

RULES AND REGULATIONS GOVERNING PUBLIC ASSEMBLY AND THE ISSUANCE OF PERMITS FOR PUBLIC ASSEMBLY UPON THE BUILDINGS AND GROUNDS OF THE MONMOUTH COUNTY PARK SYSTEM, AS ADOPTED BY THE MONMOUTH COUNTY BOARD OF RECREATION COMMISSIONERS ON APRIL 10, 2000, BY RESOLUTION NO. R-00-4-10=154.

BE IT RESOLVED by the Monmouth County Board of Recreation Commissioners that the following regulations be adopted for the issuance or denial of permits for the erection/ placement of temporary structures/displays, public assembly, and/or the exercise of Constitutionally-protected speech/activities within and/or upon the buildings, grounds, and facilities of the Monmouth County Park System. These regulations amend and supercede the rules and regulations governing permits for public assembly upon the buildings and grounds of the Monmouth County Park System adopted by the Board of Recreation Commissioners on February 25, 1992, by Resolution No. R-92-2-25=80, and are in addition to all previously or subsequently issued rules and regulations governing the use of Park System buildings, grounds, and facilities by the Board of Recreation Commissioners.

APPLICANTS ARE REQUIRED TO OBTAIN A COPY OF ALL APPLICABLE RULES AND REGULATIONS CONCERNING THE USE OF BUILDINGS, GROUNDS, AND FACILITIES WITHIN THE PARK SYSTEM.

I. PUBLIC ASSEMBLY DEFINITIONS

- A. The term "Public Assembly" includes demonstrations, exhibitions, temporary structures/displays, picketing, speechmaking, marching, holding vigils or religious services, meetings, or gatherings, and all other like forms of conduct which involve the communication or expression of views or grievances

II. RULES OF GENERAL APPLICABILITY

- A. The Monmouth County Board of Recreation Commissioners will allow public assemblies and other public expressions of views conducted under the Constitution of the United States and the Constitution of the State of New Jersey upon the buildings, grounds, and facilities of the Monmouth County Park System in accordance with the regulations adopted by the Board of Recreation Commissioners, provided that a permit for groups of 100 or more persons has been issued by the Secretary-Director or his duly designated representative.

Permits shall not be required for the sale and/or distribution of printed matter under these regulations, or for groups of fewer than 100 persons. However, the rules and regulations governing public assembly shall apply equally to all persons and/or organizations that exercise protected First Amendment communication.

To insure public safety and the protection of Park System property and resources and to avoid assigning the same location and time to two or more activities, the Park System may regulate the time, location, number of participants, use of facilities, and the quantity and type of equipment to be used, **but not the content of the message.**

- B. Locations within the Monmouth County Park System that are available for the erecting of temporary structures/displays, special events, public assemblies, and other First Amendment activities, including the sale and distribution of printed matter, will be designated on a map for each Park System area in accordance with the criteria found in these regulations. When the Secretary-Director allows one group to use an area or facility for expressing views or special events, he must

allow all other groups a similar opportunity, if requested. No group wishing to assemble lawfully may be discriminated against or denied the right of assembly, provided that all applicable permit criteria and/or requirements are met.

Whenever religious activities are conducted in or upon Park System buildings, grounds, or facilities, any actions of the Monmouth County Board of Recreation Commissioners pertaining to them will/must reflect a clearly secular purpose and must have a primary effect that neither advances nor inhibits religion, and must avoid excessive governmental entanglement with religion.

- C. The Monmouth County Park System may have staff on duty at an area in which a First Amendment activity is being conducted. Park System personnel and/or representatives shall be neutral toward the activity and may be present for the protection of the participants, spectators, and private and public property. Park System personnel may not participate in a Constitutionally-protected activity while on duty during working hours. Park System employees exercising their First Amendment/Constitutional rights when off duty shall not represent any official Park System endorsement of the activity.

