

ORDINANCE NO. 07-78

County Council Ordinance No. CC-07-04

AN ORDINANCE AMENDING AND RE-ESTABLISHING CERTAIN PROCEDURES, REQUIREMENTS, LIMITED ACCESS RIGHTS, AND FEES PERTAINING TO THE ELKHART COUNTY GEOGRAPHIC INFORMATION SYSTEM

WHEREAS Indiana Code 36-1-3 et seq. permits any county in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the county legislative and executive body and is authorized to adopt ordinances and resolutions concerning Elkhart County governmental operations;

WHEREAS Elkhart County has developed and is implementing a Geographic Information System ("GIS") in order to provide a more efficient, coordinated, and technologically up-to-date computer information storage and retrieval system for geographically based information;

WHEREAS the Indiana Home Rule Act allows Elkhart County to impose service charges or user fees which are reasonably related to reasonable and just rates and charges for the services provided;

WHEREAS the Indiana Access to Public Records Act allows Elkhart County to establish a uniform fee for providing electronic maps consisting of copyrighted data from an electronic geographic information system based upon a reasonable percentage of Elkhart County's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana desire to have a fair, reasonable, appropriate, and understandable system in place governing the use of and access to the Elkhart County GIS;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA, AS FOLLOWS:

1. Website Internet Access. Limited access will be provided for the general public to the Elkhart County GIS through a website via the internet without fee. An administrative committee consisting of the Elkhart County Administrator, Elkhart County Director of Data Processing, and the Elkhart County GIS Coordinator shall recommend from time to time to the Elkhart County Commissioners what information should be provided from the Elkhart County GIS to the general public through the website via the internet without fee. The Elkhart County Commissioners shall act upon such recommendations from time to time and determine what information will be provided from the Elkhart County GIS to the general public through the website via the internet without fee.

2. Data Management Fees. On and after July 1, 2003, each of the following permits processed by the Elkhart County Department of Planning and Zoning shall be assessed a data management fee in the amounts listed below:

TYPE OF PERMIT	DATA MANAGEMENT FEE
Building Permits:	
• New Residential (Excluding Mobile Homes)	\$35.00
• New Non-Residential (Commercial/Industrial)	\$50.00
• New Non-Residential – Other Buildings	\$25.00
• New Non-Residential – Non-building Structures	\$25.00
• Residential Addition	\$35.00
• Non-Residential Addition	\$25.00
• Garages and Car Ports	\$25.00
Demolition Permit:	\$25.00

The data management fee established under this Ordinance shall be a supplementary fee and added to the existing fees established under separate ordinances for Elkhart County, Indiana with respect to the permits indicated above. The data management fee established under this Ordinance shall be paid and collected at the time the respective permit application is made.

3. Access Fees. For those users desiring additional, greater, or more efficient access to the Elkhart County GIS than is available via the website internet access, Elkhart County will provide the GIS data in the formats and at the fees as detailed in Exhibit A.

Fees must be prepaid to the Elkhart County Department of Planning and Zoning by the end user prior to the GIS product or access to the GIS product being provided to the end user. The end user must also accept and agree to the terms of use pertaining to the Elkhart County GIS or the respective Elkhart County GIS product prior to GIS access or the GIS product being provided. In accordance with Indiana Code § 5-14-3-8(j), the fees for the GIS data will be waived for the following uses and users: public agency program support, non-profit activities, journalism, and academic research. Service charges, shipping and handling charges, and media charges will still be imposed upon such uses and users.

The digital data will be delivered in the format in use by Elkhart County staff at the time of delivery. Additional formats may be provided by Elkhart County staff in its discretion.

4. Terms of Use. With assistance of the Elkhart County Attorney's Office, the Elkhart County Department of Planning and Zoning shall develop such disclaimers, usage agreements, license agreements, and other agreements containing the terms of use applicable to the Elkhart County GIS and the data and products it produces which are reasonably necessary to protect the interests of Elkhart County, Indiana. Exceptions to the use of the standard Elkhart County GIS terms of use developed by the Elkhart County Department of Planning and Zoning shall be subject to the approval of the Board of Commissioners of the County of Elkhart, Indiana.

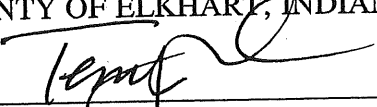
5. Use of Fees. All fees collected pursuant to this Ordinance for the Elkhart County GIS shall be distributed to and paid into the Elkhart County GIS Fund.

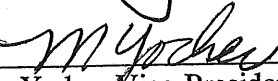
6. Effective Date. Provided this Ordinance has been approved by the Elkhart County Council and the Board of Commissioners of the County of Elkhart, Indiana on or before March 1, 2007, this Ordinance shall be effective on March 1, 2007. Otherwise, this Ordinance shall be effective upon its approval by the Elkhart County Council following adoption by the Board of Commissioners of the County of Elkhart, Indiana.

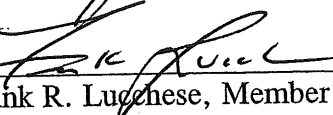
7. Repealing Effect. Upon the effective date of this Ordinance, Ordinance No. 03-283 adopted June 16, 2003 by the Board of Commissioners of the County of Elkhart, Indiana and approved the 12th day of July, 2003 by the Elkhart County Council shall be repealed and replaced by this Ordinance.

Duly adopted the 26 day of February, 2007.

