

**ORDINANCE NO. 3402**

**INTRODUCED BY: MAYOR JOSEPH P. SCARPELLI ON BEHALF OF THE BOARD OF COMMISSIONERS**

**INTRODUCED ON: NOVEMBER 7, 2018**

**PUBLISHED: NOVEMBER 15, 2018**

**PUBLIC HEARING: DECEMBER 4, 2018**

**PUBLISHED: DECEMBER 13, 2018**

**ORDINANCE NO. 3402**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX AMENDING CHAPTER 320, FEES, ARTICLE I, COPIES OF PUBLIC RECORDS, OF THE TOWNSHIP CODE**

**WHEREAS**, the Open Public Records Act, N.J.S.A. 47:1A-1.1, et seq., (“OPRA”) establishes the maximum fees which may be charged by a municipality for copying government records; and

**WHEREAS**, the Board of Commissioners of the Township of Nutley (the “Township”) finds and declares that it is in the best interests of the Township and its residents to conform with the fee schedule set forth in OPRA for copying or producing government records in printed format, as said schedule may be amended by the State Legislature from time to time; and

**WHEREAS**, pursuant to N.J.S.A. 47:1A-5(c), the Township is permitted to levy a special service charge for the duplication or production of government records whenever the nature, format, manner of collation, or volume of records is such that the records cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request; and

**WHEREAS**, in order to avoid unnecessary fiscal and other burdens on the Township, the Board of Commissioners finds and declares that it is in the best interests of the Township and its residents to require that requestors of government records pay special service charges when permitted by law; and

**WHEREAS**, it is the legislative purpose of this Ordinance and the intent of the Board of Commissioners to increase government transparency through strict adherence to the express statutory requirements of OPRA.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, being the governing body thereof, as follows:

**Section 1.** Chapter 320, Fees, Article I, Copies of Public Records, is hereby amended as follows:

§ 320-1 Fees established.

The duplication costs charged by the Township of Nutley for the copying or production of government records embodied in the form of printed matter shall be

**ORDINANCE NO. 3402**

**INTRODUCED BY: MAYOR JOSEPH P. SCARPELLI ON BEHALF OF THE BOARD OF COMMISSIONERS**

**INTRODUCED ON: NOVEMBER 7, 2018**

**PUBLISHED: NOVEMBER 15, 2018**

**PUBLIC HEARING: DECEMBER 4, 2018**

**PUBLISHED: DECEMBER 13, 2018**

the maximum charges allowed under the Open Public Records Act, N.J.S.A. 47:1A-1, *et seq.*

§ 320-2 Special service charge.

Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied in response to a lawful request for access to government records is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the Township of Nutley shall charge a special service charge that shall be based upon the actual direct cost of providing the requested government records. The requestor shall have the opportunity to review and object to any special service charge prior to it being incurred. Any special service charge levied pursuant to this Section shall be in addition to any copying fees charged pursuant to the provisions of this Chapter.

**Section 2.** If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**Section 3.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**Section 4.** This Ordinance shall take effect upon passage and publication in accordance with applicable law.