

## § 9-212 Fees.

(a) **Duplication.** 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 shall be as established from time to time by the state Office of Open Records. If a record is only maintained electronically or in other nonpaper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media, unless the requester specifically requests for the record to be duplicated in the more expensive medium. The Open Records Officer may waive duplication fees when the requester duplicates the record or the Open Records Officer deems it is in the public interest to do so.

(b) **Delivery.** Fees for postage or other delivery shall be equal to the actual cost of mailing or other delivery.

(c) **Certification of Copies.** The fee for official certification of copies when such certification is at the behest of the requester and for the purpose of legally verifying the public record shall be Ten Dollars (\$10.00).

(d) **Other Costs.** Except as provided in subsection (e), other reasonable costs necessarily incurred by the Borough in complying with a request shall be charged to the requester at the cost reasonably incurred by the Borough, to the extent permitted by law. The fee for supervision of a requester who elects to inspect records in person rather than obtain a duplicate of the records, and the fee for labor costs incurred by the Borough in responding to a request (other than labor incurred for duplication of a record) shall be the equal to the number of hours expended multiplied by the hourly cost of the employee to the Borough (including benefits and taxes). The Open Records Officer shall inform the requester of the hourly rate(s) when responding to the request.

(e) **Legal Review.** No fee may be imposed for review of a record to determine whether the record is subject to access under the law. No fee shall be charged for time spent in preparing a formal response under this Chapter to a request for access.

(f) **Prepayment of Estimated Fees.** Prior to granting access, the Open Records Officer may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed One Hundred Dollars (\$100.00).

[Ord. 478 12-29-2008]