

ORDINANCE NO. 26-2023

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING
THE TOWNSHIP CODE WITH RESPECT TO ITS EXPRESSION
OF GOVERNMENT SPEECH**

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Livingston (the “Township”), may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker. (See, Shurtleff v. City of Boston, Massachusetts, 142 S.Ct. 1583 (2022)p); and

WHEREAS, the Township maintains municipally owned properties within the Township which lend themselves to promoting particular Township approved values or views (the “Township’s Public Display Areas”); and

WHEREAS, the Township Council wishes to convey certain messages on the Township’s behalf the Township’s Public Display Areas as a form of the government’s own expression; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the Township Council of the Livingston, County of Essex, State of New Jersey:

- A. The Township owned Township’s Public Display Areas, are not intended to serve as a forum for free expression by the public. Rather, the Township owned areas listed in the Township’s Public Display Areas are to be used exclusively by the Township. The Township will not display or place on any Township owned areas, at the request of third parties, any items to sponsor the expression of a third party.
- B. No person shall display or place upon any area owned by the Township of Livingston and/or listed in the Township’s Public Display Areas, any item not otherwise authorized as an expression of government speech by the Township Council by way of resolution.
- C. For the purpose of this Ordinance the term “item” shall mean an article, unit, object, piece, collection, set or thing that sets forth, sponsors, displays any expression, views or values.
- D. All Ordinances or parts thereof, inconsistent herewith, are hereby repealed to the extent of such inconsistency.
- E. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

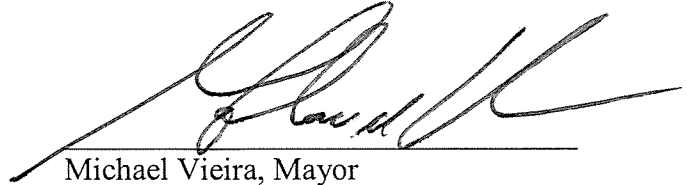
F. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

TOWNSHIP OF LIVINGSTON



Carolyn Mazzucco, Township Clerk



Michael Vieira, Mayor

Introduced: August 14, 2023

Adopted: September 7, 2023