

## **IC 13-26-8**

### **Chapter 8. Addition of Territory to Regional Districts**

#### **IC 13-26-8-1**

##### **Applications by eligible entities to be included in district; procedure**

Sec. 1. After the establishment of a district, an eligible entity whose territory is not wholly included within the district may file an application with the district setting forth the following:

- (1) A general description of the territory the eligible entity desires to have included in the district.
- (2) The necessity for the inclusion of the territory in the district.
- (3) That inclusion of the territory in the district will be conducive to the public health, safety, convenience, or welfare.
- (4) That it will be practical and feasible for the territory to be included in the district.

*As added by P.L.1-1996, SEC.16.*

#### **IC 13-26-8-2**

##### **Approval of application**

Sec. 2. If an application is approved by a majority of the board, the territory described in the application becomes part of the district. The district shall then notify the department of the inclusion of the additional territory in the district.

*As added by P.L.1-1996, SEC.16.*

#### **IC 13-26-8-3**

##### **Denial of application; petition; procedure**

Sec. 3. (a) If an application fails to receive the approval of a majority of the board not later than sixty (60) days after the filing of the application with the district, the entity filing the application may file a petition with the department as described in IC 13-26-2 requesting the order of the department to include the territory described in the application within the district.

(b) Upon the filing of a petition, the department shall proceed in the same manner that is set forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.

*As added by P.L.1-1996, SEC.16.*

#### **IC 13-26-8-4**

##### **Addition of territory to regional sewage or solid waste district other than at request of eligible entity**

Sec. 4. (a) This section applies to the addition of territory to a regional sewage or solid waste district other than at the request of an eligible entity described in section 1 of this chapter. This section does not apply to a regional water district.

(b) To add territory to a district already established, the board must file with the department a motion adopted by the board requesting the addition of territory to the district.

(c) Except as provided under subsections (d) and (e), if a motion

is filed with the department under subsection (b):

(1) the same procedure must be used to add territory to the district as is provided for the establishment of a district under IC 13-26-2; and

(2) the department shall proceed in the same manner that is set forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.

(d) Not more than one hundred eighty (180) days after the date a motion is filed with the department under subsection (b) to add territory to a district already established, if a petition is filed with the department that is signed by a majority of the freeholders within the area proposed to be added and indicating that the freeholders are opposed to the addition of the area by the district:

(1) the department may not proceed under subsection (c); and

(2) the territory may not be added to the district.

(e) For purposes of subsection (c):

(1) the commissioner is not required to appoint a hearing officer under IC 13-26-2-5;

(2) the board shall:

(A) provide the notice of; and

(B) conduct;

the hearing required under IC 13-26-2-6; and

(3) instead of making findings and recommendations under IC 13-26-2-8, the board shall submit documentary evidence to the commissioner to prove the:

(A) notice was provided; and

(B) hearing was conducted;

by the board as required under subdivision (2).

*As added by P.L.123-2011, SEC.3. Amended by P.L.292-2013, SEC.9.*