

*****ADOPTED MARCH 7, 2011*****

TOWNSHIP OF DELANCO

ORDINANCE 2011-9

**AMENDING THE TOWNSHIP CODE
AT CHAPTER 224-2 GOVERNING “FEES”
FOR PUBLIC RECORDS**

WHEREAS, under Smith v. Hudson County, the Appellate Division ruled that municipal fees for Open Public Records Act requests must be based upon “actual costs” despite the provision of a fee schedule within the Act; and

WHEREAS, the Township desires to amend the Code to reflect the resulting state laws enacted pertaining to the cost of photocopy reproduction of public records.

BE IT ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that the Code of the Township of Delanco be amended as follows:

SECTION ONE.

Chapter 224-2, governing “Fees” is hereby amended as follows:

§224-2.

A. The custodian of any records sought shall make and supply copies of such records sought upon the payment of the following charges:

- (1) General photocopies: \$.05 per page.
- (2) Legal size photocopies: \$.07 per page.
- (3) Where requests are submitted that are substantial in nature, and will result in copying charges estimated to be in excess of \$10.00, the custodian shall require a deposit for the production of the photocopies at the time the request is made.

B. [Intentionally omitted].

[Remainder of section unchanged].

SECTION TWO: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION THREE: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR: This ordinance shall take effect immediately upon final passage and publication according to law.