ORDINANCE NO. 2017- 005

AN ORDINANCE ESTABLISHING THE MANNER AND FORM FOR THE VERMILLION COUNTY RECORDER TO PROVIDE BULK FORM COPIES TO BULK FORM USERS, THE FEE'S TO BE CHARGED FOR THE SERVICE AND A REQUIREMENT FOR WATERMARKING BULK FORM COPIES

WHEREAS, the Board of Commissioners of Vermillion County, Indiana have the responsibility of and jurisdiction over the maintenance and preservation of certain Vermillion County public records; and

WHEREAS, documents recorded with the Recorder of Vermillion County are part of said public records to be maintained and preserved by Vermillion County;

WHEREAS, I.C. 36-1-4 et. seq. grants Vermillion County the necessary and desirable authority to pass ordinances relating to the conduct of its business affairs; and

WHEREAS, I.C. 36-2-7-10.1(b) requires a county executive to establish by ordinance the manner and form in which the county recorder may provide bulk form copies to bulk users; and

WHEREAS, I.C. 36-2-7-10.1(d) and 36-2-7-10.1(e) sets the fees the county recorder may charge for producing bulk form copies, which production may include a watermark or other protective feature describing certain prohibitions regarding the use of bulk form copies; and

WHEREAS, I.C. 36-2-7-10.1(f) requires a bulk user to enter into a written contract with the county recorder or, if the county recorder uses a third party to provide bulk copy services, the county recorder's designee, for the provision of bulk copy services; and

WHEREAS, I.C. 36-2-7-10.1(g), I.C. 36-2-7-10.1(h) and WHEREAS, I.C. 36-2-7-10.1(i) contain provisions prohibiting bulk users from providing, transferring, allowing the transfer of, selling, offering or advertising for sale, soliciting a purchase of, loaning, giving away or allowing subscription service to bulk form copies obtained by a bulk user to a third party; and

WHEREAS, the Vermillion County Board of Commissioners now finds it is in Vermillion County's best interest to exercise its authority and require that bulk form copies contain a watermark explicitly prohibiting a bulk form user from performing the prior listed acts prohibited by statute; and

WHEREAS, I.C. 36-2-7-10.1(d) requires the county recorder to charge bulk users ten cents ($.10) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document and ten cents ($.10) per recorded document or a copy of the other indices used by the county recorder for finding, retrieving and viewing a recorded document; and

WHEREAS, the Vermillion County Board of Commissioners now desires to create an ordinance setting forth the manner in which the county recorder may provide bulk form copies to

bulk users, including a requirement that a warning watermark be placed on bulk form copies, and setting the fees to be charged for provision of bulk form copies to bulk form users after entering into a written contract with the county recorder, said fees to be collected and deposited into the county recorder's Records Perpetuation fund to be used by the recorder as authorized by statute.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VERMILLION COUNTY, INDIANA:

Section 1. The Vermillion County Recorder or the county recorder's designee, if a third party provides bulk copy services, may provide bulk form copies to bulk users, upon receipt of a written request confirming with the requirements of I.C. 36-2-7-10.1(c), in the following manner:

a. on a disk, tape, drum, or any other medium of electronic data storage or microfilm;
b. by electronically transmitting the copies using an electronic transfer proves; or
c. under both subdivisions (a) and (b)

Section 2. The Vermillion County Recorder (or the county recorder's designee) shall watermark all bulk form copies with the following statement: "Except as provided by I.C. 36-2-7-10.1(h); providing, transferring, allowing the transfer of, selling, offering or advertising for sale, soliciting a purchase of, loaning, giving away or allowing subscription service to bulk form copies for commercial purposes to a third party is prohibited".

Section 3. The Vermillion County Recorder shall charge bulk form users the sum of ten cents ($.10) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document and ten cents ($.10) per recorded document or a copy of the other indices used by the Vermillion County Recorder for finding, retrieving and viewing a recorded document. In addition, the Vermillion County Board of Commissioners finds and determines that the costs incurred by the Vermillion County Recorder to produce bulk form copies exceeds the basic copy fee, and therefore, the Vermillion County Recorder shall charge an additional fee of ten cents ($.10) per page for each document provided to a bulk end user.

Section 4. This ordinance is effective upon passage and signing by the presiding office and publication as required by law.

BOARD OF COMMISSIONERS
VERMILLION COUNTY, INDIANA

Tim Wilson, President

Harry Crossley, Member

Tim Yocum, Member

ATTEST:

Amy Tolbert, Auditor