

**BOROUGH OF HAWORTH
ORDINANCE NO. 20-10**

**AN ORDINANCE TO ESTABLISH A SOCIAL MEDIA
POLICY FOR THE BOROUGH OF HAWORTH AND TO
ESTABLISH REGULATIONS PERTAINING TO THE
USE OF BOROUGH SOCIAL MEDIA SITES.**

BE IT ORDAINED by the Mayor and Council of the Borough of Haworth
as follows:

Section 1. Purpose.

This policy sets forth guidelines for the establishment and use by the Borough of Haworth of social media sites and/or pages 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 its behalf on social media sites.

The purpose of this social media policy is to establish enforceable rules for the use of social media by Borough officers and employees when engaged in Borough business. Social media at this time refers to Websites, Facebook, Instagram and Twitter. 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.

For purposes of this policy, “social media” is understood to be content created by Borough representatives, using accessible, expandable and upgradeable publishing technologies, through and on the Internet, specifically Websites, Facebook, Instagram and Twitter as they are open to response and comment. For purposes of this policy, “comments” include information, articles and pictures.

Section 2. Scope and Applicability.

This policy shall apply to all Municipal agencies and departments as well as any affiliated government or non-government agency or official and/or commission or council permitted by the Borough to post on on social media sites

Section 3. General Policy.

The objective of the use of social media by the Borough, its departments or representatives is to expand and facilitate the dissemination of information from the Borough to its residents, taxpayers and the general public:

a. No Borough social media site, including websites, shall be established without prior approval of the Borough Committee. The following Borough related organizations that are permitted to have a social media presence are: Police; Ambulance; Fire Department; Library; Swim Club; DPW; Board of Health; Recreation Commission; Environmental Commission; Shade Tree Commission; Parks and Playgrounds; Tennis; The Haworth Arts Committee.

b. Any “page”, “site” or “website” maintained by these Borough organizations shall clearly set forth that they are maintained by the Borough and that they will follow this Social Media Policy.

c. Wherever possible, the Borough social media sites/pages and websites should link back to the official Borough website for forms, documents, online services and other information necessary to conduct business with the Borough.

d. The Borough shall designate a designee who shall have full administrative access to and monitor Borough social media sites/pages and websites to ensure adherence to both this Social Media Policy and the interest and goals for the Borough. The designee may be the Council Liaison responsible for portfolio content on the site/page. The Borough has the right and will restrict or remove any content that is deemed violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines will be retained by the designee and/or Borough Administrator pursuant to the applicable Borough retention policy, including the time, date and identity of the poster, when available.

e. These guidelines must be displayed to users or made available by hyperlink.

f. The Borough will approach the use of social media tools as consistently as possible, Borough-wide.

g. The Borough website at www.haworthnj.org will remain the Borough's primary and predominant internet presence.

h. The Borough social media sites/pages and websites and this Policy are subject to all applicable federal and NJ laws and regulations, as well as applicable record retention requirements.

i. Employees and Appointees and Volunteers representing the Borough's government via its social media sites/pages and websites shall conduct themselves at all times as representatives of the Borough and in accordance with all its policies [in the handbook].

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

k. This Policy governs all social media use by or on behalf of the Borough and/or its departments and commissions. These sites include the official Borough website and pages on Facebook, Instagram and Twitter.

l. All Borough use of social media is responsible with 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.

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

n. No “friending” or other special relationship between a Borough representative and a third person is permitted on Borough social media sites/pages and websites.

o. In the event any municipal agency, department or Borough-related organization seeks to post a photo or photos which depict children, written consent shall be required to be obtained from the parent or legal guardian prior to publishing such a photo. As used herein, the term ‘children’ shall be defined as any person under the age of eighteen (18).

