

## ORDINANCE 2279

### **AN ORDINANCE AMENDING CHAPTER 322, TITLED “PEACE AND GOOD ORDER” OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD TO ESTABLISH RESTRICTED AREAS IN PUBLIC BUILDINGS TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING CONFIDENTIAL INFORMATION.**

**WHEREAS**, the Borough of South Plainfield officials and employees are entrusted with the responsibility to maintain and safeguard public records which 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 set forth at N.J.S.A. 47:1A-1, et seq. and its statutorily defined responsibilities, the maintenance and custody of specific records, including, but not limited to preserving the confidentiality and privacy of information relating to any active or retired Federal, State or municipal judicial officer and any active or retired Federal, State, county or municipal prosecutor, are required; and

**WHEREAS**, municipal officials assigned this responsibility include, but are not limited to the Municipal Clerk, Chief Financial Officer, Tax Collector, Tax Assessor, Construction Code Officer, Board of Health Secretary, Recreation Director, Supervisor of Public Works, Police Chief, and Borough Administrator; and

**WHEREAS**, due to this responsibility to maintain and safeguard information in municipal offices, records may not be available for immediate public viewing as they may contain personal information, phone numbers, Social Security numbers, medical data, other confidential information, and may be subject to Daniel’s Law provisions pursuant to P.L. 2021,c.371; and

**WHEREAS**, municipal employees cannot be expected to physically intervene with outsiders/trespassers who may seek to obtain such information, to prevent a record from being improperly obtained; and

**WHEREAS**, creating secure areas with clear signage will help deter persons from attempting to obtain records to which they are not entitled without following proper law and procedure;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey as follows:

Chapter 322, title “Peace and Good Order”, Article I, titled “Miscellaneous Offenses”, shall be amended as follows:

Sections 322-17 and 322-18, titled “Disposition of Fines and Violations and Penalties” respectively, shall be deleted.

The following sections shall be added:

Section 322-17. Restricted Areas.

Municipal office areas in the Borough of South Plainfield Borough Hall located at 2480 Plainfield Avenue, South Plainfield; the Department of Public Works located at 405 Spicer Avenue; the Borough PAL Building located at 1250 Maple Avenue; and the Borough Senior Center located at 90 Maple Avenue, South Plainfield shall be secured and closed to the public for the purpose of protecting documents, digital data, and other written, copied or printed materials which may contain confidential information which is protected by Federal, State or local laws. The Borough Administrator shall have the exclusive authority to designate such areas.

Section 322-18. Signage.

The Borough of South Plainfield shall post signs outside of restricted offices which shall read, "Stop, Restricted Area, Authorized Employees Only".

Section 322-19. Disposition of Fines.

All fines imposed and collected under and by virtue of this Article shall be paid into the Treasury of the Borough of South Plainfield.

Section 322-20. Violations and Penalties.

A. For any violation of Sections 322-1 through 322-16, inclusive, any person violating any of such provisions shall, upon conviction thereof, forfeit and pay a fine not exceeding \$2,000.00 or be imprisoned in the County Jail for a term not exceeding 90 days, or both, in the discretion of the Court. In default of any fine imposed hereunder, any person conviction of violation of any provisions of this Article may, in the discretion of the Court, be imprisoned in the County Jail for a term not exceeding 90 days.

B. Any persons violating Sections 322-17 or 322-18 by trespassing in the posted, protected offices may be subject to prosecution and penalties as set forth under N.J.S.A. 2C:18-3.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.