

ORDINANCE #2026-04 – First Reading

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**AN ORDINANCE AMENDING & SUPPLEMENTING
CHAPTER I, GENERAL PROVISIONS CREATING
SUBSECTION 1.7 “FEES AND SPECIAL SERVICE
CHARGES PURSUANT TO THE NEW JERSEY OPEN
PUBLIC RECORDS ACT” OF THE BOROUGH CODE OF
THE BOROUGH OF ALLENHURST.**

Offered By: Mayor Adjmi

Seconded By: Comm. Dweck

WHEREAS, the Board of Commissioners of Borough of Allenhurst has determined that it is in the best interests of the community to revise the Borough Code of the Borough of Allenhurst to address fees and special service charges pursuant to the New Jersey Open Public Records Act in light of the volume of requests received and the burden it places on the office of the Clerk/Administrator and APD.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough Code of the Borough of Allenhurst be and is hereby amended and supplemented as follows:

I. Chapter I, Section 1.7 entitled “**Fees and special service charges pursuant to the New Jersey Open Public Records Act**” be and is hereby created to read as follows:

§1-1.7.1. Generally.

- (a) All documents that are deemed to be "government records" pursuant to N.J.S.A. 47:1A-1 et seq., the Open Public Records Act, shall be open to public search, inspection and examination, subject to and within the limitations prescribed by law.
- (b) All government records shall be carefully and conveniently filed, kept and preserved and be and remain the sole property of the Borough and shall not at any time be removed from the offices of such department except when required for use in official business and shall then be returned to such office without delay. Each department head shall be responsible for enforcing the requirements of this subsection in his or her department.
- (c) Any requests for copies of government records shall be made to the Borough Clerk / Administrator on a form established by the Clerk / Administrator for such purposes.
- (d) A deposit shall be paid prior to filing a request where it is estimated that the records requested will cost in excess of \$5 to reproduce. The amount of the deposit shall equal the total estimated cost of fulfilling the request.
- (e) Nothing in this section shall require the custodian of documents or any other municipal official to examine, analyze, tabulate, or interpret documents which are subject to production under the New Jersey Open Public Records Act.

§1-1.7.2. Ordinary requests for information.

The statutory fee schedule shall apply to routine requests under the Open Public Records Act. The fees of N.J.S.A. 47:1A-5 are incorporated in this section as such fee schedule

presently exists or as such fees might appear in future modifications or amendments of the statute. Fees for routine copies of municipal documents, therefore, are:

Page Size	Fee
Letter (8 1/2 by 11)	\$0.05
Legal (8 1/2 by 14)	\$0.07

§1-1.7.3. Special service charge/special charges authorized.

- (a) The Borough Clerk/Administrator or other custodian or keeper of documents qualifying for mandatory production as government records under the Open Public Records Act shall be entitled to special service charges and/or special charges as set forth in §1-1.7.4.
- (b) Any requester of government records which are eligible for the imposition of a special charge or special service charge under §1-1.7.4 shall receive advance notice of the amount of fees and charges before any work is started. The Borough Clerk/Administrator shall require prepayment of 50% of the estimated cost of any charges over \$5 before causing the work to begin.

§1-1.7.4. Fees, special service charges and special charges.

- (a) Duplication of other work beyond capability of Borough in-house workforce. Whenever the in-house Borough workforce or available municipal equipment is insufficient to duplicate or produce government records in a timely fashion, the Borough Clerk/Administrator may cause such duplication or production to be accomplished by outside vendors such as copy centers or producers of digital images. If the cost of such duplication or production charged by such vendors exceeds the routine charges set forth in N.J.S.A. 47:1A-5, the actual direct cost of same without any additional surcharge for labor costs shall be paid.
- (b) Special service charges authorized. Whenever government records cannot be reproduced by regular copying equipment or fulfillment of the request would involve extraordinary time and effort (for example, where a large number of records must be recovered from storage or substantive staff time is required to review, sort and assemble records), charges may be imposed as follows:
 - (i) The actual cost (materials and supplies but no staff labor) of duplication or reproduction; plus
 - (ii) A special service charge of \$50 per hour or the actual direct cost of labor (if less) shall be imposed for each hour of extraordinary time predicted to be utilized to respond to the request.
- (c) Electronic and digital records.
 - (i) Cost of obtaining a copy of existing electronic files to a disk or CD in the format that currently exists is \$10. For security reasons, the use of a disk or CD provided by the requestor is prohibited.
 - (ii) If a request for governmental records involves production or conversion of digital or computerized records or film which is: in a medium not routinely used by the Borough; not routinely developed or maintained by the Borough; or requiring a substantial amount of manipulation or programming of information technology, the requester shall pay fees and special fees, including: direct costs to comply with the request, plus special

charges consisting of the lesser of the cost of technology and labor actually incurred or \$25 per hour.

- (d) Camera footage. When body-worn camera/police vehicle camera footage is requested from the Borough of Allenhurst Police Department, the footage generally requires review for possible redaction.
 - (i) For every one hour of camera footage requested, it shall be assumed that three hours were required to review the footage for redaction purposes.
 - (ii) Requests of camera footage will be charged a fee of \$50 per hour of review for redaction purposes.
 - (iii) Camera footage review fees shall be billable in 15-minute increments or part thereof.
 - (iv) Requests of body-worn/vehicle camera footage with run-times of 1.0 hour or less shall be provided free of charge; the fee for redaction shall begin in the second hour of run-time. Requests which include more than one video shall be calculated in the aggregate and the fee for redaction shall begin in the second hour, and calculation shall be performed from the lowest run-time to the highest.
 - (v) Prior to review and production of recorded camera footage, the requester shall be provided with an estimated charge for production of the footage. In order for the review and production to proceed, the requester shall provide the Borough Police with a deposit in the amount of 50% of the estimated charge.
 - (vi) If the actual review time is under the estimated cost, the requestor shall only be charged for actual cost less the deposit paid. If the actual review time is over the estimated cost, the requestor shall only be charged the amount of the estimate and no higher. If the actual review time is less than the deposit paid, the requestor shall be refunded the difference between the deposit and the actual cost.
 - (vii) Victims of crime or subjects of BWC/vehicle camera footage shall not be charged any fee for redaction when requesting body-worn/vehicle camera footage of such incident.

II. REPEALER. All other sections and subsections of Borough Code of the Borough of Allenhurst not specifically amended by this Ordinance, shall remain in full force and effect.

III. INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

IV. SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

V. AND IT IS FURTHER ORDAINED That this Ordinance shall take effect after publication and adoption according to law.

VOTE: Comm. Santoro-AYE; Comm. Dweck-AYE; Mayor Adjmi-AYE

APPROVED: January 15, 2026

ADOPTED: February 3, 2026

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of an Ordinance adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on February 3, 2026.

Donna M. Campagna, RMC

Donna M. Campagna, RMC
Borough Clerk/Administrator