City Council Agenda Item Report

FROM: Ryan Cummins, City Manager

MEETING DATE: March 4, 2026

SUBJECT: Public Speech Policy and Palette Sign Display Policy

DESCRIPTION:

Updating signage regulations is a Council priority for FY 25/26. As part of that work, two new policies are recommended.

Public Speech Policy

The proposed Public Speech Policy establishes a clear, constitutionally grounded framework for expressive activity on property owned, leased, or operated by the City. The policy is designed to ensure First Amendment compliance while preserving the City's ability to control and define its own governmental messaging.

Key components include:

- Classification of City property into four legally recognized categories:
  - Traditional Public Forums
  - Designated Public Forums
  - Nonpublic Forums
  - Government-Speech Spaces
- Clarification that all City property not expressly opened for public expression is reserved for government speech.
- Authority for Council to prospectively change the status of a forum by resolution.
- Administration and enforcement responsibility assigned to the City Manager, with delegation authority as needed.
- Requirement that any expressive activity comply with established City procedures, permits, and application processes.

Palette Sign Display Policy

The proposed Palette Sign Display Policy specifically addresses the Saugatuck Palette Sign located at Lake Street and Blue Star Memorial Highway.

Key provisions include:

- Government Speech Designation:
  - Displays on the Palette Sign are considered speech of the City and are not a public forum for private expression.
- City Priority & Council Approval:
  - The City maintains priority for governmental messages.
  - All banner displays require City Council approval.
- Permitted Events:
  - The policy lists specific longstanding civic, cultural, and community events eligible for banner consideration, with flexibility for Council to approve additional events consistent with the City's character and values.
- Complete applications must be submitted:
  - No earlier than 270 days before the event
  - No later than 60 days before the event
- Display Limits:
  - One banner per event (14' x 4')
  - Maximum of two banners on the property at any one time
    - After governmental messages, first come, first serve based on complete application deadlines.
  - One banner may be on the Palette Sign; one may be ground-mounted
  - Display limited to 15 days prior to event; removed within 24 hours after
- Administrative Discretion:
  - The City Manager (or designee) retains sole discretion over banner placement, relocation, modification, or cancellation to serve governmental messaging priorities or public interests.

LEGAL REVIEW:

Legal reviewed and their opinion was shared with the City Council.

SAMPLE MOTION:

Motion to approve the Public Speech Policy and Palette Sign Display Policy as presented.

CITY OF SAUGATUCK PUBLIC SPEECH POLICY

1. PURPOSE AND SCOPE

The purpose of this policy is to establish clear, constitutionally compliant standards for expressive activity on all property owned, leased, or operated by the City of Saugatuck, including both physical spaces and City-managed digital platforms. These standards ensure that the City maintains appropriate control over its governmental messaging while providing transparent, objective, and legally sound rules for private expression in the limited locations intentionally opened for that purpose. This policy applies to all City property and communication assets—such as buildings, parks, signage, flagpoles, websites, social media accounts, digital notification systems, printed newsletters, and any other physical or digital platform or resource the City owns or manages.

2. ADMINISTRATION

The City Manager is responsible for administering and enforcing this policy. The City Manager may delegate specific duties to City staff as needed, provided all actions are carried out under the City Manager's direction and oversight.

3. DESIGNATION OF CITY PROPERTY

To ensure the orderly and consistent management of City property, all areas where expressive activity may occur are classified into one of four categories: traditional public forums, designated public forums, nonpublic forums, or government-speech spaces.

3.1. *Traditional Public Forums*

A traditional public forum is a public space, such as a street, sidewalk, or park, that has historically been open to expressive activity by members of the public. These areas are recognized as places where individuals may engage in protected speech. The City may regulate speech in these areas only through neutral rules addressing the time, place, or manner of expression, such as regulations necessary to protect public safety, prevent obstruction, limit excessive noise, or ensure the orderly use of public spaces. These regulations must be applied without regard to the content or viewpoint of the expression. This policy does not impose additional regulation on expressive activity within traditional public forums.

3.2. *Designated Public Forums*

A designated public forum is a location that the City intentionally opens for general expressive activity by members of the public. These spaces exist only when the City makes a deliberate decision to allow private expression in a specific area. The City may, by resolution, establish designated public forums and regulate those areas through neutral rules governing the time, place, or manner of expression, including operational considerations such as scheduling, safety, maintenance, installation requirements, and the

physical limitations of the space. These regulations must be applied without regard to the content or viewpoint of the expression.

3.3. *Nonpublic Forums*

A nonpublic forum is a space owned or controlled by the City that is not open for general expressive activity but may be used for limited types of private expression consistent with the specific purpose of that space. The City may, by resolution, establish nonpublic forums and regulate those areas through criteria and procedures that reflect the intended use of the space, including limitations on who may use the forum, what types of messages may be displayed, and how long messages may remain in place, provided that no regulation is based on the viewpoint of the expression.

3.4. *Government Speech*

All City property not expressly designated as a traditional public forum, designated public forum, or nonpublic forum is reserved exclusively for government speech. Government speech may also occur within traditional public forums, designated public forums, and nonpublic forums without altering the forum's status or opening it to private expression. In all government-speech uses, the City conveys its own messages—including for example but not limited to artwork, installations, exhibits, performances, and other forms of City expression—and maintains meaningful editorial control over content, selection, and presentation. Private expression is not permitted in government-speech spaces, and any display, flag, signage, artwork, installation, exhibit, performance, digital content, or communication presented as government speech is understood as the City's message.

