

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY OF GLENDALE, CALIFORNIA
AMENDING CHAPTER 9 “PUBLIC PEACE AND WELFARE” OF THE GLENDALE
MUNICIPAL CODE, 1995 BY ADDING CHAPTER 9.19 TO IMPOSE CERTAIN TIME,
PLACE, AND MANNER REGULATIONS AS TO PUBLIC DEMONSTRATIONS
AND PROTESTS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. FINDINGS

- A. The City Council of the City of Glendale hereby finds that revisions to the City’s Municipal Code implemented by this Ordinance are necessary in order to preserve the public health, safety and welfare.
- B. The City Council desires to amend Chapter 9 of the Glendale Municipal Code entitled “Public Peace and Welfare” by adding Chapter 9.19 in its entirety, entitled “Prohibited Items at Demonstrations and Protests” to provide needed rules regulating the use of certain objects that may be used as weapons during demonstrations, rallies, protests, picket lines, marches, or assemblies on public property so as to safeguard against violence and promote peaceful assembly for Glendale citizens, police, and visitors alike. These regulations serve to deter violence, property damage, and bodily harm to individuals who wish to engage in peace protests and demonstrations.
- C. In developing this Ordinance, the City Council is mindful of the legal principles relating to the regulation of activity in public forums such as sidewalks, streets, and public parks. The City Council does not intend to suppress or infringe expressive activities, in an unconstitutional manner, expressive activities protected by the First Amendment of the United States Constitution or the Liberty of Speech Clause of the California Constitution, but instead is enacting reasonable content neutral time,

place and manner regulations that address the need to prevent violent, dangerous, and hazardous situations from arising and to promote the safety of the public and the police.

- D. The City supports peaceful protests, demonstrations, and events. Unfortunately, some individuals have used protests and other public assembly events as “cover” to commit acts of violence, arson, and vandalism. It is the intent of the City in enacting this Ordinance to ensure that public assembly events are peaceful and safe for everyone.
- E. There is an increasing concern about violence at public events and about violent clashes between those with opposing views. In the past few years, cities throughout the state and country, including neighboring jurisdictions, have experienced public protests, demonstrations, and rallies that have become violent between demonstrators and counter-demonstrators. During many of these incidents violence has also been directed towards violence against law enforcement.
- F. At these events, various improvised items have been used to injure attendees and harm or incapacitate law enforcement officers, including wood and metal pipes, poles, bats, chains, projectiles (such as rocks, concrete, pellets, and ball bearings), glass bottles and containers filled with flammable or noxious substances, and aerosol sprays deployed to cause flames or attack olfactory systems.
- G. The adoption of this Ordinance is a necessary tool for the City to limit the use of specified items at public assembly events or at any of the various public venues in the City to ensure the safety of the public and police.
- H. In addition to the above factual findings, the City Council in enacting this Ordinance does hereby also take legislative notice of the various

principles and decisions regarding the regulation of public assemblies, including but not limited to the following:

1. Public streets, sidewalks and parks are the archetypes of a traditional public forum where the government cannot favor one speaker over the viewpoint of the speaker. See *Frisby v. Schultz*, 487 U.S. 474, 480-81; see also *Rosenberger v. Rector & Visitors of the University of Virginia*, 515 U.S. 819, 828 (1995). The government may regulate First Amendment activities in traditional public for a, such as streets, sidewalks and parks when such restrictions are reasonable time, place and matter restrictions that are content neutral; narrowly tailored to serve a significant government interest; and leave open ample alternative channels of communication. See *Cornelius v. NAACP Legal Defense and Education Fund*, 473 U.S. 788, 799-800 (1985); see also *Bay Area Peace Navy v. United States*, 914 F.2d 1224 (9th Cir. 1990).
2. The First Amendment does not protect violence. See *N.A.A.C.P. v. Claiborne Hardware Co.*, 458 U.S. 886, 916 (1982).
3. Reasonable time, place, and manner restrictions on speech are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication. See *Long Beach Area Peace Network v. City of Long Beach*, 574 F.3d 1011 (9th Cir. 2009).
4. The City of Glendale has a substantial interest in safeguarding its citizens against violence and in protecting demonstrators and police alike. See *Hill v. Colorado*, 530 U.S. 703, 724-725 (2000); see also *Vlasak v. Superior Court*, 329 F. 3d 683, 689 (9th Cir. 2003).

