

## **IC 36-5-1.2**

### Chapter 1.2. Change of Name of a Small Town

#### **IC 36-5-1.2-1**

##### **Applicability of chapter; other applicable provisions**

Sec. 1. (a) This chapter applies to towns having a population of less than five hundred (500).

(b) A town may change the town's name under this chapter or IC 36-5-1.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-2**

##### **Petition to change name; conditions; bond**

Sec. 2. A proceeding to change the name of a town may be instituted under this chapter by filing with the town clerk-treasurer a petition that meets the following conditions:

(1) The petition must be signed by a majority of the registered voters of the town.

(2) The petition must be verified by at least one (1) of the petitioners.

(3) The petition must contain a statement of the proposed new name of the town and the reasons to change the town's name.

(4) The petitioners agree to pay all costs and expenses incurred by the town if the petition is unsuccessful.

(5) The petition must be accompanied by a bond that meets the following conditions:

(A) The bond is payable to the town.

(B) The bond is for costs and expenses incurred under this chapter if the petitioners do not pay the costs and expenses.

(C) The bond is satisfactory to the town legislative body.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-3**

##### **Withdrawal from petition**

Sec. 3. (a) A petitioner may withdraw from the petition before the town legislative body makes a decision on the petition under section 6 of this chapter.

(b) In determining whether a sufficient number of registered voters have signed the petition, the legislative body may not consider names withdrawn from the petition under this section.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-4**

##### **Notice of petition filing and hearing**

Sec. 4. If a petition is filed under section 2 of this chapter, the town clerk-treasurer shall give notice under IC 5-3-1 of the following:

(1) The filing of the petition.

(2) The day, time, and place of a hearing on the petition.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-5**

##### **Hearing to consider petition**

Sec. 5. On the day and time set in the notice given under section 4 of this chapter, the town legislative body shall hear and consider the petition.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-6**

##### **Adoption of resolution for name change**

Sec. 6. If after the hearing held under section 5 of this chapter, the town legislative body decides to change the name of the town as requested by the petition, the legislative body must, by a majority vote, adopt a resolution to change the name of the town.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-7**

##### **Appeal of decision; standing**

Sec. 7. A person aggrieved by a decision made by the town legislative body under section 6 of this chapter may appeal the decision to the circuit court with jurisdiction in the county in which the town is located.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-8**

##### **Appeal of decision; notice and bond**

Sec. 8. To begin an appeal under section 7 of this chapter, a person must do the following not more than thirty (30) days after adoption of the resolution by the town legislative body:

- (1) Give written notice of the appeal to the legislative body.
- (2) File a bond with the town clerk-treasurer that meets the following conditions:
  - (A) Is in the amount of five hundred dollars (\$500).
  - (B) Has surety on the bond approved by the legislative body.
  - (C) Provides the following:
    - (i) The appeal will be duly prosecuted.
    - (ii) The appellants will pay all costs of the appeal if the appeal is decided against the appellants.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-9**

##### **Appeal of decision; clerk of court filings**

Sec. 9. If section 8 of this chapter is satisfied, the town clerk-treasurer shall file the following with the clerk of the circuit court:

- (1) A transcript of all proceedings in the case.
- (2) All papers filed in the case.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-10**

##### **Stay of name change**

Sec. 10. The town legislative body may not take further action in the case until the appeal is heard and determined.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-11**

##### **Determination of appeal without jury; change of venue**

Sec. 11. (a) The circuit court shall hear an appeal under this chapter without a jury.

(b) Change of venue from the judge may be granted, but change of venue from the county may not be granted.

*As added by P.L.258-1993, SEC.1.*

#### **IC 36-5-1.2-12**

##### **Certification of resolution not appealed**

Sec. 12. If an appeal has not been filed, not later than thirty (30) days after adoption of the resolution by the town legislative body, the town clerk-treasurer shall send a certified copy of the resolution to each of the following:

(1) The clerk of the circuit court of each county in which the town is located.

(2) The plan commission having jurisdiction, if any.

(3) The office of the secretary of state.

*As added by P.L.258-1993, SEC.1. Amended by P.L.24-1995, SEC.27; P.L.3-1997, SEC.463; P.L.123-2000, SEC.11.*

#### **IC 36-5-1.2-13**

##### **Effective date of name change**

Sec. 13. A change of the town's name takes effect thirty (30) days after the later of the following:

(1) Adoption of the resolution by the town legislative body under section 6 of this chapter.

(2) Any appeals under this chapter are determined.

*As added by P.L.258-1993, SEC.1.*