

**ORDINANCE NO. 12-2026**

**AN ORDINANCE AMENDING THE PUBLIC RECORDS POLICY FOR THE VILLAGE OF LOUDONVILLE, OHIO AND AMENDING SECTION 253.09 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LOUDONVILLE, OHIO REGARDING PUBLIC RECORDS POLICY**

**WHEREAS**, the Council of the Village of Loudonville believes it to be in the best interests of the Village to have the Village Public Record Policy reflect all recent changes to the Ohio Revised Code relative to the same; and

**WHEREAS**, the Village continues to see an increase in public records requests, including requests for body cam video of Village law enforcement officials; and

**WHEREAS**, Section 149.43 of the Ohio Revised Code was amended in 2025 to allow for recoupment of actual costs in producing said law enforcement videos, subject to certain limitations; and

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LOUDONVILLE, STATE OF OHIO:**

**SECTION 1.** The Village of Loudonville, Ohio Public Records Policy is hereby amended and replaced to now read as set forth on Exhibit A, attached hereto and made part hereof by reference.

**SECTION 2.** That Section 253.09 of the Codified Ordinances of the Village of Loudonville is hereby amended and replaced to now read as follows:

“The Village of Loudonville Public Records Policy attached to Ordinance 12-2026 and made part hereof as Exhibit A is hereby adopted as the policy for handling and distribution of public records in the Village and shall be distributed to all offices of the Village holding public records and shall be posted conspicuously in said offices and shall be included in the Village Personnel Manual.”

**SECTION 3.** That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Date: \_\_\_\_\_

\_\_\_\_\_  
Cathy Lance, Mayor

Attest:

Approved:

\_\_\_\_\_  
Jenny Wade, Fiscal Officer

\_\_\_\_\_  
Thomas R. Gilman, Village Solicitor

## **EXHIBIT A**

### VILLAGE OF LOUDONVILLE, OHIO PUBLIC RECORDS POLICY

#### **Introduction:**

This Public Records Policy is adopted by the Village of Loudonville as required by Revised Code Section 149.43.

#### **Section 1. Public Records Custodian.**

All requests for public records must be directed to the authorized Public Records Custodians of the Village of Loudonville. Requests made in person must be done during regular business hours, defined herein as 8:30 a.m. to 4:00 p.m. weekdays, excluding Saturdays, Sundays, and holidays. All public record requests made in person shall adhere to this requirement even if the public office, e.g. the division of police, is operated on a twenty-four (24) hour basis.

The Public Records Custodians shall be those persons designated by the Mayor who are authorized to respond to or to fulfill any public records request in the various offices of the Village. Any public records request made to any other employee, officer or representative of the Village shall not be considered as a properly made request, and the request will be directed to the proper Public Records Custodian. The Mayor may designate Acting Public Records Custodians to serve in the absence of the Public Records Custodians.

#### **Section 1.1**

The Public Records Custodian shall attend training approved by the Ohio Attorney General as provided in O.R.C. 109.43.

#### **Section 2. Public records**

For the purposes of this Policy, the terms "records" and "public records" shall have the meanings set forth in Ohio Revised Code Chapter 149, as amended from time to time, and the decisions and opinions of the courts and Attorney General of the State of Ohio.

#### **Section 2.1**

The records of the Village will be organized and maintained so that they are readily available for inspection and copying. The Village's record retention schedule may be amended from time to time at the discretion of the Records Commission.

### **Section 3. Public Record Requests**

Each request for public records should be evaluated for a response using the following guidelines:

#### **Section 3.1**

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. The Public Records Custodian may deny a request if the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Public Records Custodian cannot reasonably identify what public records are being requested. However, in such cases, the Public Records Custodian will provide the requester with information pertaining to the manner in which public records are retained and accessed in the ordinary course of business so that the requester may revise the request if so desired.

#### **Section 3.2**

A public record request may be made in writing or verbally, and the identity of the requester and/or the intended use of the information or documents requested need not be disclosed. However, the Public Records Custodian may ask that the request for public records be in writing, may ask for the requester's identity, and/or may inquire about the intended use of information or documents if such inquiry would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate, or deliver the public records sought and if the Public Records Custodian informs the requester that a written request, disclosure of identity and/or intended use is not mandatory.

#### **Section 3.3**

Public records will be made available for inspection only during regular business hours as defined in Section 1, above. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested. Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise delivered to the requester.

### **Section 3.3a Request to review public records.**

The requester may make a request to view public records to the Public Records Custodian, who shall prepare the public records for inspection "promptly," as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as location of the records, the volume of records being requested or need for legal review).

### **Section 3.3b Copies of public records.**

The requester may make a request to have copies of public records made to the Public Records Custodian. If copies are requested, the requester may choose to have the record duplicated upon paper, upon the same medium in which the record is kept by the Village, or upon any other medium if the Village can reasonably duplicate it as an integral part of its normal operations.

