

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

ORDINANCE #2023-02

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,
STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 3
AND ESTABLISH THE SECTION 113, ENTITLED "MUNICIPAL BUILDINGS,
RESTRICTED AREAS TO SAFEGUARD RECORDS"**

WHEREAS, Township of Andover 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, municipal officials assigned this responsibility include, but are not limited to, the Municipal Clerk, Police Chief, Chief Financial Officer, Tax Collector, Tax Assessor, Construction Code Officer, Board of Health Secretary, 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 and keeping these records confidential will support a safe workplace while balancing public access in Town Hall; and

WHEREAS, we cannot expect our municipal employees to physically intervene to protect a record, or other Township assets or personal belongings, 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 Mayor and Township Committee of the Township of Andover, County of Sussex and State of New Jersey as follows:

SECTION 1. Part 1: General Legislation, of the Code of the Township of Andover, Chapter 3 entitled Administration of Government is hereby amended to establish Section 113 entitled "Municipal Buildings, Restricted Areas to Safeguard Records" to read as follows in its entirety:

Chapter 3-113. Municipal Buildings, Restricted Areas to Safeguard Records

§3-113- 1. Purpose. While the general public may be permitted to access Township buildings during regular business hours, the intent of this Chapter is to safeguard public records that may contain confidential information or may be exempt from disclosure under the Open Public Records Act, other Township assets, and personal belongings, and ensure a safe workplace, by restricting access to work stations and work areas where such records, assets and personal belongings are maintained.

§3-113 -2. Restricted areas. Municipal office areas in Town Hall including DPW offices, located at 134 Newton-Sparta Road and the Police Department located at 145 Lake Iliff Road, Newton, NJ 07860, 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 area include, but are not limited to, the following departments:

1. Administration Office
2. Deputy Clerk/Registrar Office
3. Assistant Clerk I and II Office
4. Construction Department
5. Zoning Department
6. Land Use Department
7. Mail & Supply Rooms
8. Server Room
9. Employee Restrooms and Kitchen
10. CFO Office
11. Deputy Treasurer Office
12. Tax Assessor Office
13. Tax Collector Office
14. Conference Room
15. Court Offices and Judges Chambers
16. Vault and Storage Areas
17. Utility Closets
18. Atlantic Ambulance Quarters
19. DPW (except for the main office entrance)
20. Police Department (except for lobby area).

§3-113 -3. Signage. The Township of Andover shall post signs outside of restricted offices and work areas that read, "Stop, Restricted Area, Authorized Employees Only".

§3-113 -4. Violations. Any unauthorized person who violates any provision of this chapter shall be subject to either an ordinance violation up to the maximum penalties provided in Part 1, General Legislation, Chapter 1, General Provisions, Article II, General Penalty, of this Code at the discretion of the municipal court judge, or criminal 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.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on January 5, 2023. A public hearing regarding same will be held at a hybrid meeting scheduled for February 2, 2023, beginning at 7:00PM, to be held both in person and virtually via Zoom, which details for accessing the meeting are as follows:

Webinar ID: 832 6104 1515

Passcode: 100240

Join Zoom Meeting with browser:

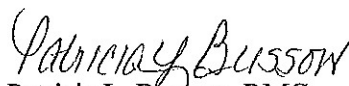
<https://us02web.zoom.us/j/83261041515?pwd=dkTJOGJRMWc5MjUxcE9UWWxadlNRdz09>

or

Join Zoom Meeting by Phone:


+ 1 301 715 8592

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.


Patricia L. Bussow, RMC
Administrator/Municipal Clerk

NOTICE OF FINAL ADOPTION

PUBLIC NOTICE is hereby given that the foregoing Ordinance was adopted at a public hearing held at a Hybrid Meeting of the Township Committee of the Township of Andover on February 2, 2023. Said Hybrid Meeting was held virtually via Zoom and in person at the Municipal Building, 134 Newton Sparta Road, Newton, NJ 07860, at which time all persons were given the opportunity to be heard concerning same. This Ordinance shall take effect immediately upon publication, as required by law.


Patricia L. Bussow, RMC
Administrator/Municipal Clerk