

# HOUSE BILL No. 2052

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-4-3-7.

**Synopsis:** Annexation ordinance effective date. Provides that the date on which an annexation ordinance takes effect must be at least 90 days after the ordinance is published and filed.

**Effective:** July 1, 2001.

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**Klinker, Mock, Stevenson,  
Alderman**

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January 17, 2001, read first time and referred to Committee on Local Government.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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# HOUSE BILL No. 2052



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 36-4-3-7 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) After an ordinance is adopted  
3 under section 3, 4, or 5 of this chapter, it must be published in the  
4 manner prescribed by IC 5-3-1. Except as provided in subsection (b) or  
5 (c), in the absence of remonstrance and appeal under section 11 or 15.5  
6 of this chapter, the ordinance takes effect at least ~~sixty (60)~~ **ninety (90)**  
7 days after its publication and upon the filing required by section 22(a)  
8 of this chapter.

9 (b) An ordinance described in subsection (d) or adopted under  
10 section 3, 4, or 5 of this chapter may not take effect during the year  
11 preceding a year in which a federal decennial census is conducted. An  
12 ordinance that would otherwise take effect during the year preceding  
13 a year in which a federal decennial census is conducted takes effect  
14 January 2 of the year in which a federal decennial census is conducted.

15 (c) Subsections (d) and (e) apply to fire protection districts that are  
16 established after June 14, 1987.

17 (d) Except as provided in subsection (b), whenever a municipality



1 annexes territory, all or part of which lies within a fire protection  
 2 district (IC 36-8-11), the annexation ordinance (in the absence of  
 3 remonstrance and appeal under section 11 or 15.5 of this chapter) takes  
 4 effect the second January 1 that follows the date the ordinance is  
 5 adopted and upon the filing required by section 22(a) of this chapter.  
 6 The municipality shall:

7 (1) provide fire protection to that territory beginning the date the  
 8 ordinance is effective; and

9 (2) send written notice to the fire protection district of the date the  
 10 municipality will begin to provide fire protection to the annexed  
 11 territory within ten (10) days of the date the ordinance is adopted.

12 (e) If the fire protection district from which a municipality annexes  
 13 territory under subsection (d) is indebted or has outstanding unpaid  
 14 bonds or other obligations at the time the annexation is effective, the  
 15 municipality is liable for and shall pay that indebtedness in the same  
 16 ratio as the assessed valuation of the property in the annexed territory  
 17 (that is part of the fire protection district) bears to the assessed  
 18 valuation of all property in the fire protection district, as shown by the  
 19 most recent assessment for taxation before the annexation, unless the  
 20 assessed property within the municipality is already liable for the  
 21 indebtedness. The annexing municipality shall pay its indebtedness  
 22 under this section to the board of fire trustees. If the indebtedness  
 23 consists of outstanding unpaid bonds or notes of the fire protection  
 24 district, the payments to the board of fire trustees shall be made as the  
 25 principal or interest on the bonds or notes becomes due.  
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