

**ALLEN COUNTY CODE TITLE 12  
FINANCIAL**

**ARTICLE 90  
ELECTRONIC MAP USERS FEE**

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**12-90-1 Chapter 1: Creation of Fund**

**12-90-1-1**

There is hereby established an “Electronic Map Users Fee” (hereinafter “electronic map fee”) for providing an electronic map or data therefrom in accordance with Indiana Code § 5-14-3-1 et seq.

**12-90-1-2**

GIS data are public records and shall be provided at the direct cost of copying as allowed by I.C. 5-14-3 *et seq* Access to Public Records, and as specified below.

The electronic map fee shall be uniform to all purchasers without regard for the purpose or use of the electronic map or data therefrom. Said fee imposed shall depend upon the products and/or services requested by the purchaser. The electronic map fee shall be paid by any person or entity that requests an electronic map and/or data therefrom. Said fee shall be payable to the Treasurer of the County of Allen. The prices for the products and services offered by the County shall be the following:

ITEM REQUESTED	DESCRIPTION	UNIT PRICE
Standard Map - Small Size	Hard copy map products plotted in color with standard (pre-defined) features and symbols. These maps would include requests received at a public counter, via telephone, or over the Internet. The small size map is 8 ½x11 or 8 ½x14.	\$4.00
Standard Map - Medium Size	Hard copy map products plotted in color with standard (pre-defined) features and symbols. These maps would include requests received at a public counter, via telephone, or over the Internet. The medium size map is 11x17 to 17x22.	\$15.00
Standard Map - Large Size	Hard copy map products plotted in color with standard (pre-defined) features and symbols. These maps would include requests received at a public counter, via telephone, or over the Internet. The large size map is up to 36 inches width plots.	\$30.00

Public Counter On-Line Access	Special terminals will be provided in the City/County building for viewing the electronic map data only – a fee will be imposed for all printouts and downloads at the standard prices.	Free
Tabular	Non-Spatial data or tabular reports extracted from the county’s electronic map and provided in the format required by the user. This product includes only attribute data customized to the users request. <b>(Amended 9-07-07 by Ordinance # 9-07-07-25)</b>	\$65.00 per hour PLUS \$0.02 per Report Line
Custom Services	Custom services not provided for in the above categories, e.g. special analysis, custom map generation. These services will be provided as office staff becomes available.	\$65.00 per hour

The fee shall be uniform to all purchasers without regard to the purpose or use of the electronic map, however, the Board of Commissioners of the County of Allen reserves the right to waive all or part of the fee for non-commercial uses (e.g. public agency program support, nonprofit activities, journalism, and academic research) of the electronic map and/or the data therefrom.

*Amended 4/6/2012 by Ordinance #04-04-12-07*

## **12-90-2 Chapter 2:**

*Repealed 4/6/2012 by Ordinance #04-04-12-07*

## **12-90-3 Chapter 3: Restrictions and Limitations on the Use of the Information**

### **12-90-3-1**

#### **CREDIT**

It is requested that Allen County be cited in any products generated from GIS data created by Allen County.

#### **WARRANTY**

Allen County warrants that the media on which the GIS data is stored will be free from defect in materials and workmanship for ninety (90) days from the date of acquisition. If such a defect is found, return the media to Allen County iMap, 200 E Berry Street, Suite 415, Fort Wayne, IN 46802, and it will be replaced free of charge.

#### **LIMITATION OF WARRANTIES AND LIABILITY**

Except for the expressed warranty above, the GIS data is provided "AS IS", without any other warranties or conditions, expressed or implied, including, but not limited to, warranties for quality, or suitability to a particular purpose or use. The risk or liability

resulting from the use of this data is assumed by the user. Allen County shares no liability with data user's indirect, incidental, special, or consequential damages whatsoever, including, but not limited to, loss of revenue or profit, lost or damaged data or other commercial or economic loss. Allen County is not responsible for claims by a third party. The maximum aggregate liability to the original purchaser shall not exceed the amount paid by you for the product.

*Amended 4/6/2012 by Ordinance #04-04-12-07*

## **12-90-4 Chapter 4: Purpose**

### **12-90-4-1**

The purpose of the electronic map fee is to recover actual costs of producing printed maps or performing custom services as requested by a purchaser.

The funds collected from the use of an electronic map and/or data therefrom shall be for (1) the maintenance, upgrading, and enhancement of the electronic map; and (2) the reimbursement of expenses incurred by a public agency in supplying an electronic map in the form requested by a purchaser.

*Amended 4/6/2012 by Ordinance #04-04-12-07*

### **12-90-4-2**

Funds collected pursuant to this Ordinance for the electronic map fee shall be paid into the "Electronic Map Generation Fund" established by the Allen County Council.

*Amended 4/6/2012 by Ordinance #04-04-12-07*

## **12-90-5 Chapter 5: Exemption from Public Records**

### **12-90-5-1**

In accordance with Indiana Code § 5-14-3-4(b), the Allen County Board of Commissioners is exercising its discretion and exempting all computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility from Indiana Code § 5-14-3-3.

## **12-90-6 Chapter 6: Severability**

### **12-90-6-1**

If any provision of this Ordinance is declared or determined to be null, void, inoperative, illegal or invalid for any reason, the validity of the remaining parts, terms or provisions

will not be affected thereby and they will retain their full force and effect, and said null, void, inoperative, illegal or invalid part, term or provision will not be deemed to be part of this Ordinance.

***Ordinance adopted 12-17-2003 by Ordinance #12-17-03-30***

***Ordinance amended 9-07-07 by Ordinance # 9-07-07-25***

***Ordinance amended 4-6-12 by Ordinance #04-06-12-07***