific events occurring on City property) of particular importance to the City, and are intended to be supplemental and additional to the General Procedures and other requirements of this Policy. To the extent that any event-specific rule or regulation conflicts with any other provision of the Policy, the event-specific rule or regulation in this Section V shall control.

For purposes of safety and to further the public's ability to enjoy City-sponsored events without interruption, at any event identified in this Section V, no person shall address others (with or without the use of sound amplification equipment) on or off an elevated platform in such a manner that unreasonably disrupts or interferes with others' enjoyment of the event while on City property. During such events and on City property, individuals may engage in leafletting, petitioning, and soliciting the public for donations, subject to the restrictions for each event set forth below. This Policy and the provisions of this Section V are not intended to apply to public rights of way or public sidewalks located at such specific events.

A. Fourth of July Parade.

1. Theme and Purpose. The Fourth of July Parade is an event to specifically celebrate our country's Independence Day with a parade that provides for local entertainment, community spirit, and fun for all to enjoy. The Parade is NOT intended as a platform to advocate for political, religious, or other social positions, but is solely intended to honor our country as a whole, to celebrate our community, and to provide entertainment for families in the spirit of fun.

2. Permitted Parade Entries. The City shall determine which floats and participants are permitted in the Parade through a permitting process consistent with this Policy. Any Parade applicant shall acknowledge that the City may, in its sole discretion, deny an application or entry (including on the day of the Parade) the ability to participate in the Parade, if the Parade official believes that the applicant or participant, or any message of the applicant or participant in the parade, may be or may reasonably be perceived as, generally offensive, vulgar, or in bad taste in relation to the spirit and purpose of the Parade. Any entry in the Parade may not contain any imagery or content that includes, nudity, profanity, lewdness, illegal drugs, violence, obscenity, hate, racism, or that is vulgar or sexually explicit, insulting or offensive to any ethnic, religious, political, or other identifiable group or individual, as determined by a Parade official consistent with the spirit and purpose of the Parade.
3. Political Campaigning. In keeping with the theme and purpose of the Parade, only seated official representatives elected by the people, official candidates seeking office, and official proposals are permitted in the Parade. No other campaigning shall be permitted in the Parade.

B. Fourth of July Fireworks Celebration.

1. Theme and Purpose. The Fourth of July Fireworks Celebration is an event to specifically celebrate our country's Independence Day with a fireworks display and other local entertainment, family activities, and fun for all to enjoy. The Celebration is NOT intended as a platform to advocate for political, religious, or other social positions, but is solely intended to honor our country as a whole, to celebrate our community, and to provide entertainment for families in the spirit of fun.
2. Permitted Booths. The City shall determine which vendors are permitted to rent booths for the Celebration consistent with the spirit and purpose of the Celebration. For purposes of this section, the term "booth" shall mean a designated and exclusive area for the display of products, food items, goods, services, crafts for sale to the public, as well as political candidates or proposals, which may include one or more tents and one or more tables as approved in advance by the City. Any applicant for a booth shall acknowledge that the City may, in its sole discretion, deny any booth applicant (including on the day of the Celebration) the ability to set up or maintain a booth, if the presiding official believes that the booth applicant or occupant, or any message of the applicant or occupant of the booth, may be or may reasonably be perceived as, generally offensive, vulgar, or in bad taste in relation to the spirit and purpose of the Celebration as set forth herein. Any booth applicant or occupant at the Celebration may not display any images or content that includes nudity, profanity, lewdness, illegal drugs, violence, obscenity, hate, racism, or that is vulgar or sexually

explicit, or is insulting or offensive to any ethnic, religious, political, or other identifiable group or individual, as reasonably determined by the presiding official consistent with the spirit and purposes of the Celebration.

3. Restrictions on Leafletting, Petitioning, and Soliciting During the Fourth of July Fireworks Celebration. During the Celebration, and except in those area(s) on City property specifically designated for such activities, individuals may not leaflet, seek support or signatures for a petition (i.e., petitioning), or solicit members of the public for donations and in no case shall be allowed to interfere with a guest, vendor, or participant's enjoyment of the activities at the event. Any applicant or occupant of a booth may leaflet, petition, or solicit the public for donations at or immediately adjacent to the booth that the applicant or occupant has rented; provided, however, that no person shall be permitted to leaflet, petition, or solicit the public for donations, during any fireworks display. All leafletting, petitioning, and soliciting may continue again once the fireworks display has concluded, in accordance with this Policy.

