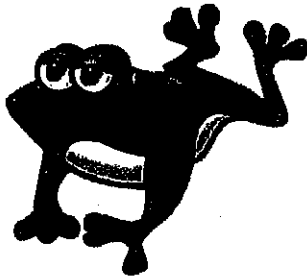


# **FIRST AMMENDMENT POLICY**



# **39<sup>th</sup> District Agricultural Association Policy Guidelines – First Amendment Rights** Adopted 4/03

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## **Findings:**

The 39th District Agricultural Association hereby finds that these guidelines are intended to set forth in writing the Association's longstanding policy governing the conduct of Association employees as well as members of the public under the First Amendment to the United States Constitution and Article I of the California Constitution, on the Association's grounds.

These guidelines are not intended to enlarge upon nor create any rights guaranteed by existing law nor waive any defenses or rights available to the Association, nor do they represent any admission that the facilities of the Association are open as a public forum. It is the policy of this Association to allow within the parameters set forth herein, reasonable access to its grounds and designated free speech expression zones for demonstrations for free speech activity as allowed by the First Amendment to the Constitution and article I of the California Constitution. These provisions are intended to act as guidelines and reasonable regulation of time, place and manner and not content of speech.

## **Definitions:**

"Public Forum" A public forum is an event wherein the facilities are available to members of the public for a free and open discussion or debate political on social issues.

"Limited Public Forum" A limited public forum is an event wherein the public is allowed access to a facility or facilities for specific purposes and where any public debate or discussion on political or social issues is focused on a particular subject or subjects. A limited public forum is not intended by the Association to generate a "public forum" as that term is defined herein.

"On site" – On site means any activities occurring within the grounds or parking lots of the 39th District Agricultural Association.

"Off Site" Off site refers to those public and private land surrounding the grounds of the Association.

Enclosed facility – An enclosed facility means any structure contained on the grounds of the Association and/or any other enclosed or semi enclosed building or structure whatsoever located on site.

"Free Expression Zone" A free expression zone is a designated area located on-site as established by the Association's Board of Directors at which members of the public may be provided reasonable access in accordance with these guidelines for purposes of conducting free speech activities.

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"Free Speech Activities" For purposes of these guidelines, "free speech activities" means individual or group display of signs other than specifically allowed herein; picketing, leafleting, collection of signatures or marching and any group activity involving the communication or expression, either orally or by conduct of views and/or grievances, and which has the effect and intent or propensity to express that view or grievance to others. As used in these guidelines, neither the definition of or limitations on "free speech activities" includes one on one voluntary discussions or individual wearing of buttons or symbolic clothing.

- "Fighting Words" – Fighting words are those words when addressed to the ordinary person are, as a matter of common knowledge, inherently likely to provoke an immediate violent reaction.
- "Obscene" Obscene means any sexually explicit material or communication which appeals to prurient interests and is patently offensive or abhorrent to the prevailing concepts of morality or decency of the community in which the Association exists.
- "Paid Gate" - a paid gate is that area of the grounds of the Association on site, the entry to which is restricted and predicated upon purchase of a ticket or entitlement prior to entry. This can include the general area of the Association enclosed by a fence, and/or any particular building with the Association's grounds.
- "Sound Devices" Sound devices include any loudspeakers, megaphones or other devices, electrical or mechanical, which amplify or transmit sound waves. Included in this definition are forms of sound which are not mechanically amplified such as group chanting or singing.

## **2003.00 – Findings**

The Association finds that due to the unique nature of the grounds of the Association, there is limited access necessitating creation of free expression zones. These zones are intended to provide reasonable access to those individuals or groups engaged in free speech activities while protecting the health and safety of the general public. The Association further finds that pedestrian traffic is confined to narrow walkways to and from parking areas where free speech expression zones are located and that designated zones are designed to balance the interests of those individuals engaged in free speech activity and being given reasonable access to the general public, and the safety of the general public and the prevention of accidents or congestion which could lead to injury.

