

ORDINANCE NO. 2014 - 06

**ORDINANCE OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF BARNEGAT, COUNTY OF
OCEAN, STATE OF NEW JERSEY ADDING A NEW
CHAPTER 5 TO BE ENTITLED “CABLE
TELEVISION: PROGRAMMING POLICIES AND
PROCEDURES FOR GOVERNMENT ACCESS
CHANNEL”**

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Committee hereby creates and adds a new Chapter 5 to the Township Code, to be entitled “Cable Television: Programming Policies and Procedures for Government Access Channel,” which shall read as follows:

Chapter 5

**CABLE TELEVISION: PROGRAMMING POLICIES AND
PROCEDURES FOR GOVERNMENT ACCESS CHANNEL**

5-1. Policy Statement

- A. The following policy was developed to provide guidelines to effectively and efficiently manage the overall operation of the Comcast Government Access Cable Channel for the Township of Barnegat, to define the function and proper usage of the channel, to identify appropriate content, to provide direction to the Township staff and to assist the public in understanding the services offered by the channel. All programming on the channel shall be the sole and exclusive responsibility of the Township of Barnegat, at the direction of the Township Committee and Administration with input and recommendations from the Cable TV Committee.

5-2. Objectives

The objectives of this chapter are to:

- A. Provide unedited content of cablecasts of Township Committee meetings and other municipal public meetings, as designated.
- B. Provide comprehensive information about programs and services offered to Barnegat residents by municipal departments.

C. Provide information pertinent to Barnegat residents from other local, state, and federal governmental entities.

D. Widen the dissemination of information on the activities of the municipal government advisory bodies of the Township.

E. Provide emergency communications in the event of disaster or widespread service disruption.

F. Provide and distribute programming of interest to the residents, which will inform, educate and enlighten, as well as encourage participation in government services, activities and decision making.

5-3. Channel Operation

The channel shall operate on all cable service providers offering service in the Township pursuant to a franchise authorized pursuant to the provisions of the State Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*

5-4. Types of programs

The types of programs shall be as follows:

A. Live cablecast. Live coverage of designated meetings and events may be provided.

B. Taped-delayed cablecast. Taped meetings, shows and events videotaped in advance for cablecast at a later time. Some events will be cablecast live and will also be taped for later playback.

C. Staff-originated programming: approved programming produced by the municipality, to include programs for local departments, issues related to municipal government or about groups, committees, boards, etc., that are affiliated with government.

D. Outside-originated programming: approved programming that is related to government that is produced by an outside source. This programming may be donated, purchased, rented or borrowed for cablecast.

E. Bulletin-board information: messages related to municipal activities, programs, services and events sponsored in whole or in part by Barnegat or another governmental unit affecting its residents.

F. Emergency broadcasts, as needed.

G. Promotions. Promotional announcements for Township-sponsored events, programs and activities will be permitted. Promotional announcements for events, charities or outside organizations shall only be permitted when the event is being held in the Township.

H. Programming restrictions are as follows:

- (1) No obscene or salacious material.
- (2) No material which violates federal, state or local law.
- (3) A lottery as defined by the Federal Communications Commission regulations or any advertisement of or information concerning a lottery.

I. Political programming.

(1) The channel is not intended as a mechanism to promote any particular issue or candidate for public office. However, this provision will not preclude the channel from cablecasting nonpartisan programs sponsored by mutual third parties designed to inform and educate the citizens of election issues and candidates. An example of what is permitted are debates sponsored by the League of Women Voters.

(2) Declared candidates, including their spouses and agents, who are persons who have publicly announced their intention to run for an office are precluded from advocating any cause, viewpoint or opposed policy of a partisan nature on the channel 100 days before the election.

(3) The political programming preclusion described in this section is inapplicable to persons receiving incidental air time as part of a public meeting. The preclusion will not apply to any comments made within the context of the operations of ordinary government business.

5-5. Access Policy

A. All programming requests will be reviewed by the Cable TV Committee, which shall make its recommendation to the Administration.

B. A weekly log will be kept to record all programming.

C. The channel is not to be utilized for announcements from the general public. Access to the channel shall be limited to municipal, governmental or quasi-governmental functions and operations. Utilization of the channel for personal gain is not permitted. The channel is not a public access channel.

5-6. Access Priorities

Following is a general list of programming priorities, in order of priority. The priorities may be altered on a case-by-case basis by Administration, under direction from the Township Committee.

A. Emergency override communication by the Mayor or designee takes priority over all broadcasts.

B. Programming of or about meetings of policymaking bodies such as the Township Committee, etc.

C. Programming of various departments and their services.

D. Programming of county, state, federal government and/or Township boards, commissions and authorities and/or agencies that use public dollars.

E. Approved programming produced by the Township or outside sources that is relevant to local government or interests of the community at large, or identifiable segments thereof.

F. Video bulletin board.

5-7. Management of government access channel

Management of the government access channel shall be by designated municipal employees, under the direction of the Administration.

5-8. Use of equipment

Township-owned video equipment shall be restricted to municipal activities, and its uses shall be restricted to trained personnel. Loaning of equipment for personal or outside use shall not be permitted.

5-9. Copyright of programs

Programs containing copyrighted materials will be used only if copyright clearance has been obtained.

5-10. Disposition of meeting tapes

A. The original tape of each public meeting may be maintained by the channel for production purposes.

B. Both master tapes and copies will be copyrighted in the name of the Township of Barnegat.

C. Videotapes shall not be considered an official record of any meeting and there shall be no liability for inadvertent erasure or omissions.

SECTION 2. All other provisions of the Township Code, except as set forth herein, shall remain unchanged.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall become effective after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat held on the 18th day of February, 2014, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 10th day of March, 2014 at 6:30 p.m., at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

SHARON AUER
Township Clerk, Township of Barnegat

CERTIFICATION

I, **SHARON AUER**, Acting Township Clerk of the Township of Barnegat, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Township Committee of Barnegat Township at a meeting held on the ____ day of _____, 2014.

SHARON AUER
Township Clerk, Township of Barnegat