

**ORDINANCE NO. 2023-04**

**AN ORDINANCE ESTABLISHING FEE SCHEDULE FOR ACCESS TO  
THE WELLS COUNTY RECORDING SERVICES HISTORICAL  
RECORDS RESEARCH SITE**

WHEREAS, pursuant to Ind. Code § 36-2-2-2 the Board of Commissioners of Wells County, Indiana (“Board”), is the executive body of the Wells County government;

WHEREAS, pursuant to Ind. Code § 36-1-2-9 the Board is also the legislative body of the Wells County government;

WHEREAS, pursuant to Ind. Code § 36-1-3 (“Home Rule”), the Board has all powers granted it by statute and all other power necessary or desirable in the conduct of its affairs, even though not granted by statute, and may exercise such powers to the extent that the power: (i) is not expressly denied by the Indiana Constitution or by statute; and (ii) is not expressly granted to another entity;

WHEREAS, pursuant to Ind. Code § 36-1-3-8, the Board may impose a service charge or user fee that is reasonably related to reasonable and just rates and charges for such services;

WHEREAS, the Board desires to impose a service charge to allow users to use a convenient searchable online database, ArcaSearch, (the “Service”) for property records;

WHEREAS, Ind. Code § 36-1-6-3 requires that Counties exercising powers must enact an ordinance.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the County of Wells, Indiana that:

**SECTION I – NAME**

The name of this ordinance shall be the “Recording Services Historical Records Research Site Service Fee Ordinance.”

SECTION II – SERVICE FEES

A. Approval. The Board hereby adopts the following Fee Schedule for the Service:

<b>Length of Access</b>	<b>Cost</b>
<b>One (1) day access</b>	\$5.00
<b>One (1) week access</b>	\$20.00
<b>Thirty (30) day access</b>	\$35.00
<b>One (1) year access</b>	\$400.00

- B. Findings. The Board hereby finds that the Fee Schedule proposed in Section II Paragraph A are fair and reasonable and do not exceed the cost of the Service provided.
- C. Publication. The Board hereby directs the Auditor to make the Fee Schedule available on the Service’s website, if feasible.
- D. Exclusivity. The fees charged by this ordinance shall be in addition to any other fee or cost required by other County departments and/or by Indiana law.
- E. Advance Payment. The Service may require the fees assessed pursuant to this ordinance to be paid before any services are rendered.
- F. Nonrefundable. All fees collected pursuant to this ordinance are nonrefundable.
- G. Maintenance and Deposit. All fees collected pursuant to this ordinance shall be deposited into the Plat Book Fund, #1181, or any similar fund utilized in the future, and shall be used to defray fees incurred by the County for ArcaSearch services.

SECTION III – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another


jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of) Wells County (Indiana)."

3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.
- C. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.
- D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- E. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- F. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- H. Effective Date. This ordinance shall take effect immediately upon adoption.


**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]**

All as Passed and Ordained this 1<sup>st</sup> day of May, 2023.

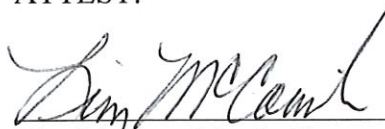
THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF WELLS, INDIANA:

  
Michael K. Vanover, President

  
Blake Gerber, Vice President

  
Jeff Stringer, Member

ATTEST:

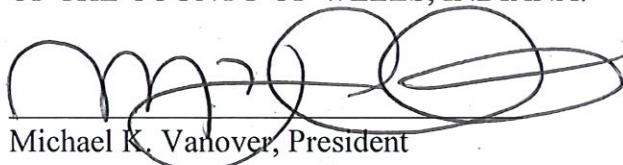
  
Lisa McCormick, Auditor

This instrument was prepared by Wells County Attorney, Theodore T. Storer, Beers Mallers LLP 110 West Berry St. Ste. 1100, Fort Wayne, IN 46802. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Theodore T. Storer

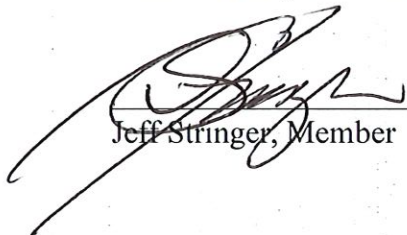
**WAIVER OF SECOND READING**

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective immediately.


THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF WELLS, INDIANA:

  
Michael K. Vanover, President

  
Blake Gerber, Vice President

  
Jeff Stringer, Member

ATTEST:

  
Lisa McCormick, Auditor