

HOUSE BILL No. 1475

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-3.

Synopsis: Annexation. Adds the town of Avon in Hendricks County to the municipalities that may annex territory that: (1) is contiguous to the municipality; (2) has its entire area within the township within which the municipality is primarily located; and (3) is owned by a property owner who consents to the annexation. Requires a municipality to provide written notice of a hearing concerning a proposed annexation to each owner of real property located within or adjoining the territory proposed to be annexed. Provides that the notice requirement applies to a municipality that adopts an annexation ordinance after June 30, 1999.

Effective: July 1, 1999.

Whetstone

January 19, 1999, read first time and referred to Committee on Local Government.

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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.

HOUSE BILL No. 1475

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 36-4-3-4.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.1. (a) This section
3 applies to municipalities:
4 (1) having a population of:
5 (A) more than ten thousand (10,000) but less than fifteen
6 thousand (15,000); **and**
7 (B) **more than four thousand (4,000) but less than four**
8 **thousand three hundred (4,300);**
9 located in a county having a population of more than seventy-five
10 thousand (75,000) but less than seventy-eight thousand (78,000);
11 (2) having a population of more than thirty-three thousand
12 (33,000) but less than thirty-three thousand eight hundred fifty
13 (33,850) located in a county having a population of more than one
14 hundred seven thousand (107,000) but less than one hundred
15 eight thousand (108,000); and
16 (3) located in a county having a population of more than four
17 hundred thousand (400,000) but less than seven hundred thousand



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- 1 (700,000).
- 2 (b) Except as provided in subsection (c), the legislative body of a
3 municipality to which this section applies may, by ordinance, annex
4 territory that:
- 5 (1) is contiguous to the municipality;
- 6 (2) in the case of a municipality described in subdivision (a)(1),
7 has its entire area within the township within which the
8 municipality is primarily located; and
- 9 (3) is owned by a property owner who consents to the annexation.
- 10 (c) Subsection (b)(2) does not apply to a municipality having a
11 population of:
- 12 (1) more than six thousand (6,000) but less than six thousand five
13 hundred (6,500); or
- 14 (2) more than eight thousand seven hundred (8,700) but less than
15 eight thousand nine hundred (8,900);
- 16 in a county having a population of more than four hundred thousand
17 (400,000) but less than seven hundred thousand (700,000).
- 18 (d) Territory annexed under this section is exempt from all property
19 tax liability under IC 6-1.1 for municipal purposes for all portions of
20 the annexed territory that is classified for zoning purposes as
21 agriculture and remains exempt from the property tax liability while the
22 property's zoning classification remains agriculture.
- 23 (e) There may not be a change in the zoning classification of
24 territory annexed under this section without the consent of the owner
25 of the annexed territory.
- 26 SECTION 2. IC 36-4-3-2.1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. A municipality
28 may adopt an ordinance under this chapter only after the legislative
29 body has held a public hearing concerning the proposed annexation.
30 All interested parties must have the opportunity to testify as to the
31 proposed annexation. Notice of the hearing shall be:
- 32 (1) published in accordance with IC 5-3-1; **and**
- 33 (2) **mailed as set forth in section 2.2 of this chapter.**
- 34 SECTION 3. IC 36-4-3-2.2 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 1999]: **Sec. 2.2. (a) Before a municipality may annex territory
37 under this chapter, the municipality shall provide written notice of
38 the hearing required under section 2.1 of this chapter. The notice
39 shall be sent by certified mail at least thirty (30) days before the
40 date of the hearing to each owner of real property, as shown on the
41 county auditor's current tax list, whose real property:**
- 42 (1) is located within; or

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(2) adjoins;
the territory proposed to be annexed.
(b) The notice required by this section is in addition to the notice required by section 2.1 of this chapter.
(c) The notice required by this section must include the following:
(1) The date, time, location, and subject of the hearing.
(2) A statement of the municipality's intent to annex territory.
(3) A description of the real property proposed to be annexed sufficient to identify the proposed territory.
(4) A statement that the owner's property:
(A) is located within; or
(B) adjoins;
the territory proposed to be annexed.
(d) If the notice is returned unclaimed or refused, the municipality shall mail the notice by regular mail not later than one (1) business day after receiving the returned notice. The requirement that notice be sent at least thirty (30) days before the date of the hearing does not apply to a notice sent by regular mail under this subsection.
(e) If the municipality complies with this section, the notice is not invalidated if the owner does not receive the notice.
SECTION 4. [EFFECTIVE JULY 1, 1999] IC 36-4-3-2.2, as added by this act, applies to a municipality that adopts an annexation ordinance after June 30, 1999.

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