

ORDINANCE NUMBER O- 17952 (NEW SERIES)

ADOPTED ON AUG 09 1993

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 20 ENTITLED "TARGETED PICKETING OF RESIDENCES" AND NEW SECTIONS 52.2001, 52.2002, AND 52.2003, TO PROHIBIT TARGETED PICKETING OF RESIDENCES

WHEREAS, the preservation and protection of the right to privacy in the home and the enjoyment of tranquility, well-being and sense of security in the home are in the public interest and are uniquely and critically important to the public health, safety and welfare; and

WHEREAS, picketing activity that is targeted at a particular residence or household whose occupants do not welcome such activity may harass and intimidate such occupants, is inherently and unreasonably offensive to and intrusive upon the right to privacy in the home and may cause the occupants of such home to experience great emotional distress; and

WHEREAS, such unwelcome and targeted picketing activity creates a "captive audience" situation because the occupants of a residence or household cannot readily move to another residence or household in order to avoid the unwelcome picketing activity being directed at them; and

WHEREAS, this "captive audience" situation and the protection of the right to privacy in the home requires the enactment of a reasonable time, place and manner restriction upon such unwelcome picketing activity that is targeted at a

particular residence or household; and

WHEREAS, this ordinance is a necessary time, place and manner restriction intended to reconcile and protect the First Amendment 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; and

WHEREAS, this ordinance is not intended to preclude the right to picket in a residential area generally and in such a manner that does not target or focus upon a particular residence or household; and

WHEREAS, existing law does not adequately protect the right to privacy in the home against such targeted picketing activity;

WHEREAS, it is the intent of the Council of The City of San Diego to enact an ordinance similar to that upheld by the United States Supreme Court in Frisby v. Schultz, 487 U.S. 474 (1988); and

WHEREAS, in Frisby the United States Supreme Court held that a municipality may ban all picketing in front of a particular residence to protect the inhabitants from seeing or hearing unwanted messages; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 2, of the San Diego Municipal Code is hereby amended by adding Division 20, and Sections 52.2001, 52.2002, and 52.2003, to read as follows:

DIVISION 20

TARGETED RESIDENTIAL PICKETING

SEC. 52.2001 INTENT AND PURPOSE

It is the intent of the City Council in enacting Section 52.2002 to adopt a limited prohibition against targeted residential picketing. In Frisby v. Schultz, 487 U.S. 474 (1988), the Supreme Court upheld a similar municipal ordinance banning all picketing in front of a particular residence to protect the inhabitants from hearing or seeing unwanted messages. Section 52.2002 prohibits picketing focused on and taking place in front of a particular residence. The limited purpose of the prohibition is to preclude intrusion upon the constitutionally protected privacy rights of the targeted resident.

SEC. 52.2002 DEFINITIONS

1. "Picketing" means the posting of a person or group for a demonstration or protest.
2. This Chapter does not and shall not be interpreted to preclude picketing in a residential area that is not targeted at a particular residential dwelling.

SEC. 52.2003 PICKETING PRIVATE RESIDENCE PROHIBITED

It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in The City of San Diego.

Section 2. This ordinance shall take effect and
be in force on the thirtieth day from and after its
passage.

APPROVED: JOHN W. WITT, City Attorney

By Joseph M. Battaglino
Joseph M. Battaglino
Deputy City Attorney

JMB:jp
04/12/93
05/26/93 COR. COPY
Or.Dept:PS&S
O-93-187
Form=o+t

OLD LANGUAGE - STRIKEOUT
NEW LANGUAGE - UNDERLINED

(0-93-187)

STRIKEOUT ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A
NEW DIVISION 20 ENTITLED "TARGETED PICKETING
OF RESIDENCES" AND NEW SECTIONS 52.2001,
52.2002, AND 52.2003, TO PROHIBIT TARGETED
PICKETING OF RESIDENCES

DIVISION 20

TARGETED RESIDENTIAL PICKETING

SEC. 52.2001 INTENT AND PURPOSE

It is the intent of the City Council in enacting
Section 52.2002 to adopt a limited prohibition against
targeted residential picketing. In Frisby v. Schultz,
487 U.S. 474 (1988), the Supreme Court upheld a similar
municipal ordinance banning all picketing in front of a
particular residence to protect the inhabitants from
hearing or seeing unwanted messages. Section 52.2002
prohibits picketing focused on and taking place in
front of a particular residence. The limited purpose
of the prohibition is to preclude intrusion upon the
constitutionally protected privacy rights of the
targeted resident.

SEC. 52.2002 DEFINITIONS

1. "Picketing" means the posting of a person or
group for a demonstration or protest.

2. This Chapter does not and shall not be

interpreted to preclude picketing in a residential area
that is not targeted at a particular residential
dwelling.

SEC. 52.2003 PICKETING PRIVATE RESIDENCE PROHIBITED

It is unlawful for any person to engage in
picketing before or about the residence or dwelling of
any individual in The City of San Diego.

Passed and adopted by the Council of The City of San Diego on AUG 09 1993
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Mary Cepeda, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUL 27 1993, and on AUG 09 1993

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Mary Cepeda, Deputy.

(Seal)

Office of the City Clerk, San Diego, California	
Ordinance Number <u>17952</u>	Adopted <u>AUG 09 1993</u>

RECEIVED
93 JUL 14 11:58 AM '93
CITY CLERKS OFFICE
SAN DIEGO, CA

RECEIVED
93 JUL 14 PM
CITY CLERKS OFFICE
SAN DIEGO, CA

15/03

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK
93 AUG 24 AM 9:59
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
CITY ADMIN. BLDG.
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2,...

ORDINANCE NUMBER 0-17952 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 20 ENTITLED "TARGETED PICKETING OF RESIDENCES" and new sections 52.2001, 52.2002, and 52.2003, TO PROHIBIT TARGETED PICKETING OF RESIDENCES

This ordinance adds a new Division 20 and Sections 52.2001, 52.2002, and 52.2003, to the San Diego Municipal Code, adopting a limited prohibition against picketing of a particular residence thereby precluding intrusion upon the constitutionally protected privacy rights of the targeted resident.

A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, Second Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON July 27, 1993

Passed and adopted by the Council of the City of San Diego on August 9, 1993.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA

(SEAL)

By MARY CEPEDA, Deputy

Pub. Aug. 23

277512

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17952 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

AUG. 23

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 23rd day of AUG., 19 93.

Corey Donahue

(Signature)

2 3/8" X 2 = \$ 64.00