



RESOLUTION NO: 1-03
RESOLUTION FOR COPYING MATERIALS

WHEREAS, the Town of South Bethany gets many requests for Town Office materials under the Freedom of Information Act (FOIA) (29 Del. C., Chapter 100) (a/k/a "The Sunshine Statute");

WHEREAS, the Town of South Bethany gets a few requests for copying personal materials;

WHEREAS, it is the responsibility of the Town of South Bethany to establish rules and regulations regarding access to public records as well as fees charged for copying of such records; and

WHEREAS, the Town of South Bethany's previous Resolution No. 2-01 and 8/1/01 Guidelines for Public Access to Records/Schedule of Fees were not consistent with FOIA (29 Del. C., Chapter 100);

NOW, THEREFORE, LET IT BE RESOLVED, it shall be the policy of the Town of South Bethany that any individual or citizen may have access to public records for purposes of inspection and copying pursuant to FOIA (29 Del. C., Chapter 100) and pursuant to the terms of the Town Guidelines for Public Access to Records and Schedule of Fees. The cost of 25 cents per page will be charged (with a minimum charge of \$1.00 and two-sided copies counted as two copies). The average hourly rate of \$15.00 will be charged for Town staff time to prepare transcripts along with the \$1.00 per typed page (double-spaced) charge. The average hourly rate of \$15.00 will also be charged for Town staff time to search for documents not easily accessible and to copy a voluminous number of pages (in excess of 60).

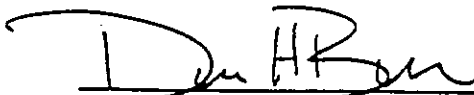
LET IT FURTHER BE RESOLVED, it shall be the policy of the Town of South Bethany to make every effort to respond to all FOIA requests in a reasonable amount of time (generally within 7 days) and notify the individual/citizen of the expected date records will be made available; and

LET IT FURTHER BE RESOLVED, it shall be the policy of the Town of South Bethany that any individual or citizen who requires a copy of personal materials (birth certificates, marriage certificates, baptismal certificates, etc.) will be charged the normal charge of 10 cents per page (two-sided copies shall be counted as two copies).

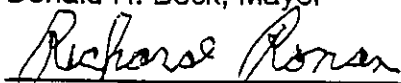
This Resolution including the attached Guidelines and Schedule of Fees will go into effect immediately upon the approval of the Town Council.

ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF SOUTH BETHANY ON THE 14TH DAY OF FEBRUARY 2003.

Sponsored by: Councilman Bob Cestone

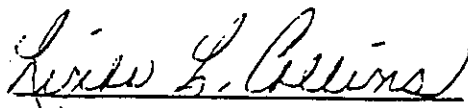


Donald H. Beck, Mayor



Richard Ronan, Council Secretary

ATTEST:



Loretta L. Collins

SEAL:

Town of South Bethany

GUIDELINES FOR PUBLIC ACCESS TO RECORDS/SCHEDULE OF FEES

(Pursuant to 29 Del. C., Chapter 100)

(Revised and Adopted by Town Council on 2/14/03)

Definitions of "Public Record"

"Public record" is information of any kind owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by any public body, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced.

Excluded from this definition are:

1. Any personnel, medical or pupil file, the disclosure of which would constitute an invasion of personal privacy, under this legislation or under any State or Federal law as it relates to personal privacy;
2. Trade secrets and commercial or financial information obtained from a person which is of a privileged or confidential nature;
3. Investigatory files compiled for civil or criminal law-enforcement purposes including pending investigative files, pretrial and pre-sentence investigative files, pre-trial and pre-sentence investigations and child custody and adoption files where there is no criminal complaint at issue;
4. Criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy. Any person may, upon proof of identity, obtain a copy of his personal criminal record. All other criminal records and files are closed to public scrutiny. Agencies holding such criminal records may delete any information, before release, which would disclose the names of witnesses, intelligence personnel and aids or any other information of a privileged and confidential nature;
5. Intelligence files compiled for law enforcement purposes, the disclosure of which could constitute an endangerment to the local, state or national welfare and security;
6. Any records specifically exempted from public disclosure by statute or common law;
7. Any records, which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body, whenever public anonymity has been requested of the public body with respect to said contribution by the contributor;
8. Any records involving labor negotiations or collective bargaining;
9. Any records pertaining to pending or potential litigation which are not records of any court;
10. Subject to subsection (f) of §10004 of Title 29 of Del. C., with respect to release of minutes of executive sessions, any record of discussion held in executive sessions pursuant to subsection (b) and (c) of §10004 of Title 29 of Del. C.
11. Any records which disclose the identity or address of any person holding a permit to carry a concealed deadly weapon; provided, however, all records relating to such permits shall be available to all bona fide law enforcement officers.

Examination of Public Records

1. As defined above, public records are open to examination by any citizen of the State during regular business hours of the Town office, department or employee who has the custodial responsibility of said records.
2. Protection of original documents is of paramount importance. Custodians shall take every reasonable precaution to ensure documents are not removed or altered, and at no time shall public records be removed from the Town Hall.
3. Examination of original records shall be supervised unless the department manager has provided previous written permission. If supervision is not possible, the copies of documents shall be provided at requester's expense.

Access to Public Records

1. Any citizen of Delaware may have access to public records for purposes of inspection and copying pursuant to Delaware's Freedom of Information Act (FOIA) (29 Del. C. Chapter 100) and pursuant to the terms of these guidelines. Out-of-state requests are reviewed on a case-by-case basis. Inspection and copying of public records may take place only during the regular hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.
2. The custodian shall require that a written request be made by completing a "Public Record Access Form" (see Attachment 1) furnished by the Town, which shall describe the document(s) with sufficient specificity so as to be reasonably able to identify the document(s) requested. Vague and/or broad requests will not be honored. The custodian shall retain the request forms as actions taken. These records will be retained in a departmental file. Requests that are denied shall be forwarded to the Town Manager for review.
3. The Town reserves the right to refuse access to any records, which do not constitute "public records" under 29 Del. C. § 10002. The custodian of records will determine whether or not the information requested falls under exceptions to FOIA and is, therefore, exempt from public disclosure.
4. Reasonable access to said records shall not be denied. If a public record is in active use or in storage at the time it is requested for examination, the citizen shall be so informed and an offer shall be extended to schedule a time as expediently as possible when said records may be examined. Appropriate accommodations shall be provided during said examination.
5. The Town staff would appreciate advance appointments and will contact the individual/citizen to make an appointment when the records have been accessed. Every effort will be made to respond to all FOIA requests in a reasonable amount of time (generally within 7 days) and notify the individual/citizen of the expected date records will be made available.

Fees for the Copying of Public Records -- As Per the Schedule of Fees (Attachment 2)

Exceptions

1. No cost shall be charged for material, which has been exempted by Town of South Bethany directive (including, but not limited to, Town Council, Planning Commission, Board of Adjustment, and Committees).
2. The fees charged by certain Town of South Bethany offices for reproducing public records have been established by adopted Town Ordinance/Resolution or by order of the State Courts. In these cases, the ordinance/resolution or court order shall take precedence over the fees and charges contained herein.
3. Where a reciprocal agreement has been reached between the Town and non-Town end-user to share information, said agreement should govern the cost of reproduction.

PUBLIC RECORD ACCESS FORM
(Pursuant to 29 Del. C., Chapter 100)
(Revised and Adopted by Town Council on 2/14/03)

- 1. Date: _____
- 2. Name of Person Making Request: _____
- 3. Business/Entity (if requesting person is representative) _____
- 4. Address: _____
- 5. Telephone Number: _____
- 6. Records Requested (describe with sufficient specificity so as to be reasonably able to identify the document(s) requested. Vague and/or broad requests **will not** be honored).

- Notes:
- (1) Cost for copy will be **25 cents** per page; two-sided copies shall be counted as two copies; minimum charge of **\$1.00** per request.
 - (2) The average hourly rate of **\$15.00** will be charged for Town staff to prepare transcripts along with the **\$1.00** per typed page (double-spaced) charge.
 - (3) The average hourly rate of **\$15.00** will also be charged for Town staff time to search for documents not easily accessible and to copy a voluminous number of pages (**in excess of 60**).
 - (4) The Town staff will make every effort to respond to all FOIA requests in a reasonable amount of time (**generally within 7 days**) and notify the individual/citizen of the expected date records will be made available.

(For Town Use Only)

Date Request Received: _____

Received By: _____

If Records Not Available, Appointment Date: _____

Date Information provided: _____

Provided By: _____ Picked Up By: _____

Total Pages Copied: _____ x \$.25 = Copying Charges: \$ _____
(two-sided copies equals two copies) (minimum charge of \$1.00)

Hours to Prepare Transcript: _____ x \$15.00 = Charge for Town Staff Time: \$ _____
Search for Documents Not Easily Accessible, or
Copy a Voluminous Number of Pages (in Excess
Of 60):

Total Pages Typed: _____ x \$ 1.00 = Charge for Transcript: \$ _____

TOTAL CHARGES = \$ _____

DE Citizen: YES _____ NO _____

Comments: _____

TOWN OF SOUTH BETHANY SCHEDULE OF FEES
(Pursuant to 29 Del. C., Chapter 100)
(Revised and Adopted by Town Council on October 10, 2008)
(Effective Date: March 13, 2009)

PUBLIC RECORDS:

1. **Printed, Typed or Written Material** (up to 11" x 17"): @ .25 Per Page

Note: The minimum fee of \$ 1.00 shall be charged per request. Two-sided copies shall be counted as two copies. In addition, the average hourly rate of \$15.00 will be charged for Town staff time to search for documents not easily accessible and to copy voluminous amounts of copying (in excess of 60 pages).

2. **Drawings, Plots, Plats and Maps:** Plots/Plats/Maps no larger than 11" x 17" @ \$ 3.00 Per Page
Larger than 11" x 17" @ \$10.00 Per Page

Note: The Town does not have the capability to copy documents larger than 11" x 17".

3. **Magnetic Tapes of Recorded Oral Dialogue:**

Upon request, individuals may listen to recorded oral dialogue; proper supervision must be ensured in order to protect the material from damage or loss. No tapes will be copied without written authorization from the Town Manager. If transcripts are requested, then the procedures and charges listed below shall be followed.

4. **Computer Tapes of Stored Information:**

The fee to produce computer-generated paper copies of computer-stored information shall be based on the amount of machine-operating time necessary to produce the copy and shall be calculated at the rate of \$15.00 per hour. The minimum charge shall be \$15.00 or actual cost, whichever is more.

If computer-stored information is requested to be transferred to a CD, the fee shall be \$15.00 per CD.

5. **Transcripts:**

If magnetic tapes are available, a typed verbatim transcript of meetings and/or hearings will be made upon written request. The cost of one copy of a transcript shall be at the rate of \$1.00 per typed page (double spaced) plus \$15.00 per hour for Town staff time. Additional copies may be purchased at the rates charged for printed, typed or written material (see No. 1 above) or actual cost, whichever is more.

6. **Published Documents:**
- | | |
|--------------------------------|-----------|
| Zoning Ordinance | @ \$25.00 |
| Town Charter | @ \$25.00 |
| Audit Report | @ \$10.00 |
| Comprehensive Development Plan | @ \$10.00 |
| Subdivision Regulations | @ \$10.00 |

Note: The cost for copies of portions of other documents not listed shall be as stated in No. 1 above. The cost of purchase of the complete publication shall be in accordance with the fee established at the time of publication or actual cost, whichever is more.

BUILDING PERMITS:

| <u>Fee</u> | <u>Type</u> |
|---------------------------|---|
| 1. \$2.30 per square foot | Building, principal: Gross floor area of each living floor, excluding floor areas open to the sky, attached or unattached storage structures, attached or unattached automobile structures, shed and open sheds |
| 2. \$2.30 per square foot | Building, accessory: Gross floor area of attached or unattached storage structures, attached or unattached automobile structures, sheds and open sheds |
| 3. \$2.30 per square foot | Enclosed porch: Gross floor area of enclosed and screened porch not intended for primary use of living space |
| 4. \$.50 per square foot | Open deck: Gross floor area of attached or unattached open deck including stairs open to the sky, including ground-level decks or boardwalks |

- | | | |
|-----|------------------------|---|
| 5. | \$2.30 per square foot | Improving an existing open deck or patio, by adding walls and/or roof to become enclosed living space, enclosed porch or screen porch to become living space |
| 6. | \$2.30 per square foot | Improving an existing attached or unattached automobile parking structure, shed or open shed to become enclosed living space |
| 7. | \$2.30 per square foot | Renovation, alteration and/or remodeling: Gross floor area to be renovated, altered, and/or remodeled of each story all uses, excluding uses covered elsewhere in this schedule |
| 8. | \$50.00 | Signs |
| 9. | \$50.00 | Minimum permit fee for items one (1) through eight (8) above |
| 10. | \$100.00 | Relocation of dwelling units: If new site is within Town limits, the fee is the same as for new construction, plus \$100.00 |
| 11. | \$50.00 | Fences, paved driveways, flagpoles, towers, paved sidewalks and paved patios |
| 12. | \$100.00 | Renewal of building permit issued by the Code Enforcement Constable |
| 13. | \$100.00 | Install new, removal of existing to replace with new, or repairs of, bulkheads, docks, ramps, boat lifts, davits and jet ski lifts or any combination thereof |
| 14. | \$100.00 | Water service connection to Artesian's distribution system. New construction and substantial improvements shall not require a separate permit fee per § 141-5D |
| 15. | \$100.00 | Central propane service connection |
| 16. | \$100.00 | Geothermal |
| 17. | \$750.00 | Request for variance, special exception, appeal or interpretation requiring Board of Adjustment action |
| 18. | \$300.00 | Request for building permit extension requiring Board of Adjustment action |
| 19. | \$100.00 | Combining or partitioning of lots requiring Planning Commission action |
| 20. | \$100.00 | Home occupation special use permit requiring Town Council action |
| 21. | \$10.00 | Renewal of Home Occupation Special Use Permit requiring Town Council action |

MISCELLANEOUS:

- | | | |
|----|---|-------------------------------|
| 1. | Address Labels | @ \$ 25.00 |
| 2. | Property List | @ \$ 10.00 |
| 3. | Fax Transmittals (per page by private individuals) | @ \$.50 Per Page |
| 4. | Photocopies (per page by private individuals) | @ \$.15 Per Page |
| 5. | Mercantile License (Note: After Nov. 1 @ \$80.00-2 nd half of fiscal year) | @ \$150.00 |
| 6. | Rental License | @ \$150.00 |
| 7. | Rental Tax | (8% of total gross receipts) |
| 8. | Parking Permits: | |
| | Property Owner (2 transferable/2 permanent) | @ \$ 10.00 |
| | Replacements | @ \$ 15.00 |
| | One-Day (non-residents) | @ \$ 15.00 |
| | Contractors | @ No Fee |