



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 02/23/21 08:00 PM

Department: Township Clerk

Category: Extend

DOC ID: 6449

RESOLUTION 45-2021

**PERMANENTLY EXTENDING THE AUTHORIZATION FOR THE PAINTING OF
“BLACK LIVES MATTER” WITHIN THE VOTEE PARK PARKING AREA ALONG
PALISADE AVENUE ACROSS FROM THE RODDA CENTER AS A FORM OF
GOVERNMENT EXPRESSION**

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

45-2021

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WHEREAS, our nation was founded on the principles that all men and women “are created equal” and “that they are endowed by their Creator with certain unalienable rights, including life, liberty and the pursuit of happiness;” and

WHEREAS, despite the foregoing principles, the United States has a long and shameful history of discrimination against people of color beginning with the enslavement of Blacks until the passage of the Thirteenth Amendment; and

WHEREAS, Mechanisms such as poll taxes and literacy tests were designed to deprive Blacks of voting rights and other rights afforded to non-Blacks, segregation in education and public accommodations, and suppress votes among Black voters; and

WHEREAS, economic liberty was threatened through housing discrimination, the adoption of Jim Crow laws and segregation in education and public accommodations; and

WHEREAS, unequal enforcement of laws has resulted in the disproportionate arrest and incarceration of Black citizens; and

WHEREAS, for many years such discrimination has manifested itself in violence committed against Blacks including beatings, lynchings, the burning of homes and places of worship; and

WHEREAS, although many of us will never experience the personal pain, fear and despair of Black Americans in light of these events, we can recognize and acknowledge that the lack of respect for human life, fueled by prejudices, is contrary to the very principles upon which we as a people hold dear and that all people, regardless of color, race, or ethnicity, deserve to be free of violence and treated in accordance with life, liberty and afforded equal opportunity for the pursuit of happiness and

WHEREAS, the Township Council of the Township of Teaneck has heretofore declared that there is no place in American society for racism, hatred, bigotry or violence directed against any person or group by reason of ethnicity, race, color, creed, national origin, gender or sexual orientation; and

WHEREAS, we, as Americans, must stand united in firmly fighting against racism and acknowledge and declare to ourselves and to the world that we are committed to seeing each other as equally deserving of life, liberty, respect, dignity and the presumption of innocence; and

WHEREAS, while the Township of Teaneck takes pride in being a multi-cultural community comprised of citizens of different races, colors, creeds, gender or sexual orientation and national origins, we recognize that much progress is needed to create a more just society in which we can all reap the fruits of equal justice, economic prosperity, and human dignity; and

WHEREAS, the Township of Teaneck owns and maintains a parking area within a portion of Votee Park along Palisade Avenue; and

WHEREAS, although the Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to public travel in accordance with 23 U.S.C. 109(d) and 402(a), parking areas, including the driving aisles within those parking areas, that are either publicly or privately owned shall not be considered to be “open to public travel” for purposes of MUTCD applicability; and

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Teaneck, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference. See *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017) (“the First Amendment does not say that Congress and other government entities must abridge their own ability to speak freely.”) See also *Pleasant Grove City v. Sumnum*, 555 U.S. 460, 467 (2009) (“The Free Speech Clause restricts government regulation of private speech; it does not regulate government speech.”) *Johanns v. Livestock Marketing Assn.*, 544 U.S. 550, 553 (2005) (“[T]he Government’s own speech . . . is exempt from First Amendment scrutiny.”); and

WHEREAS, on October 13, 2020, the Township Council of the Township of Teaneck adopted Resolution 210-2020 entitled “Authorizing the Painting of “Black Lives Matter” within the Votee Park Parking Area on Palisade Avenue Across from the Rodda Center as a Form of Government Expression;” and

WHEREAS, the aforesaid resolution permitted the Painting of “Black Lives Matter” for an initial period of ninety days, with the proviso that such painting can be renewed for an additional 90 days by the Council; and

WHEREAS, the Township Council had further extended such painting through April 11, 2021; and

WHEREAS, the Township Council finds that it would be appropriate to permanently extend such authorization unless and until otherwise determined by the Township Council; and

WHEREAS, this action by the Township Council is in support of its residents and their fight for social justice and does not represent the Council’s support for any national organization(s) or any political positions they may hold.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Teaneck, Bergen County, New Jersey that the painting of “BLACK LIVES MATTER” upon the parking area within a portion of the Votee Parking area along Palisade Avenue across from the Rodda Center is hereby permanently extended and authorized unless or until otherwise determined by the Township Council; and

BE IT FURTHER RESOLVED that the Teaneck BLM Mural Committee will be responsible to maintain the mural and will coordinate with the Township Manager and request from the town any permits as necessary for events at the mural site.