- D. The Secretary-Director shall designate on a map for each Monmouth County Park System area the locations available for the erection/placement of temporary structures/displays, public assemblies, and special events which have been approved by the Monmouth County Board of Recreation Commissioners. These maps shall be available for inspection in the Secretary-Director's office. Locations have been designated as not available if such activities might reasonably:

1. Cause injury or damage to Park System resources/property; or
 2. Unreasonably interfere with or obstruct service or other program activities, or with the operations and/or administrative activities of the Park System; or
 3. Unreasonably interfere with or obstruct the operation of public use facilities or services of the Park System, its employees, invitees, lessees, concessionaires, or contractors; or
 4. Are proposed in a non-public forum or ineligible limited public forum.
- E. The permit may contain such conditions as are reasonably consistent with the protection and use of Monmouth County Park System buildings, grounds, and facilities for the purposes for which they are established. It may also contain reasonable limitations on the equipment used and the time and area within which the activity is allowed.
- F. No permit shall be issued for a period in excess of seven (7) consecutive days, provided that permits may be extended for like periods, upon renewal of the permit by the Secretary-Director, unless another applicant has requested use of the same location, and multiple occupancy of the location is not reasonably possible.
- G. It is prohibited for persons engaged in activities covered under this section to obstruct pedestrians or vehicles, or harass Monmouth County Park System visitors, employees, invitees, and/or persons rightfully located upon Park System property in any manner, including physical contact.

H. In addition to the above limitations, no public assembly, special event, demonstration, or exercise of protected Constitutional rights shall unreasonably obstruct pedestrians or vehicular traffic or obstruct the free ingress or egress to and from any Monmouth County Park System building, grounds, improvement, or property.

The Secretary-Director may waive the person limitation for any Park System building, grounds, or facility upon a showing by the applicant that good faith efforts will be made to plan and marshal the public assembly in such a fashion so as to render unlikely any substantial risk of unreasonable disruption to Park System facilities and/or business and/or the obstruction, interference, or impediment to the flow of pedestrian or vehicular traffic or the free ingress or egress to and from any Park System building, grounds, improvement, or property.

In making a waiver determination, the Secretary-Director shall consider and the applicant shall furnish at least three (3) working days in advance of the proposed demonstration or special event the functions that the marshals will perform, the means by which they will be identified, and their method of communication with each other and the crowd. This requirement will be satisfied by the completion and submission of a detailed written plan as part of the application.

I. A permit may be revoked under any of those conditions that constitutes grounds for denial of a permit, as listed in Section IV, Paragraph A of these regulations, or for violation of the terms and conditions of the permit, or a violation of these regulations. Such revocation shall be made in writing, with the reason(s) for the

revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made, to be followed by written confirmation within two (2) working days.

- J. Violation of the terms and conditions of a permit issued in accordance with this section may result in the suspension or revocation of the permit.

III. PERMIT APPLICATION

- A. Permit applications may be obtained at the Office of the Secretary-Director, Monmouth County Park System, 805 Newman Springs Road, Lincroft, New Jersey 07738.
 - 1. Applicants shall submit completed permit applications in writing on a form provided by the Monmouth County Board of Recreation Commissioners so as to be received by the Secretary-Director at least one (1) working day in advance of any proposed public assembly. This one (1) day period will be waived by the Secretary-Director if the size and nature of the activity will not reasonably require the commitment of Park System resources or personnel in excess of that which are normally available within the necessary time period.
 - 2. The Secretary-Director shall accept permit applications during the hours of 8 a.m. – 4:30 p.m., Monday through Friday. Applications for permits on holidays and weekends can be obtained by calling the Monmouth County Police Department's 24-hour emergency number, (732) 577-8700, in order to be put in contact the Secretary-Director. Permit applications for public assemblies and special events are processed in the order that they are

received, and the use of a particular area is allocated in order of receipt of fully executed applications, subject to the limitations set forth in this section.

However, Park System business and Park System-sponsored events have priority use of buildings, grounds, and facilities at all times, even while a valid permit may be in existence. Applications that fail to contain the information required will be returned to the applicant marked “incomplete,” and the application will not be processed by the Secretary-Director until completed and resubmitted.

3. Applications for public assemblies **are deemed granted**, subject to all limitations and restrictions applicable to the said Park System area, unless returned incomplete or denied within one (1) working day of receipt. However, where a permit has been granted, or is deemed to have been granted pursuant to this sub-section, the Secretary-Director may revoke that permit pursuant to applicable regulations.

