

ORDINANCE CREATING AN ENHANCED ACCESS FUND OF
MARTIN COUNTY, INDIANA AND ESTABLISHING FEES FOR
ENHANCED ACCESS SERVICES FOR COPYING COSTS

WHEREAS, the Board of Commissioners of Martin County is authorized to establish a fee for copies of electronic data by the provisions of Indiana Code 36-1-38(a)(6); and,

WHEREAS, Indiana Code 5-14-3-2 defines the "direct costs" that may be charged by a unit for providing a duplicate of electronically stored data onto a disk or other medium of electronic data retrieval; and,

WHEREAS, Indiana Code 5-14-3-8(g), (h) and (j) establishes fees that a public agency may charge for the following:

- (a) copying and providing duplicate records and records maintained in electronic medium;
- (b) providing enhanced access to a public record;

WHEREAS, Indiana Code 5-14-3-8.3 provides that the Fiscal body (Martin County Council) shall adopt an Ordinance to establish funds for the deposit and use of funds collected for providing enhanced access to public records; and,

WHEREAS, the Board of Commissioners of Martin County desires to create a provision in the Martin County Code as it relates to the fees and charges for providing enhanced access to public records; and,

WHEREAS, it is in the best interests of the citizens of Martin County that both the Martin County Council and the Board of Commissioners of Martin County approve the terms of this Ordinance to conform with the terms of Indiana Code 5-14-3 et. seq.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Martin County, Indiana, and the County Council of Martin County, Indiana as follows:

1. There is hereby established an enhanced access users fee (hereinafter "enhanced access fee") for providing enhanced access to electronic data or other County services in accordance with I.C. 5-14-3 et. seq.

2. The enhanced access fee shall be uniform to all purchasers without regard for the purpose or use of the data therefrom. The enhanced access fee imposed shall depend upon the products and/or services requested by the purchaser. The enhanced access fee shall be paid by any person or entity that requests enhanced access to the County's electronic data or other County Services. The prices for the products and services offered by the County shall be set out in attached Exhibit A.

3. Pursuant to I.C. 5-14-3-83, the Martin County Council hereby establishes the Martin County Enhanced Access Fund for the deposit of fees collected by the County for providing enhanced access to

a public record. The fund consists of fees paid under I.C. 5-14-3-8(h) in conjunction with a contract with departments of Martin County government: for enhanced access under I.C. 5-14-3-3.6. This fund is a dedicated fund with the purposes set out in I.C. 5-14-3-8.3 (b) and its amendments, which include: (1) The replacement, improvement, and expansion of capital expenditures; and (2) The reimbursement of operating expenses incurred in providing enhanced access to public information. The Enhanced Access Fund shall be subject to appropriation by the Martin County Council.

4. Nothing in this section shall be construed to require the County or any of its departments, elected officials or employees to provide enhanced access to public documents or County services.

5. In the event that the fees for enhanced access established by Martin County are contrary to any charge established by Indiana state statutes, the state statute shall apply.

6. Pursuant to the provisions of I.C. 5-14-3-3(e), no person other than those authorized by the county may reproduce, store, grant access to, deliver, or sell any information obtained by or through enhanced access services from any department or office of the County to any other person. In addition, any person who receives information from the County through enhanced access services shall not be permitted to use any mailing lists, addresses or databases for the purpose of selling, advertising, or soliciting the purchase of information or services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

7. A copy of subsection 6 shall be conspicuously posted in all offices where enhanced access services are provided and the restrictions listed in subsection 6 shall be offered to all persons who obtain public information from Martin County through enhanced access services.

8. Any person who violates the terms and conditions of this section by failing to pay or violating subsection 6 shall be guilty of an infraction and may be fined up to \$2,500.00. Additionally, the person who uses information in a manner contrary to subsection 6 may be prohibited from obtaining further information or data through enhanced access services.

9. Nothing in this section shall be construed to require a unit of Martin County government to charge another unit of Martin County government for use of enhanced access services, nor shall any not for profit be charged for use of the enhanced access services.

10. Pursuant to the provisions of I.C. 5-14-3-3(e), no person other than those authorized by the county may reproduce, store, grant access to, deliver, or sell any information obtained by or through enhanced access services from any department or office of the County to any other person. In addition, any person who receives information from the County through enhanced access services shall not be permitted to use any mailing lists, addresses or databases for the purpose of selling, advertising, or soliciting the purchase of information or services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

11. The Auditor of Martin County shall cause a copy of this Ordinance to be codified in the Martin County Code.

12. Pursuant to I.C. 5-14-3-4 (b), the Martin County Board of Commissioners is exercising its discretion to exempt all computer programs, computer codes, computer filing systems, and other software that are owned by the County or entrusted to it and portions of electronic maps entrusted to a public agency by a utility from the provisions of the public records laws codified at I.C. 5-14-3-3.

13. This ordinance shall be effective August 1, 2014.

Passed and adopted this 8th day of July, 2014.

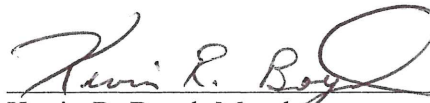
BOARD OF COMMISSIONERS OF
MARTIN COUNTY



Paul R. George, President

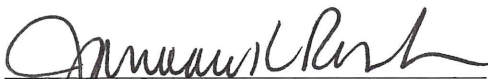


Dan Gregory, Member



Kevin R. Boyd, Member

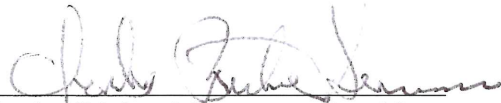
ATTEST:



January L. Roush
Martin County Auditor

Passed and adopted this 7th day of July, 2014.

THE MARTIN COUNTY COUNCIL


Charles Richard Summers, President

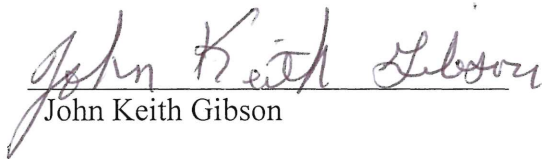

Randy L. Winger

Mary Lynn Gee

Warren D. Albright


Barbara McFeaters

Floyd Lonnie Hawkins


John Keith Gibson

Attest:


January L. Roush,
Auditor of Martin County, Indiana.

Online Service	Online Service Description	County's Enhanced Service Fee
Basic Cadastral Information	• Parcel number and parcel boundaries information with projection files. • Street center line files • Subdivision names and boundaries • Lot dimensions • Grid file-map index grid, Section-Township-Range • County and/or City boundaries	\$250.00 each delivery, which shall be paid to the County in addition to a \$250.00 data extraction fee from 39° North for a single layer (or) \$500.00 for multiple layers.
Additional Map Information (per layer fee)	• Zoning • Hydrology • Metadata (if available included in data exports)	\$250.00 each delivery, which shall be paid to the County in addition to a \$250.00 data extraction fee from 39° North for a single layer (or) \$500.00 for multiple layers.