

PICKETING, TARGETED-RESIDENTIAL

ORDINANCE NO. 2000-1

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**A COUNTY-WIDE ORDINANCE RELATING TO
TARGETED RESIDENTIAL PICKETING**

WHEREAS, pursuant to Section 30-15-401, C.R.S., the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for control of those matters of local concern; and

WHEREAS, pursuant to Section 30-15-401(1)(b), C.R.S., matters of local concern include the prevention and suppression of riots, routs, affrays, disturbances and disorderly assemblies in any public or private place; and

WHEREAS, it has come to the attention of the Board of County Commissioners of Arapahoe County that residents in unincorporated Arapahoe County have experienced problems with residential picketing that is targeted at a specific residence; and

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County, that in order to preserve the public peace, health, safety, and welfare of the citizens of Arapahoe County, they should take the following action:

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I. LEGISLATIVE DECLARATION

It is hereby declared that the protection and preservation of the home is of the highest importance; that 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; that the practice of targeted picketing in residential areas causes emotional disturbance and distress to residents, and has the potential to incite breaches of the peace; that full opportunity exists for individuals to exercise their important rights of free speech without resorting to targeted picketing; that the carrying of signs and placards on sidewalks and streets has the potential to block or inhibit the free movement of individuals on such sidewalks and streets and can disturb the well-being of residents if not limited in size and number; that the provisions herein are enacted for the purpose of protecting the significant public interests stated above and not to suppress free speech rights or any particular viewpoint.

SECTION II. DEFINITIONS

- A. *Targeted picketing* means picketing, with or without signs, that is specifically directed towards a residence, or one or more occupants of the residence, and which takes place on that portion of a sidewalk or street in front of the residence, or in front of an adjoining residence, or which takes place on either side of the residence.

B. *Residence* means any single-family or multi-family dwelling unit that is not being used as a targeted occupant's sole place of business or as a place of public meeting.

C. *Residential area* means an area that consists predominantly of residences.

SECTION III. UNLAWFUL CONDUCT

A. It shall be unlawful for any person to engage in targeted picketing in a residential area, except when such person is engaging in targeted picketing while marching, without stopping in front of a residence, over a route that proceeds along the entire one-way length of at least one block of a street.

1. For purposes of Section III.A. above, "one block of a street" shall be defined as 660 linear feet, one-way, of a street or combination of streets (including the adjacent sidewalks), and shall be measured by reference to the centerline of the street(s) along the route being marched.

B. It shall be unlawful for any person to hold, carry or otherwise display on his or her person a sign or placard while on a street or sidewalk in a residential area, that does not comply with the following restrictions, except that such restrictions shall not apply to a person carrying a sign or placard temporarily while transporting it between such person's residence or business and a vehicle:

1. All signs or placards must be no greater in width than two feet and no larger in total size than three square feet.

2. Each person may carry, hold or otherwise display no more than one sign or placard.

SECTION IV. APPLICABILITY

This ordinance shall apply to all portions of unincorporated Arapahoe County.

SECTION V. PENALTY FOR VIOLATIONS

A. Before a person may be charged with a first offense of violating this section, the person shall have been ordered by a Sheriff Deputy or other law enforcement official sometime prior thereto, to move or disperse or take other appropriate action to comply with the Ordinance, and such person shall have failed to promptly comply with the warning. In order to assure that appropriate warning has been given, the Sheriff's Office shall maintain a written record indicating the name of each warned individual, the address(es) of the targeted residence(s), and the date and time of the warnings.

B. Any person who violates this ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500) for a first offense, seven hundred and fifty dollars (\$750) for a second offense, and one thousand dollars (\$1000) for a third and any subsequent offense. The penalty assessment procedure provided in Section 16-2-201, C.R.S. shall be followed by the arresting Sheriff's Deputy or other officer for any violation of this ordinance, and the graduated fine schedule set forth herein shall be followed when issuing any summons and complaint in accordance with such procedure.

SECTION VI. ENFORCEMENT

The Arapahoe County Sheriff shall enforce the provisions of this ordinance.

SECTION VII. DISPOSITION OF FINES

All fines for violations of this ordinance shall be paid into the General Fund of Arapahoe County.

SECTION VIII. SEVERABILITY

If any one or more of the provisions of this ordinance is determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this ordinance.

SECTION IX. SAFETY CLAUSE

The ordinance shall take effect upon its adoption. This is necessary for the immediate preservation of public health and safety, due in part to the need to control activity subject to this ordinance as soon as possible, to prevent possible disturbances of the peace and to bring immediate relief to those residential areas affected by targeted picketing.

BOARD OF COUNTY COMMISSIONERS ARAPAHOE COUNTY, COLORADO

John A. Brackney, Chairman

I, Tracy K. Baker, Clerk and Recorder of Arapahoe County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance was introduced, read and ordered published at a regular meeting of the Board of County Commissioners on the 30th day of May, 2000. At a public hearing held on the 27th day of June 2000, the Ordinance, with proposed amendments, was taken under advisement. The Ordinance was adopted with amendments, approved and ordered published as adopted on June 27, 2000.

ATTEST:

Tracy K. Baker
Tracy K. Baker, Clerk to the Board

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

INTRODUCED, READ AND ORDERED PUBLISHED ON THE 30th day of May, 2000
at a regular meeting of the Board of County Commissioners.

Date of initial publication: June 8, 2000

TAKEN UNDER ADVISEMENT, WITH PROPOSED AMENDMENTS, AFTER
PUBLIC COMMENT AT A PUBLIC HEARING HELD on the 27th day of June 2000.

ADOPTED WITH AMENDMENTS, APPROVED AND ORDERED PUBLISHED AS
ADOPTED the 27th day of June 2000.

Date of publication after adoption: July 6, 2000.

Tracy K. Baker
Tracy K. Baker, Clerk to the Board

