

BEFORE THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

ORDINANCE NO. 2017-85-04

AN ORDINANCE PROVIDING FOR THE MANNER AND FORM FOR PROVIDING BULK FORM COPIES TO A BULK FORM USER

The Board of Commissioners of Wabash County, Indiana, shall establish an ordinance providing for the manner and form in which the Wabash County Recorder may provide bulk form copies to bulk users, pursuant to I.C. 36-2-7-10.1.

NOW THEREFORE, IT IS ORDAINED AS FOLLOWS:

Section I. Definitions. The following definitions shall apply throughout this Ordinance:

- (a) "Bulk Form Copy" means an aggregation of:
 - (1) copies of all recorded documents received by the County Recorder for recording in a calendar day, week, month, or year;
 - (2) 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
 - (3) both clauses (1) and (2).
- (b) "Bulk User" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that receives bulk form copies under a contract with the County Recorder.
- (c) "Copy" means a reproduction, including an image of a recorder document or indices created by:
 - (1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or
 - (2) reproducing on microfilm.
- (d) "Indices" means all of the indexing information used by the County Recorder for finding, retrieving, and viewing a recorded document.
- (e) "Recorded Document" means a writing, a paper, a document, a plat, a map, a 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.

Section II. Manner and Form of Production. The County Recorder may provide Bulk Form Copies to a Bulk User (1) on a disc, tape, drum, or any other medium of electronic data storage or microfilm, or (2) by electronically transmitting the copies using an electronic transfer process.

Section III. Procedure for Requesting Bulk Form Copies. A Bulk User must submit a written request to the County Recorder that identifies the requested Bulk Form Copies with reasonable particularity. Unless the request is refused pursuant to Section VI, upon receipt of a valid written request the County Recorder or the County Recorder's designee shall provide the Bulk Form Copies to the Bulk User by any method or methods established by Ordinance. The County Recorder or the County Recorder's designee shall work with reasonable diligence to ensure that Bulk Form Copies are provided within a reasonable time after the later of the following events:

- (1) The County Recorder's archival process is completed and Bulk Form Copies become available in the County Recorder's Office.

- (2) The Bulk User executes a contract that meets the requirements of Section V with:
 - (A) the County Recorder; and
 - (B) if the County Recorder uses a third party to provide bulk copy services, the County Recorder's designee.

Section IV. Fees Charged for Bulk Form Copies.

- (a) The County Recorder shall charge a fee for producing Bulk Form Copies. The amount of the fee shall be as follows:
 - (1) Ten cents (\$0.10) per page for a copy of a Recorded Document, including the instrument's book and page, if applicable.
 - (2) Ten cents (\$0.10) per [Recorded Document] for a copy of the Indices used by the County Recorder for finding, retrieving, and viewing a Recorded Document.
- (b) The fees charged by the County Recorder are subject to the following requirements:
 - (1) The County Recorder shall pay the fees into the County Treasurer at the end of each calendar month;
 - (2) The fees prescribed and collected under this Ordinance supersede all other fees for Bulk Form Copies required by law to be charged for services rendered by the County Recorder to Bulk Users; and
 - (3) All revenue generated by the County Recorder under this Ordinance shall be deposited in the County Recorder's records perpetuation fund and used by the County Recorder in accordance with I.C. 36-2-7-10(f).

Section V. Bulk User Contract—Termination.

- (a) A Bulk User must enter into a contract with the County Recorder and if the County Recorder uses a third party to provide bulk copy services, the County Recorder's designee, in order to receive Bulk Form Copies. The contract must be in writing and must require that the Bulk User agree not to do any of the following:
 - (1) Except as provided in Section VI, provide, transfer, or allow the transfer of any copy of a Recorded Document obtained by the Bulk User under this Ordinance to a third party;
 - (2) Engage in unauthorized access to Recorded Documents; and
 - (3) Engage in unauthorized alteration of Recorded Documents.
- (b) If a Bulk User does not comply with a contract required under this Ordinance, the County Recorder may terminate the contract, immediately stop providing Bulk Form Copies to the Bulk User, and refuse to provide the Bulk Form Copies required by the Bulk User if all termination provisions and procedures in the contract have been met by the County Recorder. The County Recorder may refuse subsequent requests from a Bulk User for Bulk Form Copies in the following circumstances:
 - (1) The Bulk User is a person that has had a previous bulk form copy contract terminated by the County Recorder because the County Recorder determined that the Bulk User failed to comply with the contract; or

- (2) The Bulk User is a corporation or limited liability company in which a person has a majority or controlling interest and:
- (A) the person requested Bulk Form Copies under a previous contract with the County Recorder; and
 - (B) the contract was terminated by the County Recorder because the County Recorder determined that the person failed to comply with the contract.

Section VI. Resale of Bulk Form Copies by Bulk User.


- (a) A Bulk User that is licensed under I.C. 27-1-15.6-6(d) or holds a certificate of authority under I.C. 27-7-3-6 may provide Bulk Form Copies related to the specific order for a title search (as defined in IC 27-7-3-2) when operating as:
- (1) a title plant for the issuance of title insurance (as defined in IC 27-7-3-2); or
 - (2) title company (as defined in IC 27-7-3-2).
- (b) A Bulk User that meets the requirements of subsection (a) may charge its customers a fee for using the Bulk Form Copies obtained by the Bulk User that may not exceed the costs incurred by the Bulk User for obtaining the Bulk Form Copies.
- (c) A Bulk User that meets the requirements of subsection (a) may not resell, provide, transfer, or allow the transfer of any copy of a Recorded Document, whether in bulk form or as individual copies or images, to any other Bulk User or title plant.
- (d) A Bulk User that does not meet the requirements of subsection (a) is prohibited from selling, offering for sale, advertising for sale, soliciting a purchase of, loaning, giving away, allowing subscription service to, or otherwise transferring, provide, 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.

Section VII. Enhanced Access Not Affected. This Ordinance does not apply to enhanced access authorized under I.C. 5-14-3-3 or to any Wabash County Ordinances promulgated thereunder.

Section VIII. Effective Date. This Ordinance shall become effective upon adoption and signature.

ADOPTED this 11th day of September, 2017.

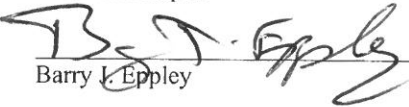
BOARD OF COMMISSIONERS OF WABASH COUNTY



Scott E. Givens, Chairman



Brian K. Haupt



Barry J. Eppley

ATTEST:

Marcie Shepherd
Marcie Shepherd, Wabash County Auditor

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