

SHELBY COUNTY ORDINANCE NO. 2016-14

An Ordinance to Restrict Home Addresses on Shelby
County's Property Website

WHEREAS, the Shelby County Commissioners are required to establish a policy for Shelby County departments to comply with new requirements of IC 36-1-8.5 (which took effect on July 1, 2015), specifically related to "Covered Persons" and the publically accessible property website, WTH, managed by the Shelby County GIS Department.

WHEREAS, IC 36-1-8.5 provides a means for an individual defined as a "covered person" to submit a written request to have their home address restricted from disclosure on a public property data base website. The restricted information will not be made available to a member of the general public.

WHEREAS, according to Indiana Code 36-1-8.5, only those individuals providing information or verification required by this policy to be classified as a covered person as defined below are eligible.

- A judge;
- A law Enforcement Officer;
- A Victim of domestic violence; or
- A Public official

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Shelby County, Indiana, that:

The following policy defines the procedure used for processing request.

1.0 Definitions

1.1 Judge (IC 36-1-8.5-3)

- (1) A judge of the supreme court, court of appeals, tax court, circuit court, superior court, municipal court, county court, federal court, or small claims court; or
- (2) A magistrate, commissioner or juvenile referee of a court.

1.2 Law Enforcement Officer (IC 36-1-8.5-4)

- (1) A police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
- (2) A deputy of any of the personas specified in subdivision (1);
- (3) An investigator for a prosecuting attorney or for the inspector general;
- (4) A conservation officer;
- (5) An enforcement officer of the alcohol and tobacco commission; or
- (6) An enforcement officer of the securities division of the office of the secretary of state.

1.3 Victim of Domestic Violence (IC 36-1-8.5-6)

(1) A victim of domestic violence who is certified as a program participant in the address confidentiality program established by the attorney general under IC 5-26.5-2

1.4 Public Official (IC 36-1-8.5-4.5)

(1) An individual who holds or formerly held office at any time during the preceding four (4) years in the executive or legislative branch of the state or federal government or a political subdivision of the state or federal government. The actual criteria are as follows:

- a. A position for which the duties include performance of some sovereign power for the public's benefit;
- b. Are continuing;
- c. Are created by law instead of by contract.

1.5 Public Property Database Website (IC 36-1-8.5-5)

An internet website that:

- (1) Is available to the general public over the internet;
- (2) Does not require registration, subscription, or the creation of a user name and password to search the website; and
- (3) Connects a covered person's home address to the covered person's name, so that a search of the website for the covered person's name discloses the covered person's home address.

1.6 Cooperative Agency

Refers to an agency such as a police department, Prosecutor's office, etc. that will agree to compile and keep lists of covered individuals up to date and accurate.

Additional definitions and clarification can be found by visiting the website for the Indiana General Assembly and searching for section 36-1-8.5.

2.0 Duty to Comply (IC 36-1-8.5-7)

The duty to prevent disclosure of an address as it falls under 36-1-8.5 rests upon the Shelby County GIS Office regarding the Shelby County WTH website.

The process to comply with the code is outlined below.

2.1 Submit a Written Request

1. A covered person who wants to restrict access to the covered person's home address by means of a public property data base website must submit a written request to the Shelby County GIS Office.
2. The written request must be submitted on the Address Restriction/Name Change Form obtained from the Shelby County GIS Office.
3. The written request must include State Key Parcel Number (s) for the parcels (s) where the home address is located and for additional parcels that make reference to the home address.
4. A bulk request may be submitted by a cooperative agency (see section 1.6 above) by providing a digital list of covered names accompanied with the Address Restriction / Name Change Form.
 - a. An agency designated administrator shall submit a digital list of current covered persons including:
 - i. Name as it appears on current deed of record and tax records (covered person must be listed on the deed).
 - ii. State Key Parcel Numbers (s) for the parcel (s) where the home address is located and for additional parcels that make reference to the home address.
 - iii. Home address for the parcels(s) affected including city, state and zip code.
 - iv. Contact phone number and/or email address
 - b. The digital list shall also include those individuals that have moved from their primary residence and may need to report a change of home address.
5. Individuals that have moved and want their new home address restricted must submit a written request to the Shelby County GIS Office.
6. Individuals that have a change of name under IC 34-28-2 must submit a written request to the Shelby County GIS Office.
7. Individuals that want to allow public access to a previously restricted home address must submit a written request to the Shelby County GIS Office.

2.2 Information or Verification Required for Processing Written Request

The following describes what information or verification is required for a covered person's written request to be processed. The GIS Office will verify that submission is valid and requestor is covered according to IC 36-1-8.5

1. **A judge** – Provide a signed letter in paper copy stating current or previous employment status as:
 - (1) A judge of the supreme court, court of appeals, tax court, circuit court, superior court, municipal court, county court, or small claims court; or
 - (2) A magistrate, commissioner, or juvenile referee of a court
2. **A law enforcement officer** – provide a signed letter in paper copy stating current or previous employment status as:

- (1) A police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
 - (2) A deputy of any of the persons specified in subdivision (1);
 - (3) An investigator for a prosecuting attorney or for the inspector general;
 - (4) A conservation officer;
 - (5) An enforcement officer of the alcohol and tobacco commission; or
 - (6) An enforcement officer of the securities division of the office of the secretary of state.
3. **A victim of domestic violence** – Provide paper copy of proof of the program participation of Attorney General Address confidentiality program.
 4. **A public official** – Provide signed letter in paper copy stating current or previous service as a public official who holds or formerly held office at any time during the preceding four (4) years in the executive or legislative branch of the state or federal government or a political subdivision of the state or federal government.

