

Ordinance #2002-973

AN ORDINANCE ESTABLISHING PROCEDURES FOR
THE INSPECTION AND REPRODUCTION OF
GOVERNMENT RECORDS BY/FOR THE PUBLIC

BE IT ORDAINED by the Mayor and Council of the Borough of Manville, County of Somerset, New Jersey, that the following is adopted:

SECTION ONE:

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.

2. Definitions. As used in this section:

“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.

“Government Record or Records” 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 pursuant to this section or the State Law on Examination and Copies of Public Records, N.J.S. 47:1A-1 et seq.

“Special Service Charge” shall mean a charge, in addition to the actual cost of duplicating the Government Records(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).

3. Access Form. The Custodian of Government Records shall adopt an Access Form for use by a requestor and shall make recommendations to the Borough Committee 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. 47:1A-5f.

4. Fee Schedule. The fees for copies of Government Records shall be:

format: a. Records in 8.5 inches by 11 inches or 8.5 inches by 14 inches

Up to 10 copies	\$.75 per page
11 to 20 copies	\$.50 per page
21+ copies	\$.25 per page

b. Other Records:

Tax Map Page	\$5.00
Zoning Map	\$1.00 (if sold separately

from
pkg.)

the Zoning Ordinance

Street Map	\$1.00
For larger documents (i.e. plans)	\$1.50 per square foot (plus postage)
Master Plan	\$25.00 (\$6.00 postage)
Zoning Ordinance	\$10.00 (\$6.00 postage – includes Zoning Map)

Cassette Tape	\$5.00
Video Tape	\$25.00
Information on Diskette or CD	\$5.00 per Diskette or CD
Computer Generated Picture (B&W or color)	\$5.00 per sheet

exposures)

Copy of Computer Screen	\$.75
Film Developing	\$15.00 (24 or 36
Enlargements	\$15.00

c. Postage and surcharge.

request.

1. Postage costs will be added to all requests for public records required to be mailed and will be determined at time of

sent

2. A surcharge of \$.50 per page will be applied to all records by fax.

extensive

3. Extraordinary service charges shall be applied for any use of information technology or for the labor cost of personnel providing the service, that is actually incurred by the Borough for the programming, clerical, and supervisory assistance required to provide a Government Record in the

medium requested if it is not a medium routinely used by the Borough; not routinely developed or maintained by the Borough, or requiring a substantial amount of manipulation or programming of information. This rate shall be \$45.00 per hour for supervisory or programming and \$35.00 per hour for clerical.

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 the 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.

6. Access Form. The Access Form to be adopted by the Custodian of Government Records shall elicit the name, address and phone 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 record(s) shall be made available;
- b. Specific directions and procedures for requesting 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.

7. Construction

Where consistent with the context in which used in this Ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

8. Inconsistency

Should any provision of this Ordinance be inconsistent with the provisions of any prior Ordinances, the inconsistent provisions of such prior Ordinances are hereby repealed, but only to the extent of the inconsistencies.

9. Severability

In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

10. Purpose of Captions

Captions contained in this Ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

11. Effective Date

This Ordinance shall take effect upon its final passage and publication according to law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

STATEMENT OF PURPOSE

The purpose of this Ordinance is to establish procedures and fees for the inspection and reproduction of government records to or by the public in accordance with State law.

ORDINANCE #2002-973

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ALLAN	√			
	√	ASHER	√			
		PETROCK	√			
		POLAK	√			
		WEISS	√			
		WIERZBA	√			
		MAYOR CORRADINO				

PASSED this 8th day of July, 2002

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	ALLAN	√			
		ASHER	√			
√		PETROCK	√			
		POLAK	√			
		WEISS	√			
		WIERZBA	√			
		MAYOR CORRADINO				

ADOPTED this 12th day of August, 2002.

Attest:

Philip E. Petrone, Clerk