

ORDINANCE 23-03C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 5, WHICH PERTAINS TO ADMINISTRATION

STATEMENT OF PURPOSE

The purpose of the Ordinance is to amend Chapter 5 to revise the fees and special service charges relating to requests for public records.

SECTION I

§5-10C is repealed and replaced with the following.

C. 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 large. 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 Township 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 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 the 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 to 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 rates set forth herein. A special service charge shall also 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 required 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, currently set at \$62.50 per hour, 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 service charge 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 charge 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 services 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 II

All Ordinances or parts of Ordinance inconsistent herewith are repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance 23-03C was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Monday, January 9, 2023, at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, February 6, 2023, at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

Danielle La Valle, RMC
Municipal Clerk

First Reading: January 9, 2023
Publication: January 12, 2023
Second Reading: February 6, 2023
Final Publication: February 9, 2023
Effective: February 9, 2023

CERTIFICATION

I, DANIELLE LAVALLE, RMC, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 23-03C was duly adopted by the Board of Commissioners at their meeting held on Monday, February 6, 2023, at 4:00 p.m.

Danielle La Valle, RMC
Municipal Clerk

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