

**TOWNSHIP OF LOWER MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2016-21
(Duly Adopted September 15, 2016)**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER
MACUNGIE TOWNSHIP, LEHIGH COUNTY, ESTABLISHING
ADDITIONAL RULES AND REGULATIONS FOR THE CONDUCT OF
PUBLIC MEETINGS PURSUANT TO THE SUNSHINE ACT.**

WHEREAS, the Lower Macungie Township Board of Commissioners holds public meetings to conduct the business of the Township; and

WHEREAS, the Board of Commissioners wishes to ensure that the conduct of its meetings complies with the Sunshine Act; and

WHEREAS, the Board of Commissioners wants to provide a reasonable opportunity at each meeting for public comment on matters of individual or Township concerns and official actions of the Board of Commissioners which may be before the Board; and

WHEREAS, the Board of Commissioners has determined that in order to conduct public meetings in an orderly manner and to provide for full public participation in such meetings, it is necessary to establish rules and regulations so as to conduct the Township's business within a reasonable period of time at each meeting.

WHEREAS, pursuant to Resolution No. 2012-05, the Board of Commissioners adopted rules and regulations for such meetings, and desires to supplement the existing rules and regulations as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, that the Lower Macungie Township Board of Commissioners hereby adopts the following additional rules and regulations for its public meetings:

1. The aforementioned recitals are incorporated herein as if set forth in their entirety.
2. A new section entitled "*Prohibition Against Disruption of Public Meetings*" shall be added to the Lower Macungie Township rules and regulations for public meetings, as follows:

DISRUPTION OF PUBLIC MEETINGS

- a. **General prohibition.** No person(s) or group(s) shall be allowed to disrupt a public meeting of the Lower Macungie Township Board of Commissioners, or of any Township commission, board or committee.

b. Definitions.

- i. “Disrupt a public meeting” or “disruptive conduct” shall mean and include (i) addressing the Board of Commissioners, commission, board or committee without first being recognized and/or in violation of the order prescribed for meetings in Resolution No. 2012-05; (ii) not addressing the subject before the Board of Commissioners, commission, board or committee; (iii) repetitiously addressing the same subject; (iv) shouting at or threatening the members of the Board of Commissioners, commission, board or committee in a manner which makes it difficult or impossible to maintain decorum, or which places the member(s) of the Board of Commissioners, board or commission in fear for their lives or safety or for the lives or safety of other persons in attendance at the meeting; (v) failing to relinquish the podium when requested to do so; (vi) persistent disruptive conduct after a verbal warning has been issued by the officer presiding over the meeting; (vii) conduct which is violent and which jeopardizes the public health and safety and/or (viii) conduct otherwise preventing the Board of Commissioners, commission, board or committee from conducting its meeting in an orderly manner as determined by the presiding officer of the Board of Commissioners, commission, board or committee, or by a majority of the members thereof.
- ii. “Sergeant at Arms” for a public meeting shall mean the Township Manager or his designee at any meeting of the Township, and/or the Township individual assigned to attend any public meeting of a commission, board or committee.

c. Procedure.

- i. Verbal Warning. In the event that an individual or group of individuals violates the limits of permissible conduct during a public meeting in a manner determined by the presiding officer to constitute disruptive conduct, the presiding officer of the meeting may issue a verbal warning.
- ii. Removal from Meeting and/or Summons of Law Enforcement Officer. If the individual or group refuses to adhere to the direction of the presiding officer, the presiding officer shall recess the meeting and may (i) order the person, group or groups of persons disrupting the meeting to leave the meeting or be removed from the meeting; or (ii) direct the Sergeant at Arms to summon a law enforcement officer so that the law enforcement officer (or the Sergeant at Arms’ designee) to remove the individual or individuals from the meeting room for disrupting a public meeting.
- iii. Arrest and Criminal Offense. Any person who is requested to leave the meeting and does so without being physically removed should not be arrested, so long as he/she does not return to that meeting and unless other unlawful conduct is involved. Any person who (i) is requested to leave the meeting and refuses to do so voluntarily so that physical force is required to remove the individual from the meeting, or (ii) is refusing

to leave after being approached by a law enforcement officer and being ordered to leave immediately, may be placed under arrest by an appropriate law enforcement officer and charged with a violation of the Pennsylvania Crimes Code, 18 P.S. §5508 (Disrupting Meetings and Processions).

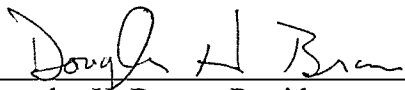
3. All resolutions or parts thereof inconsistent herewith are hereby repealed to the extent of any such inconsistency.
4. This Resolution shall become effective immediately upon adoption.

DULY ADOPTED this 15th day of September, 2016 by the Board of Commissioners of Lower Macungie Township, in lawful session duly assembled.



Attest:

**LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS**



Douglas H. Brown, President



Renea Flexer, Township Secretary