

ORDINANCE 2023-28

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE SO AS TO AMEND CHAPTER 22 ENTITLED “COURT, MUNICIPAL,” SO AS TO AMEND ARTICLE I, ENTITLED “MUNICIPAL COURT DISCOVERY”

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Little Egg Harbor, as follows:

SECTION 1. That the governing body hereby amends Chapter 22, entitled “Court, Municipal” so as amend Article I, entitled “Municipal Court Discovery”, § 22-28 “Fees” in its entirety as follows:

Chapter 22 Court, Municipal

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ARTICLE I Municipal Court Discovery

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§ 22-28. Fees.

The following fees shall be payable by the requestor to the Township for the discovery provided:

- A. The fee assessed for discovery embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger. From time to time, as necessary, these rates may be revised pursuant to a schedule promulgated by the Administrative Director of the Courts.
- B. If the prosecutor can demonstrate that the actual costs for copying discovery exceed the foregoing rates, the prosecutor shall be permitted to charge a reasonable amount equal to the actual costs of copying.
 - a. The actual copying costs shall be the costs of materials and supplies used to copy the discovery, but shall not include the costs of labor or other overhead expenses associated with making the copies, except as provided for in Paragraph C herein.
 - b. Electronic records and non-printed materials shall be provided free of charge, but the prosecutor may charge for the actual costs of any needed supplies such as computer discs.
- C. Whenever the nature, format, manner of collation, or volume of discovery embodied in the form of printed matter to be copied is such that the discovery cannot be reproduced



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by ordinary document copying equipment in ordinary business size, or is such that it would involve an extraordinary expenditure of time and effort to copy, the prosecutor may charge, in addition to the actual copying costs, a special service charge that shall be reasonable and shall be based upon the actual direct costs of providing the copy or copies. Pursuant to R. 7:7-1, the defendant shall have the opportunity to review and object to the charge prior to it being incurred.

D. If the defendant requests an electronic record:

- (1) in a medium or format not routinely used by the prosecutor;
- (2) not routinely developed or maintained by the prosecutor; or
- (3) requiring a substantial amount of manipulation or programming of information technology,

the prosecutor may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on (1) the cost for any extensive use of information technology, or (2) the labor cost of personnel providing the service that is actually incurred by the prosecutor or attributable to the prosecutor for the programming, clerical, and supervisory assistance required, or (3) both. Pursuant to R. 7:7-1, the defendant shall have the opportunity to review and object to the charge prior to it being incurred.

E. Actual postage for any discovery sent by mail.

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

G. The fee for body camera video shall be \$52 per hour for review and redaction of body camera video. Review and redaction hours shall be billable in ½ hour increments. Body camera video requests under 1.5 hours shall not incur a charge.

H. Duplication of videotapes constitutes an extraordinary duplication process and will be charged at the rate of \$5 per videotape.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

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Rothstein, Mandell, Strohm,
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ATTORNEYS AT LAW

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the **10th** day of **August, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **14th** day of **September, 2023**, at **7:00 p.m.** at the Municipal Building located at 665 Radio Road, Little Egg Harbor, at such time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

KELLY LETTERA, RMC
Township Clerk
Township of Little Egg Harbor

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