

TUSCARAWAS COUNTY CLERK OF COURTS PUBLIC RECORDS POLICY

It is the policy of the Tuscarawas County Clerk of Courts' Office (TUSCARAWAS COUNTY CLERK OF COURTS' OFFICE) that, as required by Ohio law and rules of court, records will be organized and maintained so that they are readily available for inspection and copying. It is the policy of TUSCARAWAS COUNTY CLERK OF COURTS' OFFICE to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing. Record retention schedules are to be updated regularly and posted prominently.

Section 1: Definition of a Public Record

The Tuscarawas County Clerk of Courts' Office, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of TUSCARAWAS COUNTY CLERK OF COURTS' OFFICE are public unless they are specifically exempt from disclosure under the Ohio Revised Code, Ohio Rules of Superintendence and Ohio and Local Rules of Court.

Section 2: Request of Public Records

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

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. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

The requestor does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is TUSCARAWAS COUNTY CLERK OF COURTS' general policy that this information is not to be requested.

Section 3: Availability of Public Records

Public records are to be available for inspection during regular business hours, with the exception of published holidays. 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.

Section 4: Availability of Public Records Policy including Records Retention Schedules

TUSCARAWAS COUNTY CLERK OF COURTS' Public Records Policy will be available in the main office via hard copy. It will also be available on the website under Departments – Clerk of Courts - Public Records Policy. Individual schedules are on file with records retentions custodian.

Section 5: Process for Releasing Public Records

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, Dockets, Journals and Indic of the General Trial and Muskingum Watershed Division of the Common Pleas Court and the Fifth District Court of Appeals, Certificate of Title as allowed by the Federal Drivers Protection Act and Section 4501.27 of the Ohio Revised Code, budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows. [If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up.]

All requests for public records must either be satisfied or be acknowledged in writing by TUSCARAWAS COUNTY CLERK OF COURTS' OFFICE within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

- A. An estimated number of business days it will take to satisfy the request.
- B. An estimated cost if copies are requested.
- C. Any items within the request that may be exempt from disclosure.

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 6: Denial of Public Records Request

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 7: Costs for Public Records

- A. Single or double sided copies of nonvoluminous copy request will be provided within a reasonable period of time, free of charge when the requestor provides their own 20 pound copy paper. If the requestor does not provide their own paper, the costs per court rule is 10 cents per page. (Court Rule July 7, 1999)
- B. Any voluminous request containing 100 or more pages will be charged the actual rate assessed by a commercial printer or commercial coping business.
- C. Copy requests by other county offices will be provided free of charge.
- D. Personal copies cost ten (10) cents per sheet.
- E. There is no charge for electronic documents e-mailed in the same format a retained by the office. The court maintains the document images in a tif. format which can be converted to a pdf. format for a fee of 10 cents per page.

- F. Downloaded computer files to a compact disc will be \$1.00 per disc.

Requesters may ask that documents be mailed to them. They may be charged the actual cost of the postage and mailing supplies.

This section does not apply to motor vehicle records. The fees for motor vehicle records are cover by Section 4505.14 or the Ohio Revised Code and access per Section 4501.27 of the Ohio Revised Code.

Section 8: Maintenance of Public Records

It is the policy of the Tuscarawas County Clerk of Courts that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 10 for the e-mail record policy).

- A. All public records will be maintained by the responsible employees according to public records law and approved retention schedules.
- B. While an overwhelming majority of the documentation produced by TUSCARAWAS COUNTY CLERK OF COURTS' OFFICE is considered public record, Section 2.8 of TUSCARAWAS COUNTY CLERK OF COURTS' Personnel Policy Manual along with Section 149.43 of the Ohio Revised Code states which records are not subject to public disclosure. Also per Section 4501.27 of the Ohio Revised Code, names, addresses and personal identifiers of motor vehicles records are not public records.
- C. Original copies of public documents shall not be given to the public except:
1. By court order;
 2. By the Clerk of Courts or designee after examination for required redaction.
- D. Section 2.8 of the Personnel Policy Manual shall be followed when releasing employment/payroll records.
- E. If a citizen requests more than ten (10) public records in a month, the citizen shall submit a written letter to the Clerk of Courts that she/he does not intend to use or forward this information for commercial purposes. Otherwise, that citizen will be limited to ten (10) public records requests per month.

Section 9: Media Relations Regarding Public Records

- A. Tuscarawas County Clerk of Courts' shall respond to the media in a prompt and respectful manner.
- B. If the media requests a public record, this policy shall apply.

