

MOBILE COUNTY COMMISSION POLICY ON PUBLIC USE OF GOVERNMENT PLAZA AND OTHER COUNTY-OWNED BUILDINGS¹

PURPOSE

The Mobile County Commission's primary concern is the safety and well-being of all individuals visiting or working in Mobile County Government Plaza and other County-owned properties which house County agencies and/or offices. This policy sets forth rules intended to promote public use of County property/areas in accordance with the First Amendment to the U.S. Constitution and to provide for public and employee safety while using the space.

The Mobile County Commission (County) recognizes both the United States Constitution and the State of Alabama Constitution and understands its responsibility as a public entity to protect the rights articulated in the First Amendments to each: freedom of speech, religion, assembly and association within its public spaces/forums. This policy is intended to highlight how persons may exercise speech and expressive rights within reasonable time, place, and manner restrictions, free from discrimination or unconstitutional content-based restrictions, while following necessary safety and security protocols.

PROPERTY CLASSIFICATIONS

County properties are classified into three different types of space – 1) designated public forums, 2) limited-public forums, and 3) non-public forums. These classifications are defined below:

I. Designated Public Forum

The Atrium, located on the ground floor of the Mobile County Government Plaza, is the only designated public forum identified by the County. It consists of the open space between the North Tower and South Tower elevator banks and in between the security checkpoints located at the north, east and west entrances to Government Plaza. The Atrium can be used for displays, charitable, community or educational events, and other public gatherings. The Atrium does NOT include the Auditorium, the Assembly Room, the Ceremonial Courtroom, the Executive Meeting

¹ Certain spaces on the ground floor of Government Plaza are available as rental space for after-office hour events, which are governed by a separate policy and not included herein.

Room, Commission Conference Chamber, inside the elevator banks, restrooms, businesses, and/or offices located on the ground floor nor any areas in the North or South Towers. See attached Diagram.

II. Limited Public Forum

The Auditorium, Assembly Room, Ceremonial Courtroom, Executive Meeting Room, and Commission Conference Chamber are considered limited public forums. These limited public spaces are open to the public during regular business hours and are primarily used for the official business operations of Mobile County and the City of Mobile. Access to these spaces is limited to visitors and guests of the County and City, including but not limited to, those individuals who have official business or appointments, and/or who are visiting to engage in a public discourse concerning matters of interest to the Mobile County Commission or the City of Mobile. In addition to the rules stated herein, Mobile County and the City of Mobile have specific meeting rules or regulations which must be followed when participating in activities governed by those agencies. Additionally, the rules of the Mobile County Circuit Court, as directed by the Presiding Judge, govern use of the courtrooms and other spaces utilized by the Circuit, District and Municipal Courts in the North Tower.

III. Non-Public Forum

The following areas are non-public forums:

1. The inside of the elevator banks, the restrooms, and the businesses/offices located on the ground floor of Government Plaza.
2. The private offices of officials, staff, and employees working on any floor in the North or South Towers of Government Plaza.
3. The Office of the Mobile County License Commission (excepting areas designated by the License Commissioner).
4. The Office of the Mobile County Revenue Commission (excepting areas designated by the Revenue Commissioner).
5. The Offices of the Mobile County Probate Court (excepting areas designated by the Probate Judge).
6. Mobile County's maintenance facilities and Public Works offices.
7. The Mobile County Animal Shelter employee and staff areas as marked.

Access to private offices is restricted to authorized personnel only, and individuals or groups may not enter the private office areas without prior, explicit permission from the office occupant or designated authority. Because the offices of the Mobile County License Commission, Mobile County Revenue Commission, Mobile County Probate Court, maintenance and Public Works offices and the Mobile County Animal Shelter either maintain the private records of Mobile County citizens, house heavy and maintenance equipment, contain medical equipment and supplies, and/or provide access to other dangers or hazards, public gatherings, events and the taking of photographs, video or audio recordings are prohibited within designated service areas. Each of those agencies/offices have policies in place to prevent disclosure of confidential or protected information, to prevent compromising the function of these offices, and/or provide safety and security for the Mobile County employees and the public. Specific policies regulating public access to those agencies/offices are posted at each location as appropriate.

