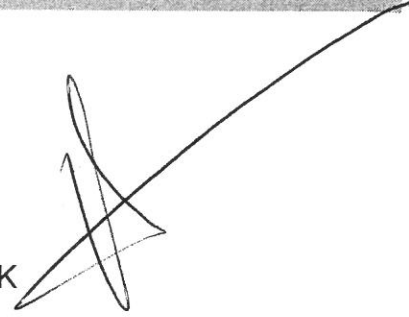


CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: April 18, 2013
TO: KELLI L. BARNABY, CITY CLERK
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: PUBLIC FORUM POLICY – PRESCOTT PARK



Attached please find the fully executed Public Forum Policy for permanent filing regarding Prescott Park. This supports the, "use of some portion of Prescott Park for the purpose of protected expressive activity while at the same time maintaining the Park as a place for the public to quietly enjoy its lawns, gardens and scenic attractions."

A copy of this document and its attachment have also been provided, electronically, to the Trustees of Trust Funds for its records.

attachment

cc: John P. Bohenko, City Manager

PUBLIC FORUM POLICY

STATEMENT OF POLICY:

The Trustees of Trust Funds of the City of Portsmouth desire to accommodate the public policy and constitutional considerations which support the use of some portion of Prescott Park for the purpose of protected expressive activity while at the same time maintaining the Park as a place for the public to quietly enjoy its lawns, gardens and scenic attractions. This policy is adopted to accomplish those goals.

FORUM AREA:

The area shown on the attached Exhibit A is hereby designated a public forum in which individuals may engage in expressive activities subject to the following rules:

1. There shall be no distribution of handbills, fliers or other items, which might be prone to litter.
2. There shall be no electronic amplification of sound for the period commencing ninety (90) minutes prior to any performance in the Park and continuing until the completion of the performance.
3. If, in the determination of the Trustees of Trust Funds, any particular activity creates an inordinate risk of liability, the person or entity engaging in the activity may be required to provide a Certificate of Insurance indicating the existence of liability insurance protecting the City in an amount and type approved by the City Attorney.
4. In the event that any particular activity creates an inordinate risk to the public safety, the person or entity engaging in that activity may be required to provide an appropriate police detail at the expense of that person or entity.
5. No more than one (1) fixed sign shall be allowed, which may be no larger than 4' X 8'. All other signs must be handheld.
6. The largest number of expected or actual number of attendees allowed in the public forum area for any permitted event or activity shall be limited to 3,000. Any events or activities with expected or anticipated number of attendees over 3,000 will not be scheduled or permitted in the public forum area in Prescott Park.
7. Any permitted event or activity in the public forum area with expected or anticipated number of attendees of 1,000 or more shall be required to provide crowd separation barriers through the city public works department. The person(s) or entity engaging in the activity shall pay all costs associated with the placement and removal of the barriers.
8. Neither Prescott Park nor the Public Forum area shall be used for the solicitation of funds.
9. The Trustees of Trust Funds may deem other reasonable time, place and manner regulations as necessary.

NON-FORUM AREA:

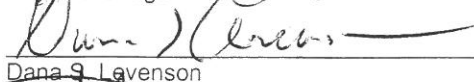
The remaining areas of Prescott Park and Four-Tree Island are designated as being not a public forum, and therefore those areas are not available to be used for expressive purposes.

TRUSTEES OF TRUST FUNDS:

Dated: 4/18/13


Phyllis Eldridge

Dated: 4/18/13


Dana S. Levenson

Dated: 4/18/2013


Thomas R. Watson

REPAIRS:

- A CHINK VOIDS IN GRANITE QUAYWALL.
- B REHABILITATE RIPRAP (REPLACE MISSING STONES AND FILL VOIDS).

