

CHAPTER 11. RULES APPLICABLE TO USE OF STATE PROPERTY

Article 1: General

§ 1850. Applicability.

This chapter shall apply to the conduct of all individuals or groups using state property, except those individuals or groups who obtain permits pursuant to Government Code Section 14998, et seq., which grants the California Film Commission authority to issue permits for filming on state property.

§ 1851. Definitions.

As used in this chapter:

- (a) "Commercial Activity" shall mean any activity or action, undertaken in whole or in part by one or more business entities and/or individuals, whose purpose in whole or in part, directly or indirectly, is to derive or realize a present or future financial gain for the individual(s) or business entity or entities.
- (b) "Commissioner" means the Commissioner of the California Highway Patrol.
- (c) "Demonstration" includes the parading, picketing, selling of non-commercial printed matter or materials, marching, moving in procession, holding of vigils, and engaging in other like forms of activity which involve the communication of views or grievances, orally or by conduct and which has the effect, intent or propensity to draw a crowd or onlookers.
- (d) "Department" means the Department of California Highway Patrol.
- (e) "Gathering" shall mean the assemblage of more than two persons for other than the conducting of state business and having the effect, intent or propensity to draw a crowd or onlookers.
- (f) "State Capitol Grounds" is synonymous with "State Capitol Park" or "Park" and includes the area located in the blocks bound by 9th and 10th, L and N Streets and 10th and 15th, and L and N Streets, in the City of Sacramento, State of California.
- (g) "State Property" includes all property owned, leased, rented, controlled, used, or occupied by any department or part thereof of the Government of the State of California. For purposes of this chapter, State Property does not include:
 - (1) Property of the University of California, California State University, or Hastings College of Law, other than property occupied by a state agency not under the authority of the administering body of the University of California, the California State University, or Hastings College of Law.
 - (2) Property of any department or subdivision of state government, which is authorized by law to employ one or more peace officers within the state civil service, whose primary duty, as defined by law, is the provision of law enforcement services upon the property (e.g., California Exposition and State Fair, state hospitals of the Departments of Mental Health or a Developmental Services, and parks and beaches of the Department of Parks and Recreation).
 - (3) Property of the Departments of Corrections or Youth Authority which is maintained and used primarily for the custody or housing of inmates or wards under the jurisdiction of the Departments of Corrections or Youth Authority.
 - (4) Property under the jurisdiction of the California Department of Transportation as outlined in the Streets & Highways Code, Chapter 3, Sections 660-670.
- (h) "Vehicle" means any device in, upon, or by which any person or property is or may be propelled, moved, or drawn.

Article 2: Permits

§ 1855. Permits for Activity on State Property.

(a) Permit Application. Applications for permits shall be made in writing on a "Permit Application For Activity on State Property," CHP 398, (rev. 3/96) to the appropriate California Highway Patrol office at least ten (10) business days prior to the commencement of any activity discussed in Article 3 below.

(b) Criteria for Issuance of Permit. The Department shall issue a permit within ten (10) business days of receipt of a complete and proper application, providing all of the following criteria are met:

(1) The primary purpose of the planned activity is not a "commercial activity." An application shall be denied when the enterprise for which the permit is sought includes, as its primary purpose, a commercial activity, whether or not other non-commercial, non-profit endeavors are incorporated, or otherwise undertaken, in conjunction with the commercial activity. Eligibility for a permit under this section is confined to those individuals and business entities who seek to engage in activity that is primarily non-commercial (e.g., an expression of ideas or causes of a religious, artistic, political, charitable, educational or cultural nature).

(2) The activity planned can be conducted in the area designated without creating or causing risk of injury or illness to persons; risk of damage or destruction to property and/or impeding the performance of public business to be conducted in the area.

(3) There is no conflict as to time, place, manner, and/or duration of the subject activity with activities for which permits have been issued or are pending issuance.

(4) Permits will not be issued earlier than one (1) calendar year prior to the planned activity. No exclusive rights to permits for designated events shall be issued for consecutive future years to any one applicant.

