



ORDINANCE 2016-006

AMENDING TITLE 9 OF THE MUNICIPAL CODE RELATING TO PUBLIC PEACE, MORALS AND WELFARE BY ADDING A NEW CHAPTER 9.64 RELATING TO TARGETED RESIDENTIAL PICKETING; DECLARING AN EMERGENCY

WHEREAS, the public health and welfare and the good order of the community require that members of the community enjoy, in their homes and dwellings, a feeling of well-being, tranquility, and privacy and, when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; and

WHEREAS, picketing that is targeted at an occupant of a particular residence and which occurs before or about that residence causes emotional disturbance and distress to the occupants, creates a captive audience, is inherently and unreasonably offensive to and intrusive upon the right to privacy in the home, and obstructs and interferes with the free use of public sidewalks and public ways of travel; and

WHEREAS, such practice has as its object the harassing of such occupants and, without resort to such practice, full opportunity and ample alternative channels of communications exist, and under the terms and provisions of this ordinance, will continue to exist, for the exercise of freedom of speech and constitutional rights; and

WHEREAS, the above concerns necessitate the enactment of content-neutral, reasonable time, place, and manner restrictions upon such activities in order to reconcile and protect the rights of picketers to peacefully communicate and express their ideas and opinions with the rights of persons to feel safe and secure within their homes; and

WHEREAS, the United States Supreme Court has “repeatedly held that individuals are not required to welcome unwanted speech into their own homes and that the government may protect this freedom” *Frisby v. Schultz*, 487 U.S. 474 at 484 (1988); and

WHEREAS, existing law does not adequately protect the right to privacy in the home against targeted picketing, and the provisions hereinafter enacted are narrowly tailored and necessary for the public interest to avoid the detrimental results herein set forth;

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings.

After full and due consideration of the information presented, the Council finds that the text of the Sherwood Municipal Code shall be amended to add specific language to address targeted

residential picketing, and the proposed amendments shall be added as chapter 9.64 in the Public Peace, Morals and Welfare title of the Municipal Code.

Section 2. Approval.

The proposed amendments for the Municipal Code identified in the attached Exhibit 1, are hereby **APPROVED**.

Section 3. Manager Authorized

The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this ordinance, including necessary updates to the Municipal Code.

Section 4. Emergency

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on the date of its passage.

Duly passed by the City Council this 2nd day of February, 2016.


Krisanna Clark, Mayor 2/2/16
Date

Attest:


Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Brouse	<u>✓</u>	_____
Robinson	<u>✓</u>	_____
Kuiper	<u>✓</u>	_____
King	<u>✓</u>	_____
Henderson	<u>✓</u>	_____
Harris	<u>✓</u>	_____
Clark	<u>✓</u>	_____

EXHIBIT 1

9.64 Targeted Residential Picketing

9.64.010 Definitions

As used in this chapter, unless the context requires otherwise:

1. "Picketing" means the posting of a person or group for a demonstration or protest.
2. "Targeted picketing" means picketing that is directed at an occupant of a particular residential dwelling and that is posted, or proceeds on a definite course or route, in front of or around that particular residential dwelling.
3. "Residential dwelling" means any permanent building being used by one or more occupants solely for nontransient residential uses.

9.64.020 Targeted Residential Picketing

1. No person shall engage in targeted picketing activity before or about the residential dwelling occupied by the target of the picketing. This section does not and shall not be interpreted to bar picketing in a residential area that is not targeted at an occupant of a particular residential dwelling.
2. A violation of subsection (1) of this section is a class A violation. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

9.64.030 Private Cause of Action

1. Any person claiming to be aggrieved by a violation of Section 9.64.020(1) shall have a cause of action in any court of competent jurisdiction against any person violating said section. The cause of action may seek any and all appropriate relief, including injunctive relief. The court shall award reasonable attorney fees to the prevailing party.
2. The city shall have no liability for a person's attorney fees and costs incurred pursuing enforcement under this section. Any person electing to pursue its rights under subsection (1) of this section shall indemnify and hold the city harmless for any and all costs, damages, or liabilities incurred by the city arising as a result of the person's pursuit of an enforcement action.