

January 23, 1998

SENATE BILL No. 444

DIGEST OF SB0444 (Updated January 21, 1998 5:50 pm - DI 87)

Citations Affected: IC 36-4-3-4.

Synopsis: Industrial park for the city of Peru. Adds municipalities in Miami County to the municipalities that may annex territory that is not contiguous to the municipality, has its entire area not more than two miles from the municipality's boundary, is to be used for an industrial park containing one or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation.

Effective: July 1, 1998.

Weatherwax

January 13, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.
January 22, 1998, reported favorably — Do Pass.

SB 444—LS 6894/DI 87+



C
O
P
Y

January 23, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 444

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-4-3-4, AS AMENDED BY P.L.255-1997(ss),
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 4. (a) The legislative body of a municipality may,
4 by ordinance annex any of the following:
5 (1) Territory that is contiguous to the municipality.
6 (2) Territory that is not contiguous to the municipality and is
7 occupied by a municipally owned or operated airport or landing
8 field.
9 (3) Territory that is not contiguous to the municipality but is
10 found by the legislative body to be occupied by a municipally
11 owned or regulated sanitary landfill, golf course, or hospital.
12 However, if territory annexed under this subsection ceases to be
13 used as a municipally owned or regulated sanitary landfill, golf
14 course, or hospital for at least one (1) year, the territory reverts to
15 the jurisdiction of the unit having jurisdiction before the
16 annexation if the unit that had jurisdiction over the territory still
17 exists. If the unit no longer exists, the territory reverts to the

SB 444—LS 6894/DI 87+



C
O
P
Y

1 jurisdiction of the unit that would currently have jurisdiction over
 2 the territory if the annexation had not occurred. The clerk of the
 3 municipality shall notify the offices required to receive notice of
 4 a disannexation under section 19 of this chapter when the territory
 5 reverts to the jurisdiction of the unit having jurisdiction before the
 6 annexation.

7 (b) This subsection applies to municipalities in a county having a
 8 population of:

9 (1) more than seventy-three thousand (73,000) but less than
 10 seventy-five thousand (75,000);

11 (2) more than sixty thousand (60,000) but less than sixty-five
 12 thousand (65,000);

13 (3) more than forty-one thousand (41,000) but less than forty-two
 14 thousand five hundred (42,500);

15 (4) more than thirty-eight thousand three hundred (38,300) but
 16 less than thirty-eight thousand five hundred (38,500);

17 (5) more than thirty-five thousand four hundred (35,400) but less
 18 than thirty-six thousand (36,000);

19 (6) more than twenty-four thousand eight hundred (24,800) but
 20 less than twenty-five thousand (25,000);

21 (7) more than twenty-two thousand (22,000) but less than
 22 twenty-three thousand (23,000); **or**

23 (8) more than two hundred thousand (200,000) but less than three
 24 hundred thousand (300,000); **or**

25 **(9) more than thirty-six thousand seven hundred (36,700) but**
 26 **less than thirty-seven thousand (37,000).**

27 Except as provided in subsection (c), the legislative body of a
 28 municipality to which this subsection applies may, by ordinance annex
 29 territory that is not contiguous to the municipality, has its entire area
 30 not more than two (2) miles from the municipality's boundary, is to be
 31 used for an industrial park containing one (1) or more businesses, and
 32 is either owned by the municipality or by a property owner who
 33 consents to the annexation. However, if territory annexed under this
 34 subsection is not used as an industrial park within five (5) years after
 35 the date of passage of the annexation ordinance, or if the territory
 36 ceases to be used as an industrial park for at least one (1) year, the
 37 territory reverts to the jurisdiction of the unit having jurisdiction before
 38 the annexation if the unit that had jurisdiction over the territory still
 39 exists. If the unit no longer exists, the territory reverts to the
 40 jurisdiction of the unit that would currently have jurisdiction over the
 41 territory if the annexation had not occurred. The clerk of the
 42 municipality shall notify the offices entitled to receive notice of a



C
O
P
Y

1 disannexation under section 19 of this chapter when the territory
2 reverts to the jurisdiction of the unit having jurisdiction before the
3 annexation.

4 (c) A city in a county with a population of more than two hundred
5 thousand (200,000) but less than three hundred thousand (300,000)
6 may not annex territory as prescribed in subsection (b) until the
7 territory is zoned by the county for industrial purposes.

8 (d) Notwithstanding any other law, territory that is annexed under
9 subsection (b) or (g) is not considered a part of the municipality for the
10 purposes of:

11 (1) annexing additional territory:

12 (A) in a county that is not described by clause (B); or

13 (B) in a county having a population of more than two hundred
14 thousand (200,000) but less than three hundred thousand
15 (300,000), unless the boundaries of the noncontiguous territory
16 become contiguous to the city, as allowed by Indiana law;

17 (2) expanding the municipality's extraterritorial jurisdictional
18 area; or

19 (3) changing an assigned service area under IC 8-1-2.3-6(1).

20 (e) As used in this section, "airport" and "landing field" have the
21 meanings prescribed by IC 8-22-1.

22 (f) As used in this section, "hospital" has the meaning prescribed by
23 IC 16-18-2-179(b).

24 (g) An ordinance adopted under this section must assign the
25 territory annexed by the ordinance to at least one (1) municipal
26 legislative body district.

27 (h) This subsection applies to a municipality having a population of
28 more than thirty-two thousand (32,000) but less than thirty-three
29 thousand (33,000) that is located within a county having a population
30 of more than seventy-three thousand (73,000) but less than seventy-five
31 thousand (75,000). The legislative body of a municipality may, by
32 ordinance, annex territory that:

33 (1) is not contiguous to the municipality;

34 (2) has its entire area not more than eight (8) miles from the
35 municipality's boundary;

36 (3) does not extend more than:

37 (A) one and one-half (1 ½) miles to the west;

38 (B) three-fourths (¾) mile to the east;

39 (C) one-half (½) mile to the north; or

40 (D) one-half (½) mile to the south;

41 of an interchange of an interstate highway (as designated by the
42 federal highway authorities) and a state highway (as designated

C
O
P
Y



1 by the state highway authorities); and
2 (4) is owned by the municipality or by a property owner that
3 consents to the annexation.

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill 444, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 444 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 0.

C
o
p
y

