2383-13

AN ORDINANCE AMENDING CHAPTER 2, SECTION 66.1a OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED "FEES FOR SERVICES"

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 2, Section 66.1a of the Revised General Ordinances of the Township of West Orange is hereby amended as follows:

I. PURPOSE

The purpose of this Ordinance is to reduce the fees charged for public records in order to ensure compliance with the Open Public Records Act, N.J.S.A. 47:1A-1 to -13 (OPRA).

II. CHAPTER 2, SECTION 66.1a SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

a. For the issuance of photocopies of ordinances, minutes, resolutions, and other government records embodied in the form of printed matter, except those listed below, the fees shall be:

    1. $0.05 per letter size page or smaller; and

    2. $0.07 per legal size page or larger.

    However, if a copy of a police accident report is requested other than in person, an additional fee of $5.00 shall be charged to cover the administrative costs of the report.

    Further, if the public records are delivered or mailed, there shall be an additional charge assessed depending upon the postage or delivery method utilized.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

The Ordinance shall take effect upon final passage and publication in accordance with the law.

Honorable Susan McCartney
Council President

Honorable Robert D. Parisi
Mayor

Approved as to form on the basis of the facts provided:

Karen J. Carnevale, Municipal Clerk

Introduced: August 20, 2013

Adopted: September 17, 2013

LEGISLATIVE HISTORY

Currently, Section 66.1a of Chapter 2 of the Revised General Ordinances of the Township of West Orange provides for the following fees for public records: (1) $0.75 per page for the first page to the tenth page; (2) $0.50 per page for the eleventh page to the twentieth page; and (3) $0.25 per page for all pages over twenty. These fees are derived from N.J.S.A. 47:1A-2, which is a since-repealed provision of the former Right to Know Law ("RKL"), which was part of the Public Records Act of 1963. The RKL was displaced by the Open Public Records Act, N.J.S.A. 47:1A-1 to -13 (OPRA), in January 2000. See generally Smith v. Hudson County Register, 411 N.J. Super. 538, 558 (App. Div. 2010). The provision of OPRA applicable to fees for public records is N.J.S.A. 47:1A-5b, and it provides for the following fees: (1) $0.05 per letter size page or smaller, and (2) $0.07 per legal size page or larger. This Ordinance brings Section 66.1a of Chapter 2 into compliance with OPRA.

In addition, the second paragraph of Section 2-66.1b currently provides that "for a police accident report there is an additional fee when the request is not made in person of $5.00 for the first three (3) pages and $1.00 for each additional page as provided by N.J.S.A. 39:4-131." The referenced provision of the State Motor Vehicle Regulations was amended in September 2010, and the provision permitting an additional $1.00/page charge after three (3) pages was removed. The additional charge for requests not made in person is now capped at $5.00. N.J.S.A. 39:4-131. This Ordinance therefore brings Section 66.1a of Chapter 2 into compliance with the State Motor Vehicle Regulations as well.