

ORDINANCE NO. 9452 (New Series)

AN ORDINANCE ADDING A NEW DIVISION 11
(COMMENCING WITH SECTION 311.101) TO TITLE 3
OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES
RELATING TO TARGETED RESIDENTIAL PICKETING

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. A new Division 11 (commencing with Section 311.101) is added to Title 3 of the San Diego County Code of Regulatory Ordinances relating to targeted residential picketing to read as follows:

DIVISION 11. RESTRICTIONS ON TARGETED RESIDENTIAL PICKETING

SEC. 311.101. PURPOSE AND INTENT.

The Board of Supervisors of the County of San Diego finds and declares that:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) This Division 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.

(f) 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.

(g) Existing law does not adequately protect the right to privacy in the home against such targeted picketing activity.

SEC. 311.102. DEFINITIONS.

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

(b) "Targeted" picketing means picketing activity that is targeted at a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling.

(c) "Residential dwelling" means any permanent building being used by its occupants solely for nontransient residential uses.

(d) This Division does not and shall not be interpreted to preclude picketing in a residential area that is not targeted at a particular residential dwelling.

SEC. 311.103. PROHIBITION.

No person shall engage in picketing activity that is targeted at and is within three hundred (300) feet of a residential dwelling in the unincorporated areas of the County of San Diego.

SEC. 311.104. PENALTIES.

Any person violating this Division shall be deemed guilty of a misdemeanor.

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Section 2. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days after the date of adoption of this Ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

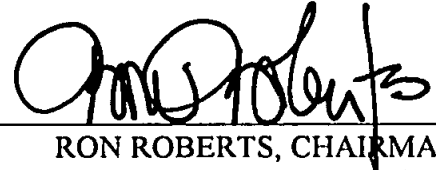
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APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY 
SENIOR DEPUTY

PASSED, APPROVED and ADOPTED this 16th day of April, 2002, Minute Order No. 27.



RON ROBERTS, CHAIRMAN
Board of Supervisors
County of San Diego, State of California

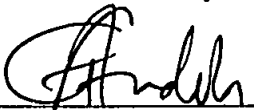
The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater, Roberts
NOES: Horn



ATTEST my hand and the seal of the Board of Supervisors this 16th day of April, 2002.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Grace Andoh, Deputy

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