

Explanation: This Ordinance amends and supplements portions of Ordinance No. 7-2005 by providing that fees for the reproduction of government records shall be the actual costs.

ORDINANCE NO. 2, 2010

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 7-2005, TITLED, "AN ORDINANCE TO ESTABLISH THE FEES TO BE CHARGED FOR INSPECTION AND REPRODUCTION OF GOVERNMENT RECORDS" TO PROVIDE THAT FEES FOR THE REPRODUCTION OF GOVERNMENT RECORDS SHALL BE THE ACTUAL COSTS.

BE IT ORDAINED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Ordinance No. 7-2005 is amended as follows:¹

Section 1. Purpose and Intent.

The purpose of this section is to establish a procedure for the inspection and reproduction of government records by the public.

Section 2. Access to Records; Conditions.

The public records of the Borough of Rocky Hill shall be accessible for examination and copying in accordance with N.J.S.A. 47:1A-1 et seq., upon the terms and conditions as hereinafter provided. Such inspection shall be made only at reasonable times during business hours and without interference with the conduct of the affairs of the office or other place where such records are kept or maintained.

Section 3. Definitions.

As used in this section:

¹ Editor's Note: The portions to be deleted are shown with strike-outs and will be deleted from the codified version of this ordinance and the underlined portions will remain in the codified version of this ordinance.

Access form shall mean the form which shall be adopted by the Custodian of Government Records for use by any person who requests access to government records.

Custodian of Government Records or Custodian shall mean the Borough Clerk.

Extraordinary service charge shall mean a charge, in addition to the actual cost of duplicating the government record(s), which shall reflect the expense associated with extensive use of Borough information, technology, or resources, or the extensive clerical or supervisory assistance by Borough personnel necessary to provide access to the record(s).

Government record(s) or record(s) shall mean any information subject to public inspection which is maintained by the Borough in written, audio, video, electronic or other form.

Requestor shall mean any person who requests access to a government record.

Section 4. Access Form.

The Custodian of Government Records shall adopt an access form for use by a requestor and shall make recommendations to the Borough of Rocky Hill Council regarding the appropriate fees to be charged for access to and copies of government records. The access form shall contain all information required by N.J.S.A. 47:1A-5f.

Section 5. Applicability; Requests to be forwarded to the Custodian of Public Records.

All government records shall be subject to the provisions of this section unless otherwise provided by law or regulation. Any officer or employee of the Borough who receives a request for access to a government record shall forward the request or direct the requestor to the custodian of Government Records.

Section 6. Access Form Contents.

The access form to be adopted by the Custodian of Government Records shall elicit the name, address and telephone number of the requestor and a brief description of the government record(s) requested and shall also include the following:

- a. Space for the Custodian to indicate which government record(s) shall be made available;
- b. Specific directions and procedures for requesting government records;
- c. The fee schedule;
- d. A statement whether a prepayment of fees or a deposit is required;
- e. The time period in which access will be provided;
- f. A statement of the requestor's right to appeal a decision by the Custodian denying access and the procedure for appealing such decision;
- g. Space for the Custodian to list the reasons for any denial of a request for access including a citation of the authorization for such denial; and
- h. Space for the Custodian to sign and date the access form upon its completion.

Section 7. Records Access Fees.

Copies shall be made available for purchase upon the payment of fees in accordance with N.J.S.A. 47:1A-1 et seq., which shall be based upon the actual photocopying costs without regard to the number of records being copied.

- a. ~~In-person request: The actual costs of photocopying may be established annually by resolution of the governing body.~~
 - ~~(1) First page to 10th page: \$0.75 per page;~~
 - ~~(2) Eleventh page to 20th page: \$0.50 per page;~~
 - ~~(3) All pages over 20 pages: \$0.25 per page.~~
- b. Fax request: ~~normal copy fee, plus \$1.00.~~ no charge.
- c. Color copying: the actual cost incurred in having material reproduced shall be charged.
- d. Miscellaneous fees:

(1) Fees established:

- (a) Master Plan: ~~\$15.00~~ The actual costs of photocopying may be established annually by resolution of the governing body.
- (b) Land Use Book (Zoning Ordinance):
~~\$25.00~~ The actual costs of photocopying may be established annually by resolution of the governing body.
- (c) Photographs - the actual cost incurred
In making the copy shall be charged.

e. Maps:

(1) Print copies:

- (a) Eleven inches by 17 inches: ~~\$1.00 per sheet.~~
\$0.75 per sheet.
- (b) Copies larger than 11 x 17 - the actual cost incurred in making the copy shall be charged.

(2) Zoning and street maps: \$1.00.

- (3) Map disclaimer. For all data contained herein, the Borough of Rocky Hill makes no representations of any kind, including but not limited to the warranties of merchantability, accuracy or fitness for a particular use, nor are such warranties to be implied with respect to the digital data provided.

f. Mail request: normal copy fee, plus the costs of postage required to mail these items via first class mail.

g. List of Property Owners within 200 feet pursuant to N.J.S.A. 40:55D-12: \$10.00.

h. Municipal Tax Search: \$10.00.

i. Extraordinary Service Charge: costs and benefits of hourly rate of person providing service.

- j. Copies of CD's - the actual cost of the CD shall be charged.

Section 8. Municipal Court Discovery.

The following fees shall be payable by the requestor to the Borough of Rocky Hill for the discovery provided:

- a. ~~First page to 10th page: \$0.75 per page;~~ Actual photocopying costs without regard to the number of pages being copied, which cost may be established annually by resolution of the governing body.
- b. ~~Eleventh page to 20th page: \$0.50 per page;~~
- c. ~~All pages over 20 pages: \$0.25 per page;~~
- bd. Actual postage for any discovery sent by mail;
- ec. Photographs - the actual cost incurred in making the copy shall be charged.
- fd. Duplication of videotapes - actual cost incurred in making the copy shall be charged.
- ge. On any item that cannot be photocopied on the Borough of Rocky Hill copy machine or not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.

Section 9. Vital Statistics.

The following fees are established:

- a. Certified copy of a birth, death, marriage, domestic partnership, civil union certificate:
~~\$5.00~~ \$20.00 each.
- b. Original marriage/civil union license: \$28.00

Section 10. Duplicate Copies of Original Tax Bills.

- a. Pursuant to N.J.S.A. 17:16F-15 et seq., there is hereby established a charge for duplicate copies of tax bills.

- b. Whenever a mortgagee, serving organization or property tax processing organization requests a duplicate copy of a tax bill, the Tax Collector shall issue a duplicate copy of the tax bill. The fee for duplicate copies shall be \$5.00. The Tax Collector shall require the payment be made prior to the issuance of the duplicate bill.

Section 11. This Ordinance shall take effect immediately after final adoption according to law.

Attest:

Rebecca Newman,
Acting Borough Clerk

Edward P. Zimmerman, Mayor

Introduced: June 7, 2010

Public Hearing Scheduled: June 21, 2010

Adopted: June 21, 2010