



CHICO MARKETPLACE
RULES FOR EXPRESSIVE ACTIVITY
(Effective October 2020)

I. Introduction

Chico Marketplace is privately owned and has not at any time been dedicated to public uses. Neither the enforcement of the following rules (“Rules”) nor the conduct of any activity pursuant to these Rules shall constitute or be deemed to constitute a dedication of Chico Marketplace to public uses. The Rules do not constitute acquiescence or a waiver of the private property rights of Chico Marketplace.

Members of the public or organizations seeking to use Chico Marketplace’s common areas for expressive activity must submit an application as described in these Rules and must abide by these Rules while on Chico Marketplace’s property. No public use of Chico Marketplace’s property is permitted for commercial purposes other than the patronage of Chico Marketplace and its tenants.

II. Definitions

A. Non-Commercial Expressive Activity: “Non-Commercial Expressive Activity” is expressive activity that has a political, religious, or other non-commercial purpose, including, but not limited to, advocacy of a boycott, request for signatures on petitions, registration of voters, and dissemination of non-commercial leaflets or flyers.

B. Permissible Activity: An individual’s peaceful, consensual, spontaneous conversations that are not accompanied by any other form of expressive activity (e.g., leafleting, signs, solicitations, etc.) and do not obstruct or disrupt normal business operations do not require advance application and approval. Any other Non-Commercial Expressive Activity is subject to the application process.

C. Approved Activity: “Approved Activity” is Non-Commercial Expressive Activity that is approved pursuant to a properly submitted application.

Activities that will not be approved include:

1. Active solicitation for the immediate receipt of funds (except that Participants may place a container marked “donations accepted” on a table in the Designated Area);

2. Sales of products or services;
3. Distribution of samples of products (except as may be permitted below); and
4. Invitations, passes, or coupons giving the recipient anything that is otherwise available to be purchased.

D. Applicant: “Applicant” is the organization, group, or person requesting access, including collectively all persons entering Chico Marketplace pursuant to an approved application.

E. Participants: “Participant(s)” are the individual(s) who engage in the Approved Activity pursuant to the application. Each reference to Applicant in the Rules shall encompass each Participant identified in the Applicant’s approved application.

F. Designated Areas: “Designated Area(s)” are those area(s) identified with the numbers 1 – 3 on the map in Exhibit “A” to the Rules. Approved Activities may be conducted only within one Designated Area, unless the Applicant is approved for more than one Designated Area. In the case of a labor dispute or boycott involving a tenant, the tenant’s location in Chico Marketplace shall be a Designated Area, but none of the Participants may be stationed directly in front of an entrance to the location or in any other location that interferes with or blocks entry into or exit from the location or any other location. Participants must share space in a manner that does not unduly interfere with ingress or egress to any business.

G. Business Day(s): “Business Day(s)” are Monday, Tuesday, Wednesday, Thursday, and Friday, excluding legal holidays.

III. Application Process and Procedures

A. Obtaining and Submitting an Application: Every person, organization, or entity desiring to use Chico Marketplace’s common areas other than to patronize Chico Marketplace’s commercial establishments or to engage in a Permissible Activity, must apply to Chico Marketplace’s Property Management Office for permission to use Chico Marketplace’s property.

Copies of these rules and copies of the Chico Marketplace Application for Use of Common Areas (the “Application”) are available by emailing Lynette@EthanConradprop.com or telephoning (530) 343-0706. This telephone number may be answered during regular business hours of Chico Marketplace’s Property Management Office, which generally are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. If the phone is not answered, callers will be requested to leave their name and contact information (phone number or email address) and a representative of Chico Marketplace will return the call via the appropriate contact method no later than 5:00 p.m. the next business day. Copies of these rules and the Application will be provided by U.S. Postal Service Mail, email or facsimile (and possibly by other methods as may be determined by Chico Marketplace in the future) or may be physically picked up during regular business hours at the Chico Marketplace Property Management Office located at:

1950 East 20th Street, Suite 727

Chico, CA 95928

Complete written Applications must be received by Chico Marketplace no later than 5:00 p.m. on the day that is at least two (2) days prior to the date and time desired for the proposed activity. Applications may be submitted by U.S. mail, email, facsimile, or in person, as described in the Application.