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## 2004.00 – Free Expression Zones

The Association shall designate free expression zones on site for purposes of free expression activity. These zones shall be situated in such manner as to allow reasonable access to those members of the general public attending an event at the Association's fairgrounds and shall be designate on a map. The zones shall be clearly marked and shall have a sign posted by the Association which states the views expressed by those utilizing these zones are not necessarily those of the Association. In locating the zone, the Association shall consider, public safety and shall located them in a way to avoid congestions, while maximizing public access by those engaged in free speech activities to those attending events. Use of these free expression zones shall be available on first come, first served basis, provided that those utilizing the free expression zones shall comply with the requirements and restrictions on time, place and manner set forth in Section 2005.

## 2005.00 – Conditions for use of Free Expression Zones

Whenever possible, those utilizing a free expression zone shall notify the management of the Association in advance to allow scheduling on a first come, first serve basis. If no advance notice is given, the Association shall attempt to provide space in free expression zones on a first come, first service basis. The Association reserves rights to assign such space or to move individuals or groups between or among zone depending upon the Association's needs and to prevent any violence or misunderstanding due to use of said zones by individuals or groups with conflicting philosophies or where violence may reasonably be anticipated. Those utilizing free expression zones will abide by the following restrictions:

- a. No signs or banner may be used which exceed 3' x 3', in order to protect the safety of patrons and those engaged in free speech activities.
- b. The following equipment may be brought in to a free expression zone for use in free expression activities:
  1. A 6' (six foot) long table (maximum length) and 4 chairs at each allowable location;
  2. Signs which may be placed on the table or directly in front of the table only, subject to the size restriction noted above;
  3. Necessary pens, pencils, paper clips, clip boards and leaflets or other materials to be disseminated to the public, provided that said material shall be secured to prevent littering.

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- c. No individual utilizing free expression zones shall state or imply that the views they express are the views of the Association.
- d. No one utilizing a free expression zone shall block the movement of patrons, concessionaires, employees, lessees or those providing emergency services. No one shall physically restrain any other individual or block the free passage of such individuals or vehicles.
- e. Patrons declining to listen, converse or provide a donation or signature of accept any item offered may not be touched or pursued once the individual has clearly indicated he or she wishes to be left alone
- f. No free expression activity shall occur outside of the designated free expression zones or within 100' (one hundred feet) of the entrance gates, or ticket booths.
- g. No one utilizing a free expression zone shall interfere with parking attendants or individual patrons attempting to park cars, or operate in such manner as to obstruct the efficient and safe parking of cars by attendants or event patrons.
- h. Those utilizing free expression zones shall do so in a way that they do not block, delay or hinder the free passage of any member of the public or obstruct or divert the ordinary flow of vehicular or pedestrian traffic.
- i. No one shall utilize signs or displays or disseminate literature which employs fighting words, obscenities or presents gruesome, grisly or repulsive displays.
- j. No one utilizing a free expression zone shall use or employ any sound device without prior written approval of the Association and the use of any permitted sound device shall not create a nuisance or noise of sufficient volume to impinge upon the hearing of patrons more than a few feet away from the free expression zone nor be used to broadcast any fighting words or obscenities.
- k. There shall be no sale or offer for sale of any merchandise or services of any kind, including taking of orders for merchandise or services. Funds will not be demanded or requested in return for any written material. These prohibitions shall not be construed as preventing individuals utilizing free expression zones from soliciting voluntary contributions.

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## **2006.00 – County Fair Free Speech Activities**

During the annual Calaveras County Fair & Jumping Frog Jubilee, free expression activities may be allowed within the paid gate of the Association, if the individual or group wishing to engage in such activity obtains a booth space pursuant to lease or rental agreement subject to the same reasonable terms and conditions as are applied to any other person leasing such space.

## **2007.00 – Violations of Guidelines:**

Anyone violating any of the provisions of these guidelines may be ejected from the grounds of the Association and such violations may be cause for termination of any free speech activity.

The Association reserves all legal rights and remedies.