



2013 ORDINANCE NEW ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 164, CELLULAR TELEPHONES

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 164, Cellular Telephone, of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

Chapter 164 Cellphone, Audiotape Recorder and Camera use during Open Public Meetings.

§ 164-1. Purpose.

Members of the general public (hereinafter "citizen") have the right to record, videotape, film, and take pictures of open public meetings of the governing body, excluding closed or executive session discussions (hereinafter "Meeting" or "Meetings "). Meetings or portions of meetings which are permitted by law to be closed to the public shall not be videotaped, photographed or audiotaped. These guidelines are intended to ensure that the right of the public to record, videotape, film or take pictures and record Meetings of the governing body does not interfere with the business of the governing body or other citizens' right of access to the proceedings.

§ 164-2. Guidelines.

A. Use of Phones, Radios and other Two-way communications devises - Prohibited.

Members of the Council and the general public are absolutely prohibited from using cellphones, two way radios or any other type of voice communication devices during any Meeting. All such devices must be placed on vibrate or silent mode so that they will not make noise during the Meeting. No citizen is permitted to have any equipment that makes any beeping sounds or other noises. Anyone wishing to use such a device must step out of the meeting room before using such a device. Furthermore, members of the Council are prohibited from text messaging, emailing or communicating with any one or multiple Council members during any Meeting regarding any agenda item or any matter dealing with the Township of Bloomfield.

B. Use of audiotape recorder, videotape, film and camera equipment.

To minimize the possibility of disrupting a Meeting of the governing body, any member of the public (hereinafter "citizen") who wishes to videotape, photograph or record portions or all of the public meeting must do so in accordance with the following guidelines:

1. The citizen must provide the Clerk of the municipality with no less than 30 minutes verbal notice prior to the Meeting of his intention to exercise his right to videotape or photograph the

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

[Handwritten Signature]
of Law: Township

Meeting. Failure to provide advance notice of the intent to utilize the equipment prior to each Meeting shall preclude its use at such Meeting.

2. The citizen must have completed setup of his audio recording, filming or picture taking and any related equipment no less than 10 minutes prior to the official start time of the Meeting. Audio, filming and picture equipment may only be set up in the last two rows of the Council Chambers and along the back wall behind the seats. In the Council Chambers in the Law Enforcement Building audio, filming and picture and related equipment may only be set up in the area behind the Mayor's seat. All recording equipment locations are subject to the Police and Fire approval for safety reasons related to egress in case of an emergency. The space for recording, filming and picture taking is on a first come first serve basis.

3. The audio recording, filming and picture taking and any associated equipment utilized by the citizen must be battery operated, compact, quiet, and generally unobtrusive. No citizen shall operate more than one recording device or still camera at any Meeting and no added lighting may be used. The equipment may not take up more than the space designated by the Clerk. No citizen is permitted to use any equipment that makes any beeping sounds or other noises. Should beeping sounds or any other noise emanate from the equipment at any time during the Meeting, the citizen shall be required to turn off the equipment, cease recording immediately, and shall be subject to the violations and penalties contained herein.

4. The citizen may not disrupt the Meeting with his recording equipment. The citizen may not set up or use the videotape recorder or equipment in such a way as to block or obstruct the view of other members of the public of the governing body proceedings. The videotaping, photographing and/or recording by the citizen may only be done in a manner that does not violate the Township's disorderly conduct or any other ordinances and must be generally orderly and unobtrusive. Citizens recording the proceedings shall assume fixed positions within the designated areas, and once the Citizens are positioned they shall not be permitted to move about in any way as to attract attention through further movement. This includes still photographers who also shall not be permitted to move about in order to photograph the Meeting. The citizen must remain with the videotape recorder and equipment at all times, except for any period of time during which the citizen is making a comment in his turn during any public comment portion of the public meeting. The citizen may not "narrate" the proceeding, or speak into any videotape recorder or microphone. The citizen may not engage in any verbal conversation, discourse or comment whatsoever, unless the citizen is making a formal comment in his turn during any public comment portion of the Meeting.

