

**BOROUGH OF BERGENFIELD
PUBLIC NOTICE**

**ORDINANCE 25-2641 – ESTABLISHING REGULATIONS ON THE TIME,
PLACE, AND MANNER OF MARCHES, DEMONSTRATIONS. AND OTHER
EXPRESSIVE ACTIVITY WITHIN THE BOROUGH**

was introduced at a Regular Meeting of the Mayor and Council of the Borough of Bergenfield on Tuesday, February 18, 2025 and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Council Chamber of the Bergenfield Borough Hall on the 3rd Floor, at 198 North Washington Avenue in Bergenfield on Tuesday, March 4, 2025 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement is for the issuance or denial of a permit for a “special event”, parade, marches, demonstrations, and other expressive activity involving the closure of streets and establish regulations for marches and demonstrations, as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quiñones-Wilson
Borough Clerk
February 24, 2025

**BOROUGH OF BERGENFIELD
BERGEN COUNTY, NEW JERSEY**

ORDINANCE NO. 25-2641

**ESTABLISHING REGULATIONS ON THE TIME, PLACE, AND MANNER OF MARCHES,
DEMONSTRATIONS, AND OTHER EXPRESSIVE ACTIVITY WITHIN THE BOROUGH**

WHEREAS, over the preceding year, the Borough of Bergenfield has experienced an increase in protests, both organized and not, that have raised concerns over the public health, safety, and welfare of the residents of the Borough; and

WHEREAS, at the same time, the Mayor and Borough Council seek to protect the right of its residents to participate in peaceful marches, demonstrations, and other expressive activity that are protected by the United States and New Jersey Constitutions; and

WHEREAS, certain sections of the Borough Code can and should be clarified to provide for additional guidance as to the rights of protestors as well as Borough officials in enforcing the Borough Code; and

WHEREAS, the Borough believes that to promote clarity in understanding these rights, it is necessary from time-to-time to update the language used in the Borough Code, as well as the procedures used therein.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council that:

SECTION I. Chapter 273, "Streets and Sidewalks," of the Borough Code of the Borough of Bergenfield is hereby amended to add Article V entitled "Special Events, Marches, Demonstrations, and Parades" as follows:

Article V. Special Events, Marches, Demonstrations, and Parades

Part I. Special Events

Sec. 273-37. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SPECIAL EVENT

For the purposes of this chapter, the term "special event" shall be deemed to include any parade, walkathon, bikeathon or jogging group, block party or other organized group having a common purpose or goal, proceeding along a public street or other public right-of-way in the Borough of Bergenfield, excluding any event described in Article V, Part II of this Chapter.

PARADE

Any march, procession (excluding funeral processions), or parade on any public street within the Borough of Bergenfield consisting of people, animals, or vehicles, or a combination thereof, which does not comply with normal and usual traffic regulations or controls.

Sec. 273-38. Application to conduct event.

Application to conduct such special event shall be made to the Borough Administrator, in writing, by the person or persons in charge or responsible therefor. Such application shall set forth the following information:

- (a) The name, address and telephone number of the person requesting the permit.
- (b) The name and address of the organization or group he or she is representing.
- (c) The name, address and telephone number of the person or persons who will act as chairperson of the special event and be responsible for the conduct thereof.
- (d) The number of monitors to be provided and the identifying marks, badges, or symbols to be worn or used by the monitors.
- (e) The purpose of the event, the estimated number of persons to participate and otherwise attend and the number and types of vehicles (if any) to participate.
- (f) The method of notifying participants of the terms and conditions of the special event.
- (g) The date the event is to be conducted and the hours it will commence and terminate.
- (h) The specific assembly and dispersal locations, the specific route and the plans, if any, for assembly and dispersal.
- (i) Whether any music will be provided, either live or recorded.
- (j) The number, types and locations of all loudspeakers and amplifying devices to be used.
- (k) Such other information as the Police Chief may deem necessary in order to properly provide for traffic control, street and property maintenance and the protection of the public health, safety and welfare.

