

BOROUGH OF RIVER EDGE

ORDINANCE NO.25-05

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF RIVER EDGE, TO ESTABLISH CHAPTER 309 ENTITLED, "PUBLIC BUILDINGS"

WHEREAS, the Borough of River Edge recognizes the importance of the rights guaranteed under the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution; and

WHEREAS, the Borough of River Edge acknowledges that as a matter of public policy, the rights afforded by the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution are not unlimited; and

WHEREAS, the rights afforded by the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution are subject to reasonable time, place, and manner restrictions; and

WHEREAS, the Borough of River Edge officials and employees have a responsibility to maintain and safeguard public buildings and public records that consist of confidential information contained therein; and

WHEREAS, to adequately 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 are required; and

WHEREAS, municipal officials assigned this responsibility include, but are not limited to; the Municipal Clerk, the Police Chief, the Library Director, the Chief Financial Officer, the Tax Collector, the Municipal Court Clerk, the Municipal Prosecutor, the Municipal Public Defender, the Municipal Court Judge, the Tax Assessor, the Construction Code Officer, the Board of Health Secretary, the Registrar and the Borough Administrator; and

WHEREAS, the responsibility for the maintenance and safeguarding of records, reports, documents and information in municipal offices may not be available for immediate public view since they may contain personal information, phone numbers, social security numbers, dates of birth and other confidential information; and

WHEREAS, securing these records maintains the integrity of this information and when an Open Public Records Act 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, it is not expected that municipal employees physically intervene to protect a record, and creating secure areas with clear signage will help deter persons from collecting records which they are not entitled to receive without following the process required by the Open Public Records Act.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

SECTION 1: The Code of the Borough of River Edge is hereby amended to add thereto Chapter 309, entitled "Public Buildings" to read as follows:

Chapter 309. Public Buildings.

§ 309-1. Restricted access.

Municipal office areas in the Borough of River Edge Police Department, 705 Kinderkamack Road, the River Edge Municipal Building, 705 Kinderkamack Road, the Department of Public Works, 500 Riverside Way, River Edge Public Library, 685 Elm Avenue, the River Edge Fire Department located at 695 Kinderkamack Road and 55 Ackerson Street, the River Edge Building Department located at 10 River Edge Road, and the River Edge Health Department located at 10 River Edge Road have been secured and such areas and offices are not open to the public for the purpose of protecting documents, digital data and other written, copied or printed materials 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.

§ 309-2. Posting of signs.

The Borough of River Edge shall be required to post signs outside of offices which read, "Stop, Restricted Area, Authorized Employees Only. This Area is Not a Public Space. Recording or Photography is Strictly Prohibited. Violators are Subject to Criminal Prosecution" or in areas where the public interfaces with the staff and information that is protected under the Open Public Records Act are being discussed, submitted or reviewed shall post signs that state "Stop, Restricted Area. Recording or Photography is Strictly Prohibited. Violators are Subject to Criminal Prosecution".

§ 309-3. Trespass.

Persons that trespass these posted, protected offices may be subject to prosecution under N.J.S.A. 2C-18-3.

SECTION 2. Inconsistency.

All ordinances, or parts thereof, inconsistent herewith, are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability.

If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or

repeal the remainder of this ordinance.

SECTION 4. Effective date.


This ordinance shall take effect after publication thereof and final passage as required by law.

INTRODUCED: February 13, 2025

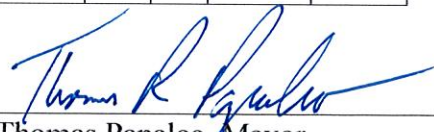
ADOPTED: February 27, 2025

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen			X			
Kinsella			X			
Malellari			X			
Benson			X			
Glass	X		X			
Dhariwal		X				
Mayor Papaleo						

I hereby certify the above to
be a true copy of an Ordinance
adopted by the Governing Body
of the Borough of River Edge on
February 27, 2025



Anne Dodd, RMC
Borough Clerk



Thomas Papaleo, Mayor