

Irvine's Freedom of Speech Ordinance

Protecting citizens' right to free speech is a major City priority. Specifically, Irvine's ordinance provides for the following:

- ★ No person shall interfere with individuals exercising their free speech rights within areas open to the general public in shopping centers, apartment complexes, and other private or public property open to the general public.
- ★ "Free speech rights" means the right to freedom of speech, the right to solicit and collect signatures on petitions and the right to distribute literature or display temporary signs or placards of a political nature—provided such activities do not obstruct entrances, exits, or passageways or threaten public safety.

To report violations of the City's Freedom of Speech Ordinance, call the Irvine Police Department at (949) 724-7000.

For more information about this ordinance or about the election process in Irvine, please call the Irvine City Clerk's Office (949) 724-6205.



Signs of the Times

Candidates and supporters for national, state and local elected offices and ballot measures use signs as a means to inform voters and gain recognition in our community. Political signs are specifically allowed by City Code as a protected form of free political speech.

Political signs may be placed...

- On private property with the permission of property owner
- In the City right-of-way with limited exceptions to ensure public safety

Safety First! To ensure motorists' views are unobstructed, political signs may not be placed:

- On City traffic signs, signals or other similar polemounted devices
- On or in street medians

Keeping Irvine Beautiful is Our Goal...

Political signs serve an important purpose prior to and on Election Day. However, once the election has come and gone, these signs no longer serve a purpose and may detract from the beauty of our community. All political signs must be removed no later than 10 calendar days after the election.

For more information regarding City Code requirements for the maximum size, height and location of signs in the rightof-way or to report concerns regarding misplaced signs in the City right-of-way, call...

> Political Sign Information Line (949) 724-6326

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FREE SPEECH EVENTS

PHILOSOPHY:

The role of the Irvine Police Department is to protect the rights of all persons while within the City of Irvine. This includes the rights of individuals to peacefully exercise their rights to free speech. In some situations, the rights of free speech and the rights of a property owner or business entity can find themselves in conflict. The Irvine Police Department will respond to disagreements of this type to provide assistance to all parties involved in the dispute and attempt to achieve reasonable accommodation. Irvine Police employees will act as impartial fact-finders, gathering the important details surrounding the event. Conflicts of this type can be emotional events and the involved parties are urged to remain calm as this complex and important issue is evaluated and addressed.

It is the philosophy of the Irvine Police Department to protect all persons' rights to free speech in full accordance with federal, state and local laws.

Irvine Municipal Code Section 4-14-601:

Sec. 4-14-601. Prohibitions.

No person shall interfere with the exercise of free speech rights by persons within areas open to the general public in shopping centers, apartment complexes and other private or public property open to the general public. As used in this section, "free speech rights" shall mean the right to freedom of speech, the right to solicit and collect signatures on petitions and the right to distribute literature or display temporary signs or placards of a political nature; provided such activities do not result in the obstruction of entrances, exits or passageways or create a threat to public safety.

ROLES, RIGHTS, AND RESPONSIBILITIES

HANDLING OFFICER: This packet is designated to assist you at the scene of a free speech event. Open the packet and speak to each of the involved parties. Listen carefully to each person's summary of the events. Distribute the enclosed forms to the involved parties and ask for their cooperation in gathering the facts surrounding the event. All written statements obtained from the involved parties should be forwarded to the office of the City Attorney for administrative review. If, in the opinion of the City Attorney, a state or federal statute may have been violated, the case may be forwarded to the appropriate prosecutorial resource.

SUPERVISOR: Maintain a fair and impartial attitude with all parties. Ensure that the assigned officer conducts a complete investigation in accordance with these instructions. Ensure that the handling officer thoroughly documents the event. Review the documentation prepared by the involved parties and the handling officer and accelerate the approval process.

PROPERTY OWNER/BUSINESS REPRESENTATIVE: It is your right to protect your property, customers, employees and business interests from undue harm and interference. This packet is designed to guide you in balancing your rights with the free speech rights of individuals.

SPEAKER: The City of Irvine supports the rights of individuals to engage in lawful and peaceful free speech and public assembly. Individuals exercising these rights must understand these rights are not without limits. When an activity infringes on the rights of others, the activity may lose protection and may become a violation of the law. Regard for the rights of others should be observed, and reasonable precautions should be taken against practices that would cause persons to become an involuntary audience or to have their movements impaired.