5. The City takes legislative notice of the City of Los Angeles regulations restricting certain objects at demonstrations and has modeled this Ordinance on those regulations.
6. This Ordinance provides a narrowly tailored content neutral mechanism to reduce the risk of violence at demonstrations, rallies, protests, counter protests, picket lines, marches, or public assemblies in the City of Glendale. Among other things, the restrictions limit the objects that can be used for signs, but still allow for signs to be used. The restrictions are directed at limiting items such as bats, aerosol spray, weapons, glass bottles, shields, bricks and rocks) that can, and have been weaponized while still allowing for peaceful expressive activity.
7. The restrictions on the use of specified items during public assemblies adopted herein are necessary to protect the public health, safety, and welfare by providing a mechanism to limit and prevent violence and promote peaceful public expressive activity. The restrictions are content neutral time, place and manner regulations that allow for peaceful public expressive activity. The restrictions are narrowly tailored to address the City's interest in safety and preventing violence and to the extent they burden expressive activity they leave ample alternatives for communication. The regulations make public assembly safer by banning objects that can be readily weaponized without depriving people of the opportunity to demonstrate, rally, protest, counter-protest, picket, march, assemble or otherwise engage in peaceful free speech activities.

SECTION 1. Title 9 of the Glendale Municipal Code, 1995, entitled “Public Peace and Welfare” is hereby amended to add Chapter 9.19 in its entirety as follows:

CHAPTER 9.19 RESTRICTIONS ON USE OF SPECIFIED ITEMS DURING PROTESTS, DEMONSTRATIONS, AND OTHER PUBLIC ASSEMBLIES

9.19.010 Purpose

A. To ensure the peaceful expression of free speech, the City of Glendale has adopted the following provisions to limit the use of certain objects that may be weaponized during demonstrations, rallies, protests, counter-protests, picket lines, marches, or assemblies on public property in order to safeguard against violence.

B. The City of Glendale adopts these content neutral, time, place, and manner regulations to ensure public safety and welfare. These regulations allow for peaceful expression of differing ideas and views while reducing the risk of violent conflict by prohibiting the use or possession of weapons, or objects that may be weaponized during demonstrations, rallies, protests, counter protests, picket lines, marches or public assemblies.

9.19.020 Restrictions

A. No person shall utilize, carry, or possess the following items or articles while attending or participating in any demonstration, rally, protest, picket line or public assembly:

1. Any length of lumber, wood, or wood lath unless that object is $\frac{1}{4}$ inch or less in thickness and 2 inches or less in width, or if not generally rectangular in shape, such object shall not exceed $\frac{3}{4}$ inch in its thickest dimension. Both ends of the lumber, wood or wood lath shall be blunt;

2. Any length of metal or plastic pipe, whether hollow or solid; provided however, that hollow plastic piping not exceeding $\frac{3}{4}$ inch in its thickest dimension and not exceeding $\frac{1}{8}$ inch in wall thickness, and not filled with any material, liquid, gas or solid may be used solely to support a sign, banner, placard, puppet or other similar expressive display. Both ends of any plastic pipe permissible under this section shall be blunt;

3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material permitted under subsections (A)(1) and (2) of this section, unless such sign, poster, banner, plaque or notice is constructed solely of soft material, such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than one-quarter inch in thickness;

4. Baseball or softball bats, regardless of composition or size, except that such items are permissible when configured of cloth, cardboard, soft plastic, foam or paper for expressive purposes;

5. Any aerosol spray, tear gas, mace, pepper spray, smoke canisters, or bear repellent;

6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;

7. Weapons such as firearms, knives, swords, sabers or other bladed devices, axes, crowbars, hatchets, hammers, ice picks, razor blades, nunchucks or martial arts weapons of any kind, box cutters, pellet guns, BB guns, conducted electrical devices, including, but not limited to, Tasers or stun guns, metal/composite/wooden

knuckles, or any chain greater than 20 inches in length or greater than one-quarter inch in diameter. This subsection also includes toy or replica firearms unless such toy or replica is florescent colored or transparent;

8. Balloons, bottles or any other container, such as water cannons or super soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any demonstration, rally, protest, picket line or public assembly;

9. Glass bottles, whether empty or filled;

10. Open flame torches, lanterns, fireworks, or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;

11. Shields made of metal, wood, hard plastic or any combination thereof;

12. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings;
or

13. Laser pointers or laser-style devices emitting any color beam, milliwatt output level, intensity class level or any visibility level, including infrared or nonvisible;

B. When feasible, excluding exigent circumstances, a warning shall be issued before enforcement of the provisions of this section. Such warning shall be sufficient if provided orally by posted signs or by amplified announcement.

C. Authorized peace officers, or employees, agents or representatives of the city, shall be exempt from the provisions of this section when such officers, employees, agents or representatives of the city are engaged in official business of the city.

D. Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in a public protest, demonstration, rally, picket line or public assembly. Further, nothing in this section shall prohibit the imposition of specific conditions for activities expressly authorized under permit issued by the city of Glendale.

E. Limitation on Applicability. This chapter is not intended to violate and shall not be applied or enforced in a manner that violates the United States or California Constitutions and applicable state or federal statutes.

SECTION 2. Severability.

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

SECTION 3. This ordinance becomes effective on the thirtieth day after its passage. Adopted by the Council of the City of Glendale on the _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, Aram Adjemian, City Clerk of the City of Glendale, hereby certify that the foregoing Ordinance was adopted by the Council of the City of Glendale, California, at a regular meeting held on the _____ day of _____, 2021, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk