

**TOWNSHIP OF CHESTERFIELD  
ORDINANCE 2011-5**

**AN ORDINANCE TO AMEND CHAPTER 154 OF THE CODE OF THE TOWNSHIP OF  
CHESTERFIELD ENTITLED "PUBLIC ACCESS TO RECORDS"**

**WHEREAS**, by Ordinance 2010-13 the Township Committee responded to the Appellate Division's decision in the case of Smith v. Hudson County Register, et. al., Docket No. A-1762-08T2 and by enacting legislation which established that the actual costs of photocopies, which may be reasonably approximated, would be the basis for charges for same; and

**WHEREAS**, following enactment of said Ordinance, the New Jersey Legislature enacted amendments to the Open Public Records Act, N.J.S.A. 47:1A-5(b) to establish specific fees which public entities could charge for the photocopying of documents; and

**WHEREAS**, the Township Committee wishes to amend its Code, including its fee schedule for public access to records, to identify the fees permitted by this recent legislation;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, that Chapter 154 of the Code of the Township of Chesterfield is hereby amended as follows:

**Section 154-2. Schedule of Administrative Fees.**

A. [No Change]

B. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.05 per letter size or smaller, and \$0.07 per legal size or larger, unless the Township can demonstrate that its actual cost for duplication of a government record exceeds the foregoing rates. If the actual cost exceeds the foregoing rates, the Township shall be entitled to charge the actual costs. To the extent that the New Jersey Legislature may modify or amend the legislation establishing the fees set forth herein, this Ordinance shall be amended simultaneously and without further action to reflect the fees authorized by the New Jersey State Legislature. Nevertheless, in circumstances permitted by N.J.S.A. 47:1A-5(c), a special service charge may also be assessed in accordance with Section 154-B(3) below.

**ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

A. Repealer. Any and all Ordinance inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said

invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

***CHESTERFIELD TOWNSHIP COMMITTEE***

~~~~~

~~~~~

~~~~~

Introduced:

Adopted: