

GENERAL

Ordinance Fact Sheet

120925

Ordinance Number

Brief Title	Approval Deadline
Regulation of Funeral Picketing	

Reason
To enact regulations of funeral picketing sanctioned by the U.S. Court of Appeals

Details
<p>Reason for Legislation</p> <p>On October 16, 2012 the U.S. Court of Appeals for the Eighth Circuit reversed prior decisions and approved certain regulations applicable to funeral picketing. This ordinance adopts the ordinance approved by the Court of Appeals as a constitutional exercise of a city's power.</p>
<p>Discussion <i>(including relationship to other Council actions)</i></p> <p>The City first adopted restrictions on protests at funerals on March 25, 1993 by the enactment of Ordinance 930270, As Amended. Following the expansion of picketing activities to the funerals of persons killed while serving in the armed forces the State of Missouri and other cities also adopted regulations. After successful challenges by members of the Westboro Baptist Church of Topeka, Kansas, including the refusal of the U.S. Supreme Court to review the invalidation of the State regulations cities with funeral picketing regulations were informed that absent repeal of their ordinances, litigation would be brought. Because the U.S. Court of Appeals had ruled on the validity of statutes and ordinances like the City's 1993 enactment, a challenge to the City's ordinance would in all probability been successful. To avoid the payment of any damages or fees to the Westboro Baptist Church the City repealed the 1993 regulations by Committee Substitute for Ordinance 090639.</p> <p>In 2011 the U.S. Supreme Court noted that there could be situations in which a city or state properly regulated funeral picketing. The U.S. Court of Appeals decided to reconsider a decision striking down funeral picketing regulations. On October 16, 2012 the entire Court of Appeals reversed prior rulings that prevented cities from imposing funeral picketing regulations. The Court of Appeals therefore upheld regulations.</p> <p>This ordinance mirrors exactly the terms of the ordinance approved by the Court of Appeals on October 16, 2012, and reinstates the regulation of picketing at</p>

Positions/Recommendation	
Sponsor	Mayor and Council
Programs, Departments or Groups Affected	
Applicants/ Proponents	Applicant City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

(Continued on reverse side)

Details

funerals by barring such picketing within 300 feet and within 1 hour before and 1 hour after a funeral of the site of the services.

Is it good for the children?
N/A

How does this contribute to a sustainable Kansas City?
N/A

Applicable Dates

Fact Sheet prepared by:

Reviewed by:

Reference Numbers

Policy / Program Impact

Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
	This ordinance reinstates regulations previously adopted by the City and repealed only because of the unique rulings of the US Court of Appeals.
Operational Impact Assessment	

Finances

Cost & Revenue Projections	Cost of Legislation <u>No cost</u>
	Increase/Decrease in Revenue Expected Annually
Fund Sources	

(Use this space for further discussion, if necessary)
