

# ELECTRONIC CODE OF FEDERAL REGULATIONS

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Title 36: Parks, Forests, and Public Property

**PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

## **§ 2.51 Demonstrations.**

- (a) *Demonstrations.* The term “demonstrations” includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services, and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to attract a crowd or onlookers. This term does not include casual park use by visitors or tourists that is not reasonably likely to attract a crowd or onlookers.
- (b) *Permits and the small group permit exception.* Demonstrations are allowed within park areas designated as available under paragraph (c)(2) of this section, when the superintendent has issued a permit for the activity, except that:
- (1) Demonstrations involving 25 persons or fewer may be held without a permit within designated park areas, provided that:
    - (i) None of the reasons for denying a permit that are set out in paragraph (f) of this section are present;
    - (ii) The group is not merely an extension of another group already availing itself of the small group permit exception under this provision;
    - (iii) They will not unreasonably interfere with other permitted demonstrations and special events, or park program activities; and
    - (iv) Hand-carried signs may be used, but stages, platforms, or structures may not be used.
  - (2) While it is not mandatory, the organizer is requested to provide reasonable notice of the proposed event to the park superintendent, including whether there is any reason to believe that there may be an attempt to disrupt, protest, or prevent the activity.
  - (3) The 25-person maximum for the small group permit exception may be reduced for a designated available area, but only if:
    - (i) A written determination that a 25-person group cannot be reasonably physically accommodated within that area is approved by the regional director; and
    - (ii) The written determination is made available at the office of the superintendent and by public notice under § 1.7 of this chapter.
  - (4) In the event that two or more groups taking advantage of the small group permit exception seek to use the same designated available area at the same time, and the area cannot reasonably accommodate multiple occupancy, the superintendent will, whenever possible, direct the later-arriving group to relocate to another nearby designated available area.

(c) *Designated available park areas.* (1) Locations may be designated as available for demonstrations under this section, and for the sale or distribution of printed matter under § 2.52, only if these activities would not:

- (i) Cause injury or damage to park resources;
- (ii) Unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic, or commemorative zones;
- (iii) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service;
- (iv) Substantially impair the operation of public use facilities or services of National Park Service concessioners, holders of commercial use authorizations, or contractors;
- (v) Present a clear and present danger to the public health and safety; or
- (vi) Be incompatible with the nature and traditional use of the particular park area involved.

(2) The superintendent must designate on a map, which must be available in the office of the superintendent and by public notice under § 1.7 of this chapter, the locations designated as available for demonstrations and the sale or distribution of printed matter.

(d) *Application for permit.* A permit application must provide:

- (1) The name of the applicant or the name of the organization (if any);
- (2) The date, time, duration, nature, and place of the proposed event;
- (3) An estimate of the number of persons expected to attend;
- (4) A statement of equipment and facilities to be used;
- (5) Whether there is any reason to believe that there will be an attempt to disrupt, protest, or prevent the event; and
- (6) Any other information required by the permit application form.

(e) The superintendent must not accept an application more than one year before the proposed event (including time required for set-up); applications received more than a year in advance will be returned to the applicant.

(f) *Processing the application.* The superintendent must issue a permit or a written denial within ten days of receiving a complete and fully executed application. A permit will be approved unless:

- (1) The superintendent has granted or will grant a prior application for a permit for the same time and place, and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area;
- (2) It reasonably appears that the event will present a clear and present danger to public health or safety;

- (3) 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 park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities;
  - (4) The location applied for has not been designated as available under paragraph (c)(2) of this section;
  - (5) The application was submitted more than one year before the proposed event (including set-up); or
  - (6) The activity would constitute a violation of an applicable law or regulation.
- (g) *Written denial of permit.* If a permit is denied, the superintendant will inform the applicant in writing of the denial and the reasons for it.
- (h) *Permit conditions.* The permit may contain conditions reasonably consistent with the requirements of public health and safety, protection of park resources, and the use of the park area for the purposes for which it was established. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.
- (i) *Permit duration.* (1) Permits may be issued for a maximum of 14 consecutive days.
- (2) A permit may be extended for up to 14 days, but a new application must be submitted for each extension requested.
  - (3) The extension may be denied if another applicant has requested use of the same location and the location cannot reasonably accommodate multiple occupancy.
- (j) *Violation prohibited.* Violation of these regulations or the terms of the permit is prohibited.
- (k) *Permit revocation, termination of small group exception.* (1) The superintendent may revoke a permit for any violation of its terms and conditions.
- (2) The superintendent may revoke a permit, or order a small group permit exception activity to cease, when any of the conditions listed in paragraph (f) of this section exist.
  - (3) The superintendent will make the revocation or order to cease in writing, with the reasons clearly set forth. In emergency circumstances the superintendent will make an immediate verbal revocation or order to cease, followed by written confirmation within 72 hours.

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