Sec. 273-39. Issuance or denial of permit.

If the Borough Administrator, in consultation with the Chief of Police as necessary, shall find that the special event is not to be held for any unlawful purpose and will not in any manner tend to cause a breach of the peace or unnecessarily interfere with the use of the public streets or public rights-of-way, he or she issue said permit.

Sec. 273-40. Time limitation for application; hours of conduct; removal of signs.

No such permit shall be issued for a special event unless application has been made not less than ten days in advance of the date on which said special event is sought to be held. No such event shall commence earlier than 8:00 a.m. nor continue beyond the hour of 10:00 p.m. of the same day. All directional signs erected in connection with the special event shall be removed within 24 hours of the termination of the event.

Sec. 273-41. Conditions contained in permit.

Any permit granted under this chapter may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety, and welfare, including but not limited to changes in time, duration or number of participants.

Sec. 273-42. Closing of streets.

Pursuant to N.J.S.A. 40:67-16.9, for the purpose of carrying out the preceding sections of this chapter, the Borough Council authorizes the Borough Administrator to provide, by regulation, for the closing of any street, or portion thereof, to motor vehicle traffic on any day or days or during specified hours on any day or days whenever he/she finds that such closing is necessary for the preservation of the public safety, health or welfare. Any regulations promulgated by the Borough Administrator pursuant to the authority of this section shall provide for the posting of proper warning signs of such closing in any street, or portion thereof, during the time the same is closed. The penalty for the violation of this section or any regulations promulgated pursuant thereto shall be as contained in § 1-4, General penalty, of the Bergenfield Borough Code.

Sec. 273-43. Indemnification.

The applicant shall agree to indemnify and hold harmless the Borough, its servants, agents, and employees for any and all claims caused by or arising out of the activities permitted.

Sec. 273-44. Permit required.

No special event shall occur, and no person shall participate in a special event, absent the issuance of a permit. Additionally, all conditions contained in any permit shall be complied with.

Part II. Marches, Demonstrations, and Other Expressive Activity

Sec. 273-45. Purpose.

Participating in peaceful marches, demonstrations, and other expressive activity is a core right protected by both the United States and New Jersey Constitutions and supported by the elected representatives of the residents of the Borough of Bergenfield. It is the intent of this Part to protect and preserve the health, safety, and welfare of the citizens of Bergenfield by establishing certain "time, place and manner" regulations to ensure that such constitutionally protected activity can safely proceed without undue interference. The Borough will not impose more restrictions on one group than another or enforce this Part differently based upon the categories of people involved or the content of the message being communicated.

Sec. 273-46. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

MARCH, DEMONSTRATION, OR OTHER EXPRESSIVE ACTIVITY

Any form of noncommercial expression that is protected by the United States and New Jersey Constitutions, which may include peaceful assemblies, speeches, protests, picketing, leafleting, circulating petitions, distributing literature, and similar expressive communications and activities.

Sec. 273-47. Interpretation. The provisions of Sec. 273-38 through Sec. 273-43 of the Borough Code shall apply to any march, demonstration, or other expressive activity, in which an organized group having a common purpose or goal, proceeds along a public street or other public right-of-way in the Borough of Bergenfield, with any reference to "special event" therein replaced by the words "march, demonstration, or other expressive activity."

Sec. 273-48. Rules and Regulations.

