

**CITY OF FORT MITCHELL
KENTON COUNTY, KENTUCKY
ORDINANCE 2026-03**

**AN ORDINANCE REPEALING THE CITY OF FORT MITCHELL'S CODE OF
ORDINANCES CHAPTER 34: PUBLIC RECORDS, AND ADOPTING A NEW CODE
OF ORDINANCES CHAPTER 34**

WHEREAS, the City of Fort Mitchell desires to update its Code of Ordinances in order to comply with changes to Kentucky's Open Records Act (KRS 61.870 to KRS 61.884) and recent Attorney General Opinions interpreting the same; and

WHEREAS, the City of Fort Mitchell desires to amend its current Code of Ordinances Chapter 34; and

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FORT MITCHELL,
COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

SECTION I

Chapter 34 of the City of Fort Mitchell Code of Ordinances shall be repealed in its entirety, and replaced as follows:

CHAPTER 34: PUBLIC RECORDS

Section 34.01 Purpose and Authority

Section 34.02 Adoption of Policies and Procedures

Section 34.03 Interpretation and Administration

Section 34.04 Fees and Costs

§ 34.01 PURPOSE AND AUTHORITY

This Chapter is enacted to ensure the City's compliance with the Kentucky Open Records Act, and to promote transparency while allowing for the efficient operation of City government. This Chapter authorizes the Mayor and City Administration to create and implement policies and procedures governing the receipt, processing, and response to Open Records Requests in a manner consistent with applicable law.

§ 34.02 ADOPTION OF POLICIES AND PROCEDURES

The Mayor, or the Mayor's designee, is hereby directed and authorized to develop, adopt, and implement written policies and procedures governing the City's response to requests for public records. Such policies and procedures shall be consistent with the requirements of the Kentucky Open Records Act, and shall reflect and incorporate, where appropriate, relevant judicial

interpretations and opinions of the Kentucky Office of the Attorney General. The policies shall further establish uniform processes for the receipt, tracking, and timely response to requests, designate the official custodian of records and any authorized designees, and provide guidance for the protection of exempt or confidential information as permitted by law.

§ 34.03 INTERPRETATION AND ADMINISTRATION

The policies and procedures adopted pursuant to this Chapter shall be interpreted and applied in a manner consistent with the express provisions of the Kentucky Open Records Act, applicable Kentucky case law, and advisory opinions issued by the Kentucky Office of the Attorney General. In the event of any conflict between such policies and applicable law or authority, state law shall control. In carrying out the interpretation and administration of such policies, the Mayor, records custodian, and any designated personnel may consult with the City Attorney, as necessary, to ensure legal compliance and appropriate application of exemptions and procedural requirements.

§ 34.04 FEES AND COSTS

The City may assess reasonable fees for the production of public records to the extent permitted by the Kentucky Open Records Act. Policies adopted pursuant to this Chapter may establish a schedule of fees for copies of public records, including paper and electronic formats, and may provide for the recovery of the actual costs of reproduction, including media and mechanical processing. Such policies may also require prepayment of estimated fees where permitted by law and may allow for the waiver or reduction of fees when deemed appropriate and consistent with the public interest. All fees assessed shall be reasonable and shall not exceed those authorized by Kentucky law.

SECTION II

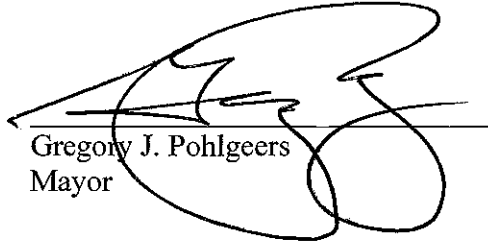
All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

SECTION III

The Provisions of this Ordinance are severable and the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

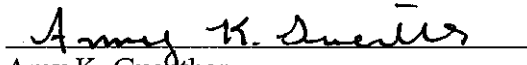
SECTION IV

This Ordinance shall be in full force and effect from and after its passage and publication according to law and said publication may be in summary form.



Gregory J. Pohlgeers
Mayor

ATTEST:



Amy K. Guehther
City Clerk/Treasurer

FIRST READING: 5/4/2026

SECOND READING: 6/1/2026

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