



ALAMEDA  
COUNTY  
FAIRGROUNDS  
P L E A S A N T O N

Alameda County Agricultural Fair Association  
First Amendment Right Guidelines

1. Any organization or individuals seeking to engage in First Amendment activities shall ensure their conduct in the use of any signs, banners, or other devices that do not result in the injuries to patrons or property: persons engaged in First Amendment activities shall comply with the restrictions on time, place and manner:
  - a) No signs or banners may be used which exceed four (4) by eight (8) feet; b) No individual or group, sign or banner or individual activity shall block the free movement of patrons, concessionaires, employees, licensees or those providing emergency services or obstruct freedom of passage to or from the fairgrounds;
  - c) No individual or group engaged in free expression activity shall represent to anyone that their views they express are necessarily the views of the Association or that the Association in any way condones or supports said views;
  - d) Patrons declining to listen, converse or provide a donation or signature or accept any item offered by those engaged in free speech activities shall not be pursued or touched once that patron has clearly indicated that the individual wishes to be left alone;
  - e) No one using a free expression zone shall leave said zone for purpose of engaging in free expression activity or conduction, of any activity originated in the free expression zone;
  - f) No more than five (5) individuals from any one group shall be assigned space within any one free expression zone;
  - g) Those individuals or groups engaged in free expression activities shall provide their own table and chairs, but no more than one eight (8) foot by ten (10) foot table and five (5) chairs shall be used in any free expression zone by any one group;
  - h) No one shall use signs or displays, or pass out or show literature which employ fighting words, obscenities, or gruesome, grisly or repulsive exhibits or pictures;
  - i) No one shall use sound devices without special 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 shall be used to broadcast any fighting words or obscenities

- j) Individuals or groups utilizing free expression zones will occupy such areas no earlier than two (2) hours prior to the events or no less than one (1) hour after the closing of the event;
  - k) If funds are solicited, they will not be demanded nor required in return for any materials. This prohibition shall not be construed as preventing all solicitations of voluntary contributions. There shall be no sale of any merchandise or services of any kinds, including the taking of orders for merchandise or services, at any free expression zone.
    - l) Any vehicles brought on the fairgrounds by those persons engaged in free expression activities shall be parked in the public pay lots and regular parking fees shall be paid, or on surrounding public parking areas off site.
  - m) There shall be no free expression activities within fifty (50) feet of any entrance, exit gate or ticket booth at any time.
  - n) The violation of any of the terms of these conditions shall be reasonable grounds for discontinuance by the Association of such activity and/or expulsion from the grounds of the Association.
2. The following equipment may be brought onto the fairgrounds for use in free expression activities within the designated free expression zone:
    - a) An eight (8) foot table (maximum length) and five (5) chairs at each allowable location;
    - b) Signs may be placed on the table or directly in front of the table only. The maximum signage area for any particular location shall not exceed four (4) feet in heights by eight (8) feet in width;
    - c) Any necessary pens, pencils, paper clips for clipboards and leaflets, provided, however, any leaflets should be weighted so that they are secured and not subject to being blown off the table.
  3. If free speech activity cannot be allowed or no free expression zones are available, the Association will attempt to identify zones that are available, the Association will attempt to identify alternatives or alternative areas, including off site areas, for the organization or individual to engage in such activities.
  4. If the area encompassing the free speech zones are leased in whole or in part so that free speech activity would be inconsistent with the leased activity, such zones will not be provided for that specific event unless the lessee agrees to the providing of such zones or the Association can find that the zones would not interfere with the event or violate any terms of the lease.
  5. If a limited public forum event occurs, on-site free speech activities shall be allowed in accordance with these provisions, but the Association may give preference to those organizations, groups or individuals with related subject matter to the particular event, and thereafter to anyone on a first come, first service basis. Those individuals or groups with the related subject matter shall be afforded space on a first come, first services basis within that group.

