

Policy Number P-2024-10-01	Title Policy Regarding Public Access to and Video and Audio Recording on Village of Marvin Property	Subject Administration
Adopted October 30, 2024	Adopted by Village Council	Number of Pages 4

POLICY REGARDING PUBLIC ACCESS TO AND VIDEO AND AUDIO RECORDING ON VILLAGE OF MARVIN PROPERTY

PURPOSE

The Village Council (the “Council”) of the Village of Marvin, North Carolina (the “Village”) is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Village’s employees and the general public who do business with or use the services of the Village. This policy (this “Policy”) is intended to delineate those portions of the Village Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis, establish rules of conduct that are applicable to all Village Property, and specify procedures for Village employees who encounter those who wish to access Village Property for observational purposes.

DEFINITIONS

“Limited Access Area” means any designated area on Village Property that is not generally open to or occupied by the public; is open to or occupied by the public on only a limited, as-needed, or by-invitation basis; or is in an area generally open to or occupied by the public in close proximity to where private third parties conduct business with Village employees. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards, or other visible indications. The lack of visible indications shall not prevent the Village from considering or treating an area as a Limited Access Area. The Village shall retain the right to verbally instruct third parties that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include but are not limited to the following:

- a) Employee offices.
- b) Employee workspaces including copy rooms, mailrooms, and break areas.
- c) Employee parking lots, storage areas, access points, or other outside areas marked for use by Village employees or vehicles only.
- d) Areas in close proximity to places, stations, desks, or counters at which private third parties conduct business with Village employees.
- e) Hallways, staircases, restrooms, elevators, and other areas by purpose or function restricted to limited or transitory occupancy or providing access solely to other Limited Access Areas.
- f) Maintenance, storage, and warehousing facilities.

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- g) Public works and public safety buildings, except for any designated waiting or reception areas therein.
- h) Village Council Chambers and conference rooms except these are limited public forums during those portions of official meetings of public bodies open to the public as set forth in Chapter 143, Article 33c of the North Carolina General Statutes (the “Open Meeting Statutes”).

“Village Official” means, for purposes of this policy:

- a) With respect to any building, facility, area, or space assigned to a Village department, division, or agency, the director or manager of such department, division, or agency, or any person that such official specifically designates in writing.
- b) The Village Manager, Village Clerk or any person that such officials specifically designate in writing.

“Village Property” means any real property owned by the Village or in which the Village has a property interest or property management responsibility

“Public Area” means any area on Village Property that is generally open to general public access and occupancy that is not otherwise designated as a Limited Access Area.

“Rules of Conduct” means the specific guidelines set forth in this policy.

RULES OF CONDUCT ON VILLAGE PROPERTY

To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at Village Property, the Rules of Conduct in this section apply and are to be enforced at all Village Property except where specific rules of conduct or prohibitions have been adopted for designated Village Property.

Rules of Conduct Applicable to All Village Property. The following Rules of Conduct shall apply at all Village Property, including both Public Areas and Limited Access Areas:

- a) No person shall enter, attempt to enter, or remain in any areas of Village Property for any purpose other than to conduct legitimate business with Village offices or tenants located at Village Property, to enjoy publicly accessible amenities in Public Areas, to lawfully assemble for social or public interaction in Public Areas specifically designated for such assembly, or to exercise other constitutionally protected rights. The appropriate Village Officials may adopt specific policies with respect to Village Property under their custody

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and control to manage conditions for use of such Village Property including without limitation to establish hours and terms of use, reservation protocols, use and user priority, and fees for use.

- b) No person shall engage in any activity on Village Property that would constitute a violation of federal, state, or local law or regulation.
- c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of Village business at Village Property, lawful use by Village employees and authorized users at Village Property, or Village-permitted activities.
- d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the wellbeing and safety of Village employees or private third parties lawfully using Village Property. Photography, audio recording, or video recording does not, in and of itself, violate this Rule of Conduct. Likewise, conduct that would otherwise violate this Rule of Conduct shall not be permitted merely because the conduct involves photography, audio recording, or video recording.
- e) No person shall interfere or obstruct the free passage of Village employees or authorized third parties in or on Village Property, including without limitation by standing in, blocking access to, or occupying areas for purposes of photography, audio recording, or video recording.
- f) No person shall photograph, audio record, or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties. The Village may enforce this Rule of Conduct by imposing minimum standing or separation distances from areas, stations, desks, counters, or teller windows at which private third parties conduct business with Village employees.

Limited Access Areas The following Rules of Conduct shall apply at all Limited Access Areas:

- a) Limited Access Areas shall be accessible only to the following: (i) employees, elected officials, and appointed officials of the Village; and (ii) private parties but only on a limited, as-needed, or by-invitation basis, to include those private parties accessing a Limited Access Area for the express purpose of conducting business with Village employees.
- b) Photography, audio recording, and video recording is prohibited in Limited Access Areas, except as follows: (i) any Village Official may authorize audio or video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that any Village Official may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and (ii) audio and video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.

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- c) No person shall photograph, audio record, or video record any private third party lawfully entering into, using, or occupying a Limited Access Area without the express consent of such third party unless specifically authorized by applicable law or agreements.
- d) Village Council Chambers and conference rooms are not Limited Access Areas during those portions of official meetings of public bodies open to the public and the Open Meeting Statutes allow the photography, audio recording and video recording of any part of a meeting of a public body required to be open.

EXCLUSION

If a person violates these Rules of Conduct while in or upon Village Property, any Village Official may eject and direct such person to leave Village Property for a period of up to 24 hours and up to 48 hours for any subsequent violation occurring in any 30-day period. It shall not be necessary for such Village Official to allege any crime or other violation of applicable law other than these Rules of Conduct in order to support such exclusion; *provided* that violation of such exclusion may be deemed a trespass under applicable law.

SECURITY PROCEDURES

- a) Subject to the Rules of Conduct set forth in this Policy, any person may photograph, film, or record audio of any Public Area.
- b) Village employees should generally refrain from engaging with photographers and videographers. Village employees may monitor photographers or videographers on Village Property and may engage if they violate any Rule of Conduct. In the event of engagement, every effort should be made to respond calmly without escalating the encounter.
- c) A Village employee who does not wish to be photographed or recorded may retire to a Limited Access Area.
- d) Village employees are not required to respond to questions or demands from any photographer or videographer.
- e) Village employees may invite a private third party conducting business with the Village and who do not wish to be photographed or filmed to retire to a more private Limited Access Area in order to complete any business or transaction.
- f) Law enforcement officers may approach photographers and videographers upon a complaint from a member of the public or Village employees that the activity is suspicious or based upon their own observation that the activity is suspicious or inconsistent with this Policy. This Policy neither limits nor expands the authority of law enforcement officers to initiate and pursue investigations, to perform pat downs or frisks based upon reasonable suspicion, or to conduct searches based upon probable cause in accordance with legal authority. Photography, audio recording, or video recording does not, in and of itself, rise to the level of reasonable suspicion or probable cause.