

**STATE OF INDIANA**  
**BEFORE THE BOARD OF KOSCIUSKO COUNTY COMMISSIONERS**

**ORDINANCE NO. 24-03-12-00/**

**ORDINANCE TO RESTRICT HOME ADDRESSES ON THE KOSCIUSKO COUNTY PUBLIC  
PROPERTY DATA BASE WEB SITE**

**WHEREAS:**

1. The Board of Commissioners ("Board") of Kosciusko County, Indiana ("County"), is the executive body of County government pursuant to the provisions of IC 36-2-2-2 and the legislative body of County government pursuant to the provisions of IC 36-1-2-9.
2. IC 36-1-8.5 requires that the County establish a process to prevent a member of the general public from gaining access to the home address of certain Covered Persons (as defined in IC 36-1-8.5-2) by means of the County's Public Property Data Base Web Site (as defined in IC 36-1-8.5-4.5).
3. In order for the County to be in compliance with IC 36-1-8.5, the Board passed Ordinance No. 2015-07-28-004: An Ordinance to Restrict Home Addresses on the Kosciusko County Public Property Data Base Web Site ("2015 Ordinance") relating to Covered Persons and to the Public Property Data Base Web Site managed by the Kosciusko County GIS Department.
4. Since 2015, IC 36-1-8.5 has been amended to add persons to the definition of Covered Persons.
5. By adopting this Ordinance, the Board desires to remain in compliance with IC 36-1-8.5 by amending and restating in its entirety the process established by the 2015 Ordinance to prevent a member of the general public from gaining access to the home address of certain Covered Persons by means of the County's Public Property Data Base Web Site.

**NOW, THEREFORE, THE FOLLOWING IS HEREBY ORDAINED BY THE BOARD:**

1. This Ordinance shall amend and restate in its entirety the process established by the 2015 Ordinance to prevent a member of the general public from gaining access to the home address of certain Covered Persons by means of the County's Public Property Data Base Web Site
2. This Ordinance establishes the County's process to prevent a member of the general public from gaining access to the home address of certain Covered Persons by means of the County's Public Property Data Base Web Site.
3. Definitions:
  - 3.1. "Covered Person", pursuant to IC 36-1-8.5-2, shall mean any of the following:
    1. A judge.
    2. A law enforcement officer.
    3. An address confidential program participant.
    4. A public official.
    5. The surviving spouse of a person described in subsection 2 if the person was killed in the line of duty.
    6. An employee of the department of child services.
    7. A current or former probation officer.
    8. A current or former community corrections officer.
    9. A regular, paid firefighter or a volunteer firefighter (as defined in 36-8-12-2).
    10. Any person who resides in the same household as a person described in subsections 1 through 9.

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Kosciusko County Recorder IN  
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- 3.2. “Employee of the Department of Child Services”, pursuant to IC 36-1-8.5-2.5, shall mean an individual who is or was employed as any of the following by the department of child services established by IC 31-25-1-1:
1. A family case manager trainee.
  2. A family case manager.
  3. A family case manager supervisor.
  4. A local office director.
  5. A regional manager.
  6. A child services assistant.
  7. A child services attorney.
- 3.3. “Judge”, pursuant to IC 36-1-8.5-3, shall mean any of the following:
1. A judge of the supreme court, court of appeals, tax court, circuit court, superior court, municipal court, county court, federal court, probate court, or small claims court; or
  2. A magistrate, commissioner, or juvenile referee of a court.
- 3.4. “Law Enforcement Officer”, pursuant to IC 36-1-8.5-4, shall mean any of the following:
1. A police officer (including a tribal police officer, a correctional police officer and a hospital police officer employed by a hospital police department established under IC 16-18-4), 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.
  6. An enforcement officer of the securities division of the office of the secretary of state.
- 3.5. “Program Participant” has the meaning set forth in I.C. 5-26.5-1-6, which refers to an individual certified as a program participant under IC 5-26.5-2-3 by the office of the Attorney General based upon an application pursuant to IC 5.26.5-2-2 by which an applicant has provided a sworn statement that the applicant has good reason to believe that:
1. the applicant, the minor or incapacitated individual on whose behalf the application is made, or a household member of the applicant is a victim of:
    - i. domestic violence;
    - ii. harassment;
    - iii. human trafficking;
    - iv. intimidation;
    - v. invasion of privacy;
    - vi. sexual assault; or
    - vii. stalking; and
  2. the applicant fears for:
    - i. the applicant’s safety; or
    - ii. the safety of a minor or an incapacitated individual on whose behalf the application is made.
- 3.6. “Public Official”, pursuant to IC 36-1-8.5-4.5, shall mean: 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.

3.7. "Public Property Data Base Web Site", pursuant to IC 36-1-8.5-5, shall mean: An internet web site 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 web site; and
3. connects a Covered Person's home address to the Covered Person's name, so that a search of the web site for the Covered Person's name discloses the Covered Person's home address.

**4. Process to Restrict Access (IC 36-1-8.5-7)**

In accordance with IC 36-1-8.5-7(b), the following process is hereby established to prevent a member of the general public from gaining access to the home address of a Covered Person by means of the Public Property Data Base Web Site.

