IC 36-6

ARTICLE 6. GOVERNMENT OF TOWNSHIPS

IC 36-6-1

Chapter 1. Division of County Into Townships

IC 36-6-1-1

Name of township; change of name

Sec. 1. (a) Each township is known as _____ Township of _____ County, according to the name of the township and the county in which it is located.

(b) The county executive may adopt an order to change the name of the townships in the county. A change of name under this section becomes effective when the county executive files a copy of the order with:

(1) the circuit court clerk; and

(2) the office of the secretary of state.

As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.5-1989, SEC.116; P.L.3-1997, SEC.465; P.L.123-2000, SEC.12.

IC 36-6-1-2

Boundaries; records

Sec. 2. Accurate descriptions of township boundaries shall be maintained in the records of the county executive.

As added by Acts 1980, P.L.212, SEC.5.

IC 36-6-1-3

Alteration of boundaries; withdrawal of state or federally owned land from taxation; petition; effective date of alteration

Sec. 3. (a) When part of a township is owned by the state or the United States, devoted to a public use, and withdrawn from taxation for local purposes, and:

(1) less than eighteen (18) square miles of the township remains subject to taxation; or

(2) the township is divided into two (2) or more separate sections by the government owned part;

the county executive may issue an order to alter the boundaries of the township and adjoining townships on receipt of a petition signed by at least thirty-five percent (35%) of the resident freeholders of a part of the township adjoining another township.

(b) Except as provided in subsection (c), a boundary alteration under this section is effective when a copy of the order is filed with:

(1) the circuit court clerk; and

(2) the office of the secretary of state.

(c) A boundary alteration under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A boundary alteration that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(d) Notwithstanding subsection (c) as that subsection existed on December 31, 2009, a boundary alteration that took effect January 2, 2010, because of the application of subsection (c), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.
As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.5-1989, SEC.117; P.L.3-1997, SEC.466; P.L.123-2000, SEC.13; P.L.113-2010, SEC.129.

IC 36-6-1-4
Affidavit
Sec. 4. The fact that each person signing the petition described in section 3 of this chapter is a resident freeholder must be verified by affidavit.
As added by Acts 1980, P.L.212, SEC.5.

IC 36-6-1-5
Abolition of township or alteration of boundaries; petition; effective date of abolition or alteration
Sec. 5. (a) Townships other than those described in section 3 of this chapter may be altered or abolished by the issuance of an order by the county executive on receipt of a petition signed by a majority of the freeholders of the affected township or townships. The alteration or abolition must conform to the terms of the petition.
(b) Except as provided in subsection (c), the alteration or abolition becomes effective when the county executive files a copy of the order with:
(1) the circuit court clerk; and
(2) the office of the secretary of state.
(c) The alteration or abolition of a township may not take effect during the year preceding a year in which a federal decennial census is conducted. An alteration or abolition that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.
As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.5-1989, SEC.118; P.L.3-1997, SEC.467; P.L.123-2000, SEC.14.

IC 36-6-1-5.5
Transfer of township area to abutting township; necessary conditions; effective date
Sec. 5.5. (a) This section applies to an area that meets the following conditions:
(1) Contains not more than seven hundred (700) acres.
(2) Has a river along at least twenty-five percent (25%) of the perimeter of the area.
(3) Abuts a different township from the township in which the area is situated.
(b) An area is transferred from the township in which the area is situated to the township that the area abuts if the following

conditions are met:

(1) The transfer results in a rectangular shape for the boundaries of both of the affected townships.

(2) A petition:

(A) containing a legal description of the area; and

(B) signed by at least fifty-one percent (51%) of the freeholders in the area;

is filed with the circuit court clerk and the office of the secretary of state.

(c) Section 5(c) of this chapter applies to the alteration of township boundaries under this section.

(d) Except as provided in subsection (e), if the conditions specified in this section are met, the transfer occurs when the filing requirements of subsection (b) are met.

(e) The transfer may not take effect during the year preceding a year in which a federal decennial census is conducted. A transfer that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

As added by P.L.259-1993, SEC.1. Amended by P.L.3-1997, SEC.468; P.L.123-2000, SEC.15.

IC 36-6-1-6

Surface area requirements

Sec. 6. After creation of a township or alteration of a township's boundaries, the township must have:

(1) a surface area of at least twelve (12) square miles and an assessed valuation of at least two million dollars ($2,000,000); or

(2) a surface area of at least twenty-four (24) square miles;

unless it was created or altered under section 3 of this chapter.

As added by Acts 1980, P.L.212, SEC.5.

IC 36-6-1-7

Abolition of township or alteration of boundaries; taxing district for payment of existing indebtedness

Sec. 7. After abolition of a township or alteration of a township's boundaries, the former territory of the township comprises a taxing district for the payment of township indebtedness existing at the time of the abolition or alteration.

As added by Acts 1980, P.L.212, SEC.5.

IC 36-6-1-8

Disannexation; existing indebtedness; fixing of tax rate

Sec. 8. When fixing the rate of taxation necessary to pay township indebtedness existing at the time of a disannexation, the township executive and the township legislative body shall fix the same rate for the disannexed territory as for territory remaining in the township. The township executive shall certify the tax rate for the disannexed territory to the county auditor, who shall place the tax

rate on the tax duplicate for the disannexed territory, collect the tax, and pay it over to the township executive.
As added by Acts 1980, P.L.212, SEC.5.

IC 36-6-1-9
Annexed territory; liability for existing indebtedness
Sec. 9. Territory annexed to a township may not be taxed for payment of township indebtedness existing at the time of the annexation.
As added by Acts 1980, P.L.212, SEC.5.

IC 36-6-1-10
Abolition of township; rate of taxation for existing indebtedness; payment
Sec. 10. After abolition of a township, the county auditor shall determine the rate of taxation necessary to pay the township indebtedness existing at the time the township was abolished. The auditor shall place the tax rate on the tax duplicate for the abolished township, collect the tax, and pay it over to the proper creditors.
As added by Acts 1980, P.L.212, SEC.5.

IC 36-6-1-11
Appeal; certification of judgment; effective date of order
Sec. 11. (a) An action taken by a county executive under this chapter may be appealed to the circuit court of the county. The appeal shall be heard de novo on all questions presented.
(b) If the court orders the name change, alteration, or abolition of a township to take place, the circuit court clerk shall, immediately after the judgment of the court, certify the judgment of the circuit court to:
(1) the township executive; and
(2) the office of the secretary of state.
Except as provided in subsection (c), the order takes effect sixty (60) days after certification.
(c) The name change, alteration, or abolition of a township may not take effect during the year preceding a year in which a federal decennial census is conducted. An alteration or abolition that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.
As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.5-1989, SEC.119; P.L.3-1997, SEC.469; P.L.123-2000, SEC.16.

IC 36-6-1-12
Territory of county not included in township
Sec. 12. If any territory in a county is not included in one (1) of the townships established under this chapter, the territory is included in the township that:
(1) is contiguous to that territory; and
(2) contains the least population of all townships contiguous to

that territory.

As added by P.L.3-1993, SEC.278.

IC 36-6-1-13

Territory of county included in more than one township

Sec. 13. If any territory in a county is included in more than one (1) of the townships established under this chapter, the territory is included in the township that:

(1) is one (1) of the townships in which the territory is described under this chapter;

(2) is contiguous to that territory; and

(3) contains the least population of all townships contiguous to that territory.

As added by P.L.3-1993, SEC.279.