



Legislation Details (With Text)

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Type: Ordinance **Status:** Adopted

File created: 3/19/2019 **In control:** City Council

On agenda: 10/14/2019 **Final action:** 10/14/2019

Title: Maryland Public Information Act - For the purpose of adopting City of Annapolis procedures for the processing of requests made pursuant to the Maryland Public Information Act; establishing definitions; providing notice of disclosure requirements; establishing an appeal process; allowing fees to be charged; allowing fee waivers; and generally related to adopting procedures for processing Public Information Act requests.

Sponsors: Gavin Buckley

Indexes: Rules and City Government Committee

Code sections:

Attachments: 1. O-10-19 Public Information Act Ordinance.pdf, 2. O-10-19 Staff Report and Fiscal Impact.pdf, 3. O-10-19 Amendments 1-3 Buckley.pdf, 4. O-10-19 Amendment 4 Finlayson, Arnett, Savidge.pdf, 5. O-10-19 SIGNED.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------------------|-----------------------------------|--------|
| 10/14/2019 | 1 | City Council | adopt on second reader | Pass |
| 10/14/2019 | 1 | City Council | amended | Pass |
| 10/14/2019 | 1 | City Council | adopt as amended | Pass |
| 10/14/2019 | 1 | City Council | adopt on third reader | Pass |
| 10/8/2019 | 1 | Rules & City Government Committee | recommend favorably | Pass |
| 10/8/2019 | 1 | Rules & City Government Committee | Recommend Favorably-Amendment | Pass |
| 6/17/2019 | 1 | City Council | postpone | Pass |
| 6/11/2019 | 1 | Rules & City Government Committee | postpone | Pass |
| 4/9/2019 | 1 | Rules & City Government Committee | Continue | Pass |
| 4/8/2019 | 1 | City Council | declare the public hearing closed | |
| 3/26/2019 | 1 | City Council | adopt on first reader | Pass |

Maryland Public Information Act - For the purpose of adopting City of Annapolis procedures for the processing of requests made pursuant to the Maryland Public Information Act; establishing definitions; providing notice of disclosure requirements; establishing an appeal process; allowing fees to be charged; allowing fee waivers; and generally related to adopting procedures for processing Public Information Act requests.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 10-19

Introduced by: Mayor Buckley

Referred to

Rules and City Government Committee

AN ORDINANCE concerning

Maryland Public Information Act

FOR the purpose of adopting City of Annapolis procedures for the processing of requests made pursuant to the Maryland Public Information Act; establishing definitions; providing notice of disclosure requirements; establishing an appeal process; allowing fees to be charged; allowing fee waivers; and generally related to adopting procedures for processing Public Information Act requests.

BY adding the following portions to the Code of the City of Annapolis, 2019 Edition

2.62.010
2.62.020
2.62.030
2.62.040
2.62.050
2.62.060
2.62.070
2.62.080
2.62.090
2.62.100
2.62.110
2.62.120
2.62.130
2.62.140
2.62.150
2.62.160

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

TITLE 21 - ADMINISTRATION

CHAPTER 2.62 - PUBLIC INFORMATION ACT REQUESTS

SECTION 2.62.010 SCOPE.

THIS CHAPTER SETS OUT PROCEDURES IN ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT FOR FILING AND PROCESSING REQUESTS TO THE CITY OF ANNAPOLIS FOR THE INSPECTION AND COPYING OF PUBLIC RECORDS OF A CITY DEPARTMENT.

SECTION 2.62.020 POLICY.

IT IS THE POLICY OF THE CITY TO FACILITATE ACCESS TO THE PUBLIC RECORDS OF ITS DEPARTMENTS, WHEN ACCESS IS ALLOWED BY LAW, BY MINIMIZING COSTS AND TIME DELAYS TO APPLICANTS.

SECTION 2.62.030 DEFINITIONS.

IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

“ACT” MEANS THE PUBLIC INFORMATION ACT, GENERAL PROVISIONS ARTICLE, §§ 4-101 TO 4-601, ANNOTATED CODE OF MARYLAND.

“APPLICANT” HAS THE MEANING STATED IN GENERAL PROVISIONS ARTICLE, § 4-101(B), ANNOTATED CODE OF MARYLAND.

