ORDINANCE NO. 2015-

AN ORDINANCE AMENDING CHAPTER 12 OFFENSES BY AMENDING SECTION 12-1-1 CEREMONIAL PHOTOGRAPHY.

WHEREAS, the Town of Guadalupe has a rich and diverse history and culture; and

WHEREAS, there are many cultural, religious, political and patriotic events, such as plays, pageants, marches, parades and other gatherings, many of which occur outside on public and private property; and

WHEREAS, many of the aforementioned events involve large groups of people either directly participating in the event or observing the event; and

WHEREAS, the Town Council of Guadalupe has a duty to ensure the peace and public safety of the Town of Guadalupe for all of its residents and visitors alike it is therefore necessary to impose certain measures to protect public safety;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Guadalupe as follows:

Section 1, Article 12 of the Town Code of Guadalupe, entitled Offenses, is hereby amended by deleting Section 12-1 entitled Ceremonial Photography in its entirety and replacing it with a new Section 12-1 as set forth hereafter:

SECTION 12-1 INTERFERENCE WITH RELIGIOUS, CULTURAL, CIVIC OR OTHER EVENTS

1. The following acts are hereby declared to be unlawful:

   (a) Intentionally disturbing by any loud utterance or other unreasonable noise or otherwise interfering with the normal performance or progress of a play, parade, march, pageant, ceremonial dance or other religious, patriotic or civic event, whether on public or private property.

   (b) Refusing to leave private property when asked to do so by the owner or other person with lawful authority or control of said property after intentionally creating an unreasonable disturbance or otherwise disrupting a play, parade, march, pageant, ceremonial dance or other religious, patriotic or civic event.

   (c) Deliberately blocking or otherwise unreasonably interfering with the progress or performance of a play, parade, march, pageant, ceremonial dance or other religious, patriotic or civic event.

   (d) Continuing to take photographs, electronic images or sound recordings on private property of a play, parade, march, pageant, ceremonial dance or other religious, patriotic or civic event after being given reasonable notice
by the owner of the private property or one in lawful control of the private property that photography and sound recording is not allowed on the private property.

(e) The taking of photographs or electronic images in a public place (such as a street) where the person taking the photographs or electronic images is doing so in a manner to be offensive to the subject of the photograph or electronic image such as repeated light flashes from a camera, cell phone or other device taken in such close proximity to cause fear or significant disturbance to the subject of the photograph or electronic image, or to disrupt the performance of the play, parade, march, pageant, ceremonial dance or other religious, patriotic or civic event.

(f) Refusing to follow the lawful directions of a peace officer or other public official concerning walking, sitting, standing in or near a play, parade, march, pageant, ceremonial dance or other religious, patriotic or civic event where such refusal interferes, hinders or causes disruption of the performance of the play, parade, march, pageant, ceremonial dance or other religious, patriotic or civic event.

2. It is not the intent of the Town Council of Guadalupe to infringe on the rights of anyone as set forth in the First Amendment of the United States Constitution, nor is it their intent to pass any ordinance favoring or impeding any particular religious group in the free exercise of its religious beliefs, rather it is the Town Council’s intent to protect the safety of its residents, and the public who are participating in or observing outdoor performance of a play, parade, march, pageant, ceremonial dance or other religious, patriotic or civic event.

3. Anyone convicted of a violation of any portion of Section 12-1 shall be guilty of a class one misdemeanor and may be subject to:

   (a) A fine not to exceed $2,500 plus any applicable surcharges.
   (b) Imposition of a jail sentence not to exceed six (6) months.
   (c) If the Court deems it appropriate upon sentencing the Court may impose probation.

4. Should any court of competent jurisdiction declare any portion of this Ordinance to be unconstitutional or otherwise illegal it is the intent of the Town Council of Guadalupe to enforce those portions of this Ordinance not found to be unconstitutional or illegal.

PASSED AND ADOPTED this 12 day of Feb, 2015, by the Mayor and Town Council of the Town of Guadalupe.

REBECCA JIMENEZ, Mayor
ATTEST:

ROSE MARY ARELLANO, Town Clerk

APPROVED AS TO FORM:

DAVID E. LEDYARD, Town Attorney