

ORDINANCE NO. 09-04
PALMYRA TOWNSHIP'S RIGHT TO KNOW ORDINANCE

ARTICLE I
GENERAL

1. Section 1307 of Pennsylvania's Right-to-Know Law, Act 3 of 2008, effective January 1, 2009, requires Commonwealth agencies and local agencies to provide for access to public information, for a designated open-records officer in each agency, and to provide a procedure for appeal of agency determination, for judicial review and imposing penalties.
2. Palmyra Township, Wayne County, by and through its Board of Supervisors, adopts this Ordinance to facilitate compliance with all requirements of the Right-to-Know Law, Act 3 of 2008.

ARTICLE II
OPEN RECORD OFFICER

1. Palmyra Township hereby designates Lois Powderly as the Township Open Records Officer. The Open Records Officer may be reached at regular office hours at the Palmyra Township Municipal Building, 219 Oak Street, Hawley, Pennsylvania, phone number 570-226-6566, fax number 570-226-6346. The designation of the Township Open Records Officer shall be an appointment for the calendar year 2009, and the Board of Supervisors shall at their annual reorganization meetings, designate an individual for said created position.

GENERAL

2. All documents deemed public records shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours.

REQUESTS

3. Any and all requests shall be made in writing address to the Township Open Records Office on a form provided by the Township.

FEES

4. Paper copies shall be twenty-five (\$.25) cents per page per side. The certification of a record is One (\$1.00) Dollar per record. Specialized documents, including but not

limited to blueprints, color copies, and non-standard sized documents shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. In the event that total costs and fees are estimated to be in excess of One Hundred (\$100) Dollars, a prepayment estimate shall be required. All fees and costs shall be paid in full prior to mailing or release.

RESPONSE TIME

5. The Township shall make a good faith effort to respond to all requests as promptly as possible. The Open Records Officer shall review the written request and collect all requested documents for inspection and duplication. Those documents which the Township can duplicate at the Municipal Building shall be designated as such, and those specialized documents which require duplication at an outside facility shall also be designated. The Open Records Officer shall as soon as possible, but not later than five (5) business days after receiving a written request to access public records, provide a response in writing consistent with Act 3 of 2008, the Right-to-Know Law. If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2008, the Right-to-Know Law.

TIME OF RECEIPT

6. For purposes of this Ordinance, a written request shall be deemed received for purposes of calculating the commencement of the five (5) day response period as the date that the written request is received by the Township. All written requests shall be date stamped upon receipt by mail or by drop-off at the Municipal Building.

EXTENSION OF TIME

7. Pursuant to Section 902 of the Right-to-Know Law of Act 3 of 2008, the Open Records Officer may unilaterally extend the five (5) day response period for written requests without it being considered a deemed denial. The reasons include:
 - (a). Redaction is required;
 - (b). Records are stored in a remote location;
 - (c). Bona fide and specific staffing limitations;
 - (d). Legal review is necessary to determine whether the record is accessible;
 - (e). Requestor has not complied with the provisions of this Ordinance;
 - (f). Requestor refuses to pay applicable fees.
 - (g). The extent or nature of the request precludes a response within the specified time period.

In any such event, the Open Records Officer shall provide in writing to the Requestor during the five (5) days review period of the specific reason and a reasonable date on which a response can be expected, and estimate of fees. Under no circumstances will the estimated delay period exceed thirty (30) days.

ARTICLE III
APPEALS

1. Upon denial of a written request, the Requestor may file an Appeal within fifteen (15) business days of the mailing date of the Township's response or within fifteen (15) days of a deemed denial. The Appeal shall state the grounds upon which the Requestor asserts or maintains that the requested records are public record and shall address any grounds or reasons stated by the Township for delaying or denying the request.

CONTACT INFORMATION FOR APPEALS

2. Upon receiving a denial or deemed denial of a written request to inspect and/or duplicate public records, the Requestor may file an appeal in writing to the Executive Director for the Office of Public Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, Pennsylvania 17120-0225.
Appeals of criminal records shall be made to District Attorney of Wayne County, Pennsylvania, Wayne County Courthouse, Honesdale, Pennsylvania 18431.

ARTICLE IV
SEVERABILITY

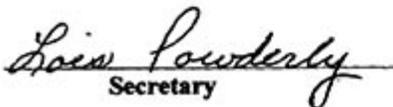
The provisions of this Ordinance are intended to comply with and otherwise be consistent with the provisions of the Right-to-Know Law as enacted and amended by Act 3 of 2008. If any sentence, clause or section of the Ordinance is, for any reason, declared to be unconstitutional, illegal, invalid, or preempted, such unconstitutionality, illegality, invalidity, or preemptive language, shall not impair any of the remaining provision of the Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, invalid or preemptive sentences, clauses or sections not been included herein.

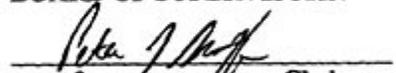
ORDAINED AND ENACTED this 1st day of June,

2009.

**PALMYRA TOWNSHIP,
WAYNE COUNTY
BOARD OF SUPERVISORS:**

Attest:


Secretary


Chairman

