

TOWNSHIP OF WALL

ORDINANCE NO. 35-2004

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 14 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WALL ENTITLED "COURT, MUNICIPAL"

WHEREAS, discovery requests in matters pending in the Municipal Court are submitted through the Municipal Prosecutor; and

WHEREAS, it is necessary to establish the fees that may be charged for the copies provided, consistent with the provisions of the New Jersey Open Public Records Act, *N.J.S.A. 47:1A-1*, et seq.;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Chapter 14 entitled "Court, Municipal" of the Township Code of the Township of Wall, is hereby amended so as to create a new section which shall read as follows:

14-9 Municipal Court Discovery

1. All requests for discovery in matters pending in the Wall Township Municipal Court shall be submitted through the Municipal Prosecutor.
2. The following fees shall be payable by the requestor to the Township of Wall for the discovery provided:
 - a. \$.75 per page for each of the first 10 pages photocopied
 - b. \$.50 per page for each of the next 10 pages photocopied
 - c. \$.25 per page for each of the pages photocopied thereafter

- d. Actual postage for any discovery sent by mail
 - e. \$.25 for the envelope for any discovery sent by mail
 - f. Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.
 - g. Duplication of videotapes or audiotapes constitute an extraordinary duplication process and will be charged at the rate of \$5.00 per videotape or audiotape.
 - h. On any item that can not be photocopied on the Township copy machine or not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.
3. Where the discovery must be obtained from an entity other than the Township of Wall, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.

Section 2. All Ordinances, or parts thereof, inconsistent in the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 3. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

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 10, 2004, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on December 8, 2004, at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place 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.

LORRAINE KUBACZ, RMC
Township Clerk