



City of Huntington Beach

File #: 19-1289

MEETING DATE: 2/3/2020

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Robert Handy, Chief of Police

Subject:

**Adopt Ordinance No. 4202, which amends Chapter 13.54 of the Huntington Beach Municipal Code regarding specific events to prohibit weapons at parades and protests
Approved for introduction 1/21/2020 - Vote: 7-0**

Statement of Issue:

There have been an increasing number of demonstrations, protests, rallies, and other public assemblies that have drawn local, state and national attention to a variety of emotionally charged topics. Orange County and Huntington Beach have had several of these type events. The climate and opportunity for citizens to exercise their freedom of speech, coupled with the use of social media, has led to a surge of public opinion and negative dialogue between groups which has on occasion led to violence.

The utmost priority of the City of Huntington Beach is to respect the rights of protestors and attendees of public gatherings to ensure they are afforded the same safety and security protections. We also must protect citizens, protestors, and public safety professionals and take measures to protect public and private property from damage.

Groups and individuals attending or participating in these events in public places have been known to bring with them weapons and/or items or articles that are generally considered as reasonably capable of being used as weapons to commit unlawful and/or violent acts during the event, posing serious threats to life, safety and property.

Financial Impact:

There is no known financial impact at this time.

Recommended Action:

Adopt Ordinance No. 4202, "An Ordinance of the City of Huntington Beach Amending Chapter 13.54 Regarding Specific Events to Prohibit Weapons at Parades and Protests."

Alternative Action(s):

Do not approve the proposed Ordinance and direct staff accordingly.

Analysis:

A primary mission of the City is to preserve public safety, protect public and private property, and to prevent damage to City facilities while fairly balancing the rights of free speech and peaceful assembly during demonstrations, rallies and protests on public property.

It is imperative that individuals engaging in peaceful expressive public activity, and law enforcement personnel dedicated to protecting such activity, be allowed to do so without facing unnecessary risks or suffering injury.

Recent history has shown 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, glass bottles or containers filled with harmful substances, and aerosol sprays to cause flames or attack olfactory systems.

The proposed amendment to Chapter 13.54 of the Municipal Code seeks to balance the public interests, protect property, and safety concerns while safeguarding the rights of persons to freedom of speech and peaceful assembly while on public property. This section would be applicable at specific and spontaneous events and would prohibit the carrying of specified items or articles while attending or participating in the event. It establishes application guidelines, permit processes and timelines, and provides criteria, which regulates the size, type, and nature of signage, flags, banners and/or other visual aids that would be utilized during the event.

If passed, educational efforts would be conducted to ensure event planners were aware of the regulations and they will have adequate time to plan accordingly. Violations of this chapter are a misdemeanor punishable by a fine of \$1,000.00 or imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.

Environmental Status:

Not applicable.

Strategic Plan Goal:

Enhance and modernize public safety service delivery

Attachment(s):

1. Proposed Ordinance No. 4202, including legislative draft amending HBMC Chapter 13.54 regarding specific events to prohibit weapons at parades and protests.