

Ordinance No.: 4-09-1
Introduced: April 17, 2009
Public Hearing: May 7, 2009
Adopted:
Effective Date:

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MARTIN'S ADDITIONS BY ADDING AN ARTICLE 5 TO ADOPT CERTAIN REGULATIONS FOR OPEN SESSIONS.

WHEREAS, Section 2(a) of Article 23A of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, Section 10-507(b) of the State Government Article of the Maryland Code directs public bodies, such as the Village of Martin's Additions, to adopt and enforce reasonable rules regarding the conduct of persons attending open sessions and the videotaping, televising, photographing, broadcasting, or recording of such meetings;

WHEREAS, the Village Council finds that adopting the following regulations for open sessions is necessary to protect the public health, safety, and welfare; to assure the good government of the Village; for the protection and preservation of the Village's property, rights and privileges; and to protect the health, comfort and convenience of the citizens of the Village;

WHEREAS, the Village Council introduced the following ordinance in public session assembled on the 17th day of April, 2009; and

WHEREAS, the Village Council considered the following ordinance in public session assembled on the ___ day of _____, 2009.

NOW, THEREFORE, the Village Council of the Village of Martin's Additions does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MARTIN'S ADDITIONS BY

ADDING AN ARTICLE 5 TO ADOPT CERTAIN REGULATIONS FOR OPEN SESSIONS.

BE IT ORDAINED AND ORDERED, this ____ day of _____, 2009, by the Village Council, acting under and by virtue of the authority given it by Article 23A of the Maryland Code and the Charter of the Village of Martin's Additions, that Chapter 2 of the Code of Ordinances is hereby amended to include the following Article 5:

ARTICLE 5. REGULATIONS FOR OPEN SESSIONS

Section 2-501. Rules and Order of Business.

The Council shall determine its own rules and order of business for open sessions.

(Ord. No. _____, adopted _____, _____, 2009)

Section 2-502. Public Attendance.

- (a) At any open session of the Council, the general public is invited to attend and observe.
- (b) Except in instances when the presiding officer expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, no member of the public attending an open session may participate in the session.
- (c) The general public shall be provided a reasonable opportunity to be heard at the monthly meetings of the Council. At the discretion of the presiding officer, a time during a monthly meeting may be allocated for the general public to present testimony, questions, comments, or other forms of public participation. Upon being recognized by the presiding officer and being provided the opportunity to be heard, a person addressing the Council shall state their name, home address, and whether he or she is speaking as an individual or on behalf of some other person, group, organization, or entity. Time limits for the presentation of testimony, questions, comments, or other forms of public participation may be imposed at the discretion of the presiding officer.

(Ord. No. _____, adopted _____, _____, 2009)

Section 2-503. Disruptive Conduct.

- (a) A person attending an open session of the Council may not engage in any conduct, including visual demonstrations such as the waving of placards, signs, or banners, that disrupts the session or that interferes with the right of members of the public to attend and observe the session.

- (b) The presiding officer may order any person who persists in conduct prohibited by subsection (a) of this section or who violates any other regulation concerning the conduct of the open session, including the Council's rules and order of business, to be removed from the session and may request police assistance to restore order. The presiding officer may recess the session while order is restored.

(Ord. No. _____, adopted _____, _____, 2009)

Section 2-504. Recording, Photographing, and Broadcasting of Open Session.

- (a) A member of the public, including any representative of the news media, may record discussions of the Council at an open session by means of a tape recorder or any other recording device if the device does not create an excessive noise that disturbs members of the Council or other persons attending the session.
- (b) A member of the public, including any representative of the news media, may photograph or videotape the proceedings of the Council at an open session by means of any type of camera if the camera:
 - (1) Is operated without excessively bright artificial light that disturbs members of the Council or other persons attending the session; and
 - (2) Does not create an excessive noise that disturbs members of the Council or other persons attending the session.
- (c) A representative of the news media may broadcast or televise the proceedings of the Council at an open session if the equipment used:
 - (1) Is operated without excessively bright artificial light that disturbs members of the Council or other persons attending the session; and
 - (2) Does not create an excessive noise that disturbs members of the Council or other persons attending the session.
- (d) Notwithstanding anything to the contrary in paragraphs (a), (b), and (c) above, prior advance notice must be given to the Village Manager for any recording, photographing, videotaping, or broadcasting where the set up of equipment is necessary, so that the Village Manager may make arrangements to maintain the orderly conduct of the meeting and avoid disruption.
- (e) Notwithstanding anything to the contrary contained in this Article, the Council may impose restrictions on the use of recording devices, cameras, or broadcasting or television equipment if such restriction is necessary to maintain the orderly conduct of the open meeting or is otherwise needed to protect the legitimate rights of others at the meeting.

(Ord. No. _____, adopted _____, _____, 2009)

Section 2-505. Recording Not Part of Record.

A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be deemed a part of the record of any proceeding of the Council.

(Ord. No. _____, adopted _____, _____, 2009)

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority given it by Article 23A of the Maryland Code, and the Charter of the Village of Martin's Additions, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the ____ day of _____, 2009.

ATTEST:

VILLAGE OF MARTIN'S ADDITIONS

Diane Everts, Secretary
Village Council

Richard Krajeck, Chair
Village Council

Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged