

MARIPOSA COUNTY FAIR

35A DISTRICT AGRICULTURAL ASSOCIATION

FREEDOM OF SPEECH AREA

GUIDELINES AND PROVISIONS

• FREEDOM OF SPEECH

The Mariposa County Fair Association allows within the parameters set forth in the First Amendment Expression Guidelines to its grounds for Free Speech Activities protected by the First Amendment of the United States Constitution, and by Article I of the California Constitution. The provisions of these guidelines are intended as reasonable regulations as to *time, place, and manner* (generally referred to as TPM) of such activities and not restrictive of the *content* protected under the Freedom of Speech Amendment.

Analysis of the First Amendment must begin with determining what is called "forum", or the physical location where the activities are to take place and the nature of the government activity performed there. In evaluating the location or forum, it must be determined whether the individual location has in effect created an atmosphere for public in debate or created a forum where the exchange of ideas is central to the purpose of that location. First Amendment activities could be restricted due to the location and purpose, focusing of the particular event occurring at the facility and determining whether that event creates a public forum. Also taken into account is whether the free speech activities are inconsistent with normal activity of a particular place for a particular event. For example, "inconsistent" does not mean controversial nor does it mean whether the speech will support or oppose the event. Thus, it is not "inconsistent" for an animal rights group to protest at a rodeo. However, it may be "inconsistent" for an animal rights group to perform certain activities within the paid gate of that rodeo, which may be disruptive. Fairs can, under certain circumstances, restrict activities within a paid gate. The Fair cannot restrict face-to-face, one-on-one discussions. Fairs can, however, prohibit the distribution of leaflets, solicitation of funds, and most organized group activities such as displaying of signs and picketing inside the paid gate. Persons could not be refused paid entrance because they wore buttons or otherwise passively expressed a particular message individually. The creation of a designated and identifiable "free speech zone" outside of the paid gate is suggested. This provides a reasonable opportunity of individuals, on a limited basis, to communicate a message without infringing upon patron's rights or interfering with the Fair's ability to operate.

The First Amendment Guidelines are administered by the Mariposa County Fair. The guidelines established the place on the grounds that activists can exhibit, the manner in which they are to exhibit and how they interact with the public. This area is known as the Freedom of Speech Area and anyone interested in exhibiting they should be directed to the Administration office.

The Freedom of Speech area is appropriate for individual or groups whose expressive activities are protected by the First Amendment of the United States Constitution and Article I of the California Constitution. It is not appropriate for those wishing to promote a commercial endeavor or sell merchandise to the public. All persons or groups wishing to use the Freedom of Speech Area must register with the Mariposa County Fair District in advance to allow scheduling on a first-come, first served basis.

Following are the Mariposa County Fair First Amendment Guidelines for reference.

MARIPOSA COUNTY FAIR
35A DISTRICT AGRICULTURAL ASSOCIATION

FIRST AMENDMENT EXPRESSION GUIDELINES

DIVISION 1
FINDINGS

The Mariposa County Fair hereby finds that these guidelines are intended to set forth in writing the Mariposa County Fair's longstanding policy government the conduct of Association employees as well as members of the public under the First Amendment of the United States Constitution and Article I of the California Constitution on the grounds of the 35A District Agricultural Association (the "Grounds").

These guidelines are not intended to enlarge upon not create any rights guaranteed by existing law nor waive any defenses or rights available to the Association, nor do they represent any admission that facilities of the Association are open as a public forum. It is the policy the Mariposa County Fair to allow within the parameters set forth herein, reasonable access to its grounds and designated Free Speech Area for demonstration as allowed by the First Amendment to the United States Constitution and Article I of the California Constitution. These Provisions are intended to act as guidelines as reasonable regulations of time, place, and manner and not content of speech.

The Association finds that due to the unique nature of the grounds of the Association, there is limited access necessitating creation of a Freedom of Speech Area. This area is 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, and that the designated 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.

The Association shall designate a Freedom of Speech Area on-site for purposes of free expression activity. This area shall be situated in such a manner as to allow reasonable access to those members of the general public attending an event at the Mariposa County Fairgrounds and *shall* be designated. The area shall be clearly marked and shall sign posted by the Association which states the views expressed by those utilizing the area are not necessarily those of the 35A District Agricultural Association. Use of the Freedom of Speech area shall be available on a first-come, first served basis, provided that those utilizing the Freedom of Speech area shall comply with the requirements and restrictions on time, place and manner set forth in Sections 3 of this manual.

