

ORDINANCE NO. 4220

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH ADDING CHAPTER  
2.29 TO THE HUNTINGTON BEACH MUNICIPAL CODE  
REGARDING CONDUCT ON CITY HALL CAMPUS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Findings.

- A. Every person has a First Amendment right to speak within traditional public forums, provided that the person is not interfering with or endangering the performance of governmental duties or interfering with other person's ability to engage in First Amendment Speech.
- B. Subject to certain exceptions, the interior of the City Hall Complex of the City of Huntington Beach, including City Hall, are not traditional public forums.
- C. The Brown Act, California Government Code sections 54950 *et seq.*, provides in general terms, that members of the public must be provided notice of and access to public meetings including City Council, and other public City meetings.
- D. In addition to requiring the public's business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, have the right to attend, record, broadcast, and participate in public meetings.
- E. The Brown Act allows Legislative bodies to adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and improper speech.
- E. This Ordinance is intended to comply with and balance the public right to free speech and participation during public City meetings, with reasonable rules of decorum.

SECTION 2. Chapter 2.29 entitled "Conduct on City Hall Campus" is added to the Huntington Beach Municipal Code to read as follows:

**2.29.010 Definitions:**

"Public City Meeting" is any meeting that is subject to the Brown Act, including but not limited to City Council and Planning Commission Meetings, Board and Commission Meetings, and any other subsidiary committee subject to the Brown Act.

"City Official" is any elected or appointed officer or official of the City, including but not limited to City Council members, Planning Commissioners, City Attorney, City Manager and Department Heads.

**SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 10-05-2020  
Agenda Item No.: #14 (20-1909)

**2.29.020 Decorum, Conduct on City Hall Campus**

Conduct at Public City Meeting at City Hall shall be in accordance with the following rules:

- (a) No person shall use amplified sound devices and / or instruments, or engage in cheering, yelling, whistling, handclapping, and / or foot stomping, in a manner which disrupts or otherwise impedes the orderly conduct of a Public City Meeting after being warned by a City Official.
- (b) Unless addressing a City Official or entering or leaving the Council Chambers or other Public City Meeting place, or unless permitted by a City Official, no individuals shall approach or be in the "well" (the well is defined as the space between the Staff Tables, the Public Speaking Podiums, and the Council Dias), or stand or sit in the walkway aisles, or block any doorways, pathways, or points of ingress or egress, unless permitted by a City Official.
- (c) Members of the audience shall not disturb or disrupt persons who are addressing Public Officials, Public Officials who are speaking, or otherwise impede the orderly conduct of a Public City Meeting. All persons addressing Public Officials, including City Council during the designated public speaking time, or when called upon, shall not yell, scream, or use profanity.
- (d) After being warned by a Public Official, it shall be unlawful for any person to continue to yell, scream, or use profane language at any time during a Public City Meeting, or otherwise interrupt the proceedings, when asked to do so by a Public Official, including by the Sergeant-At-Arms.
- (d) Smoking, including use of an "e-cigarettes," is prohibited in the Council Chambers or 50 feet from City Hall.
- (e) Photographs, audiotapes, and videotapes shall not be taken in any manner which disturbs or disrupts the audience, speakers or Public Officials, or otherwise disrupts a Public City Meeting.
- (f) Except as authorized by a City Official, animals are prohibited in the Council Chambers, except for trained service animals as defined under State and Federal law.

**2.29.030 Penalty**

Violations of provisions of this Chapter may be punishable as an infraction or misdemeanor.

SECTION 3. If any section, subsection, sentence, clause, phrase, part, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_ 2020.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

INITIATED AND APPROVED:

\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
for City Attorney *Mr*