

**WHITELAND TOWN COUNCIL  
ORDINANCE NO. 2024-09**

**AN ORDINANCE ADOPTING A POLICY CONCERNING CONDUCT AT  
PUBLIC MEETINGS**

WHEREAS, in the 2024 Session, the Indiana General Assembly added I.C. 5-14-1.5-3.3 to expressly provide for the adoption of reasonable rules and policies governing the conduct of meetings; and

WHEREAS, the Whiteland Town Council has determined that it is in the best interest of the Town to adopt rules and policies to govern the conduct of meetings of the Town Council.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

**Section 1.** Section 36.04, Definitions, of the Whiteland Town Code is hereby amended to add the following term and definition:

***ATTENDEE.*** Means a member of the public who is physically present at a meeting of a governing body of the Town.

**Section 2.** Section 36.05 of the Whiteland Town Code is hereby added to read as follows:

**§ 36.05 RULES OF CONDUCT AT TOWN COUNCIL MEETINGS.**

(A) As provided in I.C. 5-14-1.5-3.3 of the Indiana Open Door Law, the Town Council hereby adopts the following rules and policies governing the conduct of its meetings in order to maintain the order and decorum of its meetings, and to avoid disruption of its meetings.

(B) Code of Conduct. Attendees and meeting participants of Town Council meetings shall abide by the following code of conduct:

- 1) Respect all people, whether present or watching or otherwise.
- 2) Refrain from personal threats.
- 3) No profanity or obscenity.
- 4) Refrain from hateful epithets and demeaning language based on hate of a person's race, religion, sexual orientation, ethnicity, gender, or disability.
- 5) No applause, cheering, booing or heckling from the audience.
- 6) Obey the rules of the Council as enforced by the presiding officer.
- 7) No yelling or screaming. And,
- 8) No conduct that is intentionally distracting, disorderly, or disruptive to the respectful, civilized, and orderly conduct of the meeting.

Violations of the above Code of Conduct shall be considered "Disorderly Conduct".

(C) Unless specifically listed on the meeting agenda or otherwise given permission to speak by the Council President, attendees are not entitled to speak during meetings except during a public hearing or during a designated Public Comment portion of a meeting. At a hearing or during a designated Public Comment portion of a meeting, members of the public desiring to speak shall have up to 3 minutes each to present their comments. Speakers representing multiple individuals attending the meeting shall have up to 5 minutes to present their comments. The Council may designate the total amount of time allotted for the public or attendees to speak on a case by case basis.

(D) The Council may ask questions of any attendee, presenter, or speaker at any time. If asked during a timed presentation, the question and response will not count against the speaker's allotted time.

(E) Persons with questions may raise their questions during their presentation time, which questions shall be addressed to the Council President. Neither the Town Council nor any other representatives of the Town are obligated to answer any question raised, but may do so to encourage well-informed and orderly consideration of matters.

(F) A speaker may request additional time for good cause shown, which shall be decided at the discretion of the Council President. Additionally, the Council President may cut short any presentations that are irrelevant, repetitive, or constitute Disorderly Conduct, provided that the presenter has been admonished at least once. However, a presentation may not be cut short based solely on the content of the presentation if it does not include Disorderly Conduct.

(G) Disorderly Conduct shall be regarded as a breach of the privileges of the public meeting and shall be dealt with by the Council President using the following procedure:

- 1) In the event an individual is found to be committing Disorderly Conduct during a meeting, the individual shall be given a warning that identifies the behavior determined to be Disorderly Conduct.
- 2) In the event an individual has been warned and again commits Disorderly Conduct during the same meeting, the individual shall be given a second warning identifying the behavior determined to be Disorderly Conduct the second time.
- 3) In the event an individual has been warned twice and again commits Disorderly Conduct during the same meeting, the individual shall be given a third warning identifying the behavior determined to be Disorderly Conduct the third time, and the Council President may upon issuing the third warning, direct:
  - i. The attendee to leave the meeting; and
  - ii. A law enforcement officer to remove the attendee from the meeting if the attendee refuses to leave when directed by the Council President for violating the Code of Conduct.

(H) Attendees must be notified of the content of this Section 36.05 providing the Rules of Conduct at Town Council Meetings by either posting Section 36.05 in a visible area at the entrance of the meeting location or by making an announcement of the Rules of Conduct at Town Council Meetings before taking oral public comment at the meeting.

(I) Nothing in this section may be construed to prohibit a law enforcement officer from immediately removing an attendee from a meeting if:

- 1) Removal of the attendee is necessary to maintain order or ensure the safety of another person;
- 2) The attendee commits a criminal offense; or
- 3) The attendee violates the rules or policies governing the conduct of the meeting as adopted by the Town Council.

(J) A uniformed Town police officer shall attend any meeting of the Town Council open to the public when requested by a member of the Town Council.

**Section 3.** The provisions of all other ordinances, resolutions, or the Whiteland Town Code provisions in conflict with the provisions of this ordinance are of no further force or effect.

**Section 4.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

**Section 5.** The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the later of July 1, 2024 or the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10, subject to publication of this ordinance to the extent required by law.

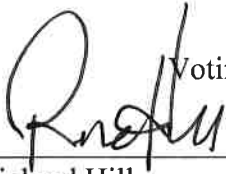
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PASSED through first reading by the Town Council on the 14<sup>th</sup> day of May, 2024, by a vote of 5 in favor and 0 against.

DULY PASSED AND FINALLY ADOPTED on the 11<sup>th</sup> day of June, 2024, by a vote of 5 in favor and 0 against.

**TOWN OF WHITELAND, INDIANA, TOWN COUNCIL**

Richard Hill, President



Voting In Favor

Richard Hill

Voting Opposed

Richard Hill



Tim Brown

Tim Brown



Joseph Sayler

Joseph Sayler



Brad Goedeker

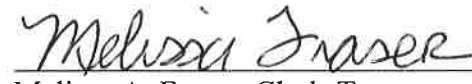
Brad Goedeker



Debra L. Hendrickson

Debra L. Hendrickson

Attest:



Melissa A. Fraser, Clerk-Treasurer