

Now NS-602
ORDINANCE NO. 38

AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, REGULATING THE USE AND PROHIBITING THE OBSTRUCTION OF PUBLIC HIGHWAYS AND SIDEWALKS; AND REGULATING THE MANAGING, CONDUCTING, HOLDING AND CARRYING ON OF PARADES, MARCHES OR PROCESSIONS; AND REGULATING PUBLIC MEETINGS IN OR ON PUBLIC HIGHWAYS, SIDEWALKS AND PARKS WITHIN THE UNINCORPORATED LIMITS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND PROVIDING PENALTIES FOR VIOLATIONS OF ANY OF THE PROVISIONS THEREOF.

The Board of Supervisors of the County of Santa Clara, do ordain as follows:

Section 1. It shall be unlawful for any person to loiter or to stand or sit in or upon any public highway, alley, sidewalk, or cross-walk in the unincorporated territory of Santa Clara County, so as to in any manner hinder or obstruct the free passage therein or thereon of persons or vehicles passing along the same or so as in any manner to annoy or molest persons passing along the same.

Section 2. It shall be unlawful for any person to loiter or to stand or sit in or at the entrance of any church, hall, theater or other place of public assemblage in the unincorporated territory of Santa Clara County so as to in any manner obstruct such entrance.

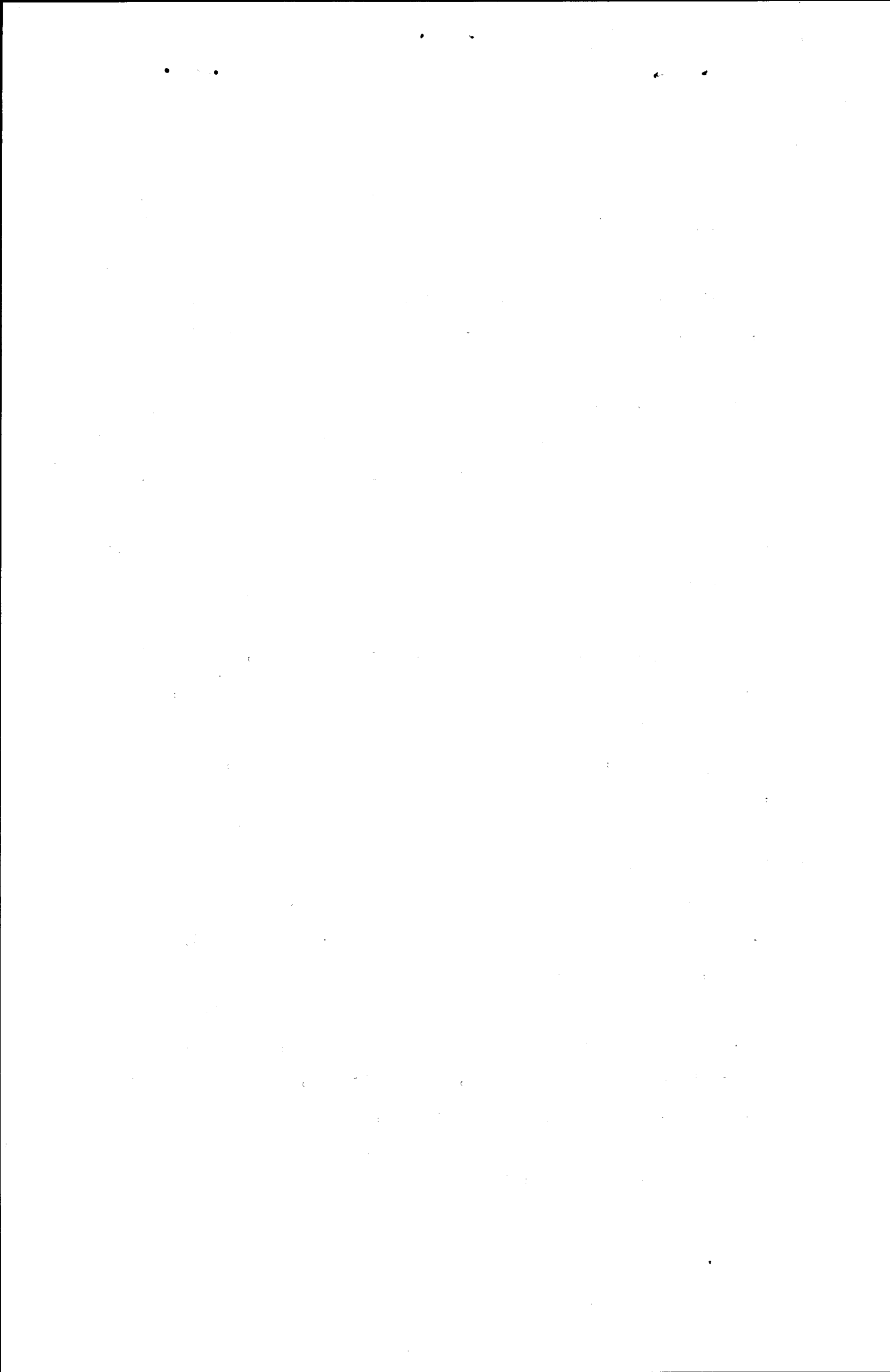
Section 3. It shall be unlawful for any person, firm, co-partnership, corporation or association to hold, manage, conduct, carry on, or to cause or permit to be held, managed, conducted or carried on, any parade, march or procession of any kind other than a funeral procession or to make any display of, or to use, beat, or operate any wind instrument, stringed instrument or musical instrument, in or upon any public highway, public parks or public places in the unincorporated territory of the County of Santa Clara without having first obtained from the Board of Supervisors of said County a written permit so to do.