Section 10: E-Mails as Public Records

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mail that relate to public business and to copy them to their business e-mail accounts and/or to the office's records custodian.

The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 11: Failure to Respond to a Public Records Request

TUSCARAWAS COUNTY CLERK OF COURTS' OFFICE recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, TUSCARAWAS COUNTY CLERK OF COURTS' failure to comply with a request may result in a court ordering TUSCARAWAS COUNTY CLERK OF COURTS' to comply with the law and to pay the requester attorney's fees and damages.

Section 12: General Exemptions from Public Record Law

TUSCARAWAS COUNTY CLERK OF COURTS will adhere to the general exemptions from the Public Records Law in accordance to House Bill 9 (as sign by the Governor) listing the exemptions stated under Sections 149.43 and 2923.129 of the Ohio Revised Code, the Ohio Rules of Superintendence and Local Rules of Courts. as long as the Revised Code sections are not in contradiction with Ohio Rules of Superintendence and Local Rules of Court. Per Section 4501.27 of the Ohio Revised Code, names, addresses and personal identifiers of motor vehicles records are not public records.

The Office of the Clerk of Courts charge fees for services as provided by the following statutes and rules of courts

Section 7 of Clerk of Courts Office Policy: Costs for Public Records

- A. Single or double sided copies of nonvoluminous copy request will be provided within a reasonable period of time, free of charge when the requestor provides their own 20 pound copy paper. If the requestor does not provide their own paper, the costs per court rule is 10 cents per page. (Court Rule July 7, 1999)
- B. Any voluminous request containing 100 or more pages will be charged the actual rate assessed by a commercial printer or commercial copying business. This office currently uses the QuickPrint Center for voluminous requests.
- C. Copy requests by other county offices will be provided free of charge.
- D. Personal copies cost ten (10) cents per sheet.
- E. There is no charge for electronic documents e-mailed in the same format as maintained by the office. The court maintains the document images in a tif. format. Conversion to a pdf. format for a fee of ten cents per page is available.
- F. Downloaded computer files to a compact disc will be \$1.00 per disc.

Requesters may ask that documents be mailed to them. They may be charged the actual cost of the postage and mailing supplies.

This section does not apply to motor vehicle records. The fees for motor vehicle records are cover by Section 4505.14 or the Ohio Revised Code.

2303.20 Fees

Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the court of common pleas shall charge the fees and perform the other duties specified in those sections. In all other cases, the clerk shall charge the following fees and no more:

(A) Twenty-five dollars for each cause of action which shall include the following:

- (1) Docketing in all dockets;
- (2) Filing necessary documents, noting the filing of the documents, except subpoena, on the dockets;
- (3) Issuing certificate of deposit in foreign writs;
- (4) Indexing pending suits and living judgments;
- (5) Noting on appearance docket all papers mailed;

- (6) Certificate for attorney's fee;
- (7) Certificate for stenographer's fee;
- (8) Preparing cost bill;
- (9) Entering on indictment any plea;
- (10) Entering costs on docket and cash book.
- (B) Two dollars for taking each undertaking, bond, or recognizance;
- (C) Two dollars for issuing each writ, order, or notice, except subpoena;
- (D) Two dollars for each name for issuing subpoena, swearing witness, entering attendance, and certifying fees;
- (E) Twenty-five dollars for calling a jury in each cause;
- (F) Two dollars for each page, for entering on journal, indexing, and posting on any docket;
- (G) Three dollars for each execution or transcript of judgment, including indexing;
- (H) One dollar for each page, for making complete record, including indexing;
- (I) Five dollars for certifying a plat recorded in the county recorder's office;
- (J) Five dollars for issuing certificate to receiver or order of reference with oath;
- (K) Five dollars for entering satisfaction or partial satisfaction of each lien on record in the county recorder's office, and the clerk of courts' office;
- (L) One dollar for each certificate of fact under seal of the court, to be paid by the party demanding it;
- (M) One dollar for taking each affidavit, including certificate and seal;
- (N) Two dollars for acknowledging all instruments in writing;
- (O) Five dollars for making certificate of judgment;
- (P) Ten dollars for filing, docketing, and endorsing a certificate of judgment, including the indexing and noting the return of the certificate;
- (Q) Twenty-five dollars for each cause of action for each judgment by confession, including all docketing, indexing, and entries on the journal;
- (R) Five dollars for recording commission of mayor or notary public;

(S) One dollar for issuing any license except the licenses issued pursuant to sections 1533.101 , 1533.11, 1533.13, and 1533.32 of the Revised Code;

