

**TOWNSHIP OF MOUNT HOLLY
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE 2023-7

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT HOLLY AMENDING THE CODE
TO ESTABLISH GUIDELINES CONCERNING THE GENERAL PUBLIC'S ACCESS
TO ALL TOWNSHIP BUILDINGS AND FACILITIES**

WHEREAS, the Council of the Township of Mount Holly believes it is in the best interest of the residents of the Township of Mount Holly (the "Township") to establish transparent guidelines that address the public's access to all Township buildings and facilities as well as the public's general conduct within the same; and,

WHEREAS, the Council further believes that the guidelines set forth hereinafter are the least restrictive provisions that could reasonably be adopted when weighing the public's right to exercise first amendment rights to free speech against the Township's obligation to provide a safe, secure and non-disruptive work environment for its employees.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Mount Holly that the Code of the Township of Mount Holly, in the County of Burlington, New Jersey is hereby amended to add a new Chapter entitled "Access to Township Buildings and Facilities":

SECTION 1. Chapter _____: Control of Access to Township owned, Controlled and Leased Property.

- (a) Consistent with decisions delivered by the United States Federal Courts, public access to areas within enclosed facilities owned, and controlled, by the Township may be restricted depending upon whether such areas are classified as "designated public forum", "limited designated public forum", or "nonpublic forum". How areas within enclosed facilities owned, and controlled, by the Township are classified is based upon their intended use. For example, there are certain areas which are intended primarily for the use of Township employees in the conduct of their business; there are certain areas which, while primarily intended for the use of Township employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with Township officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.
- (b) The Township Administrator is hereby authorized to manage public access to enclosed Township owned, and controlled property. In the performance of such responsibilities, the Township Administrator shall have the authority to identify which areas are to be considered designated public forum, limited designated public forum, or nonpublic forum.

- (c) Upon the classification of areas within enclosed Township owned, and controlled property, the Township Administrator is hereby authorized, subject to the availability of appropriated funds, to employ whatever means he/she deems necessary and appropriate to separate designated public forums from nonpublic forums, including, but not limited to the use of physical barriers and signage. The Township Administrator shall also have the authority to develop and implement procedures to regulate and control public access within Township owned, and controlled property to provide for the security and privacy of public visitors; to provide for the security and privacy of Township employees and officers; and to minimize potential disruptions to the work of Township government. Any person who engages in conduct that causes disruptions to the work of Township government shall be deemed to no longer be present within the Township owned and controlled property on legitimate public business.

- (d) The Township's Finance, Tax Collectors/Assessors, Construction, and Clerk's offices and related conference rooms in the Township Municipal Building are hereby declared to be nonpublic forums. **All** Township employee work areas within Township Hall which are designated by appropriate signage as work areas shall be considered as nonpublic forums. Members of the public are prohibited from entering Township employee work areas without being escorted by a Township employee. All other areas of the Township Municipal Building are hereby designated as limited public forums and only persons who are present to engage in legitimate public business with Township officers or employees shall be authorized. It shall be a violation of this Ordinance to be within a nonpublic forum or a limited public forum without authorization. Unauthorized persons found by the Township Administrator or his/her designee to be within a nonpublic forum or a limited public forum and who refuse to leave the premises upon request, shall be considered a trespasser. Law Enforcement, at its option, at the request of the Township may issue a trespass warning notice for this conduct.

- (e) Except within the Council Chambers/Meeting Room, and other locations in which a public meeting is being conducted pursuant to a public notice, it shall be unlawful and a violation of this Ordinance, to record video and/or sound within Township owned, and controlled property, without the consent of all persons whose voice or image is being recorded. This prohibition shall not apply to any law enforcement activities. In addition to being a violation of this Ordinance, if anyone who is observed to be recording video and/or sound within Township owned and controlled property, without the consent of all persons whose voice or image is being recorded, and such person refuses to cease activity after being advised that such activity is prohibited under this Ordinance, such refusal shall be considered to be a disruption to the work of Township government. Therefore, such persons shall be deemed to no longer be present within the Township owned and controlled property on legitimate public business. The Township Administrator and his/her designees is hereby authorized on behalf of the Township of Mount Holly to request any person who refuses to cease the unconsented video and/or sound recording to immediately leave the premises. Any person who refuses to cease the unconsented to video and/or sound recording, and refuses to immediately leave the premises following the request of the Township Administrator or his/her designee, shall be considered as a

trespasser. Law Enforcement, at its option, at the request of the Township may issue a trespass warning notice for this conduct.

- (f) The Township Administrator and his/her designees may have cause to remove any person they determine:
 - (1) Acts in any manner which violates or is reasonably suspected to violate any federal, state or local law, ordinance, rule or regulation; or
 - (2) Acts in any manner which violates any Township ordinance, including but not limited to the Facility Rules; or any directive on any sign or notice at the public property.

The Township Administrator and his/her designees is hereby authorized on behalf of the Township of Mount Holly to warn persons of this prohibited activity and request such activity to cease. Law Enforcement, at its option, at the request of the Township may issue a trespass warning notice for these violations of conduct.

- (g) The Township Administrator and his/her designees is hereby authorized on behalf of the Township of Mount Holly to warn persons who have entered into or remain in areas where they are not authorized to be, and to request such persons to depart. The Township Administrator, and his/her designees, is hereby authorized to call upon Law Enforcement to consider as trespassers any persons who refuse to depart after such a request has been made. Law Enforcement, at its option, may enforce any person's refusal to depart by means of the Statutes of the State of New Jersey or issue a trespass warning notice.

- (h) Facility Rules. The following conduct is prohibited within the interior spaces of all Township owned and controlled buildings of the Township of Mount Holly:
 - (1) Engaging in any conduct prohibited by federal, State, or Township of Mount Holly ordinance.
 - (2) Possessing any weapons, except as specifically permitted by law.
 - (3) Smoking, chewing tobacco, use of e-cigarettes or vaping devices, or carrying any lighted or smoldering pipe, cigar, or cigarette.
 - (4) Disruptive, harassing or unsafe behavior, including conduct which interferes with Township employees or Township officials in the performance of their duties, or interferes with the proper use of the Township facility by others.
 - (5) Abusive or harassing behavior, including use or display of obscene language, gestures, or graphics.
 - (6) Blocking entrances, exits, fire exits, access areas, or otherwise interfering with the provision of services or the use of Township property.

- (7) Entering or remaining in nonpublic areas without authorization. Areas inside Township buildings, including offices, hallways, stairways, and elevators are open to the public only to the extent necessary to attend to Township business, or attending a Township-authorized function, event, or activity to which the person is an invitee, or attending a duly noticed public meeting. Otherwise, such areas are deemed nonpublic areas.
- (8) Any act which could result in substantial risk of harm to persons or property.
- (9) Disrupting Township business, events, or other Township sponsored or authorized activities.
- (10) Leaving unattended packages, backpacks, luggage, or other personal items. Any such items are subject to immediate confiscation.
- (11) Laying down or sleeping in chairs, benches, or otherwise.
- (12) Possession of illegal drugs or substances.
- (13) Posting or affixing to Township property without permission from the Township Administrator, or his/her designee, any signs, leaflets, posters, flyers, pamphlets, brochures, and written, pictorial or graphic material of any kind.
- (14) Tampering with or unauthorized use of building or facility systems or devices, including electrical, plumbing, locks, doors or cameras.
- (15) Audio and/or video recording anywhere inside of Township buildings except during duly noticed public meetings, or as otherwise approved by the Township Administrator, or his/her designee. Except as otherwise approved by the Township Administrator, or his/her designee, audio and/or video recording may only be conducted within the Council Chambers/ Meeting Room, and any room, or office within which said activity has been authorized by law. Any person found to be conducting audio and/or video recording except as authorized by herein, must cease doing so immediately if any visitor, Township employee or Township official expresses his/her desire not to be recorded.

This rule does not apply to audio and/or video recording performed by the Township of Mount Holly within Township buildings or the surroundings areas or by authorized law enforcement personnel engaged in the performance of their official duties. Audio and/or video recording of public meetings must be undertaken in a quiet and orderly manner so as not to interfere with the conduct of the meeting, block the view of any person attending the public meeting, or block any aisle, row, ingress or egress.

- (16) No court proceedings, including proceedings conducted by audio or video, may be photographed, recorded, broadcast, or otherwise transmitted without the express permission of the Court. A person desiring to photograph, electronically record, broadcast and/or transmit a court

proceeding ("requestor") shall request permission from the court to do so ("request") after signing and submitting an agreement as required by the Court.

- (17) Entering or remaining in a Township building after posted hours of operation or after the conclusion of an authorized "after hours" public meeting or event.
- (18) Failure to cease conduct specifically prohibited in items 1 through 16 above immediately after a request by Township staff to do so.
- (19) A copy of the foregoing Facility Rules shall be posted in close proximity to all public entrances of Township owned, controlled, and leased buildings of the Township of Mount Holly.

SECTION 2. All ordinances or provisions thereof inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. Should any provision or part of this ordinance be found to be void or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 4. This ordinance shall take effect immediately upon passage and publication according to law.

June 12, 2023

INTRODUCTION						
Council Member	Motion	Second	Aye	Nay	Abstain	Absent
T. Astor			X			
L. Brown		X	X			
K. Burkus			X			
J. Jones	X		X			
C. Banks			X			

July 10, 2023

ADOPTION						
Council Member	Motion	Second	Aye	Nay	Abstain	Absent
T. Astor			X			
L. Brown		X	X			
K. Burkus			X			
J. Jones	X		X			
C. Banks			X			

CERTIFICATION

I, Sherry Marnell, Municipal Clerk of the Township of Mount Holly, County of Burlington, and State of New Jersey, do hereby certify the forgoing to be a true and correct copy of an Ordinance which was introduced by the Council of the Township of Mount Holly at its meeting of _____, 2023 with a second reading, public hearing, and final adoption held on _____, 2023.

**SHERRY L. MARNELL, RMC
TOWNSHIP CLERK**