

Overview of Vermont Public Records Law

Vermont's public record law requires the custodian of a public record to "promptly produce" a record that has been requested. In addition, the public must be able to inspect all public records during the normal office hours of the custodian of the records.

Sometimes, a record may not be immediately available. For example, if it is in use or in storage. In such instances the custodian is given, by law, one week to produce the document. A letter stating why the record is not immediately available and the date and time it will be made available must be given to the person requesting the record. In certain circumstances, the custodian of the record may be given up to ten days to respond to a records request. (Ex. If there are many records in the request which must be gathered and examined, or if other agencies must be consulted with, etc.)

Sometimes the custodian of a record may believe that a particular record is exempt from inspection. If this is the case, within two days of the request, the custodian must state in writing, why he or she believes the record to be exempt from the public record law. The custodian must also notify the person of his or her right to appeal the decision to the head of the agency. Because a decision by the town clerk or treasurer is a final determination, (they have the final say about the records for which they have custody) the person requesting the document must be notified of his or her right to appeal the decision to court.

A person who requests copies of public records may be charged a statutory fee – if there is one – or the actual cost of providing the copy. The agency may also charge and collect from the person making the request, the costs associated with mailing or transmitting the record by facsimile or other electronic means.

When it takes longer than 30 minutes to comply with a records request, the agency may also charge and collect the cost of staff time associated with complying with a request for a copy of a public record.

Note that the law does not require the agency to provide or arrange for copying service, to use or permit the use of copying equipment other than its own, to permit operation of its copying equipment by other than its own personnel, to permit removal of the public record by the requesting person for purposes of copying, or to make its own personnel available for making handwritten or typed copies of the public record or document requested. An agency must provide the record in a digital format if it is available in that format.

*** A public agency may make reasonable rules to prevent disruption of operations, to preserve the security of public records or documents, and to protect them from damage.**

Official Fee Schedule for Copying Public Records

The following fees are the maximum fees that may be charged by municipalities where the statutes do not provide otherwise and where the legislative body of the municipality has not set its own fee schedule.

1. For staff time involved in physically duplicating a record, \$.33 per minute after the first 30 minutes.
2. For senior-level information technology specialists' time spent extracting data from databases or performing similar tasks necessary to comply with a request to create a new public record, \$.57 per minute.
3. For any other staff time for which cost can be charged and collected under this section, \$.45 per minute.
4. For photocopies, \$.05 per single-sided page, \$.09 per double-sided page for pages up to 8.5 by 14 inches.
5. Color photocopies, \$1.00 per single-sided page.
6. For computer-generated paper copies, \$.02 per page for pages up to 8.5 by 14 inches.
7. For computer diskettes, \$.28 each for 3.5-inch diskettes.
8. For compact discs, \$.86 each for write-once CDs, \$2.31 per re-writable CDs.
9. For audio tapes, \$.81 each.
10. For video tapes, \$1.69 each.
11. For DVD's, \$2.00 each for write-once DVD w/case, \$4.00 each for re-writable DVD w/case.

You can read the Public Records Law for yourself. The Public Records Law is found in every town clerk's office in Title 1 of the Vermont Statutes Annotated. Look for sections 315 to 320, and make sure to check the "pocket part" to see if there is newer law to review for each section. You can also find the law on the Internet through the Vermont Automated Library System (VALS) at <http://www.leg.state.vt.us/statutes/statutes.htm>

TOWN CLERK FEES

Town Clerks May Require All Fees To Be Paid In Advance
(Recording and Filing Fees were revised as of July 1, 2009)

