ORDINANCE NO. 2010-12

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTERS 2.96, PUBLIC RECORDS AND CHAPTER 2-19.2 CHARGES FOR FREON CERTIFICATION OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN IN THE COUNTY OF OCEAN, NEW JERSEY

BE IT ORDAINED by the Mayor and Township Committee of the Township of Ocean, in the County of Ocean, State of New Jersey, as follows:

WHEREAS, the Township has experienced an increase in the number of requests made under the New Jersey Open Public Records Act (OPRA); and

WHEREAS, the Municipal Clerk's Office functions as the Custodian of Records as defined under OPRA, thereby increasing the demands of that Office; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, that Chapter 2.96 entitled, "Public Records" of the Township of Ocean General Ordinances is hereby amended and supplemented as follows:

SECTION 1.: Chapter 2.96.060, entitled "Fees and Charges," is hereby amended and supplemented to add new Sections (C) and (D) as follows:

> C. Whenever the nature, format, manner of collation or volume of a government record embodied in the form of printed matter to be inspected, examined or copied is such that the record cannot be reproduced by the Township by ordinary document-copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort by the Township to accommodate the request, the Township may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and based upon the actual direct cost of providing the copy or copies. The requestor shall

have the opportunity to review and object to the charge prior to it being incurred.

D. In the event an extraordinary expenditure of time and effort is needed by the Township to accommodate a request to inspect, in addition to any fees for actual duplication and copying incurred by the requestor under this Chapter, the Township shall assess a special service charge based upon the cost incurred for such extensive use of information technology resources and/or the labor cost of the personnel providing the service that is actually incurred or attributable to the Township for the clerical and supervisory assistance required, or both. The manner by which such special inspection service fee is calculated shall be kept on file with the Township. The requestor shall have the opportunity to review and object to the charge prior to it being incurred.

SECTION 2.: Chapter 2.96.030, entitled "Fee for Copies," is hereby amended as follows:

A certified copy of any vital record or certification thereof is five ($5.00) dollars each.

SECTION 3.: Chapter 2, Section 19.2, entitled "Charge for Freon Certification" shall be added to include and provide a new subsection "080" for the following:

Freon Certification ..... $10.00 per item

SECTION 4.: Chapter 2, Section 19.2, entitled Charge for Propane Tanks shall be added to include and provide a new section "080" for the following:

Propane Tank ..... $5.00 per tank

SECION 5.: Chapter 19, Section 96, entitled "Fees for copies," is hereby amended and supplemented so as to amend Subsection 030 so that the same shall read in its entirety as follows:

Police photographs will be photocopied at the following rates: First page to 10th page, $.75 per page; eleventh page to 20th page, $.50 per page; all pages over 20, $.25 per page. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.

SECTION 6.: Chapter 2, Section 96, entitled "Fees for copies," is hereby amended and supplemented so as to amend Subsection 030 so that the same shall read in its entirety as follows:

> Municipal Court discovery: First page to 10th page: $.75 per page; eleventh page to 20th page: $.50 per page; all pages over twenty: $.25 per page. Municipal Court discovery sent to requesting party via regular mail will require an additional fee for the actual cost of postage, plus $.25 for stationary-related expenses. Where the discovery must be obtained from an entity other than the Township, the actual costs paid to the other entity shall be paid by the requestor.

SECTION 7.: Chapter 2, Section 96, entitled "Fees for copies," is hereby amended and supplemented so as to amend Subsection 060 so that the same shall read in its entirety as follows:

> Tax Collector's Office - Redemption Statements: Pursuant to N.J.S.A. 54:5-54, the Tax Collector's Office shall provide to any requestor entitled to redeem a tax sale certificate, two calculations of the amount required for redemption within a calendar year at no cost.
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> Thereafter, a fee of $25.00 for each subsequent calculation requested of the Tax Collector shall be charged to the requestor. A request for a redemption calculation shall be made in writing to the Tax Collector.

SECTION 8.: 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 the Ordinance shall be deemed valid and effective.

SECTION 9.: All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 10.: This Ordinance shall take effect 20 days after final passage, adoption, and publication according to law.

ATTESTED TO BY: APPROVED:

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at a meeting held on the 14th day of October, 2010. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 10th day of November, 2010, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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Diane Ambrosio, RMC
TOWNSHIP CLERK