(5) The activity planned does not conflict with rules in Article 3 of this chapter unless the approved permit specifically exempts the holder of the permit from the rules.

(6) The holder of the permit shall accept financial liability for any damages to state property by members of his or her party and further agrees to leave the area clean. The permit may not be assigned.

(7) Insurance may be required on the planned size and/or complexity of the event as determined by the Department after consultation with the Department of General Services, Office of Risk and Insurance Management. Additionally, the Department of General Services may require a bond or deposit to cover the cost of any potential damage to state property.

(8) One (1) security person shall be designated and provided by the permit holder, at his or her expense, for each fifty (50) persons expected to be in attendance. Each member of security shall wear a distinctive emblem, insignia, or article of wearing apparel at all times during the activity for identification purposes. To provide reference to the terms and conditions of the permit they are charged with enforcing, each member of security shall have a copy of the activity permit on his or her person while present at the event. Employees of the Department shall have the privilege of inspecting the premises covered by this permit at any or all times.

(9) The permit and the rights thereunder may not be assigned to a third party.

(c) Duration of Permit. Unless the Department otherwise approves, based on the application for permit, a permit issued under sub-division (b) of this section shall not be valid more than seven (7) calendar days. Extensions may be granted if the event time and location is not in conflict with permits already granted.

(d) Revocation of Permit. The Department may revoke a permit if:

(1) It determines that any activity covered by such permit is creating or causing risk injury or illness to persons; risk of damage or destruction to property and/or impeding the performance of public business to be conducted in the area or if the permit holder or persons in their group violate any of the terms of their permit.

(2) Prior to commencement of the permitted event, the Department finds it necessary to cancel the permit due to previously unknown circumstances. The Department reserves the right to cancel any permit or change the location of the activity upon giving one (1) day written notice to the holder of the permit without incurring any liability on the part of the Department and the State of California.

(e) Exemption. Permits are not required for bake sales, craft sales, etc., organized and conducted at a worksite by a group of state employees from said worksite, if the primary purpose of the activity is to raise funds for donation to a non-profit organization or raise funds for offsetting the cost of an employee organized social activity. This exemption does not exempt said employees from the necessity of obtaining other permits and permissions as may be required. Employees should contact their respective building managers to determine the proper approval process at their worksite.

§ 1856. Denial or Cancellation of a Permit.

The Department may deny a request for permit or cancel a permit (before or during an event) upon determination of the Commissioner or his or her designee that any of the following conditions have occurred:

- (a) Incomplete information, false statement(s), or misrepresentation have been made on the permit application;
- (b) Fraud was committed in obtaining the permit;
- (c) The person to whom the permit was issued is not present at the activity and is not available for contact by a peace officer of the Department or a representative of the state agency upon whose property the activity is taking place;
- (d) The conduct of either the person to whom the permit was issued or persons attending the activity involves a violation of the permit, these regulations, state law, or any other statute or ordinance.

§ 1857. Appealing Denial or Cancellation of Permit.

- (a) Procedures. The denial or cancellation of a permit under Section 1855 or 1856 shall state the reasons for such denial or cancellation. Within five (5) business days of the notification of denial or cancellation the applicant or holder of the permit may apply to the Commissioner for a review of the reasons for denial or cancellation. The proceedings for review shall be held within five (5) business days thereafter, before the Commissioner or his or her designee.
- (b) Exclusion from Appeal Process: This section and the appeal procedures set forth herein shall apply only in cases where a timely permit application was filed in accordance with Section 1855 and the permit was denied. No appeal shall be available if a timely permit application was not filed.

Article 3: Restrictions On Use Of State Buildings And Grounds

§ 1860. Types of Permits.

(a) Permits for Demonstration or Gathering. No person shall hold or conduct any demonstration or gathering in or upon any state buildings or grounds unless a permit has been issued by the Department.

(b) Permits for Structures or Equipment. No person shall build, construct, set-up, place or maintain, or attempt such, in or upon any of the state property, any tent, platform, booth, bench, table, building, sound system, or other structure, unless a permit for such a structure has been issued by the Department.

§ 1861. Prohibited Conduct.

