

ORDINANCE NO. 9-2010

AN ORDINANCE OF THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING VARIOUS CHAPTERS AND SUBSECTIONS OF THE TOWNSHIP CODE PERTAINING TO: FEES FOR COPIES OF CERTAIN PUBLIC RECORDS; FEES FOR PERMITS; AND PENALTIES

WHEREAS, the New Jersey statute, though the Open Public Records Act (OPRA) at N.J.S.A. 47:1A-5(b), provides that a copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation, or if a fee is not prescribed by law or regulation, upon payment of the actual cost of duplicating the record; and

WHEREAS, this provision of statute further provides that the actual cost of duplicating the record shall be the cost of materials and supplies used to make a copy of the record; and

WHEREAS, the New Jersey Superior Court Appellate Division, recently ruled in Smith v. Hudson County Register that beginning on July 1, 2010, unless the Legislature amends OPRA accordingly, public agencies must charge requestors of government records no more than the reasonably approximated actual costs of copying such records; and

WHEREAS, the Township of Mendham desires to amend its current ordinance to bring itself into compliance with this Appellate Division mandate; and

WHEREAS, in tandem with this amendment the Township has consulted with New Jersey State Statute and various Mendham Township Departments to generally re-assess fees and penalties charged pursuant to the Township Code of Mendham;

WHEREAS, the Township of Mendham accordingly desires to amend and supplement various Chapters and Subsections to reflect statutory requirements and cost increases.

BE IT ORDAINED by the Township Committee of the Township of Mendham in the County of Morris, and State of New Jersey as follows:

Section 1. Chapter II, "Administration," Subsection 2-41.2 Fees for Copies, of the Township Code of Mendham is hereby amended in its entirety to read as follows:

- a. Birth, marriage, death and domestic partnership certificates, ten dollars (\$10.00) each, plus postage if requested by mail.

- b. Permit to purchase pistol or revolver and firearms purchaser identification card, two dollars (\$2.00) each.
- c. Police accident reports, five dollars (\$5.00) each in addition to the copying costs provided for in 21-41.2(q). The cost of a related DVD shall be one dollar (\$1.00).
- d. Official tax search or assessment: ten dollars (\$10.00) per search.
- e. Update official tax search or assessment within three years from the date of the original search, two dollars (\$2.00) per update.
- f. Unofficial tax searches: two dollars (\$2.00) per search. However, in the case of an individual or company that regularly requests multiple unofficial tax searches during the course of a year, they shall have the option to pay an annual fee calculated at two dollars (\$2.00) per search times the number of searches requested in the immediately preceding year.
- g. Duplicate tax and sewer bills, two dollars (\$2.00) per duplicate bill.
- h. Zoning Map, four dollars (\$4.00) per map.
- i. Zoning Ordinance, twenty-five dollars (\$25.00) per copy.
- j. Certified list of property owners, ten dollars (\$10.00) per list.
- k. Returned check fee, twenty dollars (\$20.00) per check.
- l. Land Use Ordinance, one hundred dollars (\$100.00) per copy.
- m. Master Plan, fifty dollars (\$50.00) per copy.
- n. Municipal Code Book: Current Hardcover Copy, one hundred twenty-five dollars (\$125.00) per copy; Supplementation, five cents (\$0.50) per page.
- o. CD recording of public meeting, one dollar (\$1.00) per CD.
- p. GIS Parcel Data Set, fifty dollars (\$50.00) for a base map; twenty dollars (\$20.00) for each additional layer.
- q. All other documents where multiple copies are not available: free for the first ten pages; over ten pages \$0.07 per page.

Section 2. Chapter II, "Administration," Subsection 2-41A Road Detail Fees, of the Township Code of Mendham is hereby amended in its entirety to read as follows:

The fee to be charged for hiring Township Police Officers for road detail work shall be \$85 per hour.

Section 3. Chapter V, "Animal Control," Subsection 5-2.2 License Fees, of the Township Code of Mendham is hereby amended in its entirety to read as follows:

a. Annual Fee. The fee for an annual dog license shall be twelve dollars (\$12.00) (which includes one dollar (\$1.00) for the required registration tag and twenty cents (\$0.20) to be designated for the Pilot Clinic Fund). The fee for a duplicate license shall be two dollars (\$2.00).

In addition to the preceding paragraph, any person applying for a dog license shall pay an additional annual fee of three dollars, for a total of \$15.00, for any dog of reproductive age which has not had its reproduction capacity permanently altered through sterilization. This fee is to be designated for the Animal Population Control Fund.

b. Seeing-Eye Dogs. No license fee shall be required for a dog used as a guide for a blind person and commonly known as a "seeing eye" dog or for a dog used to assist a deaf person and commonly known as a "hearing ear" dog.

c. Kennel Fee. The license for a kennel fee shall be twenty dollars (\$20.00).

d. Delinquent Charge. Any person owning, keeping or harboring a dog of licensing age during the month of January in any year who fails to obtain the license required by subsection 5-2.1 prior to February 1 of that year shall, upon issuance of the license subsequent to February 1, be required to pay a delinquent charge of three dollars (\$3.00) in addition to the fee required by this subsection provided that a person who represents evidence that a dog has acquired or became of licensing age after February 1 of that year shall not be required to pay the aforesaid delinquent charge.

