

Borough of Lilly

LILLY, PENNSYLVANIA

ORDINANCE

Ordinance No.: May 2019-1

*An Ordinance of the Lilly Borough
Council Establishing Fees for Certain
Borough Services and Records*

WHEREAS, the Borough provides services and records to the general public; and

WHEREAS, Section 1307 of Pennsylvania's Right to Know Law (65 Pa.C.S. §101, et. seq.) requires the Pennsylvania Office of Open Records ("OOR") to establish fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication; and

WHEREAS, Section 1202 of Pennsylvania's Borough Code (8 Pa.C.S.A. §101, et. seq.) authorizes boroughs to "prescribe reasonable fees for the services of the borough's officers".

NOW THEREFORE, **BE IT ORDAINED** by the Lilly Borough Council as follows:

Section 1. *Title.* This ordinance shall be known as and may be referred to as the Lilly Borough Fee Schedule Ordinance.

Section 2. *Scope.* The fee schedule adopted herein shall apply to all Right-to-Know requests submitted to the Borough and all other duplication, certification and/or conversion requests.

Section 3. Borough Office Fee Schedule. Fees shall be charged as follows:

<u>Record Type / Delivery Method</u>	<u>Fee</u>
Black & White Copies <i>* A "copy" is either a single-sided copy, or one side of a double-sided copy on 8.5"x11" or 8.5"x14" paper.</i>	\$0.25 per copy
Color Copies <i>* A "copy" is either a single-sided copy, or one side of a double-sided copy on 8.5"x11" or 8.5"x14" paper. A requestor may ask for black and white copies even if the original is in color and color copies are available.</i>	\$0.50 per copy
Specialized Documents	Actual Cost
E-Mail <i>* If a requestor asks to receive records which require redactions in electronic format, the records will be printed to provide for secure redaction, then scanned in for delivery by e-mail. Accordingly, the fees noted above for either black and white or color copies, will be charged.</i>	No Fee
CD / DVD <i>* Up to \$3.00 per disc</i>	Actual Cost
Flash Drive	Actual Cost
Facsimile <i>* If records must be printed to send via fax, the fees noted above for black and white copies will be charged.</i>	Actual Cost
Other Media	Actual Cost

Conversion to Paper

\$0.25 per page

** If a record is only maintained electronically or in other non-paper media, duplication fees shall be the lesser of the fee for duplication on paper or the fee for duplication in the original media, unless the requestor specifically requests for the record to be duplicated in the more expensive medium.*

Photographing a Record

No Fee

** This assumes the requestor is using his/her own camera, such as a cellphone camera, to photograph the records. If redaction is required prior to the requestor being granted access to photograph the records; said records will be copied or printed to provide for secure redaction. Accordingly, fees for black and white or color copies, as appropriate, will be charged.*

Postage

Actual Cost

** Of USPS first-class postage*

Certification

\$5.00 per record

Section 4. *Tax Collector Fees.* (a) The Lilly Borough Tax Collector is hereby authorized to impose a fee of ten dollars (\$10.00) for tax certificates.

(b) The Lilly Borough Tax Collector is hereby authorized to impose a fee of ten dollars (\$10.00) for duplicate bills.

Section 5. *Fees for Returned Checks.* The issuer or passer of any bad check to the Borough or Tax Collector shall be assessed a service charge in the amount of fifty dollars (\$50.00) or the fee charged by the Borough's or Tax Collector's financial institution as a result of such bad check, whichever is greater.

Section 6. *Record Provision.* A record being provided to a requestor shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists.

Section 7. *Prepaid Fees.* Prior to granting a request for access in accordance with the Right to Know Law, the Borough will require a requestor to prepay fees which are expected to exceed one hundred dollars (\$100.00).

Section 8. *Amendment of Fees by Resolution.* The fees imposed herein may be amended by Council from time to time by resolution.

Section 9. *Severability.* The provisions of this ordinance shall be severable and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decisions shall not affect the validity of any of the remaining provisions of this ordinance. It is the intent of the Council that this ordinance would have been enacted as if such unconstitutional, illegal or invalid provisions had not been included herein.

Section 10. *Repealer.* Any ordinance or resolution or portions thereof inconsistent herewith are hereby and herein Repealed.

ORDAINED AND ENACTED this first day of May, 2019

BOROUGH OF LILLY

By: 
William D. Patterson - *President*

Attest:  (Seal)
Claudine M. Falger - *Secretary*

APPROVED this 1st day of May, 2019


Michael Eckenrode - *Mayor*