

TOWNSHIP OF WALL

ORDINANCE NO. 30-2011

**ORDINANCE AMENDING CHAPTER 175 OF THE CODE OF THE
TOWNSHIP OF WALL ENTITLED PUBLIC RECORDS**

WHEREAS, the Township of Wall maintains public records which it produces pursuant to Open Public Records Act requests; and

WHEREAS, pursuant to N.J.S.A. 47:1A-5c, when the request for documents involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the documents; and

WHEREAS, the Township Committee has previously established a “special services fee” of \$10.00 per hour, which does not currently reflect the actual cost of producing the documents, and therefore needs to be revised to reflect “actual cost”.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall as follows:

SECTION ONE

Chapter 175-3 of the Code of the Township of Wall entitled “Fees for reproduction of records” is hereby amended to delete the following:

B. Special services cost. If the inspection and/or photocopying of public records required more than 30 minutes per day of a municipal employee’s time, a special services charge of \$5.00 for each 30 minutes shall be charged, up to a maximum of \$50.00 per day.

The following shall be substituted therefore:

B. Special services cost. If the inspection and/or photocopying of public records requires more than 30 minutes per day of a municipal employee's time, a special services charge equal to the "actual cost" of that employee's time shall be charged. The requester shall be advised of the hourly rate of the employee and estimated time anticipated for the work. If the requester wishes to proceed with the production of the records, he shall provide payment for the special services fee prior to commencement of the work. The Township shall provide a statement of the hours which were spent on the request. If the hours are less than anticipated, the excess funds shall be returned to the requester.

SECTION TWO

If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

SECTION THREE

All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION FOUR

This Ordinance shall take effect upon final passage and publication as provided by law.

Motion made by Committee person _____, seconded by Committee person _____ and adopted on roll call by the following vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Mayor Ann Marie Conte				
Deputy Mayor Jeffrey W. Foster				
Committeeman Clinton C. Hoffman				
Committeeman Todd W. Luttman				
Committeeman George K. Newberry				

SUMMARY AND NOTICE
TOWNSHIP OF WALL

ORDINANCE NO. 30-2011

**ORDINANCE AMENDING CHAPTER 175 OF THE CODE OF THE
TOWNSHIP OF WALL ENTITLED PUBLIC RECORDS**

Adoption of this Ordinance amends Chapter 175 regarding special services fees for public records.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on November 22, 2011, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on December 14, 2011, at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

LORRAINE KUBACZ, R.M.C.
Township Clerk