“COPY” MEANS ANY FORM OF REPRODUCTION USING A PHOTOCOPYING MACHINE OR OTHER REPRODUCTION TECHNOLOGY, INCLUDING A PAPER COPY, AN ELECTRONIC COPY, A PRINTOUT, AN IMAGE, OR A VIDEO.

“DEPARTMENT” MEANS AN ELECTED OFFICIAL, EMPLOYEE, AGENCY, OFFICE, BOARD, COMMISSION, OR COMMITTEE OF THE CITY RECEIVING A REQUEST TO REVIEW A PUBLIC RECORD UNDER THE ACT.

“DIRECTOR” MEANS THE DIRECTOR, CHIEF OR MANAGER OF A DEPARTMENT.

“INDIGENT” HAS THE MEANING STATED IN GENERAL PROVISIONS ARTICLE, § 4-206(A)(2), ANNOTATED CODE OF MARYLAND.

“METADATA” HAS THE MEANING STATED IN GENERAL PROVISIONS ARTICLE, § 4-205(A), ANNOTATED CODE OF MARYLAND.

“OFFICIAL CUSTODIAN” HAS THE MEANING STATED IN GENERAL PROVISIONS ARTICLE, § 4-101(F), ANNOTATED CODE OF MARYLAND.

“PIA COORDINATOR” MEANS THE CITY OFFICE OF LAW EMPLOYEE WHO IS RESPONSIBLE FOR ACCEPTING REQUESTS FOR PUBLIC RECORDS ON BEHALF OF ANY DEPARTMENT.

“PUBLIC RECORD” HAS THE MEANING STATED IN GENERAL PROVISIONS ARTICLE, § 4-101(J), ANNOTATED CODE OF MARYLAND.

“REASONABLE FEE” HAS THE MEANING STATED IN GENERAL PROVISIONS ARTICLE, § 4-206(A)(3), ANNOTATED CODE OF MARYLAND.

“WORKING DAY” MEANS A DAY OTHER THAN SATURDAY, SUNDAY, OR A CITY HOLIDAY.

SECTION 2.62.040 DIRECTOR AS OFFICIAL CUSTODIAN.

UNLESS OTHERWISE PROVIDED BY LAW, THE DIRECTOR OR THE PIA COORDINATOR IS THE OFFICIAL CUSTODIAN OF THE PUBLIC RECORDS OF THE APPLICABLE DEPARTMENT.

SECTION 2.62.050 WHO MAY REQUEST PUBLIC RECORDS.

ANY PERSON OR GOVERNMENTAL ENTITY MAY REQUEST TO INSPECT OR COPY PUBLIC RECORDS OF A DEPARTMENT.

SECTION 2.62.060 NECESSITY FOR WRITTEN REQUEST.

A. INSPECTION.

- (1) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR SHALL MAKE PUBLIC RECORDS OF A DEPARTMENT AVAILABLE FOR INSPECTION BY AN APPLICANT WITHOUT DEMANDING A WRITTEN REQUEST.
- (2) THE DIRECTOR OR THE PIA COORDINATOR SHALL REQUIRE A WRITTEN REQUEST IF THE DIRECTOR OR THE PIA COORDINATOR REASONABLY BELIEVES THAT:
 - (A) THE ACT OR ANY OTHER LAW MAY PREVENT THE DISCLOSURE OF ONE OR MORE PUBLIC RECORDS TO THE APPLICANT; OR
 - (B) A WRITTEN REQUEST WILL MATERIALLY ASSIST THE DEPARTMENT IN RESPONDING.

B. COPIES.

IF THE APPLICANT REQUESTS ONE OR MORE COPIES OF ANY PUBLIC RECORD OF THE DEPARTMENT, THE DIRECTOR OR THE PIA COORDINATOR MAY REQUIRE A WRITTEN REQUEST.

SECTION 2.62.070 CONTENTS OF WRITTEN REQUEST.

A WRITTEN REQUEST SHALL:

- A. CONTAIN THE APPLICANT'S NAME AND ADDRESS;
- B. BE SIGNED BY THE APPLICANT; AND
- C. REASONABLY IDENTIFY, BY BRIEF DESCRIPTION, THE PUBLIC RECORD SOUGHT.

SECTION 2.62.080 ADDRESSEE.

A REQUEST TO INSPECT OR COPY A PUBLIC RECORD OF A DEPARTMENT SHALL BE ADDRESSED TO THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR.