(T) Fifteen dollars for docketing and indexing each aid in execution or petition to vacate, revive, or modify judgment, including the filing and noting of all necessary documents;

(U) Twenty-five dollars for docketing and indexing each appeal, including the filing and noting of all necessary documents;

(V) A commission of two per cent on the first ten thousand dollars and one per cent on all exceeding ten thousand dollars for receiving and disbursing money, other than costs and fees, paid to or deposited with the clerk of courts in pursuance of an order of court or on judgments, including moneys invested by order of the court and interest earned on them;

(W) Five dollars for numbering, docketing, indexing, and filing each authenticated or certified copy of the record, or any portion of an authenticated or certified copy of the record, of an extra county action or proceeding;

(X) Two dollars for each certificate of divorce, annulment, or dissolution of marriage to the bureau of vital statistics;

(Y) Two dollars for each electronic transmission of a document, plus one dollar for each page of that document. These fees are to be paid by the party requesting the electronic transmission.

(Z) One dollar for each page, for copies of pleadings, process, record, or files, including certificate and seal.

2303.201 Computerizing court of paying cost of computerized legal research.

(A)(1) Three dollars to computerize the court, to make available computerized legal research services, or to do both under divisions (A), (Q), and (U) of section 2303.20 of the Revised Code.

(B)(1) Ten dollars to computerize the office of the clerk of the court of common pleas on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code.

(C) Twenty-six dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender.

(D) Thirty-two dollars as additional filing fees in each new action or proceeding for annulment, divorce, or dissolution of marriage for the purpose of funding shelters for victims of domestic violence pursuant to sections 3113.35 to 3113.39 of the Revised Code.

(E)(1) Fifteen dollars for special projects of the court

Twenty Five dollars for Court Mediation on all Domestic Relation actions per division (A) and (T) of section 2303.20 of the Revised Code and

Thirty dollars for Court Mediation on all Civil actions per division (A) of section 2303.20 of the Revised Code

3109.14 Fees for vital statistics records.

(B)(2) Eleven Dollars on the filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code.

3705.242 Fee for copy of divorce decree filing fee.

(A)(2) Five dollars and fifty cents on the filing of a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code.

2951.021 Monthly supervision fee.

Twenty Five Dollars per month for Participant in Community Corrections Drug Court Program or Community Control Sanctions

2743.70 Additional court costs and bail for reparations fund.

(A)(1) Thirty dollars additional fee upon posting bail in which any person is convicted of or pleads guilty to any offense other than a traffic offense that is not a moving violation for Reparation Rotary Fund

2949.091 Additional court costs - additional bail.

(A)(1) Fifteen dollars on any person convicted of or pleads guilty to any offense other than a traffic offense on posting any bail for the State General Fund.

2953.32 Sealing of conviction record or bail forfeiture record.

(C)(1)(e)(3) Fifty dollars upon the filing of an application under this section

120.36 Application fee – Appointed or assigned counsel.

(A) (1) Subject to division (A)(2), (3), (4), (5), or (6) of this section, if a person who is a defendant in a criminal case or a party in a case in juvenile court requests or is provided a state public defender, a county or joint county public defender, or any other counsel appointed by the court, the court in which the criminal case is initially filed or the juvenile court, whichever is applicable, shall assess, unless the application fee is waived or reduced, a non-refundable **application fee of twenty-five dollars.**

1548.10 Fees.

The clerk of the court of common pleas shall charge a fee of five dollars for each memorandum certificate of title, each non-negotiable evidence of ownership, and each duplicate copy of a certificate of title. The fees shall be retained by the clerk.

In addition to those fees, the clerk shall charge a fee of five dollars for each certificate of title and for each notation or indication of any lien or security interest on a certificate of title.

4505.061 Physical inspection certificate of motor vehicle last previously registered in another state.

Four dollars and Seventy Five cents for a Motor Vehicle Identification Number (VIN) Physical Inspection on certificate of title referred to a motor vehicle last previously registered in another state or when required to substantiate the VIN when the physical inspection is completed by an employee of the Clerk of Courts.

One Dollar and Fifty cents when for the processing of each physical inspection certificate done at agencies other than the clerk of courts.

4505.09 Certificate of title fees.

(A) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it.

Five dollars for each certificate of title, duplicate certificate of title, memorandum certificate of title, authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (H) of that section, and notation of any lien on a certificate of title.

4505.11 Surrender and cancellation of certificate of title - issuance of salvage or rebuilt salvage certificate of title.

