

CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2021#12

AN ORDINANCE AMENDING SECTION 36.05, SECTION 36.07,
AND SECTION 36.09(A) OF THE DAYTON CODE OF
ORDINANCES TO UPDATE THE MANNER BY WHICH OPEN
RECORDS ARE RECEIVED AND AMEND THE CITY'S
RESPONSE TIME TO THESE RECORDS REQUESTS FROM
THREE TO FIVE DAYS.

WHEREAS the Kentucky General Assembly passed HB 312 during the 2021 legislative session, which amends several provisions of the Kentucky Open Records Act relating to access to public records.

WHEREAS, City of Dayton is required to amend sections of its ordinance to comply with these revisions to the Open Records Act.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON, KENTUCKY,
THAT THE CITIES SECTION 36 OF THE CITY CODE OF ORDINANCES IS
AMENDED AS FOLLOWS:

Section I.

Section 36.05 INITIAL REQUEST WITH IMMEDIATE INSPECTION

As defined in § 36.01, and subject to the limitations set forth in § 36.12, any person desiring to inspect or copy the public records of the city shall make a request or complete a written application for such records at the office of the City Clerk/Treasurer during regular office hours, except during legal holidays. The written application shall be hand-delivered, mailed, or sent via facsimile or e-mail to the City Clerk/Treasurer's office; ~~facsimile transmission of the written application described in this division; or e-mail of the application described in this division.~~ The City Clerk/Treasurer may require the applicant to provide a statement in the written application on how the applicant is a resident of the commonwealth.

(KRS 61.872)

Section 36.07 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately so notify the applicant and shall designate a place, time, and date for inspection of the public records, not to exceed ~~three~~ five days (excepting Saturdays, Sundays, and legal holidays) from receipt of the application, 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.

(KRS 61.872(5))

SECTION 36.09 (A) TIME LIMITATION; DENIAL OF INSPECTION:

- (A) The official custodian, upon any request for records made under this chapter, shall determine within ~~three (3)~~ five (5) 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-day~~ 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 the official custodian's authority and shall constitute final agency action.

(KRS 61.880)

Section II.

This ordinance shall be in full force and effect from and after its adoption, approval, and publication as is required by law.

First Reading: July 6, 2021


Second Reading: 7/20/2021

PASSED this 20 day of July, 2021.



MAYOR BEN BAKER

ATTEST:



DONNA LEGER

CITY CLERK/TREASURER