

Chapter 7

ENHANCED ACCESS TO PUBLIC RECORDS

Sec. 7-1. Purpose. The purpose of this chapter is to establish a policy for enhanced access to public records in accordance with Act 462 of 1996 of the Public Acts of the State of Michigan.

Sec. 7-2. Definitions. The following definitions shall apply to this chapter.

- a. “Enhanced access” means a public record’s immediate availability for public inspection, purchase, or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.
- b. “Geographic information system (GIS)” means an informational unit or network capable of producing customized maps based on a digital representation of geographical data.
- c. “Operating expenses” includes, but is not limited to, the City’s direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, system development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.
- d. “Person” means that term as defined in section 2 of the Freedom of Information Act, 1976 PA 442, MCL 15.232.
- e. “Public record” means that term as defined in section 2 of the Freedom of Information Act, 1976 PA 442, MCL 15.232.
- f. “Reasonable fee” means a charge calculated to enable the City to recover over time only those expenses directly related to the City’s provision of enhanced access.
- g. “Software” means a set of statements or instructions that when incorporated in a machine-usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result.
- h. “Third party” means a person who requests access to a geographical information system or output from a geographical information system. However, a third party does not include a person for whom a fee authorized under this ordinance is waived in accordance with an intergovernmental agreement described in Section 7-3.

Sec. 7-3. Policy. The City Manager may provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure. Subject to Section 7-4, a fee shall be charged in accordance with Section 21-160 for providing enhanced access and for providing access to either the City’s geographic information system or the output from

the City's geographic information system. Notwithstanding the foregoing, the City Manager may provide another public body, without charging a fee to that public body, if the access to or output from the geographic information system is provided in accordance with a written agreement that contains all of the following:

- a. A statement specifying that the public body receiving access to or output from the geographic information system without charge is prohibited from providing access to the geographic information system output to a third party unless that public body does both of the following:
 - i. Collects from the third party a fee described in Section 21-160, or waives that fee in accordance with the written terms of the intergovernmental agreement.
 - ii. Conveys to the City that portion of any fee collected that is attributable to the operating expenses of the City from the geographic information system to the third party.
- b. A statement specifying the public purpose for which access to or output from the City's geographic information system is being provided.
- c. A statement specifying the portion of any fee collected under Section 21-160 and collected from a third party that the receiving public body shall convey to the City.

Sec. 7-4. Charges related to a public body for enhanced access. A public body that receives access to or output from the City's geographic information system under an intergovernmental agreement described in Section 7-3 may collect from a third party to whom it provides access to the output from the City's geographic information system a reasonable fee that includes both of the following:

- a. An amount that enables the City to recover over time its operating expenses directly related to providing access to or output from its system to a third party.
- b. An amount that enables the receiving public body to recover over time its operating expenses directly related to providing to a third party access to or output from its system.

(Ord. No. 1667, § 1, 11-10-08)

* **Editors Note:** Ord. No. 1512, § 9, adopted July 23, 2001, repealed ch. 7, art. I--IV, in its entirety. Formerly, ch. 7 pertained to the electrical code and derived from Ord. No. 921, § 2, adopted November 7, 1977; Ord. No. 998, § 1, adopted May 11, 1981; Ord. No. 1262, §§ 1, 2, adopted April 26, 1993; Ord. No. 1469, § 1, adopted March 20, 2000.
