

**TOWNSHIP OF WYCKOFF
340 FRANKLIN AVENUE
WYCKOFF, NJ 07481**

ORDINANCE #2045

**AN ORDINANCE AMENDING AND RESTATING CHAPTER 56 OF THE
CODE OF THE TOWNSHIP OF WYCKOFF ENTITLED “PUBLIC ACCESS
TO GOVERNMENT RECORDS” TO REFLECT CURRENT LEGAL
REQUIREMENTS, TECHNOLOGY, AND PRACTICE UNDER THE
AMENDED OPEN PUBLIC RECORDS ACT**

WHEREAS, the New Jersey Open Public Records Act (“OPRA”), *N.J.S.A. 47:1A-1 et seq.*, was enacted to promote transparency in government and provide public access to government records maintained by public agencies; and

WHEREAS, the New Jersey Legislature enacted significant reforms to OPRA through Senate Bill S2930 (*P.L. 2024, c. 16*), which took effect on September 3, 2024, updating procedures related to public access, exemptions, formats, and record custodianship; and

WHEREAS, the Township of Wyckoff has conducted a legal and administrative review of Chapter 56 of the Township Code to ensure compliance with the amended OPRA statute and to reflect current best practices and technologies; and

WHEREAS, the Township has adopted and utilizes a secure electronic records management platform, *NextRequest*, to streamline and track public records requests and improve customer service and transparency; and

WHEREAS, the Township also seeks to clearly establish the custodianship of government records by ordinance, by title of position, in accordance with law; and

WHEREAS, the Township Committee finds it necessary and appropriate to amend and restate Chapter 56 in its entirety to modernize the Township’s procedures and ensure consistency with both state law and local practices;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 56, “*Records, Public Access to*,” of the Code of the Township of Wyckoff is hereby repealed in its entirety and replaced with the following:

CHAPTER 56

PUBLIC ACCESS TO GOVERNMENT RECORDS

§ 56-1 Purpose and Policy.

It is the policy of the Township to provide access to government records in accordance with the New Jersey Open Public Records Act (OPRA), *N.J.S.A. 47:1A-1 et seq.*, and applicable law. All records maintained in the course of official Township business shall be considered government records and shall be accessible to the public unless exempt from disclosure by statute, executive order, court rule, or judicial decision.

§ 56-2 Custodians of Records.

- A. The Municipal Clerk shall serve as the Custodian of Records for all records of the Township of Wyckoff, except as otherwise provided herein. The Municipal Clerk shall coordinate the Township's centralized response system using the Township's online records request portal, *NextRequest*, and shall ensure compliance with applicable laws and procedures.
- B. The following positions are designated by ordinance as Custodians of Records for specific categories of records:
 - 1. The Library Director of the Wyckoff Free Public Library shall serve as the Custodian of Records for all records maintained by the Library.
 - 2. The Chief of Police shall serve as the Custodian of Records for all records maintained by the Police Department.
 - 3. The Tax Assessor shall serve as the Custodian of Records for all records maintained in the Office of the Tax Assessor.
- C. Requests for records maintained by the Library Director or the Tax Assessor shall be submitted directly to those officials. They shall respond in accordance with OPRA and may coordinate with the Municipal Clerk for tracking and reporting purposes. Requests submitted through the centralized portal may be redirected accordingly.

§ 56-3 OPRA Requests and Electronic Access.

- A. Requests for government records may be submitted through the Township's online portal (*NextRequest*) or in writing to the appropriate Custodian of Records.
- B. Use of the Township's OPRA request form is encouraged but not required. Anonymous requests shall be accepted in accordance with law.

- C. Records shall be delivered electronically whenever practicable and consistent with security protocols. Physical inspection of records may be permitted during normal business hours in the presence of the Custodian or designee.

§ 56-4 Fees and Special Service Charges.

- A. Copies of standard-sized printed records shall be provided at the rates established by *N.J.S.A. 47:1A-5*:
 - 1. 8½" x 11" (letter size): \$0.05 per page
 - 2. 8½" x 14" (legal size): \$0.07 per page
- B. Electronic records provided via email, secure download, or the Township's OPRA portal (NextRequest) shall be provided free of charge, unless converting the record to electronic format requires an extraordinary expenditure of time and effort, in which case Subsection E shall apply.
- C. Non-standard-sized documents, maps, plans, or other oversized reproductions shall be charged at the actual cost of duplication, including external reproduction costs if outsourced.
- D. Preprinted publications of the Township (e.g., Master Plan, zoning ordinances, land use pamphlets) shall be provided at the actual cost of duplication, including staff time if required for collation or printing.
- E. A special service charge may be imposed in accordance with *N.J.S.A. 47:1A-5(c)* when:
 - 1. A record cannot be reproduced by ordinary equipment in ordinary business size;
 - 2. The request involves an extraordinary amount of time and effort to locate, review, redact, or prepare;
 - 3. The request involves converting records to a requested medium or extracting data from an electronic system.
 - 4. This charge shall be based on the actual direct cost of the personnel or services required and shall be communicated to the requestor in advance.
- F. The Township shall not accept physical media (e.g., USB drives, CDs, DVDs) provided by the requestor for security reasons. Secure digital delivery shall be used whenever possible, and if a physical copy is required, the Township shall provide the media at cost.

- G. Postage and delivery fees shall be added when records are mailed or delivered by courier.
- H. Statutory fees established by other laws shall supersede this fee schedule. These include, but are not limited to:
1. Police accident reports:
 - a. In-person pickup: same as Subsection A.
 - b. If mailed or requested remotely: \$5 for the first 3 pages, \$1 per additional page, per *N.J.S.A. 39:4-131*.
 2. Municipal lien searches:
 - a. \$10 per certificate and \$2 per continuation within three years of issuance, per *N.J.S.A. 54:5-11 et seq.*
 3. Property owner lists within 200 feet:
 - a. \$0.25 per name or \$10 per request, whichever is greater, per *N.J.S.A. 40:55D-12(c)*.

§ 56-5 Appeals.

A denial of access to a government record may be appealed to the New Jersey Government Records Council (GRC) or by filing an action in the Superior Court of New Jersey, as provided under *N.J.S.A. 47:1A-6*.

§ 56-6 Severability.

If any provision of this Chapter is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 2. Repealer.

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Effective Date.

This Ordinance shall take effect following final passage.