2.3 Person or Department to Receive and Process Written Request

Written requests regarding the redaction of a home address on the Shelby County WTH website shall be received and processed by the Shelby County GIS Office. If a written request for redaction of a home address is denied by the GIS Office, the applicant may appeal to the Board of Commissioners.

2.4 Methods used for Notifying Covered Persons

The following methods may be used as a means to notify covered persons of their applicability under IC 36-1-8.5.

1. Signs will be posted in various county offices that deal with property upon permission by the office department head.
2. A website will be established providing a link to download a PDF copy of the Address Restriction / Name Change Form. The website will be made available through the Shelby County Government home site (www.shelbycounty73.com)
3. A written notification will be submitted to local law enforcement offices and the courts.
4. A broadcast message may be sent through our internal email system notifying public officials of their eligibility.

2.5 Fee Structure

The following fee structure applies to applicants making a written request under IC 36-1-8.5.

1. **Initial request** - \$100 fee will be assessed for a requestor's primary residence site (home address). A \$30 per parcel fee will be assessed for additional parcels that make reference to the requestor's primary residence site (home address).
2. **Additional Requests** – a \$30 per parcel fee will be assessed for a new parcel requests not included in the original written request to restrict public access to a covered person's home address.
3. **Change in Name of Title** – a \$30 fee will be assessed for any changes in the name of title of the covered person.
4. **Requests to allow disclosure** – there is no charge assessed when a covered person submits a written request to allow public access to the person's home

address on the public property data base website. This action removes a previous request to restrict public access to covered person's home address.

5. **Deposits** – all fees collected will be deposited to a non-reverting GIS fund. This fund will be used to financially support Shelby County's public property web site WTH.

3.0 Result of Changes to Access of Property Information on WTH

The process of restricting home addresses on the Shelby County WTH website will have the following consequences.

3.1 Shelby County WTH Website

Requests to restrict access to home addresses affect either one or possibly multiple parcels that may display the home address. A parcel's State Key Parcel Identification Number (PIN) will be added to a built-in suppression list managed by WTH. The act of adding a parcel's PIN number to the suppression list will redact all the information available for the affected parcel (s). Performing a search on suppressed PINs will return no search nor display the parcel's location on the map.

3.2 Internal County Property Record Databases

Property information stored on internal county databases will still exist and be made available to the public per request, unless blocked by state statute.

4.0 Immunity and Litigation Proceedings (IC 36-1-8.5-12)

It is the intention of Shelby County to comply with the intent of the code to not make property information associated with a home address accessible by means of removing the link between name and parcel information.

A unit may not be held liable for failure to timely restrict disclosure of an address under this chapter unless the unit's act or omission constitutes gross negligence or willful or wanton misconduct.

5.0 Reversal of Privacy Settings (IC 36-1-8.5-9)

The public access of removed information can only be done at the request of the original covered person. Per the code, and individual may request reinstatement of their excluded information by submitting a written request to the Shelby County GIS Office.

6.0 Confidentiality (IC 36-1-8.5-11)

All requests made to the Shelby County GIS Office by a covered person are confidential.

7.0 Amendments

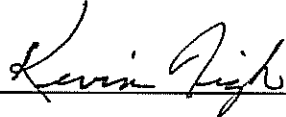
Shelby County reserves the right to amend or revise the contents of this policy as deemed suitable. The revised policy will be available on the County website or in the Shelby County GIS Office.

This ordinance is effective from and after its adoption and approval by the Commissioners and any publication as required by law, and as otherwise stated herein.


This ordinance shall be effective upon promulgation according to law.

Adopted and ordained this 25th day of July, 2016

Board of Commissioners of Shelby County Indiana



Kevin Nigh



Don Parker



Chris Ross

ATTEST:



Mary Jo Phares, Auditor of Shelby County

Shelby County Restricted Access Form

To restrict searches of your home property on the Shelby County, Indiana (GIS) website, please fill out the form below. *Please note this will only restrict searches on the Shelby County WTH GIS website. It will not affect other publicly available websites such as Google, Bing or other government websites etc.*

I _____, fitting the definition of a "Covered person" in IC 36-1-8.5 based on being a _____ (type of covered person), am hereby requesting and consenting that my name be removed from the Shelby County WTH GIS website.

Parcel Address _____

Parcel Numbers _____

Covered Person Information:

Judge – provide Court name: _____

Law Enforcement-provide badge number: _____

Public Official – provide office held: _____

If you are a victim of domestic violence please fill in the information below.

State and County in which domestic charges were filed: _____

I understand that by removing my parcels address(es) from the GIS website, I may **not** be notified when neighboring property owners seek zoning changes, variances, etc.

I further understand that if at any time my home address or name changes and I still wish to restrict searches of my properties, I will need to fill out another restricted access form. Likewise, if I wish to remove search restrictions on my home address later, I must contact the GIS office and provide proof of identity.

By signing this form I consent to having Shelby County, Indiana restrict address searches of my property (s) on its GIS website and I understand and accept all the above items.

Signed _____ Date _____