



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR



New Bedford Parks, Recreation and Beaches Policy and Regulations re: Demonstrations and Petitioning Activity

Policy

New Bedford's parks and beaches are the property of the citizens of New Bedford and are to be freely accessible to the public. They are public forums for the free expression of views on matters of public concern without regard to the content of such views. Simultaneously, the City has a duty to protect the parks and beaches from damage and to ensure the safety and privacy interests of the public. Accordingly, it is necessary to promulgate regulations that accommodate the right of free expression with reasonable procedures for the protection of property and people's safety and privacy.

Definitions

1. *Petitioning Activity*: The communication or attempted communication of views with regard to a cause.
2. *Demonstration*: A gathering of 25 or more people for the purpose of petitioning activity.
3. *Cause*: Any matter involving an opinion on an issue affecting a public or private policy, practice, custom or institution.
4. *Leafleting*: The passing out of written materials or physical images pertaining to a cause.
5. *Table*: A flat surface from which materials relating to a cause are available for distribution.
6. *Park Board*: The Board of Park Commissioners.
7. *Director*: The Director of Recreation/Parks.

Requirements

1. In the ordinary course, permits are required before a demonstration is held in a park, beach or other facility or property within the jurisdiction of the Park Board.

2. No permit is required for a gathering of less than 25 people for the purpose of petitioning activity.
3. Leafleting is permitted in the parks, beaches and outdoor spaces within the jurisdiction of the Park Board provided that leaflets may not be forced on anyone. A person's refusal to accept a leaflet must be respected and accepted. If a leaflet is refused and falls to the ground, the person distributing the leaflet must pick it up.
4. A permit is required for any table to be set up in a park, on a beach or in a facility or location within the jurisdiction of the Park Board. Permission shall not be unreasonably withheld, but no table will be permitted if the location interferes with the public's reasonable access to the parks, beaches or other facility or property within the jurisdiction of the Park Board.

Applications

1. Applications for demonstration permits must be received at least five days prior to the requested date for the demonstration. The application shall be filed at the Park Board office at 181 Hillman Street, Bldg. 3 in the City. Notwithstanding this requirement, the Park Board will accept all applications for demonstrations whenever submitted and process such applications as soon as it is feasible to do so, considering the magnitude of the event and the resources of the Park Board.
2. If an application for a demonstration permit requests a date for the demonstration that falls before the date of the next scheduled meeting of the Park Board (and in the absence of a special meeting of the Park Board being called for the purpose of considering the application), the Director shall act on the application. In doing so, the Director shall, if reasonably feasible given the constraint of time and the constraint of access to the Park Board members, consult with such Park Board members.
3. Upon application, the Park Board (or in its absence, as provided above, the Director) may deny a permit if:
 - a. the location sought is not suitable because of landscaping, planting, or other environmental conditions reasonably likely to be harmed by the demonstration;
 - b. the location sought is not suitable because it is a specialized area including, but not limited to, a playground, a zoo, swimming pool, or skating rink, or because the demonstration is of such nature or duration that it cannot reasonably be accommodated in that location;
 - c. the date and time requested have previously been allotted by permit;
 - d. within the preceding two years, the applicant has been granted a permit and did, on that prior occasion, knowingly violate a material term or condition of the permit, or any law, ordinance, statute or regulation relating to the use of the parks, beaches or other facility or property within the jurisdiction of the Park Board;
 - e. the demonstration would materially and unreasonably interfere with other users' enjoyment of

the park, beach or other facility or property within the jurisdiction of the Park Board and another location for the demonstration not under the jurisdiction of the Park Board is reasonably available as an alternative site.

4. If the permit has been denied because the particular location sought for the demonstration is not suitable as described above, the Park Board shall employ reasonable efforts to offer the applicant suitable alternative locations and/or times and/or dates for the demonstration.
5. *Appeal.* If a demonstration permit application is denied, the applicant may appeal the determination by written request filed with [the City Solicitor], who may reverse, affirm, or modify the original determination. If the appeal is denied, in whole or in part, [the City Solicitor] shall make written findings of fact in support of her/his decision.