

**TOWNSHIP OF OLD BRIDGE
ORDINANCE NO. 02-03**

**AN ORDINANCE OF THE TOWNSHIP OF OLD BRIDGE ESTABLISHING FEES FOR
SPECIAL SERVICE CHARGES AND SPECIAL CHARGES UNDER THE NEW
JERSEY OPEN PUBLIC RECORDS LAW**

BE IT ORDAINED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey as follows:

SECTION 1: PURPOSE

New Jersey has adopted the Open Public Records Law which has as its general purpose making government records more available to the public than they have been in the past. In certain instances, the production of archived records or records in a format which is not the usual format maintained by the municipality or other special circumstances would be costly and time consuming. The New Jersey Public Records Law permits the municipality to require the payment of fees, special service charges and/or special charges as a pre-requisite to the production of records requiring extraordinary time and effort, special equipment or special formatting.

SECTION 2: ORDINARY REQUESTS FOR INFORMATION

The statutory fee schedule shall apply to routine requests under the Open Public Records Law. The fees of N.J.S.A. 47:1A-5 are hereby incorporated herein as such fee schedule presently exists or as such fees might appear in future modifications or amendments of the statute.

At present time, fees under N.J.S.A. 47:1A-5 for routine copies of municipal documents are:

Pages 1 through 10 \$.75 per page
Pages 11 through 20 \$.50 per page
All pages after 20 \$.25 per page

SECTION 3: NO RESEARCH OR INTERPRETATION MAY BE COMPELLED

Nothing in this Ordinance shall require the custodian of documents or any other municipal official to examine, analyze, tabulate, or interpret documents which are subject to production under the New Jersey Open Public Records Act.

**SECTION 4: SPECIAL SERVICE CHARGE/SPECIAL CHARGES
AUTHORIZED**

A. Charges Authorized:

The Township Clerk or other custodian or keeper of documents qualifying for mandatory production as "governmental records" under the New Jersey Public Records Act shall be entitled to special service charges and/or special charges as set forth in Section 5 of this Ordinance.

B. Requests To Be In Writing

Any requests for documents shall be made to the Township Clerk on a form established by the Township Clerk for such purposes.

**C. Advance Notice of Fees, Special Service Charges and Special Charges;
Deposit**

Any requester of government records which are eligible for the imposition of a special charge or special service charge under Section 5 of this Ordinance shall receive advance notice of the amount of fees and charges before any work is started. The Township Clerk shall require prepayment of such charges before causing the work to begin.

**SECTION 5: FEES, SPECIAL SERVICE CHARGES AND SPECIAL CHARGES:
WHEN CHARGED; AMOUNTS AUTHORIZED**

A. Duplication On Other Work Beyond Capability of Municipal-In-House Work Force:

Whenever the in-house municipal work force or available municipal equipment is insufficient to duplicate or produce government records in a timely fashion, the Township Clerk may cause such duplication or production to be accomplished by outside vendors such as copy centers or producers of digital images. If the costs of such duplication or production charged by such vendors exceeds the routine charges set forth in N.J.S.A. 47:1A-5, the actual direct cost of same without any additional surcharge for labor costs shall be paid.

B. Special Service Charged Authorized:

Whenever government records cannot be reproduced by regular copying equipment or fulfillment of the request would involve extraordinary time and effort (for example, where a large number of records must be recovered from storage or substantive staff time is required to review, sort and assemble records), charges may be imposed as follows:

1. The actual cost (materials and supplies but no staff labor) of duplication or reproduction; plus
2. A special service charge of \$32.00 per hour or the actual direct cost of labor (if less) shall be imposed for each hour of extraordinary time predicted to be utilized to respond to the request.

C. Rates for In-House Production of Prints or Blueprints:

Any prints or blueprints produced in-house in response to a governmental records request shall be produced for \$28.00 per page.

D. Cost of GIS Data:

The cost of any GIS data owned by the Township of Old Bridge shall be as follows:

TOPOGRAPHIC PRICE LIST

Based on 100 Scale

8-1/2 x 11	Xerox =	21 Acres	252.00
8-1/2 x 14	Xerox =	27 Acres	324.00
11 x 17	Xerox =	43 Acres	516.00
15 x 20	Xerox =	69 Acres (1/2 Sheet)	714.00
20 x 30	Xerox =	138 Acres (1 Full Sheet)	1090.00

E. Digital Records:

If a request for governmental records involves production or conversion of digital or computerized records or film which is:

- A. In a medium not routinely used by the agency (i.e., electronic or film).
- B. Not routinely developed or maintained by an agency; or
- C. Requiring a substantial amount of manipulation or programming of information technology.

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The requester shall pay fees and special charges as follows:

- A. Direct costs (no overhead) to comply with the request; plus
- B. Special charges; the lesser of the cost of technology and labor actually incurred or \$45.00 per hour.

SECTION 6. NOTICE OF REQUESTER OF COPYRIGHT LAWS:

- A. The Township of Old Bridge may be compelled by New Jersey Law to produce or duplicate governmental records but no compliance with these legal obligations shall be deemed to constitute a license, sublicense or waiver of copyright laws.
- B. The Township Clerk shall give the following notice to any requester of governmental records.

NOTICE - COPYRIGHT LAWS

**You must comply with U.S. copyright laws.
These laws may restrict your right to use,
duplicate or modify the records provided to
you by the Township of Old Bridge. You
should consult your own legal counsel on this
since severe civil and criminal penalties for
violation of copyright laws are provided**

**SECTION 7. WAIVERS FOR GOVERNMENTAL EDUCATIONAL
REQUESTER**

The Mayor, Clerk or Township Council (by Resolution) may waive the fees or other charges otherwise chargeable if the requester of governmental records is a governmental or educational entity.

SECTION 8. INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9. PARTIAL INVALIDITY

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

SECTION 10. EFFECTIVE DATE

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Township Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40A:69A-41 applicable when the Mayor has failed to return the Ordinance, whichever occurs first.

B. If the Mayor vetoes the Ordinance (in the manner set forth at NJSA 40A:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two-thirds (2/3) of all the members of the Council vote in favor of such resolution.

All ordinances or part of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

First Reading: December 16, 2002

Moved by Councilman Baker, seconded by Councilman Testino and so ordered on the following roll call vote:

AYES: Councilmen Baker, Greene, Hoff, Redmond, Testino, Councilwoman Panos, President Butler.

NAYS: None.

ABSENT PODIUM: Councilman Calogera.

ABSENT: Councilman Maher.

Second Reading January 13, 2003

Moved by Councilman Redmond, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Calogera, Greene, Hoff, Maher, Redmond, Testino, Councilwoman Panos, President Butler.

NAYS: None.

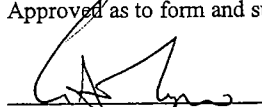
ATTEST:

Rose-Marie Saracino, Township Clerk


Reginald Butler, Council President

Approved as to form and sufficiency

Approved:



DEPARTMENT OF LAW
William S. Ruggiero



Barbara Cannon, Mayor

Approved on First Reading:	December 16, 2002
Published:	December 27, 2002
Approved on Second Reading:	January 13, 2003
Published:	January 18, 2003
Effective Date:	February 7, 2003