Copies made on paper are 5¢ (five cents) per page. There shall be no charge if the number of copies is 10 or fewer. All copy charges must be paid in advance before copies are made. If the Public Records Custodian uses an outside copying service to make the copies (see the following paragraph), the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than paper will be "at cost," without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian's discretion. Under no circumstances will the requester be permitted to make the copies. The manner of making the copies is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by "reducing" copy size or otherwise, may be met at the discretion of the Public Records Custodian.

Copies will be made available by the Public Records Custodian "within a reasonable time," as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records and the volume of records requested.

### **Section 3.3c Transmitting copies of public records**

A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records (FedEx, UPS, fax, e-mail). (For example, public records that are only available in paper form will not be scanned and sent by e-mail, but can be sent by fax.) The cost of transmitting must be paid by the requester before the public records will be transmitted.

Copies will be transmitted to the requester by the Public Records Custodian "within a reasonable time," as required by the Ohio Revised Code. The time for compliance will depend upon the availability of the records and the volume of records requested.

### **Section 3.3d Cost of copies or means of transmitting copies**

Charges for copies or for transmission of copies (U.S. Mail, FedEx, UPS, etc.) can be paid for in cash, or by check/money order/certified check, made payable to Clerk, Village of Loudonville. If payment is made by check, copies will not be made until the check has cleared and been paid by the requester's bank. All charges must be paid in their entirety, in advance. A requester may pay an amount that the Public Records Custodian estimates to cover the cost of copies or means of transmission. If that amount is determined to be insufficient, the copies will not be made or transmitted until the entire amount due is paid. If the amount was in excess of the cost of the copies or means of transmission, the excess will be repaid to the requester.

### **Section 3.3e Copies of Video Records from Law Enforcement**

Notwithstanding any other requirements set forth in either the Village's Public Records Policy or in Chapter 149 of the Ohio Revised Code, the Public Records Custodian may charge a requester the actual cost associated with preparing a law enforcement video record for inspection or production, not to exceed seventy-five dollars (\$75.00) per hour of video produced, nor seven hundred fifty dollars (\$750.00) total.

The statutory term " video record," for the purposes of this policy, means a video from one source for one start and stop recording (essentially the beginning and end of a distinct incident). For example, three officers responding to an incident will each have "a video record" of that incident from each of their respective body cameras. This will result in an actual cost charge for each video record - in this example, three video records.

As used in this section, "actual cost," with respect to law enforcement video records only, means all costs incurred by the Public Records Custodian in reviewing, blurring or

otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request.

The Public Records Custodian may require that the requester pay the estimated actual cost before beginning the process of preparing a video record for inspection or production. The Public Records Custodian's obligation to produce a video or make it available for inspection begins once the estimated actual cost is paid in full by the requester. The Public Records Custodian shall provide the requester with the estimated actual cost within five (5) business days of receipt of the public records request. If the actual cost exceeds the estimated actual cost, then the Public Records Custodian may charge a requester for the difference upon fulfilling a request for video records if the requester is notified in advance that the actual cost may be up to twenty percent (20%) higher than the estimated actual cost. The Public Records Custodian will not charge a requester a difference that exceeds twenty percent (20%) of the estimated actual cost.

No fee shall be charged to a victim who requests to inspect or requests a copy of a law enforcement video as set forth in Ohio Revised Code 149.43(B)(10).

#### **Section 4. Denial of Public Record Request**

Any denial of public records requested, in part or in whole, must include an explanation, including legal authority for the denial. If the records request was in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. Because a redaction is deemed a denial under the Ohio Revised Code, each redaction must be accompanied by a supporting explanation, including legal authority.

#### **Section 5. Records and Information Exempt from Disclosure**

Some records or information maintained by the Village are not "public records" but are protected, confidential records under Ohio and/or Federal law. Examples of protected, confidential records, include, without limitation: infrastructure records, security records, medical records, records pertaining to adoption, probation, and parole proceedings, records pertaining to actions and appeals under R.C. 2151.85 (juveniles seeking abortions), trial preparation records, records and communications protected by R.C. 2317.02(A) (records and communications by and between the Village and its attorneys), confidential law enforcement investigatory records, records containing information that is confidential under R.C. 4112.05 (Civil Rights Commission), DNA records per R.C. 109.573, and records the release of which is prohibited by state or federal law.

In no event will records and communications by and between and the Village and its attorneys be released, unless the Village consents to their release.

**Section 6. Compliance with Ohio Revised Code requirements**

With any public record request, the Village and the Public Records Custodian reserve the right to consult with legal counsel prior to the release of such public records. This is to allow the Village the opportunity to comply with the laws prohibiting the release of certain records and permitting the denial of release of certain records.

**Section 7. This policy shall be placed in the Village Personnel Manual.**