

FOOTHILL CROSSING SHOPPING CENTER
APPLICATION FOR FREE SPEECH ACTIVITIES

This Application must be fully completed and returned to the Center's management office no later than ten days before the first date on which you are requesting to conduct free speech activities. By signing this application, Applicant agrees to abide by the time, place and manner restrictions set forth in the Rules Pertaining to Free Speech Activities, a copy of which is attached to this Application. Applicant also agrees to accept responsibility for any damage, cost or expense caused to the Center as a result of Applicant's activities.

Name of Applicant: _____

Address and Phone Number for Applicant: _____

Name of Supervising Person for Applicant: _____

Address and Phone Number for Supervising Person: _____

Maximum Number of Persons who will engage in Activity at the same time: _____

Names, Addresses and Phone Numbers for Participating Persons (Attach additional sheets if necessary):

Date(s) and Times at which Applicant desires to conduct activities (Applicant may not reserve more than three days per application): _____

Applicant's Desired Locations in order of Preference (Please choose from the list attached. While we will try to accommodate your first choice, this will not always be possible based on other activities in the Center):

1. _____
2. _____

Describe Nature of Proposed Activity (e.g. handing out flyers, soliciting signatures, etc.):

Attach a copy of every Display Item to be used for your activity and every item that you intend to distribute as part of your activity. Only submitted and approved items may be used in the Center during your activity.

No. of Display Items attached: _____

No. of Distribution Items attached: _____

I, _____, an authorized representative of Applicant, who is authorized to enter into contracts and otherwise bind Applicant, hereby agree that Applicant will indemnify Foothill Crossing Shopping Center and its owners and save them harmless and, at their option, defend them with counsel of their selection, for, from or against any and all claims, actions, damages, liabilities and expenses, including attorney=s and other professional=s fees, in connection with any loss of life, personal injury and/or damage to property arising from or out of Applicant=s activities.

_____ (“Applicant”)

By: _____
Authorized Representative

Print Name: _____

Print Title: _____

FOOTHILL CROSSING SHOPPING CENTER
RULES PERTAINING TO FREE SPEECH ACTIVITIES

These Rules are promulgated by the management of the Foothill Crossing Shopping Center (“Center”) for the purpose of reasonably regulating as to time, place and manner without regard for content, the activities of all individuals, groups and organizations (“Applicant”) who wish to engage in free speech activities, including but not limited to the distribution of literature, the collection of signatures and protest activities, on property belonging to the Center. These Rules shall not be deemed or construed to permit activities other than protected First Amendment free speech activities. The owners of the Center reserve the right to prohibit any activity other than those allowed and/or required by law.

1. Prior to engaging in free speech activities, Applicant must complete and return the Application for Free Speech Activities. The completed Application must be received by the Center’s management office no less than ten days prior to the date(s) requested for the free speech activities. Applications which are not complete shall be rejected by the Center.
2. Free Speech activities must be undertaken in a neat, orderly and courteous manner. No activities which disrupt the normal business operations of the Center or interfere with customers because of too much noise, disorderly conduct or inflammatory tactics will be permitted. No activities which block access to the Center or stores within the Center, which violate personal safety requirements for the Center or its patrons, or which impede customer progress will be permitted. Presentations that are so confrontational that it is probable that such presentation will create a disturbance or conflict are prohibited. The use of obscenity or fighting words is also prohibited.
3. Applicant must agree to indemnify the Center, hold it harmless, and at the Center’s option, defend it for, from or against any and all claims, actions, damages, liabilities and expenses, including attorney’s and other professional’s fees, in connection with any loss of life, personal injury and/or damage to property arising from or out of Applicant’s proposed activities.
4. Applicant shall limit its free speech activities to the designated free speech area approved for Applicant’s activities by the Center. A list of the available areas, which have been selected based on safety and foot traffic concerns is attached to these Rules and should be used by Applicant in selecting its proposed areas for its activities. Groups with competing views or incompatible philosophies shall not be permitted to use the same general area at the same times on the same dates to avoid disruption or conflict. The Center reserves the right to remove areas from the approved list if said area is needed for temporary tenants, temporary licensees, advertising or other commercial purposes related to the operation of the Center.
5. Applicant shall make no representation to any person in the Center or on Center property that the owners or managers of the Center sponsor or support any view, belief, or request contained in any petition, statement, or literature being disseminated or exhibited on Center property.
6. No lights or loudspeakers shall be used for any purpose by Applicant. No Applicant shall use any musical instrument, or other device for the creation or reproduction of sound in a manner that causes sound or noise that may be disturbing or offensive to the patrons or tenants of the Center.

7. Signs, posters, placards or other display items (“Display Items”) used by Applicant may not interfere with or directly compete with business displays or logos. Display Items must be neat in appearance and must not contain obscenities, grisly or gruesome displays, or highly inflammatory slogans likely to provoke a disturbance.

8. Applicant may not solicit contributions or donations from anyone on Center property nor shall they engage in the sale of any items or services on said property.

9. If leaflets, flyers or other written materials are to be handed out in the Center, Applicant must submit a cleaning deposit of \$100 to cover the cost of cleaning up any litter that results from Applicant’s activities. This deposit, less any expenses incurred by the Center from Applicant’s activities, shall be refunded within twenty days after Applicant’s activity has ended. Leafletting of cars in the parking areas is strictly prohibited.

10. The Center reserves the right to require insurance coverage for Free Speech Activities if there is a prior history of injury to persons or property when Applicant has engaged in such activities, if there is a prior history of injury to persons or property when similar groups have engaged in activities similar to those proposed by Applicant, or when the historical scope of the risk created by Applicant’s activity is substantial. Center agrees to work with Applicant to make reasonable time, place and manner adjustments to lessen or eliminate the risk and thus the need for insurance to the extent possible and if Applicant is willing to agree to such adjustments.

11. Applicant may apply to conduct activities for no more than three consecutive days to allow other groups to have the opportunity to conduct activities. Applicant may apply for other, non-consecutive days up to a maximum of fifteen days for any Applicant during the calendar year. Due to the increased volume of patrons, temporary tenants, holiday displays and sales activities during the holiday season, no Free Speech Activities shall be permitted at the Center from the Tuesday before Thanksgiving to January 5.

_____ (“Applicant”)

By: _____
 Authorized Representative

Print Name and Title: _____

POTENTIAL LOCATIONS FOR FREE SPEECH ACTIVITIES

(Distribution of materials is allowed if participants provide their own trash receptacles. Distribution of materials is not allowed without appropriate trash and waste disposal provided by participants.)

Allowed for 1 or 2 people:

Location # 1 - Triangular Shade Area between Foothill Produce and Trader Joe's Location # 2 - Corner area near Ace Hardware

Allowed for 3 to 4 people:

Location # 2 - Corner area near Ace Hardware

See Attached Map

Foothill Crossing Shopping Center does not currently have any single location which can safely accommodate groups who wish to have more than four people performing free speech activities in the same location without interfering with the business of the Shopping Center or putting people at risk from moving vehicles.

