

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AMENDING THE DENNIS TOWNSHIP CODE TO ESTABLISH CHAPTER 156, ENTITLED “RESTRICTED AREAS IN BUILDINGS WHERE MUNICIPAL OPERATIONS ARE CONDUCTED LIMITED TO AUTHORIZED EMPLOYEES ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING CONFIDENTIAL INFORMATION”

WHEREAS, the Township of Dennis 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 esq. and its statutorily defined responsibilities, the maintenance and custody of specific records 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 and the Township Administrator; 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 requestor is entitled to the records, the records can be released individually and redacted as required by law; and

WHEREAS, securing these records prevents outsiders/trespassers from simply walking into an office, grabbing records, and leaving the building; and

WHEREAS, we cannot expect our municipal employees to physically intervene to protect a record, and creating secure areas with clear signage will help deter persons from collecting records that they are not entitled to receive without following the process required by OPRA.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, as follows:

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SECTION 1. The Dennis Township Code is hereby amended to establish Chapter 156 entitled “Restricted Areas in Buildings where Municipal Operations are Conducted Limited to Authorized Employees Only to Protect and Safeguard Public Records Containing Personally Identifiable Information” to read as follows in its entirety:

§ 156 - 1. Restricted areas. Municipal office areas in the Township of Dennis Town Hall, Senior Center and Public Works Department located at 571 Petersburg Road, Dennisville, and at the Recreation Complex, located at 565 Dennisville Road, South Dennis, have been secured and are closed to the public for the purpose of 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.

§ 156 - 2. Signage. The Township of Dennis shall post signs outside of restricted offices that read, “Stop, Restricted Area, Authorized Employees Only”.

§ 156 - 3. Violations and Penalties. Persons who trespass these posted, protected offices may be subject to prosecution under N.J.S.A. 2C-18-3.

SECTION 2. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas VanArtsdalen, III, Committee Member

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Matthew Cox, Committee Member

Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on May 09, 2023. Publication will be held on May 16, 2023 and a Public Hearing will be held at a meeting of the said Township Committee to be held on June 13, 2023 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

Jacqueline B. Justice, RMC/Clerk