**4.1. Submit a Written Request**

1. A Covered Person who wishes to restrict access to the Covered Person's home address by means of a Public Property Data Base Web Site must submit a written request to the Kosciusko County Auditor's Office.
2. The written request shall be submitted on the Address Restriction Form obtained from the Kosciusko County Auditor's Office.
3. Pursuant to IC 36-1-8.5-10, a Covered Person who has previously submitted a written request under this section and who has obtained a change of name under IC 34-28-2, must notify the Auditor's Office in writing if he or she wishes to restrict access with respect to both the Covered Person's former and new name.
4. Individuals that have moved and are still covered according to statute must submit a new request and fee.

**4.2. Information or Verification Required for Processing Written Request**

The following described information and verification is required for processing of a requested filed by a Covered Person:

1. A judge must provide a signed letter in paper copy stating current or previous employment status as:
  - i. A judge of the supreme court, court of appeals, tax court, circuit court, superior court, municipal court, county court, federal court, probate court, or small claims court; or
  - ii. A magistrate, commissioner, or juvenile referee of a court.
2. A law enforcement officer must provide a signed letter in paper copy stating current or previous employment status as:
  - i. A police officer (including a tribal police officer, a correctional police officer and a hospital police officer employed by a hospital police department established under IC 16-18-4), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general.
  - ii. A deputy of any of the persons specified in subdivision i.
  - iii. An investigator for a prosecuting attorney or for the inspector general.
  - iv. A conservation officer.
  - v. An enforcement officer of the alcohol and tobacco commission.
  - vi. An enforcement officer of the securities division of the office of the secretary of state.

3. A program participant must provide paper copy of proof of program participation in the Attorney General address confidentiality program.
4. A public official must provide a 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.
5. Any other covered person must provide written evidence as required by the Kosciusko County Auditor's Office necessary to verify that such individual is a Covered Person.

#### **4.3. Person or Department to Receive and Process Written Request**

Written requests regarding restriction of access to a Covered Person's home address on the Kosciusko County Public Property Data Base Web Site will be received and processed by the Kosciusko County Auditor's Office. If any such written request is denied by the Auditor's Office, the applicant may appeal to the Board of Commissioners.

#### **4.4. Fees Deposited into General Fund**

All fees collected will be deposited into the County General fund.

#### **4.5. Fee Schedule**

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

1. Initial Request: A \$25 per parcel fee will be assessed for individual requests.
2. Additional Requests: A \$25 per parcel fee will be assessed for any changes to the title of the parcel or relocation of the Covered Person and for any requests for restriction made by a Covered Person regarding each additional parcel.
3. Name Change: A \$25 per parcel fee will be assessed to process a name change.

### **5. Result of Changes to Access of Property Information on Beacon**

The process of restricting home addresses on the Kosciusko County Public Property Data Base Web Site will cause the following:

#### **5.1. The Kosciusko County Public Property Data Base Web Site**

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 Beacon. 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 results nor display the parcel's location on the map.

#### **5.2. 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.

### **6. Immunity and Litigation Proceedings (IC 36-1-8.5-12)**

It is the intention of Kosciusko 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 IC 36-1- 8.5 unless the unit's act or omission constitutes gross negligence or willful or wanton misconduct.

**7. Reversal of Privacy Settings (IC 36-1-8.5-9)**

In accordance with IC 36-1-8.5-9, a Covered Person may request reinstatement of his or her restricted information.

Should any changes to the title of a covered parcel be made, the existing residence will be removed from the list of restricted properties. In any such event, a new request would need to be made by a Covered Person in order to have access to the parcel restricted again.

**8. Confidentiality (IC 36-1-8.5-1 l)**

All requests made to the Kosciusko County Auditor's Office by a Covered Person are confidential.

**9. Excluded Properties**

This policy is in effect for the requesting Covered Person's primary residence only per IC 36-1- 8.5-7. If the requesting Covered Person owns or is involved in additional properties that utilize the primary home address as the mailing address, they will be displayed. If the requesting Covered Person wishes to have those addresses removed as well, the \$25 fee will apply to each additional submission.

**10. Amendments**

Kosciusko County reserves the right to amend or revise the contents of this policy as deemed suitable. The revised policy will be available in the Kosciusko County Auditor's Office.

**11. Effective Date Clause:** This Ordinance shall be in full force and effect as of the date of adoption by the Board.

**12. Controlling Clause:** If this Ordinance or any portion thereof conflicts or is inconsistent with any previous ordinance, rule, resolution, regulation, policy, or any other law of, or otherwise applicable to, the County, or any portion thereof ("Previous Law"), this Ordinance shall control and shall supersede only those conflicting or inconsistent terms of the Previous Law, to the extent allowed by law.

**13. Savings Clause:** If any portion of this Ordinance is determined at law to be invalid, unlawful, or otherwise unenforceable, the remainder of this Ordinance shall be saved and enforceable.

[Signature page follows]

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So passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, this 12<sup>th</sup> day of March, 2024.

ATTEST:

BOARD OF COMMISSIONERS,  
KOSCIUSKO COUNTY, INDIANA

Rhonda Helser  
Rhonda Helser, Auditor

Robert M. Conley  
Robert Conley, President

Approved via Video Conference  
Bradford Jackson, Member

Cary Groninger  
Cary Groninger, Member

I affirm, under the penalties for perjury,  
that I have taken reasonable care to redact  
each Social Security number in this  
document, unless required by law.

Rhonda J. Helser