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| Ordinance #: | 24-3307 |
| Introduction Date: | 02/20/24 |
| Hearing Date: | 03/05/24 |
| Passage Date: | 03/05/24 |
| Effective Date: | 03/14/24 |

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, SECTION 2-15, DEPARTMENT OF POLICE, OF THE CODE OF THE CITY OF SUMMIT, TO ADD A NEW SECTION 2-15.15 ENTITLED “CUSTODIAN OF RECORDS”

Ordinance Summary: This ordinance amends and supplements Chapter 2, Administration, of the Code of the City of Summit to add a new section 2-15.15 entitled “Custodian of Records” to establish a records custodian for police department records.

WHEREAS, the Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1 et seq. names the municipal clerk as the records custodian of a municipality; and

WHEREAS, OPRA does not preclude a municipality from designating a municipal official other than the clerk as the custodian of record for specific types of records; and

WHEREAS, the Government Records Council (“GRC”) has recognized municipal officials other than the clerk as custodian for particular types of records; and

WHEREAS, the Summit Police Department maintains a separate records division to handle the high volume of police reports generated on a daily basis; and

WHEREAS, in order to properly handle requests for police records, the Common Council believes it is in the best interests of the City to designate a records custodian for that purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, as follows:

SECTION 1. That Chapter 2 of the City Code, Administration, shall be amended and supplemented to add a new section 2-15.15 as follows:

§2-15.15 Custodian of Records

The Chief of Police is hereby designated and appointed as the Custodian of Records for police department records and shall be the administrative agent for acceptance and compliance with all requests pursuant to the New Jersey Open Public Records Act and the common law right of access.

SECTION 2. **SEVERABILITY.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate,

distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 3. INCONSISTENCY. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect upon final passage and publication according to law.

Dated: March 5, 2024

I, Rosalia M. Licatase, City Clerk of the City of Approved:
Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at regular meeting held on Tuesday evening, March 5, 2024.

Dr. Elizabeth Fagan, Mayor

City Clerk