

ORDINANCE NO. 2227

**ORDINANCE AMENDING THE NORTHPORT MUNICIPAL CODE PERTAINING TO FEES
FOR PUBLIC IMPROVEMENT, ASSESSMENTS, AND PROPERTY INFORMATION
LETTERS**

WHEREAS, the City frequently receives requests for information as part of real estate closings to determine if there are any municipal assessments against a particular property; and

WHEREAS, since 1990 fees for public improvement searches and certificates were set at \$5.00 for each separate tract of land to be reported on; and

WHEREAS, said fees need to be updated and may be modified by the City Administrator to reflect actual costs and time utilized by the City in responding to these requests; and

WHEREAS, these requests will be processed through CitizenServe which will allow the requesters to select options of what they are requesting for each property and the costs will be cumulative; and

WHEREAS, said amendment was recommended by the Finance Committee on June 17, 2024.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Northport, Alabama, as follows:

1. The City hereby amends Chapter 66, Article I, Sec. 66-1 of the Northport Municipal Code, as set forth in Exhibit "A" which is attached hereto and incorporated by reference as if fully set out verbatim and hereby repeals the existing Section 66-1.
2. The City hereby amends Chapter 2, Article II, Sec. 2-42 of the Northport Municipal Code by adding a cross-reference footnote, as set forth in Exhibit "B" which is attached hereto and incorporated by referenced as if fully set out verbatim.
3. This Ordinance shall become effective immediately upon passage and publication.

ORDAINED AND DONE this 15th day of July, 2024.

CITY COUNCIL OF THE CITY OF NORTHPORT

ATTEST:

BY: _____
Christy Bobo, Its President

Glenda Webb, City Administrator-Clerk

APPROVED this 15th day of July, 2024

Dr. John Hinton, Mayor

I hereby certify that the above and foregoing Ordinance was published on July 24, 2024, in the Northport Gazette, a newspaper of general circulation published in the City of Northport.

1st Reading: July 1, 2024

Glenda Webb, City Administrator-Clerk

Motion: Wiggins

2nd Reading: July 15, 2024

Motion By: Dykes

Second By: Washington

Publication: July 24, 2024

EXHIBIT “A”

Chapter 66, Article I, Sec. 66-1 - Fees for Public Improvement, Assessments & Property Information Letter

Type of Letter	Fee (per parcel)	Associated Services and Information
Assessment Letter	\$35.00	Review for municipal assessments against property.
Zoning Verification Letter	\$35.00	Confirm zoning of parcel.
Certificate of Occupancy Letter	\$35.00	Provide most recent certificate of occupancy.
Property Information Letter	\$50.00 (Electronic Copy) Plus Copy Costs (if no electronic copy is available)	As-built plans, or survey, if any are on record with the City.
Additional Information	Per request	Availability and fees for any additional information will be determined on a case-by-case basis. The City will not verify any environmental related requests or environmental suitability, including floodplain information. The City will not review, verify, or search County or probate records.

These amounts may be modified by the City Administrator in the future to reflect actual costs and time utilized by the City in responding to these requests.

This fee schedule is only available if it is related to real estate closings.

EXHIBIT “B”

Sec. 2-42. Policy regarding availability of public records.

- (a) *Recognition of public's right.* The city recognizes and supports the public's right to inspect and make copies of public records in accordance with Alabama law and to that end it will make public records available for public inspection and copying on a reasonable basis subject to the policies established herein.
- (b) *Request.* Municipal records fall into different categories, most of which are available to the public and some of which cannot be made available to the public. Ordinances, resolutions, the City Code, deeds, easements, permits, contracts, budgets, etc., are, as a general rule, available to the public for inspection and copying. All requests to review and/or inspect public records must be made in writing on the form provided by the city. A photo ID of the person requesting the documents shall be provided to verify the identity of the person making the request.
- (c) *Response.* If a citizen is requesting a record that is not exempt which they can reference with particularity, then the record shall be made available for inspection or copying in accordance with this policy.
- (d) *Costs.* The first hour of city staff time responding to a request is free for any individual resident of Tuscaloosa County; there shall be a charge for any employee time after the first free hour, if applicable, at the employee's hourly cost to the city. Request cannot be split to avoid charges. Time will be charged for researching and locating the requested documents. This charge shall also include the time of an employee being present while the document or documents are being inspected by the requesting party to ensure that all documents and records are properly preserved.

