

An Ordinance No. 03-387

To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by the amendment of Section 149.09 entitled *Records Submitted to the City; Trade Secrets*; and repealing existing Section 149.09.

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BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the amendment of Section 149.09 to read as follows:

**149.09 RECORDS SUBMITTED TO THE CITY; TRADE SECRETS.**

(a) All records submitted to the City in performance of a contract with the City, as part of an application made to the City, as part of a bid or proposal made to the City, as part of an information submittal made to the City in compliance with licensing requirements of the City, or as part of a request or petition seeking any form of action by the City shall be the property of the City. All such records shall have the status of a public record available for inspection and copying by the public pursuant to Section 149.43 of the Ohio Revised Code, unless:

- (1) The submitter of the record identifies the specific record or portion of the record as a trade secret by clearly and conspicuously labeling the record or portion of the record with the legend "**TRADE SECRET**", or
- (2) The submitter of the record identifies the specific record or portion of the record as material the release of which is prohibited by state or federal law by clearly and conspicuously labeling the record or portion of the record with the legend "**NOT TO BE RELEASED TO THE PUBLIC**" and with a citation to the statute or other law prohibiting release of the record or portion thereof.

(b) The term "record" means all written or graphic matter, data processing media, sound recordings, and all other written or electronic mediums by which information is stored, however produced or reproduced and of every kind and description.

(c) The term "trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process,

procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

- (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
- (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Section 2. That existing Section 149.09 of the Codified Ordinances of The City of Springfield, Ohio, is hereby repealed.

Section 3. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this 25th day of November, A.D., 2003.

Marvin B. Popeland  
PRESIDENT OF THE CITY COMMISSION

Cornel Chappell  
CLERK OF THE CITY COMMISSION

(Published: *Springfield News-Sun*)

Mon. December 1, 2003)

I do hereby certify that the foregoing Ordinance No. 03-382 was duly published in the *Springfield News-Sun* on Monday, December 1, 2003.

Cornel Chappell  
CLERK OF THE CITY COMMISSION