5. If the citizen chooses to cease videotaping or taking photographs at any time during the public Meeting, he may do so; provided that the citizen may not commence removal, except for a hand-held videotape recorder or camera, or begin to disassemble any recorder or associated equipment until there is a break of at least five minutes of the Meeting or until the Meeting has concluded.

6. In addition to photography and videotape recording of Meetings, an individual may audiotape record a Meeting subject to the notice requirements set forth above. The recording device shall be unobtrusive, limited to the size commonly known as hand-held, mini-cassette or similar recording devices. It shall be placed in an appropriate position that will not interfere with the conduct of the Meeting, block the view of any other meeting attendees, or moved in any way to attract attention. The

recording device shall not produce a distracting sound, either from the equipment or in its operation. The tape may not be rewound or played back while the Meeting is in session. The citizen may not "narrate" the proceeding, or speak into the recorder or microphone. The citizen may not engage in any verbal conversation, discourse or comment whatsoever, unless the citizen is making a formal comment in his turn during any public comment portion of the Meeting.

7. To protect the attorney-client privilege, there shall be no audio pickup of conferences which occur at a Meeting or in a public facility between the Township Attorney or special counsel and any member of the Township Council, the Municipal Clerk or any officer or employee of the Township.

8. The Mayor may direct that the videotaping, photography or audio recording cease or be brought into compliance with the regulations at any time he determines that the equipment or its operator is disrupting the proceedings or is otherwise in violation of the regulations set forth herein. Any action taken by the Mayor or anyone else to redirect any person in violation of this ordinance shall not affect the applicability of the violations and penalties contained herein.

9. The videotaped recording(s) or audio recording taken by any member of the public may not be represented as an official transcript in any manner and/or for any purpose.

10. The Mayor, in his capacity as Chairman at the Meeting, may relax the above guidelines during ceremonial proceedings involving the Township Council, such as the annual reorganization, the administration of oath of office, or otherwise.

11. Except as otherwise provided herein with regard to Meetings, no photographs may be taken or audio/videotape recordings made within a public facility of any person, place or event relating to the administration and/or conduct of official municipal business.

12. No limitations are placed on the taking of photographs or video/audiotape recording on the grounds or environs of the municipal facility or within a municipal facility of persons, places or events which have no relation to, do not arise from, and/or are in no way connected with the administration and/or conduct of official municipal business.

13. Notwithstanding the limitations set forth in this chapter, a citizen may hold and utilize a cellphone, audio recorder or camera to record the meeting while seated in any of the available seating within the Meeting room. However, the device shall not be held higher than eye level, the citizen shall not move around, block the view of any other meeting attendees, or move in any way to attract attention. The recording device shall not produce a distracting sound, either from the equipment or in its operation. Finally, the citizen shall not be allowed to stand or hold the recording device in the air or over their hand in an effort to record.

§ 164-3. Enforcement.

The Township of Bloomfield Police Department is the enforcement agent of this chapter.

§ 164-5. Violations and penalties.

Any person violating any of the provisions of this article shall be subject to the violation provisions of § 1-15 of this chapter. Notwithstanding any language contained herein to the contrary, anyone who

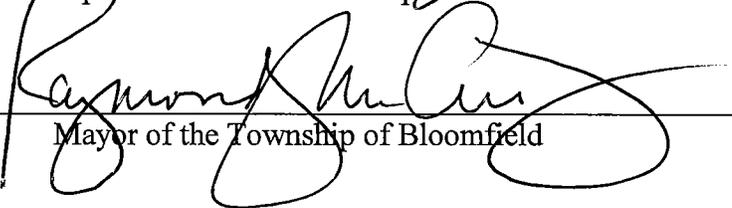
violates any section or part of any section of this Chapter (164) shall be subject to the violations and penalties of § 1-15.

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I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on .



 Municipal Clerk of the Township of Bloomfield



 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 2632						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt <input type="checkbox"/> Deny <input type="checkbox"/> Withdrawn <input type="checkbox"/> Table <input type="checkbox"/> Not Discussed <input checked="" type="checkbox"/> First Reading <input type="checkbox"/> Table with no Vote <input type="checkbox"/> Approve <input type="checkbox"/> Veto by Mayor <input type="checkbox"/> Discussion	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	