

## ARTICLE X. PICKETING\*

---

**\*Editor's note:** Ord. No. 2621, § 1, adopted June 14, 2004, amended article X in its entirety to read as herein set out. Formerly, article X pertained to parades and derived from Ord. No. 2459, § 1, adopted December 8, 2003. For provisions pertaining to parades, the user's attention is directed to article XI.

---

### Sec. 19-301. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates 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.

(Ord. No. 2621, § 1, 6-14-2004)

### Sec. 19-302. 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 50 or more individuals shall give notice of intent to picket to the chief of police or designee at least 48 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 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 city official.

(c) It shall be unlawful for any person to violate any provision of this section.  
(Ord. No. 2621, § 1, 6-14-2004)

Sec. 19-303. **Picketing** regulations.

(a) **Picketing** may be conducted on public sidewalks, at the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, any other city-controlled park, or other city-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and 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) At the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, or other city-controlled park during a festival that has been permitted at that particular property or when that property has been otherwise reserved for private use;

(2) On a median strip; and

(3) 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. 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 40 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 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 of picketers arrived first.

(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 and **picketing** shall be subject to all applicable local, state and federal laws including, but not limited to:

(1) The city's noise ordinance;

(2) The city's handbill ordinance;

(3) Section 14-225.1 (obstructing justice);

(4) Section 14-277.2 (weapons);

(5) Section 14-277.4 (health care facilities); and

(6) Section 14-288.4 (disorderly conduct).

(h) 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.

(i) It shall be unlawful for any person to violate any provision of this section.  
(Ord. No. 2621, § 1, 6-14-2004)  
Secs. 19-304--19-310. Reserved.