

ORDINANCE NO. 1098-06-16

AN ORDINANCE AMENDING CHAPTER 8: OFFENSES & NUISANCES BY ADDING ARTICLE 8.07 "PICKETING ON PUBLIC PROPERTY", TO THE HONDO CODE OF ORDINANCES; FOR REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING A PENALTY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hondo, Texas is a Home-Rule municipality operating pursuant to its City Charter and the laws of the State of Texas; and

WHEREAS, the City of Hondo has authority over city owned property, including streets, sidewalks, alleys, and public grounds pursuant to state law; and

WHEREAS, the purpose of this ordinance is to reasonably regulate the time, place and manner of picketing activity on public property in order to preserve the feeling of peace and tranquility which should be enjoyed by all residents; and

WHEREAS, the ordinance regulates picketing taking place on public property and is not intended to preclude the right to picket/protest in a public area by any resident, citizen or person;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO TEXAS:

SECTION 1. Chapter 8 (Offenses and Nuisances), Section 8.07 (Picketing on Public Property) is added to read as follows:

CHAPTER 8. OFFENSES AND NUISANCES

ARTICLE 8.07 PICKETING ON PUBLIC PROPERTY

Sec. 8.07.001. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Picket or picketing means to make a public display or demonstration of sentiment for or against a person or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.

Sidewalk means that portion of the street right-of-way which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of ways.

Street means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb. The terms "highway" and "street" and their cognates are synonymous as used herein.

Sec. 8.07.002. Notice of intent to picket.

(a) *Notification required.* The organizer of a picket that the organizer knows, or should reasonably know will be by a group of 10 or more individuals shall give notice of intent to picket to the Chief of Police or designee at least 24 hours before the beginning of the picket. The notice of intent to picket shall include the following information:

- (1) The name, address and contact telephone number for the organizer of the picket;
- (2) The name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
- (3) The name of the organization or group sponsoring the picket;
- (4) The location where the picket is to take place;
- (5) The date and time the picket will begin and end; and
- (6) The anticipated number of participants, and the basis on which this estimate is made.

(b) *Receipt of notification.* Upon notice of intent to picket given in accordance with subsection (a), the Chief of Police or designee shall immediately issue a receipt of notice. The organizer of a picket shall be responsible for maintaining the receipt, and shall present it if so requested by a law enforcement officer.

(c) It shall be unlawful for any person to violate any provision of this section.

Sec. 8.07.003. Picketing regulations.

(a) Picketing may be conducted on public sidewalks, including at City Hall and any other city-controlled park or other city-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, Picketing shall not be conducted on the portion of the public roadway used primarily for vehicular traffic.

(b) Notwithstanding subsection (a), picketing may not be conducted:

- (1) On a median strip; and
- (2) At a location directed, focused, or targeted at a particular private residence

(c) Picketing shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.

(d) Written or printed placards or signs, flags, or banners carried by individuals engaged in picketing shall be of such a size and/or carried on the sidewalks or other city-owned areas, as to allow safe and unobstructed passage of pedestrian or vehicular traffic.

(e) If more than one group of picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group provided notice first in accordance with Sec. 8.07.002.

(f) Spectators shall not physically interfere with individuals engaged in picketing.

(g) Individuals engaged in picketing shall be subject to all applicable local, state and federal laws.

(h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with state law in the event of a riot or disorderly conduct by an assemblage of three or more persons.

(i) It shall be unlawful for any person to violate any provision of this section.

Section 8.07.004 Penalty provision.

Any person, firm, corporation or any other entity violating any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine as provided in section 1.01.009. Each day, or any part thereof, during which a violation under this article occurs shall constitute a separate offense. The penal provisions imposed under this division shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 2. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 3. REPEALING ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

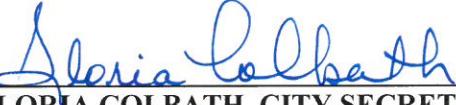
SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED this 27th day of June 2016.



JAMES W. DANNER, SR., MAYOR

ATTEST:



GLORIA COLBATH, CITY SECRETARY