

## **ORDINANCE 23-26**

### **AN ORDINANCE OF THE TOWNSHIP OF HOWELL AMENDING PART II, ARTICLE V, § 139-6 “FEES ASSESSED FOR GOVERNMENT RECORD REQUESTS THROUGH OPEN PUBLIC RECORDS ACT” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL**

**WHEREAS**, Howell Township Police Department (“Department”) expends significant time and resources in responding to requests for copies of body-worn camera footage; and

**WHEREAS**, the Department has on numerous occasions prepared copies of camera footage for requesters who do not follow through with collecting their requested records, preventing the Department from collecting a fee for the time and effort expended in producing the copied footage.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Township Council of Howell Township, County of Monmouth, and State of New Jersey, that certain sections of the Township Code be amended as follows (additions to text indicated by underlined text; deletions to text indicated by ~~strikeout~~):

**SECTION 1.** Chapter 139, Section 6 of the Revised General Ordinances of the Township of Howell is hereby amended as follows:

§ 139-6 Fees assessed for government record requests through Open Public Records Act.

New Jersey has adopted the Open Public Records Act, "OPRA," N.J.S.A. 47:1A-1, which has as its general purpose making government records more available to the public than they have been in the past. Through N.J.S.A. 47:1A-5, OPRA permits municipalities to require the payment of fees and special service charges as a prerequisite to the production of records. In accordance with OPRA, when a request for records is made via OPRA, the following fees shall be assessed:

- A. Except as otherwise provided by law or regulation, the following fees shall be assessed for the duplication of a government record embodied in the form of printed matter:
  - (1) Per page for letter-sized pages and smaller: \$0.05.
  - (2) Per page for legal-sized pages and larger: \$0.07.
  - (3) Records supplied in another medium, such as CDs, DVDs, thumb drives, large maps and plans, and other materials shall be charged at the actual cost of duplication.

- B. Except as provided in Subsection E of this section, ~~E~~electronic copies of records (i.e., records sent via email and fax) shall be provided free of charge, provided the Township is able to provide the requested materials electronically.
- C. Mailing costs to ship copied records to requestors will be based on their selected shipping means (U.S. Postal Service, FedEx, or UPS) and be the direct costs for shipping.
- D. The Township shall assess a special service charge when the nature, format, manner of collation, or volume of records to be collected, redacted and produced involves extraordinary time and effort. See N.J.S.A. 47:1A-5(c). In accordance with OPRA, special service charges shall be based upon the actual direct cost of providing the records, including the cost of materials, technology, and labor. The Township shall provide a requestor an estimate of the special service charge prior to incurring the charge. The Township may request a deposit from the requestor prior to processing any OPRA special service charge.
- E. Camera Footage – When body-worn camera/police vehicle camera footage is requested from Howell Police Department, the footage generally requires review for possible redaction.
- (1) For every one (1) hour of camera footage requested, it shall be assumed that three (3) hours were required to review the footage for redaction purposes.
  - (2) Requests of camera footage will be charged a fee of \$25.00 per hour of review for redaction purposes.
  - (3) Camera footage review fees shall be billable in half-hour increments.
  - (4) Requests of body-worn/vehicle camera footage with run-times of less than one and one-half (1.5) hours shall be provided free of charge.
  - (5) 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 Howell Police with a deposit in the amount of 50 percent of the estimated charge.

## **SECTION 2. INCONSISTENT ORDINANCES**

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

## **SECTION 3. 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.

**SECTION 4. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication according to law.

**NOTICE**

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on August 15, 2023 and will be further considered for final passage and adoption at the Township Municipal Building at 4567 Rt. 9 North, Howell, New Jersey on September 12, 2023 at 7:00 p.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 thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk’s Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

**Introduction:**

<b>COUNCIL</b>	<b>MOTION</b>	<b>2ND</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<i>Councilwoman Fischer</i>		<b>X</b>	<b>X</b>			
<i>Councilman Gasior</i>			<b>X</b>			
<i>Councilman Nadel</i>	<b>X</b>		<b>X</b>			
<i>Deputy Mayor O'Donnell</i>			<b>X</b>			
<i>Mayor Berger</i>			<b>X</b>			

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held August 15, 2023. WITNESS my hand this 16<sup>th</sup> day of June 2023.

*Diane Festino*  
\_\_\_\_\_  
**DIANE FESTINO, Municipal Clerk**

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on September 12, 2023.

**Adoption:**

<b>COUNCIL</b>	<b>MOTION</b>	<b>2ND</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<i>Councilwoman Fischer</i>	<b>X</b>		<b>X</b>			
<i>Councilman Gasiar</i>			<b>X</b>			
<i>Councilman Nadel</i>		<b>X</b>	<b>X</b>			
<i>Deputy Mayor O'Donnell</i>			<b>X</b>			
<i>Mayor Berger</i>						<b>X</b>

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held September 12, 2023. WITNESS my hand this 13<sup>th</sup> day of September 2023.

*Diane Festino*  
 \_\_\_\_\_  
**DIANE FESTINO, Municipal Clerk**

Explanatory Statement: Increasing the OPRA fees for “Body Worn Cameras” for review for possible redactions and the opportunity to request a deposit of 50 percent of the estimated charge.