

**ORDINANCE NO.: 12-18**  
**OF THE CITY OF FRANKLIN, INDIANA**  
**A COMMON COUNCIL ORDINANCE PROVIDING FOR AND UPDATING THE**  
**RECORD PERPETUATION FUND AND REPEALING AND REPLACING ORDINANCE NO.:**  
**01-37 RELATIVE TO THE SAME**

**Whereas**, the Common Council of the City of Franklin adopted Ordinance No.: 01-37 An Ordinance Creating the Record Perpetuation Fund pursuant to Indiana Code § 33-19-6-1.5 enacted by the Indiana General Assembly by P. L. 183, Acts of 2001, and

**Whereas**, the Indiana General Assembly repealed Indiana Code § 33-19-6-1.5 by P.L.98-2004, SEC.164, and

**Whereas**, the Indiana General Assembly has since adopted Indiana Code § 33-37-5-2 authorizing the creation of the clerk's record perpetuation fund, and

**Whereas**, a need now exists for the re-establishment of Clerk's Record Perpetuation Fund for all uses as set out in Indiana Code §33-37-5-2.

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:**

1. That the City of Franklin fund known as the Record Perpetuation Fund be reauthorized under Indiana Code § 33-37-5-2.
2. The Record Perpetuation Fund is created for use by the City pursuant to Indiana Code § 33-37-5-2, which provides in relevant part as follows:
  - a. The Clerk of the Franklin City Court shall deposit all the following in the fund:
    - i. Revenue received by the clerk for transmitting documents by facsimile machine to a person under Indiana Code § 5-14-3.
    - ii. Document storage fees required under section Indiana Code § 33-37-5-20 of this chapter.
    - iii. The late payment fees imposed under section Indiana Code § 33-37-5-22 of this chapter that are authorized for deposit in the clerk's record perpetuation fund under Indiana Code § 33-37-7-2.
    - iv. The fees required under Indiana Code § 29-1-7-3.1 for deposit of a will.
  - b. Upon appropriation, the Clerk, at the discretion of the Franklin City Court Judge, may use any money in the fund for the following purposes:
    - i. The preservation of records.
    - ii. The improvement of record keeping systems and equipment.
    - iii. Case management system.
3. All fees received and credited to the clerk's Record Perpetuation fund are to be remitted by the City Court to the City Clerk Treasurer at the end of each month.
4. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain;

5. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed;
6. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance;
7. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on day of the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-15, 16.

Introduced and Filed on the 18 day of June, 2012. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained by a vote of 5 in Favor and 0 Opposed, pursuant to Indiana Code § 36-4-6-13.]

DULY PASSED on this 2 day of July, 2012 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 5 in Favor and 0 Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:

Voting Opposed:

Absent

Steve Barnett, President

Steve Barnett, President

Absent

Joseph P. Abban

Joseph P. Abban

Joseph R. Ault

Joseph R. Ault

Kenneth Austin

Kenneth Austin

Robert Henderson

Robert Henderson

Stephen Hougland

Stephen Hougland

Richard Wertz

Richard Wertz

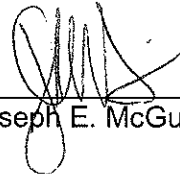
Attest:

Janet P. Alexander  
Janet P. Alexander, Clerk-Treasurer

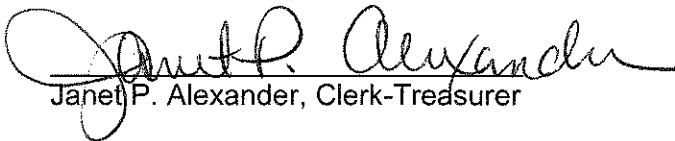
Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15,16, this 2 day of July, 2012, at 7:30 o'clock p.m.

  
Janet P. Alexander, Clerk-Treasurer

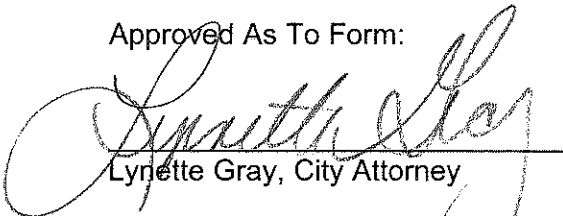
This Ordinance having been passed by the legislative body and presented to me [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this 2 day of July, 2012 at 7:30 o'clock p.m.

  
Joseph E. McGuinness, Mayor

Attest:

  
Janet P. Alexander, Clerk-Treasurer

Approved As To Form:

  
Lynette Gray, City Attorney

Prepared by: Janet P. Alexander City Clerk Treasurer