

ORDINANCE NO. 1027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSEMEAD, CALIFORNIA, AMENDING THE ROSEMEAD MUNICIPAL CODE RELATING TO TARGETED RESIDENTIAL PICKETING

WHEREAS, Section VII of Article XI of the California Constitution provides that a city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

WHEREAS, demonstrators and protestors have a right, protected by the First Amendment of the United States Constitution, to express their views and to convey their message to both a general audience and a particularly targeted audience.

WHEREAS, individuals and groups have a right to engage in demonstrations and protests on public streets and sidewalks within residential areas.

WHEREAS, in recent years, an increasing number of demonstrations and protests in the City of Rosemead and surrounding areas have targeted specific residences.

WHEREAS, those demonstrations and protests have involved individuals congregating on residential sidewalks and within streets and roadways immediately adjacent to a targeted residence (and, at times, on the private property of the targeted residence), and expressing their views by shouting and chanting at the targeted residence and captive audience therein.

WHEREAS, this particular form of expression inherently and offensively intrudes on residential privacy, disturbs the tranquility of the community members living in the targeted residence, threatens their privacy, and can cause them to suffer significant emotional and even physical distress in their own homes.

WHEREAS, the City Council must balance the rights of residents and demonstrators to ensure that both groups' rights are respected and fulfilled.

WHEREAS, in *Carey v. Brown* (1980) 447 US 455, the United States Supreme Court confirmed that the government's protection of the "well-being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society" and that preserving "the sanctity of the home, the one retreat to which men and women can repair to escape from the tribulations of their daily pursuits, is surely an important value."

WHEREAS, in *Frisby v. Schultz* (1988) 487 US 474, the United States Supreme Court concluded that "[t]here simply is no right to force speech into the home of an unwilling listener" and that the "devastating effect of targeted picketing on the quiet enjoyment of the home is beyond doubt."

WHEREAS, in order to safeguard both groups' rights, the Council must ensure that

targeted picketing may occur within the community but that such picketing does not force residents to become captive audiences to unwanted speech within their own homes.

WHEREAS, establishing a distance which must be maintained between residential dwellings and demonstrators targeting those dwellings will serve both those ends.

WHEREAS, in *City of San Jose v. Superior Court of Santa Clara County* (1995) 21 Cal.App.4th 330, the Court of Appeal, upheld an ordinance of the City of San Jose prohibiting targeted residential picketing within 300 feet of the targeted residential dwelling.

WHEREAS, this ordinance is not intended to be applied, construed, or given effect in a manner that precludes or restricts the expression of views in a residential neighborhood through picketing or demonstrations which do not target particular residential residences or occupants therein.

WHEREAS, the distance restriction for targeted picketing proposed within this Ordinance preserves ample alternative channels of communication for protestors and demonstrators to disseminate their message(s) and/or idea(s).

THE CITY COUNCIL OF THE CITY OF ROSEMEAD DOES ORDAIN AS FOLLOWS:

SECTION 1. Environmental Review. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3: (1) Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); (2) Section 15060(c)(3) (the activity is not a project as defined in Section 15378), because the subject regulations have no potential for resulting in any significant physical change to the environment, directly or indirectly, and (3) Section 15321 (the ordinance addresses administrative procedures).

SECTION 2. Amendment. Rosemead Municipal Code Chapter 9.36 is added to read as set forth in the attached "**Exhibit A**" which is incorporated by reference.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this ordinance are declared to be severable.

SECTION 4. Publication. The City Clerk is directed to certify to the adoption of this ordinance and publish in accordance with law.

EXHIBIT A

ROSEMEAD MUNICIPAL CODE CHAPTER 9.36

“Chapter 9.36 TARGETED RESIDENTIAL PICKETING

9.36.010 - Purpose & Findings.

This Chapter is a necessary time, place, and manner restriction, intended to reconcile and protect the needs and rights of protestors to peacefully and effectively communicate their views, and residents to enjoy privacy and respite in their homes.

9.36.020 - Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Chapter. Undefined words and phrases and have the same meaning as set forth in this Code.

“Residential dwelling” means any permanent building situated in the City of Rosemead that is being used by its occupants solely for non-transient residential purposes.

“Targeted picketing” means picketing activity that is directed at a particular residential dwelling or one or more occupants of a particular residential dwelling, and that occurs at a particular location and/or which proceeds on a definite course or route in front of or around that particular dwelling.

9.36.030 - Distance Restriction for Targeted Residential Picketing.

- A. No person shall engage in targeted picketing within 300 feet of the residential dwelling that is the subject of the targeted picketing.
 - 1. For purposes of this section, the distance is measured from the outer walls of the residential structure. An attached garage is considered part of the residential structure.
- B. This section does not and will not be interpreted to preclude picketing in a residential area that is not targeted at a particular residential dwelling or dwellings.

9.36.040 - Private Right of Action.

- A. Any person who is aggrieved by an act prohibited by this Chapter may bring an action for damages and/or declaratory relief, as appropriate, in a court of competent jurisdiction against any person who has conspired to violate, or proposes to violate, this chapter.
- B. Any aggrieved person who prevails in such action shall be entitled to recover from the violator those damages, costs, attorneys' fees and such other relief as determined by the Court. In addition to all other damages or relief, the Court may award to the aggrieved

person a civil penalty of up to one thousand dollars for each violation of this chapter.

9.36.040 - Public Nuisance and Penalties

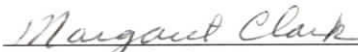
- A. Any violation of this chapter is declared to be a public nuisance.
- B. Any violation of this chapter can be enforced through criminal or administrative penalties.

SECTION 5. Electronic Signatures. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

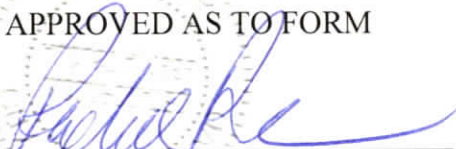
SECTION 6. Execution. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Ordinance signifying its adoption by the City Council of the City of Rosemead, and the City Clerk, or duly appointed deputy, is directed to attest thereto.

SECTION 7. Effective Date. This Ordinance becomes effective on the 30th day following its passage and adoption.


PASSED, APPROVED, AND ADOPTED this 11th day of February, 2025.


Margaret Clark, Mayor

APPROVED AS TO FORM


Rachel H. Richman, City Attorney

ATTEST:


Ericka Hernandez, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF ROSEMEAD)

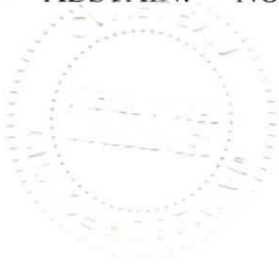
I, Ericka Hernandez, City Clerk of the City of Rosemead, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 1027 was first introduced at the regular meeting of January 28, 2025, by first reading. Said Ordinance was approved and adopted by the City Council of the City of Rosemead at a regular meeting held on the 11th day of February, 2025, by the following vote:

AYES: ARMENTA, CLARK, DANG, LOW

NOES: NONE

ABSENT: LY

ABSTAIN: NONE



Ericka Hernandez, City Clerk

