

**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 (a) When part of a township is owned by the state or the United States, devoted to a public use, and withdrawn from taxation for local purposes, and: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. (a) This section does not apply to a township that is altered under IC 36-1-1.5.

(b) 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. Amended by P.L.234-2013, SEC.11.*

#### **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.*

## **IC 36-6-1.1**

### **Chapter 1.1. Township Boundaries**

#### **IC 36-6-1.1-1**

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

Sec. 1. This chapter applies to any township boundary line that was altered before 1900 but for which the county auditor's records were never updated to reflect the boundary alteration.

*As added by P.L.220-2011, SEC.655.*

#### **IC 36-6-1.1-2**

##### **Townships boundary alteration not reflected in tax records; treatment of boundary line**

Sec. 2. If the property tax records for the townships involved on December 31, 1984, did not reflect the boundary alteration, then the township boundary line shall be treated as if it had never been altered.

*As added by P.L.220-2011, SEC.655.*

#### **IC 36-6-1.1-3**

##### **Legalization of certain actions occurring before April 3, 1985**

Sec. 3. Any action occurring before April 3, 1985, that failed to recognize a township boundary alteration to which this chapter applies is legalized and validated.

*As added by P.L.220-2011, SEC.655.*

## **IC 36-6-1.5**

### **Chapter 1.5. Merger of Township Governments**

#### **IC 36-6-1.5-1**

##### **Applicability**

Sec. 1. This chapter does not apply to a township in a county containing a consolidated city.

*As added by P.L.240-2005, SEC.3.*

#### **IC 36-6-1.5-1.5**

##### **Use of excess funds; indebtedness; assistance by department of local government finance**

Sec. 1.5. (a) All of the following apply to a township that merges with another township under this chapter:

(1) Notwithstanding any other law, the new township government may use any funds in excess of what the new township government determines is necessary to deliver effective service to pay the indebtedness of the new township government, including bonds and other indebtedness transferred to the new township government under section 8 of this chapter.

(2) Notwithstanding any other law, after the indebtedness described in subdivision (1) is satisfied, the new township government may do the following with any remaining excess funds:

(A) Transfer the funds to:

(i) the county in which the new township government is located; or

(ii) a municipality that has jurisdiction;

to make improvements to infrastructure located within the area of the new township government.

(B) Transfer the funds to a transportation corporation that offers service within the area of the new township government to pay for, or make improvements to, services within the area of the new township government.

(C) Use the funds for improvement of fire protection services within the area of the new township government.

(D) Transfer the funds to a political subdivision that has jurisdiction within the new township government for improvement of any fire department that provides service within the area of the new township government.

(b) Notwithstanding any other law, the department of local government finance shall take any and all appropriate action to assist townships in merging under this chapter and may not in any manner delay a merger of townships or prevent a merger of townships.

(c) This section shall be liberally construed to effect the purposes of this section.

(d) Notwithstanding any other law, to the extent the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter are controlling, and compliance with this chapter shall be treated as compliance with the conflicting law.

*As added by P.L.255-2013, SEC.11.*

#### **IC 36-6-1.5-2**

##### **"Former township government"**

Sec. 2. As used in this chapter, "former township government" means a township government that merges with at least one (1) other township government under this chapter.

*As added by P.L.240-2005, SEC.3.*

#### **IC 36-6-1.5-3**

##### **"New township government"**

Sec. 3. As used in this chapter, "new township government" means the township government that results from the merger of at least two (2) township governments under this chapter.

*As added by P.L.240-2005, SEC.3.*

#### **IC 36-6-1.5-4**

##### **General requirements**

Sec. 4. At least two (2) township governments may merge to form one (1) township government under this chapter, if:

- (1) the township governments are entirely located within the same county;
- (2) all the territory within the township governments is subject to the merger; and
- (3) each township whose government is subject to the merger is contiguous to at least one (1) other township whose government is subject to the merger.

*As added by P.L.240-2005, SEC.3.*

#### **IC 36-6-1.5-5**

##### **Identical resolutions; adoption by township legislative bodies required**

Sec. 5. (a) The township trustees, with the approval of a majority of the members of the township legislative body of each township that wants to merge township governments under this chapter, must comply with this section.

(b) The township trustees must present identical resolutions approving the township government merger to the trustees' respective township legislative bodies. A township legislative body may adopt a resolution under this chapter only after the legislative body has held a public hearing concerning the proposed merger. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1.

(c) The township legislative bodies may adopt the identical resolutions approving the township government merger under this chapter not later than ninety (90) days after the legislative body has held the public hearing under subsection (b).

(d) The trustees of the participating townships shall jointly file a

copy of the identical resolutions with:

- (1) the department of local government finance;
- (2) the circuit court clerk; and
- (3) the office of the secretary of state.

(e) A township legislative body may not adopt a resolution ordering a merger after January 1 of a year in which:

- (1) a general election is held; and
- (2) a township trustee is elected.

(f) A merger under this chapter may reduce the term of a township trustee of a former township government.

*As added by P.L.240-2005, SEC.3. Amended by P.L.255-2013, SEC.12.*

### **IC 36-6-1.5-6**

#### **Effective date of merger**

Sec. 6. The merger becomes effective on January 1 of the year following the adoption of the resolution approving the merger of the townships. An officer elected to represent the merged township government shall be considered to be a resident of the territory comprising the new township government unless the township merger is dissolved under IC 36-6-1.6.

*As added by P.L.240-2005, SEC.3. Amended by P.L.255-2013, SEC.13.*

### **IC 36-6-1.5-7**

#### **Election of officers**

Sec. 7. If township governments merge under this chapter:

- (1) IC 36-6-6 applies to the election of the township board; and
- (2) IC 36-6-5-1 applies to the election of a township assessor; of the new township government.

*As added by P.L.240-2005, SEC.3.*

### **IC 36-6-1.5-8**

#### **Merger effective date; former township governments abolished; property, functions, and indebtedness transferred**

Sec. 8. On the date a merger takes effect:

- (1) the former township governments are abolished as separate entities;
- (2) each township subject to the merger retains its geographical boundaries and its name;
- (3) the territory of the new township government includes all the territory that comprised the territories of the former township governments before the merger;
- (4) the agencies of the former township governments are abolished;
- (5) the functions of the abolished agencies are assigned to agencies of the new township government;
- (6) the:
  - (A) property;
  - (B) records;

- (C) personnel;
- (D) rights; and
- (E) liabilities;

related to the functions of the abolished agencies are assigned to agencies of the new township government; and

(7) any bonds and other indebtedness of, or assumed by, the former township governments are transferred to the new township government.

*As added by P.L.240-2005, SEC.3.*

#### **IC 36-6-1.5-9**

##### **Provisions concerning state and federal licensing, rules, regulations, and governmental assistance**

Sec. 9. Upon the corporate dissolution of a township government under this article, the following apply for purposes of all state and federal licensing and regulatory laws, statutory entitlements, gifts, grants-in-aid, governmental loans, or other governmental assistance under state or federal statutes, rules, or regulations:

(1) The entire geographic area and population of a new township government that is established under this chapter shall be used when calculating and determining the distribution basis for the following:

- (A) State or federal government statutory entitlements.
- (B) Gifts.
- (C) Grants-in-aid.
- (D) Loans.
- (E) Any form of governmental assistance that is not listed in this subdivision.

