

PLEASE TAKE NOTICE the following ordinance was introduced and passed on first reading at the October 6, 2025 meeting of the Mayor and Borough Council was scheduled for a public hearing to begin at 7:00 p.m. on October 20, 2025, in the Municipal Building, located at 555 Brighton Avenue, Spring Lake Heights, at which time and place any person desiring to comment on this ordinance will be given the opportunity to be heard. A copy of the ordinance is available in the clerk's office.

Janine Gillis, Borough Clerk

ORDINANCE 2025-16

BOROUGH OF SPRING LAKE HEIGHTS

COUNTY OF MONMOUTH

ORDINANCE ESTABLISHING CHAPTER § 2-23.6 TITLED "SPECIAL SERVICE CHARGE"

WHEREAS, the Borough of Spring Lake Heights Police Department (the "Department") receives frequent requests for body worn and vehicular camera footage that is generally subject to public disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"); and

WHEREAS, the processing of these requests cannot be done by ordinary means such as photocopying and almost always requires specialized examination and electronic redaction that consume significant Department time and resources; and

WHEREAS, in these instances, N.J.S.A. 47:1A-5(c) authorizes the assessment of special service charges "based upon the actual direct cost of providing" the requested record with the requester having the opportunity to review and object to the estimated fee; and

WHEREAS, the Department seeks to impose a special service charge for this purpose as authorized under OPRA, while further amending its ordinances to impose an appropriate special service charge in all instances consistent with applicable law.

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

SECTION 1. **§ 2-23 of the Revised General Ordinances of the Borough of Spring Lake Heights, titled "Fees for Municipal Services," is hereby amended as follows:**

§ 2-23.1 through § 2-23.5 [NO CHANGES]

§ 2-23.6. **Special Service Charge**

- a. Pursuant to the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq., whenever the nature, format, manner of collation, or volume of a public record embodied in the form of printed matter to be inspected, examined, or copied pursuant to the above referenced statute is such that the record cannot be reproduced by ordinary document copying

equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, in addition to the actual cost of duplicating the record, the Borough possesses the statutory right to impose a special service charge, per N.J.S.A. 47:1A-5(c).

b. Special Service Charge

1. Where the Borough possesses the right to impose a special service charge under OPRA, the Borough may impose a per hour charge for the time that a municipal employee is required to devote to responding to the OPRA request. However, in no event shall the charge exceed the direct cost of providing the special service by the lowest level employee capable of performing the task.
2. An estimated total charge for the special service charge shall be given to the requester prior to the Borough completing any review or production requiring a special service charge. The requestor shall have the opportunity to review and object to any fee or charge prior to it being incurred. There shall be a rebuttable presumption that the fees or charges presented by the custodian are reasonable. If the requestor objects to the fees or charges, the burden of proof shall be on the requestor to demonstrate that the fees or charges are unreasonable.
3. In order for the review and production of the government record subject to a special service charge to proceed, the requester shall be required to post a 50% deposit based upon the estimated charge to be assessed.
4. If during any effort, it appears that an estimate given to the requester will be exceeded by more than 25%, a revised estimate shall be given and opportunity to review and object provided before the special service effort is continued.
5. Body Worn Cameras
 - i. The following terms shall apply to special service charges for OPRA requests seeking body worn or vehicular camera footage or a similar medium that are determined to require redactions:
 - ii. For every one hour of camera footage requested, it shall be presumed that three hours of time are required for review and redaction.
 - iii. Requesters of camera footage shall be assessed a per-hour special service charge billed in half-hour increments.
 - iv. Requests for camera footage under one hour in length shall be capped at one hour of time for review and redaction.

- v. The Borough's records custodian, in consultation with the Spring Lake Heights Borough Police Department, may issue forms to be utilized in conformance with this section and N.J.S.A. 47:1A-5(c).

SECTION 2. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

LEGAL NOTICE

Publication by Summary Pursuant to N.J.S.A.40:49-2

This Ordinance establishes §2-23.6, titled "Special Service Charge" relative to requests under the Open Public Records Act.