

**CHAPTER 66: ORDINANCE REGULATING PICKETING IN THE TOWN OF
LAKE LURE
(Adopted July 14, 2020)**

Section

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§ 66.01 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.

§ 66.02 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 Lake Lure 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 town official.

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

§ 66.03 PICKETING REGULATIONS.

(a) Picketing may only be conducted on the walkway adjacent to Town Hall between the Town's marquee signs, and on the walkway adjacent to the Beach from beach house to beach house.

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

- (1) At the Lake Lure Municipal Center lawn, at the Lake Lure Beach, or at any town-controlled park during a festival or event 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) Picketers may only use handheld signs or body sandwich board signs. No banners allowed.

(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 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 Town's Noise Ordinance;
- (2) N.C.G.S. 14-225.1 (obstructing justice);

- (3) N.C.G.S. 14-277.2 (weapons);
- (4) N.C.G.S. 14-277.4 (health care facilities); and
- (5) N.C.G.S. 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.

§ 66.99 PENALTY.

It shall be unlawful for any person to violate any of the provisions of this division. If any person is found to have violated any of the provisions of this division, such person or persons shall be guilty of a class 3 misdemeanor and shall be fined not more than \$500.00. Each violation shall constitute a separate offense.