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# SENATE BILL No. 104

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-4-3-13.

**Synopsis:** St. Joseph County annexation. Eliminates the annexation procedures in St. Joseph County that require a court to order an annexation not to take place if: (1) the area already has adequate police and fire protection and street and road maintenance from a provider other than the municipality seeking annexation; (2) the annexation will have a significant financial impact on the residents or landowners of the area; and (3) the annexation is opposed by a majority of the owners of land in the territory proposed to be annexed or by the owners of more than 75% in the assessed valuation of the land in the territory proposed to be annexed.

**Effective:** July 1, 1999.

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## Washington

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January 6, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## SENATE BILL No. 104

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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 36-4-3-13 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) ~~Except as~~  
3 ~~provided in subsection (e)~~; At the hearing under section 12 of this  
4 chapter, the court shall order a proposed annexation to take place if the  
5 following requirements are met:  
6 (1) The requirements of either subsection (b) or (c).  
7 (2) The requirements of subsection (d).  
8 (b) The requirements of this subsection are met if the evidence  
9 establishes the following:  
10 (1) That the territory sought to be annexed is contiguous to the  
11 municipality.  
12 (2) One (1) of the following:  
13 (A) The resident population density of the territory sought to  
14 be annexed is at least three (3) persons per acre.  
15 (B) Sixty percent (60%) of the territory is subdivided.  
16 (C) The territory is zoned for commercial, business, or  
17 industrial uses.



1 (c) The requirements of this subsection are met if the evidence  
2 establishes the following:

3 (1) That the territory sought to be annexed is contiguous to the  
4 municipality as required by section 1.5 of this chapter, except that  
5 at least one-fourth (1/4), instead of one-eighth (1/8), of the  
6 aggregate external boundaries of the territory sought to be  
7 annexed must coincide with the boundaries of the municipality.

8 (2) That the territory sought to be annexed is needed and can be  
9 used by the municipality for its development in the reasonably  
10 near future.

11 (d) The requirements of this subsection are met if the evidence  
12 establishes that the municipality has developed a written fiscal plan and  
13 has established a definite policy, by resolution of the legislative body,  
14 as of the date of passage of the annexation ordinance. The resolution  
15 must show the following:

16 (1) The cost estimates of planned services to be furnished to the  
17 territory to be annexed.

18 (2) The method or methods of financing the planned services.

19 (3) The plan for the organization and extension of services.

20 (4) That planned services of a noncapital nature, including police  
21 protection, fire protection, street and road maintenance, and other  
22 noncapital services normally provided within the corporate  
23 boundaries, will be provided to the annexed territory within one

24 (1) year after the effective date of annexation, and that ~~they~~ **the**  
25 **services** will be provided in a manner equivalent in standard and  
26 scope to those noncapital services provided to areas within the  
27 corporate boundaries that have similar topography, patterns of  
28 land use, and population density. However, in a county having a  
29 population of more than two hundred thousand (200,000) but less  
30 than three hundred thousand (300,000), the resolution of a city  
31 must show that these services will be provided in a manner  
32 equivalent in standard and scope to those noncapital services  
33 provided to areas within the corporate boundaries, regardless of  
34 similar topography, patterns of land use, or population density.

35 (5) That services of a capital improvement nature, including street  
36 construction, street lighting, sewer facilities, water facilities, and  
37 stormwater drainage facilities, will be provided to the annexed  
38 territory within three (3) years after the effective date of the  
39 annexation, in the same manner as those services are provided to  
40 areas within the corporate boundaries, that have similar  
41 topography, patterns of land use, and population density, and in  
42 a manner consistent with federal, state, and local laws,

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1 procedures, and planning criteria. However, in a county having a  
 2 population of more than two hundred thousand (200,000) but less  
 3 than three hundred thousand (300,000), the resolution of a city  
 4 must show that these services will be provided to the annexed  
 5 territory within four (4) years after the effective date of the  
 6 annexation and in the same manner as those services are provided  
 7 to areas within the corporate boundaries, regardless of similar  
 8 topography, patterns of land use, or population density.

9 (6) The plan for hiring the employees of other governmental  
 10 entities whose jobs will be eliminated by the proposed  
 11 annexation, although the municipality is not required to hire any  
 12 employees.

13 (e) This subsection applies only to cities located in a county having  
 14 a population of more than two hundred thousand (200,000) but less  
 15 than three hundred thousand (300,000). However, this subsection does  
 16 not apply if on April 1, 1993, the entire boundary of the territory that  
 17 is proposed to be annexed was contiguous to territory that was within  
 18 the boundaries of one (1) or more municipalities. At the hearing under  
 19 section 12 of this chapter, the court shall do the following:

20 (1) Consider evidence on the conditions listed in subdivision (2):

21 (2) Order a proposed annexation not to take place if the court  
 22 finds that all of the following conditions exist in the territory  
 23 proposed to be annexed:

24 (A) The following services are adequately furnished by a  
 25 provider other than the municipality seeking the annexation:

26 (i) Police and fire protection:

27 (ii) Street and road maintenance:

28 (B) The annexation will have a significant financial impact on  
 29 the residents or owners of land:

30 (C) One (1) of the following opposes the annexation:

31 (i) A majority of the owners of land in the territory proposed  
 32 to be annexed:

33 (ii) The owners of more than seventy-five percent (75%) in  
 34 assessed valuation of the land in the territory proposed to be  
 35 annexed:

36 Evidence of opposition may be expressed by any owner of land  
 37 in the territory proposed to be annexed:

38 (f) (e) The federal census data established by IC 1-1-4-5(17) shall  
 39 be used as evidence of resident population density for purposes of  
 40 subsection (b)(2)(A), but this evidence may be rebutted by other  
 41 evidence of population density.

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