

ELECTRONIC CODE OF FEDERAL REGULATIONS

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Title 36: Parks, Forests, and Public Property

PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

§ 2.52 Sale or distribution of printed matter.

- (a) *Printed Matter.* The term “printed matter” means message-bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising.
- (b) *Permits and the small group permit exception.* The sale or distribution of printed matter is allowed within park areas designated as available under § 2.51(c)(2) when the superintendent has issued a permit for the activity, except that:
- (1) Sale or distribution activity by 25 persons or fewer may be conducted without a permit within designated park areas, provided that:
 - (i) None of the reasons for denying a permit that are set out in paragraph (e) 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) The sale or distribution will not unreasonably interfere with other permitted demonstrations and special events, or 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) *Application for permit.* An 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.

(d) 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.

(e) *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 the particular area;
- (2) It reasonably appears that the sale or distribution will present a clear and present danger to the public health and safety;
- (3) The number of persons engaged in the sale or distribution exceeds the number that can 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 § 2.51(c)(2);
- (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.

(f) *Written denial of permit.* If a permit is denied, the superintendent will inform the applicant in writing of the denial and the reasons for it.

(g) *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.

(h) *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.

(i) *Misrepresentation.* It is prohibited for persons engaged in the sale or distribution of printed matter under this section to misrepresent the purposes or affiliations of those engaged in the sale or distribution, or to misrepresent whether the printed matter is available without cost or donation.

(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 (e) 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.

[75 FR 64154, Oct. 19, 2010, as amended at 78 FR 37717, June 24, 2013]