Section 4. Chapter V, "Animal Control," Subsection 5-5.3 Application for License; Proof of Inoculation Against Rabies; Fees for License, of the Township Code of Mendham is hereby amended in its entirety to read as follows:

Application for License; Proof of Inoculation Against Rabies; Fee for License. The application form for a license shall require the following information: the name and address of the owner of the cat, the name, breed, sex, age, color and markings of the cat, and whether the cat, the name, breed, sex, age, color and markings of the cat, and whether the cat is of the long-haired or short-haired variety.

An application for a license shall not be complete unless it is accompanied by evidence that the cat to be licensed has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendation of the United States Department of Agriculture and the United States Department of Human Services and that the period during which such inoculation is considered to be effective has not expired. This requirement for inoculation shall not apply in the event that a certificate has been issued by a duly licensed veterinarian stating that because of an infirmity, other physical condition or regimen of therapy, the inoculation of a particular cat against rabies is deemed advisable.

An applicant for a license shall pay to the Township an annual fee of fifteen dollars (\$15.00) for each cat, unless evidence is or has been presented establishing that the cat has been neutered in which case the annual fee shall be twelve dollars (\$12.00). The amount of the fee shall not be prorated by reason of date upon which the license may be issued. An additional delinquent fee of three dollars (\$3.00) shall be due in the event that an application is not made by the date or within the time required. The cost of a duplicate license shall be two dollars (\$2.00).

Section 5. Chapter XXXI, "Solid Waste Management," Subsection 31-1.4 Schedules for Curbside Collections of Recyclable Materials; Township Recycling Depot, of the Township Code of Mendham is hereby amended in its entirety to read as follows:

Schedules for Curbside Collections of Recyclable Materials; Township Recycling Depot. The Township Recycling Coordinator shall establish schedules with respect to the curbside collection of recyclable materials from residents, commercial businesses and institutional establishments.

Recyclable materials shall be placed at curbside in the manner provided in subsections 30-1.3a and b. prior to 6:00 a.m. on any day scheduled for collection from a particular property.

The Township may provide for a Township Recycling Depot, open during certain hours on certain days, at which recyclable materials may be dropped off. No person shall drop off recyclable materials at the site of the depot at any time other than during the hours that the depot is open and in operation. (Ord. No. 3092 § 6-12.4).

Effective January 1, 2004, when a Township Recycling Depot is in operation the following fees shall be charged:

- a. Tires without rims- \$3.50
- b. Tires with rims - \$6.00
- c. Automobile batteries - \$1.00

Section 6. Chapter VI, “Alcoholic Beverage Control,” Subsection 6-3.4 License Fees; Maximum Number, of the Township of Mendham is hereby amended in its entirety to read as follows:

License Fees; Maximum Number. Only the following alcoholic beverage licenses shall be in effect in the Township at any one time: one (1) retail plenary consumption license and one (1) club license.

The annual license fees for the sale or distribution of alcoholic beverages in the Township shall be as follows:

Class of License	Annual License Fee
Plenary Retail Consumption License	\$2,400.00
Club License	\$180.00

Section 7. Chapter III, “Police Regulations,” Subsection 3-7.4 Hunting Regulations, of the Township Code of Mendham is hereby amended by the addition of a new Subsection (c) to read as follows:

- c. The fee for a permit issued pursuant to 3-7.4(b) shall be twenty dollars (\$20.00) for the period between July 1 through September 30, and forty dollars (\$40.00) for the period between October 1 through June 30 of the ensuing year. This provision supercedes any inconsistent provision found in Ordinance or Resolution of the Township Committee.

Section 8. Chapter I, "General Provisions," Subsection 1-5.1 Maximum Penalty, of the Township Code of Mendham is hereby amended in its entirety to read as follows:

Maximum Penalty. For violation of any provision of the Code or other ordinance of the Township of Mendham, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be one (1) or more of the following: imprisonment in the County jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding two thousand (\$2,000) dollars; or by a period of community service not exceeding ninety days, pursuant to N.J.S.A. 40:49-5.

Section 9. Chapter IV, "General Licensing," Subsection 4-1.6 Registration Fee, of the Township Code of Mendham is hereby amended in its entirety to read as follows:

At the time the application is filed, a fee of fifty dollars (\$50.00) shall be paid to the Township Clerk to cover the cost of processing the application and investigating the facts stated therein.

Section 10. This Ordinance shall take effect after final passage and publication pursuant to law.

Introduced: June 29, 2010

Adopted:

Effective:

Attest:

TOWNSHIP OF MENDHAM, IN THE
COUNTY OF MORRIS

Ann L. Carlson, RMC
Township Clerk

By _____
Richard H. Krieg
Mayor