SECTION 2.62.090 RESPONSE TO REQUEST.

- A.(1) IF THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR DECIDES TO GRANT A REQUEST FOR INSPECTION, THE DIRECTOR OR THE PIA COORDINATOR SHALL PRODUCE THE PUBLIC RECORD FOR INSPECTION:
 - (A) IMMEDIATELY; OR
 - (B) WITHIN A REASONABLE TIME PERIOD, NOT TO EXCEED 30 CALENDAR DAYS AFTER THE DATE OF THE REQUEST, IF THAT PERIOD IS NEEDED TO RETRIEVE THE

PUBLIC RECORD AND CONDUCT ANY NECESSARY REVIEW.

(2) IF THE DIRECTOR OR THE PIA COORDINATOR REASONABLY BELIEVES THAT IT WILL TAKE MORE THAN 10 WORKING DAYS TO PRODUCE THE PUBLIC RECORD, THE DIRECTOR OR THE PIA COORDINATOR SHALL INDICATE IN WRITING OR BY ELECTRONIC MAIL WITHIN 10 WORKING DAYS AFTER RECEIPT OF THE REQUEST:

- (A) THE AMOUNT OF TIME THAT THE DIRECTOR OR THE PIA COORDINATOR ANTICIPATES IT WILL TAKE TO PRODUCE THE PUBLIC RECORD;
- (B) AN ESTIMATE OF THE RANGE OF FEES THAT MAY BE CHARGED TO COMPLY WITH THE REQUEST FOR PUBLIC RECORDS; AND
- (C) THE REASON WHY IT WILL TAKE MORE THAN 10 WORKING DAYS TO PRODUCE THE RECORDS.

B. IF THE DIRECTOR OR THE PIA COORDINATOR DECIDES TO DENY A REQUEST FOR INSPECTION, THE DIRECTOR OR THE PIA COORDINATOR SHALL:

- (1) DENY THE REQUEST WITHIN 30 CALENDAR DAYS AFTER THE REQUEST; AND
- (2) IMMEDIATELY NOTIFY THE APPLICANT OF THE DENIAL.

C. IF A REQUEST IS DENIED, THE DIRECTOR OR THE PIA COORDINATOR SHALL PROVIDE THE APPLICANT, AT THE TIME OF THE DENIAL OR WITHIN 10 WORKING DAYS, A WRITTEN STATEMENT THAT GIVES:

(1) THE REASON FOR THE DENIAL, INCLUDING, FOR RECORDS DENIED UNDER § 4-343 OF THE GENERAL PROVISIONS ARTICLE, A BRIEF EXPLANATION OF:

- (A) WHY THE DENIAL IS NECESSARY; AND
- (B) WHY THE HARM FROM DISCLOSURE OF THE PUBLIC RECORD WOULD BE GREATER THAN THE PUBLIC INTEREST IN PROVIDING ACCESS TO THE INFORMATION IN THE PUBLIC RECORD SUCH THAT DISCLOSURE OF THE PUBLIC RECORD WOULD BE CONTRARY TO THE PUBLIC INTEREST.

(2) THE LEGAL AUTHORITY FOR THE DENIAL;

(3) WITHOUT DISCLOSING THE PROTECTED INFORMATION, A BRIEF DESCRIPTION OF THE UNDISCLOSED RECORDS THAT WILL ENABLE THE APPLICANT TO ASSESS THE APPLICABILITY OF THE LEGAL AUTHORITY FOR THE DENIAL; AND

(4) NOTICE OF THE REMEDIES AVAILABLE FOR REVIEW OF THE DENIAL.

D. IF A REQUESTED PUBLIC RECORD IS NOT IN THE CUSTODY OR CONTROL OF THE PERSON TO WHOM APPLICATION IS MADE, THAT PERSON SHALL, WITHIN 10 WORKING DAYS AFTER RECEIPT OF THE REQUEST, NOTIFY THE APPLICANT:

(1) THAT THE PERSON DOES NOT HAVE CUSTODY OR CONTROL OF THE REQUESTED PUBLIC RECORD; AND

(2) IF THE PERSON KNOWS:

- (A) THE NAME OF THE CUSTODIAN OF THE PUBLIC RECORD; AND

(B) THE LOCATION OR POSSIBLE LOCATION OF THE PUBLIC RECORD.

