



City of Nicholasville, Kentucky  
517 North Main Street  
Nicholasville, KY 40356  
Telephone: 859.885.1121

Email: [openrecords@nicholasville.org](mailto:openrecords@nicholasville.org)  
Police: [OpenRecords-Police@nicholasville.org](mailto:OpenRecords-Police@nicholasville.org)  
Fire: [firereports@nicholasville.org](mailto:firereports@nicholasville.org)

### Request to Inspect Public Records

Pursuant to the Kentucky Open Records Act (“the Act”), KRS 61.870 et seq., the undersigned requested to inspect the public records which are described below.

**Requester’s contact information.**

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Email Address (if applicable): \_\_\_\_\_

Records to be inspected: I would like to receive the requested records by  Email  Mail  Pick the up  
*Note: CD’s, videos, and some other larger files cannot be emailed.*

**Statement regarding the use of public records.** KRS 61.870(4) defines “commercial purpose” as the “direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.” However, “commercial purpose” does not include the publication or related use of the public record by a newspaper by a newspaper or periodical, by a radio or television station in its news or informational program, or by use in the prosecution or defense of litigation by the parties to such an action or their attorney.

**Requests for copies:** YES. I agree in advance to pay for copies of the above requested records as detailed in the Policy Fee Schedule.

**Request for inspection ONLY:** OR electronic report that does not require making paper copies as detailed in the Policy Fee Schedule.

**This request is (choose one):**

NOT for a commercial purpose; or  
FOR a commercial purpose. (Please complete page 3 of this request.)

Company Name: \_\_\_\_\_ Telephone No: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

**Statement regarding residency:** I further state that I am a resident of Kentucky because I am (please check one):

- An individual residing in the Commonwealth; or
- A domestic business entity with a location in the Commonwealth; or
- A foreign business entity registered with the Kentucky Secretary of State; or
- An individual that is employed and works at a location within the Commonwealth; or
- An individual or business entity that owns real property within the Commonwealth; or
- An individual or business entity that has been authorized to act on behalf of an individual or business entity listed above; or
- A news-gathering organization as defined in KRS 189.635(8)(b)1a. to e.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Pursuant to KRS 61.876(4), the office of Attorney General has promulgated by administrative regulation this form. See 40 KAR 1:040.

# OPEN RECORDS POLICY

## City of Nicholasville

In order to comply with the Open Records Act contained in Chapter 61 of the Kentucky Revised Statutes, the following rules and regulations shall be followed by the City of Nicholasville:

- A. All requests for inspection of public records of the City of Nicholasville may be submitted to the City Clerk's office, 517 N Main Street, Nicholasville, KY 40356, [openrecords@nicholasville.org](mailto:openrecords@nicholasville.org); or to the following persons, who are custodian of records of their department:

Fire Department  
Administrative Assistant  
785 E Brannon Road  
Nicholasville, KY 40356  
[firereports@nicholasville.org](mailto:firereports@nicholasville.org)

Police Department  
Administrative Major  
510 N Main Street  
Nicholasville, KY 40356  
[OpenRecords-Police@nicholasville.org](mailto:OpenRecords-Police@nicholasville.org)

Request may be sent by mail, submitted in person, or electronically. The request must be in writing and include the following information:

1. Name, telephone number, and signature of the individual requesting to inspect the records.
  2. Mailing address, if requesting the records be mailed, or email address if requesting electronically.
  3. The Specific record(s) the requestor wishes to inspect or to receive a copy of.
  4. Whether the records are requested for commercial or noncommercial use. **If requested for commercial use, a certified statement stating the commercial purpose for which the records will be used.**
- B. The City of Nicholasville is committed to providing the most efficient and "green" option for Open Records copies. Whenever possible we will offer electronic copies (PDF format) as an option for records copy transmission **at no charge** to recipient requestor (unless there are recoverable costs as set out in the paragraph below). Records shall be made available for review and/or copies within the five-day required response period unless a different timeframe is specified in the response due to increased time it may take to recover documents from archives, computer records search, the involvement of multiple departments, volume of responsive records, records are in current use, or other designated reason for a response time of greater than five days.

This policy provides guidance in applying standard charges and formats for Open Records copies consistent with Kentucky Open Records law and subsequent Attorney Generals Opinions. The City is entitled to recover actual cost (not staff time) related to providing copies of records. Those recoverable costs may include costs to copy materials prior to provision in another format with cost recovery of \$0.10/page. For example, if a record copy is made in order to redact certain information prior to providing the copy (even if that copy is ultimately provided in electronic format), since the City incurred a copy cost in order to provide the record, the requestor will be required to pay for that copy cost prior to receiving final copies.

In addition, if electronic copies requested impose unreasonable burden on the City email/and or storage capacity, the City may inform the requestor and download copies to CDs or other format and charge accordingly. If requestor supplies medium (CD, Audio tape, etc.) there will be no charge for copies transferred thereto (unless the hard copy charge described above is applicable).

Copies requested and sent via fax will not carry any charge unless deemed voluminous by the City at which time the City will suggest to the requestor that another method be employed. Again, the hard copy charge may apply for recoverable costs.

All departments, other than those that are set by state statute i.e. Police Reports, will apply the following charges regardless of status of requestor, i.e. media, legal representative, member of the public, corporation, or non-profit organizations. However the City may use its discretion in waiving these charges which are not mandatory, if the total fee amounts to \$2.00 or less.

When charges are applicable, no copies will be released until payment has been received either in form of a check or exact change in cash, or money order. There is no option to "bill" or invoice" a requestor for copies.

This policy will not apply to subpoena or court-ordered responses which are not covered under the Kentucky Open Records law. Responses in those instances will provide copies at no charge.

These charges may or may not apply to other City of Nicholasville departmental responses for records or other copies provided in the normal course of business unrelated to an open records request. In special cases where items are not listed and the City incurs actual costs related to making copies, that cost will be estimated and passed along to the requestor.

**No** charge may be levied for staff time required to reproduce Open Records copies **unless** for a Commercial Use Request **OR** Attorney Requested Body Camera footage. Please see the Fee Schedule for detailed copying and postage charges

- C. Certain records are not public records; those which are not public are specified in federal and state law or rulings of the attorney General or Courts. The City of Nicholasville will not make those exempted records available for public inspection.



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**For Commercial Purpose Use Only:**

*Commercial purpose is the direct or indirect use of any part of a public record, in any form, for sale, resale, solicitation, rent, or lease of a service or any use by which the user expects a profit either through commission, salary or fee.*

**CERTIFICATION OF COMMERCIAL PUPOSE  
ADDENDUM TO PUBLIC RECORDS INSPECTION APPLICATION**

Please state the commercial purpose in which the record(s) will be used:

Carefully read the following and sign the verification:

Kentucky Revised Statute 61.874 (5) states, it shall be unlawful for the person to obtain a copy of any part of a public record for a:

- (a) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to subsequent (4)(b) of this section; or
- (b) Commercial purpose, if the person uses or knowingly allows the use of the public record for a different commercial purpose; or
- (c) Noncommercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has given its express permission for that commercial use.

According to Kentucky Revised Statute 61.8745, a person who violates subsections (2) to (6) of KRS 61.874 shall be liable to the public agency from which the public records were obtained for damages in the amount of:

- (a) Three (3) times the amount that would have been charged for the public record if the actual commercial purpose for which it was obtained or used had been stated;
- (b) Costs and reasonable attorney's fees; and
- (c) Any other penalty established by law.

**VERIFICATION**

I, \_\_\_\_\_, state that I have read the forgoing Certification of Commercial Purpose-Addendum to Public Records Inspection Application and that the statement therein and true and correct as I verily believe. I understand that falsification of this information is subject to penalties set out hereinabove. I also understand that if I am requesting copies for a commercial purpose or an attorney requesting body camera footage, I may be required to enter into a contract with the City of Henderson in order to obtain this information and to pay a fee for the cost of the copies as well as the cost of staff required to produce a copy of the record(s) and cost to the City of the creation, purchase or there acquisition of the public record(s).

State of \_\_\_\_\_)

Signature of Applicant: \_\_\_\_\_

County of \_\_\_\_\_)

Title: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me by \_\_\_\_\_ on this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Signature  
ID Number: \_\_\_\_\_

My Commissioner expires: \_\_\_\_\_

(Seal, if any)

**City of Nicholasville, Kentucky  
Open Records  
Fee Schedule**

These charges may or may not apply to other City of Nicholasville departments responses for records or other copies provided in the normal course of business unrelated to an open records request. In special cases where items are not listed and the City incurs costs related to making copies that cost will be estimated and passes along to the requestor.

