

**ORDINANCE NO. 2024-14**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,  
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS,  
1975, ENTITLED “GENERAL LICENSING” AS IT PERTAINS TO SPECIAL  
CHARGES RELATED TO PUBLIC RECORDS AND DOCUMENTS**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE  
BOROUGH OF HARVEY CEDARS as follows:**

Section 1. Section 4-8 of the Code of the Borough of Harvey Cedars, entitled “Fees”, is hereby amended at subsection 4-8.1 (Fees Established) to repeal and replace subsection g. with the following:

- g. Record copy fees and special service charges.
1. The fees for the duplication of government records requests are set by N.J.S.A. 47:1A-5 and at present are set at \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger. Those fees shall be revised by operation of law in the event the N.J.S.A. 47:1A-5 is amended.
  2. If the actual cost of duplication of government records exceeds the rates set by N.J.S.A. 47:1A-5, the Borough may charge the actual cost of duplicating the record. The actual cost of duplicating the record upon which all copy fees are based shall be the cost of the materials and supplies used to make a copy of the record but shall not include the cost of labor or other overhead expenses associated with making a copy except as provided for in Subsection 3 below. Access to electronic records and non-printed materials shall be provided free of charge, but the Borough may charge for the actual cost of any needed supplies required by the request.
  3. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form to be located, inspected, reviewed and analyzed, redacted, and/or copied is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size and/or where the location, inspection, review and analysis, and/or redaction involves an extraordinary expenditure of time and effort to accommodate the request, in addition the actual cost of duplicating the record, if any, a special service charge shall be assessed and charged in accordance with N.J.S.A. 47:1A-5 and the rate set forth herein. A special service charge shall be imposed for the cost of supervision if a requestor desires to examine documents that the requestor is not permitted to examine alone in order to ensure the records are not tampered with and to ensure that confidential and privileged documents remain secure.
    - (a) Where the required work can be performed by an officer and/or employee of the Municipal Clerk’s office, the special service charge shall be equal to the prorated salary of the lowest salaried employee in the Municipal Clerk’s office for the time expended to comply with the request.
    - (b) Where the work must be performed by a member of the Police Department due to authorized access requirements and/or the nature of the records requested, the special service charge shall be equal to the prorated salary of the lowest ranked full-time police officer employed by the Police Department trained to perform the required task for the time expended to comply with the request.
    - (c) Where the required work necessitates a third party to perform the work, the special charges shall be equal to the fees and costs charged by the third party in accordance with the Local Public Contracts Law.
    - (d) The requestor shall have the opportunity to review and object to the special service charges prior to it being incurred. If the requestor wishes to proceed with the production of the records, the requestor shall provide 50% of the estimate for the special service fee prior to commencement of the work and shall pay the remainder of the special service charge once the work is completed and as a condition of receipt of the

documents requested. No documents shall be produced without full payment of the special service charge.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 4. This Ordinance shall take effect upon final adoption after publication in accordance with law.

### NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **March 18, 2024**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **April 15, 2024** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

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Anna Grimste, Municipal Clerk

First Reading: March 18, 2024

Publication: March 28, 2024

Second Reading: April 15, 2024

Final Publication: April 25, 2024

Effective Date: May 5, 2024