Section 4. It shall be unlawful for any person to hold, conduct or address any assemblage, meeting or gathering of persons,

or to make or deliver any public speech, lecture or discourse, or to conduct or take part in any public debate or discussion, unless under and by authority of a written permit from the Board of Supervisors of Santa Clara County, in or upon any public highway, alley, sidewalk, or cross-walk in the unincorporated territory of Santa Clara County.

Section 5. It shall be unlawful for any person to hold, conduct or address any assemblage, meeting or gathering of persons or to make or deliver any public speech, lecture or discourse, or to take part in any public debate or discussion in any public park in the unincorporated territory of Santa Clara County, without a written permit first granted by the Board of Supervisors of Santa Clara County.

Section 6. Every person, firm, co-partnership, corporation, or association before commencing, carrying on, engaging in, or doing any of the acts set forth or regulated by or in Section 3 of this Ordinance, and every person before commencing, carrying on, engaging in or doing any of the acts set forth or regulated by or in Sections 4 and 5 of this Ordinance, shall first make written application to and secure from the Board of Supervisors of Santa Clara County a written permit therefor. Such application shall be made by such person or members of such firm, corporation, or association personally, or in the case of a corporation by the manager or officer in actual charge of such business. Such application shall specify the place, or park, or public-highway, alley, sidewalk, or cross-walk, or public highways, alleys, sidewalks, or cross-walks, where it is intended or proposed to carry on such acts or act, and shall be accompanied by a certificate signed by at least three reputable residents of the County of Santa Clara, certifying to the good moral character and reputation of the persons or person making such application. No permit shall be granted to any person who



