



Public Space Designation Policy

1. Purpose

The Geneva Public Library (“the Library”) is committed to protecting the health, safety, welfare, and personal privacy of the Library employees and the general public who do business with or use the services of the Library.

This policy is intended to delineate those areas of Library Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis or are restricted from public access.

Special attention will be taken when determining rules regarding specific areas to ensure the public’s rights are upheld. Those areas are defined in the sections below.

1.1 Public Forum

A public forum is a place with a long-standing tradition of being used for, is historically associated with, or has been dedicated by a government act to the free exercise of the right to speech and public debate, and assembly.

1.2 Limited Access Public Forum

A limited access public forum is space not traditionally regarded as a public forum but which the government has intentionally opened up for that purpose. The space is not generally open to or occupied by the public, but is open to or occupied by the public only on a limited, as needed, or by invitation basis.

1.3 Nonpublic Forums

A nonpublic forum is a space not traditionally regarded as a forum for public communication with flexibility to craft rules limiting speech. Regulations on speech must be reasonable and not an effort to suppress expression merely because of opposing views.

2. The Library as a Limited Access Public Forum

The 2003 United States Supreme Court case: *United States v. American Library Association*, ruled that public libraries in the United States are deemed “*limited public forums*.” *Kreimer v. Bureau of Police for Morristown*, 958 F.2d 1242 (3rd Cir. 1992), added that public libraries are designated limited public forums “because it has been designated as a forum for only limited uses. As such, it is the Library’s duty and jurisdiction by law to establish Board-approved policies and rules imposing reasonable, operationally-related parameters on conduct while on Library property. Furthermore, by law, “All public and association libraries in New York State are required to keep library records confidential according to Civil Practice Laws and Rules, Section 4509.”

The Library shall retain the right to orally instruct third parties that an area is a Limited Access Forum.

3. Nonpublic Library Spaces

Reasonable justifications for excluding the general public from designated nonpublic areas on government property are:

- Protecting the private information of patrons and other citizens
- Prevention of disruption of Geneva Public Library business
- Public safety and well-being

Nonpublic Areas may be designated by doors, physical barriers, building design features, signage, desks, stanchions, ropes, fencing, or other visible indications. The lack of visible indications shall not prevent the Library from considering or treating an area as a Nonpublic Area. The Library shall retain the right to orally instruct that an area is a Nonpublic Area.

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