SENATE BILL No. 104

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-9.

Synopsis: Barrett law funding for retention pond barriers. Specifies that Barrett Law funding may be used to finance a mound, guardrail, barrier, or other structure necessary or useful to: (1) limit access by children to a retention pond; or (2) reduce the likelihood that a vehicle will enter a retention pond. Provides that if such an improvement is constructed under the Barrett Law within a platted subdivision, the works board may assess all or part of the lots in that subdivision for the improvement.

Effective: July 1, 2011.

Bray

January 5, 2011, read first time and referred to Committee on Local Government.

C o p y

Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 104

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:

SECTION 1. IC 36-9-36-2, AS AMENDED BY P.L.42-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The following improvements may be made under this chapter by a county:

(1) Sanitary sewers and sanitary sewer tap-ins.
(2) Sidewalks.
(3) Curbs.
(4) Streets.
(5) Storm sewers.
(6) Lighting.
(7) Emergency warning systems.
(8) Any other structures necessary or useful for the collection, treatment, purification, and sanitary disposal of the liquid waste, sewage, storm drainage, and other drainage of a municipality.
(9) Any mound, guardrail, barrier, or other structure necessary or useful to do any of the following:
(A) Limit access by children to a retention pond.

(B) Reduce the likelihood that a vehicle will enter a retention pond.

(b) The following improvements may be made under this chapter by a municipality:

(1) Sidewalks.

(2) Curbs.

(3) Streets.

(4) Alleys.

(5) Paved public places.

(6) Lighting.

(7) A water main extension for a municipality that owns and operates a water utility.

(8) Emergency warning systems.

(9) An improvement described in subsection (a)(9).

SECTION 2. IC 36-9-36-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. (a) Lots, parcels, and tracts of land bordering on an improvement shall be assessed on the basis set forth in this chapter, without regard to the depth of the lots, parcels, or tracts back from the front line of the improvement.

(b) After the final hearing before the works board concerning the actual benefits to abutting and adjacent property, the works board may assess other property behind the first lot if the following conditions are met:

(1) The back lot is within one hundred fifty (150) feet of the line of the improvement.

(2) The works board finds at the hearing that properties behind the abutting lot and within one hundred fifty (150) feet of the improvement are specially benefited by the improvement.

(c) Land and lots assessed under subsection (b) shall be assessed only in the amount the lands or lots are specially benefited by the improvement.

(d) Lots or land adjacent to the improvement are liable for the payment of the assessment as set forth on the final assessment roll.

(e) This subsection applies only to counties. If an improvement is constructed within a platted subdivision, the works board may assess all or part of the lots in that subdivision or any other platted subdivision connected to that platted subdivision by the improvement.

(f) If an improvement described in section 2(a)(9) or 2(b)(9) of this chapter is constructed within a platted subdivision, the works board may assess all or part of the lots in that subdivision for the improvement.

SECTION 3. IC 36-9-37-11, AS AMENDED BY P.L.42-2006,

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SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. If a municipal works board orders any of the following improvements and assessments are imposed after June 30, 2001, to pay for the improvements or to repay bonds issued under this chapter after June 30, 2001, each owner of property assessed for that improvement may elect to pay the owner's assessment in installments with interest as described in section 8.5(a) of this chapter:

(1) Streets.

(2) Alleys.

(3) Other paved public places.

(4) Lighting.

(5) For municipalities that own and operate a water utility, water main extensions from the water utility.

(6) Sanitary sewers.

(7) Emergency warning systems.

(8) Any mound, guardrail, barrier, or other structure necessary or useful to do any of the following:

(A) Limit access by children to a retention pond.

(B) Reduce the likelihood that a vehicle will enter a retention pond.

SECTION 4. IC 36-9-38-2, AS AMENDED BY P.L.42-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The following improvements may be made under this chapter:

(1) Sidewalks.

(2) Streets.

(3) Pedestrian ways or malls that are set aside entirely or partly, or during restricted hours, for pedestrian rather than vehicular traffic.

(4) Parking facilities.

(5) Lighting.

(6) Electric signals.

(7) Landscaping, including trees, shrubbery, flowers, grass, fountains, benches, statues, floodlighting, gaslighting, and structures of a decorative, an educational, or a historical nature.

(8) Emergency warning systems.

(9) Any mound, guardrail, barrier, or other structure necessary or useful to do any of the following:

(A) Limit access by children to a retention pond.

(B) Reduce the likelihood that a vehicle will enter a retention pond.

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