

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

ORDINANCE NO. 09-2023

**ORDINANCE OF THE BOROUGH OF CAPE MAY ESTABLISHING A NEW
CHAPTER 41 IN THE CODE OF THE BOROUGH OF CAPE MAY POINT TO
DESIGNATE RESTRICTED AREAS ON BOROUGH PROPERTY, IN BUILDINGS,
STRUCTURES AND OTHER FACILITIES LIMITED TO AUTHORIZED EMPLOYEES
ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING
PERSONALLY IDENTIFIABLE INFORMATION AND TO PROVIDE A SAFE AND
SECURE WORK SPACE FREE FROM INTRUSION AND DISRUPTION FOR
BOROUGH OFFICIALS AND EMPLOYEES**

WHEREAS, Borough of Cape May Point officials and employees have a responsibility to maintain and safeguard public records that consist of confidential information, reports, documents, and information in municipal offices that is not available for immediate public view which may contain personal information, phone numbers, social security numbers, dates of birth and other confidential information; and

WHEREAS, the Borough is required to comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, and to comply with the statutorily defined responsibilities, the maintenance and custody of specific records; 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, it is the desire of the Board of Commissioners 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 the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May, New Jersey, establishes a new Chapter 41 of the Code of the Borough of Cape May Point as follows:

Section 1. Chapter 41 “Municipal Property, Buildings, Structures and Facilities, Conditions of Entry”

- A. Purpose. Municipal offices, work areas, 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 Cape May Point 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 may include, but are not limited to, personally 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 disturbed by intrusion or disruption.

B. Conditions imposed on access to municipal facility. All persons entering into or onto Borough owned property, buildings, structures, and facilities, shall be subject to the following conditions upon entering onto, into 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 into or onto 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 of entry imposed upon persons of the public.

C. Signage. The Borough shall post signs outside of all areas that are restricted to the public which read, "Stop, Restricted Area, Authorized Personnel Only. Violators shall be subject to prosecution pursuant to N.J.S.A. 2C:18-3".

Section 2. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section 4. This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

| Final Adoption | MOTION | SECOND | YES | NO | ABSTAIN | ABSENT |
|-----------------------|--------|--------|-----|----|---------|--------|
| Busch | | | | | | |
| Moffatt | | | | | | |
| vanHeeswyk | | | | | | |

ATTEST:

Elaine L. Wallace
Borough Clerk

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita vanHeeswyk, Commissioner

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