

**Ordinance No. 2008-OR-0035**

**An Ordinance Establishing Fees For  
Copies of Photographs Taken By The  
Jeffersonville Police Department At Accident Scenes**

**WHEREAS**, the Jeffersonville Police Department responds to the scene of countless motor vehicle accidents during the course of a year;

**WHEREAS**, in many instances the locations of those vehicles involved in those collisions offer critical evidence in the determination of a myriad of legal issues in both civil and criminal cases;

**WHEREAS**, the Jeffersonville Police Department, on occasions, takes photographs at the scene of automobile collisions. However, the Department does not have an established policy regarding this issue;

**WHEREAS**, in order to assist the Clark County Prosecuting Attorney and/or any citizen-taxpayer in determining those legal issues that may arise subsequent to an automobile collision it is necessary that the Jeffersonville Police take photographs at the scene of auto collisions;

**WHEREAS**, the Jeffersonville Police shall make these photographs available to the general public as a public records document much as the accident report itself;

**WHEREAS**, the Jeffersonville Police Department shall, as with the accident report, have the ability to assess a fee for the reproduction of said photographs;

**WHEREAS**, the cost associated with taking the photographs and reproducing same shall also include those man hours as well as the cost of the CD and/or other device that the reproductions shall be placed;

**WHEREAS**, the cost shall be born by the party requesting this information;

**SO, BE IT ORDAINED THAT:**

**SECTION ONE:** The Jeffersonville Police Department, its agents and/or assigns, shall take photographs at the scene of those auto collisions that it shall be obligated to respond to in the course of their professional duties;

**SECTION TWO:** These photographs shall be treated as public records pursuant to

those same rules and procedures associated with the reproduction and maintenance of the Standard Crash Report;

**SECTION THREE:** The photographs shall be made available to the Clark County Prosecuting Attorney and/or any other law enforcement agency at no cost;

**SECTION FOUR:** The photographs shall be made available to the public, pursuant to the Indiana Open Records laws, at the minimum cost of **Twenty Five Dollars (\$25)**;

**SECTION FIVE:** The Jeffersonville Police Department shall have the authority to assess additional costs based upon the number of photographs and the additional time necessary to reproduce same;

**SECTION SIX:** The City of Jeffersonville, Indiana, by making these photographs available assumes no liability for their use, reproduction or submission to any other agency, organization or entity. Moreover, the City of Jeffersonville, by making these photos, does not assume the duty of insuring the accuracy thereof. The City assumes no liability nor does it represent that it shall be liable for any subsequent uses of said photographs;

**SECTION SEVEN:** If any provision of this Ordinance or application thereof to any person or circumstance is held unlawful or otherwise invalid such invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid application or provision and to this end each such invalid provision or application of this Ordinance is severable it is hereby declared to be the intent of the Jeffersonville City Council that this Ordinance would have been issued had any such unlawful or otherwise invalid provision or application not be included.

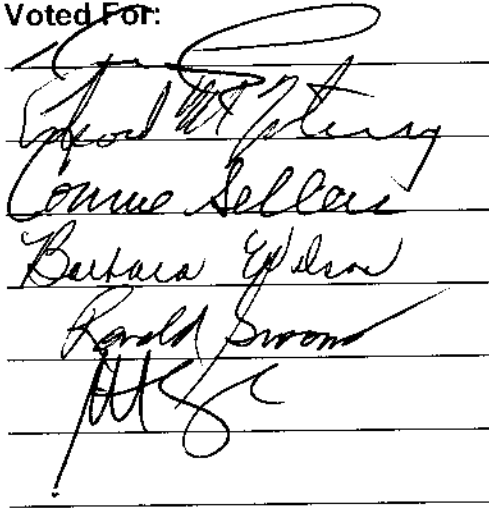
**SECTION EIGHT:** The monies collected as a result of assessing said fees shall be deposited in the Jeffersonville Police Department Non-Reverting Training Fund.

**Severability Clause:**

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

This Ordinance shall be in full force and effect from and after its passage and approval.

**Voted For:**

  
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**Voted Against:**

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Passed this 7 day of July, 2008.

  
\_\_\_\_\_  
Mayor Thomas Galligan

**Attest:**

\_\_\_\_\_  
Peggy Wilder, Clerk-Treasurer

Presented by me, Peggy Wilder, as the Clerk and Treasurer to the Mayor of said City of Jeffersonville, Indiana on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Peggy Wilder, Clerk-Treasurer