## Association Findings to Accommodate First Amendment Rights

### Section 1 – Findings

The Alameda County Agricultural Fair Association finds that these guidelines are intended to govern the conduct of the Association employees and members of the public and, in particular, to govern any conduct occurring under the First Amendment to the United States Constitution and Article 1 section 2 to the California Constitution. These guidelines are not intended to enlarge upon any rights provided by law nor waive any defense available to the Association, nor do they represent any admission that the facilities under Association control are open as a public forum for the expression of ideas or beliefs under the First Amendment of the United States Constitution or article 1, section 2, of the California Constitution. The Alameda County Agricultural Fair Association, in adopting these guidelines, further finds that they are intended to set forth in writing the Association's long-standing policy governing the conduct of association employees and members of the public under the aforementioned provisions of the United States and California Constitutions.

It is the policy of this Association to allow within the parameters set forth herein, reasonable access in designated free speech expression zones for demonstrations as allowed by the First Amendment to the United States Constitution and similar provisions in the California Constitution. These provisions are intended to act as guidelines for reasonable regulation of time, place and manner of speech, and except as expressly provided therein, are not intended to govern the content of the speech.

(NOTE: This paragraph establishes that the Board's policy is not 'new' that is, this combines policies that the Fair has had, informally, for years. It also is meant to reassure a court that the interest of the Fair is not to regulate content of speech which is against the law – but to control the time, place and manner of the speech in relation to the safe operation of the Fair.)

The Alameda County Fairgrounds consists of 277 total acres, including parking areas, permanent buildings and other structures, restricted stable and carnival ride areas, reducing the public walking area to approximately 45 acres. The Alameda County Agricultural Fair Association sponsors the annual Alameda County Fair, generally occurring during the last two weeks in June and the first two weeks in July. During the annual summer Fair, large numbers of people attend with traditionally the highest attendance days being in excess of 50,000 people. There is a reasonable amount of congestion throughout the run of the Fair and it can become quite congested during peak attendance periods. The Alameda County Agricultural Fair Association also leases the Alameda County Fairgrounds or portions of it for various entertainment, sports, business and community activities. These lease arrangements are made pursuant to a written lease containing terms governing the conduct of the parties. Such leases are an important source of income for the Association and also provide a needed service to the community. Most of these leased activities focus on

a particular event, such as a sporting event or an entertainment event and are thus not intended to create a public forum for debate of ideas or concepts.

(NOTE: The above paragraph tries to define the size of the grounds and the types of events that take place here. It is meant to establish that any uncontrolled or unplanned disruption of traffic flow in busy areas during fair time can present a danger to the public. It also attempts to establish that Interim users are separate from the Association and are not appropriate to host free speech activities SOMETIMES.)

## Section 2 – Definitions

1. “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 on political or social issues.
2. “Limited Public Forum” – A limited public forum is an event wherein the public is allowed access to a facility or facilities for a 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.
3. “Commercial Activity” – 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 the transaction involving the exchange of money or credits, or with the intent of engaging in such transactions involving exchange of money or credits, for the purpose of obtaining business or engaging in business or commerce.
4. “Non-Commercial Activity” – A non-commercial activity is that activity whose primary purpose is the expression or communication of political or social ideas or causes and which do not involve commercial transactions, or the obtaining of any business, or the engaging of commerce.
5. “On-site” – On-site means any activities occurring within the grounds or parking lots of the property, owned by the County of Alameda and leased to the Alameda County Agricultural Fair Association.
6. “Off-site” – Off-site refers to those public and private lands surrounding the grounds of the Alameda County Fair.
7. “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 of any nature whatsoever located on-site.
8. “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.
9. “Free Speech Activities” – Free speech activities are those activities under the First Amendment to the United States Constitution or under article 1, of the

California Constitution which include but are not limited to leafleting, collecting of signatures for petitions, picketing, marching, and other conduct involving the communication or expression either orally or by conduct, of views and ideas, or expressions or grievances and which has the effect and intent or propensity to express that view or grievance to others.