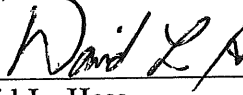
BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By 
Terry Rodino, President

By 
Mike Yoder, Vice-President

By 
Frank R. Lucchese, Member

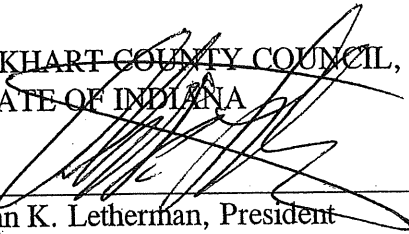
ATTEST:


David L. Hess
Elkhart County Auditor

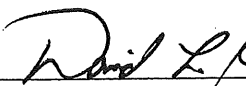
APPROVAL

Pursuant to Indiana Code Section 5-14-3-8(j), the GIS Access Fees as provided in this Ordinance are hereby approved the 10th day of February, 2007 by the Elkhart County Council.

ELKHART COUNTY COUNCIL,
STATE OF INDIANA

By 
John K. Letherman, President

ATTEST:


David L. Hess
Elkhart County Auditor

ORDINANCE NO. CC-07-16

AN ORDINANCE AMENDING THE FEES PERTAINING TO THE ELKHART COUNTY
GEOGRAPHIC INFORMATION SYSTEM

WHEREAS Indiana Code 36-1-3 et seq. permits any county in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the county legislative and executive body and is authorized to adopt ordinances and resolutions concerning Elkhart County governmental operations;

WHEREAS Elkhart County has developed and is implementing a Geographic Information System ("GIS") in order to provide a more efficient, coordinated, and technologically up-to-date computer information storage and retrieval system for geographically based information;

WHEREAS the Indiana Home Rule Act allows Elkhart County to impose service charges or user fees which are reasonably related to reasonable and just rates and charges for the services provided;

WHEREAS the Indiana Access to Public Records Act allows Elkhart County to establish a uniform fee for providing electronic maps consisting of copyrighted data from an electronic geographic information system based upon a reasonable percentage of Elkhart County's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana desire to have a fair, reasonable, appropriate, and understandable system in place governing the use of and access to the Elkhart County GIS;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana adopted Ordinance No. 07-78 on February 26, 2007 establishing certain fees pertaining to the Elkhart County GIS which are hereby amended by this Ordinance;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA, AS FOLLOWS:

1. Access Fees. Exhibit A to Ordinance No. 07-78 is hereby repealed and replaced with the Exhibit A attached hereto and incorporated herein by reference.

2. Amendatory Effect. Except as amended herein, Ordinance No. 07-78 shall remain in full force and effect.

3. Effective Date. Provided this Ordinance has been approved by the Elkhart County Council on or before December 1, 2007, this Ordinance should be effective on December 1, 2007. Otherwise, this Ordinance shall be effective upon its approval by the Elkhart County Council following adoption by the Board of Commissioners of the County of Elkhart, Indiana.

Duly adopted the 19 day of November, 2007.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By Terry Rodino
Terry Rodino, President

By Mike Yoder
Mike Yoder, Vice-President

By Frank R. Lucchese
Frank R. Lucchese, Member

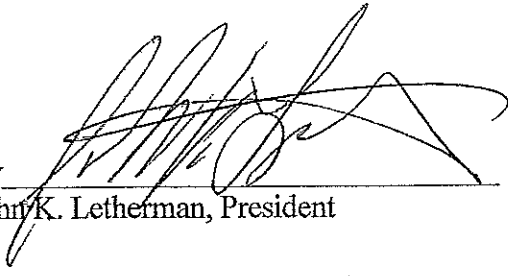
ATTEST:

David L. Hess
David L. Hess
Elkhart County Auditor

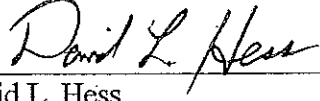
APPROVAL

Pursuant to Indiana Code Section 5-14-3-8(j), the GIS Access Fees as provided in this Ordinance are hereby approved the 17th day of November, 2007 by the Elkhart County Council.

ELKHART COUNTY COUNCIL,
STATE OF INDIANA

By 
John K. Letherman, President

ATTEST:



David L. Hess
Elkhart County Auditor

Exhibit A
GIS Data and Service Fees

Paper Copy

Orthophotography only:

<i>Size</i>	<i>Black and White</i>	<i>Color</i>
8.5" x 11"	\$2.00	\$3.00
11" x 17"	\$3.00	\$5.00
18" x 24"	\$6.00	\$8.00
24" x 36"	\$12.00	\$14.00
36" x 48"	\$22.00	\$24.00

Features without Orthophotography:

<i>Size</i>	<i>Black and White</i>	<i>Color</i>
8.5" x 11"	\$2.00	\$3.00
11" x 17"	\$2.00	\$3.00
18" x 24"	\$2.00	\$3.00
24" x 36"	\$3.00	\$5.00
36" x 48"	\$4.00	\$6.00

Combined Orthophotography and Features:

<i>Size</i>	<i>Black and White</i>	<i>Color</i>
8.5" x 11"	\$2.00	\$4.00
11" x 17"	\$5.00	\$7.00
18" x 24"	\$8.00	\$10.00
24" x 36"	\$15.00	\$18.00
36" x 48"	\$26.00	\$30.00

Static Digital (PDF or Similar Technology)

Any number of layers \$30.00 (per file)

Digital Data Layers

Orthophotography	\$2.00 per tile
Parcel data: Section	\$4.00 per section
Township	\$125.00 per township
County	\$2000.00 entire county
Political Boundaries (not including voter reg.)	\$100.00 entire county
Section Corner Data	\$10.00 entire county
Other data (per layer):	\$100.00 entire county
Entire GIS (all data layers)	\$5000.00 entire county

Service Charge

\$26.00 per hour of staff time required for special orders or services not included in the GIS data above.
(Minimum charge of \$6.50 with hourly staff time charged in increments of quarter hours at \$6.50 per quarter hour).

Shipping and Handling/Media Charges

Shipping and Handling: Postage and packaging charged at cost per item requested.
Media: \$1.00 for each CD or DVD