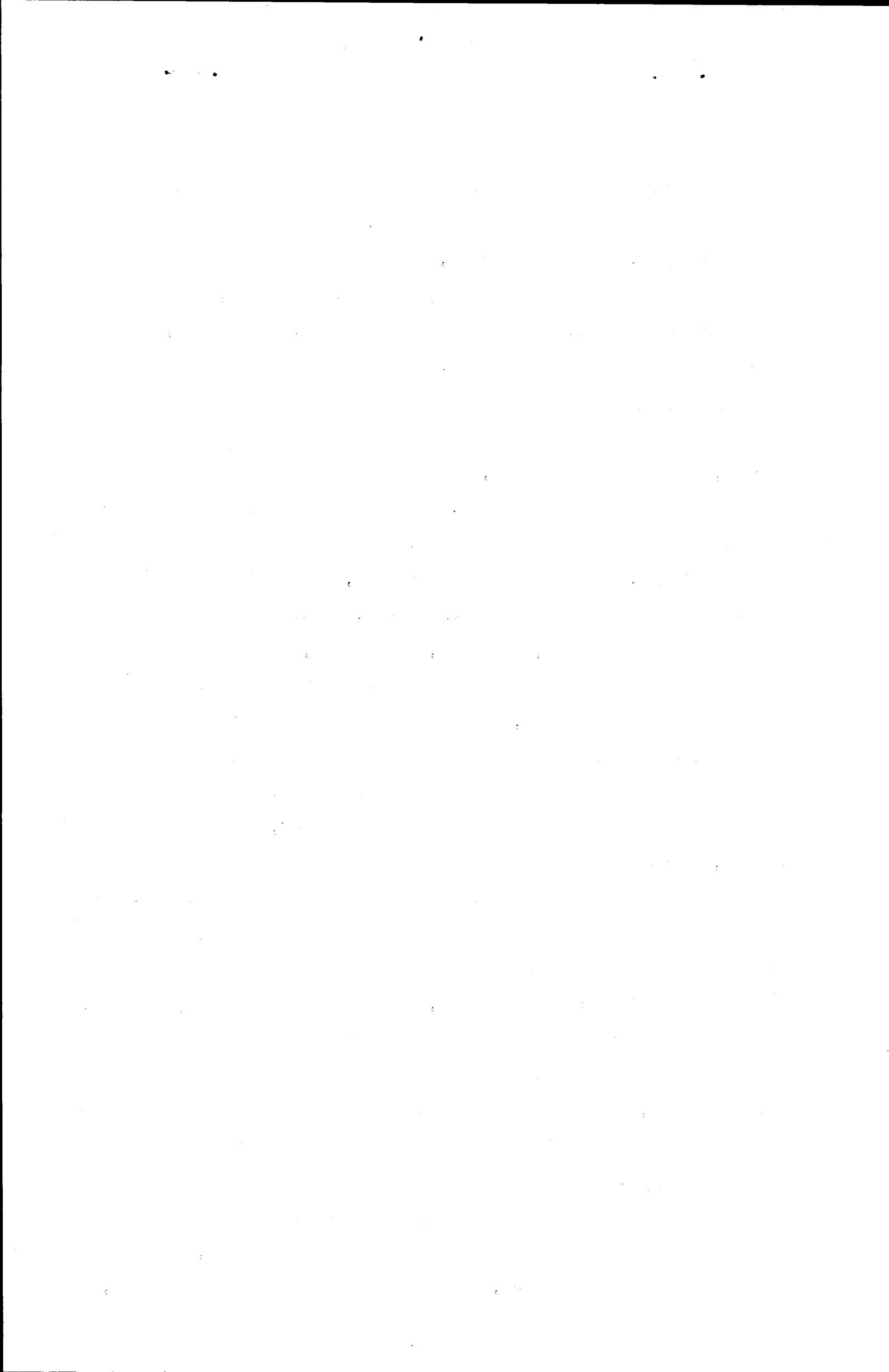
does not bear a good character and reputation for peace and quiet in the neighborhood in which he resides.

Section 7. Only one parade, march or procession or meeting display or address, public speech, lecture, discourse, public debate or discussion, shall be held, conducted, carried on, or engaged in under a single permit.

Section 8. The permits provided under this ordinance shall apply only to the person or persons in whose name or names it is issued, and to the locations, public highways, public parks or public places therein specified. Such permit shall not be transferable or assignable in any manner.

Section 9. The Board of Supervisors, before issuing any permit under the terms of this ordinance, shall first satisfy itself that the holding, managing, conducting, and carrying on of any proposed parade, march or procession of any kind, other than a funeral procession, or the proposed use of any wind instrument, stringed instrument, or musical instrument, or the proposed holding or conducting of any assemblage, or the proposed making or delivering of such public speech, lecture or discourse, debate or discussion or other acts or act set forth or regulated by or in Sections 3, 4 and 5 of this ordinance, will not seriously affect the public peace, health or safety, and for this purpose may consider any facts or evidence bearing on the place where said assembly, speech, public debate or other proposed act or action is to be held or delivered or is to occur or take place with due regard to traffic congestion at that particular point, and in addition thereto any other facts or evidence tending to enlighten said Board in this respect.

Section 10. The Board of Supervisors shall issue the permits referred to in this ordinance in accordance with the provisions hereof. When said Board shall issue any permit, under the terms of this ordinance, the Board of Supervisors shall have,



