

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Jeff Stone

SUBMITTAL DATE:
November 16, 2008

SUBJECT: Ordinance No. 884 Regulating Targeted Residential Picketing

RECOMMENDED MOTION: That the Board of Supervisors:

Introduce and on the following week adopt Riverside County Ordinance No. 884 regulating targeted residential picketing.

BACKGROUND:

Picketing activity that is targeted at a particular residence disturbs the peace, tranquility, well being, sense of security and privacy in the home. Such activity can harass, intimidate and cause emotional distress to the occupants. It also creates a "captive audience" situation because the occupants cannot readily move to another residence in order to avoid the unwelcome picketing activity.

Both the Ninth Circuit Court of Appeals and the United States Supreme Court have affirmed that ordinances prohibiting such targeted picketing of a residence are reasonable time, place and manner restrictions which do not unconstitutionally violate the First Amendment. (See

(Continued on page 2)



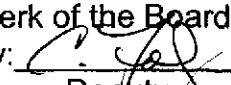
 JEFF STONE
 Supervisor Third District

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	08/09
SOURCE OF FUNDS: Parking fees and fines			Positions To Be Deleted Per A-30	<input type="checkbox"/>
			Requires 4/5 Vote	<input type="checkbox"/>

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of the reading

Ayes: Tavaglione, Stone, Wilson, and Ashley
 Nays: Buster
 Absent: None
 Date: November 25, 2008
 xc: Supvr. Stone, COB

Nancy Romero
 Clerk of the Board
 By: 
 Deputy

Departmental Concurrence

Supervisor Jeff Stone

Form 11: Adoption of Ordinance 884 Regulating Targeted Residential Picketing

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Klein v. San Diego County (9th Cir. 2006) 463 F.3d 1029 and *Frisby v. Schultz* (1988) 487 U.S. 474.) Several cities and counties currently have ordinances in place regulating such activity. There is no State law that adequately protects the right to privacy in the home against such targeted picketing activity. The proposed ordinance is necessary to reconcile and protect the rights of picketers to peacefully communicate and express their ideas and opinions and the rights of persons to enjoy the right to privacy in their homes.

1 preclude the right to picket in a residential area generally and in such a manner that does not target or
2 focus upon a particular residential dwelling. The limited purpose of the prohibition is to preclude
3 intrusion upon the constitutionally protected privacy rights of the targeted resident.

4 Section 3. DEFINITIONS.

- 5 a. Picketing. The posting of a person or group for a demonstration or protest.
6 b. Targeted Picketing. Picketing activity that is targeted at a particular
7 residential dwelling and proceeds on a definite course or route in front of or
8 around that particular residential dwelling.
9 c. Residential Dwelling. Any permanent building being used by its occupants
10 solely for non-transient residential uses.
11 d. This ordinance does not and shall not be interpreted to preclude picketing in
12 a residential area that is not targeted at a particular residential dwelling.

13 Section 4. PROHIBITION. No person shall engage in picketing activity that is
14 targeted at and is within three hundred (300) feet of a residential dwelling in the unincorporated areas of
15 the County of Riverside.

16 Section 5. PENALTIES. Any person violating this ordinance shall be deemed guilty
17 of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a
18 separate offense for each and every day or portion thereof during which any violation of any provision of
19 this ordinance is committed or continued.

20 Any person so convicted shall be (1) guilty of an infraction offense and punished by a fine
21 not exceeding one hundred dollars (\$100) for a first violation; (2) guilty of an infraction offense and
22 punished by a fine not exceeding two hundred dollars (\$200) for a second violation. The third and any
23 additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not
24 exceeding one thousand dollars (\$1,000) or six months in jail, or both. Notwithstanding the above, a first
25 offense may be charged and prosecuted as a misdemeanor.

26 Section 6. SEVERABILITY. If any provision of this ordinance or the application
27 thereof to any person, entity, etc. is found to be invalid this shall not affect the provisions of the ordinance
28 that can be given effect.

1 Section 7. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after
2 its adoption.

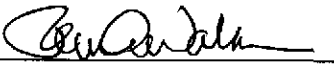
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4 BOARD OF SUPERVISORS OF THE COUNTY
5 OF RIVERSIDE, STATE OF CALIFORNIA

6 By: _____
7 Chairman, Board of Supervisors

8 ATTEST:
9 CLERK OF THE BOARD

10 By: _____
11 Deputy
12 (SEAL)

13
14 APPROVED AS TO FORM
15 November 17, 2008

16 By: 
17 PAMELA J. WALLS
18 Assistant County Counsel

19
20 PJW:ay
21 11/14/08
22 G:\Property\06-ORDINANCE\884 Residential Picketing\Ord 884.doc