

EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-852

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, AMENDING PART I, CHAPTER 65, ARTICLE II, SECTION 65-2 – RULES AND REGULATIONS

WHEREAS, Section 1601 of the Second Class Township Code, 53 P.S. § 66601, authorizes the Exeter Township Board of Supervisors (“Board”) to adopt, amend, repeal or revise existing ordinances; and

WHEREAS, Section 710 of the Sunshine Act, 65 Pa.C.S. § 710, permits the Board to adopt “rules and regulations necessary for the conduct of its meetings and the maintenance of order;” and

WHEREAS, Part I, Chapter 65, Article II, Section 65-2 of the Code of the Township of Exeter (“Code”) sets forth rules and regulations concerning the conduct of public meetings of the Board; and

WHEREAS, the Board deserves to amend and set forth rules and regulations concerning the conduct and the maintenance of order during public meetings of the Board.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania, as follows:

SECTION 1. Part I, Chapter 65, Article II, Section 65-2 of the Code is hereby amended in its entirety to read:

§ 65-2 Rules and regulations.

A. Public Comments on Agenda Items. There will be placed at the beginning of the agenda for each public meeting a time for residents and/or taxpayers of the Township (“Agenda Commentors”) to comment on agenda items. Such time on the agenda shall be titled “Public Comments.” The following guidelines are established for this portion of the public meeting:

- (1) The Public Comments period shall be limited to twenty (20) minutes. This period may be extended at the discretion of the Chairman.
- (2) Agenda Commentors will be permitted to offer comment after providing their name, municipality of residence and subject matter on a sign-in sheet provided by the Township.
- (3) Agenda Commentors shall limit their comments to agenda items only, at the discretion of the Chairman.

- (4) Each speaker must direct all comments to the Board of Supervisors, rather than staff.
- (5) Agenda Commentors shall comment only after being recognized by the Chairman conducting the meeting.
- (6) Agenda Commentors shall proceed to the podium and announce their name and municipality of residence prior to addressing the Board of Supervisors.
- (7) Comments are limited to three (3) to five (5) minutes, at the discretion of the Chairman, and must be given from the podium.
- (8) The term “Agenda Commentors,” for purposes of the public comment period only, excludes Township Supervisors. Each Supervisor is permitted to offer comments prior to voting on each agenda item and, if time allows at the discretion of the Chairman, during Supervisor Reports.

B. Public Comment on Non-agenda Items. An opportunity to provide public comments on matters of concern, official actions or deliberation that are or may be before the Board of Supervisors that do not appear on a Board agenda will be permitted for residents and/or taxpayers of the Township (“General Commentors”) toward the end of the meeting. Such time on the agenda shall be titled “Public Comment – General Non-Agenda Items.” The following guidelines are established for this portion of the public meeting:

- (1) The Public Comment – General Non-Agenda Items section shall be limited to twenty (20) minutes. This period may be extended at the discretion of the Chairman.
- (2) General Commentors will be permitted to offer comment after providing their name, municipality of residence and subject matter on a sign-in sheet provided by the Township.
- (3) Each speaker must direct all comments to the Board of Supervisors, rather than staff.
- (4) General Commentors shall comment only after being recognized by the Chairman conducting the meeting.
- (5) General Commentors shall proceed to the podium and announce their name and municipality of residence prior to addressing the Board of Supervisors.
- (6) Comments are limited to three (3) to five (5) minutes, at the discretion of the Chairman, and must be given from the podium.
- (7) The term “General Commentors,” for purposes of the public comment period only, excludes Township Supervisors. Each Supervisor is permitted to offer comments prior

to voting on each agenda item and, if time allows at the discretion of the Chairman, during Supervisor Reports.

