

WELLS COUNTY ORDINANCE 2022- 17

***An Ordinance Amending Wells County Ordinance 2009-9, an Ordinance
Establishing Certain Fees Pertaining to the Wells 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 Wells County, Indiana is the county legislative and executive body and is authorized to adopt ordinances and resolutions concerning Wells County governmental operations

WHEREAS, Wells 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 Wells 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 Wells 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 Wells 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 Wells County, Indiana desires to have a fair, reasonable, appropriate, and understandable system in place governing the use and access to the Wells County GIS.

WHEREAS, Wells County is desirous of waiving fees for students and public agencies when the data requested is used for educational purposes or by public agencies.

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

Wells County Ordinance No. 2009-9 shall be amended as follows:

1. PRINTING FEES. On and after the date of adoption, each of the following prints created by the Wells County GIS Office shall be assessed printing fee in the amounts listed below:

PAPER SIZE	PRINTING FEE
8 1/2" X 11"	\$1.00
8 1/2" X 14"	\$1.00
11" X 17"	\$1.00
24" X 36"	\$15.00
36" X 36"	\$22.50
36" X 48"	\$30.00
36" X 60"	\$37.50
36" X 72"	\$45.00

All other paper sizes will be charged a printing fee of \$2.50 per square foot.

This printing fee established under this Ordinance shall be a supplementary fee for the Printing Costs accrued by the Wells County GIS Office.

2. GIS DATA LAYER CREATION OR MODIFICATION FEES. On and after the date of adoption, requests for customized map projects will be assessed a fee of \$25.00 per hour spent on the project. This GIS data layer creation or modification fee established under this Ordinance shall be a supplementary fee for the staff salary, computer software licensing fees, and the cost of the data collection equipment needed to complete the customized map projects accrued by the Wells County GIS Office.

3. GIS DATA LAYER SALES FEE. On and after the date of adoption, requests for electronic GIS data layer sales will be assessed a fee of \$200.00 per GIS data layer.

This GIS data layer sales fee established under this Ordinance shall be a supplementary fee for the staff salary, computer software licensing fees, cost of the data collection equipment, shipping costs, and cost of packaging materials needed to create, maintain, enhance, and ship the electronic data layers accrued by the Wells County GIS Office.

4. USE OF FEES. All fees collected pursuant to this Ordinance for the Wells County GIS shall be distributed to and paid into the Electronic Map Generation Fund. This fund shall consist of fees collected for the maintenance, upgrading, enhancement of the electronic map and to the reimbursement of expenses incurred by the public agency supplying the electronic map in the form requested by the purchaser. Said fund shall be administered by the Area Plan Commission, the public agency that collects the fees.

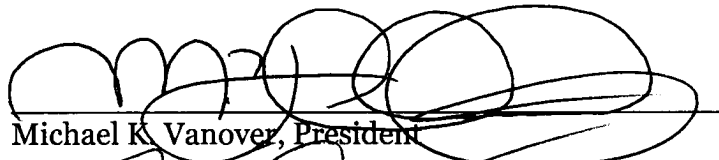
5. WAIVER OF FEES. In the event requests are made from students and public agencies for copies of data, fees may be waived by the GIS manager provided the copies are for:

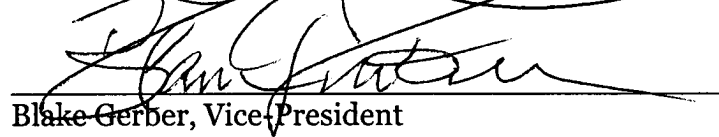
- a. educational purposes; to be used strictly in the classroom and not for resale or used by any other agency without the County's prior consent; or
- b. public agencies; to be used strictly by the public agency and their consultant if the public agency has made a written agreement to share any and all data with the County for future mapping projects.

6. EFFECTIVE DATE. Provided this Ordinance has been approved by the Board of Commissioners of Wells County, Indiana on the 1st of August, 2022, Wells County, Indiana.

IN WITNESS WHEREOF, we have hereunto set our hands this 1st day of August, 2022.


BOARD OF COMMISSIONERS OF
WELLS COUNTY, INDIANA.


Michael K. Vanover, President


Blake Gerber, Vice-President


Jeffery D. Stringer, Member

ATTEST:


Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Colin Z. Andrews, Attorney No. 26767-49, 116 South Main St., Bluffton, IN 46714. *I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Colin Z. Andrews*