

**City of Coral Gables
CITY COMMISSION MEETING
January 26, 2016**

ITEM TITLE:

Ordinance on Second Reading. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Code by amending Chapter 62 “Streets, Sidewalks And Other Public Places,” Article VI “Parades And Public Assemblies,” to promote public peace and order in residential areas and to promote the important value of tranquil and harmonious neighborhoods in the City of Coral Gables, by regulating picketing within a defined buffer area, regardless of the content of the communication; providing for alternative areas for protest and picketing; providing for severability, repealer, codification, and an effective date.

BRIEF HISTORY:

During the last several years, there have been reported instances in the City of Coral Gables in which the domestic tranquility has been disturbed in residential areas by organized picketing and protests directed against specific targeted residents living in those areas.

The United States Supreme Court has recognized the importance of the tranquility and privacy of the home. *See, e.g., Frisby v. Schultz*, 487 U.S. 474 (1988); *Carey v. Brown*, 447 U.S. 455 (1980); *Gregory v. Chicago*, 394 U.S. 111 (1969). And the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit have upheld the constitutionality of ordinances that prohibit picketing in certain areas around a residential dwelling. *See Frisby v. Schultz*, 487 U.S. 474 (1988); *Bell v. City of Winter Park, Fla.*, 745 F.3d 1318 (11th Cir. 2014).


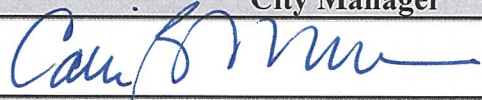
This Ordinance amends Chapter 62 “Streets, Sidewalks And Other Public Places,” Article VI “Parades And Public Assemblies,” by creating a new Section 62-202 entitled: “Prohibition against picketing before or about a dwelling unit.”

This new Section 62-202 provides that it is unlawful for any person or persons to picket, protest, or conduct any picketing or protesting activity within a buffer area of 50 feet from the property line of any dwelling unit in the City of Coral Gables. Section 62-202(a) defines “picket,” “picketing,” “protest,” “dwelling unit,” and “buffer area,” for purposes of this section.

Section 62-202(e) leaves open alternative channels of communication by providing that the “city manager or designee shall, on application, make available city-owned land reasonably near or abutting a residential zoning district for any protest or picket, subject to all laws applying to the conduct of persons engaged in the protest or picket. Furthermore, nothing in this section shall be read to prohibit a protest or picketing in a zoning district that is not listed in Section 62-202(a)(2) above, so long as the conduct of such protest or picketing is otherwise lawful.”

The Ordinance also amends Section 62-184 of the City Code to reflect that compliance with Section 62-202 is required even in relevant circumstances that are otherwise excluded from the other requirements of Chapter 62, Article VI.

REVIEWED BY:

City Attorney	City Manager
	

ATTACHMENT(S):

1. Draft Ordinance – City Code