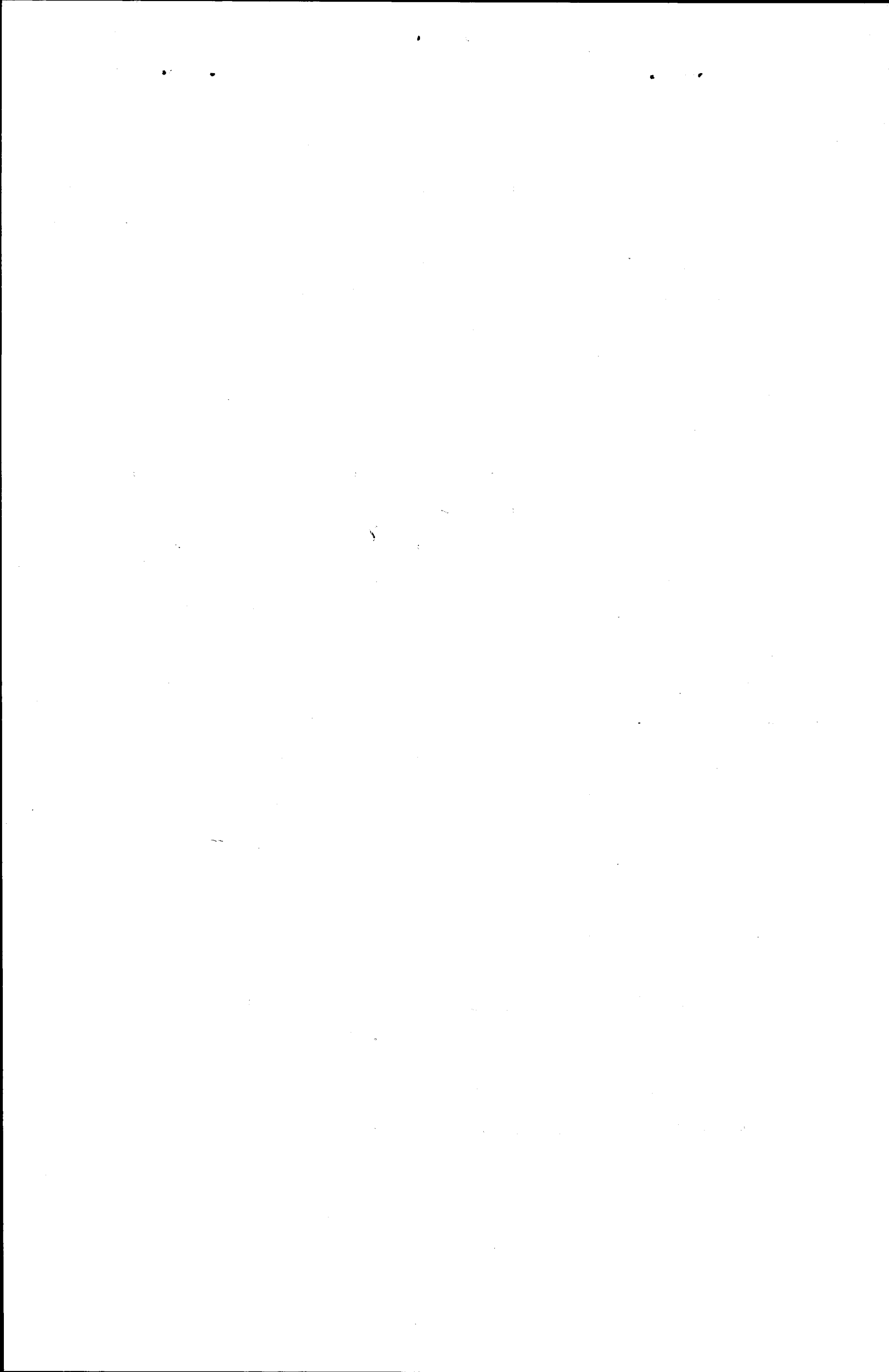
and it does hereby retain, the right, power and privilege of revoking for good cause any permit issued under the terms of this ordinance.

Section 11. If any section, sub-section, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each section, sub-section, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, paragraphs, sentences, clauses or phrases be declared unconstitutional.

Section 12. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall upon conviction be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding six months or by both such fine and imprisonment. Every separate act or transaction in violation of this ordinance shall be deemed a separate offense.

Section 13. This ordinance shall take effect and be in force thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage shall be published with the names of the members voting for and against the same for one week in San Jose Evening News, a newspaper published in the County of Santa Clara.

Adopted by the Board of Supervisors of the County of Santa Clara on the 5th day of March, 1934, by the following



vote:

AYES: SUPERVISORS *Ayer, Cooley, McKinnan, Fitch, Hecker*

NOES: SUPERVISORS *None*

ABSENT: SUPERVISORS *None*

J H Hecker

Chairman of the Board of Supervisors
of the County of Santa Clara, State
of California.

ATTEST:

Henry A. Foster
County Clerk and Ex-officio Clerk
of the Board of Supervisors of the
County of Santa Clara, State of
California.

By Eugene M. Don
deputy clerk

