

EXPLANATION: This Ordinance amends Section 237-2 of the Code of the Township of Hillsborough, titled “Fees”.

ORDINANCE NO. 2006-05

AN ORDINANCE AMENDING SECTION 237-2 OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH TITLED “FEES”.

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Section 237-2 of the Code of the Township of Hillsborough is amended as follows:

Section 1. Purpose.

The purpose of this Ordinance is to amend Section 237-2 of the Code of the Township of Hillsborough.

Section 2. Definitions.

Government Record(s) or Record(s) – Any information subject to public inspection which is maintained by the Township in written, audio, video, electronic or other form and as defined by the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Special Service Charge – A charge, in addition to the actual cost of duplicating the government record(s), which shall reflect the expense associated with extensive use of Township information, technology or resources, or the extensive clerical or supervisory assistance by Township personnel necessary to accommodate requests to examine and/or provide copies of the record(s), and as defined by the Open Public Records Act, N.J.S.A. 47:1A-5(d).

Section 3. Amendment.

Section 237-2 of the Code of the Township of Hillsborough is amended to include a new Subsection G:

G. Special Service Charges.

(1) A special service charge may be charged in the following circumstances:

(a) When the nature, format, manner of collation or volume of a government record to be inspected, examined or copied is such that the record cannot be reproduced by ordinary copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request;

(b) When a request for a government record is in a medium not routinely used by the Township;

(c) When a request is for a government record not routinely developed or maintained by the Township;

(d) When a request for a government record requires a substantial amount of manipulation or programming of information technology by the Township and the cost of such manipulation or programming is not otherwise included in the fee or fees listed elsewhere in Chapter 237; or

(e) When a request is to conduct a search for government records in response to a specific question requiring an extraordinary expenditure of time and effort to accommodate the request.

(2) In addition to the actual costs of duplicating the record, a special service charge rate for supervisory, programming and/or clerical services shall be charged per hour and as follows:

(a) The hourly rate shall be the hourly wage of the employee conducting the supervisory, programming and/or clerical services as set by the Township from year to year and/or collective bargaining agreements from time to time.

(b) The hourly wage of salaried personnel shall be calculated by dividing the employee's annual salary as set by the Township by fifty-two (52) weeks and then dividing that by the number of hours in a regular work week.

Section 4. 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 and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. Effective Date.

This Ordinance shall take effect as provided by law.

Introduced: 2/28/06
Published: 3/9/06
Public Hearing: 3/28/06
Adopted:
Published:

ATTEST:

**HILLSBOROUGH TOWNSHIP
COMMITTEE**

Kevin P. Davis, Township Administrator/Clerk

Carl Suraci, Mayor