(C)(1) Four dollars for processing each salvage certificate of title

4505.14 Fees for supplying title information and copies.

Fees therefor shall be charged and collected as follows:

(A) For lists containing three thousand titles or more, twenty-five dollars per thousand or part thereof.

(B) For searches of the records and written reports thereof, two dollars for each name, number, or fact searched or reported on.

(C) For copies of records and attestations thereof, two dollars per copy. The registrar and the clerk may certify copies of records generated by an automated title processing system.

4519.59 Fees. ATVs and Off Road Motorcycles

(A) The clerk of a court of common pleas shall charge a fee of five dollars for each certificate of title, duplicate certificate of title, memorandum certificate of title, authorization to print a non-negotiable evidence of ownership described in division (D) of section 4519.58 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (E) of that section, and notation of any lien on a certificate of title.

4503.036 Limited authority deputy registrars.

(C) three dollars and fifty cents for each transaction or physical inspection that the limited authority deputy registrar conducts, and shall collect all fees and taxes that are required by law and related to the transaction or inspection in a manner approved by the registrar.

4503.04 Schedule of rates.

The rates of the taxes imposed by section 4503.02 of the Revised Code shall be as follows:

(A) For motor vehicles having three wheels or less, the license tax is:

(1) For each motorized bicycle, ten dollars;

(2) For each motorcycle, fourteen dollars.

(B) For each passenger car, twenty dollars;

(C) For each manufactured home, each mobile home, and each travel trailer, ten dollars;

(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;

(E) For each noncommercial trailer, the license tax is:

(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;

(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including three thousand pounds.

(F) Notwithstanding its weight, twelve dollars for any:

(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;

(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the van;

(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older;

(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a ridesharing arrangement.

(H) For each transit bus having motor power the license tax is twelve dollars.

(I) The minimum tax for any vehicle having motor power other than a farm truck, a motorized bicycle, or motorcycle is ten dollars and eighty cents, and for each noncommercial trailer, five dollars.

(J)(1) Except as otherwise provided in division (J) of this section, for each farm truck, except a noncommercial motor vehicle, that is owned, controlled, or operated by one or more farmers exclusively in farm use as defined in this section, and not for commercial purposes, and provided that at least seventy-five per cent of such farm use is by or for the one or more owners, controllers, or operators of the farm in the operation of which a farm truck is used, the license tax is five dollars plus:

(a) Fifty cents per one hundred pounds or part thereof for the first three thousand pounds;

(b) Seventy cents per one hundred pounds or part thereof in excess of three thousand pounds up to and including four thousand pounds;

(c) Ninety cents per one hundred pounds or part thereof in excess of four thousand pounds up to and including six thousand pounds;

(d) Two dollars for each one hundred pounds or part thereof in excess of six thousand pounds up to and including ten thousand pounds;

(e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds;

(f) The minimum license tax for any farm truck shall be twelve dollars.

(2) The owner of a farm truck may register the truck for a period of one-half year by paying one-half the registration tax imposed on the truck under this chapter and one-half the amount of any tax imposed on the truck under Chapter 4504. of the Revised Code.

(3) A farm bus may be registered for a period of ninety days from the date of issue of the license plates for the bus, for a fee of ten dollars, provided such license plates shall not be issued for more than any two ninety-day periods in any calendar year. Such use does not include the operation of trucks by commercial processors of agricultural products.

(4) License plates for farm trucks and for farm buses shall have some distinguishing marks, letters, colors, or other characteristics to be determined by the director of public safety.

(5) Every person registering a farm truck or bus under this section shall furnish an affidavit certifying that the truck or bus licensed to that person is to be so used as to meet the requirements necessary for the farm truck or farm bus classification.

Any farmer may use a truck owned by the farmer for commercial purposes by paying the difference between the commercial truck registration fee and the farm truck registration fee for the remaining part of the registration period for which the truck is registered. Such remainder shall be calculated from the beginning of the semiannual period in which application for such commercial license is made.

Taxes at the rates provided in this section are in lieu of all taxes on or with respect to the ownership of such motor vehicles, except as provided in section 4503.042 and section 4503.06 of the Revised Code.

(K) Other than trucks registered under the international registration plan in another jurisdiction and for which this state has received an apportioned registration fee, the license tax for each truck which is owned, controlled, or operated by a nonresident, and licensed in another state, and which is used exclusively for the transportation of nonprocessed agricultural products intrastate, from the place of production to the place of processing, is twenty-four dollars.