

ORDINANCE NO. 2025- 7

**AN ORDINANCE CONCERNING PUBLIC RECORDS REQUESTS FOR THE
TOWN OF WESTPORT, INDIANA**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Town Council of the Town of Westport, Indiana (“Town”) to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, Indiana Code 5-14-3-3 governs public records, with the intention of promoting transparent government and an informed citizenry; and

WHEREAS, the Town of Westport is committed to maintaining open and transparent government while ensuring that public resources are used efficiently and not unduly burdened by requests for records; and

WHEREAS, some businesses may use public records access for purely commercial purposes that may result in undue use of Town resources to collect and provide the information; and

WHEREAS, IC 5-14-3-3(e) allows a political subdivision to enact an ordinance prescribing the conditions under which a person who receives electronic information may or may not use the information for commercial purposes; and

WHEREAS, the Town Council also recognizes the need to ensure requests are reasonable in scope and time frame, and that requests covering an excessive time period may be deemed unduly burdensome under the Indiana Access to Public Records Act (APRA);

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTPORT, INDIANA:

SECTION 1. Commercial Use Restriction

Pursuant to IC 5-14-3-3(e), any person who receives information in an electronic format from the Town of Westport in response to a public records request may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or to sell, loan, give away, or otherwise deliver the information obtained to any other person for these purposes. Any person or entity who uses any information provided by the Town for a commercial purpose, as defined herein, shall not be provided any such data for a period of up to ten (10) years.

SECTION 2. Definition of Commercial Purpose

For purposes of this ordinance, “commercial purpose” means the use of public records for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, or services, or for any profit-oriented activity not specifically exempted by law.

SECTION 3. Non-Commercial Exceptions

Use of information received in connection with the preparation or publication of news for nonprofit activities, or for academic or scholarly research, is not prohibited.

SECTION 4. Excessive Time Frame Requests

A request for records that is excessively broad in scope or time period may be deemed unduly burdensome under APRA. The Town may require the requester to narrow such requests to align with applicable statutory standards, court decisions, or Public Access Counselor guidance regarding reasonable particularity.

SECTION 5. Copying Fees

Requests for non-color paper copies will cost \$0.10 per page and \$0.25 per page for color copies. The Town may also charge the actual costs of producing electronic records in a non-standard format requiring special programming or staff time.

SECTION 6. Electronic Copies

Documents that already exist in an electronic format will be emailed upon request without charge. Requests for electronic copies of documents that do not already exist in electronic format will be charged at the same rate as paper copies, plus any actual costs incurred as set forth in Section 5.

SECTION 7. Repeal of Conflicting Ordinances

All ordinances, resolutions, or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 8. Effective Date

This Ordinance shall be in full force and effect upon its passage, approval by the Town Council, and publication as required by law.

ADOPTED AND PASSED by the Town Council of the Town of Westport,
Indiana, this 8th day of September, 2025.

AYES

NAYS

Bryan Steward

Alan D. Black

Russell Wade

[Signature]

Dobies Honeycutt

Presented to me by the Town Council of Westport, Indiana on this 8th day of
September, 2025.

[Signature]
Clerk-Treasurer