(2) Following a public hearing for which notice is published in accordance with IC 5-3-1 at least thirty (30) days before the public hearing takes place, the executive of a new township government that is established under this chapter shall determine and designate to the appropriate state or federal agency the:

- (A) geographic areas;
- (B) parts of roads;
- (C) segments of population; or
- (D) combinations of the items listed in clauses (A) through (C);

that constitute rural or urban areas, roads, or populations, if this designation was previously required of any township that merges under this chapter.

*As added by P.L.240-2005, SEC.3.*

#### **IC 36-6-1.5-10**

##### **Resolutions, rules, and bylaws of former township governments continue**

Sec. 10. When a new township government is established under this chapter, the following occur:

(1) The resolutions, rules, and bylaws of each of the former

township governments:

(A) remain in force within the territory to which they applied before the merger; and

(B) continue in force until amended or repealed by the legislative body or an administrative body of the new township government.

(2) Pending actions that involve any former township government shall be prosecuted to final judgment and execution, and judgments rendered in those actions may be executed and enforced against the new township government without any change of the name of the plaintiff or defendant.

*As added by P.L.240-2005, SEC.3.*

### **IC 36-6-1.5-11**

#### **Transfer of funds to new township government**

Sec. 11. (a) On the date the formation of a new township government takes effect, all money in the funds of each of the former township governments is transferred to the new township government. The new township government:

(1) shall deposit the money in its funds that most closely correspond to the funds of the former township governments; and

(2) may use the money to pay its operational and capital costs for the balance of the calendar year.

(b) After the date the formation of a new township government takes effect, the new township government is entitled to receive all distributions of taxes and other revenue that would have been made to the former township governments if the merger had not occurred. The new township government shall deposit the money in its funds that correspond most closely to the funds of the former township governments into which the taxes or other revenue would have been deposited if the merger had not occurred.

*As added by P.L.240-2005, SEC.3.*

### **IC 36-6-1.5-12**

#### **Budget, levy, and tax rate of new township; savings; adjustments**

Sec. 12. (a) Subject to subsection (b), the officers of the new township government shall:

(1) obtain from the department of local government finance approval under IC 6-1.1-18.5-7 of:

(A) a budget;

(B) an ad valorem property tax levy; and

(C) a property tax rate;

(2) fix the annual budget under IC 6-1.1-17;

(3) impose a property tax levy; and

(4) take any action necessary to ensure the collection of fees and other revenue;

for the new township government for the budget year following the year the officers take office.

(b) The resolutions approving the township government merger

under this chapter must specify the amount (if any) of the decrease that the department of local government finance shall make to the maximum permissible property tax levies, maximum permissible property tax rates, and budgets under IC 6-1.1-17 and IC 6-1.1-18.5 of the new township to:

(1) eliminate double taxation for services or goods provided by the new township; or

(2) eliminate any excess by which the amount of property taxes imposed by the new township exceeds the amount necessary to pay for services or goods provided under this article.

(c) The fiscal body of the new township shall determine and certify to the department of local government finance the amount of the adjustment (if any) under subsection (b). The amount of the adjustment (if any) to be made under subsection (b) must comply with the resolutions approving the township government merger.

*As added by P.L.240-2005, SEC.3. Amended by P.L.58-2011, SEC.4; P.L.255-2013, SEC.14.*

## **IC 36-6-1.6**

### **Chapter 1.6. Dissolution of Township Government Merger**

#### **IC 36-6-1.6-1**

##### **"Merged township government"**

Sec. 1. As used in this chapter, "merged township government" means the township government that results from the merger of at least two (2) township governments under IC 36-6-1.5.

*As added by P.L.240-2005, SEC.4.*

#### **IC 36-6-1.6-2**

##### **"Reestablished township government"**

Sec. 2. As used in this chapter, "reestablished township government" means a township government that:

- (1) merged with at least one (1) other township government under IC 36-6-1.5; and
- (2) is reestablished as a separate township government under this chapter.

*As added by P.L.240-2005, SEC.4.*

#### **IC 36-6-1.6-3**

##### **Petition to reestablish township government**

Sec. 3. (a) Freeholders may initiate proceedings to reestablish a township government by filing a petition in the office of the county auditor of the county where the freeholder's land is located. The petition must be signed by the lesser of:

- (1) at least ten percent (10%) of; or
- (2) at least fifty (50);

freeholders owning land within the proposed reestablished township. A petition may also be filed with the county auditor by a merged township government under a resolution adopted by the legislative body of the township government.

(b) A county legislative body may adopt an ordinance that:

- (1) dissolves a merger of township governments that took effect under IC 36-6-1.5; and
- (2) reestablishes the township governments that were subject to the merger.

(c) The county legislative body must file a copy of the ordinance with:

- (1) the circuit court clerk; and
- (2) the secretary of state.

*As added by P.L.240-2005, SEC.4.*

#### **IC 36-6-1.6-4**

##### **Restrictions on dissolving merged township government**

Sec. 4. (a) A county legislative body may not adopt an ordinance ordering a dissolution under section 3 of this chapter after January 1 of a year in which:

- (1) a general election is held; and
- (2) a township trustee is elected.

(b) The county legislative body may not adopt an ordinance ordering a dissolution under section 3 of this chapter less than one (1) year before the dissolution takes effect.

(c) A dissolution under this chapter may reduce the term of the township trustee of the merged township government.

*As added by P.L.240-2005, SEC.4.*

#### **IC 36-6-1.6-5**

##### **Dissolution effective upon election and qualification of officers**

Sec. 5. A dissolution under an ordinance adopted under section 3 of this chapter becomes effective when the officers of the reestablished township governments are elected and qualified as set forth in IC 36-6.

*As added by P.L.240-2005, SEC.4.*

#### **IC 36-6-1.6-6**

##### **Dissolution effective date; former township governments reestablished; property, functions, and indebtedness transferred**

Sec. 6. (a) On the date on which a dissolution under an ordinance adopted under section 3 of this chapter takes effect:

(1) the reestablished township governments are established as separate entities;

(2) the territory of the reestablished township government is the same as the territory that comprised the reestablished township government before the merger;

(3) the agencies of the merged township government are abolished and the agencies of the reestablished township governments are established;

(4) the functions of the abolished agencies are assigned to agencies of each reestablished township government;

(5) the:

(A) property;

(B) records;

(C) personnel;

(D) rights; and

(E) liabilities;

related to the functions of the abolished agencies are assigned to agencies of the reestablished township governments; and

(6) any bonds and other indebtedness of, or assumed by, the merged township government is the indebtedness of the reestablished township governments.

(b) The county legislative body shall determine the distribution of property, records, and personnel to the reestablished township governments under subsection (a)(5).

*As added by P.L.240-2005, SEC.4.*

#### **IC 36-6-1.6-7**

##### **Provisions concerning state and federal licensing, rules, regulations, and governmental assistance**

Sec. 7. Upon the corporate dissolution of a merged township

government under this article, the following apply for purposes of all state and federal licensing and regulatory laws, statutory entitlements, gifts, grants-in-aid, governmental loans, or other governmental assistance under state or federal statutes, rules, or regulations:

(1) The entire geographic area and population of a reestablished township government created under this chapter shall be used when calculating and determining the distribution basis for the following:

- (A) State or federal government statutory entitlements.
- (B) Gifts.
- (C) Grants-in-aid.
- (D) Loans.
- (E) Any form of governmental assistance that is not listed in this subdivision.