No person shall remain in or upon any state property after having been ordered or directed by a member of the California Highway Patrol or the person having charge of the facility to leave said property, provided, said order or direction to leave is issued after the determination that one or more of the following has occurred:

(a) Creating Loud and Unusual Noises. Said person, alone or in conjunction with others, is creating loud and unusual noises which impede or disturb the state employees in the performance of their duties or which otherwise impede or disrupt the general public transacting business with the state agency(ies) located within, about, or upon state property.

(b) Obstructing or Interfering with the Usual Use of State Property. Said person, alone or in conjunction with others, is obstructing or interfering with the usual use of entrances, foyers, corridors, offices, elevators, stairways, garages, or parking lots, or is creating a health and/or safety hazard in such use within, about, or upon state property.

(c) Present In or Upon State Property when Closed to Public. Said person is in or on state property, or area thereof, during the hours when said state property is not open to the general public, and said person does not have a permit, the authority or lawful reason to be there.

(d) Emergency Order. Said person refuses to comply with an emergency order.

§ 1862. Signs, Posters, Placards, Banners.

(a) Requirements for Size. Carrying, transporting or using signs, posters or banners exceeding thirty inches (30 ") by thirty inches (30 ") in size, in or on any state property, is prohibited unless prior written permission has been obtained from the Commissioner or his or her designee whose review, under this section, shall not be made on the basis of content.

(1) The size of the handles or supports for such signs, posters, placards or banners shall be limited to one-fourth inch (1/4 ") in thickness by three-fourth inch (3/4 ") in width and shall extend no more than eighteen inches (18 ") beyond a single exterior edge of such signs, posters, placards or banners.

(2) All such handles or supports shall be made of wood without exception.

(b) Requirements for Carrying. All such signs, posters, placards or banners shall be hand carried and not in any way affixed, fastened, or attached to the premises; nor self-supporting and placed for display; nor leaned against any wall, partition, or other portion of a state property.

(c) Prohibited Signs. The carrying of such signs, posters, placards or banners is prohibited if it obstructs freedom of passage over, through, or in state property.

§ 1863. Decorations.

No decorations are to be hung, tacked, taped, or in any way affixed to trees, shrubbery, fencing, or lamp posts on state property.

§ 1864. Fire.

Fire is not permitted on state property.

§ 1865. Parking.

(a) Issuance of Parking Permits - State Capitol Grounds. Parking permits shall be issued by the Department under the authority of and under such conditions as may be prescribed by the Commissioner. Said parking permits shall be subject to revocation or suspension at any time. Unless sooner revoked or suspended, such permits shall expire at the end of the calendar year in which issued.

(b) Exception to Required Parking Permit - State Capitol Grounds. No person shall stop, park or leave standing, any vehicle without proper parking permits displayed, on the State Capitol grounds except:

(1) Members of the State Legislature.

(2) The operator of any vehicle which displays in plain view while stopped, parked or left standing on said grounds, a valid parking permit issued by the Department; the State Senate Rules Committee; or the State Assembly Rules Committee.

(3) Persons stopping or parking a vehicle when necessary to avoid conflict with other traffic or in compliance with a traffic control signal device or the direction of a California Highway Patrol Officer in control of traffic.

(4) Persons stopping or parking a vehicle temporarily in areas designated by the California Highway Patrol for the purpose of loading or unloading merchandise or picking up or discharging passengers, and then only for the period of time required to load or unload, pick up or discharge such merchandise or passengers.

(c) Issuance of Parking Permits - State Property. Parking permits may be issued under the authority of and under such conditions as may be prescribed by the agency in control of said property.

(d) Display of Parking Permits. In locations where signs are posted indicating parking permits are required, no person shall stop, park, or leave standing, any vehicle on any property of the State of California, except where such vehicle displays in plain view a valid parking permit.

(e) Unattended Vehicles. Vehicles left unattended, without proper parking permits displayed, may be immediately removed by tow.

