

## **IC 14-33-19**

### **Chapter 19. Levee Districts and Associations**

#### **IC 14-33-19-1**

##### **Applicability of chapter**

Sec. 1. This chapter applies to a levee district or levee association existing under:

- (1) Acts 1911, c.127;
- (2) Acts 1911, c.280;
- (3) Acts 1911, c.103;
- (4) Acts 1913, c.165;
- (5) Acts 1917, c.105;
- (6) Acts 1919, c.26;
- (7) Acts 1927, c.38;
- (8) Acts 1933, c.42;
- (9) Acts 1937, c.42;
- (10) Acts 1937, c.186;
- (11) Acts 1937, c.233;
- (12) Acts 1941, c.159;
- (13) Acts 1947, c.284;
- (14) Acts 1947, c.187;
- (15) Acts 1947, c.249;
- (16) Acts 1959, c.52; or
- (17) Acts 1959, c.374;

all of which were repealed by IC 19-3-2-106 (recodified as IC 13-2-19.5-9 before its repeal, and later recodified as IC 14-27-3-19).

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-19-2**

##### **Levee district or association becoming district**

Sec. 2. A levee district or levee association may become a district under this article in accord with this chapter.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-19-3**

##### **Procedures to become district**

Sec. 3. The elected levee committee of a levee district or board of directors of a levee association must do the following to become a district under this article:

- (1) Adopt a resolution to accept this article.
- (2) File a petition in court.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-19-4**

##### **Filing petition**

Sec. 4. A petition filed under section 3 of this chapter must be filed as follows:

- (1) For a levee district, in the court establishing the levee district.

(2) For an incorporated levee association formed under Acts 1913, c.165, in the circuit court of the county in which the principal offices of the incorporated levee association are located.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-19-5**

##### **Contents of petition**

Sec. 5. A petition filed under section 3 of this chapter must state the following:

- (1) Acceptance of this article.
- (2) The division of the district into areas, with the areas corresponding to the number of levee committee members or directors.
- (3) The number of and names of the elected levee committee members or directors.
- (4) The expiration dates of the terms of the committee members or directors.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-19-6**

##### **Court's duties upon receipt of petition; notice**

Sec. 6. (a) Upon receipt of a petition, the court shall do the following:

- (1) Set a date for a hearing.
- (2) Have a copy of the petition and notice of the time and place of the hearing given at least twenty (20) days before the hearing date as follows:
  - (A) By publication at least one (1) time in one (1) newspaper of general circulation in each county in which lies land affected by the levee district, levee association, or pending proceedings.
  - (B) By United States mail to each freeholder affected, postage prepaid, using the residence address shown on the record of transfer of the auditor of the counties involved.

(b) Proof of publication of the notice, verified by the publisher of each newspaper involved, shall be filed with the court on or before the date of hearing.

(c) The person mailing the notice to freeholders shall file an affidavit on or before the date of hearing showing the following:

- (1) The names of the persons to whom notice was sent.
- (2) The address to which the notice was sent.
- (3) The date on which the notice was mailed.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-19-7**

##### **Court's duties at hearing**

Sec. 7. At the hearing the court shall do the following:

- (1) Determine the areas into which the district will be divided.
- (2) Determine the date of the annual meeting of the district.

- (3) Extend the terms of the levee committee members or board of directors to the annual meeting date set by the court.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-19-8**

##### **Annual revenue for maintenance and operation**

Sec. 8. Notwithstanding other provisions of this article, a levee district or levee association that constructed a levee before March 10, 1967, shall raise the annual revenue for maintenance and operation by either of the following:

- (1) A combination of the following:

- (A) A special benefits tax.

- (B) A percentage assessment of the original assessments made and confirmed by the court in the original proceedings establishing and constructing the levee.

- (2) A percentage assessment of the original assessments.

*As added by P.L.1-1995, SEC.26.*