

**BOROUGH OF HO-HO-KUS
COUNTY OF BERGEN**

ORDINANCE #2019-17

**AN ORDINANCE TO ESTABLISH CHAPTER 62 OF THE BOROUGH CODE
ENTITLED “SOCIAL MEDIA AND PUBLIC OUTREACH POLICY AND
PROCEDURE FOR THE BOROUGH OF HO-HO-KUS”**

BE IT ORDAINED, by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey that it’s Social Media and Public Outreach Policy and Procedure is hereby adopted as follows:

Section I. **Purpose.**

This policy sets forth guidelines for the establishment and use by the Borough of Ho-Ho-Kus (“the Borough”) of its Social Media sites and public outreach tools (Facebook, YouTube, Twitter, Website, Electronic Sign, E-mail Blast, Public Access TV, PowerPoint and any future approved media – hereinafter collectively “Social Media”) as a means of conveying Borough – related information to its residents, employees and visitors. The Borough has an overriding interest and expectation in deciding what is “spoken” on behalf of the Borough on its Social Media sites and what information get disseminated through its public outreach tools.

The purpose of this Social Media and Public Outreach policy is to establish enforceable rules for the use of Social Media by Borough officers and employees when engaged in Borough business. Social Media and Public Outreach tools at this time refers to Facebook, YouTube, Twitter, Website, Electronic Sign, E-mail Blast, Public Access TV PowerPoint and any other communication whether or not such communication is open to response or comment. Rules are necessary to assure that communications made on behalf of the Borough are properly authorized and in correct form; that communications to the municipality by means of social media which can be viewed by the public are appropriate and pertinent; that all communications to the municipality is related to the posted municipal information; and that the sender is clearly and fully informed that a message received by means of Social Media is not a substitute for required reporting procedures.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples include Facebook, YouTube and Twitter. “Public Outreach Tools” is understood to be content created by individuals and published on the Website, Electronic Sign, E-mail blast and Public Access TV PowerPoint. For purposes of this policy, “comments” include information, articles, pictures, and any other written or communicated words or phrases.

Section II. **Scope.**

1. This policy shall apply to all Municipal agencies and departments as well as any affiliated government or Ho-Ho-Kus sponsored clubs or organizations, and organizations hosting an event for a non-profit organization in Ho-Ho-Kus or official and/or commission or council permitted by the Borough to post on Borough Social Media sites and Public Outreach Tools.

Section III. **General Policy.**

The objective of the use of Social Media and public outreach tools by the Borough or its departments is to expand and facilitate the dissemination of information from the Borough to its residents, taxpayers and the general public.

1. No Borough Social Media site shall be established without prior approval of the Borough Council. The following Social Media sites and Public Outreach tools are approved under the direction of the Borough Administrator or his/her designee – Facebook, YouTube, Twitter, Website, Electronic Sign, E-mail Blast and TV Public Access PowerPoint. The Borough Social Media site and public outreach tools shall be administered by the Borough Administrator or his/her designee. The Administrator or his/her designee shall

designate a representative from any Borough Department or Organization to administer their own social media sites in accordance with this policy.

2. The Borough Social Media sites and public outreach tools shall clearly set forth that they are maintained by the Borough and that they follow this Social Media and Public Outreach Policy
3. Wherever possible, the Borough Social Media sites should link back to the official Borough website for forms, documents, online services and other information necessary to conduct business with the Borough.
4. The Borough Social Media sites are not to be used for making any official communications to the Borough, for example, reporting crimes or misconduct, reporting dangerous conditions, requesting an inspection, giving notice required by any statute by, ordinance or regulations such as but not limited to notices of claim. Prominent notice of this paragraph shall be displayed on every Borough Social Media site, along with the appropriate contact information for submitting official communications.
5. This Social Media policy shall be placed on the Borough Website and all Borough Social Media sites and public outreach tools.
6. The Borough Administrator or his/her designee shall monitor Borough Social Media sites and public outreach tools to ensure adherence to both this Social Media and Public Outreach Policy and the interest and goals of the Borough. The Borough has the right and will restrict or remove any content that is deemed in violation of this Policy or any applicable law. Any content removed based on these guidelines will be retained by the Borough Administrator and/or his/her designee pursuant to the applicable Borough retention policy, including the time, date and identity of the poster, when available.
7. These guidelines must be displayed to users or made available by hyperlink.

The Borough will approach the use of Social Media tools as consistently as possible, Borough-wide.

8. The Borough website at www.ho-ho-kusboro.com will remain the Borough's primary and predominate internet presence.

The Borough's Social Media sites and this Policy are subject to all applicable federal and NJ laws and regulations, as well as applicable record retention requirements.

Employees and Volunteers representing the Borough's government via its Social Media sites shall conduct themselves at all times as a representative of the Borough and in accordance with the Employee Rules and Regulations manual.

This Social Media and Public Outreach Policy may be revised at any time by approval of the Borough Council.

This policy governs all Social Media and public outreach tools used by or on behalf of the Borough and/or its departments.