C. Concerts in the Park (Summer Concert Series).

1. Theme and Purpose. The Summer Concert Series is a series of events to celebrate the community and to showcase family-oriented local and national musical artists. The Celebration is NOT intended as a platform to advocate for political, religious, or other social positions, but is solely intended to celebrate the community as a whole and to showcase musical artists.
2. Permitted Booths. The City shall determine which vendors are permitted to rent booths for the Concert Series consistent with the spirit and purposes of the Concert Series. For purposes of this section, the term "booth" shall mean a designated and exclusive area for the display of products, food items, goods, services, crafts for sale to the public, and political candidates or proposals, which may include one or more tents and one or more tables as approved in advance by the City. Any applicant for a booth shall acknowledge that the City may, in its sole discretion, deny any booth applicant (including on the day of any event in the Concert Series) the ability to set up or maintain a booth, if the presiding official believes that the booth applicant or occupant, or any message of the applicant or occupant of the booth, may be or may reasonably be perceived as, generally offensive, vulgar, or in bad taste in relation to the spirit and purpose of the Celebration as set forth herein. Any booth applicant or occupant at the Celebration may not display any images or content that includes nudity, profanity, lewdness, illegal drugs, violence, obscenity, hate, racism, or that is vulgar or sexually explicit, or is insulting or offensive to any ethnic, religious, political, or other identifiable group or individual, as reasonably determined by the presiding official consistent with the spirit and purposes of the Concert Series.

3. Restrictions on Leafletting, Petitioning, and Soliciting During the Summer Concert Series. During each event for the Concerts in the Park (Summer Concert Series), and except in those area(s) on City property specifically designated for such activities as identified herein, individuals may not leaflet, seek support or signatures for a petition (i.e., petitioning), or solicit the public for donations and in no case shall be allowed to interfere with a guest, vendor, or participant's enjoyment of the activities at the event. Any applicant or occupant of a booth may leaflet, petition, or solicit the public for donations at or immediately adjacent to the booth that the applicant or occupant has rented; provided, however, that no person shall be permitted to leaflet, petition, or solicit the public for donations, while any performer for the Summer Concert Series is performing. All leafletting, petitioning, and soliciting may continue again once the performance has concluded, in accordance with this Policy.

D. Farmers' Market.

1. Theme and Purpose. The purpose of the Farmers' Market is to promote local farmers, vendors, and artisans and to provide them with an opportunity to exhibit their farm products, food items, goods, services, and crafts for sale to the public in a family-friendly environment. The Farmers' Market is NOT intended as a platform to advocate for political, religious, or other social positions, but is solely intended to promote local farmers, vendors, and artisans and to allow the public to enjoy such activities.
2. Permitted Booths. The City shall determine which vendors are permitted to rent booths for the Farmers' Market consistent with the spirit and purposes of the Farmers' Market. For purposes of this section, the term "booth" shall mean a designated and exclusive area for the display of farm products, food items, goods, services, and crafts for sale to the public, which may include one or more tents and one or more tables as approved in advance by the City. Any applicant for a booth shall acknowledge that the City may, in its sole discretion, deny any booth applicant (including on the day of the Farmers' Market) the ability to set up or maintain a booth, if the presiding official believes that the booth applicant or occupant, or any message of the applicant or occupant of the booth, may be or may reasonably be perceived as, generally offensive, vulgar, or in bad taste in relation to the spirit and purpose of the Farmers' Market as set forth herein. Any booth applicant or occupant in the Farmers' Market may not display any images or content that includes nudity, profanity, lewdness, illegal drugs, violence, obscenity, hate, racism, or that is vulgar or sexually explicit, or is insulting or offensive to any ethnic, religious, political, or other identifiable group or individual, as determined by the presiding official consistent with the spirit and purposes of the Farmers' Market.

