

ORDINANCE NO. 05-05-17-001GIS

AN ORDINANCE ESTABLISHING FEES FOR
ELECTRONIC FORMATTED MAP DATA MAINTAINED
BY KOSCIUSKO COUNTY AND FOR THE ESTABLISHMENT
OF THE ELECTRONIC MAP GENERATION FUND

WHEREAS, the Board of Commissioners of Kosciusko County is authorized to establish a fee for copies of electronic data by the provisions of Indiana Code 36-1-3-8(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, tape, drum, or other medium of electronic data retrieval; and,

WHEREAS, Indiana Code 5-14-3-8(g) establishes a fee that a public agency may charge to copy and provide duplicate records and records in electronic medium.

WHEREAS, Indiana Code 5-14-3-8.5 provides that the fiscal body shall adopt an Ordinance to establish a fund for the deposit and use of funds collected for duplication of electronic data.

IT IS THEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY as follows:

1. Standard Map Sales –
 - a. 11x17 map - \$5.00
 - b. 24x36 map - \$15.00
 - c. Custom 24x36 map - \$25.00
 - d. Additional map charges - 2 foot contours or Lidar point elevation data - \$50.00 per square mile or \$25.00 per square quarter mile
2. Custom Large Map and Data Sales – The charges for data sales are based upon a reasonable percentage of the direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser.

All requests for data shall be charged as follows.

 - a. \$10.00 per square mile, per each category of data (aerial photos, property lines, road centerlines)
 - b. \$50.00 per square mile or \$25.00 per square quarter mile for 2 foot contours or Lidar point elevation data
 - a. \$1.00 per blank Compact Disk (CD)
3. Reimbursement for Mailing Costs: (not including copy or printer costs).
 - a. The cost for Kosciusko County to send information

4. Payment for information under this ordinance shall be made at the time of delivery. However, an office may agree to invoice a person for the charge if that person or company has promptly paid invoices in the past. Any person, or their designee, requesting data shall be liable for the total charges for the request. Any person, or their designee, who fails to pay the charges shall be liable for the charges, plus interest, attorney's fees, and costs of collection.
5. Nothing herein shall compel any office to charge a fee for copies if the fee imposed by this Ordinance is contrary to state law. In the event the fees in this Ordinance are contrary to any charges established by State statute, the state statute shall apply.
6. Pursuant to the provisions of Indiana Code 5-14-3-3(e), no person other than those authorized by the County may reproduce, store, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership or corporation. In addition, any person who receives information from the county shall not be permitted to use any mailing lists, addresses, or data bases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.
7. A copy of paragraph 6 shall be conspicuously posted in all offices where electronic data is sold and the restriction contained in paragraph 6 shall be offered to any persons who obtain copies of any public information from the county.
8. Any person who violates the terms and conditions of this Ordinance by failing to pay or violating paragraph 6, shall be guilty of an infraction and may be fined up to Two Thousand Five Hundred Dollars (\$2,500). In the event there is a violation of paragraph 6, each violation shall be deemed a separate offense. The county reserves the right to refuse electronic map data to persons who have violated this ordinance.
9. Pursuant to Indiana Code 5-14-3-8.5, the Kosciusko County Council hereby establishes the Kosciusko County Electronic Data Fund. All fees charged under this ordinance shall be deposited in the fund. All funds in the Electronic Data Fund shall be used only for the purpose set out in Indiana Code 5-14-3-8.5 and shall be subject to appropriation by the Kosciusko County Council.
10. Any governmental unit within Kosciusko County which has provided electronic data used by Kosciusko County to create the electronic data covered by this ordinance shall receive copies of the data, for only the costs of the media. School systems within Kosciusko County shall receive copies of the data. This information may not be sold by the governmental units or school systems who acquire it.