First Reading

INTRODUCED BY: Councilwoman Sheedy				
SECONDED BY: Councilwoman Cavadas				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Karcic				
SECONDED BY: Councilman Del Russo				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY				X
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

ORDINANCE NO. 2347
BOROUGH OF NORTH ARLINGTON
COUNTY OF BERGEN, NEW JERSEY

AN ORDINANCE TO CREATE A NEW CHAPTER IN THE CODE OF THE BOROUGH OF NORTH ARLINGTON, "RULES OF DECORUM FOR MEETINGS OF PUBLIC BODIES IN THE BOROUGH"

WHEREAS, the public is encouraged to speak at all open meetings of the Borough of North Arlington 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[1]; 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.[2]

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON THAT:

A. Decorum. All meetings of public bodies in the Borough 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 shall apply to all meetings of public bodies as defined in N.J.S.A. 10:4-8 in the Borough of North Arlington. The Mayor or 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:

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[1] N.J.S.A. 40A 10:4-12-a provides "...a municipal governing body and a board of education shall be required to set aside a portion of every meeting of the municipal governing body or board of education, the length of the portion to be determined by the municipal governing body or board of education, for public comment on any governmental or school district issue that a member of the public feels may be of concern to the residents of the municipality or school district."

[2] The Besler court wrote: "A public body may control its proceedings in a content-neutral manor by stopping a speaker who is disruptive or who fails to keep to the subject matter on the agenda."

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 all members shall use their best efforts not to interrupt or disrupt the proceedings or disturb any other member while speaking.

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 attorney for the applicable public body or in accordance with the law.

4. Persons Addressing the Meeting. Each person who addresses the Mayor or Council shall do so in an orderly manner. Any person who speaks out of turn, engages in offensive or abusive language, or engages in any other conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any meeting shall, at the discretion of the Mayor or presiding officer, be directed 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, be removed from the meeting, the building and the adjacent Borough owned property.

6. Personal Comments. All statements are part of the public record and cannot be redacted.

7. Eating and drinking are prohibited during the meeting.

8. Use of any and all computers, laptops, tablets etc. is prohibited during the meeting unless authorized by the public body. Such devices may be used to record the meeting in accordance with the law.

9. Reading of any outside materials such as newspapers, books, and magazines or conducting any other activities inconsistent with the meeting is prohibited during the meeting.

C. Public Participation. The public is encouraged to address the members or ask questions 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 unless specifically authorized otherwise by the public body.

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 unless specifically authorized otherwise by the public body.

D. Addressing the Meeting. No person shall address the meeting without first being recognized by the Mayor or 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 his or her name and address; the organization, if any, which he or she represents; and, if during the open public session of the meeting, the subject he or she wishes to discuss. Children under 18 shall not be required to give their last name or 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 body as a whole.

E. Enforcement of Decorum. The rules of decorum set forth above shall be enforced in the following manner:

1. The Mayor or 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 Mayor or 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 the meeting, the Mayor or presiding officer may advise that person to leave the meeting.

4. If such person does not leave the meeting, the Mayor or presiding officer may order any law enforcement officer to remove that person from the chambers.

5. Failure to abide by these Rules of Decorum will result in the removal of such persons from the meeting, from the Municipal Building where the meeting is being held and from all Borough property and may result in their exclusion from future meetings.

F. This Ordinance shall take effect upon final passage and publication according to law.

IT IS FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent herewith are hereby repealed; and

IT IS FURTHER ORDAINED that if any part, sections provisions or the total of any of the above are held to be invalid or unenforceable in any court, the findings or judgments of which court are applicable to the State of New Jersey, the balance and remainder of such provisions shall remain in full force and effect as an Ordinance of the Borough of North Arlington; and

IT IS FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days after the adoption and publication according to law.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: May 12, 2022

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, April 14, 2022, THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE EUGENE MADDEN SENIOR CENTER, REAR OF THE NORTH ARLINGTON HEALTH DEPARTMENT BUILDING, 10 BEAVER AVENUE, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON May 12, 2022 7:00PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore
Borough Clerk
First Reading