During the course of a march, demonstration, or other expressive activity, whether a permit is obtained or not, the Borough will enforce all laws and regulations relating to the peace and good order of the community and will not tolerate any illegal activity, particularly with respect to the destruction of public property or any attempt to injure another person. In addition to any other generally applicable Borough ordinances, rules, and regulations that may be applicable to such activity, the following specific regulations shall also apply to such activity:

- (a) Signs are not permitted to be posted on utility or other poles, unless authorized in writing by the owner or operator of the utility or other pole. Additionally, any signs or flags must be held by hand and not affixed to any pole or stick, except for cardboard tubing.
- (b) The use of sound amplification equipment, including bull horns or musical instruments, is prohibited except where authorized by permit.
- (c) In order to protect the quiet enjoyment of residents' homes during sleeping hours, including the sleeping hours of children, under no circumstances may sound amplification equipment be utilized in residential neighborhoods between the hours of 7:00 p.m. and 7:00 a.m.
- (d) The open carrying of any type of weapon is prohibited, including, but not limited to, knives (except for pocket knives), bricks, bats, clubs, sticks, and brass knuckles.
- (e) Persons shall not be permitted to climb in trees or up utility poles.
- (f) To protect the public safety, it is prohibited to conduct a march, demonstration, or other expressive activity inside or in the immediate vicinity of a police or fire station, the interior of a Borough-owned or Borough-controlled building, or other buildings or locations within the Borough, as determined by the Borough Administrator, to be subject to this provision to protect the public safety. The foregoing does not apply to Borough property generally considered traditional public forums, such as public parks, plazas, streets and sidewalks, or limited public forums, provided the provisions of this Part, Article V, Part II of Chapter 273, and generally applicable Borough ordinances, rules, and regulations are complied with.

- (g) It is prohibited to picket or engage in other activities that are disruptive or are undertaken to disrupt and are directed at, and take place directly in front of or directly adjacent to, a particular private residence. The primary purpose of this provision is the protection and preservation of the sanctity and quiet enjoyment of the home by ensuring that members of the community are free from targeted harassment and intrusion when they are in their private homes and dwellings.
- (h) It is prohibited to picket or engage in other activities that are disruptive or are undertaken to disrupt and are directed at, and take place within 50 feet of, a religious establishment, including a house of worship or religious school, directly before or directly after any religious program or activity. The primary purpose of this provision is the protection and preservation of First Amendment religious liberty rights by ensuring that members of the community are free from targeted harassment and intrusion when attending a religious establishment to engage in the free exercise of religion.
- (i) The free flow of traffic along Borough streets shall remain unimpeded and all traffic and pedestrian signals shall be followed, except to the extent authorized by a permit or other legal authorization for the closure of a Borough street.
- (j) Pedestrians not participating in the march, demonstration, or expressive activity shall be given enough space to travel on Borough sidewalks and may not be maliciously obstructed or detained.
- (k) Law enforcement is authorized to redirect a march, demonstration, or expressive activity in the interest of public safety.
- (l) Persons not participating in a march, demonstration, or expressive activity must be allowed unimpeded access to buildings and businesses in the vicinity of the march, demonstration, or expressive activity, with a clear space for ingress and egress available at all times.
- (m) Property shall not be removed from any construction site located anywhere within the Borough.
- (n) Borough officials shall not be impeded by any person in the course of performing their official duties.
- (o) No person shall participate in a march, demonstration, or expressive activity regarding which the provisions of Sec. 273-38 through Sec. 273-43 of the Code of the Borough apply if that march, demonstration, or expressive activity has not been issued a permit. Additionally, all conditions contained in any permit shall be complied with.
- (p) No person shall interfere with peaceful marches, demonstrations or other expressive activity provided the persons engaging in such activity are in compliance with the foregoing rules and regulations and any other generally applicable laws or ordinances. All of the foregoing rules and regulations shall apply without regard for whether a permit must be or has been obtained, except to the extent a particular rule or regulation has been waived or modified by a valid permit or other legal authorization.

Sec. 273-49. Violations and penalties.

It is unlawful to violate or fail to abide by any of the provisions of this chapter. Any person who violates any provision of this chapter, or any part thereof, shall be subject to a fine or penalty for each violation as provided in § 1-6 of the Code of the Borough of Bergenfield.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 18th day of February, 2025 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Borough Hall in the Borough of Bergenfield, Bergen County, New Jersey, on the 4th day of March, 2025 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.