<u>Common Name</u>	<u>V.S.A. Citation</u>	<u>Clerk's Fee</u>
1) Act 250 Disclosure Statement	32 V.S.A. Sec. 1671 (a)(6)	\$10.00 per page
2) Alcoholic Beverage/Tobacco License (retained fee)	7 V.S.A. Sec. 233, Sec. 1002(d)	\$5.00
3) Big Game Reported (retained fee)	10 V.S.A. App. 2(b)	\$1.00
4) Burial Certificates (permit)	32 V.S.A. Sec. 1714	\$5.00
5) Certified Copies of Public Records (other than vital)	32 V.S.A. Sec. 1671(a)(6)	\$10.00 per page
6) Change of Name or Status of Owner of Real Estate	27 V.S.A. Sec. 350	\$10.00 per page
7) Complaint to Foreclose (filing or recording)	32 V.S.A. Sec. 1671(a)(6)	\$10.00 per page
8) Discharge of Attachment	32 V.S.A. Sec. 1671(a)(2)	\$10.00 per page
9) Discharge of Mortgage	12 V.S.A. Sec. 3293(d)	\$4.00
10) Dog License (retained fee)	32 V.S.A. Sec. 1671(a)(6)	\$10.00 per page
11) Dog Kennel Permit (retained fee)	20 V.S.A. Sec. 3588	\$2.00
12) Examination of Records by Town Clerks	20 V.S.A. Sec. 3588	\$2.00
	32 V.S.A. Sec. 1671(a)(3)	\$5.00 per hour \$25.00 max per day
13) Examination of Records by Others	32 V.S.A. Sec. 1671(a)(4)	\$2.00 per hour
14) Filing and/or Recording Documents	32 V.S.A. Sec. 1671(a)(6)	\$10.00 per page
	24 V.S.A. Sec. 1158	
15) Green Mountain Passport	31 V.S.A. Sec. 1002(b)	\$2.00
16) Hunting & Fishing Licenses (retained fee) & Waterfowl Stamp (retained fee)	10 V.S.A. Sec. 4254(e)(9)	\$1.50
	Sec. 4277(d)	\$1.00
17) Hunting License, Lost (retained fee - non-lifetime)	10 V.S.A. Sec. 4261	\$5.00
18) Lien, Recording Town Tax (including discharge)	32 V.S.A. Sec. 5078	\$6.00
19) Liens, Recording of Other	32 V.S.A. Sec. 1671(a)(6)	\$10.00 per page
20) Logs, Recording Written Notices of Advances	9 V.S.A. Sec. 2014	\$5.00
21) Logs and Pulpwood, Recording Registered Mark	9 V.S.A. Sec. 2013	\$6.00
22) Marriage/Civil Union License (retained fee)	32 V.S.A. Sec. 1712(1)	\$10.00
23) Mobile Home Uniform Bill of Sale	32 V.S.A. Sec. 1671(a)(6)	\$10.00 per page
24) Mortgage	32 V.S.A. Sec. 1671(a)(6)	\$10.00 per page
25) Names, Illegible Signature (not typewritten as requested)	32 V.S.A. Sec. 1405	\$2.00
26) Notice of Sale, Nonjudicial Foreclosure	32 V.S.A. Sec. 1671(a)(6)	\$10.00 per page
27) Posted Land, Recording (retained fee)	10 V.S.A. Sec. 5201(c)	\$5.00
28) Property Transfer Tax Return	32 V.S.A. Sec. 9606(d)	\$10.00
29) Recording and/or Filing Documents	32 V.S.A. Sec. 1671(a)(6),	\$10.00 per page
30) Service Record, Permanent Military	24 V.S.A. Sec. 1175	\$0.50
31) Super Sport Licenses	10 V.S.A. Sec. 4254(e)(9)	\$1.50
32) Survey Plat Maps	32 V.S.A. Sec. 1671(a)(8)	
	11" x 17"	\$15.00
	18" x 24"	\$15.00
	24" x 36"	\$15.00
33) Trademark Registration	32 V.S.A. Sec. 1671(a)(6)	\$10.00 per page
34) Trust Mortgages	32 V.S.A. Sec. 1671(a)(1),	\$10.00 per page
Preservation Fund	Sec. 1671(c)	\$.50-1.00 (optional) surcharge
35) Uncertified Copies (Except minutes of municipal meetings, local boards & commissions, grand list, checklist - available at actual cost.)	32 V.S.A. Sec. 1671(a)(7)	\$1.00 per page \$2.00 minimum
36) Veteran's Benefits, Public Records re: Eligibility	14 V.S.A. Sec. 3116	No Charge
37) Vital Statistics, Certified Copies of	32 V.S.A. Sec. 1712(5)	\$10.00

A SCHEDULE OF ALL FEES SHALL BE POSTED IN THE TOWN CLERK'S OFFICE (32 V.S.A. Sec. 1671(b))