**NO** charge may be levied for staff time related to making Open Records copies unless for a Commercial Use Request **OR** Attorney Requested Police Body Camera footage.

**Copy Charge Schedule**

**Non-commercial request:**

|  |                            |
|--|----------------------------|
| Paper copy 8.5x11, 8.5x14, 11x17                       | First 25 pages – no charge |
| <br>   |                            |
| Black & White  |                            |
| Paper copy 8.5 x 11                                    | \$0.10/per page            |
| Paper copy 8.5 x 14                                    | \$0.15/per page            |
| Paper copy 11 x 17                                     | \$0.25/per page            |
| <br>   |                            |
| Color  |                            |
| Paper copy 8.5 x 11                                    | \$0.25/per page            |
| Paper copy 8.5 x 14                                    | \$0.30/per page            |
| Paper copy 11 x 17                                     | \$0.35/per page            |
| <br>   |                            |
| Photographs  |                            |
| B & W (up to 8 x 10)                                   | \$0.10/each                |
| Color (up to 8 x 10)                                   | \$0.25/each                |
| <br>   |                            |
| CD/Disk/Audio Tape                                     | \$2.00/each                |
| Flash Drive 16 GB                                      | \$8.00/each                |
| Flash Drive 32 GB                                      | \$12.00/each               |
| Large Flash Drives will be charged at rate of purchase |                            |

**Commercial Use Request (including Attorney Request for Body Camera footage):**

Paper copy charges above **PLUS** \$15 per hour (staff time to be billed in quarter hour increments)

**Postage & Mailing Charge Schedule**

When practical to obtain actual cost of mailing, that charge will be assessed. If a proxy for an actual charge is needed to expedite processing and allow advance payment, the following may be charged:

No charge for postage less than \$1.00. (standard business envelope) - Large envelope (no more than 12 x 15) (**USPS Rates**)

*Weight not over:*

|           |        |                                |
|-----------|--------|--------------------------------|
| 1 ounce   | \$1.00 | (approximately 2 pages)        |
| 2 ounces  | \$1.21 | (approximately 3 to 8 pages)   |
| 3 ounces  | \$1.42 | (approximately 9 to 14 pages)  |
| 4 ounces  | \$1.63 | (approximately 15 to 20 pages) |
| 5 ounces  | \$1.84 | (approximately 21 to 26 pages) |
| 6 ounces  | \$2.05 | (approximately 27 to 32 pages) |
| 7 ounces  | \$2.26 | (approximately 33 to 38 pages) |
| 8 ounces  | \$2.26 | (approximately 39 to 44 pages) |
| 9 ounces  | \$2.68 | (approximately 45 to 50 pages) |
| 10 ounces | \$2.89 | (approximately 51 to 56 pages) |
| 11 ounces | \$3.10 | (approximately 57 to 63 pages) |
| 12 ounces | \$3.31 | (approximately 64 to 69 pages) |
| 13 ounces | \$3.52 | (approximately 70 to 75 pages) |

*Above 13 ounces is charged package rate by zone and will be determined at the time of the response*

**City of Nicholasville, Kentucky**  
**Open Records**  
**Fee Schedule** *(Continued)*

*Packages:*

|                           |        |
|---------------------------|--------|
| Weight not over 5 ounces  | \$3.50 |
| Weight not over 9 ounces  | \$3.75 |
| Weight not over 10 ounces | \$4.10 |
| Weight not over 11 ounces | \$4.45 |
| Weight not over 12 ounces | \$4.80 |
| Weight not over 13 ounces | \$5.50 |

*Above 13 ounces is charges package rate by zone and will be determined at the time of the response*

**CD/Audio Tape Mailing & Postage Charge Schedule**

|                       |                             |
|-----------------------|-----------------------------|
| CD/Audio tape postage | \$1.21 postage (single CD)  |
|                       | \$1.42 postage (2 to 3 CDs) |
| <b>PLUS:</b>          |                             |
| CD/Audio tape mailer  | \$1.50 per mailer           |