ENFORCEMENT:

It is the role of the Irvine Police Officers at a free speech event to keep the peace and maintain order as may be appropriate or necessary. Administrative action may be taken in order to address a free speech violation, including the issuance of an administrative citation. It is suggested that you also consider utilizing civil measures to force compliance of the other party, such as a court injunction or civil restraining order. Should you desire an administrative review of today's events, please complete the attached documentation and provide it to the handling Irvine Police Officer. This report may be submitted to the City Attorney's Office for administrative review.

DISPOSITION:

All parties may receive a copy of this document (after approval).

EVENT NUMBER (DR#)	HANDLING OFFICER	SUPERVISOR

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OFFICER'S OBSERVATION

What type of business/location is thi		rty ∐ Public property	/ Private Property	open to the public
Public Property not open to the public <i>Private Property</i> is restricted from entities.		 eral public (without (consent) Access is	aranted to owners
employees and members, e.g., private of				granica to owners,
Public Property is owned by the City,	•			sible to the general
public, e.g., parks, city hall, streets, side	•		g a sang	J.
Private Property open to the public is		oublic has access, bu	it the land is owned	by a private person
or entity, e.g., shopping centers, amuse	ment areas, sporting	venues, apartment co	ommunities.	
Public Property not open to the public	\emph{ic} is a government-ow	rned area such as the	e police department v	where admittance is
restricted and monitored.		<u> </u>		- · · □ ou
What type of activity is this? (check all t	ihat apply)	☐ Demonstration☐ Petition Signature☐ Handbills		Protest Other
Has there been a violation of criminal la (If so, complete a crime/arrest report in		disturbance, propert	y damage, etc.)?	☐ YES ☐ NO
Are any signs posted related to soliciting		etc? If so, describe:		☐ YES ☐ NO
How many people are participating in fr	ee speech activities?			
Is there an organized group affiliation?	If so, name:			☐ YES ☐ NO
Who is in charge of the group?				
Do they have permission to be on the p	property?			☐ YES ☐ NO
Has the property owner/agent asked th	em to leave?			☐ YES ☐ NO
What is the purpose of the event?				
What are the speakers doing and saying	J ?			
Are the speakers handing members of t	he public information)		☐ YES ☐ NO
(If so, attach copy)	пе ривно пнотпанот:	<i>(</i>		∐ 1E3 ∐ NO
Are they giving them information (hand	bills, forms)? (attach)			☐ YES ☐ NO
Are the people contacted being involun	tarily delayed?			☐ YES ☐ NO
Are the speakers blocking access to or	from the property or	building?		☐ YES ☐ NO
Does the speaker want Police to take a	iny action? If so, wha	t action?		☐ YES ☐ NO
Does the property owner/agent want Po	olice to take any actio	n? If so, what action	1?	☐ YES ☐ NO
EVENT NUMBER (DR#)	HANDLING OFFICE	R	SUPERVISOR	

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Did the property owner set a time for the			☐ YES ☐ NO
Did the property owner set a place for to Did the property owner set a manner in	n which the activity was to be conducted?		☐ YES ☐ NO ☐ YES ☐ NO
If so, what are the restrictions?			
Is there an identified free speech area?			☐ YES ☐ NO
Were the speakers within the free spea	ech area?		☐ YES ☐ NO ☐ N/A
Have you talked to all parties involved	and advised them of their rights and respo	onsibilities?	☐ YES ☐ NO
Has anyone requested an administration			☐ YES ☐ NO
Was an administrative citation issued?			☐ YES ☐ NO
If so, to whom? For an administrative citation, how did	Cite #		
For an administrative citation, how did	you determine who was in violation?		
How was the person identified as the p	erson responsible?		
Was this based upon direct observation	n or the statements of the speaker or other	r persons?	
·	·	•	
Are any court orders/injunctions in place	e dealing with the time, place and manner	of this event or the	☐YES ☐NO
conduct of the participants?			UNKNOWN
Media present? If so, identify the netw	ork/station/newspaper.		YES NO
			UNKNOWN
Summarize the event and prov	vide additional information on the p	receding questions	S.
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SPEAKER'S OBSERVATION

The role of the Irvine Police Department is to keep the peace, document this incident and take appropriate action when warranted. Your cooperation is critical to assisting us with collecting your version of the events. Please complete the below form to assist in determining if a violation of the Irvine Municipal Code has occurred.

