

**BOROUGH OF SPOTSWOOD | COUNTY OF MIDDLESEX
STATE OF NEW JERSEY**

ORDINANCE NO. 2023-5

**AN ORDINANCE AMENDING THE SPOTSWOOD
BOROUGH CODE TO ESTABLISH NEW SECTION IN
ARTICLE II GENERAL LEGISLATION ENTITLED
“MUNICIPAL BUILDINGS, RESTRICTED
AREAS TO SAFEGUARD RECORDS”**

WHEREAS, the Borough of Spotswood officials and employees are entrusted with the responsibility to maintain and safeguard public records that consist of or contain information deemed confidential pursuant to federal, State or Local law; and,

WHEREAS, to ensure compliance with such laws, including the New Jersey Open Public Records Act (“OPRA”) set forth at N.J.S.A. 47:1A-1 et seq. and its statutorily defined responsibilities, the maintenance and custody of specific records are required; and,

WHEREAS, the Borough desires to provide a productive, safe, and secure work environment in which Borough officials and employees can perform their official duties and responsibilities unimpeded or disturbed by intrusion or disruption; and,

WHEREAS, due to this responsibility to maintain and safeguard records, reports, documents and information in municipal offices, records may not be available for immediate public viewing since they may contain personal information, phone numbers, social security numbers, medical data, and other confidential information; and,

WHEREAS, securing these records maintains the integrity of this Information and when an OPRA request is received, and it is determined that a requester is entitled to the records, the records can be released individually and redacted as required by law; and,

WHEREAS, it is the desire of the Borough Council to protect records, and to create secure areas with clear signage that will prohibit persons from entering secured areas where government

records exist and to create a safe, secure, productive work environment in which Borough officials and employees can perform their duties and responsibilities.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Spotswood, in the County of Middlesex, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Article II: General Legislation shall be amended to include a new chapter entitled “Municipal Buildings, Restricted Areas to Safeguard Record,” which shall provide as follows:

A. **Purpose.** Municipal offices, work areas, break rooms, storage areas, and other such areas not open to the public, located in, or adjacent to any municipally owned property, leased, or controlled by the Borough of Spotswood shall be secured against public entry for the purpose of protecting documents, digital data, and other written, copied or printed materials, displayed on computer terminals or screens, that are not subject to the Open Public Records Act, which materials may include, but are not limited to, personal identifiable information that is protected by the Statutes of the State of New Jersey and the Federal laws of the United States; and to provide a productive, safe and secure work environment in which Borough officials and employees can perform their official duties and responsibilities unimpeded or distributed by intrusion or disruption.

B. **Restricted Areas.** While the general public may be permitted to access Borough buildings during regular business hours, municipal office areas, storage and work stations have been secured and are closed to the public for the purposes set forth in this section, including

protecting documents, digital data, and other written, copied or printed materials that may contain confidential information that is protected by the Federal State or local laws. These areas include, but we are not limited to, the following departments:

1. Mayor/Business Administrator Office
2. Clerk/Registrar Office
3. Finance Office/Tax Office/Utility Office
4. Zoning Office/Code Enforcement Office
5. Employee Kitchen
6. Court Offices and Judge Chambers
7. Court Room/Multi-Purpose Room
8. Conference Room
9. Utility Closets
10. Storage Areas
11. Electrical Room
12. Public Works Department
13. Public Works Sheds and Storage Areas
14. Spotswood Senior Center & Offices (except for the main lobby area)
15. Police Department (except for the main lobby area)
16. Fire Company (except for the main lobby area)
17. Emergency Services Building (except for the main lobby area)

C. **Conditions imposed on access to municipal facility.** All persons entering Borough owned property, buildings, structures, and facilities shall be subject to the following conditions upon entering or remaining in any such property, building, structure or facility.

1. All persons shall have access only to areas that are open to the public and shall not proceed past any posted sign as provided for herein and shall not enter before such time that the property, building, structure, or facility has been opened to the public, or remain therein after such property, building, structure, or facility has been closed to the public.
2. All persons entering Borough property, buildings, structures, and facilities, shall comply with the directions of any Borough employee, official, or agent to

immediately leave any area that has been designated as a restricted area, and to immediately relocate to the nearest public area. Such directions, notwithstanding any posted signage, shall constitute notice of violation of the conditions if entry imposed upon persons of the public.

D. **Signage.** The Borough shall be required to post the following signs.

1. A copy of the terms and conditions of entry into any Borough building, structure, or facility shall be placed at the main entrance of all buildings, structures, or facilities to which the public is permitted to access, together with the time the property, building, structure or facility is open to the public and the time which it is closed to the public.
2. At the entry point of all secured areas not open to members of the public inside buildings, structures or facilities, and in all exterior areas which are required to be secured, such as but not limited to, storage of equipment, vehicles, parking area, or places that pose a danger to the public, or for security purposes, a sign shall be posted which shall state, “Stop Restricted Area, Authorized Personnel Only. Violators shall be subject to prosecution pursuant to N.J.S.A.2C:18-3”.

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or

holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: June 12, 2023
First Publication:
Second Reading & Adoption:
Final Publication:
Effective Date:

Jennie Servis, Acting Municipal Clerk

Nicholas Legakis, Council President