

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. CHARGES FOR ENGINEERING FEES.
2. PUBLIC RECORDS POLICY.

**CHAPTER 1**

**CHARGES FOR ENGINEERING FEES**

**SECTION**

- 20-101. Oversight and project site inspection charges.
- 20-102. Fee schedule.
- 20-103. Violations and penalties
- 20-104. Purpose.
- 20-105. Conflict of interest

**20-101. Oversight and project site inspection charges.** (1) All owners, developers and/or applicants, individually or by their authorized agents, employees or servants, seeking municipal approval for any proposed development/improvement of land by subdivision, planned unit developments, site plans, landscape plans, special exceptions and/or variances approved by the board of zoning appeals, use changes, sketch plans, preliminary plats, final plats, construction plans, grading plans, wastewater treatment facility plans, and all matters which require established sums for performance bonding, dedication of easements, and facilities/structures associated with the foregoing, shall be responsible for any and all reimbursement of charges to the Town of Pegram, Tennessee for all actual review charges levied, including but not limited to engineering review, engineering oversight and project site inspection charges/fees assessed by the town engineer, his agent, employee or appointed designee, by the town attorney, and/or by any other designated consultant rendering services ancillary to the foregoing for and on behalf of the municipality, wherein said charges/fees are incurred by the said town by virtue of and as relates to the foregoing.

(2) All actual charges to be reimbursed to the municipality shall be paid within fifteen (15) days from the date of billing by the municipality. In the event said reimbursement charges are not paid timely, any permit issued or approval before given shall become void and default may be declared upon any performance bonding posted with the town. (Ord. #1999-7, July 1999, as replaced by Ord. #2004-17, Jan. 2005)

**20-102. Fee schedule.** In addition to the actual charges incurred and notwithstanding all of the foregoing, certain charges shall be due and paid at the time application is made to the Town of Pegram or its municipal planning commission as a base minimum, all of which shall be set forth and adopted by resolution by the board of mayor and aldermen. Not until payment in full of the applicable fee(s) is made to the town, in the sums set forth according to the said fee schedule, shall any permit issue or application be considered by the planning commission. Said fee schedule shall set any and all exemption payments of fees and shall be revised from time to time, as is necessary, by further resolution passed by the board of mayor and aldermen. (as added by Ord. #2004-17, Jan. 2005)

**20-103. Violations and penalties.** (1) Whenever a permit is required and work has started or proceeded prior to obtaining the required permit(s), the fees set forth in the fee schedule shall double and a stop work order shall issue.

(2) Failure to comply with a stop work order shall result in a finding of guilt rendered by the town court with a punishment to include but not be limited to a fine of not more than fifty dollars (\$50.00) per offense. Each day that a violation continues shall be considered a separate offense and an additional violation. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine.

(3) The building inspector shall be the person authorized to issue all permits and is hereby authorized to issue any necessary stop work orders for the failure to secure a proper permit and/or for failure to pay the proper fee(s). (as added by Ord. #2004-17, Jan. 2005)

**20-104. Purpose.** This chapter is not deemed to be a tax, but instead is intended to offset actual incurred expenses of the municipality for an owner, developer and/or applicant seeking development of land and improvement of lands within the municipality. (as added by Ord. #2004-17, Jan. 2005)

**20-105. Conflict of interest.** It is and shall constitute a conflict of interest for the town engineer and/or town attorney to perform any service on behalf of an owner, developer and/or applicant as described herein, and all services performed by the town engineer and/or town attorney as relates to the foregoing chapters shall be deemed rendered solely for and on behalf of the Town of Pegram. (as added by Ord. #2004-17, Jan. 2005)

## CHAPTER 2

### PUBLIC RECORDS POLICY

#### SECTION

20-201. Definitions.

20-202. Requesting access to public records.

20-203. Responding to public records requests.

20-204. Inspection of records.

20-205. Copies of records.

20-206. Fees and charges and procedures for billing and payment.

**20-201. Definitions.** (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tennessee Code Annotated, § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tennessee Code Annotated, § 10-7-503(a)(1)(A).

(3) "Public records request coordinator." The individual, or individuals, designated in § 20-203(1)(c) of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tennessee Code Annotated, § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian. For the Town of Pegram, the public records request coordinator shall be the city recorder.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (as added by Ord. #2017-116, May 2017 *Ch3\_12-05-22*)

**20-202. Requesting access to public records.** (1) Public record requests shall be made to the public records request coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing [or email] address from the request or for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing<sup>1</sup> at Pegram City Hall, 308 Hwy 70 East, Pegram, TN 37143 or by phone at 615-646-0773, or by email to recorder@pegram.net.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing<sup>2</sup> either in person or through mail to Pegram City Hall, 308 Hwy 70 East, Pegram, TN 37143, or by email to recorder@pegram.net.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records. (as added by Ord. #2017-116, May 2017 *Ch3\_12-05-22*)

**20-203. Responding to Public records requests.** (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the Town is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

(A) The requestor is not, or has not presented evidence of being a Tennessee citizen.

(B) The request lacks specificity.

(C) An exemption makes the record not subject to disclosure under the TPRA.

(D) The town is not the custodian of the requested records.

(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

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<sup>1,2</sup>A copy of the Public Records Request Response Form may be found in the recorder's office.

(iv) Forward the records request to the appropriate records custodian in the Town of Pegram.

(c) The designated PRRC(s) is(are):

(i) Name or title: city recorder.

(ii) Contact information: 308 Hwy 70 East, Pegram, TN 37143, 615-646-0773 or recorder@pegam.net.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the request or a completed public records request response form.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-203(1)(b)(ii) and may use the public records request response form.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(3) Redaction. (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (as added by Ord. #2017-116, May 2017 *Ch3\_12-05-22*)

**20-204. Inspection of records.** (1) There shall be no charge for inspection of public records.

(2) The location for inspection of records within the offices of the Town of Pegram shall be determined by either the PRRC or the records custodian.

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection. (as added by Ord. #2017-116, May 2017 *Ch3\_12-05-22*)

**20-205. Copies of records.** (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at Pegram City Hall.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. Under no circumstances will a requestor-provided external storage device or other device be allowed to connect to city hardware or software. (as added by Ord. #2017-116, May 2017 *Ch3\_12-05-22*)

**20-206. Fees and charges and procedures for billing and payment.** Fees and charges for copies of public records should not be used to hinder access to public records.

(1) Records custodians shall provide requestors with an itemized estimate of the charges in writing prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(2) When fees for copies and labor do not exceed two dollars (\$2.00), the fees may be waived. Requests for waivers for fees above two dollars (\$2.00) must be presented to the city recorder, who is authorized to determine if such waiver is in the best interest of the Town of Pegram and for the public good. Fees associated with aggregated records requests will not be waived.

(3) Fees and charges for copies are as follows:

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents (\$0.50) per page for letter- and legal-size color copies.

(c) Labor when time exceeds one (1) hour.

(d) If an outside vendor is used, the actual costs assessed by the vendor.

(4) No duplication costs will be charged for requests for less than ten (10) pages.

(5) Payment is to be made in cash, personal check, cashier's check or money order payable to the Town of Pegram and presented to the records custodian.

(6) Payment in advance will be required when costs are estimated to exceed twenty dollars (\$20.00).

(7) Aggregation of frequent and multiple requests. (a) The Town of Pegasus will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) Method of aggregating:

(i) Records requests will be aggregated at the city level.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to, agendas and approved meeting minutes. (as added by Ord. #2017-116, May 2017 *Ch3\_12-05-22*)