

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2025**

**ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 2,
ADMINISTRATION, OF THE TOWNSHIP CODE TO AMEND PUBLIC
MEETING DECORUM RULES**

WHEREAS, the public are encouraged to speak at all open meetings of the Township of Mahwah in accordance with the provisions of this ordinance; and

WHEREAS, in New Jersey, a citizen's right to speak is established by the Open Public Meetings Act; and

WHEREAS, in the 2010 decision in Besler v West Windsor-Plainsboro Regional BOE, the New Jersey Supreme Court ruled that governing bodies should adopt their decorum rules sufficiently in advance so that the public has reasonable notice and governing bodies must apply these rules in a content neutral fashion without regard to the viewpoint being expressed.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 2, Administration, § 2-2, Council, § 2-2.16, Decorum, paragraphs a through c are hereby repealed and replaced with the following language:

- a. Decorum. Meetings of the Township of Mahwah shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process is retained at all times. This also includes meetings of all boards and other bodies of the Township. The presiding officer shall be responsible for maintaining the order and decorum of meetings.
- b. Rules of Decorum: While any meeting is in session, the following rules of order and decorum shall be observed:
 1. Rules of Order: Unless otherwise provided by law, Robert's Rules of Order shall govern the conduct of all meetings when necessary. The attorney for the body or the attorney's designee shall act as Parliamentarian.
 2. Members: The members of the governing body and members of all boards and other bodies shall preserve order and decorum, and a member shall make best efforts not to delay or interrupt or disrupt the proceedings or disturb any other member while speaking, nor fail to abide by the orders of the governing body or presiding officer except as specially permitted by these rules.
 3. Matters Discussed in Closed Session: No person shall disclose in open session the matters discussed in closed session without the expressed authorization of the Township of Mahwah attorney or in accordance with the law.
 4. Persons Addressing the Meeting: Each person who addresses the meeting shall do so in an orderly manner. Any person who utters physically threatening, patently

offensive or abusive language, or engages in any other conduct that disrupts, disturbs or otherwise impedes the orderly conduct of any meeting shall, at the discretion of the presiding officer or a majority of the members, be asked to refrain from such conduct.

5. Audience: No person at a meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, physically threatening or abusive language, or other acts which disturb, disrupt or otherwise impede the orderly conduct of any meeting and the ability of the public to hear or participate. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer or a majority of the body, be requested to refrain from such conduct.
 6. Personal Comments: All statements are part of the public record and cannot be redacted.
- c. Public Participation: The public is encouraged to address the members or ask questions or comment on any governmental issue that the public feels may be of concern to the Township residents during the following portions of the meeting:
1. Hearings: The meeting shall be opened for public comment at the appropriate point on the agenda for any hearing with respect to an ordinance or other specific matter required by law. The maximum that any individual speaker shall be allotted is three (3) minutes.
 2. Open Public Session: During this period of the agenda, the public is encouraged to comment on any matter of concern. The maximum that any individual speaker shall be allotted is three (3) minutes.
- d. Addressing the Meeting. No person shall address the meeting without first being recognized by the presiding officer. The following procedures shall be observed by persons addressing the members:
1. Each person shall step to the podium provided for the use of the public and shall state their name and address; the organization, if any, that they represent; and, if during the open public session of the meeting, the subject they wish to discuss. Children under 18 shall not be required to give their last name or address. Individuals registered as "covered persons" under Daniel's Law shall not be required to provide their address.
 2. During any hearing with respect to an ordinance or other specific matter required by law, speakers shall limit comments to the specific ordinance or matter on the agenda. Speakers may be requested not to be repetitious.
 3. All remarks shall be addressed to the presiding officer.
- e. Enforcement of Decorum. The rules of decorum set forth above shall be enforced in the following manner:
1. The presiding officer shall request that a person who is breaching the rules of decorum to be orderly.

2. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer may order a temporary recess.
3. If the person repeatedly continues to disturb and disrupt the meeting, and after a warning from the presiding officer, interferes with the right of other members of the public to hear and participate in the meeting, or become irrelevant or repetitious the presiding officer may request that person to leave the meeting.
4. If such person does not leave the meeting and continues disruptive conduct, the presiding officer may order any law enforcement officer to remove that person from the chambers.
5. If a meeting is disturbed or disrupted in such a manner as to make the restoration of order infeasible or improbable, the meeting may be adjourned or continued by the presiding officer or a majority of the members, and any remaining business may be considered at the next meeting.
6. An individual violating this ordinance may be subject to censure by the governing body.

SECTION 3. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 4. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 5. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

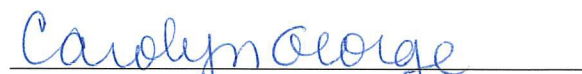
Introduced: 2/22/24
Adopted: 3/18/24
Effective Date: 4/8/24

TOWNSHIP OF MAHWAH



Robert M. Ferguson, III
Council President

ATTEST:



Carolyn George, RMC
Municipal Clerk