

ORDINANCE #2010-05

ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER II ENTITLED, "ADMINISTRATION", AS IT APPLIES TO THE FEES FOR COPIES OF MUNICIPAL RECORDS

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean, and State of New Jersey, as follows:

Section 1. Section 2-27 of the Code of the Borough of Beachwood is hereby deleted and in its place instead the following shall be inserted:

- a. There is hereby established a fee for furnishing photocopies of any record or other document kept in the normal course of business and except as hereinafter provided at the following rates:
 1. The fee for letter size page or smaller shall be \$0.05 per page.
 2. The fee for legal size page or larger shall be \$0.07 per page. If the page exceeds the legal size page then the Borough may charge its actual costs exceeding the \$0.07 per page. If that be the case the actual cost for duplicating the record shall be the cost of materials and supplies used to make a copy of the record but shall not include the cost of labor or other overhead expenses associated with making said copy except as provided in subsection b of this Ordinance.
- b. A special service charge may be imposed if the printed matter cannot be copied by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request. The Borough shall charge a special service charge in addition to the actual duplicating of the record which shall be reasonable and shall be based upon the actual direct costs of providing the copy or copies. The Borough shall establish rates for duplication of particular records when the actual cost of copying exceeds the foregoing rates which shall be established in advance by Ordinance. The requester shall have the opportunity to review the rates with the Clerk and object to the charge prior to being incurred.
- c. Requesters shall have the right to copy documents in mediums other than those used by the Borough of Beachwood to maintain the records. If a request involves a request for a record involving the following, the agency may charge a special charge that is reasonable and based on the cost of extensive use of information technology, or for labor cost of personnel providing the service that is actually incurred by the agency or attributable to the agency for programming, clerical, and supervisory assistance, or both, provided:
 1. A request for a medium not routinely used by the Borough.
 2. A request that is not routinely developed or maintained by the Borough.

3. A request that requires a substantial amount of manipulation or programming of information technology.
- d. Individuals requesting duplicate cassettes or Borough recorded information shall pay a fee of \$1.00 (one dollar) per cassette.
- e. Access to electronic records in non-printed material shall be provided free of charge, but the Borough shall charge for the actual costs of any needed supplies for said purposes. Computer discs shall be charged at the rate of \$1.00 (one dollar) per disc.

Section 2. Severability. If the provisions of any subsection paragraph, subdivision or clause of this Section shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision or clause of this Section.

Section 3. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

Section 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Beachwood, in the County of Ocean, held on the 21st day of July , 2010 and will be considered for second reading and final passage at a regular meeting of said governing body to be held on the 18th day of August , 2010 at 7:00 p.m. at the Beachwood Municipal Complex, 1600 Pinewald Road, Beachwood, New Jersey at which time and place any person desiring to be heard upon the same will be given an opportunity to be so heard.

ELIZABETH A .MASTROPASQUA, Clerk