

Mr. Nolan offered the following Ordinance pass third and moved on its adoption and authorized its publication according to law:

O-10-21

**AN ORDINANCE AMENDING CHAPTER II OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHLANDS
SECTION 2-26.2 ENTITLED "FEES FOR RECORDS"**

{additions shown in underline, deletions shown in ~~strikeouts~~}

WHEREAS, The Government Records Council issued an Open Public Records Act Fee Schedule Alert to all municipalities in New Jersey informing them regarding the Appellate Division's decision in *Smith v Hudson County Register*, 411 N.J. Super. 538 (App. Div. 2010). In said case the Appellate Division held that beginning July 1, 2010, unless and until the Legislature amends OPRA to specify otherwise or some other statute or regulation applies, public agencies must charge requestors of government records no more than the reasonably approximated "actual costs" of copying such records; and

WHEREAS, it is the desire of the Borough of Highlands to be in compliance with recent Fee Schedule requirement.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Highlands that Chapter II, Section 2-26.2 is hereby amended as follows:

- a. Permit to purchase pistol or revolver and firearms purchaser identification cards, \$5.00 each.

Application to purchase a handgun, ~~\$200.00~~ \$2.00
Application to change name/address, \$2.00

- b. Police accident reports, \$5.00 each to mail report.
Police accident reports requests made in person for pick up - apply fees from Section 2-26.2 g.

- g. All other documents where multiple copies are not available and ~~are not available~~ are requests for Open Public Records :

1. ~~1-10 pages:~~ ~~\$0.75 (each)~~ Letter Size Copies \$0.05 (each)
2. ~~10-20 pages:~~ ~~\$0.50 (each)~~ Legal Size Copies \$0.07 (each)
3. ~~21+ pages:~~ ~~\$0.25 (each)~~

The fee schedule provided in the Open Public Records Act, as may be amended from time to time, shall supersede the above schedule to the extent of any inconsistency.

i. ~~Discovery:~~

1. Processing fee for all discovery requests: \$5.00 plus the per page fee as listed in section 2-26.2g .

2. ~~Reproduction of reports:~~ ~~\$15.00~~

k. Reproduction of videotapes ~~\$75.00 (each)~~ \$5.00 each

l. Reproduction audio cassette tapes/cd's ~~\$25.00 (each)~~ \$5.00 per disk or tape.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: None

ABTSTAIN: None

DATE: October 20, 2010

CAROLYN CUMMINS, BOROUGH CLERK

Introduction: September 15, 2010

Publication: September 24, 2010, Two River Times

P.H. Adoption: October 20, 2010

Publication:

I hereby certify this to be a true copy of Ordinance O-10-20 adopted by the Governing Body of the Borough of Highlands on September 15, 2010.

BOROUGH CLERK/DEPUTY CLERK