



BOROUGH OF RIVERDALE NEW JERSEY



ORDINANCE NO. 05-2025

AN ORDINANCE TO ESTABLISH NEW CHAPTER 80 IN THE CODE OF THE BOROUGH OF RIVERDALE, ENTITLED, "RESTRICTED AREAS" AND RESTRICTING PORTIONS OF BUILDINGS WHERE MUNICIPAL OPERATIONS ARE CONDUCTED LIMITED TO AUTHORIZED EMPLOYEES ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION

WHEREAS, the Borough of Riverdale 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 Riverdale 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 Riverdale officials and employees have a responsibility to maintain and safeguard public records that consist of confidential information; 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, Police Chief, Library Director, Chief Financial Officer, Tax Collector, Tax Assessor, Municipal Court Administrator, Municipal Prosecutor, Public Defender, Municipal Court Judge, Construction Official, Superintendent of Public Works, Fire Chief, Fire Official, Board of Health Secretary/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, 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 RESOLVED, by the Mayor and Council of the Borough of Riverdale, County of Morris, State of New Jersey, as follows:

SECTION 1. The Revised General Ordinances of the Borough of Riverdale shall be amended by the inclusion of new Chapter 80 to be entitled "Building Restrictions" which shall read, in its entirety, as follows:

CHAPTER 80 BUILDING RESTRICTIONS

§ 80-1 Areas in Public Buildings Closed to the Public.

With the exception of public reception spaces, the municipal office areas in the Riverdale Police Department, and the Riverdale Borough Hall, 91 Newark Pompton Turnpike, Department of Public Works, Dalton Drive, Fire Headquarters, 56 Post Lane, Riverdale Library, 89 Newark Pompton Turnpike, and the Community Center, 56 Loy Avenue 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.



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§ 80-2 Posting of Areas in Public Buildings Closed to the Public.

The Borough of Riverdale shall post signs outside of offices which read the following but not limited to the following wording, "Restricted Area", "Authorized Employees Only", "Recording or Photography is Strictly Prohibited". "Violators are Subject to Criminal Prosecution". Any variation of the above language shall all include, "Violators are Subject to Criminal Prosecution".

§ 80-3 Violations and Penalties

Persons that trespass these posted, protected offices may be subject to prosecution under N.J.S.A. 2C-18-3. It shall also be a violation of this Ordinance for any person to enter such areas in contravention of this ordinance without the explicit invitation of a Borough Official. Any person violating any of the provisions of this chapter shall be subject to such penalties as are provided for in Chapter 1, Article II, of the Revised General Ordinances of the Borough of Riverdale.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

NOTICE OF PENDING ORDINANCE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Riverdale, a municipal corporation of the State of New Jersey, held on June 11, 2025. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at Borough Hall, in the Borough on July 9, 2025 at 7:30 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Abubakar Jalloh, Borough Clerk