IV. GROUNDS FOR DENIAL AND RIGHT(S) TO APPEAL

A. The Secretary-Director or his designated representative shall issue a permit on proper application unless:

1. A prior application for a permit for the same time and place has been made and will be granted, and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area whereupon, in that event, an alternate site, if available for the activity, will be proposed by the Secretary-Director to the applicant; or

2. The event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering such things as damage to Monmouth County Park System resources or facilities, interference with Park System activities, operations, public business, or impairment of public use facilities, or is proposed for a location designated as a non-public forum or ineligible limited public forum.

B. If a permit is denied, the applicant shall be informed in writing, unless written notification is impractical under the circumstances, whereupon the applicant shall be given verbal notification to be memorialized in writing not later than twenty-four (24) hours thereafter, if practical, with the reason(s) for the denial set forth.

C. If an application for a permit is denied, the applicant shall have the option to appeal the denial to the Monmouth County Park System's Secretary-Director, who may receive the notice of appeal from the applicant at his office and render a decision within twenty-four (24) hours. The notice of appeal shall consist of the original or certified true copy of the application filed with the Secretary-Director, with the Secretary-Director's reasons for his rejection. If the Secretary-Director is unavailable to accept the appeal within the twenty-four (24) hour period required by these regulations, or declines to accept the appeal for any reason, then in such event the procedure set forth below shall apply. The Secretary-Director shall be required to follow the procedural requirements set forth in these regulations in making a decision for or against issuance of a permit.

In the event the Secretary-Director shall deny the application for a permit, then in such event, when the application involves a public assembly, the Park System

shall apply for a judicial determination within forty-eight (48) hours of such decision, including, but not limited to, injunctive relief to affirm the denial of the permit upon notice to the applicant, where the identity and address of the applicant has been disclosed in the application, when the denial is based upon reasons not specifically enumerated under Section IV. A (1) and (2) of the Regulations. In the application for judicial review, the Park System shall request a final hearing on the merits of the case within two (2) days of any judicial filing.

V. OCCUPANCY LIMITS AND GUIDELINES

- A. Occupancy limitations for public assemblies shall be based on the following:
1. Number of persons permitted per designated area: See specific maps for each Monmouth County Park System area for density limitations, if any.
 2. Number of vehicles permitted per designated area: See specific maps for each Park System area for vehicle limitations, if any.
 3. Number of persons permitted per square foot of sidewalk: One person per three (3) square feet of sidewalk.
 4. Number of persons permitted per square foot of roadway surface: Three (3).
 5. Number of cars permitted per gross acre of authorized vacant land: One hundred (100).

VI. SALE AND DISTRIBUTION OF PRINTED MATTER

- A. The sale and/or distribution of printed matter protected by Federal and/or State Constitutional law is allowed upon Monmouth County Park System buildings,

grounds, and facilities without first obtaining a permit from the Secretary-Director. However, the distribution of literature shall not be permitted when:

1. The number of persons distributing leaflets/printed matter violates the occupancy limitations pursuant to Federal and/or State law/regulations; or
 2. The location is not permitted by these regulations.
- B. The Monmouth County Park System has designated on maps for each Park System area, which shall be available for inspection in the Office of the Secretary-Director, the locations within the Park System available for the sale and/or distribution of printed matter.
- C. Violation of the regulations adopted herein may result in the offending person(s) being asked to vacate Monmouth County Park System property or the imposition of criminal/civil remedies.

VII. TEMPORARY STRUCTURES

- A. In connection with symbolic speech, permitted public assemblies, special events, and the sale/distribution of printed material, temporary structures may be placed/erected for the purpose of symbolizing a message or meeting logistical needs, such as first aid facilities, lost children areas, or the provision of shelter for electrical and other sensitive equipment or displays.
- B. Temporary structures may not be used for living accommodation activities such as sleeping or making preparation to sleep, including laying down of bedding for the purpose of sleeping.

- C. Temporary speaker's platform: A temporary speaker's platform which is reasonably required to serve the demonstration's participants is allowed, provided that such speaker's platform is authorized by a permit. The regulations pertaining to temporary structures shall also apply to temporary speaker platforms and said regulations are incorporated herein by reference.

