

ORDINANCE NO. O-2020-0030

AN ORDINANCE BY THE OREM CITY COUNCIL ENACTING SECTION 9-2-15 OF THE OREM CITY CODE PERTAINING TO TARGETED RESIDENTIAL PICKETING

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 the United States Supreme Court has previously 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 on November 13, 2020, the Orem City Council considered the enactment of Section 9-2-15 of the Orem City Code pertaining to restrictions on targeted residential picketing at a public meeting; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. Based on the findings set forth above, the City Council finds that the enactment of Section

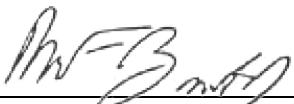
9-2-15 of the Orem City Code pertaining to restrictions on targeted residential picketing is in the best interest of the City


2. The City Council hereby enacts Section 9-2-15 (Targeted Residential Picketing) of the Orem City Code as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.

3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

4. This ordinance shall take effect immediately upon passage and posting in three public places within the City.

PASSED, APPROVED and ORDERED PUBLISHED this 13<sup>th</sup> day of **November** 2020.

  
Richard F. Brunst, Jr. Mayor

ATTEST:   
JoD'Ann Bates, City Recorder



COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Lambson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debby Lauret	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Macdonald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terry Peterson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Spencer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brent Sumner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# EXHIBIT “A”

## **9-2-15. Targeted Residential Picketing.**

A. Purpose. The protection of the home is of the highest importance. 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. 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. Full opportunity exists for individuals to exercise their rights of free speech without resorting to targeted residential picketing. 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. This section is intended to establish a reasonable time, place, and manner restriction that reconciles and protects 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.

B. Definitions. As used in this section, the following terms shall have the meanings set forth below:

"Picketing" means (1) the stationing or posting of one or more persons to apprise the public, vocally or by standing or marching with 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.

"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.

"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 one hundred feet of the property line of that residence.

C. Prohibition. It is unlawful for any person, acting alone or in concert with others, to engage in targeted residential picketing in the City of Orem.

D. Penalty for violation. Any violation of this section is a Class B misdemeanor.