10. "Fighting Words" – Fighting words are those words which when addressed to the ordinary person are, as a matter of common knowledge, inherently likely to provoke a violent reaction.
11. "Obscene" – Obscene means any material or communications which is patently offensive or abhorrent to the prevailing concepts of morality or decency in the community in which the Association exists.
12. "Sound Devices" – Sound devices include any loud speakers, megaphones or other devices, electrical or mechanical, which amplify or transmit soundwaves. Included in this definition are forms of sound which are not mechanically amplified such as group chanting or singing.
13. "Spontaneous" – Spontaneous means that conduct or activity which is not premeditated and it preformed based upon impulse or rising from inherent qualities without external cause, or is self-generated.
14. "Paid Gate" – A paid gate is that area of the grounds of the Association on-site, the entry to which is restricted and predicted upon purchase of a ticket, payment of an admission charge or entitlement prior to entry. This can include the general area of the Fairgrounds enclosed by a fence, and/or any particular building within the Fairgrounds.

(NOTE: The purpose of these definitions is to make it clear to the court what the Association means if it uses these terms in the written statement of its policy.)

### Section 3 – On-Site Demonstrations

1. Findings: The Association finds that no public forum events are sponsored or take place upon the grounds of the Association. It is the policy of the Board of

Directors of the Association nevertheless, to allow free speech activity whenever said activity is not inconsistent with the normal operations or activities of the Association. The Association finds, however, that due to the unique nature of the grounds of the Association, there is limited access necessitating creation of free expression zones. The Association specifically finds that the buildings and grounds comprising the Alameda County Fairgrounds are generally surrounded by parking area under the control of the Association, but which areas become congested with numerous vehicles during events. The Association further finds that pedestrian traffic is generally confined to narrow walkways to and from these parking areas to the various entrance gates of the Fairgrounds. The designated free expression zones are designed to balance the interests of those engaged in free speech activity and being given reasonable access to the patrons of the events of the Association, and the safety of the patrons and prevention of accidents or congestion which could lead to injury.

Further, the Association finds that these guidelines in the providing of free expression zones are balanced to protect the interests of the patrons attending events upon the Association's Fairground from inappropriate activity or conduct by those engaged in such a free speech activity, with the interest of those engaged in such free speech activities. The Association's solution to this balancing of interests is designation of free expression zones and restrictions on time, place and manner of said expressions to ensure reasonable access by those engaged in free expression activity to those attending the fairgrounds, while protecting the overall safety of the public.

(NOTE: These findings are intended to explain to the court that congestion, safety and balancing of interests lie behind the Board's decision to establish free speech zones.)

2. Free Expression Zones: The Association shall designate free expression zones on site for the purpose of providing access for free speech activity. These zones shall be selected by the Association and shall be designated on the map of the fairgrounds. The area selected by the Association shall be selected to provide maximum reasonable access by those involved in First Amendment activities to patrons of the Fair, commensurate with the public safety as well as the safety of those individuals engaged in such activity, and shall interfere to the minimal extent possible with the free flow and passage of patrons to and from the parking areas and the Association's fairgrounds. The zones shall be clearly marked and shall have a sign posted by the association, which sign shall state that the views expressed by those utilizing the free expression zones are not necessarily the views of the Association.
3. On-Site Registration: Organizations or individuals desiring to engage in free speech activity on site should register with the Association prior to the event. The purpose of registration is not to censor or in any way review discretionarily the content of the speech involved, but allow sufficient opportunity for the Association to assign space for free speech activities and to provide the participants with copies of those rules governing the use of the free expression zones. Registration will be granted on a first come, first serve basis. A request for registration may be made in person prior or through an online form to the planned event of feasible, but not more than 30 days prior to the planned event at the offices of the Association, 4501 Pleasanton Avenue, Pleasanton, California 94566. Registration should be completed no less than twenty four (24) hours in advance but also can also occur on the day of the proposed event as set forth herein. Information provided shall include:
  - a) The time of the planned event;
  - b) The nature of the planned activity;
  - c) The approximate number of person's proposed to be involved provided that no more than five (5) persons shall be assigned to each zone.
  - d) A designated contact person, including a means of communication of said person such as an address or phone number.

If same day notice is given, it will be up to the Association's agent and/or manager to determine if sufficient space is available to accommodate the request. In evaluating the registration, the Association will not discriminate on the basis of content or of ideas or beliefs. The Association may, however, require certain individual or organizations to engage in free speech activities in different areas of the fairgrounds or to maintain a reasonable distance from other individual or associations, if there is reasonable belief in the minds of the employees of the Association that there may be conflict among or between various individuals or groups, or if groups with competing views or incompatible philosophies have requested the use of the same general area on the same date and during the same hours.

