

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1286

AN ORDINANCE CREATING AN "ELECTRONIC MAP GENERATION FUND" AND PROVIDING FEES FOR CHARGES FOR PROVIDING AN ELECTRONIC MAP TO THE GENERAL PUBLIC.

WHEREAS, the Town of St. John, Lake County, Indiana, has implemented a computerized mapping program by and through its Building and Planning Department as well as the Office of the Systems Analyst/Network Administrator, to provide a geographic-based information system for planning, engineering, utilities, and related public service activities; and

WHEREAS, all activities related to the computerized mapping program are under the management and control of the Building and Planning Department under the supervision of the Office of the Systems Analyst/Network Administrator who coordinate the operation, maintenance, protection, and upkeep of this computerized mapping program which has been developed by the Town of St. John; and

WHEREAS, the Town of St. John is a "public agency" as defined in I.C. 5-14-3-2 and is subject to the general provisions of the Indiana Public Records law as set forth in I.C. 5-14-3-1 et seq., and to the provisions of those sections regarding electronic maps in particular; and

WHEREAS, I.C. 5-14-3-2 defines an "electronic map" as "copyrighted data provided by a public agency from an electronic geographic information system", and I.C. 5-14-3-8(j) authorizes the Town to establish a uniform fee(s) for providing electronic maps that is based upon a reasonable percentage of the Town's direct cost of maintaining, upgrading, and enhancing the electronic map, and for the direct cost of supplying the electronic map in the form requested by the purchaser; and

WHEREAS, I.C. 5-14-3-8(j) provides that the fee the Town charges for providing an electronic map is subject to approval of the St. John Town Council; and

WHEREAS, I.C. 5-14-3-8.5 requires that should the Town choose to charge a fee for providing electronic maps, the Town must create an "Electronic Map Generation Fund" which shall be administered by the Town and is dedicated to the purposes of: 1. the maintenance, upgrading, and enhancement of the electronic map, and 2. the reimbursement of expenses incurred by the Town in supplying an electronic map in the form requested by a purchaser; and

WHEREAS, it is the goal of the Town of St. John to provide access to its electronic maps, with a fee assessed only in those instances where additional labor, materials, or equipment costs are incurred by the Town; and

WHEREAS, pursuant to I.C. 5-14-3-4, the Town has the authority to limit access to records where issues such as privacy and security arise, and the Town intends to continue to take these issues into consideration in providing access to records and maps which may be excepted from the requirements of the Indiana Public Records law.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana as follows:

SECTION 1: Public access to maps in electronic format. The Town of St. John shall make every effort to provide public access to all disclosable records which it may possess including its electronic map database to the extent practicable and feasible given the resources at the Town's disposal to implement such access.

SECTION 2: Fees. The fees charged for the inspection or copying of all or any portion of the electronic mapping database shall be based upon the labor, material, and equipment costs which the Town of St. John must incur to comply with the request for inspection and copying which it receives; notwithstanding anything in this Section to the contrary, the Town may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the Town's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser.

SECTION 3: Schedule of electronic mapping fees. The fees charged for providing inspection and copying of electronic mapping databases are set forth in the schedule of electronic mapping fees, which schedule is incorporated by reference into this ordinance.

SECTION 4: Electronic Map Generation Fund. The Town of St. John Electronic Map Generation Fund is hereby established, which Fund shall consist of the fees collected by the Town for providing electronic maps. The Electronic Map Generation Fund shall be a dedicated fund administered jointly by the Town Clerk-Treasurer and the Systems Analyst/Network Administrator for the following purposes:

- a. The maintenance, upgrading, and enhancement of the electronic mapping database; and
- b. The reimbursement of expenses incurred by the Town of St. John in supplying electronic mapping information in the form requested by the purchaser.

Monies in this Fund shall be appropriated by the Town Council and shall be returned to the Fund if unexpended by the end of each year.

BE IT FURTHER ORDAINED that all existing ordinances, or parts thereof, in conflict with the provisions of this ordinance, are hereby deemed null, void, and of no legal affect, and are specifically repealed.


BE IT FURTHER ORDAINED that if any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this ordinance.

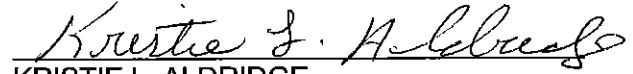
BE IT FURTHER ORDAINED that this ordinance shall take effect and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, pursuant to law.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this _____ day of _____ 2003.

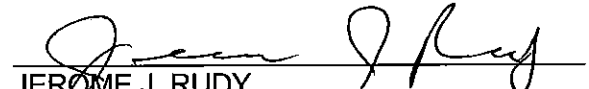
Aye _____ Nay _____


TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA


MICHAEL S. FORBES, President


KRISTIE L. ALDRIDGE


WILLIAM M. WINTERHALER


JEROME J. RUDY


GREGORY J. VOLK

ATTEST:

SHERRY P. SURY
Clerk-Treasurer

TOWN OF ST. JOHN

Schedule of Electronic Data Fees

Section I. Maps

I.1 Published Hard Copy Map Fees-"Published" is defined as already compiled in final format as follows:

Plots-ANSI A-F sizes	\$15.00 per page
Laser Print-any size	\$ 5.00 per page

I.2 Compiled Maps-"Compiled" is defined as building layers for the map.

Plots-ANSI A-F sizes	\$25.00 per page
Laser Print-any size	\$10.00 per page

Section II. Reference Materials

All reference books listed below will be sold for the sum of \$25.00:

- Zoning Ordinance
- Subdivision Control Ordinance
- Park Master Plan
- Comprehensive Plan
- Water Standard
- Sewer Standard
- Wellhead Protection Plan
- Water Master Plan
- Sewer Master Plan