

DAL
Veterans Ord
8/22/07



ORDINANCE NO. _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.54 entitled "County Veterans Monument" of Title 9 of the El Dorado County Ordinance Code is hereby added as follows:

9.54.010. Title. This chapter shall be known as the County Veterans Monument Ordinance.

9.54.020. Purpose. The El Dorado County Veterans Monument ("Monument") is intended to honor the veterans of this country and to provide a place for individuals to engage in quiet contemplation, reflection, meditation, and consideration of the veterans and their service. To preserve this purpose, it is intended that the Monument not be utilized for any organized activities other than the commemorative ceremonies to be held on Memorial Day and Veterans Day. The Monument is to be accessible to the public for the stated purposes, but shall be preserved as a non-public forum.

9.54.030. Authorized Events.

A. National Holidays. Two organized events shall be held at the Monument annually, one a commemorative ceremony on Memorial Day and one a commemorative ceremony on Veterans Day. The ceremonies shall be hosted by The Friends Of The Veterans Monument, a California nonprofit mutual benefit corporation, whose specific purpose is to foster cooperation among veterans groups. In hosting said events, The Friends Of The Veterans Monument shall act as the umbrella organization for the duly constituted, chartered veterans organizations in the county. No organized events shall be permitted on any other day, including holidays such as Pearl Harbor Day.

1. Expressive activities, including speeches and presentations, conducted in conjunction with such events shall be conducted in a manner consistent with the purpose of the Monument. To that end, expressions of political or religious speech shall be prohibited.

2. To assure that speeches and presentations do not run afoul of the foregoing prohibitions, all speeches and presentations must be reviewed by the Chief

Administrative Officer or designee prior to the subject event. In reviewing such speeches and presentations, the Chief Administrative Officer or designee shall not discriminate on the basis of the speaker's viewpoint.

B. Funeral Services. No formal ceremonies or services shall be permitted at the Monument. However, while impromptu memorial services or other gatherings may occur, all such services and gatherings must be conducted in a manner consistent with these regulations and the stated purpose of the Monument.

C. Reservations. Except as allowed in Section 9.54.030(A), neither the Monument, nor any part thereof shall be available to be reserved for use by any person, group or entity.

9.54.040. General Use.

A. Definitions.

1. The term "demonstrations" includes demonstrations, rallies, picketing, speechmaking, public oratory, marching, holding vigils or religious services, and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual use of the Monument by the public which does not have an intent or propensity to attract a crowd or onlookers.

2. The term "special events" includes celebrations, historical reenactments, exhibitions, parades, fairs, festivals, and similar events, which are not "demonstrations" under the foregoing paragraph, and which are engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term also does not include casual use by the public which does not have an intent or propensity to attract a crowd or onlookers.

3. The term "Veterans Memorial Monument" or "Monument" means the area occupied by the County Veterans Memorial Monument and its associated facilities and pathways, which are bounded by, but do not include, Ray Lawyer Drive and the sidewalks used for general pedestrian circulation within the County Government Center.

B. Demonstrations and Special Events.

1. Except as otherwise provided in Section 9.54.030 above, demonstrations or special events are prohibited at the Monument.

2. Should a group or member of the public seek to hold a demonstration or special event at the Monument, the General Services Director shall propose an alternate site to the applicant, if available for the proposed activity.

C. Soliciting. Soliciting or demanding gifts, money, goods, or services at the Monument is prohibited. In addition, no person shall display or distribute commercial advertising at the Monument.

D. Sales. No sales shall be made and no goods or services shall be exposed for sale at the Monument.

E. Leafletting. The sale or free distribution of any literature, leaflet, pamphlet, flyer, handbill, or other similar printed material at the Monument is prohibited, except that a program may be distributed if approved by the Chief Administrative Officer or designee and such distribution is a part of a special event authorized by these regulations.

F. Displays. The display of any placards, banners, signs, or similar devices at the Monument is prohibited, unless approved by the Chief Administrative Officer or designee and a part of a special event authorized by these regulations.

G. Littering. It shall be unlawful for any person to throw, dump, scatter, discard, place or deposit litter or solid waste in any manner or amount within the Monument's boundaries, except in containers or in areas lawfully provided for or permitted for that use.

H. Sidewalks. Nothing herein shall be deemed to inhibit the public's free use of the streets and sidewalks adjacent to the Monument, including the sidewalks on Fair Lane and Ray Lawyer Drive and the sidewalks used for general pedestrian circulation within the County Government Center.

9.54.050. Enforcement. Any person who violates any of these rules and regulations shall, in the discretion of the enforcing authority, be guilty of an infraction or a misdemeanor and, pursuant to Section 1.24.020 of this Code, may be subject to a fine of not more than five hundred dollars (\$500) and/or imprisonment not to exceed six (6) months.

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Section 2. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ____ day of _____, 2007, by the following vote of said Board:

Ayes:

ATTEST
CINDY KECK
Clerk of the Board of Supervisors

Noes:
Absent:

By _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: CINDY KECK, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk