

ORDINANCE NO. 3889A-10,

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 180, FEES TO COMPLY WITH NEW JERSEY STATE LEGISLATION REGARDING FEES CHARGED FOR PUBLIC RECORDS.

SUMMARY

An ordinance amending Chapter 180, Fees to comply with legislation adopted on June 28, 2010 and effective November 9, 2010 regarding fees charged for public records. Said fees have been reduced to comply with legislation that requires \$0.05 for letter size or smaller copies and \$0.07 for legal size or larger copies or only the cost of the medium can be charged.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Code of the Township of Franklin be and it is hereby amended as follows:

SECTION I

Chapter 180, FEES

[HISTORY: Adopted by the Township Council of the Township of Franklin as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Public Records

[Adopted 9-25-1975 by Ord. No. 762 (Ch. 127, Art. I, of the 1990 Code)]

§ 180-1 Available from Township Clerk [Amended 11-12-1981 by Ord. No. 1074; 12-9-1982 by Ord. No. 1114; 12-10-1992 by Ord. No. 1683]

A. The Township Clerk of the Township of Franklin shall be authorized to charge for making available to the public the following documents:

- (1) Franklin Township Master Plan: ~~\$30~~ **\$10**. [Amended 4-11-2000 by Ord. No. 3120] **Effective November 9, 2010.**
- (2) Zoning and Subdivision Ordinances: ~~\$75~~ **\$35**. [Amended 11-9-1993 by Ord. No. 1801] **Effective November 9, 2010.**
- (3) Ward map: ~~\$3.~~ **\$0.07** **Effective November 9, 2010.**
- (4) Street map: \$3.
- (5) Off-Site Condition Disclosure Act (N.J.S.A. 46:3C-1 et seq.) maps and reports: \$10. [Added 2-11-2003 by Ord. No. 3357; amended 9-28-2004 by Ord. 3485A]
- (6) Retrieval of records stored off site: [Added 9-28-2004 by Ord. 3485A]
 - (a) Retrieval and delivery charge: \$30.
 - (b) Per box charge: \$10.
- (7) Franklin Township Municipal Code Book: \$100. [Added 2-14-2006 by Ord. No. 3592]
- (8) Annual subscription of Municipal Code: \$25 per year. [Added 2-14-2006 by Ord. No. 3592]

§ 180-2 Available from Collector of Revenue. [Added 2-16-1989 by Ord. No. 1455]

- A. The Collector of Revenue of the Township of Franklin shall be authorized to charge for making available to the public duplicate tax bills as follows: [Amended 6-13-1989 by Ord. No. 1489]
 - (1) Mortgage lenders: \$5.
 - (2) Home/property owners: \$1. (Note: Home/property owners having attained the age of 65 years shall be exempt from the payment of the fee of \$1 for duplicate tax bills for property in their ownership.)
- B. The Collector of Revenue of the Township of Franklin shall be authorized to charge for the preparation of a certificate for redemption of tax sale a fee of \$10. [Added 7-14-1992 by Ord. No. 1722]

§ 180-3 Available from Township Engineer. [Amended 12-10-1991 by Ord. No. 1683]

The Township Engineer of the Township of Franklin shall be authorized to charge for making available to the public the following:

- A. Floodplain certification letters: \$15.
- B. Tax Map, large: \$3.
- C. Tax Map, small: \$2.
- D. Site plan copies: \$9. [Added 10-22-2002 by Ord. No. 3330]
- E. Filed maps, size 30 inches by 42 inches or smaller: \$3 per sheet. [Added 10-22-2002 by Ord. No. 3330]
- F. Filed maps, larger than 30 inches by 42 inches: \$9 per sheet. [Added 10-22-2002 by Ord. No. 3330]

§ 180-4 Available from all Township departments. [Added 12-10-1991 by Ord. No. 1683; amended 10-22-2002 by Ord. No. 3330; 9-28-2004 by Ord. No. 3485A]

- A. Unless fees are otherwise specified in this chapter or state statute, all Township departments of the Township of Franklin shall be authorized to charge for making available to the public copies of all other public records at the following rate - ***effective November 9, 2010:***
 - (1) ~~First page to 10th page: \$0.75 per page.~~ **\$0.05 per page for letter sized pages or smaller.**
 - (2) ~~Eleventh page to 20th page: \$0.50 per page.~~ **\$0.07 per page for legal sized pages or larger**
 - (3) ~~Twenty one plus pages: \$0.25 per page.~~
 - (4) ~~3) Audio cassettes: \$5 each~~ **\$1.25**
 - (5) ~~4) Video cassettes or DVD: \$25 each~~ **\$0.35.**
 - (6) ~~5) Information on diskette or CD: \$5 each~~ **\$0.35.**
 - (7) ~~6) Computer-generated picture (b/w or color): \$5 per sheet~~ **\$0.05 per page for letter sized pages or smaller; \$0.07 per page for legal sized pages or larger.**

~~(8 7)~~ Film developing: \$15 ~~(twenty-four or thirty-six exposure roll)~~ **actual cost of developing the film shall be charged.**

~~(9 8)~~ Duplicate photographs: actual cost of making the photographs shall be charged. [Added 12-14-2004 by Ord. No. 3506]

~~(10 9)~~ On any item that cannot be photocopied on the Township copy machine or not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged. [Added 12-14-2004 by Ord. No. 3506]

- B. Postage costs will be added to all requests for public records required to be mailed and will be determined at time of request.
- C. A special service charge of \$45 per hour for supervisory or programming services and \$35 per hour for clerical services 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 Township for the programming, clerical and supervisory assistance required to provide a Township record in the following circumstances:
- (1) Whenever the nature, format, manner of collation or volume of Township record embodied in a form of printed matter to be inspected, examined or copied is such that the record cannot be reproduced by ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request.
 - (2) Whenever the material is requested in a medium not routinely used by the Township, not routinely developed or maintained by the Township or requires a substantial amount of manipulation or programming of information technology and the Township must either convert the record to the medium requested or provide a copy in some other meaningful medium.

ARTICLE II, Police Department Fees

[Adopted 9-9-1982 by Ord. No. 1100 (Ch. 127, Art. IV, of the 1990 Code); amended 1-9-1990 by Ord. No. 1542; 6-23-1992 by Ord. No. 1717; 9-28-2004 by Ord. No. 3485A]

§ 180-5 Fees enumerated.

- A. Photocopies of police reports - **Effective November 9, 2010:**
- (1) When requested:
 - (a) ~~First page to 10th page: \$0.75 per page.~~ **\$0.05 per page for letter sized pages or smaller**
 - (b) ~~Eleventh page to 20th page: \$0.50 per page.~~ **\$0.07 per page for legal sized pages or larger**
 - (c) ~~Twenty-one plus pages: \$0.25 per page.~~
 - (2) ~~Police accident reports not requested in person and not part of Municipal Court discovery: \$0.75 per page for the first 10 pages; \$0.50 per page for the next 10 pages and \$0.25 per page thereafter, an administrative fee of the following shall be charged:~~
 - (a) ~~For the first three pages: \$5.~~
 - (b) ~~Per page thereafter: \$1.~~
- B. Fingerprinting: \$5.
- C. Auto theft prevention form and decal: \$5.

D. Photocopies of photographs (maximum three photographs per page):

(1) When requested to be picked up on the premises - **Effective November 9, 2010:**

(a) ~~First page to 10th page: \$0.75 per page.~~ **\$0.05 per page for letter sized pages or smaller**

(b) ~~Eleventh page to 20th page: \$0.50 per page.~~ **\$0.07 per page for legal sized pages or larger**

(c) ~~Twenty one plus pages: \$0.25 per page.~~

ARTICLE III, Vital Statistics Records

[Adopted 9-22-1983 by Ord. No. 1146 (Ch. 127, Art. III, of the 1990 Code)]

§ 180-6 Fee schedule. [Amended 4-11-1989 by Ord. No. 1478; 6-12-1990 by Ord. No. 1576; 2-10-2004 by Ord. No. 3418; 4-13-2004 by Ord. No. 3443; 8-10-2004 by Ord. 3480 ; 3-22-2005 by Ord. No. 3533; 3-27-2007 by Ord. No. 3676; 10-14-2008 by Ord. No. 3771]

The following schedule of fees is hereby established for obtaining copies of the vital statistics records under the jurisdiction of the Department of Health of the Township. Effective January 1, 2004, standardized safety paper must be used for certified copies of vital records:

A. Vital records

(1) Birth, marriage, civil union or domestic partnership: \$20 per copy.

(2) Death certificates: \$20 for the first copy and \$5 for each additional copy.

B. Burial permit: \$5.

C. Amendments or corrections to vital records: \$20 for each vital record.

§ 180-7 Authorization of Health Department. Reserved.

~~The Health Department is hereby authorized to establish administrative procedures and policies consistent with the intent and purpose of this article.~~

ARTICLE IV, Miscellaneous Fees

[Adopted 3-26-1991 by Ord. No. 1628 (Ch. 127, Art. V, of the 1990 Code)]

§ 180-8 Returned checks.

A. A service charge of **\$20 30** per check or written instrument shall be added to any account owing to the Township if payment tendered on the account was by a check or other written instrument which was returned for insufficient funds.

B. Whenever such account owing to a municipality is for a tax or special assessment, the service charge authorized by this section shall be included on whatever list of delinquent accounts is prepared for the enforcement of the lien.

C. Such service charge shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered.

D. The Township reserves the right to require future payments tendered by person or firms having previously issued returned checks or written instruments to be in cash or certified or cashier's check.

§ 180-9 Weddings and civil unions by Mayor and Deputy Mayor [Added 10-14-1997 by Ord. No. 2032; amended 4-24-2007 by Ord. No. 3680; amended 6-10-10 by Ord. No. 3883-10]

Any person that seeks to have the Mayor or Deputy Mayor of Franklin Township perform a marriage or civil union ceremony shall be required to tender to the Township Clerk the sum of 150.00 to be deposited into the general fund. \$100.00 is to be retained in the general fund and \$50.00 is the fee to be disbursed to the Mayor or Deputy Mayor through the appropriate budget line item.

ARTICLE V, Application for Public Defender

[Adopted 2-11-1998 by Ord. No. 2058 (Ch. 127, Art. VI, of the 1990 Code); amended 11-14-2000 by Ord. No. 3165]

§ 180-10 Fee.

An application fee of not less than \$50 nor more than \$200 shall be charged for the services of the Township's Public Defender but only in the amount necessary to pay the costs of Municipal Public Defender services and upon submission of an application therefor on a form to be provided by the Municipal Court.

§ 180-11 Waiver.

In accordance with guidelines promulgated by the Supreme Court, the Municipal Court may waive any required application fee, in whole or in part, only if the Court determines, in its discretion, upon a clear and convincing showing by the applicant that the application fee represents an unreasonable burden on the person seeking representation. The Municipal Court may permit a person to pay the application fee over a specific period of time not to exceed four months.

§ 180-12 Deposit of funds.

Funds collected pursuant to § 180-10 of this article shall be deposited in a dedicated fund administered by the Chief Financial Officer of the municipality. Such funds shall be used exclusively to meet the costs incurred in providing the services of a Municipal Public Defender including, when required, expert and lay investigation and testimony.

ARTICLE VI, Community Resources Fees

[Adopted 4-8-2003 by Ord. No. 3371]

§ 180-13 Summer child care.

The fee schedule for summer child care shall be as follows:

Household Income	Payment
Income under \$19,999	1 child = \$115
	2 children = \$175
	3 children = \$230
	Each additional child \$80
Income \$20,000 to \$25,999	1 child = \$125
	2 children = \$200
	3 children = \$270
	Each additional child \$90
Income \$26,000 to \$30,999	1 child = \$135
	2 children = \$225
	3 children = \$285
	Each additional child \$100

Income \$31,000 to \$35,999	1 child	=	\$150
	2 children	=	\$245
	3 children	=	\$340
	Each additional child		\$115
Income \$36,000 to \$40,999	1 child	=	\$160
	2 children	=	\$275
	3 children	=	\$385
	Each additional child		\$130
Income \$41,000 to \$50,999	1 child	=	\$170
	2 children	=	\$300
	3 children	=	\$410
	Each additional child		\$135
Income \$51,000 to \$61,999	1 child	=	\$180
	2 children	=	\$325
	3 children	=	\$445
	Each additional child		\$160
Income \$62,000 to \$71,000	1 child	=	\$190
	2 children	=	\$340
	3 children	=	\$485
	Each additional child		\$215
Income \$72,000 to \$75,000	Each child		\$215
Income over \$75,000			Ineligible for program

§ 180-14 Other fees.

Field trip fee: \$50 per child (required with registration for program).

§ 180-15 Discounts and fee waivers.

Limited fee waivers are available for applicants working full time with annual incomes under \$10,000. Member of the Working Single Parent Group shall receive a discount of 15% on the above fee schedule, excluding the field trip fee.

ARTICLE VII, Municipal Court Discovery
 [Added 12-14-2004 by Ord. No. 3506]

§ 180-16 Requests for discovery.

All requests for discovery in matters pending in the Franklin Township Municipal Court shall be submitted through the Municipal Prosecutor.

§ 180-17 Fees payable by requestor.

The following fees shall be payable by the requestor to the Township of Franklin for the discovery provided - **Effective November 9, 2010:**

- A. ~~For each of the first 10 pages photocopied: \$0.75 per page~~ **\$0.05 per page for letter sized pages or smaller photocopied.**
- B. ~~For each of the next 10 pages photocopied: \$0.50 per page~~ **\$0.07 per page for legal sized pages or larger photocopied.**
- C. ~~For each of the pages photocopied thereafter: \$0.25 per page.~~
- D. Actual postage for any discovery sent by mail.**

~~E D.~~ For the envelope for any discovery sent by mail: ~~\$0.25~~**Actual cost of envelope.**

~~F E.~~ Photographs will be photocopied at the rates established herein. If the requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.

~~G F.~~ Duplication of videotapes ~~constitute an extraordinary duplication process and will be charged at the rate of \$25 per videotape~~ **\$0.35 per videotape.**

~~H G.~~ On any item that cannot be photocopied, the actual cost incurred in making the copy shall be charged.

§ 180-18 Discovery obtained from other entities.

Where the discovery must be obtained from an entity other than the Township of Franklin, e.g. another Police Department, the actual costs paid to the other entity shall be paid by the requestor.

ARTICLE VIII, ~~Health Department~~ Body Art Establishment Fees

[Adopted 6-14-2005 by Ord. No. 3551]

§ 180-19 Body art establishment license fees.

The following fees shall be charged for the following in connection with body art establishment licenses:

- A. For required plan reviews of body art establishments: \$100.
- B. For yearly license (January 1 to December 31): \$300.

SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the Ordinance shall not be affected.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

SECTION VI

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3889-10

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced: July 13, 2010
Amended: September 28, 2010
Public Hearing: October 12, 2010
Adoption: October 12, 2010
Notice of Adoption: October 22, 2010
Effective Date: November 1, 2010

Ann Marie McCarthy, Township Clerk