POLICY

I. Scope of the Policy

This policy applies to the constitutionally protected expressive activity as defined herein, which is afforded to all persons lawfully present in the Mobile Government Plaza and any other Mobile County-owned properties. The rules of this policy vary depending on whether a forum is considered public, limited-public, or non-public. This policy applies to both planned and spontaneous events/activities organized by members of the public, as well as any County, or City-sponsored or County, or City-sanctioned activity or event.

II. Policy Statement

The Mobile County Commission will not interfere with the rights of persons lawfully present on Mobile County-owned property to engage in constitutionally protected expressive activity subject to reasonable “time, place, and manner restrictions²” as set forth below. These restrictions are designed to preserve health, safety, orderly operations, and fairness for events and

² Time, place, and manner restrictions are constitutionally permissible content-neutral limitations imposed by the government on expressive activity. The U.S. Supreme Court has held that such restrictions may include, but are not limited to, imposing limits on the noise level of speech, capping the number of **individuals** who may occupy a given forum, barring demonstrations at certain times of the day, and restricting the size or placement of signs on government property.

activities located in Government Plaza or any other Mobile County-owned property. No constitutionally protected expressive activity shall be restricted based on content or viewpoint.

III. Expressive Activity

Protected expressive activity includes any event or activity that is covered by the First Amendment to the U.S. Constitution and the relevant caselaw. This includes, but is not limited to, utilizing the facilities for various civic, charitable, cultural and educational purposes such as educational/vocational audio/visual displays, environmental displays, providing access to information on charitable endeavors, showcasing artwork, and the public's free exercise of the rights afforded to them under the Constitutions of the United States of America and the State of Alabama.

IV. Time, Place, and Manner Restrictions

To ensure safe, and orderly public discourse as well as maintaining necessary government institutional operations, the County has adopted the following reasonable time, place, and manner restrictions on protected expressive activity.

1. Persons or organizations exercising their rights pursuant to the First Amendment to the U.S. Constitution on County-owned property are responsible for the event/activity including any materials used in conjunction with the expressive activity (Note: Certain materials may be subject to restrictions as further set out herein). The County is not required to provide any equipment, materials, supplies, publicity or personnel to anyone or group.
2. Events/activities are not permitted when the County-owned properties are closed (except as noted below). The County may permit certain County-owned property to be leased for private, non-public events/uses, during non-business hours, for a limited number of hours. Rules and requirements for the use of leased spaces are contained in the Lease Application and Agreement and are available upon request to the Public Affairs and Community Services Department.
3. Events/activities occurring in limited-public forums are restricted to those related to the normal operation of business, during business hours, and such events/activities must be reasonable considering the purpose served by the forum.
4. Public events/activities are not permitted in non-public spaces or private offices.

5. Public events/activities may not disrupt the daily, orderly operations of the Mobile County Commission, the City of Mobile, the Revenue Commission, the License Commission, the Mobile County Probate Court, or any other office in/on any Mobile County-owned property.
6. Events/activities may not endanger the health or safety of any person.
7. Events/activities may not interfere with the free flow of pedestrian traffic or access to entrances and/or exits in any area. Events/activities may not impede first responders, visitors or employees' ingress/egress to County-owned properties in the event of an emergency.
8. County-owned property may not be defaced or damaged.
9. Banners, signs and the like may not be permanently affixed or attached to any walls, doors, or structures in/on County-owned property, and all items brought in by the public must be removed at the conclusion of the event/activity.
10. Participants must comply with health/safety directives from authorized Mobile County public health officials and law enforcement.

V. General Safety Rules Governing All County-Owned Properties

The following rules exist for all persons lawfully present on any Mobile County-owned property:

1. Shirts and shoes are always required.
2. Children ages twelve (12) and under must be directly supervised by an adult nineteen (19) years and older. Authorities shall be notified if children are left unattended.
3. Only service animals are permitted in/on County-owned property, except for activities expressly approved by the County Administrator (E. Edwin Kerr, 251-574-5073).
4. Visitors cannot block or congest entrances, exits, restrooms, elevator banks or access to any area of the Government Plaza or at other County-owned property, nor may visitors obstruct or interfere with the business tasks performed by officers, staff or employees working in those areas.
5. Bags, briefcases, signage, and any other items of personal property are subject to inspection and confiscation by law enforcement or other authorized personnel and shall not be left unattended.

6. All visitors are expected to follow the guidance and/or instruction of the 13th Judicial Circuit of Alabama Court Police (hereinafter referred to as Court Police) and other law enforcement officers while on County-owned property.