Section 4. Comment Policy.

a. As a public entity the Borough must abide by certain standards to serve all its constituents in a civil and unbiased manner.

b. The intended purpose behind establishing the Borough social media sites/pages is to disseminate information from the Borough and about the Borough to its residents, employees and visitors.

c. A comment posted by a member of the public on any Borough social media site/page is the the opinion of the commentator or poster only, and the 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.

d. Borough representatives responding to a comment on a Borough social media site/page in their official capacity must include their name and title as pertaining to their duties to the Borough.

e. Any attempt to hack or otherwise compromise the Borough's internet or social media sites/pages and websites will be reported to law enforcement and the perpetrator will be denied access to the pages.

f. The Borough reserves the right to deny access to its social media sites/pages and websites for any individual who violates the Borough of Haworth Social Media policy at any time and without prior notice.

g. All comments posted to any Borough sites are bound by any applicable terms and conditions of Facebook's statement of rights. All Borough policies are applicable to interactions on social media sites/pages when acting in an official capacity and representing the Borough.

h. All comments posted to any Borough sites are bound by any applicable terms and conditions of Instagram's Terms of Use. All Borough policies are applicable to interactions on social media sites/pages and websites when acting in an official capacity and representing the Borough.

i. Persons posting prohibited content are subject to being barred from posting comments on Borough social media.

Section 5. Prohibited Content On Social Media.

Comments containing any of the following inappropriate forms of content shall not be permitted on the Borough's social media pages and websites are subject to removal and/or restriction by the Borough 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. Defamatory attacks;

d. Threats to any person or organization;

e. Solicitation of commerce, including but not limited to advertising of any business or product for sale;

f. No Borough social media site or website shall be used for any commercial purpose, including but not limited to the offer to sell or purchase any items, goods or services of any nature whatsoever, whether by the organization, any member thereof, or on behalf of any other person or organization. Fundraising to benefit the committee/borough organization is permitted.

g. Conduct in violation of any federal, state or local law;

h. Encouragement of illegal activity;

i. Information that may tend to compromise the safety or security of the public or public systems;

j. Any content that violates a legal ownership, such as a copyright, of any party the Borough does not permit or allow copyright infringing activities

and/or infringement of intellectual property rights on its social media sites/pages. Such content will be removed.

k. Private contact information such as names, addresses, and phone numbers no matter how easily obtained elsewhere; personal information of a person other than the poster;

l. Spamming or repetitive content;

m. Comments from children under 13 cannot be posted in order to comply with the Children's Online Privacy Protection Act. By posting users acknowledge that they are at least 13 years old. Parents are responsible for any minor child's posting or comments.

n. Content that incites violence;

o. Comments containing vulgar, offensive, threatening, or harassing language, personal attacks, or unsupported accusations and,

p. Persons prohibited content are subject to being banned from posting comments on Borough social media.

Section 6. Breach Of Policy.

The Borough Designee may be required to remove internet postings on Borough social media sites/pages and websites which are deemed to constitute a breach of Policy, as determined by the Designee subject to applicable archiving and retention requirements.

Any social media 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/page leaves the position held for the Borough, they must relinquish everything related to the site including user names, passwords and/or access codes or information.

Section 7. Terms of Use Disclosure.

a. Information Disclaimer.

By visiting this page you understand and agree that the Borough of Haworth makes every effort to provide accurate and complete information on this page. 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 here is provided as a service and convenience to people needing information about goings on in Haworth. Portions of the information posted here may be incorrect or not current. The Borough of Haworth local government, 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 Haworth social media sites/pages may contain links to outside websites. These websites are not owned, operated, controlled, or reviewed by the Borough. These links are provided solely as a courtesy and convenience to you, the visitor.

The Borough of Haworth local government, 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 visitor proceeds to these outside websites at his/her own risk. The Borough specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to a Borough of Haworth social media site/page.

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 Haworth local government or its officers, employees or agents.

d. Copyright and Trademark Limitations.

The Borough of Haworth local government 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 materials from these Pages/Sites.

The Borough of Haworth local government has made the content of these pages available to the public and anyone may view, copy or distribute *Borough of Haworth local government information* found here without obligation

to the Borough government for non-commercial, person use only, unless otherwise stated on particular material information to which a restriction on free use may apply.

The design of these pages/sites, websites, original graphics and original content are all copyrighted by the Borough of Haworth and may not be re-engineered, distributed, modified, transmitted, re-used, reposted or duplicated without the express written permission of the Borough of Haworth in each instance. All requests to use any part of the original design, code, graphics or content of these pages/sites 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 Haworth local government page/site may result in criminal prosecution.

g. Terms of Use.

The provisions of this Section pertinent to terms of use shall be posted on all Borough Social Media.

Section 8. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy

which such judgment shall be rendered.

Section 9. Inconsistent Ordinances Repealed.

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

Section 10. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.

THOMAS FERENCE, Mayor

ANN E. FAY, RMC Borough Clerk

Introduced:
Adopted:
Approved: