

ORDINANCE NO. 2021-01

AN ORDINANCE ENACTING SECTION 13.03.110 OF THE CENTERVILLE MUNICIPAL CODE REGARDING TARGETED RESIDENTIAL PICKETING

WHEREAS, the City Council has previously adopted Title 13 of the Centerville Municipal Code enacting local criminal offenses; and

WHEREAS, the City Council desires to enact Section 13.03.110 of the Centerville Municipal Code regarding targeted residential picketing; and

WHEREAS, the public health and welfare and the good order of the community require that citizens enjoy in their homes and neighborhoods a feeling of well-being, tranquility, and privacy, and enjoy freedom from being a captive audience to unwanted speech in their homes; and

WHEREAS, the practice of targeted residential picketing causes emotional disturbance and distress to residents and has the potential to incite breaches of the peace and disrupt the well-being and tranquility of the home; and

WHEREAS, full opportunity exists for individuals to exercise their rights of free speech without resorting to targeted residential picketing; and

WHEREAS, the City Council desires to establish reasonable time, place, and manner restrictions that reconcile and protect the First Amendment rights of picketers to peacefully communicate and express their ideas with the right of persons to enjoy the right to tranquility, well-being, and privacy in their residential dwellings; and

WHEREAS, in *Frisby v. Shultz*, 487 U.S. 474 (1988), the United States Supreme Court upheld a municipal ordinance that banned targeted picketing in front of a particular residence to protect residential privacy and to protect the inhabitants from hearing or seeing unwanted messages; and

WHEREAS, the City is authorized to regulate targeted residential picketing within the City as an exercise of the City's police powers as further authorized by State law and United States Supreme Court case law; and

WHEREAS, the City Council finds that prohibiting targeted residential picketing as provided herein properly balances two competing interests of the right of residents to residential privacy and to be free from being a captive audience to unwanted speech in their homes and the constitutional right of picketers to have reasonable access to their intended audience; and

WHEREAS, the City Council finds that the proposed enactment of Section 13.03.110 of the Centerville Municipal Code regarding residential picketing within the City as more particularly set forth herein is in the best interest of the public peace, health, safety, tranquility, privacy, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Enactment. Section 13.03.110 of the Centerville Municipal Code regarding Residential Picketing is hereby enacted to read in its entirety as set forth as follows:

13.03.110. Residential Picketing.

- (a) Findings. The provisions of this Section are based on the following findings:
- (1) The protection of the home is of the highest importance;
 - (2) The public health and welfare and the good order of the community require that citizens enjoy in their homes and neighborhoods a feeling of well-being, tranquility, and privacy, and enjoy freedom from being a captive audience to unwanted speech in their homes;
 - (3) The practice of targeted residential picketing causes emotional disturbance and distress to residents and has the potential to incite breaches of the peace and disrupt the well-being and tranquility of the home;
 - (4) Full opportunity exists for individuals to exercise their rights of free speech without resorting to targeted residential picketing; and
 - (5) The provisions of this Section are enacted for the purpose of protecting the significant public interests stated above and not to suppress free speech rights of any particular viewpoint.
- (b) Purpose. The purpose of this Section is intended to establish reasonable time, place, and manner restrictions that reconcile and protect the First Amendment rights of picketers to peacefully communicate and express their ideas with the right of persons to enjoy the right to tranquility, well-being and privacy in their residential dwellings.
- (c) Definitions. As used in this Section, the following terms shall have the meanings set forth below:
- (1) "Picketing" means: (1) the stationing or posting of one or more persons to apprise the public, vocally or by standing or marching with or without signs, banners, sound amplification devices, or other means, of an opinion or a message; or (2) the presence or gathering of a person or a group of people for a demonstration or protest.
 - (2) "Residence" means any single-family, duplex, or multifamily dwelling where the targeted occupant resides and is not used as a targeted occupant's sole place of business or as a place of public meeting.
 - (3) "Targeted residential picketing" means picketing that: (1) is specifically directed or focused toward a particular residence or one or more occupants of a particular residence; and (2) takes place within 100' of the property line of that residence.
- (d) Prohibition. It is unlawful for any person, acting alone or in concert with others, to engage in targeted residential picketing in the City of Centerville.
- (e) Penalty for violation. Any violation of this section is a Class B misdemeanor.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, which occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 19th DAY OF JANUARY, 2021.**

CENTERVILLE CITY

ATTEST:



Janet S. Denison, City Recorder

By: 

Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Fillmore	<u>X</u>	_____	_____
Councilmember Ince	<u>X</u>	_____	_____
Councilmember Ivie	<u>X</u>	_____	_____
Councilmember McEwan	<u>X</u>	_____	_____
Councilmember Meham	<u>X</u>	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.



JANET S. DENISON, City Recorder

DATE: Jan 25, 2021

RECORDED this 25 day of January, 2021.

PUBLISHED OR POSTED this 25 of January, 2021.