VI. Permitted Items and Activities in the Public Forum

Any person or organization lawfully present on any Mobile County-owned property is permitted to openly exercise his/her/their constitutionally protected rights to free speech and/or expression, regardless of the topic, content or point of view. Any person or organization lawfully present on any Mobile County-owned property is permitted to engage in the following activities:

1. Individuals or groups may exercise his/her/their rights to free speech and/or expression, WITHOUT REGARD TO THE CONTENT OR MESSAGE CONVEYED.
2. Individuals, independent groups, non-profit organizations, governmental agencies, and private corporations may utilize the Atrium for displays of a public interest, whether educational, informational, charitable, or artistic, or other as fully described below. Displays are temporary and portable methods used to convey information and include signs, kiosks, booths, tables with or without chairs or any other medium to which photographs, art, literature may be affixed for display to the public. To be considered a display, individuals and/or groups shall bring any materials necessary for his/her/their display, and set-up/disassemble the display at the end of the event. Use of County owned property, including the furniture located in the Atrium, for any display is prohibited. Furniture in the Atrium is provided for the use and convenience of visitors, guests and employees of the County and the City of Mobile and not for displays of any kind or character.
3. Members of the community may distribute literature, flyers, pamphlets and announcements on County-owned property, as long as those individuals/groups are compliant with the policies outlined herein.
4. Large planned, group/organizational, special events (where attendance is expected to be more than twenty (20) participants), such as artistic displays, community meetings, demonstrations, rallies, or press conferences shall be reserved/coordinated with the County Public Affairs & Community Services Department (Dena L. Pollard, Events & Community Relations Manager at 251-574-3208 or

publicaffairs@mobilecountyal.gov) at least ten (10) days prior to the event to ensure sufficient space is available for the date and time of the intended use. Pre-planned events will be given priority for space within the Atrium over individuals or groups that have not coordinated with the County Public Affairs & Community Services Department, such that those events are not impacted by other displays. To allow equal access to as many individuals or groups seeking to hold a pre-planned event, the County will not accept standing reservations on a weekly or monthly basis from any individual or group. Additionally, the County will not accept more than two (2) reservations from the same individual or group for space for a pre-planned event at one time. The County does not provide set-up materials or labor, electronics equipment or assistance, except to the extent as may be necessary to ensure compliance with the International Building Code, City of Mobile Fire Code or other applicable state or local regulation.

5. Any event that is not open to all members of the public must be coordinated with the Public Affairs and Community Services Department (contact information above).
6. For purposes of the above, signage is limited to the following restrictions:
 - a. Unless signage is part of a display, as described herein, no more than two (2) signs, per person, that one (1) person can carry, and those signs may be placed against, but not affixed to, the interior walls of the Atrium for display purposes.
 - b. No signage may exceed eighteen (18) inches by twenty-four (24) inches in dimension.
 - c. Props, stands, easels or other items used to hold any signage are expressly prohibited.
 - d. No signage, regardless of the message or content, may be attached to any wood, metal, or plastic rods.
 - e. All signs and other items shall be removed from the Atrium at the conclusion of their use. Any signs or other materials left behind after use shall be subject to discard and disposal by Court Police.
 - f. Any kiosks, booths, or tables or other items used for expressive speech must be limited to one such item per person, with dimensions not to exceed six (6) feet in length, width and height. Individual kiosks, booths, tables and/or chairs used for expressive speech shall be distanced from one another as required by the

2021 International Building Code and enforced by both Mobile County and the City of Mobile. Signage, messages, and/or informational literature may be affixed to kiosks, booths or tables individuals or groups used in displays of expressive speech, subject to the foregoing.

g. Court Police will monitor all displays to ensure compliance.

7. The County and the City of Mobile occasionally use the Atrium space for pre-planned events for various business purposes, which shall be coordinated through the County Public Affairs and Community Services Department, as noted above.
8. Mobile County reserves the right to change/alter decorative items in the public forum.