(2) Following a public hearing for which notice is published in accordance with IC 5-3-1 at least thirty (30) days before the public hearing takes place, the executive of each reestablished township government that is created under this chapter shall determine and designate to the appropriate state or federal agency the:

- (A) geographic areas;
- (B) parts of roads;
- (C) segments of population; or
- (D) combinations of the items listed in clauses (A) through (C);

that constitute rural or urban areas, roads, or populations, if this designation was previously required of the merged township government.

*As added by P.L.240-2005, SEC.4.*

#### **IC 36-6-1.6-8**

##### **Resolutions, rules, and bylaws of merged township continue**

Sec. 8. When a reestablished township government is created under this chapter, the following occur:

(1) The resolutions, rules, and bylaws of the merged township government:

- (A) remain in force in the reestablished township governments; and
- (B) continue in force until amended or repealed by the legislative body or an administrative body of the reestablished township government.

(2) Pending actions that involve the merged township government shall be prosecuted to final judgment and execution, and judgments rendered in those actions may be executed and enforced against the reestablished township governments without any change of the name of the plaintiff or defendant.

*As added by P.L.240-2005, SEC.4.*

#### **IC 36-6-1.6-9**

### **Transfer of funds to reestablished township governments**

Sec. 9. (a) On the date on which the formation of a reestablished township government takes effect under this chapter, all money in the funds of the merged township government is transferred to the reestablished township governments. The county legislative body shall determine the allocation of the funds to the reestablished township governments. The reestablished township governments:

- (1) shall deposit the money in the funds that most closely correspond to the funds of the merged township government; and
- (2) may use the money to pay operational and capital costs for the balance of the calendar year.

(b) After the date on which the formation of a reestablished township government takes effect under this chapter, the reestablished township government is entitled to receive all distributions of taxes and other revenue that would have been made to the new township government if the merger had not occurred. The allocation of the distributions to the reestablished township governments shall be determined by the county legislative body. A reestablished township government shall deposit the money in its funds that correspond most closely to the funds of the merged township government into which the taxes or other revenue would have been deposited if the dissolution had not occurred.

*As added by P.L.240-2005, SEC.4.*

### **IC 36-6-1.6-10**

#### **Budget, levy, and tax rate of reestablished township government**

Sec. 10. The officers of a new reestablished township government shall:

- (1) obtain from the department of local government finance approval under IC 6-1.1-18.5-7 of:
  - (A) a budget;
  - (B) an ad valorem property tax levy; and
  - (C) a property tax rate;
- (2) fix the annual budget under IC 6-1.1-17;
- (3) impose a property tax levy; and
- (4) take any action necessary to ensure the collection of fees and other revenue;

for the new township government for the budget year following the year the officers take office.

*As added by P.L.240-2005, SEC.4.*

**IC 36-6-2**

**Repealed**

*(Repealed by Acts 1980, P.L.125, SEC.32.)*

**IC 36-6-3**

**Repealed**

*(Repealed by P.L.251-1993, SEC.6.)*

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

### **Chapter 4. Township Executive**

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

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

Sec. 1. This chapter applies to all townships.  
*As added by Acts 1980, P.L.212, SEC.5.*

#### **IC 36-6-4-2**

##### **Township trustee; residence; term of office**

Sec. 2. (a) A township trustee shall be elected under IC 3-10-2-13 by the voters of each township. The trustee is the township executive.

(b) The township trustee must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The trustee forfeits office if the trustee ceases to be a resident of the township.

(c) The term of office of a township trustee is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.5-1986, SEC.57; P.L.3-1987, SEC.563; P.L.1-2004, SEC.62 and P.L.23-2004, SEC.64; P.L.88-2005, SEC.16.*

#### **IC 36-6-4-3**

##### **Duties**

Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- (9) Provide and maintain cemeteries under IC 23-14.
- (10) Provide fire protection under IC 36-8, except in a township that:
  - (A) is located in a county having a consolidated city; and
  - (B) consolidated the township's fire department under IC 36-3-1-6.1.
- (11) File an annual personnel report under IC 5-11-13.
- (12) Provide and maintain township parks and community centers under IC 36-10.
- (13) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-16-8.
- (14) Provide insulin to the poor under IC 12-20-16.
- (15) Perform other duties prescribed by statute.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.191-1987,*

*SEC.14; P.L.2-1992, SEC.889; P.L.2-1993, SEC.203; P.L.51-1996, SEC.76; P.L.2-2002, SEC.108; P.L.227-2005, SEC.36; P.L.73-2005, SEC.173; P.L.1-2006, SEC.562; P.L.2-2008, SEC.82; P.L.146-2008, SEC.709; P.L.1-2009, SEC.163.*

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

##### **Powers**

Sec. 4. The executive may do the following:

- (1) Administer oaths when necessary in the discharge of official duties.
- (2) Appoint an attorney to represent the township in any proceeding in which the township is interested.
- (3) Enter into certain oil and gas leases of township property under IC 36-9.
- (4) Personally use a township vehicle for the performance of official duties, but only if the use is authorized by the township legislative body.
- (5) Exercise other powers granted by statute.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.191-1987, SEC.15; P.L.302-1989, SEC.1.*

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

##### **Records; maintenance**

Sec. 5. The executive shall maintain:

- (1) a general account showing the total of all township receipts and expenditures; and
- (2) the financial and appropriation record of the township, which must include an itemized and accurate account of the township's financial affairs.

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

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

##### **Financial and appropriation record; requisites**

Sec. 6. (a) For each sum of money received by the executive, the financial and appropriation record must show:

- (1) the date it was received;
- (2) from whom it was received; and
- (3) to what account it was credited.

(b) For each sum of money paid by the executive, the financial and appropriation record must show:

- (1) the date it was paid;
- (2) to whom it was paid;
- (3) from what account it was paid; and
- (4) why it was paid.

(c) The state board of accounts shall prescribe the form of the financial and appropriation record.

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

#### **IC 36-6-4-7**

##### **Purchases; written order; warrant; violation; liability**

Sec. 7. (a) Each purchase for the township by the executive must be made on written order of the executive, certifying that sufficient funds have been appropriated to pay the full price of the purchase. The executive shall issue a warrant and pay for the purchase not later than receipt of the county treasurer's first semiannual distribution following the purchase.

(b) An executive who violates this section commits a Class C infraction and is liable on his official bond for the value of the purchase.

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

#### **IC 36-6-4-8**

##### **Use of funds appropriated for community services; contracts for ambulance services; fees**

Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) The executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) The township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

*As added by Acts 1980, P.L.212, SEC.5. Amended by Acts 1980, P.L.125, SEC.26; Acts 1981, P.L.11, SEC.166.*

#### **IC 36-6-4-9**

##### **Repealed**

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

#### **IC 36-6-4-10**

##### **Verified statement of indebtedness; posting**

Sec. 10. On the first Monday of each August the executive shall post, in a conspicuous place near his office, a verified statement showing the indebtedness of the township in detail and giving the number and total amount of outstanding orders, warrants, and accounts.

