

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

Chapter 4. Miscellaneous Town Fiscal and Administrative Provisions

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

##### **Application of chapter**

Sec. 1. This chapter applies to all towns.

*As added by Acts 1980, P.L.212, SEC.4.*

#### **IC 36-5-4-2**

##### **Appropriations by ordinance**

Sec. 2. Unless a statute provides otherwise, town monies may be disbursed only after an appropriation made by ordinance of the town legislative body and recorded in a book kept for that purpose by the legislative body. Each appropriation must be made from the fund against which the expenses arose.

*As added by Acts 1980, P.L.212, SEC.4.*

#### **IC 36-5-4-3**

##### **Issuance of warrants**

Sec. 3. (a) The town legislative body or a board of the town may order the issuance of warrants for payment of money by the town only at a meeting of the legislative body or board.

(b) A town officer who violates this section forfeits his office.

*As added by Acts 1980, P.L.212, SEC.4.*

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

##### **Claims against town; allowance; violation**

Sec. 4. (a) Except as provided in section 12 of this chapter, the town legislative body or a board of the town may allow a claim:

- (1) only at a meeting of the legislative body or board; and
- (2) only if the claim was filed in the manner prescribed by IC 5-11-10-2 at least five (5) days before the meeting.

(b) A town officer who violates this section forfeits his office.

*As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.32-1992, SEC.5.*

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

##### **Repealed**

*(Repealed by Acts 1980, P.L.73, SEC.23.)*

#### **IC 36-5-4-6**

##### **Claim defined; issuance of warrant for payment**

Sec. 6. (a) As used in this section, "claim" means a bill or an invoice submitted for goods or services.

(b) Except as provided in section 12 of this chapter, a warrant for payment of a claim against a town may be issued only if the claim is:

- (1) supported by a fully itemized invoice or bill under IC 5-11-10-1.6;
- (2) filed with the town fiscal officer;

(3) certified by the fiscal officer before payment that each invoice is true and correct; and

(4) allowed by the town legislative body or by the board of the town having jurisdiction over allowance of the payment of the claim.

(c) The certification by the fiscal officer under subsection (b)(3) must be on a form prescribed by the state board of accounts.

*As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.32-1992, SEC.6; P.L.71-1995, SEC.5; P.L.69-1995, SEC.10.*

#### **IC 36-5-4-7**

##### **Vacation leave; compensation**

Sec. 7. One (1) to three (3) days before the vacation leave period of a town officer or employee begins, the town may pay him the amount of compensation he will earn while he is on vacation leave.

*As added by Acts 1980, P.L.212, SEC.4.*

#### **IC 36-5-4-8**

##### **Repealed**

*(Repealed by Acts 1981, P.L.57, SEC.45.)*

#### **IC 36-5-4-9**

##### **Repealed**

*(Repealed by Acts 1980, P.L.73, SEC.23.)*

#### **IC 36-5-4-10**

##### **Delivery of records and property by town officer to successor**

Sec. 10. Each town officer shall deliver town records and property in his custody to his successor in office when that successor qualifies.

*As added by Acts 1980, P.L.212, SEC.4.*

#### **IC 36-5-4-11**

##### **Licenses issued by town; revocation or suspension**

Sec. 11. The town executive may revoke or suspend any license issued by the town if the person holding the license has violated the terms or conditions of the license or of the law under which it was issued.

*As added by Acts 1981, P.L.11, SEC.165.*

#### **IC 36-5-4-12**

##### **Preapproved payments of claims**

Sec. 12. (a) The legislative body of a town may adopt an ordinance allowing money to be disbursed under this section for lawful town purposes.

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board having jurisdiction over allowance of the claim, a town fiscal officer may make claim payments in advance of a board allowance for the following types of expenses if the town legislative body has adopted an ordinance under subsection (a):

- (1) Property or services purchased or leased from:
  - (A) the United States government; or
  - (B) an agency or a political subdivision of the United States government.
- (2) License fees or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) Federal grant programs if:
  - (A) advance funding is not prohibited; and
  - (B) the contracting party provides sufficient security for the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance agreements or service agreements.
- (8) Lease agreements or rental agreements.
- (9) Principal and interest payments on bonds.
- (10) Payroll.
- (11) State, federal, or county taxes.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) Expenses described in an ordinance.

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the fiscal officer.

(d) The town legislative body or the board having jurisdiction over the allowance of the claim shall review and allow the claim at the body's or board's next regular or special meeting following the preapproved payment of the expense.

*As added by P.L.32-1992, SEC.7. Amended by P.L.69-1995, SEC.11.*

### **IC 36-5-4-13**

#### **Transfer between funds**

Sec. 13. (a) Except as provided in subsection (c), this subsection applies to a town with a population of five hundred (500) or less. Notwithstanding the provisions of any other statute, a town may transfer money from any town fund to another town fund after the passage of an ordinance or a resolution by the town legislative body specifying the:

- (1) amount of the transfer;
- (2) funds involved;
- (3) date of the transfer; and
- (4) general purpose of the transfer.

(b) Except as provided in subsection (c), this subsection applies to a town having a population of more than five hundred (500) but less than two thousand (2,000). Notwithstanding IC 8-14-1 and IC 8-14-2, a town may transfer money distributed to the town from:

- (1) the motor vehicle highway account under IC 8-14-1;
- (2) the local road and street account under IC 8-14-2; or
- (3) the:
  - (A) motor vehicle highway account under IC 8-14-1; and
  - (B) local road and street account under IC 8-14-2;

to any other town fund after the passage of an ordinance or a resolution by the town legislative body that specifies the amount of the transfer, the funds involved, the date of the transfer, and the general purpose of the transfer. However, the total amount of all money transferred by a town under this subsection may not exceed forty thousand dollars (\$40,000).

(c) A:

(1) municipality located in a county having a population of more than fourteen thousand nine hundred (14,900) but less than sixteen thousand (16,000); and

(2) town:

(A) located in a county having a population of more than thirty-four thousand nine hundred (34,900) but less than thirty-four thousand nine hundred fifty (34,950); and

(B) having a population of less than one thousand (1,000);

may not transfer money under this section to or from a food and beverage tax receipts fund established under IC 6-9.

*As added by P.L.17-1995, SEC.21. Amended by P.L.233-1996, SEC.1; P.L.170-2002, SEC.146.*

#### **IC 36-5-4-14**

##### **Filing copies of agency financial records**

Sec. 14. Each town agency, board, commission, district, or other town entity shall file one (1) copy of that agency's, board's, commission's, district's, or entity's financial records with the town fiscal officer.

*As added by P.L.98-2000, SEC.23.*