



GUIDANCE RELATIVE TO THE IMPACT OF GATHERINGS AND PROTEST ACTIVITIES

The First Amendment to the U.S. Constitution grants private individuals the right to free speech and assembly generally. City ordinances provide standards as to the manner and conduct of protests and assemblies. Just as the rights of persons exercising First Amendment rights must be protected, so also the rights and safety of persons impacted by such exercise including property owners and persons utilizing the right-of-way in a lawful manner must be protected.

Below are a series of guiding statements relative to gatherings where City Ordinances, State law or other legal principles may be relevant:

- Individuals may gather on a sidewalk, or other public places, but not in a way that impedes the passage of vehicles, traffic, or pedestrians.
- It is also unlawful to obstruct or interfere with the use of property or businesses facing a public street or sidewalk, or to obstruct entry to and exit from those businesses. (Loitering, Sec. 23-91(a)(1) and (2))
- People may not cause, create or maintain any obstruction of any right-of-way (including sidewalks, streets, parking areas), unless specifically authorized. This includes leaving unattended property unless there is a permit or is otherwise authorized, for example in a sidewalk café. (Obstruction and Encroachments Prohibited, Sec. 30-300)
- People may not engage in conduct that unreasonably alarms or disturbs others or provokes a breach of the peace. (Disorderly Conduct, Sec. 23-92(1))
- Damaging, destroying, or defacing others' property without their consent is not permitted. (Damaging Property, Sec. 23-67)
- Damaging, destroying, defacing, or interfering with City property is not permitted. (Damaging City Property, Sec. 23-65)
- It is unlawful for any person to deface public or private property with graffiti. Items considered graffiti materials include paint, spray paint, chalk,

and any other substance or material that alters the physical appearance of public or private property. The graffiti section does not apply to water soluble chalk used on public sidewalks by children under the age of 13 and their parents and guardians. (Graffiti, Secs. 23-80.1, 23-80.3, 23-80.9)

- Trespassing on public or private property after the owner, occupant, or other authorized person has given notice that entry is forbidden or notice to depart is prohibited. (Trespass generally, Secs. 23-62(a)(1), (c))
- Individuals may not engage in conduct that causes harm or endangers another's bodily safety. (Reckless conduct, Sec. 23-43)
- Illinois is in Stage 4 of its "Restore Illinois" plan. Currently, gatherings are limited to no more than 50 people. Social distancing (i.e. six (6) feet of separation between people) is encouraged as is the wearing of face coverings.
- While special event permits are not currently being issued due to the COVID-19 pandemic, COVID-19 Emergency Order 20-20 provides that use of public streets for marches and parades for the exclusive purpose of exercising individuals' First Amendment rights are authorized. The Emergency Order states that the organizers, if possible, should present a plan to the Police Department showing the time, estimated number of people, route, and contact information for the organizers. Organizers are asked to meet with representatives of the Police Department at least 72 hours in advance of the march or parade in person, over the phone, or virtually to discuss safety issues, including CDC guidelines for mass gatherings.

INFORMATION FOR BUSINESS AND PROPERTY OWNERS

Human Rights and Non-Discrimination

- Goods, services, and facilities at public businesses must be open to all customers, regardless of race, religion, sex, disability, or sexual preference, among other classifications.
- Allegations of unlawful discrimination are investigated by the City’s Office of Equity, Community, and Human Rights.
- More information is available in Chapter 17, “Human Rights Ordinance.”

Private Property

- Private property owners may ban or exclude individuals from their property, as long as it is not based on unlawful discrimination as defined in the City’s Human Rights Ordinance.
- More information is in Section 23-62, “Trespass Generally.”

Graffiti and Property Damage

- Damage, destruction, and defacement of public and private property is unlawful and may be reported to law enforcement.
- More information is in Section 23-67, “Damaging Property,” and 23-80.3, “Application of Graffiti Prohibited.”

Lawful Assemblies

- Public property, including sidewalks, may be used for lawful protests and assemblies.
- Protests and assemblies may not obstruct or impede the movement of others on right-of-way or in front of business entrances and exits.
- Protests and assemblies that block, obstruct, or impede the passage of others may be reported to law enforcement.
- It is not permitted for an individual to interfere with a lawful protest.
- More information is in Section 23-91, “Loitering,” Section 30-300 “Obstruction and Encroachment Prohibited,” and Section 23-94, “Disturbing Lawful Assemblies Prohibited.”

NOTE: References to Chapters and Sections above refer to the Champaign Municipal Code, which is available on the City of Champaign website.

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