

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH  
CODE TO ESTABLISH CHAPTER 197 GOVERNMENT RECORDS**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Spring Lake in the County of Monmouth, State of New Jersey as follows:

**Section 1:**

Chapter 197 entitled "Government Records" of the Code of the Borough of Spring Lake is hereby created as follows:

**197 GOVERNMENT RECORDS.**

**197-1 Purpose and Intent.**

The purpose of this section is to establish a procedure for the inspection and reproduction of government records by the public.

**197-2 Definitions.**

As used in this section:

*Access form* shall mean the form which shall be adopted by the custodian of government records for use by any person who requests access to government records.

*Custodian of government records* or *Custodian* shall mean the Borough Clerk.

*Government record(s)* or *record(s)* shall mean any information subject to public inspection which is maintained by the Borough in written, audio, video, electronic or other form.

*Requestor* shall mean any person who requests access to a government record pursuant to this section or the State Law on Examination and Copies of Public Records, N.J.S. 47:1A-1 et seq.

*Special service charge* shall mean a charge, in addition to the actual cost of duplicating the government record(s), which shall reflect the expense associated with extensive use of Borough information, technology or resources, or the extensive clerical or supervisory assistance by Borough personnel necessary to provide access to the record(s).

**197-33 Access Form.**

The custodian of government records shall adopt an access form for use by a requestor and shall make recommendations to the Mayor and Borough Council regarding the appropriate fees to be charged for access to and copies of government records. The access form shall contain all information required by N.J.S. 47:1A-5f.

**197-4 Fee Schedule.**

The fees for copies of government records shall be:

- a. *Records in eight and one-half (8.5") inches by eleven (11") inches or eight and one-half (8.5") inches by fourteen (14") inches format:*

Up to 10 copies	\$ .75 per page
11 to 20 copies	\$ .50 per page
21+	\$ .25 per page

b. *Other Records.*

Tax Map page	\$10.00 per page
Zoning Map (11X17 page)	\$ 1.00 per page
Zoning Map (Large Format)	\$15.00 per page
Street Map	\$15.00 per page
For larger documents	\$ 1.50 per square foot (i.e., plans)
Master Plan	\$50.00
Zoning Ordinance	\$50.00 (includes zoning map)
Cassette tape	\$ 5.00 (per tape)
Video tape	\$25.00
Information on diskette or CD	\$ 5.00 per diskette or CD
Computer generated picture (B/W or Color)	\$ 5.00 per sheet
Copy of computer screen	\$ .75 per sheet
Film developing	\$15.00 (24 or 36 exposures)
Enlargements	\$15.00

c. *Postage and Surcharges.*

1. Postage costs will be added to all requests for public records required to be mailed and will be determined at time of request.
2. A surcharge of fifty (\$.50) cents per page will be applied to all records sent by fax.
3. Extraordinary service charges shall be applied for any extensive use of information technology or for the labor cost of personnel providing the service that is actually incurred by the Borough for the programming, clerical and supervisory assistance required to provide a government record in the medium requested if it is not a medium routinely used by the Borough not routinely developed or maintained by the Borough or requiring a substantial amount of manipulation or programming of information. This rate shall be forty-five (\$45.00) dollars per hour for supervisory or programming and thirty-five (\$35.00) dollars per hour for clerical.

**197-5 Applicability; Requests to be Forwarded to the Custodian of Public Records.**

All government records shall be subject to the provisions of this section unless otherwise provided by law or regulation. Any officer or employee of the Borough who receives a request for access to a government record shall forward the request or direct the requestor to the custodian of government records.

**197-6 Access Form Contents.**

The access form to be adopted by the custodian of government records shall elicit the name, address and phone number of the requestor and a brief description of the government record(s) requested and shall also include, but not limited to, the following:

- a. Space for the custodian to indicate which record(s) shall be made available;
- b. Specific directions and procedures for requesting records;
- c. The fee schedule;
- d. A statement whether a prepayment of fees or a deposit is required;
- e. The time period in which access will be provided;
- f. A statement of the requestor, a right to appeal a decision by the custodian denying access and the procedure for appealing such decision;

- g. Space for the custodian to list the reasons for any denial of a request for access including a citation of the authorization for such denial; and
- h. Space for the custodian to sign and date the access form upon its completion.

**Section 2:**

All other provisions not amended or replaced herein remain in full force and effect.

**Section 3.**

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 provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**Section 4.**

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

**Section 5.**

This Ordinance shall take effect on upon passage and publication in accordance with applicable law.

INTRODUCED: November 10, 2009

ADOPTED: December 8, 2009

APPROVED:

  
JENNIFER NAUGHTON, Mayor

Attest:

  
JANE L. GILLESPIE, BOROUGH CLERK