4. Any organization or individuals seeking to engage in First Amendment activities shall ensure their conduct in the use of any signs, banners, or other devices do not result in the injuries to patrons or property: persons engaged in First Amendment activities shall comply with the restrictions on time, place and manner:
  - a) No signs or banners may be used which exceed four (4) by eight (8) feet;
  - b) No individual or group, sign or banner or individual activity shall block the free movement of patrons, concessionaires, employees, lessees or those providing emergency services or obstruct freedom of passage to or from the fairgrounds;
  - c) No individual or group engaged in free expression activity shall represent to anyone that their views they express are necessarily the views of the Association or that the Association in any way condones or supports said views;
  - d) Patrons declining to listen, converse or provide a donation or signature or accept any item offered by those engaged in free speech activities shall not be pursued or touched once that patron has clearly indicated that he or she wishes to be left alone;
  - e) No one using a free expression zone shall leave said zone for purpose of engaging in free expression activity or conduction, of any activity originated in the free expression zone;
  - f) No more than five (5) individuals from any one group shall be assigned space within any one free expression zone;
  - g) Those individuals or groups engaged in free expression activities shall provide their own table and chairs, but no more than one eight (8) foot by ten (10) foot table and five (5) chairs shall be used in any free expression zone by any one group;
  - h) No one shall use signs or displays, or pass out or show literature which employ fighting words, obscenities, or gruesome, grisly or repulsive exhibits or pictures;
  - i) No one shall use sound devices without special 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 shall be used to broadcast any fighting words or obscenities

- j) Individuals or groups utilizing free expression zones will occupy such areas no earlier than two (2) hours prior to the events or no less than one (1) hour after the closing of the event;
- k) If funds are solicited, they will not be demanded nor required in return for any materials. This prohibition shall not be construed as preventing all solicitations of voluntary contributions. There shall be no sale of any merchandise or services of any kinds, including the taking of orders for merchandise or services, at any free expression zone.
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    - f) Any necessary pens, pencils, paper clips or clip boards and leaflets, provided, however, any leaflets should be weighted so that they are secured and not subject to being blown off the table.
    - g) There shall be no sale or offer to sell any merchandise or services of any kind, including the taking of orders for merchandise or services, at any free expression zone.
    - p) If free speech activity cannot be allowed or no free expression zones are available, the Association will attempt to identify zones that are available, the Association will attempt to identify alternatives or alternative areas, including off-site areas, for the organization or individual to engage in such activities.
    - q) If the area encompassing the free speech zones are leased in whole or in part so that free speech activity would be inconsistent with the leased activity, such zones will not be provided for that specific event unless the lessee agrees to the providing of such zones or the Association can find that the zones would not interfere with the event or violate any terms of the lease.
    - r) If a limited public forum event occurs, on-site free speech activities shall be allowed in accordance with these provisions, but the Association may give preference to those organizations, groups or individuals with related subject matter to the particular event, and thereafter to anyone on a first come, first service basis. Those individuals or groups with the related subject matter shall be afforded space on a first come, first services basis within that group.

\*Updated 11/09/22. Subject to change.



# Alameda County Agricultural Fair Association FREE SPEECH DESIGNATED AREA APPLICATION

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Individual or Organization Name

---

Type/ Purpose of Activity

---

Requested Location

---

Date(s) 5max

---

Start Time

End Time

Total Hours

---

Contact Last Name

First Name

---

Street Address

---

City

State

Zip

---

Telephone Number

Will your activity include signs, posters, tables, or other articles or equipment? Yes \_\_\_ No \_\_\_

If yes, please list: \_\_\_\_\_

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On behalf of the signator, or in the case of a representative of a group signing on behalf of a group, signator acknowledges receipt of First Amendment Right Guidelines. Further, signator states that he/she read the guidelines and that the guidelines will be distributed to members of the group of those using the designated area assigned to the requestor.

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Print Name

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Sign Name

Date

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FAIR USE ONLY

Received by Alameda County Fair on: \_\_\_\_\_

Assigned Free Speech Area: \_\_\_\_\_

For the dates of: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_