

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



FROM: Supervisor Jeff Stone

SUBMITTAL DATE:
December 30, 2008

SUBJECT: Ordinance No. 884 Regulating Targeted Residential Picketing

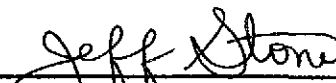
RECOMMENDED MOTION: That the Board of Supervisors:

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

BACKGROUND:

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. 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.

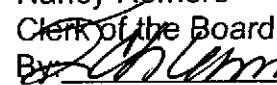
(Continued on page 2)


JEFF STONE
Supervisor Third District

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with a waiver of the reading, with direction to staff to set up a procedure to get a defined area where they can legitimately protest in conformance with the ordinance, and further to report back in six months on how many instances the ordinance had to be enforced, with a complete description of each instance.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley
Nays: None
Absent: None
Date: January 6, 2009
xc: Supv. Stone, Sheriff, CQB

Nancy Romero
Clerk of the Board

Deputy

Prev. Agn. Ref.:

3.8 of 12/9/08

District: All

Agenda Number:

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

3.3

Supervisor Jeff Stone

Form 11: Adoption of Ordinance 884 Regulating Targeted Residential Picketing

December 30, 2008

Page 2

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 preserve the right of privacy and the feeling of peace and tranquility which should be enjoyed in
2 residential dwellings and the right of residents not to be captive audiences to unwanted speech. This
3 ordinance prohibits picketing focused on and taking place in front of a particular residence. It is not
4 intended to preclude the right to picket in a residential area generally and in such a manner that does not
5 target or focus upon a particular residential dwelling. The limited purpose of the prohibition is to
6 preclude intrusion upon the constitutionally protected privacy rights of the targeted resident.

7 Section 3. DEFINITIONS.

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

22 Section 4. PROHIBITION. No person shall engage in picketing activity that is
23 targeted at and is within fifty (50) feet (measured from the lot line) of the property upon which the
24 targeted dwelling is located in the unincorporated areas of the County of Riverside, except the sidewalk
25 space on the opposite side of the street from the targeted dwelling.

26 Section 5. PENALTIES. Any person violating this ordinance shall be deemed guilty
27 of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a
28

1 separate offense for each and every day or portion thereof during which any violation of any provision of
2 this ordinance is committed or continued.

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

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

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

14
15 BOARD OF SUPERVISORS OF THE COUNTY
16 OF RIVERSIDE, STATE OF CALIFORNIA


17 By: _____
18 Chairman, Board of Supervisors

19 ATTEST:
20 CLERK OF THE BOARD

21 By: _____
22 Deputy

23 (SEAL)

24 APPROVED AS TO FORM
25 December 30, 2008

26 By: 
27 PAMELA J. WALLS
28 Assistant County Counsel

PJW:LAT
12/30/08

G:\Property\06-ORDINANCE\884 Residential Picketing\Ord 884-Rev1.doc