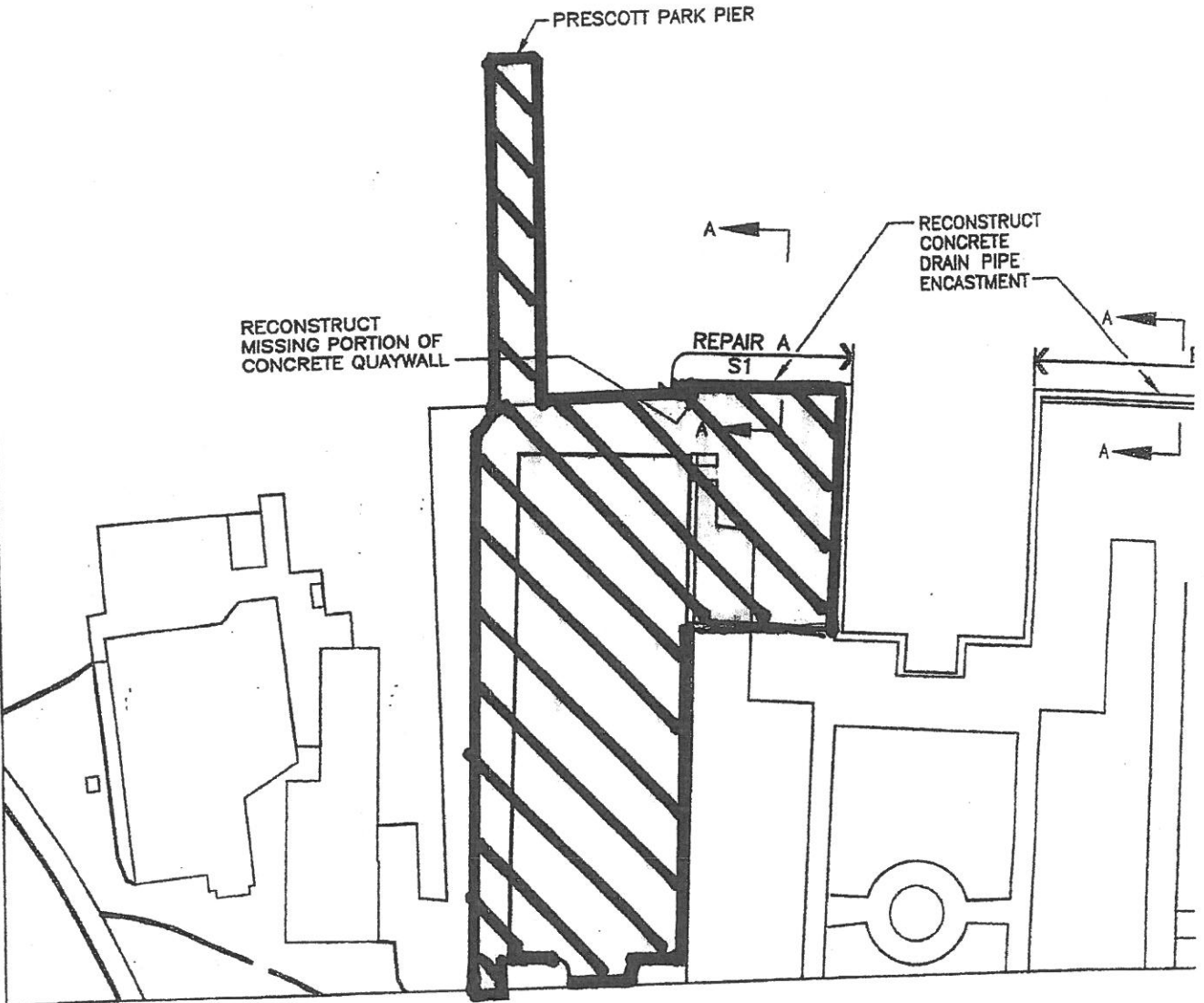
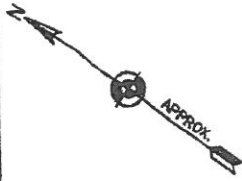


Exhibit "A"

PUBLIC FORUM AREA

*Per Public Forum Policy for Prescott Park
Voted by the Trustees of Prescott Park: July, 2007
603.431.8748*