The Borough shall have a single municipal presence on Social Media approved for use, a Borough Police Twitter account and a Volunteer Fire Department Facebook Page.

All Borough presence and activity on Social Media are an integral part of the Borough's information networks and must comply with all rules and policies governing the Borough's computers and electronic media.

All Borough use of Social Media is responsible for complying with applicable federal, state, and county laws, regulations, and policies. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Open Public Record Act (OPRA), First Amendment, privacy laws, sunshine laws, and information security policies (if applicable) established by the Municipality.

All Municipal policies are applicable to interactions on Social Media sites when acting in an official capacity and representing the Municipality.

Section IV. **Comment Policy.**

1. As a public entity the Borough must abide by certain standards to serve all its constituents in a civil and unbiased manner.
2. The intended purpose behind establishing the Borough Social Media sites and public outreach tools is to disseminate information from the Borough about the Borough to its residents, employees and visitors.
3. A comment posted by a member of the public on any Borough Social Media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Borough, nor do such comments necessarily reflect the opinions or policies of the Borough.
4. Any attempt to hack or otherwise compromise the Borough's internet or Social Media sites will be reported to law enforcement and the perpetrator will be denied access to the sites.
5. The Borough reserves the right to deny access to its Social Media sites for any individual who violates the Borough of Ho-Ho-Kus' Social Media and Public Outreach Policy at any time and without prior notice.
6. All comments posted to any Borough sites are bound by any applicable terms and conditions of Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and the Borough reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsible action. All Borough policies are applicable to interactions on Social Media sites when acting in an official capacity and representing the Borough.
7. All comments posted to any Borough sites are bound by any applicable terms and conditions of Twitter's Terms of Service, located at <http://twitter.com/tos>, and the Borough reserves the right to report any violation of Twitter's Terms of Service to Twitter with the intent of Twitter taking appropriate and reasonable responsible action. All Borough policies are applicable to interactions on Social Media sites when acting in an official capacity and representing the Borough.
8. All comments posted to any Borough sites are bound by any applicable terms and conditions of YouTube's Terms of Service, located at <http://www.youtube.com/t/terms>, and the Borough reserves the right to report any violations of YouTube's Terms of Service to YouTube with the intent of YouTube taking appropriate and reasonable responsible action. All Borough policies are applicable to interactions on Social Media sites when acting in an official capacity and representing the Borough.
9. All comments posted to any future Social Media medium or site shall be bound by such site's applicable terms and conditions regarding such posting or commenting.
10. No Borough employee, Borough elected official, vendor performing work or providing services to the Borough, or volunteer may post or comment on a Borough Social Media site.
11. Persons posting prohibited content are subject to being barred from posting comments on Borough Social Media.

Section V. **Prohibited Content.**

Comments containing any of the following inappropriate forms of content shall not be permitted on the Borough's Social Media sites or public outreach tools and are subject to removal and/or restriction by the Borough Administrator or Chief of Police or their designees.

- a. Profane, obscene, violent, or pornographic content and/or language, or sexually suggestive or explicit content links to such materials. Any image or link containing minors or suspected minors in sexual and/or provocative situations will be reported to law enforcement;
- b. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin, marital status, status with regard to public assistance, physical or mental disability or sexual orientation;
- c. Reference to any political party or activity of a political party;
- d. Reference to any religious belief;
- e. Reference to any private interests group or activity of a private interests group
- f. Defamatory attacks;
- g. Threats to any person or organization;
- h. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
- i. Conduct in violation of any federal, state or local law;
- j. Encouragement of illegal activity or illegal activity;
- k. Information that may tend to compromise the safety or security of the public or public systems;
- l. Content that violates a legal ownership interest, such as copyright, of any party the Borough does not permit or allow copyright infringing activities and/or infringement of intellectual property rights on its website or Social Media sites and will remove any and all content and submissions if properly notified that such content and/or submission infringes on another's intellectual property rights;
- m. Private contact information such as names, addresses and phone numbers no matter how easily obtained elsewhere, unless given approval by the organization; Personal information of a person other than the poster;
- n. Spamming or repetitive content;
- o. Comments from children under 13 cannot be posted in order to comply with the Children's Online Privacy Protection Act. By posting on a Borough Media site, users acknowledge that they are at least 13 years old. Parents are responsible for any minor child's posting or comments;
- p. Content that incites violation;
- q. Comments unrelated to the particular post being commented upon;
- r. Comments containing vulgar, offensive, threatening or harassing language, personal attacks or accusations; and
- s. Persons posting prohibited content are subject to being blocked and barred from posting comments on Borough Social Media.

Section VI. **Breach of Policy.**

1. The Borough Administrator or Chief of Police or their designee shall be required to remove internet postings on Borough Social Media sites which are deemed to constitute a breach of Policy, as determined by the Borough Administrator or Chief of Police subject to applicable archiving and retention requirements.
2. Any Social Media site created by the Borough remains the property of the Borough, including all the followers and friends generated by the site. If the person who created the site leaves the employment of the Borough, they must immediately relinquish all information related to the site including user names, passwords and/or access codes or information.

