

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 414

(Duly Adopted October 29, 2003)

AN ORDINANCE ESTABLISHING PROCEDURES, RESTRICTIONS, LIMITATIONS, FEES, AND OTHER PROVISIONS UNDER WHICH PUBLIC RECORDS OF THE BOROUGH ARE MADE AVAILABLE FOR INSPECTION AND DUPLICATION BY RESIDENTS OF THE COMMONWEALTH OF PENNSYLVANIA IN ACCORDANCE WITH THE PENNSYLVANIA STATUTE KNOWN AS THE "PUBLIC RECORDS ACT" OR "RIGHT TO KNOW ACT," AS RECENTLY AMENDED BY ACT 100 OF 2002.

WHEREAS, the Pennsylvania General Assembly recently adopted Act 100 of 2002, amending the "Public Records Act" or "Right to Know Act," 65 PA. STAT. ANN. § 66.1 *et seq.* to establish new procedures under which public agencies must make available public records for inspection and duplication by residents of the Commonwealth; and

WHEREAS, Borough Council desires to establish procedures, restrictions, limitations, fees, and other provisions as set forth in this Ordinance to implement the Act;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

§ 1 In General.

The Borough shall make its public records available for inspection and duplication by residents of the Commonwealth in accordance with the procedures, restrictions, limitations, and other provisions of 65 PA. STAT. ANN. § 66.1 *et seq.*, while protecting the confidentiality of materials which are do not constitute "public records" under that statute, such as materials whose access or publication is prohibited, restricted, or forbidden by state or federal law, regulation, or court order. The provisions of 65 PA. STAT. ANN. § 66.1 *et seq.*, as in effect on January 1, 2003 and as

they may be amended from time to time thereafter are incorporated into this Ordinance by reference. This Ordinance supplements the statute.

§ 2 Request for Access to Records.

A written request for access to Borough public records shall be submitted in person, by mail, or by facsimile, and must be addressed to the Borough Secretary at the Alburdis Borough Hall, 260 Franklin Street, Alburdis, Pennsylvania 18011, fax number 610-965-5517. Any Borough employee who receives a verbal request for access to Borough records shall *not* make the records available to the requester unless the employee has already been specifically authorized by the Borough Secretary or his/her designee to make records of that exact category of information available without further authorization. Otherwise, the Borough employee shall inform the requester that he/she must submit a written request to the Borough Secretary.

§ 3 Grant of Access; Consultation with Solicitor.

The Borough Secretary shall grant access to Borough records only as permitted and required by law. The Borough Secretary shall consult with the Borough Solicitor as necessary to assist in complying with the law regarding protection of confidential information and the disclosure of public records.

§ 4 Information for Individuals with Disabilities.

Information from Borough public records shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.

§ 5 Supervision of Inspections.

No Borough record shall be removed from the control or supervision of the Borough employee(s) charged with custody over the record, or, to the extent permitted by law, their supervisors, the Borough Secretary, or the Borough Secretary's designee. At least one of these individuals must supervise any inspection of a public record by a requester.

§ 6 Appeals from Denials of Access to Records.

Exceptions or appeals of any denials or deemed denials by the Borough Secretary of access to records under 65 PA. STAT. ANN. § 66.3-5 shall be made to and decided by Borough Council. Papers shall be directed to the attention of the Borough Secretary, Alburdis Borough Hall, 260 Franklin Street, Alburdis, Pennsylvania 18011, with a copy to the President of Borough Council at the same address.

§ 7 Posting of Ordinance and Statute.

This Ordinance, together with a current copy of the applicable provisions of 65 PA. STAT. ANN. § 66.1 *et seq.*, which is incorporated by reference, shall be posted in a conspicuous public place at the Alburdis Borough Hall.

§ 8 Fees.

The following fees may be assessed for disclosures of public records made under this Ordinance:

- (a) Postage: Actual costs of mailing.
- (b) Duplication by photocopy: \$0.15 per side for letter size paper (8.5" x 11.0"), \$0.20 per side for legal size paper (8.5" x 14.0").
- (c) Conversion of electronic file to paper: \$1.50 per file opened plus a cost per page equal to that set forth in subsection (b).
- (d) Printing from microfilm: A cost per page equal to that set forth in subsection (b).

(e) Duplication onto a medium other than paper, if the record already exists in that medium or the Borough can readily duplicate into that medium: The actual cost to the Borough for obtaining the media onto which the information is to be duplicated (unless the requester provides the media to the Borough), plus \$15.00 per hour for the time spent in creating the duplicate.

(f) Other costs incurred for complying with the request: The actual costs necessarily incurred by the Borough, plus \$15.00 per hour for the time spent to comply with the request. No fee will be imposed for the Borough's review of a record to determine whether it is a public record subject to access in accordance with 65 PA. STAT. ANN. § 66.1 *et seq.*

(g) Official certification of copies: \$5.00.

(h) Supervision of requester who elects to inspect records rather than obtain a duplicate of the records: \$15.00 per hour.

§ 9 Advance Deposit of Fees.

If the fees required to fulfill a request for public records are expected to exceed One Hundred Dollars (\$100.00), the Borough Secretary may require the requester to prepay the Borough Secretary's estimate of the fees before the access is granted.

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DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 29th day of October, 2003, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Melanie Hansen, Secretary

AND NOW, this 29th day of October, 2003, the above Ordinance is hereby
APPROVED.

Russell J. Afflerbach, Mayor