

CHAPTER 110

Public Records

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CROSS REFERENCES

Council ordinances, resolutions and bylaws - see Ohio R.C. 731.20
Council rules and journal - see Ohio R.C. 731.45
Open meetings - see ADM. Ch. 109

110.01 PURPOSE.

The purpose of this chapter is to establish procedures for compliance with Ohio's Public Records Act, Ohio R.C. Chapter 149, as it exists as of the date of passage hereof or as may be amended from time to time.
(Ord. 20-2020. Passed 2-10-20.)

110.02 DEFINITIONS AND ADOPTION OF STATE STATUTES BY REFERENCE.

There is hereby adopted, by reference, the relevant sections found in Ohio R.C. Chapter 149 entitled "Documents, Reports, and Records," to include Ohio R.C. 149.011, Definitions; 149.39, City Records Commission; 149.40, Only Necessary Records to Be Made; 149.43, Availability of Public Records; 149.431, Financial Records of Non-Profit Organizations Receiving Governmental Funds; and any other statutory provisions that regulate municipal records, as they exist as of the date of passage hereof or as may be amended from time to time.
(Ord. 20-2020. Passed 2-10-20.)

110.03 EXCEPTIONS.

There is hereby adopted, by reference, all exceptions as set forth in Ohio Revised Code Section 149.43 and applicable Ohio and Federal case law as they exist as of the date of passage hereof or as may be amended from time to time.
(Ord. 20-2020. Passed 2-10-20.)

110.04 PROCEDURES.

- (a) Each Appointing Authority or elected official shall establish appropriate rules and regulations to be enforced by the records custodian of each department for the inspection of routine public records consistent with the requirements of Ohio's Public Records Act and for the furnishing of copies of such records upon request by any person. Requests for public records need not be in writing. Routine public records shall be made promptly available for inspection and copying during regular business hours.
- (b) Where there is some question as to whether the record requested is public or where the record contains both public and confidential information, the records custodian shall immediately refer such request to the City Law Department for review. Such request shall be made in writing by the records custodian or the person requesting the record, and shall be dated and specify the documents, reports or records requested.
- (c) If a request for public records concerns records not readily available because of their volume, age, requirement for redaction, storage retrieval difficulties, or questions concerning the legality of their disclosure in accordance with paragraph (b), then compliance with a public records request shall be produced within a reasonable time subject to the demands of the department's business. The responsible records custodian shall provide in writing an explanation to the person making the request the reasons for delay if the records are not produced within five days of the request.
- (d) Where the record or records requested are not public or where the records are public, but require redaction of confidential information contained in the public record, the records custodian shall, in writing, advise the person making the request the reasons for denial as soon as a determination is made, or the reasons for redaction when the records are produced.
(Ord. 20-2020. Passed 2-10-20.)

110.041 PUBLIC RECORDS BY MAIL.

- (a) Upon request, public records shall be transmitted by United States mail within a reasonable period of time after receiving the request for a copy. The responsible records custodian may require the person making the request to pay in advance the cost of the copies, postage and other supplies used in the mailing.
- (b) The Appointing Authority or elected official may limit the number of records requested by a person that the office will transmit by mail to ten per month if the person making the request intends to use the records for a commercial purpose.
(Ord. 20-2020. Passed 2-10-20.)

110.042 CHOICE OF MEDIUM.

A person may choose to obtain a copy of a public record upon the same medium which the public office utilizes or upon any other medium which can be reasonably duplicated as an integral part of the normal operations of the public office.
(Ord. 20-2020. Passed 2-10-20.)

110.05 COSTS OF PUBLIC RECORDS.

- (a) There shall be no cost associated with the inspection of public records.
- (b) Unless a higher fee is prescribed in accordance with state law or subsection (c) hereof, or unless the cost is waived pursuant to subsection (e) hereof, the charges for copies of any requested documents, reports or records shall be as follows:
 - (1) Photostatic copy \$.10 per page for a report, document or record that is 8 ½" x 11" or 8 ½" x 14".
 - (2) Photos, documents, audio recording or video on a CD - \$5.00 each.
 - (3) Municipal Court. The reproduction of Municipal Court records filed with the Clerk of Courts is established by the judges and published in the local rules of Canton Municipal Court.
- (c) Any public document, report or record which is not described above shall be reproduced for the requesting party at a reasonable

cost established by the Appointing Authority or elected official. Reasonable cost may include expendable supplies, cost of retrieval, mailing or other delivery costs, and direct equipment operating and maintenance costs.

(d) Appointing authorities or elected officials may permit the dissemination of copies of documents constituting public records at no cost, for those records which have previously been traditionally or routinely made available at no cost or the request is de minimis in nature. Copies of public records shall be made free of charge to other departments within City government and to other governmental entities which reciprocally provide free copies of records.

(e) A signed duplicate of a numerically numbered receipt by the person in charge of providing the copy shall be furnished to the individual upon payment. A duplicate copy of the receipt shall be retained by the Department along with a duplicate of the pay-in order and receipts shall be turned in daily, when practical, to the City Treasurer. If payment is made by check through the mail, no receipt need be furnished to the individual.

(Ord. 20-2020. Passed 2-10-20.)

110.06 DESTRUCTION OF PUBLIC RECORDS.

Public records which have been preserved by microfilm or approved electronic means or no longer have administrative, legal or fiscal value may be destroyed in accordance with the procedures set out in Ohio R.C. 149.39 with the approval of the City Records Commission.

(Ord. 20-2020. Passed 2-10-20.)