E. ANY TIME LIMIT IMPOSED BY THIS SECTION 2.62.090 MAY BE EXTENDED WITH THE CONSENT OF THE APPLICANT, FOR AN ADDITIONAL PERIOD OF UP TO 30 CALENDAR DAYS, OR AS OTHERWISE PERMITTED BY LAW.

F. TO PROTECT PUBLIC RECORDS AND TO PREVENT UNNECESSARY INTERFERENCE WITH OFFICIAL BUSINESS, EACH DIRECTOR, IN COORDINATION WITH THE PIA COORDINATOR, ~~SHALL~~MAY ADOPT REASONABLE RULES OR REGULATIONS THAT, SUBJECT TO THIS CHAPTER AND THE ACT, GOVERN TIMELY PRODUCTION AND INSPECTION OF PUBLIC RECORDS FROM EACH DEPARTMENT.

G. IN RESPONDING TO ANY REQUEST, THE APPLICABLE DIRECTOR OR PIA COORDINATOR SHALL TAKE INTO CONSIDERATION WHETHER THE REQUEST IS FROM A PERSON IN INTEREST AS REQUIRED BY THE ACT.

SECTION 2.62.100 NOTICE TO AND CONSIDERATION OF VIEWS OF PERSON POTENTIALLY AFFECTED BY DISCLOSURE.

A. UNLESS PROHIBITED BY LAW, THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR MAY PROVIDE NOTICE OF A REQUEST FOR INSPECTION OR COPYING OF ANY PUBLIC RECORD OF A DEPARTMENT TO ANY PERSON WHO, IN THE JUDGMENT OF THE DIRECTOR OR THE PIA COORDINATOR, COULD BE ADVERSELY AFFECTED BY DISCLOSURE OF THAT PUBLIC RECORD.

B. THE DIRECTOR OR THE PIA COORDINATOR MAY CONSIDER THE VIEWS OF THE POTENTIALLY AFFECTED PERSON BEFORE DECIDING WHETHER TO DISCLOSE THE PUBLIC RECORD TO AN APPLICANT.

SECTION 2.62.110 ELECTRONIC RECORDS.

A. EXCEPT AS PROVIDED IN SECTIONS 2.62.110.C AND D, THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR SHALL PROVIDE AN APPLICANT WITH A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT IF:

- (1) THE PUBLIC RECORD IS IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT;
- (2) THE APPLICANT REQUESTS A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT; AND
- (3) THE DIRECTOR OR THE PIA COORDINATOR IS ABLE TO PROVIDE A COPY OF THE PUBLIC RECORD, IN WHOLE OR IN PART, IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT THAT DOES NOT DISCLOSE INFORMATION THAT IS EXEMPT FROM DISCLOSURE UNDER THE ACT.

B. THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR SHALL PROVIDE A PORTION OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT IF:

- (1) REQUESTED BY THE APPLICANT, AND
- (2) THE DIRECTOR OR THE PIA COORDINATOR IS ABLE TO DO SO BY USING THE EXISTING FUNCTIONS OF THE DATABASE OR SOFTWARE PROGRAM THAT CONTAINS THE SEARCHABLE AND ANALYZABLE DATA.

C. NEITHER A DIRECTOR NOR THE PIA COORDINATOR IS REQUIRED TO:

- (1) CREATE OR RECONSTRUCT A PUBLIC RECORD IN AN ELECTRONIC FORMAT IF THE PUBLIC RECORD IS NOT AVAILABLE IN AN ELECTRONIC FORMAT; OR
- (2) RELEASE AN ELECTRONIC RECORD IN A FORMAT THAT WOULD JEOPARDIZE OR COMPROMISE THE SECURITY OR INTEGRITY OF THE ORIGINAL RECORD OR OF ANY PROPRIETARY SOFTWARE IN WHICH THE RECORD IS MAINTAINED.

D. THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR MAY REMOVE METADATA FROM AN ELECTRONIC DOCUMENT BEFORE PROVIDING THE ELECTRONIC RECORD TO AN APPLICANT BY:

- (1) USING A SOFTWARE PROGRAM OR FUNCTION; OR
- (2) CONVERTING THE ELECTRONIC RECORD INTO A DIFFERENT SEARCHABLE AND ANALYZABLE FORMAT.

