

ORDINANCE NO. 09-2010

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND ESTABLISHING POLICIES AND FEES FOR OPEN PUBLIC RECORDS ACT REQUESTS

WHEREAS, N.J.S.A.47:1A-5 allows a municipality with a population of 5,000 or fewer persons to accept Open Public Records Act requests during not less than six regular business hours over not less than three business days per week and also provides for the fees to be charged for copies of records provided in response to Open Public Records Act requests; and

WHEREAS, the Borough Council of the Borough of Riverdale finds that the adoption of an ordinance clarifying the Open Public Records Act procedures in Riverdale would be in the best interests of the Borough.

BE IT ORDAINED by the Borough Council of the Borough of Riverdale, County of Morris, State of New Jersey, as follows:

SECTION 1. The Revised General Ordinances of the Borough of Riverdale, shall be amended by the inclusion of new Chapter 226 which shall be entitled “Public Records” and shall read in its entirety as follows:

Chapter 226

Public Records

226-1 Request for Public Records

- A. The Borough Clerk shall permit a public record not exempt from public access under statute or regulation to be inspected, examined, or copied by any person in accordance with the Open Public Records Act (OPRA) and this Chapter. Requests for public record examination or copies under the Open Public Records Act will be accepted by the office of the Borough Clerk on Tuesdays, Wednesdays, and Thursdays between 9:00 a.m. and 3:00 p.m.
- B. Requests for public records will be accepted by hand delivery to the office of the Borough Clerk or by mail. Mail received on days other than days when requests are accepted will be

considered received on the next available day when requests are accepted. Requests may be made using a request form available at the office of the Borough Clerk or by written correspondence containing the information necessary to process the request. Electronic or facsimile requests can not be accepted, as the Borough does not have dedicated addresses or lines available for such requests.

226-2 Medium Available for Copies of Public Records

The Borough Clerk shall permit access to a public record and, when requested, will provide a copy thereof in the medium designated in the request if the Borough maintains the record in that medium. If the Borough does not maintain the record in the medium requested, the Borough Clerk is not required to convert the record into the medium requested and will provide a hard copy of the public record (if requested).

226-3 Fee for Copies of Public Records

The fee for a copy or copies of a public record requested under the Open Public Records Act shall be as set forth in Section 95-7 of the Revised General Ordinances of the Borough of Riverdale.

226-4 Delivery of a Public Record

A copy or copies of a public record requested under the Open Public Records Act shall be available to be picked up at the Office of the Borough Clerk within the period allowed for response under the Open Public Records Act. A requestor may alternatively request that a response be mailed provided that the requestor includes a self addressed stamped envelope with the request. Responses will not be made electronically unless the Borough maintains the public record electronically, the medium requested is electronic, and the Requestor has provided an electronic address in the request.

226-5 Notice Posted

The Borough Clerk shall post prominently in public view in the part of the office that is open to or frequented by the public a statement that sets forth in clear, concise and specific terms the right to appeal a denial of, or failure to provide, access to a government record by any person for inspection, examination, or copying or for purchase of copies thereof and the procedure by which an appeal may be filed.

SECTION 2. Chapter 95 of the Revised General Ordinances of the Borough of Riverdale entitled “fees” shall be amended by the following amendment to Section 95-7 which shall read in its entirety as follows:

95-7 Ordinary Requests for Information

The statutory fee schedule shall apply to routine requests under the Open Public Records Law. The fees of N.J.S.A. 47:1A-5 is hereby incorporated herein as such fee schedule presently exists or as such fees might appear in future modifications or amendments of the statute. At present time, fees under N.J.S.A. 47:1A-5 for routine copies of municipal documents are \$0.05 (five cents) per letter size page or smaller, and \$0.07 (seven cents) per legal size page or larger.

SECTION 3. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION 4. This ordinance may be renumbered for codification purposes.

SECTION 5. This ordinance shall take effect after passage and publication as soon as practicable and in the manner provided by law.

SECTION 6. In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Adopted this ____ day of _____, 2010.

Carol Talerico, Borough Clerk

William Budesheim, Mayor

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Riverdale, County of Morris and State of New Jersey, held on the 20th day of September, 2010, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 18th day of October, 2010, at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

Carol J. Talerico, RMC
Municipal Clerk