

**A RESOLUTION AMENDING THE ST. CLAIR COUNTY COMMISSION  
OPERATIONAL POLICIES**

**RECITALS:**

**WHEREAS**, the County Commission (the "Commission") for St. Clair County, Alabama (the "County") has adopted the St. Clair County Commission Operational Policies (the "Policies") to assist in the operations of the County; and

**WHEREAS**, it becomes necessary from time to time to update and amend the Policies to more effectively and efficiently operate County Government for the benefit of the citizens;

**WHEREAS**, the Commission is sensitive and desires to be compliant with all Federal laws including but not limited to the Constitution of the United States of America (the "Constitution"); and

**WHEREAS**, the First Amendment to the Constitution prohibits any government from establishing and specific religion and also protects freedoms of speech and assembly; and

**WHEREAS**, the Commission desires to neither establish or foster any religion but holds as sacred the right of every person to hold to their own personal beliefs and desires and intends not to discriminate against any person as a result thereof; and

**WHEREAS**, the Commission has a duty to ensure that governmental operations may proceed without interruption or impediment, including but not limited to minimizing impediments for those serving as prospective jurors and/or litigants in judicial process.

**NOW, THEREFORE**, the following policy within the St. Clair County Commission Operational Policies is hereby amended as follows:

Section 1: That Policy # 56 is hereby created and provides as follows:

**FIRST AMENDMENT ASSEMBLY AND SPEECH POLICY:**

1. That the following policy shall apply to all organizations and individuals, regardless of age, race, religion, nationality, gender, and/or any other protected class as the same may be amended, desiring to assemble and exercise their right to speech on or about the St. Clair County Courthouses located in Ashville and Pell City, Alabama.

2. That the organization or individual requesting its right to assemble and its right to speech (the "Requesting Party") shall provide to the St. Clair County Administrator the date and time of its request twenty-four (24) hours prior to its requested time and date to ensure availability of the designated area (the "Assembly Area") for said exercises (Assembly Area described pictorially in Exhibit "A").

3. The Requesting Party shall be provided a copy of this Policy which provides the following regulations (the "Assembly Regulations") regarding the assembly and speech in the Free Assembly Area:

- a. Offensive language prohibited. Requesting Parties using offensive language including cursing, inflammatory, demeaning, threatening or otherwise hateful language shall be made to leave the Assembly Area and will be subject to any and all other legal process as their actions may warrant.
- b. Aggressive behavior prohibited. Requesting Parties shall not approach the general public but, rather, must remain in the Assembly Area so as to avoid confrontation with the general public; Requesting Parties recognize that members of the public may disagree with and/or may be offended by the Requesting Parties' views or beliefs; however, the Requesting Party shall not aggressively confront the general public nor shall they instigate violence or riot; failure to abide by the above shall cause the Requesting Party to be made to leave the Assemble Area and will subject them to any and all other legal process as their actions may warrant.
- c. Offensive displays prohibited. The general public has protected rights as well as the Requesting Party; displays which include lude, indecent and/or pornographic depictions and/or graphics shall be prohibited; any displays visual aids used by the Requesting Party shall be reviewed by the County prior to usage; all visual aids and displays shall be approved unless the same violates the provisions of this policy.
- d. Illegal behavior prohibited. Nothing herein nor any approval received by the Requesting Party shall be deemed to be a defense to any illegal behavior which may be engaged in by the Requesting Party as the same is expressly prohibited.

3. Prior to engaging in the requested assembly and/or speech the Requesting Party shall be issued a permit (the "Assembly Permit") at no charge to the Requesting Party evidencing their receipt of and agreement to comply with the Assembly Regulations described above; the Assembly Permit shall identify the Requesting Party, the displays and visual aids in their use and the date and time of their assembly; failure of a Requesting Party to display upon request an appropriate Assembly Permit shall be cause for any law enforcement officer to have the Requesting Party removed from the Assembly Area until such permit is displayed.

4. Failure to abide by the provisions of this policy as the same may be amended from time to time shall cause a Requesting Party to be denied issuance of an Assembly Permit for a period of one (1) year for the first such failure and indefinitely for any subsequent failure.

5. Should any provision of this policy be held unconstitutional or be otherwise struck down by a court of competent jurisdiction, the same shall have no effect on all other provisions of this policy which shall remain in full force and effect.

ADOPTED and APPROVED this the 28th\_ day of April, 2015.

St. Clair County, Alabama

By: \_\_\_\_\_  
Paul Manning,  
Chairman

\_\_\_\_\_  
Kellie L. Graff  
Administrator

# PERMIT TO ASSEMBLE

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Organization: \_\_\_\_\_

Date of assembly: \_\_\_\_\_ Location: \_\_\_\_\_

Handout materials/display: Y N

If yes, copies attached: Y N

\_\_\_\_\_  
Applicants Signature

\_\_\_\_\_  
Date

---

## OFFICE USE ONLY:

APPROVED

DENIED/REASON FOR DENIAL

---

---

---

\_\_\_\_\_  
St. Clair County Commission

\_\_\_\_\_  
Date