C. General Comment rules.

- (1) The Township shall run its meetings in accordance with the then-most recent edition of Robert's Rules of Order, except as otherwise provided by resolution or ordinance.
- (2) The Chairman may rule out-of-order scandalous, impertinent, and redundant comments, or comments the discernible purpose or effect of which is to disrupt the proceedings of the meeting.
- (3) The Chairman may request any individual to leave the meeting when that person does not observe reasonable decorum. Further, the Chairman may request the assistance of law enforcement officers to remove a disorderly person when his/her conduct interferes with the orderly progress of the meeting.
- (4) The Chairman may call a recess or adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting.
- (5) The Chairman may allocate available time among individuals wishing to comment.
- (6) At the discretion of the Chairman conducting the meeting, a group of citizens registered to address the Board on the same issue may be required to designate a spokesman.
- (7) Residents and/or taxpayers may use audio or stenographic recorders to record all or any portion of the meeting. Said recorders shall be operated from the area set aside for the general public seating and may not be placed on the Board of Supervisors' table without prior consent of the Chairman conducting the meeting.
- (8) Video recorders may be used to record all or any portion of a public meeting. The operator of the recorder shall remain seated in the area set aside for the general public or stand in the rear of the room behind the general public seating area so as to not interfere in any way with the activities of the Board of Supervisors or the ability of the general public to observe the Board.
- (9) Any resident and/or taxpayer proposing to operate recording equipment at the public meeting shall make a general announcement, prior to the operation of recording equipment, that the meeting shall be so recorded.
- (10) In the event that there is not sufficient time for all public comments, the Board of Supervisors, at its discretion, may continue the public comment to its next regular meeting or to a special meeting occurring in advance of the next regular meeting.

D. Meeting decorum rules. The Township wholeheartedly recognizes the fundamental importance of allowing its residents and taxpayers an opportunity to witness the deliberations of the Board and to comment on matters of concern. As certain conduct may disrupt the lawful proceedings and the maintenance of order during Board meetings, the Township sets forth the following rules:

- (1) Residents, taxpayers, staff and Supervisors shall refrain speaking when not recognized by the Chairman as part of the Public Comment period, the Public Comment – General Non-Agenda Items period or as otherwise provided by the Chairman.
- (2) Residents, taxpayers, staff shall direct any tangible material they wish to provide to Supervisors during a meeting to the Township Manager or the Chief of Police.
- (3) Residents, taxpayers, staff and Supervisors shall refrain from engaging in fighting, making threats, using profane or obscene language, making threatening or obscene gestures, displaying or holding signage, interrupting Supervisors or staff, causing unreasonable noise, maligning others or otherwise engaging in a disruption of a meeting.
- (4) With respect to Supervisors speaking during meetings, Sections 42 (titled “Debate”) and Section 43 (titled “Decorum in Debate”) of Robert’s Rules of Order specifically apply during discussions, debates and Supervisor Reports, including but not limited to the following:
 - a. Supervisors shall address all remarks to the Chairman.
 - b. Supervisors shall, to the best of their ability, refrain from using the name of any fellow Supervisor or staff member and, instead, use the official titles or in some other way describe a fellow Supervisor or staff member.
 - c. Supervisors are not permitted to make personal attacks or question the motives of fellow Supervisors or staff members.
 - d. No Supervisor shall speak more than twice on the same day on the same item, nor longer than ten (10) minutes at one time, without affirmative vote by a majority of the Board of Supervisors.
 - e. No Supervisor may speak a second time on the same item as long as any Supervisor desires to speak who has not spoken on the same item, without affirmative vote by a majority of the Board of Supervisors.

E. Amendments. The Board of Supervisors may, by resolution, set forth additional rules and regulations governing the conduct of meetings and the maintenance of order during meetings that do not conflict with the provisions of this Section.

F. Enforcement. Any person who shall fail, neglect or refuse to comply with the terms or provisions of this Section, shall, in addition to other fines or penalties provided by law or

imposed by any other law of this commonwealth, be subject to a civil enforcement proceeding initiated by the Township or its designee and brought before a Magisterial District Judge in accordance with the Pennsylvania Rules of Civil Procedure, with such ordinance being enforced at law or in equity, and upon finding of liability, shall subject the person to a civil penalty of not less than \$250 per violation, in addition to other remedies at law or in equity, including additional daily penalties for continuing violations, court costs and reasonable attorney's fees.

SECTION 2. REPEAL OF ORDINANCES AND RESOLUTIONS

Any ordinance, parts of ordinances, resolutions or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed in so far as they are inconsistent with this Ordinance's provisions.

SECTION 3. SEVERABILITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Exeter, Pennsylvania hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective at the earliest date permitted by law.

SECTION 5. CODE OF ORDINANCES

The Code of Ordinances of Exeter Township shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of Exeter Township upon enactment.

DULY ORDAINED and ENACTED as an Ordinance this ____ day of _____, 2023.

BOARD OF SUPERVISORS OF
EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

Chairman

Vice Chairman

Member

Member

Member

ATTEST:

Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. ____-2023 adopted by the Board of Supervisors of Exeter Township, Berks County, Pennsylvania at a regular meeting held on _____, 2023, pursuant to notice as required by law.

Dated: _____

Exeter Township Secretary