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

#### **IC 36-6-4-11**

##### **Annual meeting; statement of estimated expenditures; forms; amounts**

Sec. 11. (a) At the township legislative body's annual meeting

under IC 36-6-6-11, the executive shall:

- (1) present an itemized written statement of the estimated expenditures for which appropriations are requested, specifying:
  - (A) the number of teachers employed;
  - (B) the salary of each teacher employed;
  - (C) the property of the township (and supplies on hand);
  - (D) the estimated value of the property of the township (and supplies on hand);
  - (E) the supplies necessary for each school; and
  - (F) the need for township assistance in the township; and
- (2) submit to questions from the legislative body or taxpayers concerning expenditures of the township.

(b) The written statement required under subsection (a)(1) must comply with forms prescribed by the state board of accounts and show the amount of each item to be charged against township funds. *As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.73-2005, SEC.174.*

#### **IC 36-6-4-12**

##### **Annual meeting; report of receipts and expenditures of preceding calendar year; failure to file; penalty**

Sec. 12. (a) At the annual meeting of the township legislative body under IC 36-6-6-9 the executive shall present a complete report of all receipts and expenditures of the preceding calendar year, including the balance to the credit of each fund controlled by the executive. If the executive controls any money that is not included in a particular fund, then the executive shall state all the facts concerning that money in the report.

(b) Each item of expenditure must be accompanied by the verified voucher of the person to whom the sum was paid, stating:

- (1) why the payment was made;
- (2) that the receipt is for the exact sum received;
- (3) that no part of the sum has been retained by the executive; and
- (4) that no part of the sum has been or is to be returned to the executive or any other person.

The executive may administer oaths to persons giving these receipts.

(c) The executive shall swear or affirm that:

- (1) the report shows all sums received by him;
- (2) the expenditures credited have been fully paid in the sums stated, without express or implied agreement that any part of the sums is to be retained by or returned to the executive or any other person; and
- (3) the executive has received no money or other property in consideration of any contract entered into on behalf of the township.

(d) Within ten (10) days after the legislative body's action under IC 36-6-6-9, the executive shall file a copy of the report and its accompanying vouchers, as adopted by the legislative body, in the county auditor's office. The legislative body may, for the benefit of

the township, bring a civil action against the executive if the executive fails to file the report within ten (10) days after the legislative body's action. The legislative body may recover five dollars (\$5) for each day beyond the time limit for filing the report, until the report is filed.

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

#### **IC 36-6-4-13**

##### **Abstract of receipts and expenditures; publication; failure to comply; offense**

Sec. 13. (a) When the executive prepares the annual report required by section 12 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

- (1) showing the sum of money in each fund of the township at the beginning of the year;
- (2) showing the sum of money received in each fund of the township during the year;
- (3) showing the sum of money paid from each fund of the township during the year;
- (4) showing the sum of money remaining in each fund of the township at the end of the year;
- (5) containing a statement of receipts, showing their source; and
- (6) containing a statement of expenditures, showing the combined gross payment, according to classification of expense, to each person.

(b) Within four (4) weeks after the third Tuesday following the first Monday in February, the executive shall publish the abstract prescribed by subsection (a) in accordance with IC 5-3-1. The abstract must state that a complete and detailed annual report and the accompanying vouchers showing the names of persons paid money by the township have been filed with the county auditor, and that the chairman of the township legislative body has a copy of the report that is available for inspection by any taxpayer of the township.

(c) An executive who fails to comply with this section commits a Class C infraction.

*As added by Acts 1980, P.L.212, SEC.5. Amended by Acts 1981, P.L.45, SEC.16; P.L.155-1987, SEC.3; P.L.166-2014, SEC.43.*

#### **IC 36-6-4-14**

##### **Expiration of term; delivery of funds, property, and annual report; submission to inquiries at annual meeting**

Sec. 14. When his term of office expires, the executive shall:

- (1) immediately deliver to the new executive custody of all funds and property of the township, except records necessary in the preparation of his annual report;
- (2) deliver to the new executive, not later than the second Monday in the next January, his annual report and any records he has retained; and
- (3) attend the annual meeting of the township legislative body

held under IC 36-6-6-9 and submit to inquiries from the legislative body concerning the operation of the executive's office during the preceding calendar year.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.173-2003, SEC.27.*

#### **IC 36-6-4-15**

##### **Resignation or death; issuance of call for special meeting by new executive; annual report**

Sec. 15. (a) If the executive resigns or dies, he or his personal representative shall immediately deliver to the new executive custody of all funds and property of the township. The new executive shall then issue a call for a special meeting of the township legislative body, to be held not more than fifteen (15) days later. At the special meeting the legislative body shall:

- (1) examine the records of the township;
- (2) inquire into the conduct of the executive's office; and
- (3) approve in whole or in part the records, receipts, and expenditures of the township to the date of death or resignation of the former executive.

(b) In his annual report to the legislative body, the new executive shall distinguish between his transactions and those of the former executive. The legislative body need not, at its annual meeting under IC 36-6-6-9, review items in the report that were considered at the special meeting.

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

#### **IC 36-6-4-16**

##### **Incapacity; petition; hearing; acting executive; salaries; restoration of capacity; resumption of duties**

Sec. 16. (a) When twenty-five (25) or more resident freeholders of a township file a petition with the circuit court of the county, alleging that the township executive is incapable of performing his duties due to mental or physical incapacity, the clerk of the court shall issue a summons to be served on the executive. The summons is returnable not less than ten (10) days from its date of issue.

(b) Immediately following the return date set out on the summons, the circuit court shall hold a hearing on the matter alleged in the petition. After hearing the evidence and being fully advised, the court shall enter its findings and judgment.

(c) If the court finds the executive incapable of performing the duties of office, the clerk of the court shall certify a copy of the judgment to the county executive, which shall, within five (5) days, appoint a resident of the township as acting executive of the township during the incapacity of the executive.

(d) The acting executive shall execute and file a bond in an amount fixed by the county auditor. After taking the oath of office, the acting executive has all the powers and duties of the executive.

(e) The acting executive is entitled to the salary and benefits provided by this article for the executive.

(f) When an incapacitated executive files a petition with the circuit court of the county alleging that the executive is restored to mental or physical ability to perform the duties of office, the court shall immediately hold a hearing on the matters alleged. After hearing the evidence and being fully advised, the court shall enter its findings and judgment.

(g) If the court finds the executive capable of resuming duties, the clerk of the court shall certify a copy of the judgment to the county executive, which shall, within five (5) days, revoke the appointment of the acting executive.

(h) For purposes of this section, the board of county commissioners is considered the executive of a county having a consolidated city.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.1-2010, SEC.148.*

#### **IC 36-6-4-17**

##### **Failure to perform duty; liability; compensation; personal use of township funds**

Sec. 17. (a) An executive who fails to perform a duty imposed by section 3(1), 3(2), 3(3), 3(4), 3(5), 3(7), 3(8), 5, or 14(1) of this chapter is liable to the township in a sum of not more than one hundred dollars (\$100), to be recovered in a civil action brought in the name of the township.