Section VII. **Terms of Use of Disclosure.** *(to be posted on all Borough Social Media Sites)*

A. Information Disclaimer

By visiting this site, you understand and agree that the Borough of Ho-Ho-Kus site is provided "AS IS". Borough of Ho-Ho-Kus makes every effort to provide accurate and complete information on this website. The information contained herein is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided as a service and convenience to people needing information about the Borough of Ho-Ho-Kus. Portions of the information on this site may be incorrect or not current. Borough of Ho-Ho-Kus, its officers, employees or agents shall not be liable for damages or losses of any kind arising out of or in connection with the use or performance of information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of any such information, or damages incurred from the viewing, distributing, or copying of those materials.

B. Linking Policy – Links to External Sites

The Borough of Ho-Ho-Kus site contains links to outside websites. These websites are not owned, operated, controlled or reviewed by the Borough of Ho-Ho-Kus. These links are provided solely as a courtesy and convenience to you, the visitor.

The Borough of Ho-Ho-Kus, its officers or employees, exercise no control over the organizations, views, accuracy, copyright or trademark, compliance or the legality of the material contained in these outside websites. The Borough of Ho-Ho-Kus, its officers or employees, do not sponsor, endorse, or approve the information, content, proceeds, materials, opinions or services contained on such outside websites. The visitor proceeds to these outside websites at his/her own risk. The Borough of Ho-Ho-Kus specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to the Borough of Ho-Ho-Kus website or from reliance upon only such information.

C. Endorsement Disclaimer

Reference in this website to any specific commercial products, processes, or services, or the use of any trade firm or corporation name is for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by the Borough of Ho-Ho-Kus or its officers, employees or agents.

D. Copyright and Trademark Limitations

Borough of Ho-Ho-Kus makes no warranty that materials contained herein are free of copyright or trademark claims or other restrictions or limitations on free use or display. Making a copy of such material may be subject to copyright or trademark laws.

E. Use of material from this site

The Borough of Ho-Ho-Kus has made the content of these pages available to the public and anyone may view, copy or distribute *Borough of Ho-Ho-Kus information* found here without obligations to the Borough of Ho-Ho-Kus for non-commercial, personal use only, unless otherwise stated on particular material or information to which a restriction on free use may apply.

The design of this site, original graphics, and original content are all copyrighted by the Borough of Ho-Ho-Kus and may not be re-engineered, distributed, modified, transmitted, re-used, reposted or duplicated without the express written permission of the Borough of Ho-Ho-Kus in each instance. All requests to use any part of the original design, code, graphics or content of this site should be made via-email to the Borough Administrator.

F. Unauthorized Modifications

Unauthorized attempts to modify or otherwise alter any information or image stored on any Borough of Ho-Ho-Kus website may result in criminal prosecution.

Section VIII. Procedure.

This procedure sets forth the guidelines to having information posted on the Borough of Ho-Ho-Kus' Social Media sites by an organization other than the Borough.

1. Borough of Ho-Ho-Kus information, Borough events and meetings announcements, and emergency notifications take precedent over any other announcements.
2. Requests, including the text of the proposed messages, must be e-mailed to the Borough Administrator and/or his/her designee at least ten (10) days prior to posting the information. The request must contain the following information: full name of organization, time, date and place of the event, contact name, e-mail address and telephone number.
3. Information shall be e-mailed as a Microsoft Word Document in paragraph form (Times New Roman, 12 Font), no PDF or fliers will be accepted.
4. Organization shall include a maximum of two (2) dates of when to post the information.
5. Information will be disseminated for 2 weeks prior to the event.
6. Only Ho-Ho-Kus sponsored clubs or organization, and organizations hosting an event for a non-profit organization in Ho-Ho-Kus shall be permitted to seek approval to post information of Borough of Ho-Ho-Kus' Social Media sites and public outreach tools.
7. Every effort will be made to accommodate all requests. If many requests are received for the same period of time, the posting will be determined on a first come, first serve basis. The dates of postings, their duration, and content are the final decision of the Borough Administrator and/or his/her designee.

Section IX. **Repealer.**

All other ordinances or parts of ordinances of the Borough which are inconsistent with this ordinance are hereby repealed but only to the extent of such inconsistencies.

Section X. **Severability.**

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section XI. **Effective Date.**

This ordinance shall take effect upon passage and publication as required by law.

NOTICE OF PENDING ORDINANCE

This Ordinance published herewith was introduced and pass upon first reading at a meeting of the Municipal Council of the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey, held on January 7, 2019. It will be further considered for final passage after the public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 333 Warren Avenue, Ho-Ho-Kus, NJ 07423-1547, in said Borough on January 22, 2019, at 7:30 p.m. at which time and place all interested member of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall and copies are available at no charge in the Office of the Borough Clerk for members of the general public who may request them.

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HO-HO-KUS AT A REGULAR MEETING ON **JANUARY 22, 2019.**

ATTEST: _____
Joan Herve, RMC, Borough Clerk

APPROVED: _____ Thomas W. Randall, Mayor