DIVISION 2 DEFINITIONS

- "Commercial Activity" is that conduct whose primary purpose is expression or communication of ideas or demonstrations of products or the sale of any products or commodities in a transaction involving the exchange of money or credits with intent of engaging in such transactions involving exchange of money or credits, or for the purpose of obtaining business or engaging in business or commerce.
- "Free Speech Activities" means any individual or group activities protected from prohibition on the Grounds by the United States Constitution and Article I of the California Constitution.
- "Freedom of Speech Area" is a designated area located on-site as established by the Mariposa County Fair. Members of the public may be provided reasonable access to these areas in accordance with these guidelines for the purpose of conducting Free Speech Activities. Selection of the designated area, and determination of suitability and availability, by the Mariposa County Fair shall be based on and limited to the following objective criteria:
 - (a) Whether the number of individuals proposed to engage in the Free Speech Activities will block the normal flow of pedestrian and/or automobile traffic if allowed in a particular area of the Mariposa County Fair.
 - (b) Whether the number of activities (including those of others desiring to engage in Free Speech Activities) proposed for a given day is so great as to block the normal flow of pedestrian and/or automobile traffic if allowed in a particular area of the Mariposa County Fair;
 - (c) Whether there is sufficient space to accommodate the proposed activities while avoiding interference with the Mariposa County Fair.
- "Fighting Words" are those words which when addressed to the ordinary person are, as a matter of common knowledge, inherently likely to provide an immediate violent reaction.
- ~ "Obscene" means any sexually explicit material of communication which appeals to prurient interests and is patently offensive or abhorrent to the prevailing concepts of morality or decency in the community in which the Association exists.
- "On-site" means any activities occurring within the grounds or parking lot of the 35A District Agricultural Association.

- **"Paid Gate"** is that area of the grounds of the 35A District Agricultural Association on-site, the entry to which is restricted upon purchase of a ticket or entitlement prior to entry. This can include the general area of the 35A District Agricultural Association enclosed by a fence, and/or any particular building within the 35A District Agricultural Association's grounds.
- **"Public Forum"** is an event wherein the facilities are available to members of the public for a free and open discussion or debate on political or social issues.
- **"Sound Devices"** include any loudspeakers, megaphones or other devices, electrical or mechanical, which amplify or transmit sound waves. Included in this definition are the forms of sound which are not mechanically amplified such as group chanting or singing.

DIVISION 3
CONDITIONS FOR USE OF FREEDOM OF SPEECH AREA

1. All persons or groups who wish to use the Freedom of Speech Area shall register with the 35A District Agricultural Association in advance, to allow scheduling on a first-come, first-served basis.
2. The number of individuals in a group which may participate in Free Speech Activities may be limited by the 35A District Agricultural Association. The determination of the number of individuals shall be based on and limited to the following objective criteria:
 - (a) Whether they intend to distribute literature, and if so, whether there remained sufficient space in the Freedom of Speech Area on the requested day and requested hours to accommodate the proposed activities.
 - (b) If there is not enough space available in the Freedom of Speech Area to accommodate all individuals on the requested day and during the requested hours, whether the individuals are willing to make adjustments in the day, hours or size of their presentation which will permit accommodation of their activities.
 - (c) Whether the planned manner of presentation is of confrontational in nature, e.g. through the use of "Fighting Words" it is likely to embroil other individuals or groups seeking to engage in Free Speech Activities or members of the general public into open conflict.
 - (d) Whether individuals and/or groups with competing views of incompatible philosophies have requested the use of the same areas on the same day and during the same hours.
 - (e) Whether the planned activity, by its size and/or timing, threatens to block the normal flow of traffic or create a hazardous degree of congestion at the Mariposa County Fair.
3. No signs or banners may be used which exceed two by four feet (in order to protect the safety of patrons and those engaged in Free Speech activities).
4. Only the following equipment may be brought into the Freedom of Speech Area for use in Free Speech activities.
 - (a) A table of maximum length of four feet, and four chairs at each group location.
 - (b) Signs which may be placed on the table or directly in front of the table only, subject to the size restriction noted above.

(c) 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.

5. No person or group utilizing the Freedom of Speech Area shall state or imply that the view they express are the views of the 35A District Agricultural Association.
6. No group or person utilizing the Freedom of Speech Area shall block the movement of patrons, concessionaires, employees, lessees or those providing emergency services. No one shall physically restrain any individual or block the free passage of such individuals or vehicles.
7. Patrons declining to listen, converse, provide a donation or signature or accept any item offered may not be pursued once the individual has clearly indicated he or she wishes to be left alone.
8. Those utilizing the Freedom of Speech Area shall do so in a way that does not block, delay or hinder the free passage of any member of the public or obstruct or divert the ordinary flow of traffic.
9. No group or person shall utilize signs or displays or disseminate literature which employs fighting words, obscenities or presents gruesome, grisly or repulsive displays. (Per Supreme Court).
10. No group or person shall utilize Freedom of Speech Area shall use or employ any sound device.
11. There shall be no sale or offer for sale of any merchandise or service of any kind, or any Commercial Activity, including the taking of orders for merchandise or services. Funds will not be demanded or requested in return for any written materials. These prohibitions shall not be construed as preventing individuals utilizing the Freedom of Speech Area from soliciting voluntary contributions.
12. The Freedom of Speech Area must be completely vacated with all equipment and trash removed, between the hours of 10:00 p.m. and 11:00 a.m. on weekdays, and 11:00 p.m. and 11 :00 a.m. on weekends.
13. Groups or persons utilizing the Freedom of Speech Area as provided herein agree to comply with all applicable fairgrounds rules and regulation, as well as all local, state and federal laws and regulations.
14. One individual from each group shall be designated the "contact person" to allow the Mariposa County Fair to have reasonable access to a reasonable spokesperson for that group in order to deal with any situations or problems that may arise. This person representing the group utilizing the Freedom of Speech Area shall have a copy of

these guidelines and that person's individual or group registration in his or her possession at all times while conducting the activities set forth herein and shall permit the 35A District Agricultural Association staff members the opportunity to verify said copies upon request. If it is an individual utilizing the Freedom of Speech Area, then that individual shall automatically become his or her own contact person for purposes as stated above.

