

**CITY OF MIDDLETOWN
ORDINANCE 08-12-21-A
AN ORDINANCE AMENDING PORTIONS OF THE PUBLIC RECORDS
ORDINANCE, CHAPTER 35, TO UPDATE THE ORDINANCE TO CURRENT
STANDARDS IN THE REVISED PORTIONS OF THE KENTUCKY OPEN
RECORDS LAW KRS 61.870- 61.884**

WHEREAS the Commonwealth of Kentucky passed HB 312 and as of June 29th, 2021, amended the open records laws KRS 61.870-61.884 as follows: allow five days to respond to open records request, limit open records requests to residents of Kentucky, require an email from the public agency, and require open records requirements and form OAG-1 to be published on the agency website; and

WHEREAS, The City of Middletown wishes to update its open records ordinance, Chapter 35 to reflect the changes made to Kentucky law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF MIDDLETOWN, KENTUCKY,

Section 1: The City Commission hereby amends portions of chapter 35, Public Records to reflect the amended statutes on open records. The City Commission hereby amends chapter 35 of its ordinances as follows:

35.01 DEFINITIONS:

~~“PERSON.” A human being who makes a request for inspection of public records.~~

35.15 INITIAL REQUEST WITH IMMEDIATE INSPECTION:

(A) ~~Any person~~ Resident of the Commonwealth of Kentucky defined by KRS 61.870(10) desiring to inspect or copy the public records of this city shall make a request for inspection by email to the City Clerk, at the office of the City Clerk during regular office hours, except during legal holidays, or send Form OAG- 01 “Request to Inspect Public Record” to the City Clerk at the city’s address. Form OAG- 01 is available on the city website along with this ordinance. The official custodian, or the custodian acting under the authority of the official custodian, may require Form OAG-01 ~~a request to inspect public records to be in writing, signed by the applicant and with the applicant’s name printed legibly on the application. A written request~~ Form OAG-01 to inspect public records may be presented by hand delivery, mail or via ~~facsimile, if one is available~~ email.

35.17 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time and date for inspection or mailing of the public records, not to exceed ~~three~~ five days

(excepting Saturdays, Sundays, and legal holidays) from receipt of the application Form OAG-01, unless a detailed explanation of the cause is given for further delay and the place, time and earliest date on which the public record will be available for inspection or duplication.

35.19 TIME LIMITATION; DENIAL OF INSPECTION

The official custodian, upon any request for records made under this chapter, shall determine within ~~three~~ five days (excepting Saturdays, Sundays and legal holidays) after the receipt of any request whether to comply with the request and shall notify in writing the person making the request within the ~~three~~ five-day period of its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority and shall constitute final agency action.

Section 2: Effective date

This ordinance shall take effect upon is reading, adoption and publication according to law.

Adopted this 9 day of Sept, 2021.

Introduction and First Reading: 8-12-21

Second Reading and Passage: 9-9-21


Byron Chapman, Mayor

ATTEST:

Deborah Columbia, City Clerk

Aye votes: 5

Nay votes: 0