

STATE OF ILLINOIS :

COUNTY OF LIVINGSTON :

Ordinance No. 2014- 7

CITY OF FAIRBURY :

**AN ORDINANCE AMENDING CHAPTER 2, SECTION .07 THE MUNICIPAL CODE OF THE CITY OF FAIRBURY**

**WHEREAS**, the City of Fairbury, an Illinois municipal corporation ("City"), has the power to govern its affairs pursuant to the Illinois Municipal Code, 65 JLCS 5/1-1-1 et seq., and other applicable laws; and

**WHEREAS**, the City Council recognizes the right to Freedom of Speech, and the Council hereby finds that, pursuant to the Illinois Open Meetings Act, members of the public shall be permitted to speak at open meetings of any public body of the City, pursuant to rules and procedures adopted by the City Council. Further, the City Council declares that such meetings are limited public forums and determines that it is necessary to the health, safety and welfare of the community that the City Council, committees thereof and other City committees, boards, commissions and agencies must be able to conduct meetings in an orderly manner, with decorum and without disruption or disturbance of discussion of matters being considered by the Council or other body, as articulated by the Federal Court in *Steinburg v. Chesterfield County Planning Commission*, 527 F.3d 377 (4th Cir. 2008), and to that end adopts the following rules of conduct for public meetings. Public comment at meetings of the City Council and other public bodies of the City may be limited to agenda items, as set forth in this Ordinance.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and City Council of the City of Fairbury, that Chapter 2, Section .07(a) of the Municipal Code of the City of Fairbury of 1982 is amended to read as follows:

(a) **Order of Business.** The order at all meetings of the City Council shall be as follows:

1. Roll call of members.
2. Pledge of Allegiance.
3. Review/Action of minutes from previous City Council meeting.
4. Review/Action of bills.
5. Review/Action of Check Register.
6. Review/Action of Cash Report.
7. Public Comment on agenda item(s) from the last City Council meeting.
8. Reports of Departments.
9. Reports of Aldermen.
10. Old Business.
11. New Business
12. Public Comment on agenda item(s) for this City Council meeting.
13. Executive Session, if necessary.
14. Adjournment.

**BE IT FURTHER ORDAINED**, that Chapter 2, Section .07(c) of the Municipal Code of the City of Fairbury of 1982 is hereby amended to read as follows:

### **(c) CONDUCT AT PUBLIC MEETINGS**

No person who is not a member of the public body shall be permitted to speak at any public meeting of the City Council, any committee thereof, or any other committee, board, commission, agency or other public body of the City except in accordance with the following rules and procedures or such rules and procedures as may be adopted by majority vote of such committee, board, commission or agency. For purposes of this ordinance, such non-members of the public body shall be referred to as "interested parties." Nothing herein shall be construed to apply to an evidentiary hearing before an administrative officer or body of the City.

1. No interested party may speak at any public meeting except when recognized and permitted to speak by the presiding officer.
  2. Any interested person wishing to speak at any public meeting shall register, in writing, prior to the beginning of the meeting, on a form provided by the City Clerk, giving his or her name, home or business address and the previous agenda topic on which the person wishes to speak. The registration form shall be submitted in person to the Clerk, or his/her designee. The presiding officer shall recognize speakers in the order in which their notice was received. A person who has not so registered shall not be permitted to address the public meeting, except upon motion approved by a majority vote of the public body. An interested party may submit notice of intent to speak only on behalf of himself or herself, and not on behalf of any other person. A representative of a group of interested parties who intends to speak on behalf of the group shall identify the individual members of the group by name and address.
  3. Public comment shall be permitted by the presiding officer only during the designated public participation portion of the meeting. An interested party may speak for no longer than five (5) minutes. Comments shall be limited to the topics listed on the agenda as consent agenda, old business or new business. All public comment shall be directed to the presiding officer. No comments shall be directed to individual members of the public body.
  4. Defamatory or obscene comments and derogatory remarks directed at any person shall not be permitted. Other comments which are prohibited include:
    - Personal attacks
    - Racial, sexist, homophobic, religious, political, ethnic, national, sexual, or other epithets
    - Profanity, insulting, rude, vulgar, obnoxious, or foul language
    - Threats, including, but not limited to:
      - Threats of violence
      - Threats of vandalism
- These examples are not exhaustive. Insulting or disparaging an individual person is a personal attack regardless of the manner in which it is done, and is prohibited.
5. When an interested party is recognized by the presiding officer for the purpose of speaking publicly, the party shall speak only from the location designated by the presiding officer and shall use the microphone if one is provided. No comments shall be permitted from the floor of the chambers or meeting room. The speaker shall first state his or her name.

6. Shouting, clapping, stamping by any individual or group of individuals or making any other disruptive noise from the floor is prohibited while a person is speaking. Standing, waving, holding any sign, making any obscene gesture or other disruptive activity is prohibited. Disruptive noise or activity is anything which interrupts or prevents the orderly conduct of the business of the meeting. The audience shall remain silent throughout the meeting.

7. No person shall block any doorway. All persons in attendance at the meeting shall be seated during the meeting, except in cases of medical necessity, cases of practical necessity (e.g., while making a presentation), cases where standing is appropriate to show respect (e.g., the Pledge of Allegiance, etc.), or cases of insufficient seating.

8. All cell phones shall be silenced except when used as audio/video device during a meeting. No person shall conduct a cell phone conversation or text during a meeting. No person shall talk to another person during a meeting in a manner which makes it difficult for nearby persons to hear the proceedings of the meeting.

9. A person may photograph or make an audio or video recording of a meeting subject to the following limitations.

(A) A video camera or video recording device mounted on a tripod may be located only in an area designated therefore at the rear of the audience, and so as not to interfere with the ability of anyone to observe the meeting. Due to limited space, only one such camera shall be allowed per person. No person shall stand or move around the meeting room for the purpose of taking photographs or video recordings.

(B) No camera shall be directed at members of the public attending the meeting; cameras may be used only to photograph or record the proceedings of the public body and those people who are speaking from the designated location.

(C) No camera lighting may be used except for periods lasting no more than one minute in any fifteen (15) minute period, and shall not interfere with the ability of any person to observe the proceedings. The presiding officer may grant exceptions to this time limit in the case of video recording intended for commercial use which must meet commercial broadcast quality standards.

(D) Under no circumstances shall an audio or video recording process be permitted to interfere with the conduct of the meeting. The presiding officer may issue such orders as may be appropriate to terminate any disruption of the meeting caused by recording activity.

10. Any person who violates any provision of this Section shall be warned by the presiding officer to immediately discontinue the action and not repeat the violation. Any continuation or repetition of the violation after one warning shall constitute grounds for removal of the person from the meeting and shall constitute the offense of disorderly conduct. Upon conviction of a violation of this Section, the penalty shall be a fine of not less than \$250.00 for the first violation, not less than \$500.00 for the second violation, and not less than \$750.00 for each subsequent violation. One or more police officers shall be present at any public meeting if requested by the presiding officer and may remove any person violating this Section.


**BE IT FURTHER ORDAINED**, that the prior Ordinance for this chapter and section is hereby repealed, and all prior ordinance and resolutions in conflict with or inconsistent herewith are hereby repealed to the extent of such inconsistency.

Passed by the City Council of the City of Fairbury, Illinois on July 2, 2014.

Ayes: 7      Nays: 0      Absent: 1

Approved by the Mayor of the City of Fairbury, Illinois on July 2, 2014.

(CITY SEAL)

  
Mayor

Attest: Nancy Widbecki  
City Clerk      Deputy City Clerk