VIII. SIGNS

- A. No signs or placards shall be permitted on sidewalks except those made of cardboard or cloth having dimensions no greater than three (3) feet in width, twenty (20) feet in length, and one-quarter (1/4) inch in thickness. No supports shall be permitted for signs or placards used on sidewalks except those made of material having cross-sectional dimensions no greater than three-quarter (3/4) inch by one-and-one-half (1½) inch. All signs and placards shall be attended to by persons at all times that they remain on the sidewalk. Signs or placards shall be considered to be attended only when they are in physical contact with a person. No signs or placards shall be held, placed, or set down on the center portion of a sidewalk or within three (3) feet on either side of the center point on the sidewalk, provided, however, that individuals may demonstrate while carrying signs on a sidewalk if they do not block the free flow of pedestrian traffic.

No signs or placards shall be tied, fastened, or otherwise attached to or leaned against any fence, lamppost, plant material, building, or other structures upon Monmouth County Park System property.

IX. SOUND AMPLIFICATION EQUIPMENT

- A. Sound amplification equipment is allowed in connection with permitted demonstrations, provided prior notice has been given to the Secretary-Director and a permit is issued. If a permit is approved, sound amplification equipment shall not be operated in such a manner as to interfere with public business or visitor use or make noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on Monmouth County Park System visitors and users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

MONMOUTH COUNTY PARK SYSTEM
805 Newman Springs Road
Lincroft, New Jersey 07738

APPLICATION/PERMIT FOR ATTENDED AND UNATTENDED TEMPORARY STRUCTURE(S), DISPLAYS, PUBLIC ASSEMBLY, AND/OR SPECIAL EVENTS AS ADOPTED BY THE MONMOUTH COUNTY BOARD OF RECREATION COMMISSIONERS ON APRIL 10, 2000 BY RESOLUTION NO. R-00-4-10=154.

Please complete the following questions, printing in black ink or typing. If a section or sections do not apply, please insert N/A. Attach additional worksheets if necessary to complete all answers.

INCOMPLETE APPLICATIONS OR APPLICATIONS WHICH HAVE NOT BEEN SIGNED MAY NOT BE PROCESSED AND MAY BE REJECTED.

After completing all questions, please sign, date, and return this application to the Monmouth County Park System, 805 Newman Springs Road, Lincroft, New Jersey 07738, attn: Superintendent of Parks. Upon approval, a copy of your application/permit and the terms and conditions of the permit, if any, will be returned. During the assembly you must keep this permit in your possession at all times. Failure to disclose your permit when requested to do so by a Park System official may result in your permit being revoked.

1.
Name of Applicant _____

Street/Address _____

City/State/Zip _____

Day Phone No. () _____

Evening Phone No. () _____

2.
Name of Organization _____

Street/Address _____

City/State/Zip _____

Day Phone No. () _____

Evening Phone No. () _____

3. Purpose of the temporary structure/display or Special Event/Assembly for which a permit is requested.

4. Date(s) and Time(s) of the Special Event/Assembly, placement of the temporary:

- A. Set-up for the Assembly will begin _____ (a.m./p.m.) on _____ (month/day/year).
- B. The Assembly will begin _____ (a.m./p.m.) on _____ (month/day/year).
- C. The Assembly will end _____ (a.m./p.m.) on _____ (month/day/year).
- D. Clean-up/Take-down of the temporary structure/display will be completed by _____ (a.m./p.m.) on _____ (month/day/year).

5. Maximum number of participants expected: _____ (if unsure, please provide estimate).

- A. Maximum number of cars anticipated for parking: _____ (if unsure, please provide estimate).

6. Specific Monmouth County Park System building, grounds, or facilities requested: (see attached map of permitted assembly areas).

7. Names of persons who will be located on site and who will be in charge of the Assembly: (list names)

A. Name: _____

Address: _____

Day Phone No. () _____ Evening Phone No. () _____

B. Name: _____

Address: _____

Day Phone No. () _____ Evening Phone No. () _____

8. IN ORDER TO DETERMINE WHETHER OR NOT YOUR REQUEST MEETS THE CRITERIA FOR A PERMIT, PLEASE SUPPLY THE INFORMATION REQUESTED IN QUESTIONS 8 (a), 8 (b), 8 (c), 8 (d), 8 (e), and 8 (f) ON A SEPARATE SHEET(S) OF LINED PAPER AND ATTACH TO THIS APPLICATION. **FAILURE TO PROVIDE COMPLETE INFORMATION MAY RESULT IN DENIAL OF YOUR PERMIT APPLICATION.**

- A. Please describe all anticipated activities, identify principal speakers with their names and telephone numbers (phone numbers are optional and are not required as a condition to receive a permit), time schedule for assembly, and the proposed route of any march or parade planned.
- B. Generally list and describe all temporary structures/displays, props, platforms, stages, sound equipment, electrical wiring, decorations, catering equipment, tables, chairs, tent (s), and/or all other items to be used.
- C. Please describe what provisions have been made for first aid and crowd control, including security and traffic, sanitation, refreshments, and other support services deemed necessary.
- D. If your assembly will involve the placement, erection, or setting up of platforms, temporary structures, booths, tables, tents, etc., please provide a diagram showing the location of each item and names of each individual or group assigned to each booth or area (if known at time of application), and the activity, service, or function that will be provided at each booth or area. If items are to be given away, sold, or otherwise distributed from these locations which require a municipal, state, or federal license, permit (s) and/or approval, please provide an itemized list of all such items for each designated area.
- E. Please identify in writing the name(s), address(es), phone number(s), and contact person of any other organization(s) or co-sponsoring organization(s) involved in this assembly.
- F. Do you have reason to believe, or have you received any information received to date indicating that any individual, group, or organization will seek to disrupt your assembly?

Yes _____ No _____.

SIGNATURE OF PERMITTEE: _____
(Print name below signature)

SIGNATURE OF PERMITTEE: _____
(Print name below signature)

OFFICE USE ONLY

PERMIT FOR PUBLIC ASSEMBLIES

The individual, group, or organization is hereby granted permission to erect/place a temporary structure/display and/or hold a public assembly subject to the terms and conditions of this permit.

General Permit Conditions – See attached pages.

Special Terms, Conditions, or Limitations applicable to this permit:

Permit Valid from _____(a.m./p.m.) _____ (date)

Until _____(a.m./p.m.) _____ (date)

Approved by: _____

Signature

Title: _____

Date: _____

Name of authorized on-site representative: _____

THIS PERMIT IS SUBJECT TO AND GOVERNED BY RESOLUTION NO. R-00-4-10=154 AND REGULATIONS PROMULGATED THEREUNDER. COPIES OF THESE REGULATIONS ARE AVAILABLE FROM THE SECRETARY-DIRECTOR, MONMOUTH COUNTY PARK SYSTEM, 805 NEWMAN SPRINGS ROAD, LINCROFT, NEW JERSEY 07738, DURING REGULAR BUSINESS HOURS.

PUBLIC ASSEMBLY NOTICE TO PARK AREA

The following group will be in your park area for the purpose of PUBLIC ASSEMBLY as specified herein.

1.

Name of Applicant _____
Street/Address _____
City/State/Zip _____
Day Phone No. () _____
Evening Phone No. () _____

2.

Name of Organization _____
Street/Address _____
City/State/Zip _____
Day Phone No. () _____
Evening Phone No. () _____

3. Purpose of the temporary structure/display or Assembly for which a permit is requested.

4. Date(s) and Time(s) of the Assembly, placement of the temporary structure/display:

- A. Set-up for the Assembly will begin _____ (a.m./p.m.) on _____
(month/day/year).
- B. The Assembly will begin _____ (a.m./p.m.) on _____
(month/day/year).
- C. The Assembly will end _____ (a.m./p.m.) on _____
(month/day/year).
- D. Clean-up/Take-down of the temporary structure/display will be completed by
_____ (a.m./p.m.) on _____ (month/day/year).

5. Maximum number of participants expected: _____

Maximum number of cars anticipated for parking: _____

6. Specific Monmouth County Park System building, grounds, or facilities requested:
