

ORDINANCE #926

**AMENDMENT TO THE MAGGIE VALLEY, NORTH CAROLINA,
CODE OF ORDINANCES
ADDITION OF CHAPTER 95: PICKETS AND PICKETING.**

BE IT ENACTED AND ORDAINED by the Town Council of the Town of Maggie Valley that the Maggie Valley Code of Ordinances be and is hereby amended as follows:

CHAPTER 95: PICKETS AND PICKETING

Section:

- 95.01 Definitions
- 95.02 Notice of Intent to Picket
- 95.03 Picketing Regulations
- 95.04 Interference with Picketing
- 95.99 Penalty

95.01: Definitions.

For the purpose of this Article, the following words and terms shall have the meanings ascribed to them in this section, except where 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 or 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.

95.02: Notice of Intent to Picket.

- (a) *Prohibition.* No picketing shall be conducted in this Town and no person shall participate in the same unless notice of intent to picket has been given to the chief of police or his designated representative, and unless a receipt of such notice has been issued.
- (b) *Notification required.* Any Picket that the organizer knows, or should reasonably know, will be attended by a group of 10 or more individuals shall give notice of intent to picket to the chief of police or designee at least 72 hours before the beginning of the Picket. The notice of intent to picket shall include the following information:
 - (1) The name, if any, of the organization or group sponsoring or proposing the Picket;

- (2) The name of the person giving notice of intent to Picket, if different from the organizer;
 - (3) The name of the person or persons to be in charge of the Picket and who will accompany the activity and carry the receipt of notice at all times;
 - (4) The location where the Picketing is to take place;
 - (5) The date or dates on which the Picketing will occur and time the Picket will begin and end;
 - (6) The anticipated number of participants, and the basis on which this estimate is made; and
 - (7) Whether or not persons below the age of eighteen (18) years are expected to participate.
- (c) *Receipt of notification.* Upon notice of intent to picket given in accordance with subsection (b), the chief of police or designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of a Picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other Town officials.
- (d) Pursuant to N.C.G.S. §14-4, it shall be unlawful for any person to violate any provision of this section.

95.03: Picketing Regulations.

- (a) Picketing may be conducted on public Sidewalks, at Town Hall Lawn, Town Hall Park, Parham Park, Mary Rathbone Rich Park, McCracken Corner Park, or any other Town-controlled park or other Town-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, but shall not be conducted in that portion of the Street used primarily for vehicular parking or moving vehicular traffic.
- (b) Notwithstanding subsection (a), Picketing may not be conducted:
 - (1) On a median strip; or
 - (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; persons crossing Streets or otherwise using the public way; the free passage of pedestrian or vehicular traffic into any driveway; or the 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 Town-owned areas, as to allow safe and unobstructed passage of pedestrian or vehicular traffic. The staff or pole on which a sign, flag, or banner may be carried shall be made of corrugated material, plastic, or wood, and shall not exceed 36 inches in length and shall not be made of metal or metal alloy. If made of wood, the staff or pole shall be no greater than three-fourths inch in diameter at any point. A staff or pole must be blunt at both ends.
- (e) If more than one group of picketers desire to Picket at the same time 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, at a minimum of 25 feet apart from one

another, 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 of picketers first received its receipt of notice of intent to picket.

- (f) Spectators of Pickets shall not physically interfere with individuals engaged in Picketing. Picketers and spectators of Pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to a breach of the peace.
- (g) Picketers must, if marching, march in single file, not abreast, except when passing one another.
- (h) Picketers and Picketing shall be subject to all applicable local, state and federal laws including, but not limited to:
 - (1) The Town's noise ordinance (Title IX, Chapter 90);
 - (3) G.S. § 14-225.1 (obstructing justice);
 - (4) G.S. § 14-277.2 (weapons);
 - (5) G.S. § 14-277.4 (health care facilities); and
 - (6) G.S. § 14-288.4 (disorderly conduct).
- (i) No person observing, engaging in or assisting in Picketing shall bring to or allow to remain in the immediate area of Picketing any vicious animal or dangerous weapon.
- (j) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute § 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.
- (k) Pursuant to N.C.G.S. §14-4, it shall be unlawful for any person to violate any provision of this section.

95.04: Interference with Picketing.

- (a) It shall be unlawful for any person to physically interfere with Picketing or to address profane, indecent, abusive, or threatening language to or at such Pickets which would tend to provoke such Pickets or others to a breach of the peace.
- (b) The police officers of the Town, in the event of the assemblage of persons in such numbers as to tend to intimidate Pickets pursuing their lawful objective through numbers alone or through use of inflammatory words or possession of dangerous weapons, may direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.
- (c) Whenever the free passage of any Street or Sidewalk in the Town shall be obstructed by a crowd in connection with Picketing, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as herein provided.

95.99: Penalty.

- (a) In accordance with G.S. § 14-4 (and unless the Town ordinances provide otherwise), any person violating any provisions of this chapter may be subject to a fine not exceeding two hundred dollars (\$200.00) or by imprisonment not exceeding 20 days.

- (b) In addition to or in lieu of the remedies authorized above, violations of this chapter may also be prosecuted in accordance with G.S. § 160A-175, including that the violation may subject the offender to a civil penalty to be recovered by the Town in a civil action.

Adopted this the 30 day of July 2020

Mayor Mike Eveland

Vickie Best, Town Clerk