EVENT LOCATION:		EVENT DATE:		EVENT TIME(S):
NAME: What is the purpose of your event? (Sp	pecify)	CONTACT PH	HONE #:	()
What is the duration of your planned ac	ctivity?			
Are you alone or with other people?				
Who are you with?				□N/A
What cause and/or organization do you	ı represent?			
Are you in charge of this group?				☐ YES ☐ NO ☐N/A
Have you spoken to a representative o	f the property?			□YES □NO
Do you have permission to be on the p	roperty? Who gave or deni	ed you permiss	ion?	□YES □NO
Have you seen any signs posted relate	d to soliciting, loitering, tres	spass, etc? If so	o, describe:	□YES □NO
Are you aware of any court orders or in	junctions prohibiting you fro	om being on the	e property?	□YES □NO
Do you believe the property owner/age Amendment or Irvine Municipal Code S	Section 4-14-601?	-		□YES □NO
Are you contacting (approaching, talkin Can they pass you without stopping Are you using threatening, rude, or of Where are you stopping them and	g if they wish? bnoxious language/gestures	YES	enants, etc.) □NO □NO	? If so: YES NO YES NO
What are you communicating to the	em?	□N/A		
Are you blocking access to or from the	property or building? If so,	indicate where	and why:	□YES □NO
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Are you handing out information (hand			∐ YES	∐ NO
If so, please describe and attach a cop	by.			
and place?	our business in a reasonable manner and at		YES	
Has the property agent expressed to y activity? If so, what was communicated	ou an alternate time, place, or manner to cd?	onduct your	YES	□NO
If yes, are you willing to restrict your a	ctivity to those guidelines?		□YES	□NO
Please use the following space to incident:	o write any other information you think is	s important regardii	ng this	
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PROPERTY / BUSINESS AGENT'S OBSERVATION

Free Speech Rights

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It is your right to conduct business and impose reasonable restrictions on the time, place and manner of expressive activities that take place on your property. You may pursue court injunctions against persons or groups to define the particulars of such restrictions. Free Speech rights do not include criminal activity or interfering with your business by blocking access, harassing or delaying customers, etc. In order to assist in determining the merits of this issue, please provide the below information:

EVENT LOCATION:		EVENT DATE	:	EVENT TIME(S):
COMPANY / BUSINESS:				
NAME:	TITLE:	CONTACT	PHONE #:	()
What is the nature of this event?				
What is the disruption? (Please provid	e name/organization, if kno	wn)		
Provide name/organization of speaker(s), if known			
Who is the contact person for the group	that you feel is interfering	with your busin	ess?	
	,			
Has this type of activity occurred before	e? If so, please describe:			□YES □NO
	·			
The second Process of		(0	☐YES ☐NO
Have you discussed time, place or mar If no, are you willing to consider accom		is for the activit	y'?	☐ YES ☐NO
Have you asked the person to leave?				□YES □NO
Why or why not?				
Are there any court orders or injunction		your property?		□YES □NO
If so, please describe and attach a cop	y.			
Do you have any signs posted related to soliciting, loitering, trespass, etc? If so, describe:				□YES □NO
Has anyone been assaulted or has the	re been any damage done	to your property	' ?	□YES □NO
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Are individuals contacting (approaching	, talking to) people on the p	roperty (custo	mers, employees,	∐YES ∐NO
etc.)? If so: Can customers pass without stoppin Where are they stopping them and		□YES	□NO	
What is being communicated to the	m?	□N/A		-
How is it being communicated? (e.g	,, loud speech, use of publ	c address sys	tem, etc.)	
Are they handing out information (handle If so, please describe and attach a copy			•	□YES □NO
Is this causing an unnecessary interfere	ence with or delay to custon	ners/the gener	al public?	□YES □NO
Are they blocking access to or from the	property or building? If so,	indicate where	e and how:	□YES □NO
Please use the following space to incident:	write any other information	on you think i	s important regardir	ng this
				,
EVENT NUMBER (DR#)	HANDLING OFFICER		SUPERVISOR	