(f) Conformance with Posted Signs. Unless otherwise directed by a California Highway Patrol Officer, no person shall stop, park, or leave standing any vehicle on said state property unless such vehicle is parked, stopped or left standing in areas designated for public parking and in conformance with such signs as may be posted on said grounds from time to time.

(g) Driveways. No person shall stop, park or leave standing, any vehicle on any part of the driveways running from L Street to the Capitol Garage and from N Street to said garage.

(h) Loading Areas. No person shall stop, park or leave standing any vehicle on any part of the loading area adjacent to the State Capitol Garage and west of the driveway from N Street to said garage except persons who have obtained permits from the Department for parking spaces designated for him or her, or persons who are actually loading or unloading merchandise at the loading dock.

§ 1866. Dogs, Cats, and Other Domesticated Animals.

(a) Presence in State Capitol Park. Dogs, cats, and other domesticated animals are prohibited in State Capitol Park, for other than official or authorized purposes, except when held by the custodians thereof, or on a leash. Unleashed dogs or cats, and other domesticated animals shall be subject to impounding in a manner consistent with the applicable municipal, county and state laws and ordinances.

(b) Presence In or Upon State Property. Dogs, cats, and other domesticated animals are prohibited in state buildings and grounds, except:

(1) Specially trained guide dogs, signal dogs, or service dogs used exclusively to assist blind, deaf, or other disabled persons. For purposes of the chapter, guide dog, signal dog and service dogs means any dog which meets the criteria as defined under federal regulations adopted to implement Title III of the Americans with Disabilities Act of 1990.

(2) Animals held or leashed as described in paragraph (a) within the confines of State Capitol Park or other state grounds.

(3) Animals which are authorized for exhibit or used for official or authorized purposes.

§ 1867. Operation and Use of Bicycles, Roller Skates, Skateboards, and Other Wheeled Conveyances.

(a) The riding, operation or use of bicycles, roller skates, skateboards, or other wheeled conveyances is prohibited in or upon state property (as defined for this chapter) except as follows:

(1) Wheeled conveyances used by disabled persons.

(2) Any wheeled conveyance used by a state employee in the course of his or her employment.

(3) Any wheeled conveyance used by a person upon that portion of State Capitol Park known as the "Thirteenth Street Walk" and described as that portion of 13th Street between L and N Streets.

(4) Roller skating is permitted, from dusk to dawn, seven (7) days a week on paths, walks and driveways in that portion of the State Capitol grounds extending from 13th Street to 15th Street and from L Street to N Street.

(5) Roller skating is permitted, from 6 p.m. to dusk, Monday through Friday and from dawn to dusk on Saturdays, Sundays and holidays on the State Capitol grounds extending from 10th Street to 13th Street and from L Street to N Street.

(b) Notwithstanding subsection (a), roller skating is not permitted upon the steps of the State Capitol, or in the interior of the State Capitol or in the interior of any other state building, or in the driveway extending from L and N Streets into the State Capitol Garage.

(c) Notwithstanding subsection (a), operation of wheeled conveyances shall be prohibited if done in a manner other than is reasonable or prudent, having due regard for pedestrians, weather, visibility, the traffic on, and the surface and width of, the area's grounds.

(d) The parking of bicycles in or upon state property is prohibited except at designated bicycle parking racks or facilities established by the agency in control of a given state property.

(e) This section shall not apply to any peace officer acting within the scope of his or her employment.

(f) This section shall not apply to any location defined as a street or highway under applicable provisions of the California Vehicle Code.

§ 1868. Flower Beds and Lawns.

(a) The walking on or crossing over or through flower beds or other areas within the park where plants, shrubs, trees or any other growing things, other than lawns, are located is prohibited.

(b) The picking of or in any way damaging, mutilating or destroying flowers, plants, shrubs or any other growing things in the park is prohibited.

(c) The walking on or crossing over lawns or terraces within the park is prohibited where such walking or crossing is likely to cause damage to said lawns and terraces.

§ 1869. Games and Sports.

The playing of games which involve running, jumping, tackling, strenuous activity or physical contact between players, including but not limited to football, baseball, Frisbee, golf, catch, and soccer, is prohibited in State Capitol Park.