15. Groups or persons utilizing the Freedom of Speech Area shall conduct their activities at the Mariposa County Fair at their own risk and shall exercise all reasonable diligence and precaution to avoid damage to property or injury to persons.
16. Groups or persons utilizing the Freedom of Speech Area shall exercise care to maintain the areas in a safe and slightly condition, so far as the same may be affected by its activities hereunder.
17. Groups or persons utilizing the Freedom of Speech Area shall not place signs, notices, advertisements or other writing in or upon any structure, building or automobile on the grounds of the 35A District Agricultural Association.
18. Groups or persons utilizing the Freedom of Speech Area shall not allow any of their employees, agents, or representatives in their area to be under the influence of alcohol or illegal substances. Any person found to be in such a condition will be asked to leave the Grounds.
19. All trash must be removed from the Freedom of Speech Area before the group or individual leaves the Grounds. This includes all personal litter and any literature that was distributed by the group or individual. If trash is not removed, it may result in the group or individual not being allowed to return to the Freedom of Speech Area.

DIVISION4 DEFINITIONS

If a group or person is engaged in any activity in violation of these Guidelines, an initial warning shall be issued when possible. If, after being warned, the violation continues, the violator may be removed from the Grounds by the Mariposa County Fair or its authorized agent.

The group or person registering with the Mariposa County Fair to engage in Free Speech Activities shall be responsible for all actions of their employees, agents or representatives. Failure in maintaining control of employees, agents or representatives will result in removal from the Grounds, revocation of the privilege to occupy the Freedom of Speech Area and subsequent removal of the entire organization or individual.

Nothing in these provisions regarding violations of these Guidelines shall require the 35A District Agricultural Association to exhaust any remedies, to give any oral warning or to compromise or limit in any way, any remedies provided by the law.

MARIPOSA COUNTY FAIR

35A DISTRICT AGRICULTURAL ASSOCIATION

FREEDOM OF SPEECH AREA REGISTRATION FORM

NAME OF ORGANIZATION _____

NAME OF CONTACT _____

ADDRESS _____

DO YOU PLAN TO DISTRIBUTE LITERATURE? (CIRCLE ONE) YES NO

WILL YOU HAVE SIGNAGE OR IDENTIFICATION? (CIRCLE ONE) YES NO

HOW MANY REPRESENTATIVES WILL BE OCCUPYING THE AREA?
(NUMBER): __

WHICH DAY (S) WOULD YOU PREFER? (PLEASE CIRCLE ONE)

MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY
SUNDAY

HOW MANY HOURS WILL YOU BE OCCUPYING THE AREA?

We thank you for your cooperation and participation and participation in the Dixon May Fair Freedom of Speech Area. *Please read the Freedom of Speech Guidelines and Provisions*, and maintain a copy the *Guidelines and Provisions* at all times when occupying the Freedom of Speech Area. The organization and/or individual named above shall be held responsible for knowing the *Guidelines and Provisions*, and the "Conditions For Use of the Freedom of Speech Area" named therein. The area will be scheduled on a first-come, first-served basis. No more than 30 people shall be allowed in the Area at one time, regardless of the number of groups.

I have received and read the Mariposa County Fair Freedom of Speech Area Guidelines and Provisions and agree to follow the Guidelines and Provisions when using the Freedom of Speech Area.

Printed Name

Organization

Signature

Date

**The Views
expressed by
those utilizing the
area are not
necessarily those
of the 35A District
Agricultural
Association-
(Mariposa County Fair).**

Groups utilizing the area have completed form 398 with the Mariposa County California Highway Patrol.

MARIPOSA COUNTY FAIR

35A District Agricultural Association

35A DAA Free Speech Activity Registration Form
All users of Fairgrounds must complete CHP Form 398
& receive a permit prior to scheduled activity.

Name: _____ Date of intended use: _____
Organization: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____ Number of Participants: _____
Purpose of Activity: _____
Hours of Activity: _____

Those wishing to use the fairgrounds property must conduct activity in a clean, quiet and orderly manner. All garbage and debris must be picked up. No blocking gates or driveway, obstructing paths of travel or confronting guests. No signage can be hung on or placed on fairgrounds property.

Users of 35A District Agricultural Association shall defend, indemnify and save harmless Association and the State of California, their officers, agents, servants and employees from any and all claims, causes of action and suits accruing or resulting from any damage, injury or loss to any person or persons, including all persons to whom the User may be liable under any worker's compensation law and User him/herself and from any loss, damage, cause of action, claims or suits for damages, including but not limited to loss of property, goods, wares or merchandise, caused by, arising out of or in any way connected with the exercise by User of the use of Association Property.

Signature of person responsible for Activity Date