

IC 36-9

ARTICLE 9. TRANSPORTATION AND PUBLIC WORKS

IC 36-9-1

Chapter 1. Definitions

IC 36-9-1-0.1

Application of certain amendments to chapter

Sec. 0.1. The addition of section 8.5 of this chapter by P.L.220-1986 does not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.220-1986 had not been enacted.

As added by P.L.220-2011, SEC.680.

IC 36-9-1-1

Application of chapter

Sec. 1. The definitions in IC 36-1-2 and in this chapter apply throughout this article.

As added by Acts 1980, P.L.211, SEC.4. Amended by Acts 1981, P.L.309, SEC.67.

IC 36-9-1-2

"Improvement"

Sec. 2. "Improvement" includes the construction, equipment, remodeling, extension, repair, and betterment of structures, including:

- (1) sanitary sewers and sanitary sewer tap-ins;
- (2) sidewalks;
- (3) curbs;
- (4) streets;
- (5) alleys;
- (6) pedestrian-ways or malls set aside entirely or partly, or during restricted hours, for pedestrian rather than vehicular traffic;
- (7) other paved public places;
- (8) parking facilities;
- (9) lighting;
- (10) electric signals;
- (11) landscaping, including trees, shrubbery, flowers, grass, fountains, benches, statues, floodlighting, gaslighting, and structures of a decorative, educational, or historical nature;
- (12) for units that own and operate a water utility, water main extensions from the water utility; and
- (13) for units that establish and operate a department of public sanitation under IC 36-9-25, sewage works that are:
 - (A) overhead plumbing or backflow prevention devices;
 - (B) installed in private dwellings; and
 - (C) financed in whole or in part through assistance provided

under IC 36-9-25-42.
As added by Acts 1981, P.L.309, SEC.68. Amended by P.L.152-1992, SEC.1; P.L.168-2009, SEC.8.

IC 36-9-1-3

"Parking facility"

Sec. 3. "Parking facility" includes the:

- (1) land;
- (2) structures and other improvements above, at, or below ground level;
- (3) entrances, exits, equipment, and fences; and
- (4) other accessories or appurtenances;

that are necessary or desirable for safety and convenience in the offstreet parking of vehicles, are owned or leased by a municipality, and are used for the offstreet parking of vehicles.

As added by Acts 1981, P.L.309, SEC.69.

IC 36-9-1-4

"Public place"

Sec. 4. "Public place" includes any tract owned by the state or a political subdivision.

As added by Acts 1981, P.L.309, SEC.70.

IC 36-9-1-5

"Utility regulatory commission"

Sec. 5. "Utility regulatory commission" means the Indiana utility regulatory commission.

As added by Acts 1981, P.L.309, SEC.71. Amended by P.L.23-1988, SEC.118.

IC 36-9-1-5.5

"Public transportation agency"

Sec. 5.5. "Public transportation agency" means any entity that operates a public transportation system and is established by a legislative body to provide public transportation services.

As added by P.L.235-1997, SEC.1.

IC 36-9-1-6

"Public transportation system"

Sec. 6. "Public transportation system" means any common carrier of passengers for hire.

As added by Acts 1981, P.L.309, SEC.72.

IC 36-9-1-7

"Public way"

Sec. 7. "Public way" includes highway, street, avenue, boulevard, road, lane, or alley.

As added by Acts 1981, P.L.309, SEC.73.

IC 36-9-1-8

"Sewage works"

Sec. 8. "Sewage works" means:

- (1) sewage treatment plants;
- (2) intercepting sewers;
- (3) main sewers;
- (4) submain sewers;
- (5) local sewers;
- (6) lateral sewers;
- (7) outfall sewers;
- (8) storm sewers;
- (9) force mains;
- (10) pumping stations;
- (11) ejector stations;
- (12) any other structures necessary or useful for the collection, treatment, purification, and sanitary disposal of the liquid waste, solid waste, sewage, storm drainage, and other drainage of a municipality; and
- (13) for purposes of IC 36-9-25, overhead plumbing or backflow prevention devices that are financed in whole or in part through assistance provided under IC 36-9-25-42.

As added by Acts 1981, P.L.309, SEC.74. Amended by Acts 1982, P.L.77, SEC.25; P.L.168-2009, SEC.9.

IC 36-9-1-8.5

"Thoroughfare"

Sec. 8.5. "Thoroughfare" means a public way or public place that is included in the thoroughfare plan of a unit. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

As added by P.L.220-1986, SEC.29.

IC 36-9-1-9

"Urban mass transportation system"

Sec. 9. (a) "Urban mass transportation system" means a public transportation system that:

- (1) operates buses or other vehicles designed to carry more than six (6) passengers, exclusive of the driver; and
- (2) operates over designated and definite routes:
 - (A) within one (1) municipality and its suburban territory; or
 - (B) within and between two (2) or more municipalities located not more than ten (10) miles apart, and within their suburban territories.

(b) For purposes of this section, the suburban territory of a municipality consists of the areas within one (1) mile outside its corporate boundaries and one (1) additional mile for each fifty thousand (50,000) population, or major fraction thereof, in the municipality.

As added by Acts 1981, P.L.309, SEC.75.

IC 36-9-1-10

"Watercourse"

Sec. 10. (a) "Watercourse" includes lakes, rivers, streams, and any other body of water.

(b) The term does not include an underground aquifer or water in an underground aquifer.

As added by Acts 1982, P.L.77, SEC.26. Amended by P.L.87-2012, SEC.2.