

**BOROUGH OF RIVERDALE**

**ORDINANCE NO. 17 - 2006**

**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND ESTABLISHING FEES FOR SPECIAL SERVICE CHARGES AND SPECIAL CHARGES UNDER THE NEW JERSEY OPEN PUBLIC RECORDS LAW**

**WHEREAS**, New Jersey has adopted the Open Public Records Law which has its general purpose making government records more available to the public than they have been in the past; and

**WHEREAS**, in certain instances, the production of archived records in a format which is not the usual format maintained by the municipality or other special circumstances would be costly and time consuming; and

**WHEREAS**, 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.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

**Section 1.** Chapter 95 of the Revised General Ordinances shall be amended by the inclusion of new Article IV entitled "Public Records Request", which shall read in its entirety as follows:

**ARTICLE IV  
Public Records Request**

**§ 95-7. 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

**§ 95-8. 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.

**§ 95-9. Special service charge/special charges authorized.**

- A. Charges authorized. The Borough Clerk or other custodian or keeper of documents qualifying for mandatory production as "government records" under the New Jersey Public Records Act shall be entitled to special service charges and/or special charges as set forth in this Ordinance.
- B. Requests to be in writing. Any requests for documents shall be made to the Borough Clerk on a form established by the Borough 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 charge under this Ordinance shall receive advance notice of the amount of fees and charges before any work is started. The Borough Clerk shall require prepayment of such charges before causing the work to begin.

**§ 95-10. Fees, special service charges and special charges; when charged; amounts authorized.**

- A. Duplication or 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 Borough 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 charge 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.

**§ 95-11. Waivers for governmental educational requester.**

The Clerk may waive the fees or other charges otherwise chargeable if the requester of governmental records is a governmental or educational entity.

**Section 2.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 3.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this \_\_\_\_ day of  
\_\_\_\_\_, 2006.

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Carol Talerico, Borough Clerk

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William Budesheim, Mayor

**CLERK'S CERTIFICATION**

**NOTICE** is hereby given that the above Ordinance was introduced and passed first reading by title at a regular meeting of the Mayor and Council of the Borough of Riverdale, held on June 19, 2006, and it will be considered for final passage at a regular meeting of said Mayor and Council to be held on July 17, 2006, at 7:30 p.m. or as soon thereafter same can be considered, in the Municipal Building, 91 Newark Pompton Turnpike, Riverdale, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same, in the Borough Clerk's Office between the hours of 9:00 a.m. and 4:30 p.m.

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Carol J. Talerico, Municipal Clerk