

MEMO

TO: Sunfish Lake Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: January 31, 2022
RE: Targeted Residential Picketing

Section 1. Background. At the January, 2022 Council meeting, the Council directed that we prepare an Ordinance that prohibits Targeted Residential Picketing. To that end, we reviewed similar such ordinances from:

1. Farmington
2. Lakeville
3. Mendota Heights
4. Rosemount
5. Shakopee
6. Coon rapids
7. Crystal
8. St. Louis Park
9. Hugo
10. Anoka
11. Shoreview
12. White Bear Lake
13. Lino Lakes

Although the ordinances are similar in their intent and in their language, there are some deviations among them. We provided the ordinances to the Police Chief, as well as to the Mayor, together with an analysis of the deviations. The most recent ordinances are found in Farmington, Rosemount and Lakeville, and the ordinance is substantially the same in each of these cities. The Police Chief, the Mayor and the City Attorney's office recommend that if the Council wants to prohibit Targeted Residential Picketing, that the Council adopt the attached Ordinance which generally mirrors what was adopted in Farmington, Rosemount, Lakeville, Crystal, St. Louis Park, Anoka, Coon Rapids and Hugo. What commends this particular version is that the language has been upheld by the Minnesota Supreme Court or by the United States Supreme Court.

Section 2. Council Action. This item is on the Agenda as Item 8(b). A majority vote is needed to pass the ordinance. If passed by the Council, the Ordinance will be published in the official newspaper and will become effective after publication.

Attachment.

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 2022-_____

**AN ORDINANCE AMENDING THE SUNFISH LAKE CITY CODE BY ADDING
ARTICLE VI, CHAPTER 611 RELATING TO THE PROHIBITION OF TARGETED
RESIDENTIAL PICKETING**

The City Council of Sunfish Lake does hereby ordain:

Section 1. Amendment of Sunfish Lake City Code by Adding Article VI, Chapter 611 Relating to the Prohibition of Targeted Residential Picketing. The Sunfish Lake City Code is hereby amended by hereby adopting and adding Article VI, Chapter 611 - Prohibition of Targeted Residential Picketing and Sections 611.01, 611.02, 611.03, 611.04 and 611.05 to provide and read as follows:

CHAPTER 611 - Prohibition of Targeted Residential Picketing

Section 611.01: Definitions

Section 611.02: Purpose

Section 611.03: Prohibited Activity

Section 611.04: Violation/Penalty

Section 611.05: Severability

SECTION 611.01: DEFINITIONS:

For the purpose of this chapter, the term “Targeted Residential Picketing” means:

Targeted Residential Picketing means:

- (A) Marching, standing or patrolling by one (1) or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or
- (B) Marching, standing or patrolling by one (1) or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located; or
- (C) Standing, marching, patrolling or picketing by one (1) or more persons focused in front of or adjacent to a particular residential dwelling without the consent of that dwelling’s occupants.

SECTION 611.02: PURPOSE:

The City has an interest in the protection of residential privacy, the wellbeing and tranquility of the home, and protecting citizens from unwanted speech when they are a captive audience within their homes. The City Council finds that, without resorting to Targeted Residential Picketing, ample opportunities exist for those otherwise engaged in Targeted Residential Picketing to exercise constitutionally protected freedoms of speech and expression.

SECTION 611.03: PROHIBITED ACTIVITY:

No person shall engage in Targeted Residential Picketing within the City.

SECTION 611.04: VIOLATION/PENALTY:

Every person convicted of a violation of any provision of this chapter shall be guilty of a misdemeanor.

SECTION 611.05: SEVERABILITY:

Should any subdivision, clause or other provision of this chapter be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the chapter as a whole, or of any part thereof, other than the part held to be invalid.

Section 2. Effective Date. This Ordinance shall be effective from and after its passage and publication according to law.

Passed this 8th day of February, 2022.

Dan O'Leary, Mayor

ATTEST:

Catherine Iago, City Clerk