(b) An executive is entitled to receive the following:

(1) The executive's salary.

(2) Reimbursement for expenses that are reasonably incurred by the executive for the following:

(A) The operation of the executive's office.

(B) Travel and meals while attending seminars or conferences on township matters.

(C) A sum for mileage as permitted under IC 36-6-8-3(b).

The executive may not make any other personal use of township funds without prior approval by the legislative body of the township.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.34-1992, SEC.3.*

#### **IC 36-6-4-18**

##### **Designation of alternate to perform executive's duties and functions**

Sec. 18. (a) Within thirty (30) days after taking office, the executive shall designate a person who shall perform the executive's duties whenever the executive is incapable of performing the executive's functions because the executive:

(1) is absent from the township; or

(2) becomes incapacitated.

The executive shall give notice of the designation to the chairman of the township legislative body, the county sheriff, and any other persons that the executive chooses. The designee shall have all the powers of the executive. The executive is responsible for all acts of the designee. The executive may change the designee under this

section at any time.

(b) The designee shall perform the executive's duties until:

- (1) the executive is no longer absent from the township; or
- (2) an acting executive is appointed by the county executive under section 16 of this chapter.

*As added by P.L.105-1986, SEC.3. Amended by P.L.21-2002, SEC.1.*

#### **IC 36-6-4-19**

##### **Use of funds for drug awareness programs**

Sec. 19. The township executive may pay township funds for the purpose of supporting a drug awareness program that is implemented in schools.

*As added by P.L.2-1997, SEC.83.*

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

### **Chapter 5. Township Assessor**

#### **IC 36-6-5-1**

#### **Certain townships; election of assessor; residence; term of office; county assessor performing assessment duties for certain townships**

Sec. 1. (a) Subject to subsection (g), before 2009, a township assessor shall be elected under IC 3-10-2-13 by the voters of each township:

(1) having:

(A) a population of more than eight thousand (8,000); or

(B) an elected township assessor or the authority to elect a township assessor before January 1, 1979; and

(2) in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000).

(b) Subject to subsection (g), before 2009, a township assessor shall be elected under IC 3-10-2-14 (repealed effective July 1, 2008) in each township:

(1) having a population of more than five thousand (5,000) but not more than eight thousand (8,000), if:

(A) the legislative body of the township, by resolution, declares that the office of township assessor is necessary; and

(B) the resolution is filed with the county election board not later than the first date that a declaration of candidacy may be filed under IC 3-8-2; and

(2) in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000).

(c) Subject to subsection (g), a township government that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this section.

(d) Subject to subsection (g), after 2008 a township assessor shall be elected under IC 3-10-2-13 only by the voters of each township in which:

(1) the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000); and

(2) the transfer to the county assessor of the assessment duties prescribed by IC 6-1.1 is disapproved in the referendum under IC 36-2-15.

(e) The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

(f) The term of office of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

(g) A person who runs for the office of township assessor in an election after June 30, 2008, is subject to IC 3-8-1-23.6.

(h) After June 30, 2008, the county assessor shall perform the assessment duties prescribed by IC 6-1.1 in a township in which the number of parcels of real property on January 1, 2008, is less than fifteen thousand (15,000).

*As added by Acts 1980, P.L.212, SEC.5. Amended by Acts 1982, P.L.1, SEC.59; P.L.14-1983, SEC.5; P.L.5-1986, SEC.58; P.L.3-1987, SEC.564; P.L.3-1997, SEC.470; P.L.1-2004, SEC.63 and P.L.23-2004, SEC.65; P.L.88-2005, SEC.17; P.L.240-2005, SEC.5; P.L.219-2007, SEC.117; P.L.3-2008, SEC.262; P.L.146-2008, SEC.710; P.L.1-2009, SEC.164.*

### **IC 36-6-5-2**

#### **Repealed**

*(Repealed by P.L.146-2008, SEC.818.)*

### **IC 36-6-5-3**

#### **Statutory duties**

Sec. 3. (a) Except as provided in subsection (b), the assessor shall perform the duties prescribed by statute, including assessment duties prescribed by IC 6-1.1.

(b) Subsection (a) does not apply if the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24 or IC 36-2-15.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.162-2006, SEC.48; P.L.219-2007, SEC.119; P.L.146-2008, SEC.711.*

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

#### **Certification level of employees of township assessor**

Sec. 4. After June 30, 2009, an employee of a township assessor who performs real property assessing duties must have attained the level of certification under IC 6-1.1-35.5 that the township assessor is required to attain under IC 3-8-1-23.6.

*As added by P.L.146-2008, SEC.712.*

## **IC 36-6-6**

### **Chapter 6. Township Legislative Body**

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

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

Sec. 1. This chapter applies to all townships.

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

#### **IC 36-6-6-2**

##### **Township board; election; term of office**

Sec. 2. (a) Except as provided in subsection (b) and section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

(b) The township board in a county containing a consolidated city shall consist of the following:

(1) Before January 1, 2017, seven (7) members elected under IC 3-10-2-13 by the voters of each township.

(2) After December 31, 2016, five (5) members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.5-1986, SEC.59; P.L.8-1987, SEC.83; P.L.6-1994, SEC.2; P.L.122-2000, SEC.22; P.L.170-2002, SEC.147; P.L.240-2005, SEC.6; P.L.266-2013, SEC.11.*

#### **IC 36-6-6-2.1**

##### **Merged townships; township board; election; members**

Sec. 2.1. (a) This section applies if township governments merge under IC 36-6-1.5.

(b) If two (2) township governments merge, the resulting merged township government shall elect a three (3) member township board. The voters of the resulting merged township government shall elect all the members of the township board. One (1) member must reside within the boundaries of each of the township governments that merged.

(c) If at least three (3) township governments merge, the resulting merged township government shall elect a township board that has the same number of members as the number of township governments that merged. The voters of the resulting merged township shall elect all the members of the township board. One (1) township board member must reside within the boundaries of each of the townships that merged.

*As added by P.L.240-2005, SEC.7.*

#### **IC 36-6-6-2.2**

##### **Election of township board members; by voters of a district; by all township voters**

Sec. 2.2. (a) This subsection applies to townships in a county containing a consolidated city. The voters of each legislative body district established under section 2.5 of this chapter shall elect one (1) member of the township board.

(b) This subsection applies to townships not included in subsection (a). The voters of each township shall elect all the members of the township board.

*As added by P.L.6-1994, SEC.3. Amended by P.L.170-2002, SEC.148.*

### **IC 36-6-6-2.5**

#### **Division of certain townships into legislative body districts; recertification of districts; filing with circuit court clerk; time for filing; district boundary description prevails over conflicting map**

Sec. 2.5. (a) This section applies to townships in a county containing a consolidated city.

(b) The legislative body shall adopt a resolution that divides the township into legislative body districts that:

- (1) are composed of contiguous territory;
- (2) are reasonably compact;
- (3) respect, as nearly as reasonably practicable, precinct boundary lines; and
- (4) contain, as nearly as reasonably practicable, equal population.

(c) Before a legislative body may adopt a resolution that divides a township into legislative body districts, the secretary of the legislative body shall mail a written notice to the circuit court clerk. This notice must:

- (1) state that the legislative body is considering the adoption of a resolution to divide the township into legislative body districts; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the resolution.