VII. Safe Location for Public Expression

REGARDLESS OF CONTENT: Expressive activities may not obstruct safe access across the Atrium by blocking large portions of the Atrium floor, and thus, must be conducted in the designated areas unless otherwise authorized by the County as discussed herein. This includes, but is not limited to, public meetings of general concern to Mobile County residents, which can include charitable, educational, environmental or civic concerns, picketing or other public demonstrations and/or displays. The designated areas shall be easily accessible and marked for the convenience of the public. The designated areas are located on the ground floor of the Atrium on the north side of the east entrance and along the north side of the Atrium adjacent to the restaurant area. Space is limited in these areas to ensure visitors and employees can freely access exits, elevator banks, restrooms, County or City offices and businesses. Preplanned special events must be coordinated with the Public Affairs and Community Services Department as noted above.

REGARDLESS OF THE CONTENT: Access to the Atrium for expressive speech activities is based upon a first come, first served basis. Access/activities will not be permitted that violate the safety standards set forth in the City of Mobile Fire Code or any other applicable state or local regulation.

VIII. Prohibited Items and Activities

The following items and activities conducted by all persons present on any Mobile County-owned property are expressly prohibited:

1. Tobacco, illegal drugs, and weapons (excepting law enforcement officers) of any kind, nature, and description.
2. Smoking, smokeless tobacco, and electronic cigarettes or vapes.
3. Being under the influence of alcohol/illegal drugs and/or selling, using, or possessing such items.
4. Unless authorized by the County Administrator or the Public Affairs and Community Services Department, outside microphones, electronic or other devices that in any way amplify sound which includes bullhorns, megaphones and other such auditory enhancements for use inside Government Plaza; however, auditory enhancements are permitted outside of Government Plaza, on County property, so long as those enhancements do not disrupt the normal business operations inside.
5. Items or behaviors that obstruct access to any area of the Atrium or other public spaces. Because the County has a significant interest in protecting the safety of employees and the public, no activities/items that block any entrance or exit path from the Atrium or other areas such as restrooms, businesses or offices are permitted. Examples of items which could obstruct public access and access of emergency responders and County employees or cause injury to members of the public and/or County employees include, but are not limited to scooters, skateboards, bicycles, ladders, large electronics and electrical cords.
6. Any action, speech, or behavior that is disruptive to the County and its employees, visitors and guests prohibiting or hindering normal business operations.
7. Threatening words and/or gestures, including but not limited to hate speech, towards any person, as such speech is not protected by the First Amendment to the U. S Constitution.
8. Balloons or helium filled inflatables.
9. Candles or open flames of any kind.
10. Live plants and flowers, unless expressly approved by the County Administrator and/or in conjunction with a private event as coordinated with the Public Affairs and Community Services Department.

POLICY ENFORCEMENT

I. Administration of Policy

The Mobile County Commission is responsible for the implementation, administration, and oversight of this public use policy in consultation with County Administration, the Public Affairs and Community Services Department, the Facilities and Maintenance Department, and any other public officials and/or legal counsel as needed. All employees and visitors shall follow the rules stated herein, as well as any instruction from the Court Police regarding security, enforcement, traffic flow and/or ingress/egress. Questions, concerns, and reports of non-compliance should be promptly reported to the Court Police and the Mobile County Administrator.

II. Law Enforcement

The 13th Judicial Circuit of Alabama Court Police are authorized by the Presiding Judge of the Mobile County Circuit Court to provide public safety and security and to maintain appropriate order in the Atrium and adjoining spaces. The Court Police provide security and services for the Atrium Monday – Friday, from 7:00 A.M. – 5:00 P.M., for regular business hours and for after-hour events in the Atrium of Government Plaza. The Court Police staff the security check points at the entrances, and enforce all applicable local, state and federal laws, as well as the policies outlined above for the Atrium and the North and South Towers. The Court Police conduct all security screenings and have the authority to disallow prohibited items into Government Plaza and/or to confiscate those items. The Court Police retains the right to suspend or modify public use of Government Plaza on a case-by-case basis, as deemed necessary for security purposes by the Chief of Court Police or his/her designee.

Criminal act(s) shall be reported to law enforcement for criminal investigation, and/or prosecution. Nothing in this policy shall be applied or interpreted to restrict or interfere with any law enforcement investigation, criminal prosecution, or civil legal action initiated by law enforcement or third parties.

III. Changes

Substantive changes to this policy require approval by the Mobile County Commission. These changes may be made as required by federal or state mandate or local resolutions or ordinances. The Mobile County Commission will give timely notice to the public when changes are made to this policy.

IV. Effective Date

This policy was approved on November 24, 2025, and will be effective on January 8, 2026.