

**BOROUGH OF WYOMISSING  
Berks County, Pennsylvania**

**ORDINANCE NO. 1290 - 2008**

**AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF WYOMISSING, CHAPTER 1, PART 13 ENTITLED "POLICY FOR ACCESS TO PUBLIC RECORDS", BY AMENDING SECTION 1301 TO PROVIDE FOR APPOINTMENT OF AN OPEN RECORDS OFFICER AND FOR FEES TO BE ESTABLISHED BY RESOLUTION AND TO REFLECT UPDATES TO THE PENNSYLVANIA RIGHT TO KNOW LAW.**

BE IT ENACTED AND ORDAINED by the Council of the Borough of Wyomissing, County of Berks, Commonwealth of Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. The Code of Ordinances of the Borough of Wyomissing, Berks County, Pennsylvania, enacted and approved by Ordinance No. 1185 on May 11, 1997, as thereafter amended, is hereby amended by amending Chapter 1 "Administration and Government", Part 13 "Policy for Access to Public Records" to read as follows:

**PART 13**

**POLICY FOR ACCESS TO PUBLIC RECORDS**

**§1301. Requests for Access to Public Records.**

All requests for access to public records of the Borough shall be made in writing or by facsimile.

**§1302. Direction of Requests for Access to Public Records.**

All requests for access to public records of the Borough shall be directed to the Open Records Officer, Borough of Wyomissing, 22 Reading Boulevard, Wyomissing, Berks County, PA 19610; telephone: 610-376-7481, facsimile: 610-376-8470.

**§1303. Determination of Granting or Denial of Request.**

When a request is received for access to public records, the Borough shall make a determination within five business days of receipt of the request to grant or deny the request. The person or entity requesting the information shall be promptly notified of the Borough's decision.

**§1304. Issuance of Notice of Review.**

1. If, after receiving a request for access to public records, the Borough determines any of the following circumstances exist, the person or entity requesting access to the records shall be issued a notice that the request is being reviewed:

- A. The request for access requires redaction of a public record.
- B. The request for access requires retrieval of a record stored in a remote location.
- C. A timely response to the request for access cannot be accomplished due to bona fide and specified staff limitations.
- D. A legal review of the request is necessary to determine whether the record is a public record subject to access under the Act.
- E. The person or entity requesting access to the public record has not complied with the Borough's policies regarding access to public records.
- F. The person requesting access to the record refuses to pay applicable fees as contained herein.
- G. The extent and nature of the request precludes a response within the time period.

2. The person or entity requesting access to the public record shall be informed in writing as to the specific reason that their request is being reviewed.

**§1305. Notice of Denial.**

If a request for access to public records is denied, the person or entity requesting the records shall be informed of the reason that the request has been denied and shall be given the authority relied upon by the Borough for denying access. The notice of denial shall contain a description of the record requested, the name of the Open Records Officer making the decision to deny access to the public record, the date of the denial and shall include the signature of the Open Records Officer denying access, along with an explanation of the procedures for appealing the Borough's denial of access to the record in question.

**§1306. Fees for Requests.**

1. Fees shall be set from time to time by resolution of Borough Council and pursuant to the Right To Know Law, 65 P.S. § 1307.

2. The Borough, in its sole discretion, may waive the fees for duplication of public records if the Borough determines that it is in the public interest to do so.

**§1307. Prepayment.**

If the estimated costs of responding to a public record request is expected to exceed \$100, the Borough may require the person or entity requesting the record to prepay the estimated fees authorized by this policy, prior to providing access to the public record. Access to the records requested shall be postponed until prepayment is received.

**§1308. Processing Requests for Access.**

The Borough shall utilize the form attached hereto as Exhibit "A" to process all requests for access to the Borough's public records. When completed, a copy of the form shall be given to the person requesting the information, and a copy shall be retained by the Borough.

**§1309. Designation of Open Records Officer.**

Borough Council shall designate an Open Records Officer by resolution, pursuant to 65 P.S. § 67.502.

Section 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance which are not specifically addressed herein are hereby repealed.

Section 4. This Ordinance shall become effective on the earliest date permitted by law following the date of its enactment.

ENACTED AND ORDAINED as an Ordinance, this 11<sup>th</sup> day of Nov., 2008.

BOROUGH OF WYOMISSING  
Berks County, Pennsylvania

BY: Jeraldine D. Kozloff  
Jeraldine D. Kozloff  
President of Borough Council

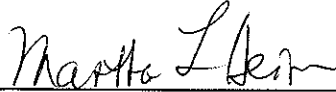
ATTEST: Martha L. Heim  
Martha L. Heim  
Secretary of the Borough

APPROVED as an Ordinance this 11<sup>th</sup> day of Nov., 2008.

Ronald C. Stanko  
Ronald C. Stanko  
Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 1296-2008 adopted by the Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania at a regular meeting held on Nov. 11, 2008, pursuant to notice as required by law.



\_\_\_\_\_  
Martha L. Heim  
Secretary of the Borough