

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



**FROM:** Supervisor Jeff Stone

**SUBMITTAL DATE:**  
December 30, 2008

**SUBJECT:** Ordinance No. 888 An Urgency Ordinance Regulating Targeted Residential Picketing

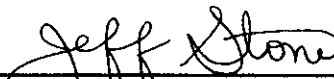
**RECOMMENDED MOTION:** That the Board of Supervisors:

Adopt Riverside County Ordinance No. 888, an urgency ordinance regulating targeted residential picketing.

**BACKGROUND:**

Ordinance No. 888 is proposed as an urgency ordinance regulating targeted residential picketing to take effect immediately. This urgency ordinance is necessary to protect the right of privacy and the feeling of well-being and tranquility which members of the community should enjoy in their dwellings. As courts have observed in *Thornburn v. Austin* (8<sup>th</sup> Cir. 2000) 231 F.3d 1114 and *Frisby v. Schultz* (1988) 487 U.S. 474, targeted residential picketing causes emotional disturbance and distress to the occupant or occupants and disturbs the sense of peace and tranquility traditionally enjoyed by individuals in their dwellings.

(Continued on page 2)

  
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JEFF STONE  
Supervisor Third District

**REQUIRES  
4/5th's VOTE**

Prev. Agn. Ref.:

District: All

Agenda Number:

**3.29**

Supervisor Jeff Stone

Form 11: Adoption of Ordinance 884 Regulating Targeted Residential Picketing

December 30, 2008

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On December 9, 2008, the Board of Supervisors continued proposed Ordinance No. 884 off calendar pending revisions that would decrease the area where targeted residential picketing would be prohibited and to allow such picketing to occur on the sidewalk space across the street from the targeted residence. Ordinance No. 888 and the revised proposed Ordinance No. 884 reduces the area targeted residential picketing is prohibited from 300 feet from the dwelling to 50 feet from the property line and excepts from this area the sidewalk space on the opposite side of the street from the targeted dwelling.

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 *Klein v. San Diego County* (9th Cir. 2006) 463 F.3d 1029 and *Frisby v. Schultz, supra.*) 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           Section 2.     PURPOSE. The purpose of this ordinance is to reasonably regulate the  
2 time, place and manner of picketing activity targeted at a particular residential dwelling in order to reduce  
3 the immediate risks to preservation of the right of privacy and the feeling of peace and tranquility which  
4 should be enjoyed in residential dwellings and the right of residents not to be captive audiences to  
5 unwanted speech. This ordinance prohibits picketing focused on and taking place in front of a particular  
6 residence. It is not intended to preclude the right to picket in a residential area generally and in such a  
7 manner that does not target or focus upon a particular residential dwelling. The limited purpose of the  
8 prohibition is to preclude intrusion upon the constitutionally protected privacy rights of the targeted  
9 resident.

10           Section 3.     DEFINITIONS.

- 11           a.     Picketing. The posting of a person or group for a demonstration or protest.  
12           b.     Targeted Picketing. Picketing activity that is targeted at a particular  
13 residential dwelling and proceeds on a definite course or route in front of or  
14 around that particular residential dwelling.  
15           c.     Residential Dwelling. Any permanent building being used by its occupants  
16 solely for non-transient residential uses.  
17           d.     Sidewalk Space. That portion of a street between the curb line and the  
18 adjacent property line.  
19           e.     Street. The right-of-way within which improvements are constructed for  
20 the conveyance of vehicular and pedestrian traffic.  
21           f.     Targeted Dwelling. Any residential dwelling in which the target or targets  
22 of targeted picketing reside.  
23           g.     This ordinance does not and shall not be interpreted to preclude picketing in  
24 a residential area that is not targeted at a particular residential dwelling.

25           Section 4.     PROHIBITION. No person shall engage in picketing activity that is  
26 targeted at and is within fifty (50) feet (measured from the lot line) of the property upon which the

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1 targeted dwelling is located in the unincorporated areas of the County of Riverside, except the sidewalk  
2 space on the opposite side of the street from the targeted dwelling.

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

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

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

16           Section 7.     EFFECTIVE DATE. This ordinance is hereby declared to be an urgency  
17 measure and shall take effect immediately upon its adoption. In accordance with the requirements of  
18 Government Code section 25123, subdivision (d), the Board of Supervisors hereby declares that the  
19 provisions contained herein are necessary for the immediate preservation of the public peace, health, or  
20 safety where the government interest in preserving and protecting the sanctity of the home is of the  
21 highest order in a free and civilized society, especially given the unique nature of the home as both the  
22 last citadel of the tired, weary and sick and the one retreat to which men, women and children can repair  
23 to escape from the tribulations of their daily pursuits, and where reasonable regulations as to the time,  
24 place and manner of picketing activity targeted at a particular residential dwelling would reduce  
25 immediate risks to the preservation of both (a) the right of privacy and the feeling of peace and tranquility

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1 which should be enjoyed in residential dwellings and (b) the right of residents not to be captive audiences  
2 to unwanted speech.

3 BOARD OF SUPERVISORS OF THE COUNTY  
4 OF RIVERSIDE, STATE OF CALIFORNIA  
5 By: \_\_\_\_\_  
6 Chairman, Board of Supervisors

7 ATTEST:  
8 CLERK OF THE BOARD

9 By: \_\_\_\_\_  
10 Deputy  
11 (SEAL)

12 APPROVED AS TO FORM  
13 December 30, 2008

14 By:   
15 PAMELA J. WALLS  
16 Assistant County Counsel

17 PJW:LAT  
18 12/30/08  
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