

TOWNSHIP OF BARNEGAT

ORDINANCE NO. 2018-36

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 44A-2.A. OF THE BARNEGAT TOWNSHIP MUNICIPAL CODE CONCERNING FEES TO BE CHARGED FOR CERTAIN PUBLIC RECORD REQUESTS

WHEREAS, the Township of Barnegat, through adoption of Barnegat Municipal Code Chapter 44-2 established a fee schedule for photocopies and electronic production of public records; and,

WHEREAS, the Township of Barnegat desires to update its Municipal Code Chapter 44-2 to reflect acceptable fees which municipalities are authorized to charge pursuant to the Open Public Records Act (OPRA) N.J.S.A. 47:1A-1 et. seq.; and,

WHEREAS, the Township of Barnegat desires to delete from Barnegat Municipal Code Chapter 44-2 specific monetary amounts and replace them with references to State law to avoid the requirement that the Township must periodically update its fee schedule; and,

NOW, BE IT ORDAINED by the Township Committee of the Township of Barnegat, in the County of Ocean, in the State of New Jersey, as follows:

Section 1. Chapter 44-2 is herewith amended as follows: Township Clerk's office. The following charges are hereby established by the Barnegat Township Clerk's office:

- A. Photocopies. Individuals requesting photocopies of public records shall be charged at rates established pursuant to the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et. seq. five cents (\$.05) per page for letter size copies and smaller and seven cents (\$.07) per page for legal size copies and larger. There shall not be a charge for electronic records (i.e. records sent via e-mail and fax). If the record is requested in the form of a computer disc, CD-rom or dvd there will be a charge of \$1.00 (one dollar) ~~eighty cents (\$.80)~~ per disc plus the cost to mail the disc to the requester.

In addition to the foregoing cost, whenever the nature, format, manner of collation, or volume of a township record embodied in the form of printed matter to be inspected, examined or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in the ordinary business size and/or involves an extraordinary expenditure of time and effort to accommodate the request, the township will charge, in addition to the actual cost of duplicating the record, a special service charge based upon clerical expense on an hourly basis, pursuant to N.J.S.A. 47:1A-1 et.

~~seq. at the rate of ten dollars (\$10.) per hour of the estimated costs to accommodate the request.~~

The Township Clerk shall advise the person requesting the service to post monies to be held in trust in an amount estimated at half of the total cost of the request ~~multiples of three hundred dollars (\$300.)~~ in order to insure that the township is reimbursed in full for all clerical expenses incurred. After the service has been completed and the documents and information produced to the person requesting the service, the person requesting the service shall be provided an itemization of the number of hours spent to accommodate the request, and be issued a check for any credit remaining in the account. In the event that the service exceeds the amount of monies posted in escrow, before continuing with the request, the person requesting the service shall be required to post an additional escrow amount representing the remaining cost of the service. ~~of three hundred dollars (\$300.).~~

Section 2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

Section 3. This ordinance may be renumbered for codification purposes.

Section 4. In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Section 5. This ordinance shall take effect upon final passage and publication as provided by law.

NOTICE AND SUMMARY OF ORDINANCE 2018-36

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 44-2 OF THE BARNEGAT TOWNSHIP CODE CONCERNING FEES TO BE CHARGED FOR CERTAIN PUBLIC RECORD REQUESTS

The purpose of this Ordinance is to amend the schedule of fees charged by Barnegat Township for public document requests to reflect acceptable fees which municipalities are authorized to charge pursuant to the Open Public Records Act (OPRA) N.J.S.A. 47:1A-1 et. Seq.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Barnegat on October 2, 2018, and will further be considered for final passage and adoption at the Barnegat Township Municipal Building, 900 W. Bay Avenue Barnegat, NJ 08005, on November 13, 2018 at 10:00 a.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, 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 in the Township of Barnegat, Town Hall, to members of the general public who shall request the same or on our website www.barnegat.net under Legal Notices.

**:/ MICHELE RIVERS
MUNICIPAL CLERK**

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance was finally adopted after Public Hearing at a regular meeting held on **November 13, 2018** in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey

Michele A. Rivers, RMC
Municipal Clerk