3. Restrictions on Leafletting, Petitioning, and Soliciting for the Farmers' Market. During the Farmers' Market, in those area(s) on City Hall grounds specifically designated for such activities, individuals may interact with attendees during the Farmers' Market to leaflet, petition, or solicit the public for donations. However, individuals may not leaflet, petition, or solicit members of the public who are waiting in any line at the Farmers' Market (including any line to obtain or purchase goods or services, or any line to use a washroom facility including portable washroom facilities) or who are participating in activities at the event.

E. Food Truck Festival.

1. Theme and Purpose. The purpose of the Food Truck Festival is to showcase local and regional restaurateurs and food truck operators and to provide an opportunity for members of the community to sample and enjoy a variety of local foods and drinks in a family-friendly environment. The Festival is NOT intended as a platform to advocate for political, religious, or other social positions, but is solely intended to promote local and regional restaurateurs and food truck operators and to allow the public to enjoy such activities.
2. Permitted Food Trucks. The City shall determine which food-truck vendors are permitted at the Festival consistent with the spirit and purposes of the Festival. Any food-truck applicant seeking to operate and sell food at the Festival shall acknowledge that the City may, in its sole discretion, deny any applicant (including on the day of the Festival) the ability to park a food truck in the Festival area and sell food, if the presiding official believes that any message of the applicant (or any of the applicant's employees or agents), may be or may reasonably be perceived as, generally offensive, vulgar, or in bad taste in relation to the spirit and purpose of the Festival as set forth herein. No food truck participating in the Festival may display any images or content that includes nudity, profanity, lewdness, illegal drugs, violence, obscenity, hate, racism, or that is vulgar or sexually explicit, or is insulting or offensive to any ethnic, religious, political, or other identifiable group or individual, as determined by the presiding official consistent with the spirit and purposes of the Festival.
3. Restrictions on Leafletting, Petitioning, and Soliciting at the Food Truck Festival. During the Festival, and except in those area(s) on City property specifically designated for such activities, individuals may not leaflet, seek support or signatures for a petition (i.e., petitioning), or solicit the public for donations and in no case shall be allowed to interfere with a guest, vendor, or participant's enjoyment of the activities at the event, who are waiting in any line at the event (including any line to obtain or purchase goods or services, or any line to use a washroom facility, including portable washroom facilities) or seated to eat or drink.

F. Tree Lighting and Other City-Sponsored Events (Including 5K Races)

1. Theme and Purpose. The Tree Lights and other City-sponsored events are designed for all to enjoy. They are NOT intended as a platform to advocate for political, religious, or other social positions, but are instead solely intended to bring the community together by providing entertainment and physical activity for all to enjoy.
2. Restrictions on Leafletting, Petitioner, and Soliciting During the Tree Lighting and Other City-Sponsored Events (Including 5K Races). During these events, and except in those area(s) on City property specifically designated for such activities, individuals may not leaflet, seek support or signatures for a petition (i.e., petitioning), or solicit members of the public for donations and in no case shall be allowed to interfere with a guest, vendor, or participant's enjoyment of the activities at the event.

VI. Conflicts and Severability.

- A. Conflicts with Other Existing Facility Use Policies. This Policy amends, restates and supersedes all prior facility use and political activities policies adopted by the City Commission. Any prior facility use and political activities policies are hereby repealed, to the extent this Policy conflicts with said prior policy. All previous facility-specific policies shall remain in place to the extent they do not conflict with the provisions of this Policy.
- B. Conflicts with City Ordinances & State or Federal Law. If any provision of this Policy is inconsistent with or conflicts with the City Code of the City of Kentwood, or any other binding state or federal statutes, regulations, or law, this Policy shall be superseded to the extent that it conflicts with those statutes, laws, ordinances, regulations, or other laws.
- C. Severability. If any of the terms or provisions of this Policy are held to be partially or wholly invalid or unenforceable for any reason whatsoever, such holding shall not affect, alter, modify, or impair any of the other terms, provisions or covenants of this Policy or the remaining portions of any terms, provisions or covenants held to be partially invalid or unenforceable.