4. FORUM STATUS CHANGE

The City may, by resolution, prospectively close any designated public forum and reclassify it as a nonpublic forum or as government-speech space, effective on a date certain, for neutral reasons related to the property's intended function and operational needs.

5. USE OF CITY PROPERTY

Any person seeking to engage in expressive activity on City property must do so in accordance with all application procedures, forms, permits, and submission requirements established by the City, whether currently in effect or adopted in the future. Individuals and organizations are responsible for complying with all relevant processes governing the use of City spaces, including any procedural, operational, or administrative requirements the City has determined necessary for the safe, orderly, and consistent use of its property. Approval to use City property is contingent upon full adherence to these procedures, and no private expression may occur in areas requiring such approval unless all applicable requirements have been satisfied.

Policy/Procedure: Saugatuck Palette Sign Display Policy

Date Adopted or Implemented:

Revision Date:

Resolution Number (if applicable):

CITY OF SAUGATUCK

Purpose: The Saugatuck Palette Sign ("Palette Sign") is located at the northeast corner of the Lake Street and Blue Star Memorial Highway intersection in the City of Saugatuck. This policy establishes the scope, guidelines and procedures of displays on the Palette Sign in the City of Saugatuck consistent with the status of displays on Palette Sign being government speech.

A. Authority:

The Saugatuck City Manager shall be responsible for the implementation of this policy.

B. Displays on the Palette Sign are Government Speech:

1. Palette Sign displays are considered speech by the City, i.e., government speech.

2. Palette Sign displays are reserved for and are used exclusively as expressions by the City of the government's own speech. Specifically, the City intends for the Palette Sign displays to be a transmission of its own messages, primarily messages that are designed to inform the public of public events of a civic nature that are consistent with the City's character and values.

3. The Palette Sign is not intended to serve as a forum for free expression by the public. Except as expressly set forth in this Policy or other applicable City regulations, displays on the Palette Sign or the City property on which the Palette Sign is located are prohibited.

C. Display Consideration and Limitations:

1. All Palette Sign displays shall be approved by the City Council.

2. The City will maintain first priority to use the Palette Sign for its own governmental messages. Organizers or sponsors of the events listed in section D may request to display a banner on the Palette Sign by submitting a Special Event & Parade Application to the City Clerk's Office.

3. Following the City in priority, applications for Palette Sign displays will be considered based on a first-come, first-served basis, based on the date the City receives a complete application. Applications shall be submitted no earlier than two hundred seventy (270) days prior to the scheduled event date and no later than sixty (60) days prior to the scheduled event date to be considered.

4. Palette Sign displays are limited to one (1) banner per event that must not exceed a measurement of fourteen feet wide by four feet tall (14' x 4'). No more than two (2) banners may be displayed at any time on the Palette Sign property, regardless of event type or sponsor. Only one (1) banner may be displayed on the Palette Sign, and only one (1) banner may be placed at a ground-level location nearby.

5. The City Manager or their designee shall retain sole discretion over the placement and location of all approved banners, including whether a banner is displayed on the Palette Sign or placed at a ground-level location. Approval of a banner does not guarantee placement on the Palette Sign, and no applicant shall have any right to a specific location. In addition, the City Manager or their designee reserves the right to modify, shorten, relocate, or cancel any approved banner display if necessary to serve governmental messaging priorities, public safety, or other public interests.

6. A Palette Sign display may be displayed no more than fifteen (15) days before the corresponding event. The banner must be removed within twenty-four (24) hours after said event.

D. Permitted Displays:

The City may use the Palette Sign to display governmental messages that are consistent with and reflect the City's character and values, as determined by the City Council. In recognition of the value of providing notice to the public of upcoming and ongoing events, the Palette Sign may be used by organizers or sponsors of events to display 14' x 4' banners in connection with the following special events following approval by the City Council:

1. Art in the Park Saugatuck

2. Cow Hill Yacht Club Chili Cook-Off

3. Saugatuck Whootville Christmas Parade

4. Care-A-Van Car Parade, Saugatuck and Douglas

5. 4th of July Parade in Saugatuck
6. PRIDE Jazz for Justice Concert
7. Saugatuck Memorial Day Parade
8. Movie in the Park
9. Mt. Baldhead Challenge
10. Music in the Park
11. Erin Go Bark People and Pet Parade
12. Saugatuck Film Fest
13. The Market at Saugatuck Center for the Arts
14. Saugatuck Douglas Art Club Art Fair
15. Saugatuck High School Homecoming Parade
16. Saugatuck Sidewalk Sales
17. Spear Street Block Party
18. Town Crier Races
19. Saugatuck Tree Lighting Ceremony
20. Turkey Trot Fun Run
21. Annual Ugly Sweater Pub Crawl
22. Saugatuck Venetian Festival
23. Saugatuck-Douglas Veterans Day Celebration

24. Other public events deemed by the City Council to be reflective of the City's character and values, to have traditional, historic, civic, cultural, or charitable importance to the City and/or its residents, and to otherwise be consistent with the public health, safety, and welfare.

E. Amendments:

The City Council may authorize changes and/or adjustments to this Policy from time to time by majority vote.