(d) Except as provided in subsection (f), the legislative body shall make a division into legislative body districts at the following times:

- (1) During the second year after a year in which a federal decennial census is conducted.
- (2) Subject to IC 3-11-1.5-32.5, whenever the boundary of the township changes.

(e) The legislative body may make the division under this section at any time, subject to IC 3-11-1.5-32.5.

(f) This subsection applies during the second year after a year in which a federal decennial census is conducted. If the legislative body determines that a division is not required under subsection (b), the legislative body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(g) Each time there is a division under subsection (b) or a recertification under subsection (f), the legislative body shall file with the circuit court clerk of the county not later than thirty (30) days after the adoption or recertification occurs a map of the district

boundaries:

- (1) adopted under subsection (b); or
- (2) recertified under subsection (f).

(h) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(i) If a conflict exists between:

- (1) a map showing the boundaries of a district; and
- (2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

*As added by P.L.6-1994, SEC.4. Amended by P.L.318-1995, SEC.1; P.L.122-2000, SEC.23; P.L.170-2002, SEC.149; P.L.230-2005, SEC.89; P.L.271-2013, SEC.53.*

### **IC 36-6-6-3**

#### **Residency requirement of members**

Sec. 3. (a) This subsection applies to townships in a county containing a consolidated city. One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.

(b) This subsection applies to townships not included in subsection (a) or (c). A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

(c) This subsection applies to a township government that:

- (1) is created by a merger of township governments under IC 36-6-1.5; and
- (2) elects a township board under section 2.1 of this chapter.

One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.3-1987, SEC.565; P.L.6-1994, SEC.5; P.L.170-2002, SEC.150; P.L.240-2005, SEC.8.*

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

#### **Quorum**

Sec. 4. (a) Except as provided in subsections (b) and (c), two (2)

members of the legislative body constitute a quorum.

(b) Before January 1, 2017, four (4) members of the legislative body in a county containing a consolidated city constitute a quorum. After December 31, 2016, three (3) members of the legislative body in a county having a consolidated city constitute a quorum.

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum. If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.6-1994, SEC.6; P.L.122-2000, SEC.24; P.L.170-2002, SEC.151; P.L.240-2005, SEC.9; P.L.266-2013, SEC.12.*

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

##### **Adjournment of meetings**

Sec. 5. A meeting of the legislative body may be adjourned from day to day until its business is completed.

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

#### **IC 36-6-6-6**

##### **Appearance at meetings by taxpayer**

Sec. 6. A taxpayer of the township may appear at any meeting of the legislative body and be heard as to:

(1) an estimate of expenditures;

(2) a proposed levy of taxes;

(3) the approval of the executive's annual report; or

(4) any other matter being considered by the legislative body.

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

#### **IC 36-6-6-7**

##### **Meetings; election of chairman and secretary; special meeting**

Sec. 7. (a) The legislative body shall meet at the office of the executive on the first Tuesday after the first Monday in January of each year. At this meeting the legislative body shall elect one (1) member as chairman for that year and one (1) member as secretary for that year.

(b) If a newly elected legislative body holds a special meeting before the first Tuesday after the first Monday in the January following its election, it shall elect a chairman and a secretary before conducting any other business. The chairman and secretary elected at the special meeting retain those positions until the first Tuesday after the first Monday in January of the year following the special meeting.

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

### **IC 36-6-6-8**

#### **Record of proceedings**

Sec. 8. The legislative body shall keep a permanent record of its proceedings in a book furnished by the executive. The secretary of the legislative body shall, under the direction of the legislative body, record the minutes of the proceedings of each meeting in full and shall provide copies of the minutes to each member of the legislative body before the next meeting is convened. After the minutes are approved by the legislative body, the secretary of the legislative body shall place the minutes in the permanent record book. The chairman of the legislative body shall retain the record in his custody.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.98-2000, SEC.25.*

### **IC 36-6-6-9**

#### **Meeting; consideration and approval of annual report of executive; disposition of funds**

Sec. 9. (a) The legislative body shall meet on or before the third Tuesday after the first Monday in February of each year. At this meeting it shall consider and approve, in whole or in part, the annual report of the executive presented under IC 36-6-4-12.

(b) The legislative body may send for persons, books, and papers necessary in the examination of the report. A member may administer oaths necessary in the examination of the report.

(c) Any sum in the control of the executive that remains unexpended and is subject to no liability shall be credited in favor of the fund for which it was appropriated.

(d) Any fund expended, in whole or in part, for a purpose for which it was not appropriated shall be considered unexpended and in the control of the executive, who is liable on the executive's bond for such an expenditure.

(e) When its examination of the report is completed, the legislative body shall take action on the report, specifying the parts of the report that are altered or disallowed. The report remains under the control of the legislative body and in custody of its chairman, who shall keep it open to inspection by taxpayers of the township.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.49-1996, SEC.9; P.L.6-2013, SEC.1.*

### **IC 36-6-6-10**

#### **Compensation of officers and employees**

Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy or an employee of a township assessor with assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may reduce the salary of an elected or appointed official. However, except as provided in subsection (h), the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(d) Except as provided in subsection (h), the township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(e) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(f) The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

(g) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person consents to a reduction in salary.

(h) In a year in which there is not an election of members to the township legislative body, the township legislative body may vote to reduce the salaries of the members of the township legislative body by any amount.

*As added by Acts 1980, P.L.212, SEC.5. Amended by Acts 1980, P.L.125, SEC.27; P.L.352-1983, SEC.1; P.L.196-1984, SEC.1; P.L.319-1995, SEC.1; P.L.21-2002, SEC.2; P.L.169-2006, SEC.56; P.L.146-2008, SEC.713; P.L.6-2013, SEC.2.*

### **IC 36-6-6-11**

#### **Meeting; adoption of annual budget; estimates; appropriation; taxation**

Sec. 11. (a) The legislative body shall meet annually in accord with IC 6-1.1-17, to adopt the township's annual budget.

(b) The legislative body shall consider the estimates of expenditures made by the executive under IC 36-6-4-11, and may approve or reject all or part of any estimate or any item within an estimate. The legislative body may require the executive to further itemize an estimate not sufficiently itemized.

(c) The legislative body may not appropriate for any purpose an amount more than the executive's estimate of the amount required for that purpose.

(d) The legislative body shall include in the budget:

(1) provisions for the payment of existing debt of the township as it becomes due; and

(2) the salaries fixed under section 10 of this chapter.

(e) In making levies for the township general fund, the legislative body may include an amount not more than the amount necessary to compensate its members for their services during the year for which the levies are made.

(f) After the legislative body has taken action on the executive's estimates, it shall levy taxes for the township funds on property in the township and fix rates of taxation sufficient to provide that revenue during the next year.

(g) On the assessment date, as defined by IC 6-1.1-1-2, the rates of taxation adopted under this section become a levy and a lien on all taxable property in the township, including property in municipalities in the township. The levy constitutes an appropriation for the specific items in the executive's estimates.

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

### **IC 36-6-6-12**

#### **Membership of township in county, state, or national associations; appropriations; expenses**

Sec. 12. (a) The legislative body may appropriate money for membership of the township in county, state, or national associations that:

(1) are of a civic, educational, or governmental nature; and

(2) have as a purpose the improvement of township governmental operations.

