

ORDINANCE 2017-34

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF WARRICK COUNTY, INDIANA TO ADD NEW SECTION 37.43
BULK FORM ACCESS TO COUNTY RECORDER DOCUMENTS**

WHEREAS, the Indiana General Assembly has enacted P.L. 127-2017 (SEA 505-2017), SECTION 37 amending Ind. Code 36-2-7-10.1, concerning bulk form access to County Recorder Documents, effective July 1, 2017; and

WHEREAS, Ind. Code 36-2-7-10.1(b), as amended, requires that the County Executive establish by ordinance the manner and form in which the County Recorder may provide bulk form copies to bulk users; and

WHEREAS, Ind. Code 36-2-7-10.1(e) requires a finding by the County Executive for the County Recorder to recover the Recorder's costs of providing bulk form copies if such costs exceed ten cents (\$0.10) per page; and

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

The Code of Ordinances of Warrick County, Indiana, is hereby amended to include a new Section 37.43, entitled "Bulk Form Access to County Recorder Documents" as follows:

(A) Definitions.

The definitions set forth in Ind. Code 36-2-7-10.1 are hereby incorporated and include, without limitation, the following:

- (1) "Bulk Form Copy" or "Bulk Form Copies" means an aggregate of:
 - (a) Copies of all recorded documents received by the County Recorder for recording in a calendar day, week, month, or year;
 - (b) The indices for finding, retrieving, and viewing all recorded documents received by the County Recorder for recording in a calendar day, week, month, or year; or
 - (c) Both clauses (a) and (b).
- (2) "Bulk Form User" means an individual, corporation, partnership, limited liability company, or unincorporated association that receives Bulk Form Copies under a contract with the County Recorder.
- (3) "Copy" or "Copies" means a reproduction, including an image of a recorded document or indices created by:
 - (a) Duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or
 - (b) Reproducing on microfilm.
- (4) "Indices" means all of the indexing information used by the County Recorder for finding, retrieving, and viewing a Recorded Document.

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- (5) "Recorded Document" means a writing, paper, document, plat, map, survey, or anything else received at any time for recording or filing in the public records maintained by the County Recorder or the County Recorder's designee.

(B) County Recorder Designee.

The County Recorder may use the services of a third-party designee to provide Bulk Form Copies to Bulk Form Users under this Section.

(C) Manner and Form of Bulk Form Copies.

The County Recorder or the County Recorder's designee may provide Bulk Form Copies to a Bulk Form User on a disk, tape, drum, or any other medium of electronic data storage or microfilm or by electronically transmitting the copies using an electronic transfer process or any combination thereof. The decision as to the manner of providing Copies under this subsection shall be at the discretion of the County Recorder.

(D) Watermark on Bulk Form Copies.

The County Recorder or the County Recorder's designee shall watermark all Bulk Form Copies with the following statement:

Image Property of Warrick County, IN.
For License Only – Not for Resale per Ind. Code 36-2-7-10.1(c).
Official Copies May Be Obtained at the Warrick County Recorder's Office.

(E) Written Request of Bulk Form Copies.

A Bulk Form User must submit a written request identifying the requested Copies with reasonable particularity in order to receive Bulk Form Copies from the County Recorder or the County Recorder's designee.

(F) Contract for Bulk Form Copies.

A Bulk Form User must enter into a contract with the County Recorder prior to receiving Bulk Form Copies that is in compliance with the requirements of this Section and Ind. Code 36-2-7-10.1 and must require that the Bulk Form User agree not to:

- (1) Except as provided in Ind. Code 36-2-7-10.1(h), provide, transfer, or allow the transfer of any copy of a Recorded Document obtained by the Bulk Form User under this Section to a third party;
- (2) Engage in unauthorized access to Recorded Documents; and
- (3) Engage in the unauthorized alteration of Recorded Documents.

If a Bulk Form User violates its contract entered into with the County Recorder under this Section, the County Recorder or the County Recorder's designee may terminate such

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contract and refuse subsequent Bulk Form Copy requests under the conditions set forth in Ind. Code 36-2-7-10.1(j).

(G) Prohibited Actions of Bulk Form User.

Except as permitted under Ind. Code 36-2-7-10.1(h), a Bulk Form User is prohibited from selling, offering for sale, advertising for sale, soliciting a purchase of, loaning, giving away, allowing subscription service to, or otherwise transferring, providing, or allowing the transfer of Bulk Form Copies for commercial purposes to a third party, whether the Copies are in Bulk Form or individual Copies or images.

(H) Bulk Form Copy Fee.

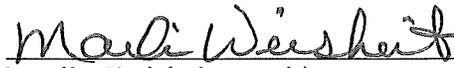
Having determined that the costs of producing Bulk Form Copies exceeds ten cents (\$0.10) per page, the fee for producing Bulk Form Copies shall be fifteen cents (\$0.15) per page for a Bulk Form Copy of a Recorded Document, including the instrument's book and page, if applicable, and fifteen cents (\$0.15) per Recorded Document for a Copy of the Indices used by the County Recorder for finding, retrieving, and viewing a Recorded Document. Any revenue generated under this Section shall be deposited in the County Recorder's Records Perpetuation Fund, used by the County Recorder in accordance with Ind. Code 36-2-7-10(f), and otherwise comply with the requirements of Ind. Code 36-2-7-10.1(f).

(I) Civil Fine for Violation of this Section.

In addition to any contractual remedies the County Recorder or the County Recorder's designee may have, a Bulk Form User who violates this Section shall also be subject to a civil fine of not more than two thousand five hundred dollars (\$2,500) per violation.

Passed and adopted by the Board of Commissioners of Warrick County, Indiana, this 11th day of December, 2017.

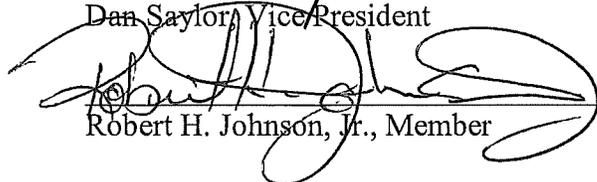
WARRICK COUNTY
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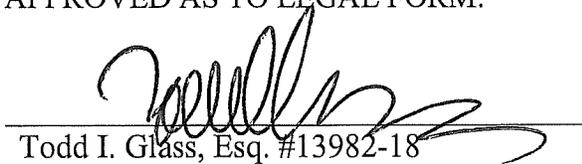
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ATTEST:



Deborah K. Stevens, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:



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