

ORDINANCE NO. 2021-11

AN ORDINANCE AMENDING SECTION 13.03.110 OF THE CENTERVILLE MUNICIPAL CODE REGARDING TARGETED RESIDENTIAL PICKETING BASED ON STATE LAW CHANGES ADOPTED WITH HB 291 IN THE 2021 LEGISLATIVE SESSION

WHEREAS, the City Council has previously adopted Section 13.03.110 of the Centerville Municipal Code regarding targeted residential picketing; and

WHEREAS, the Utah Legislature adopted a Statewide residential picketing statute as more particularly set forth in HB 291 of the 2021 General Session; and

WHEREAS, based on the statutory changes set forth in HB 291, the City Council desires to amend Section 13.03.110 of the Centerville Municipal Code to be consistent with the new Statewide residential picketing statute set forth in Utah Code § 76-9-109; and

WHEREAS, the City Council finds that the proposed amendments to the Centerville Municipal Code as more particularly set forth herein are in the best interest of the public to provide ordinances consistent with State law.

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

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

13.03.110. Targeted 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

in accordance with Utah Code § 76-9-109.

(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 individuals ~~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 multi-family dwelling unit 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) that~~ takes place on that portion of a sidewalk or street in front of the residence, in front of an adjoining residence, or on either side of the targeted residence, or within 100' of the property line of ~~that~~ the targeted residence.

(d) Exclusions. This Section does not apply to an individual picketing at the individual's own residence, the picketing of a meeting place or assembly area commonly used to discuss subjects of general public interest, or general picketing that proceeds through residential neighborhoods or that proceeds past residence.

~~(d)~~(e) 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)~~(f) Penalty for V~~v~~iolation. Any violation of this S~~s~~ection is a Class B misdemeanor.

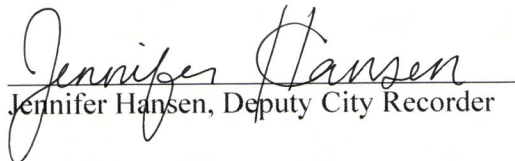
Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

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 20th DAY OF APRIL, 2021.

CENTERVILLE CITY

ATTEST:


Jennifer Hansen, Deputy 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 Mecham	<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.

Jennifer Hansen
JENNIFER HANSEN, Deputy City Recorder

DATE: 04/26/2021

RECORDED this 26th day of April, 2021.

PUBLISHED OR POSTED this 26th of April, 2021.