The township representatives may participate in the activities of these associations, and the legislative body may appropriate money to defray the expenses of township representatives in connection with these activities.

(b) Each representative of the township attending any meeting, conference, seminar, or convention approved by the township trustee shall be allowed reimbursement for all necessary and legitimate expenses incurred while representing the township. Expenses shall be paid to each representative in accordance with the township's reimbursement policy, which may include an established per diem rate, as recommended by the township trustee and adopted by the township legislative body.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.303-1989, SEC.1; P.L.98-2000, SEC.26.*

### **IC 36-6-6-13**

#### **Appropriation and transfer of money to county; interlocal agreements**

Sec. 13. The legislative body may appropriate and transfer money to the county treasurer for use throughout the county under agreements made by the township and the county under IC 36-1-7.

*As added by Acts 1980, P.L.212, SEC.5. Amended by Acts 1980, P.L.125, SEC.28.*

### **IC 36-6-6-13.5**

#### **Special meeting by legislative body; notice**

Sec. 13.5. (a) A special meeting may be held by the legislative body if the executive, the chairman of the legislative body, or a majority of the members of the legislative body issue a written notice of the meeting to each member of the legislative body. The notice must state the time, place, and purpose of the meeting.

(b) The legislative body may consider any matter at a special meeting. However, the only matters that may be acted on at the special meeting are the matters set forth in the notice.

*As added by P.L.146-2008, SEC.714.*

### **IC 36-6-6-14**

#### **Special meeting; determination of need for fire and emergency services; effect of levy increase**

Sec. 14. (a) At any special meeting, if two (2) or more members give their consent, the legislative body may determine whether there is a need for fire and emergency services or other emergency requiring the expenditure of money not included in the township's budget estimates and levy.

(b) Subject to section 14.5 of this chapter, if the legislative body finds that a need for fire and emergency services or other emergency exists, it may issue a special order, entered and signed on the record, authorizing the executive to borrow a specified amount of money sufficient to meet the emergency. However, the legislative body may not authorize the executive to borrow money under this subsection in more than three (3) calendar years during any five (5) year period.

(c) Notwithstanding IC 36-8-13-4(a), the legislative body may authorize the executive to borrow a specified sum from a township fund other than the township firefighting fund if the legislative body finds that the emergency requiring the expenditure of money is related to paying the operating expenses of a township fire department or a volunteer fire department. At its next annual session, the legislative body shall cover the debt created by making a levy to the credit of the fund for which the amount was borrowed under this subsection.

(d) In determining whether a fire and emergency services need exists requiring the expenditure of money not included in the township's budget estimates and levy, the legislative body and any reviewing authority considering the approval of the additional borrowing shall consider the following factors:

- (1) The current and projected certified and noncertified public safety payroll needs of the township.
- (2) The current and projected need for fire and emergency services within the jurisdiction served by the township.
- (3) Any applicable national standards or recommendations for the provision of fire protection and emergency services.
- (4) Current and projected growth in the number of residents and other citizens served by the township, emergency service runs, certified and noncertified personnel, and other appropriate

measures of public safety needs in the jurisdiction served by the township.

(5) Salary comparisons for certified and noncertified public safety personnel in the township and other surrounding or comparable jurisdictions.

(6) Prior annual expenditures for fire and emergency services, including all amounts budgeted under this chapter.

(7) Current and projected growth in the assessed value of property requiring protection in the jurisdiction served by the township.

(8) Other factors directly related to the provision of public safety within the jurisdiction served by the township.

(e) In the event the township received additional funds under this chapter in the immediately preceding budget year for an approved expenditure, any reviewing authority shall take into consideration the use of the funds in the immediately preceding budget year and the continued need for funding the services and operations to be funded with the proceeds of the loan.

(f) This subsection applies to a township that is allowed an increase in its maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-13(c). The restrictions on borrowing set forth in this subsection are instead of the restrictions set forth in subsection (b). Repayments of the money borrowed in 2012 or 2013, as applicable, may be made over a three (3) year period beginning in 2014, and ending in 2016. Each year the township may borrow the amount necessary to repay one third (1/3) of the principal and interest of that debt. After 2016, the township may not borrow money under subsection (b) in more than three (3) calendar years during any five (5) year period.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.41-1993, SEC.48; P.L.50-1998, SEC.1; P.L.146-2008, SEC.715; P.L.218-2013, SEC.14.*

#### **IC 36-6-6-14.5**

##### **Objection by taxpayers; department of local government finance hearing and action; appeal**

Sec. 14.5. (a) If the legislative body issues a special order under section 14 of this chapter authorizing the executive to borrow money, not less than ten (10) taxpayers in the township who disagree with the special order may file a petition in the office of the county auditor not more than thirty (30) days after notice of the special order is given. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the special order to be unnecessary or unwise.

(b) The county auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a time and place for the hearing of the matter. The hearing shall be held not less than five (5) and not more than thirty (30) days after the receipt of the certified documents.

(c) The hearing shall be held in the county where the petition arose.

(d) Notice of the hearing shall be given by the department of local government finance to the township and to the first ten (10) taxpayer petitioners listed on the petition by letter. The letter shall be sent to the first ten (10) taxpayer petitioners at the taxpayer's usual place of residence at least five (5) days before the date of the hearing.

(e) A:

- (1) taxpayer who signed a petition filed under subsection (a); or
- (2) township against which a petition under subsection (a) is filed;

may petition for judicial review of the final determination of the department of local government finance under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the date of the department's final determination.

*As added by P.L.41-1993, SEC.49. Amended by P.L.90-2002, SEC.472; P.L.256-2003, SEC.37.*

### **IC 36-6-6-15**

#### **Temporary loans to meet current expenses; resolution; time warrants**

Sec. 15. (a) If the legislative body finds that an emergency requires the borrowing of money to meet the township's current expenses, it may take out temporary loans in an amount not more than eighty percent (80%) of the total anticipated revenue for the remainder of the year in which the loans are taken out.

(b) The legislative body must authorize the temporary loans by a resolution:

- (1) stating the nature of the consideration for the loans;
- (2) stating the time the loans are payable;
- (3) stating the place the loans are payable;
- (4) stating a rate of interest;
- (5) stating the anticipated revenues on which the loans are based and out of which they are payable; and
- (6) appropriating a sufficient amount of the anticipated revenues on which the loans are based and out of which they are payable for the payment of the loans.

(c) The loans must be evidenced by time warrants of the township stating:

- (1) the nature of the consideration;
- (2) the time payable;
- (3) the place payable; and
- (4) the anticipated revenues on which they are based and out of which they are payable.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.146-2008, SEC.716.*

**IC 36-6-7**

**Chapter 7. Deputies and Assistants of Township Officers**

**IC 36-6-7-1**

**Application of chapter**

Sec. 1. This chapter applies to all townships.

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

**IC 36-6-7-2**

**Appointment; removal; responsibility**

Sec. 2. An officer of a township may appoint and remove all deputies and other employees in his office, shall appoint deputies and other employees necessary for the proper discharge of his duties, and is responsible for the official acts of his deputies and other employees.