In the event the person requests copies of public documents, there will be no copying charge for the first ten pages for any Tuscaloosa County resident and a \$.25 charge for each page thereafter for eight and one-half by 14 inches. Actual cost will be charged for other sized documents.

The one hour of free staff time and ten free copies shall be available to the same individual making multiple requests one time each calendar year.

The city may waive these costs if the request is not voluminous or time consuming and is made by a bonafide member of the press or media.

The city shall provide all elected officials and all announced candidates for an elected position on the city council or mayor up to ten copies of district and or city maps at no cost.

- (e) *Payment.* All personnel and copying charges must be paid to the city prior to the release of the documents by the city. The city may require the payment of an estimate in advance if the request is anticipated to take a substantial amount of employee time or the copying of large amounts of documents. Any excess in payment will be returned to the requestor by the city.
- (f) *Unlawful to remove documents.* It shall be unlawful for any person to remove original city documents from a city building or otherwise deface, alter, or destroy any original city documents. Such action is a crime and is punishable by a fine of up to \$500.00 per page and/or up to six months in jail for each offence as well as otherwise provided by state law.
- (g) *Procedure for making requests.* All requests to inspect public records of the city or for copies of public records of the city shall be made in writing on the form provided by the city for this purpose. the request shall be mailed to the city administrator/clerk or hand delivered to the front desk of city hall. The envelope shall prominently be marked as a "PUBLIC RECORDS REQUEST."

The form provided by the city shall be completed in full by the person making this request. The person making each request shall fully identify the person making the request or the person or entity on whose behalf the request is being made. The requesting party shall attach a photo ID to the request to ensure that the records requested are provided to and paid for by the requesting party.

The response by the city shall not interfere with the normal operation of the city or the normal job duties of city employees.

Written requests for public records. All requests shall be presented to the front desk at city hall clearly marked "PUBLIC RECORDS REQUEST." A response to the request shall be made by the city administrator/clerk, the records custodian of all city records, or by the city attorney.

- (h) *Exceptions.* Certain other records, such as law enforcement investigative reports or prosecution information, certain information in litigation files, certain information in personnel records, communications with city attorneys, records the disclosure of which would be detrimental to the public interest, safety or welfare, working papers or drafts of documents, information relating to taxes paid by a particular business, records not subject to disclosure or copying by law or by licensing agreement shall be exempt. Such records and information restricted by federal or state law which restricts or prohibits its dissemination to the public and such records or information restricted by the United States and Alabama Departments of Homeland Security. Pursuant to Code of Ala. 1975, § 36-12-40, records concerning security plans, procedures, assessments, measures, or systems, and any other records relating to, or having an impact upon, the security or safety of persons, structures, facilities, or other infrastructures, including without limitation information concerning critical infrastructure (as defined at 42 U.S.C. § 5195c(e) as amended) and critical energy infrastructure information (as defined at 18 C.F.R. § 388.113(c)(1) as amended, public works projects exempted by Code of Ala. 1975, § 39-2-2(g), the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare, and records the disclosure of which would otherwise be detrimental to the best interests of the public shall be exempted and may not be available for public inspection, release or copying. Any public officer who receives a request for records that may appear to relate to critical infrastructure or critical energy infrastructure information, shall notify the owner of such infrastructure in writing of the request and provide the owner an opportunity to comment on the request and on the threats to public safety or welfare that could reasonably be expected from public disclosure on the records. This policy does not apply to making records available to parties with whom the city has a contractual, professional or similar relationship or where the release of records is to the benefit of the city.

In addition, all documents protected by the attorney client privilege, the attorney work product doctrine, documents determined by federal law, state law, court opinions, opinions of the State of Alabama Attorney General's Office or the disclosure of which will result in undue harm to the public interest or where the public interest will be unduly affected where balanced with the reason provided for the making of the request shall also be exempt.

Note(s)—Records request form may be obtained on the city's website at www.cityofnorthport.org .

Note(s) – Fees for Assessment and property information related to real estate closings can be found in Chapter 66, Article I Sec. 66-1.

(Ord. No. 1897 , Exh. A, 4-4-16; Ord. No. 2060 , § 1(Exh. A), 12-14-20)