

7TH DISTRICT AG ASSOCIATION/ MONTEREY COUNTY FAIR

FIRST AMENDMENT EXPRESSION POLICY

This First Amendment Expression Policy (hereinafter “the Policy”) sets forth in writing the policy and guidelines for First Amendment expression under the First Amendment to the United States Constitution and the appropriate provisions of the California Constitution at the 7TH DAA/Monterey County Fair and the surrounding grounds of the 7th DAA/Monterey County Fair, located at 2004 Fairground Road, Monterey, CA 93940 (hereinafter “Fair”).

SECTION 1

FINDINGS

This Policy pertains only to reasonable regulation of the time, place, and manner of Free Expression Activities and may not be construed to regulate the content of any speech. This Policy is not intended to enlarge any rights guaranteed by existing law or to create new rights not guaranteed by existing law. This Policy may not be construed to waive any defenses or rights available to the Fair.

For easy reference, a map of the grounds of the Fair is attached as Exhibit A to this Policy.

SECTION 2

DEFINITIONS

1. “Free Expression Zone” – A designated area located on the Fair’s property for the conduct of Free Expression Activities by members of the public in accordance with this Policy.
2. “Free Expression Activities” – Any individual or group activity (including the display of signs, picketing, leafleting, or collection of signatures) for the communication or expression of ideas, views, or grievances, protected by the First Amendment of the United States Constitution and/or Article I the California Constitution.
3. “Fighting Words” – Words which when addressed to the ordinary person are, as matter of common knowledge, inherently likely to provoke an immediate violent reaction.
4. “Obscene” or “Obscenities” – 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 in the community in which the Fair exists.

5. “Sound Devices” – All electrical and mechanical devices, including but not limited to loudspeakers, megaphones, and microphones, which amplify or transmit sound waves.

6. “Paid Gate” – The area of the grounds of the Fair to which entry is permitted only upon the purchase of a ticket, which may include entry into buildings or fenced portions of the Fair’s grounds.

SECTION 3

FREE EXPRESSION ZONES

The Fair will designate Free Expression Zones for purposes of Free Expression Activities.

Free Expression Zones will be available inside and outside of the Paid Gate. Depending upon the nature of fairground events taking place, the location of Free Expression Zones may change from day to day. All activities in Free Expression Zones located inside or outside of the Paid Gate will be limited to the hours the fairgrounds are open to the public.

Free Expression Zones located outside of the Paid Gate are available without charge on a first-come, first-served, basis. Individuals using a Free Expression Zone located outside of the Paid Gate, but desiring to enter the fairgrounds through a Paid Gate, will be required to pay the entry fee established by the Fair for all patrons. Free Expression Zones located outside of the Paid Gate must be vacated and all equipment removed during the hours the fairgrounds are closed to the public.

Free Expression Zones located inside of the Paid Gate will consist of commercial booths and are available on a first-come, first-served basis. Free Expression Zones inside of the Paid Gate must be rented from the Fair for the rental fee established by the Fair for the commercial booths. All persons staffing Free Expression Zones located inside of the Paid Gate will be required to pay the entry fee established by the Fair for all patrons. Free Expression Zones located inside of the Paid Gate will be governed by Fair’s commercial vendor policies. These policies will be made available on request, and will be attached to all executed rental agreements.

All Free Expression Zones will be in a location that will avoid congestion, permit all fairgrounds patrons reasonable access to the premises, and insure public safety. Free Expression Zones will be clearly marked and designated on a map. A sign will be posted by the Fair stating that the views expressed by individuals or groups utilizing these zones are not necessarily those of the Fair.

All individuals and groups utilizing the Free Expression Zones will comply with the requirements in this Policy.

SECTION 4

CONDITIONS FOR USE OF FREE EXPRESSION ZONES

Free Expression Zones are made available on a first come, first served basis. The Fair reserves all rights to assign or move Free Expression Zones as required by fairgrounds events and public safety.

The use of Free Expression Zones is governed by the following conditions:

1. 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 Expression Activities.
2. All equipment, booths and tables must be kept within the confines of the assigned Free Expression Zone. In addition, the number of individuals using a Free Expression Zone and the amount of equipment or other materials that may be brought into a Free Expression Zone must be limited to that which can safely fit into the confines of the zone, and will not impede the movement of individuals. The following equipment may be brought into a Free Expression Zone.
 - (a) An eight foot long table (maximum length) and four chairs at each allowable 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, clipboard and leaflets or other materials to be disseminated to the public. All material must be secured to prevent littering.
3. No group or individual utilizing Free Expression Zones shall state or imply that the views they express are the views of the Fair.
4. No group or individual using a Free Expression Zone will block the movement of patrons, concessionaires, employees, lessees or those providing emergency services. No group or individual using a Free Expression Zone will physically restrain any other individual or block the free passage of such individuals or vehicles.
5. Patrons, concessionaires, employees, lessees, or any other individual[s] declining to listen, converse or provide a donation or signature or accept any item offered may not be touched or pursued once the individual has clearly indicated he or she wishes to be left alone.
6. No group or individual using a Free Expression Zone will physically restrain any individual, or block, delay, impede or hinder the free passage or movement of patrons,

concessionaires, employees, lessees. No group or individual using a Free Expression Zone will block, delay, or hinder the free passage of vehicles, divert the ordinary flow of traffic, 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.

7. Free Expression Activities immediately adjacent to ticket windows, turnstiles, doorways, fire lanes and loading areas are prohibited.

8. No one shall utilize signs or displays or disseminate literature which employs Fighting Words, Obscenities or presents gruesome, grisly or repulsive displays.

9. No one utilizing a Free Expression Zone shall use or employ any Sound Device without prior written approval of the Fair. 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.

10. There shall be no sale or offer for sale of any merchandise or services of any kind, including the taking of orders from 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 Free Expression Zones from soliciting voluntary contributions.

11. Individuals or groups utilizing Free Expression Zones are required to comply with all applicable Fair rules and regulations, and local, state, and federal laws, statutes, codes, ordinances, and regulations.

SECTION 5

VIOLATIONS OF POLICY

Anyone violating any of the provisions of this Policy may be ejected from the grounds of the Fair and such violations may be cause for cessation of any free speech activity. The Fair reserves all legal rights and remedies.

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