

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** October 3, 2022

**Action Agenda  
Item No.** 6-a

**SUBJECT:** Regulation of Gatherings on and near School Property and Public Playgrounds

**DEPARTMENT:** Board of Commissioners

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**ATTACHMENT(S):**

Draft Ordinance

**INFORMATION CONTACT:**

John Roberts, County Attorney, 245-2318

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**PURPOSE:** To present for first reading an ordinance regulating picketing on or within a specified distance of School Property and Public Playgrounds.

**BACKGROUND:** The Board of Commissioners requested information on how the County may regulate protests or large gatherings in Orange County. The Board initially received information on this subject at its [February 1, 2022 Business meeting](#). At that meeting the Board discussed many aspects of this type of regulation including prohibiting large gatherings on certain public school properties. The Board further discussed this topic at its [May 10, 2022 work session](#). At that work session the Board determined parades would not be regulated and provided further direction to the County Attorney for revisions to be brought back to the Board for future consideration. At the [June 2, 2022 work session](#), the Board determined to move forward with an ordinance prohibiting picketing on School Property. At the [June 21, 2022, Business meeting](#) the Board determined the ordinance would be brought back at its meeting in October. The agenda materials for each prior discussion may be viewed at the links above.

Pursuant to the Board's prior discussions and input, the County Attorney revised the draft ordinance which generally provides as follows:

- Only covers Picketing conducted on, or within a yet-to-be-determined number of linear feet of, School Property and Public Playgrounds including on any public right of way within that distance;

Recent changes to North Carolina law provide that when a local ordinance involves a potential criminal penalty, the ordinance may not be adopted at the meeting at which it is first introduced. Such an ordinance may only be adopted at the next regular meeting following its introduction. Because one potential penalty of this ordinance is trespass, which is a statutory misdemeanor, this ordinance may only be adopted at its second reading. Due to the multiple substantive revisions requested by the Board at prior meetings, the County Attorney recommended this item be reconsidered at a new first reading. If, at this first reading, the Board determines to move

forward with this ordinance, the second reading will occur at the Board's October 18, 2022 Business meeting.

**FINANCIAL IMPACT:** There is no financial impact associated with this item.

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with this item.

**ENVIRONMENTAL IMPACT:** There is no Orange County Environmental Responsibility Goal impact associated with this item.

**RECOMMENDATION(S):** The Manager recommends the Board consider the first reading of the ordinance prohibiting picketing on and within the specified number of feet of School Property and Public Playgrounds, and if the Board determines to move forward with the ordinance, schedule the second reading for the October 18, 2022 Business meeting.

## Sec. 24-5. - Regulating Picketing.

(a) Definitions. The following definitions shall apply to this section unless the context clearly indicates or requires a different meaning.

(1) Picket or Picketing. The activity or circumstance whereby one or more persons gather for a common purpose for a protest or demonstration which primarily promotes or objects to a person, policy, political candidate, issue, or action.

(2) Playground. A confined outdoor area set aside for recreation and play at a public facility containing equipment such as seesaws and swings.

(3) School Property. Real property operated, controlled, or maintained by a public school system for the purpose of providing primary or secondary education to students including adjacent school controlled parking facilities and lots, recreation areas, open spaces, and sports facilities and fields.

(b) Prohibition.

(1) School Property. Picketing is prohibited on School Property, or on public sidewalks or public ways, or on private property by persons other than the property owner or the property owner's immediate family, within \_\_\_ feet of School Property. This prohibition applies only during school hours or school activities during which students are present on School Property for educational, athletic, or school sponsored extra-curricular purposes.

(2) Playgrounds. Picketing is prohibited on, or within \_\_\_ feet of, Playgrounds when children under age 18 are present on and utilizing the Playground.

(c) Exceptions.

(1) State and Federal Property. Picketing on state owned or federally owned property is not subject to the terms and prohibitions of this section.

(2) Government meetings. Nothing in this section is intended to regulate attendance or conduct at public meetings of governmental bodies.

(3) Enrolled Students. The prohibition in subsection (b)(1) does not apply to enrolled students of a school where such activity occurs as such students are governed by school district rules and regulations.

(d) Penalty. Penalties for violations as authorized by North Carolina General Statute 153A-123.

(1) Fine. All violations of this section shall subject the violator to a civil penalty of \$100, recoverable in the nature of debt.

(2) Equitable Relief. The County may seek an injunction, order of abatement, or other equitable relief against Picketers or private property owners hosting Pickets conducted by the public.

(3) Trespass. Violators of this section who are present on School Property or Playgrounds shall be immediately deemed to be without authorization to remain on such property and thus are deemed to be trespassing on the property on which they are Picketing or attempting to Picket.