Applications submitted more than ninety (90) Business Days before the date of the proposed activity will not be accepted. Applications requesting multiple dates which include a date more than ninety (90) days in the future must be divided into multiple applications and submitted so that there are no more than ninety (90) Business Days between the date the application is submitted and the date of the proposed activity.

This application process is necessary in order for Chico Marketplace to coordinate multiple events and activities, ensure adequate staffing, anticipate parking demand, provide tables and chairs if needed, and ensure that the Applicant is familiar with, and will abide by, these Rules.

B. Location: Applicants may receive advance authorization to use one or more Designated Areas on any particular day.

C. Review and Approval Notification: Upon receipt of a completed application, Chico Marketplace's Property Manager will review the application and advise the Applicant concerning approval and necessary arrangements, including Designated Area(s) available for the Applicant's use, normally at least twenty-four (24) hours prior to the first date requested by the Applicant. Chico Marketplace will advise the Applicant concerning approval status and other arrangements in the same manner in which the Application was submitted (e.g., Applications submitted by email will be responded to by email, however Applications submitted by hand delivery will be responded to by email, or if no email address is provided, by telephone).

D. Approved Applications/Alternate Dates: If the application is complete and complies with the Rules, but a Designated Area is not available for the date and time(s) requested, the Applicant will be advised of the first alternate date and time following the requested date when a Designated Area is available. If the Applicant wishes to engage in the requested activity on the alternate date, it must confirm its intent within one (1) Business Day after being notified of the alternate date or time(s), but not later than one (1) Business Day prior to the first alternate date. If the Applicant fails to indicate its intent to use the alternate date or time(s), Chico Marketplace will deny the application and will return a copy of the application to the Applicant in the same manner in which the Application was submitted with a notation indicating the reason for the denial.

E. Denied Applications: If an application is denied, a copy of the denied application will be delivered to the Applicant personally or by mail, or by email if possible, and a copy will be available in the Chico Marketplace Property Management Office.

IV. Permitted Locations (“Designated Areas”)

The Approved Activity within Chico Marketplace may be conducted only in the assigned Designated Area(s), or if approved, an Alternate Area as provided below.

The Designated Areas are available on a first-come, first-selected basis, based upon availability at the time the Applicant is notified of approval. The Applicant must select Designated Area(s) at the time it is notified that its application has been approved, subject to the first-come first-selected principle.

If one particular Designated Area is unavailable due to a Chico Marketplace or tenant-sponsored activity, construction, remodeling, or use by another Applicant who has previously selected the Designated Area, the Applicant may use another approved Designated Area, if available.

An Applicant may request an area for Activity within visual and aural range of a target merchant at the Center that is not a Designated Area on Exhibit A to the Rules (an “Alternate Area”). Provided the Center determines the proposed Alternate Area is within visual and aural range of a target merchant, and it does not block or obstruct any entrance to or exit from Chico Marketplace or any of its tenants, the Applicant may use the Alternate Area for the event described in the application.

V. Hours

If the application is approved, the Applicant may engage in the Approved Activity only during the hours that Chico Marketplace is open for business (“Normal Business Hours”).

VI. Abandonment

Failure to commence the Approved Activity within sixty (60) minutes of the beginning of the approved time period for an Approved Activity will be considered an abandonment of the right to engage in the Approved Activity and may result in termination of the Applicant’s right to use the Designated Area for the entire time period requested on the Application.

VII. Peak Traffic Days

Chico Marketplace’s management has designated certain days during each calendar year as “Peak Traffic Days” when no more than two (2) Designated Areas and/or Alternate Areas may be used simultaneously. A list of the Peak Traffic Days is attached to these Rules as Exhibit “B.”

VIII. Furniture

An Applicant may bring, or at Chico Marketplace’s option, Chico Marketplace will supply to each Applicant, a table with a tablecloth or cover and a sufficient number of folding chairs for the maximum number of Participants in the Designated Area. The Applicant must notify Chico Marketplace’s Property Management Office at the time of application and again upon selection of a Designated Area, of its intention to use such furniture.

IX. Signage and Written Material

A. No writing, picture, or illustration – whether on a sign, poster, placard, banner, handbill, pamphlet, button, clothing, or otherwise – may contain or depict “fighting words,” obscenities, pornography, or highly inflammatory slogans reasonably likely to provoke violence.

B. Nothing may be affixed, attached, mounted, or placed on Chico Marketplace’s property except as specifically set forth in these Rules. Materials may not be affixed to Chico Marketplace furniture in such a manner as to deface, damage, or destroy such furniture. No audio or video equipment may be used except as expressly permitted in part X, below.

C. Participants may not place anything on the property of any tenant or guest of Chico Marketplace without the prior written consent of the tenant or guest and Chico Marketplace’s Property Manager.

D. Participants may hold clipboards and leaflets. Participants may carry or wear signs, posters, or placards, or hold stationary banners, if such signs, posters, placards, or banners otherwise comply with the Rules.

E. Participants may not distribute or offer samples of any products that otherwise might be commercially sold. Prohibited samples do not include small items of *de minimis* value which express the issue or message of Applicant (e.g., pens or buttons featuring Applicant’s name or message).

F. Applicant shall be solely responsible for the accuracy and truthfulness of all representations (whether written, verbal or otherwise), made by Applicant and any Participant while conducting an Approved Activity.

X. Light and Noise Level

A. Participants may not create noise of sufficient volume to disrupt or interfere with the ability of tenants and patrons to conduct business.

B. Participants may not use, operate, or permit to be played any musical instrument, or any device, instrument, or equipment for the reproduction, amplification or broadcast of sound in a manner which:

1. creates noise of sufficient volume or character so as to disrupt or interfere with the ability of tenants and patrons to conduct business at Chico Marketplace; or

2. projects “fighting words,” obscenities, pornography, highly inflammatory slogans reasonably likely to provoke violence, or racial, religious, or ethnic slurs.

C. Items with dangerous moving parts that might expose the guests of Chico Marketplace or Chico Marketplace’s business to danger or injury, or that threaten the health and safety of those present in Chico Marketplace, are not permitted.

D. Televisions, monitors, computer displays and other video displays with a screen larger than thirty-two (32) inches are not permitted.

E. The Center will not provide electrical power.

XI. Conduct

A. Participants may not:

1. physically or verbally threaten any person, or engage in fighting;
2. impede, obstruct, or interfere with any guest or tenant of Chico Marketplace, nor block or obstruct any entrance to or exit from Chico Marketplace or any of its tenants;
3. create litter or potential safety hazards of any kind, or throw, discard, or deposit any paper, glass, or other matter of any kind in Chico Marketplace except in designated trash receptacles;
4. smoke while engaging in the Approved Activity;
5. deface, damage, destroy, or remove any real or personal property constituting part of, or located in or on, Chico Marketplace and belonging to Chico Marketplace, its guests, or its tenants; or
6. utilize or bring onto the premises flammable, volatile, and/or explosive liquids or gases, paints, or staining chemicals.

B. Participants must at all times be fully clothed, including shoes and shirts. Clothing, including the form of or messaging on clothing, may not violate any law.

C. Applicants must comply with all federal, state, and local laws and ordinances that regulate the Approved Activity.

D. Applicants are responsible for cleaning up any debris or garbage caused by the Approved Activity, including picking up and properly disposing of leaflets, handbills, and flyers distributed or made available to Chico Marketplace guests as part of the Approved Activity.

E. Participants must keep all personal items, including purses, briefcases, supplies, and extra materials, if any, in a safe, neat, and orderly manner. Property may not be deposited with Chico Marketplace's management, maintenance, or security. All personal property left unattended for more than sixty (60) minutes will be removed and treated as abandoned property according to state law; provided, however that Chico Marketplace will make reasonable inquiry of persons in the immediate vicinity of unattended property prior to removal. Chico Marketplace is not responsible for loss or damage to Applicants' or Participants' property.

XII. Sales/Solicitation

Participants may not distribute commercial advertising or commercial promotional materials of any kind. Participants may not actively solicit for the immediate receipt of funds whether as consideration or donation. Notwithstanding the foregoing, Participants may place a container marked “donations accepted” on a table in the Designated Area.

XIII. Non-Affiliation

Participants may not make express or implied representations that Chico Marketplace, or its management, or any tenant within Chico Marketplace, sponsors or supports a view, belief, or request advocated by Participant in any petition, statement, or literature without written permission from such entity or person.

Chico Marketplace reserves the right to publicize Chico Marketplace’s non-affiliation with Applicant’s activities.

XIV. Enforcement

A. Chico Marketplace’s management reserves the right to take any appropriate and lawful action including, without limitation, necessary civil legal action, to ensure compliance with these Rules. A violation of these Rules or an Applicant’s/Participant’s refusal to comply with the Rules, may result in warnings, termination or cancellation of that Applicant’s rights on that day, or denial of future applications.

B. Failure to enforce one or more of these Rules does not constitute acquiescence, nor is it a waiver of Chico Marketplace’s right subsequently to enforce the same or any other Rule(s).

XV. Miscellaneous

A. Neither these Rules nor any approved application shall be deemed to or construed as creating any contractual or fiduciary relationship between Chico Marketplace and any Applicant or Participant.

B. Chico Marketplace reserves the right to alter, amend, modify, change, waive, interpret or terminate these Rules, or any of them, and/or to make new or different Rules. When any Applicant’s Approved Activity is or will be affected by any change in these Rules, any then-approved Applicant will be promptly notified of such changes and will be given a copy of any new or modified Rule(s).

Exhibit A
Designated Areas

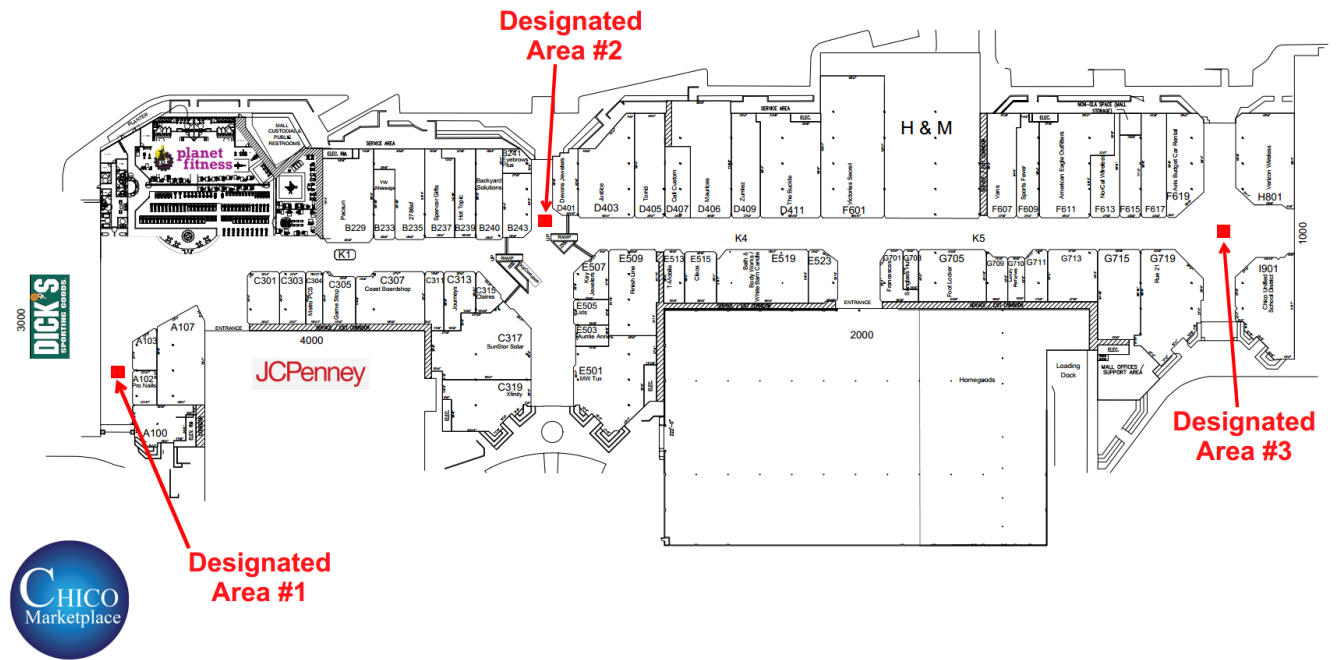


Exhibit B

Peak Traffic Days

1. Friday and Saturday after Thanksgiving
2. The two Saturdays and Sundays before Christmas
3. The five (5) weekdays before Christmas
4. December 26th
5. December 31st
6. January 1st
7. Saturday before Easter Sunday
8. Saturday before Mother's Day
9. Saturday before Father's Day