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

**IC 36-6-7-3**

**Annual appropriations for offices; payments on vouchers**

Sec. 3. The legislative body shall make annual appropriations for assistants in township offices. Payments shall be made to assistants on vouchers verified by the claimant and approved by the officer in whose office he is employed.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.173-2003, SEC.28.*

## **IC 36-6-8**

### **Chapter 8. Compensation and Expenses of Township Officers, Deputies, and Employees**

#### **IC 36-6-8-1**

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

Sec. 1. This chapter applies to all townships.

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

#### **IC 36-6-8-2**

##### **Repealed**

*(Repealed by Acts 1980, P.L.125, SEC.32.)*

#### **IC 36-6-8-2.1**

##### **Executive; annual salary; clerical employees; annual appropriation**

Sec. 2.1. A township executive is entitled to the annual salary and annual appropriation for clerical employees (other than those authorized under IC 12-20-4-2 through IC 12-20-4-11 and IC 12-20-4-14) fixed under IC 36-6-6-10.

*As added by Acts 1980, P.L.125, SEC.29. Amended by P.L.2-1992, SEC.890.*

#### **IC 36-6-8-3**

##### **Executive; office expenses; mileage allowance; annual appropriations**

Sec. 3. (a) The annual appropriations to a township executive for the expenses of renting an office and telephone and telegraph expenses must, as nearly as is possible, be equal to the actual cost of those items. If the township executive uses a part of the executive's residence for an office, the township legislative body shall appropriate a reasonable sum for that office space.

(b) The township executive is entitled to a sum for mileage in the performance of official duties equal to the sum per mile paid to state officers and employees. However, this subsection does not apply when the township executive uses a township vehicle in the performance of official duties.

*As added by Acts 1980, P.L.212, SEC.5. Amended by Acts 1980, P.L.125, SEC.30; P.L.302-1989, SEC.2.*

#### **IC 36-6-8-4**

##### **Repealed**

*(Repealed by Acts 1980, P.L.125, SEC.32.)*

#### **IC 36-6-8-5**

##### **Assessor; real property reassessment duties; additional per diem compensation; county review**

Sec. 5. (a) When performing the real property reassessment duties under IC 6-1.1-4-4 or a county's reassessment plan prepared under IC 6-1.1-4-4.2, a township assessor may receive per diem compensation, in addition to salary, at a rate fixed by the county

fiscal body, for each day that the assessor is engaged in reassessment activities.

(b) Subsection (a) applies regardless of whether professional assessing services are provided to a township under contract.

*As added by Acts 1980, P.L.212, SEC.5. Amended by Acts 1980, P.L.125, SEC.31; Acts 1981, P.L.46, SEC.3; P.L.196-1984, SEC.3; P.L.74-1987, SEC.23; P.L.6-1997, SEC.207; P.L.198-2001, SEC.106; P.L.146-2008, SEC.717; P.L.112-2012, SEC.53.*

### **IC 36-6-8-6**

#### **Incremental payment based on certification**

Sec. 6. (a) Subject to subsection (e), a township assessor who becomes a certified level two or level three Indiana assessor-appraiser is entitled to receive annually one thousand dollars (\$1,000) after the assessor's certification under IC 6-1.1-35.5, which is in addition to and not part of the annual compensation of the township assessor.

(b) A certified level two or level three Indiana assessor-appraiser who replaces a township assessor who is not so certified is entitled to receive annually one thousand dollars (\$1,000) more than the salary of the person's predecessor, which is in addition to and not part of the annual compensation of the township assessor.

(c) Subject to subsection (e), an employee of a township assessor who becomes a certified level two or level three Indiana assessor-appraiser is entitled to receive annually five hundred dollars (\$500) after the employee's certification under IC 6-1.1-35.5, which is in addition to and not part of the annual compensation of the employee.

(d) A township assessor or employee who becomes entitled to receive an additional amount under this section is entitled to receive the additional amount for as long as the person serves in that position and maintains the level two or level three certification.

(e) Subsections (a) and (c) apply regardless of whether the township assessor or employee of a township assessor becomes a certified level two assessor-appraiser:

(1) while:

(A) in office; or

(B) employed by the township assessor; or

(2) before:

(A) assuming office; or

(B) beginning employment by the township assessor.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.198-2001, SEC.107; P.L.219-2007, SEC.120.*

### **IC 36-6-8-7**

#### **Repealed**

*(Repealed by Acts 1980, P.L.125, SEC.32.)*

### **IC 36-6-8-8**

#### **Repealed**

*(Repealed by Acts 1980, P.L.125, SEC.32.)*

### **IC 36-6-8-9**

#### **Assessor; mileage allowance**

Sec. 9. If necessary in the performance of their duties:

- (1) township assessors; or
- (2) deputies and employees engaged in field work and authorized by the township assessor;

may use their own conveyances and are entitled to receive a mileage allowance equal to the sum per mile paid to state officers and employees. Only one (1) mileage may be allowed for each assessing team.

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

### **IC 36-6-8-10**

#### **Assessor; appropriations to pay salaries and per diems; preparation of budget estimates**

Sec. 10. (a) The county fiscal body shall, in the manner prescribed by IC 36-2-5 or IC 36-2-6, fix and appropriate money to pay the per diem established under section 5 of this chapter and the salaries and per diems of the county's township assessors and any deputies or other employees that assist the elected township assessor.

(b) Each township assessor shall file the budget estimate required by IC 36-2-5-5 or IC 36-3-6-4. The budget estimate filed under this subsection must include all estimated expenses of the office, including costs incurred through litigation for the office.

(c) If the township executive is performing the duties of assessor, the county fiscal body shall appropriate money for the purposes of subsection (a) and other expenses of acting as assessor, including all costs incurred through litigation for the office. However, it may not provide a salary that is below the amount fixed for that salary for the year 1984.

*As added by Acts 1980, P.L.212, SEC.5. Amended by Acts 1981, P.L.46, SEC.4; P.L.196-1984, SEC.4; P.L.17-1985, SEC.25; P.L.219-1986, SEC.1; P.L.222-1997, SEC.3.*

### **IC 36-6-8-11**

#### **Assessor; claims for compensation by deputies and employees**

Sec. 11. (a) Deputies and other employees of a township assessor must file their claims for compensation, which must be verified by the township assessor. Claims for employment that is not on an annual basis must show the actual number of days employed. Deputies and other employees of a township assessor shall be paid out of the county treasury, on the warrant of the county auditor.

(b) Employees of the township assessor are entitled to no compensation other than that provided by this chapter.

*As added by Acts 1980, P.L.212, SEC.5. Amended by P.L.173-2003, SEC.29.*

### **IC 36-6-8-12**

#### **Repealed**

*(Repealed by Acts 1980, P.L.125, SEC.32.)*

**IC 36-6-8-13**

**Member of legislative body in office for fraction of any year;  
proportionate salary**

Sec. 13. (a) A member of the township legislative body who holds office for a fraction of any year is entitled to a proportionate fraction of the annual salary.

(b) A member of the township legislative body who holds office on December 31 of any year is entitled to his salary on that day.

(c) A member of the township legislative body who leaves office before December 31 of any year is entitled to his salary on the day he leaves office.

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