

**IC 36-4**

**ARTICLE 4. GOVERNMENT OF CITIES AND TOWNS GENERALLY**

**IC 36-4-1**

Chapter 1. Classification of Municipalities; City Status and Town Status

**IC 36-4-1-1 Version a**

**Basis of classification**

*Note: This version of section amended by P.L.64-2004, SEC.34. See also following version of this section amended by P.L.81-2004, SEC.46.*

Sec. 1. (a) Municipalities are classified according to their status and population as follows:

STATUS AND POPULATION	CLASS
Cities of 600,000 or more	First class cities
Cities of 35,000 to 599,999	Second class cities
Cities of less than 35,000	Third class cities
Other municipalities of any population	Towns

(b) Except as provided in subsection (c), a city that attains a population of thirty-five thousand (35,000) remains a second class city even though its population decreases to less than thirty-five thousand (35,000) at the next federal decennial census.

(c) The legislative body of a city to which subsection (b) applies may, by ordinance, adopt third class city status.

*As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.44, SEC.37; P.L.340-1987, SEC.1; P.L.71-1997, SEC.2; P.L.64-2004, SEC.34.*

**IC 36-4-1-1 Version b**

**Basis of classification**

*Note: This version of section amended by P.L.81-2004, SEC.46. See also preceding version of this section amended by P.L.64-2004, SEC.34.*

Sec. 1. (a) Municipalities are classified according to their status and population as follows:

STATUS AND POPULATION	CLASS
Cities of 500,000 or more	First class cities
Cities of 35,000 to 499,999	Second class cities
Cities of less than 35,000	Third class cities
Other municipalities of any population	Towns

(b) Except as provided in subsection (c), a city that attains a population of thirty-five thousand (35,000) remains a second class city even though its population decreases to less than thirty-five thousand (35,000) at the next federal decennial census.

(c) The legislative body of a city to which subsection (b) applies

may, by ordinance, adopt third class city status.  
*As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.44, SEC.37; P.L.340-1987, SEC.1; P.L.71-1997, SEC.2; P.L.81-2004, SEC.46.*

#### **IC 36-4-1-1.1**

##### **Change of status to second class city**

Sec. 1.1. (a) Except as provided in subsection (b), a third class city remains a third class city even though the city attains a population of at least thirty-five thousand (35,000) at a federal decennial census.

(b) The legislative body of a city to which subsection (a) applies may, by ordinance, adopt second class city status.

*As added by P.L.209-1999, SEC.1.*

#### **IC 36-4-1-2**

##### **Repealed**

*(Repealed by Acts 1981, P.L.44, SEC.61.)*

#### **IC 36-4-1-2.1**

##### **Certain localities governed as cities; validation of elections, contracts, and official proceedings**

Sec. 2.1. Any locality that has elected city officers, and has governed itself as a city, for at least ten (10) years immediately preceding September 1, 1981, is a city for all purposes. All elections, contracts, acts, and other official proceedings of such a locality that occurred before September 1, 1981, and would have been valid if the locality had been a city, are legalized and validated.

*As added by Acts 1981, P.L.44, SEC.38.*

#### **IC 36-4-1-3**

##### **Repealed**

*(Repealed by P.L.111-2005, SEC.8.)*

#### **IC 36-4-1-4**

##### **Repealed**

*(Repealed by P.L.111-2005, SEC.8.)*

#### **IC 36-4-1-4.1**

##### **Repealed**

*(Repealed by P.L.111-2005, SEC.8.)*

#### **IC 36-4-1-5**

##### **Repealed**

*(Repealed by P.L.111-2005, SEC.8.)*

#### **IC 36-4-1-6**

##### **Petition to change city to town; summons; trial; issue; order; transition; provisional government**

Sec. 6. (a) A petition to change a city into a town may be filed as

a civil action in the circuit court for the county in which the city is located. The petition must be signed by at least two-thirds (2/3) of the taxpayers twenty-one (21) years of age or older who reside in the city.

(b) Whenever a petition is filed under this section, the clerk of the circuit court shall issue a summons to the city in its corporate name. A taxpayer who signed the petition may not withdraw his signature on or after the return date of the summons.

(c) An action under this section shall be tried by the court without a jury, and the only issue to be determined is whether the petition contains the genuine signatures of the number of taxpayers required. If the court finds in the affirmative, it shall enter an order changing the city into a town.

(d) After an order is entered under subsection (c), the executive and the legislative body of the municipality shall organize as a town legislative body, with the executive becoming the town executive, and the remaining officers of the municipality shall exercise only the functions that may be exercised by the corresponding town officers. If none of the functions of a city officer or board is exercised under a town government, that officer or board shall immediately file a final report with and turn over all records and property in his or its custody to the town legislative body. After the final report of a former city officer or board is approved by the town legislative body, that office or board is abolished.

(e) The provisional town government provided for in subsection (d) shall serve until the time prescribed by IC 3-10-6-5 for a regular town election.

*As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.5-1983, SEC.11; P.L.5-1986, SEC.43.*

### **IC 36-4-1-7**

#### **Petition to change name of city; hearing; ordinance**

Sec. 7. (a) A petition to change the name of a city may be filed with the city legislative body. The petition must:

- (1) be signed by at least five hundred (500) voters of the city, or, in a city having less than five hundred (500) registered voters at the time of the most recent general election, by at least ten percent (10%) of those voters;
- (2) be verified by one (1) or more of the petitioners; and
- (3) set forth reasons for the change of name.

(b) If the legislative body considers the reasons set forth in the petition sufficient, it shall conduct a public hearing on the petition after giving notice by publication in the manner prescribed by IC 5-3-1.

(c) If after the hearing the legislative body finds that the matters set forth in the petition are true and that the requested change of name should be granted, it shall pass an ordinance changing the name of the city. The change of name takes effect sixty (60) days after the effective date of the ordinance.

*As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981,*

*P.L.45, SEC.12.*

**IC 36-4-1-8**

**Classification change due to population change; applicable laws**

Sec. 8. (a) Whenever the classification of a city under section 1 of this chapter changes due to a change in the city's population, the city shall be governed by the laws applicable to its new class, except as provided by subsection (b).

(b) The membership of a city legislative body remains unchanged until the expiration of the terms of its members, despite a change in the classification of the city for any reason. At the municipal election preceding the expiration of those terms, the number of members of the legislative body required by the laws applicable to its new class shall be elected. The powers, duties, functions, and office of an elected official of a city shall remain unchanged until the expiration of the term of the elected official, despite a change in city classification for any reason.

*As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.44, SEC.40; P.L.209-1999, SEC.2.*

**IC 36-4-1-9**

**Continuation of prior acts, contracts, obligations, ordinances, and regulations**

Sec. 9. The validity of the prior acts, contracts, and obligations of a city that changes its status, name, or classification under this chapter is not affected by that change. The ordinances, rules, and regulations of the city continue in effect until amended or repealed.

*As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.111-2005, SEC.1.*