SECTION 2.62.120 PUBLIC RECORD DESTROYED OR LOST.

IF THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR KNOWS THAT A REQUESTED PUBLIC RECORD OF A DEPARTMENT HAS BEEN DESTROYED OR LOST, THE DIRECTOR OR THE PIA COORDINATOR SHALL PROMPTLY:

- A. NOTIFY THE APPLICANT THAT THE PUBLIC RECORD IS NOT AVAILABLE; AND
- B. EXPLAIN THE REASONS WHY THE PUBLIC RECORD CANNOT BE PRODUCED.

SECTION 2.62.130 REVIEW OF DENIAL.

IF THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR DENIES A REQUEST TO INSPECT OR COPY A PUBLIC RECORD OF THE DEPARTMENT, THE APPLICANT MAY FILE AN ACTION FOR JUDICIAL ENFORCEMENT UNDER GENERAL PROVISIONS ARTICLE, § 4-362, ANNOTATED CODE OF MARYLAND, WITHOUT EXHAUSTING ANY ADMINISTRATIVE REMEDIES.

SECTION 2.62.140 DISCLOSURE AGAINST PUBLIC INTEREST.

A. DENIAL PENDING COURT ORDER.

- (1) IF, IN THE OPINION OF THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR, DISCLOSURE OF A PUBLIC RECORD OF A DEPARTMENT OTHERWISE SUBJECT TO DISCLOSURE UNDER THE ACT WOULD DO SUBSTANTIAL INJURY TO THE PUBLIC INTEREST, THE DIRECTOR OR THE PIA COORDINATOR MAY TEMPORARILY DENY THE REQUEST AND SEEK A COURT ORDER ALLOWING CONTINUED NONDISCLOSURE.
- (2) A TEMPORARY DENIAL SHALL BE IN WRITING.

B. CIRCUIT COURT REVIEW.

- (1) WITHIN 10 WORKING DAYS AFTER THE DENIAL, THE DIRECTOR OR THE PIA COORDINATOR

SHALL APPLY TO THE APPROPRIATE CIRCUIT COURT FOR AN ORDER PERMITTING CONTINUED DENIAL OR RESTRICTION OF ACCESS.

- (2) NOTICE OF THE DIRECTOR'S OR THE PIA COORDINATOR'S COMPLAINT SHALL BE SERVED ON THE APPLICANT IN THE MANNER PROVIDED FOR SERVICE OF PROCESS BY THE MARYLAND RULES.

SECTION 2.62.150 FEES.

A. THE FEES SCHEDULE FOR COPYING AND CERTIFYING COPIES OF PUBLIC RECORDS OF ANY DEPARTMENT WITHIN THAT DEPARTMENT SHALL BE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

B. IF A PERSON REQUESTS THAT A COPY OF A PUBLIC RECORD BE CERTIFIED AS A TRUE COPY, AN ADDITIONAL FEE OF \$1.00 PER PAGE (OR IF APPROPRIATE, PER ITEM) SHALL BE CHARGED, IN ADDITION TO THE FEE(S) ESTABLISHED BY SECTION 2.62.150.A.

C. NO CHARGE WILL BE MADE IF THE TOTAL FEE IS \$10.00 OR LESS.

D. NOTWITHSTANDING SECTION 2.62.150.A, IF THE FEE FOR COPIES OR CERTIFIED COPIES OF ANY PUBLIC RECORD OF A DEPARTMENT IS SPECIFICALLY SET BY A LAW OTHER THAN THE ACT OR THIS CHAPTER, THE DIRECTOR OR THE PIA COORDINATOR SHALL CHARGE THE PRESCRIBED FEE.

E. IF THE DIRECTOR OR THE PIA COORDINATOR CANNOT COPY A PUBLIC RECORD WITHIN THE DEPARTMENT, THE DIRECTOR OR THE PIA COORDINATOR SHALL MAKE ARRANGEMENTS FOR THE PROMPT REPRODUCTION OF THE RECORD AT PUBLIC OR PRIVATE FACILITIES OUTSIDE THE DEPARTMENT. THE DIRECTOR OR THE PIA COORDINATOR SHALL:

- (1) COLLECT FROM THE APPLICANT A FEE TO COVER THE ACTUAL COST OF REPRODUCTION, INCLUDING ACTUAL COSTS RELATED TO LEGALLY REQUIRED AND/OR PERMISSIBLE REDACTIONS; OR
- (2) DIRECT THE APPLICANT TO PAY THE COST OF REPRODUCTION AND/OR REDACTION DIRECTLY TO THE FACILITY MAKING THE COPY.

F. BEFORE COPYING A PUBLIC RECORD OF THE DEPARTMENT, THE DIRECTOR OR PIA COORDINATOR SHALL ESTIMATE THE COST OF REPRODUCTION, INCLUDING ACTUAL COSTS RELATED TO LEGALLY REQUIRED AND/OR PERMISSIBLE REDACTIONS, AND EITHER:

- (1) OBTAIN THE AGREEMENT OF THE APPLICANT TO PAY THE COST; OR
- (2) REQUIRE PREPAYMENT OF ALL OR A PORTION OF THE COST.

G. SEARCH AND PREPARATION FEE.

(1) EXCEPT AS PROVIDED IN SECTION 2.62.150.H, THE DIRECTOR OR THE PIA COORDINATOR MAY CHARGE A REASONABLE FEE FOR TIME THAT AN ELECTED OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OR THE PIA COORDINATOR SPENDS:

- (A) TO SEARCH FOR REQUESTED PUBLIC RECORDS;

- (B) REVIEW REQUESTED PUBLIC RECORDS FOR POTENTIAL DISCLOSURE; AND
 - (C) TO PREPARE PUBLIC RECORDS FOR INSPECTION AND COPYING, INCLUDING ANY TIME RELATED TO PERFORM LEGALLY REQUIRED AND/OR PERMISSIBLE REDACTIONS.
- (2) THE FEE PERMITTED UNDER SECTION 2.62.150.G.1 SHALL BE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

H. NEITHER THE DIRECTOR NOR THE PIA COORDINATOR MAY CHARGE A FEE UNDER SECTION 2.62.150.G FOR THE FIRST 2 HOURS SPENT SEARCHING FOR AND PREPARING A PUBLIC RECORD FOR INSPECTION.

I. WAIVER OR REDUCTION OF FEE.

- (1) THE DIRECTOR OR THE PIA COORDINATOR MAY WAIVE OR REDUCE ANY FEE SET UNDER THIS CHAPTER IF:
- (A) THE APPLICANT REQUESTS A WAIVER; AND
 - (B) (I) THE DIRECTOR OR THE PIA COORDINATOR DETERMINES THAT THE WAIVER OR REDUCTION IS IN THE PUBLIC INTEREST; OR
(II) THE APPLICANT IS INDIGENT AND FILES AN AFFIDAVIT VERIFYING THE FACTS THAT SUPPORT A CLAIM OF INDIGENCY.
- (2) IN DETERMINING WHETHER A FEE IS IN THE PUBLIC INTEREST, THE DIRECTOR OR THE PIA COORDINATOR SHALL CONSIDER, AMONG OTHER RELEVANT FACTORS, THE ABILITY OF THE APPLICANT TO PAY THE FEE.

J. IF THE APPLICANT REQUESTS THAT COPIES OF A PUBLIC RECORD BE MAILED OR DELIVERED TO THE APPLICANT OR TO A THIRD PARTY, THE DIRECTOR OR THE PIA COORDINATOR MAY CHARGE THE APPLICANT FOR THE COST OF POSTAGE OR DELIVERY.

SECTION 2.62.160 TIME AND PLACE OF INSPECTION.

A. AN APPLICANT MAY INSPECT ANY PUBLIC RECORD OF A DEPARTMENT THAT THE APPLICANT IS ENTITLED TO INSPECT DURING THE NORMAL WORKING HOURS OF THAT DEPARTMENT.

B. THE INSPECTION SHALL OCCUR WHERE THE PUBLIC RECORD IS LOCATED, UNLESS THE APPLICABLE DIRECTOR OR THE PIA COORDINATOR, AFTER TAKING INTO ACCOUNT THE APPLICANT'S EXPRESSED WISH, DETERMINES THAT ANOTHER PLACE IS MORE SUITABLE AND CONVENIENT.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect on July 1, 2019 from the date of its passage.

Explanation:

UPPERCASE indicates matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments.