

## **IC 36-9-16**

### **Chapter 16. Municipal Cumulative Building or Sinking Fund and Cumulative Capital Improvement Fund**

#### **IC 36-9-16-1**

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

Sec. 1. This chapter applies to all units except townships.

*As added by Acts 1981, P.L.309, SEC.89. Amended by P.L.199-1988, SEC.4.*

#### **IC 36-9-16-2**

##### **Authorization of funds; purposes**

Sec. 2. (a) A unit may establish a cumulative building or sinking fund or cumulative capital improvement funds to provide money for one (1) or more of the following purposes:

- (1) To purchase, construct, equip, and maintain buildings for public purposes.
- (2) To acquire the land, and any improvements on it, that are necessary for the construction of public buildings.
- (3) To demolish any improvements on land acquired under this section, and to level, grade, and prepare the land for the construction of a public building.
- (4) To acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a public building.
- (5) To improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building.

(b) In addition to the purposes described in subsection (a), a cumulative capital improvement fund may be used to purchase body armor (as defined in IC 35-47-5-13(a)) for active members of a police department under:

- (1) IC 36-5-7-7;
- (2) IC 36-8-4-4.5;
- (3) IC 36-8-9-9; and
- (4) IC 36-8-10-4.5.

(c) A municipality may establish a cumulative capital improvement fund for a purpose described in IC 6-7-1-31.1.

*As added by Acts 1981, P.L.309, SEC.89. Amended by P.L.199-1988, SEC.5; P.L.8-2009, SEC.3; P.L.113-2010, SEC.152; P.L.34-2010, SEC.9; P.L.42-2011, SEC.85.*

#### **IC 36-9-16-3**

##### **Cumulative capital improvement fund; additional purposes**

Sec. 3. A unit may establish cumulative capital improvement funds to provide money for one (1) or more of the following purposes:

- (1) To acquire land or rights-of-way to be used for public ways or sidewalks.
- (2) To construct and maintain public ways or sidewalks.

- (3) To acquire land or rights-of-way for the construction of sanitary or storm sewers, or both.
- (4) To construct and maintain sanitary or storm sewers, or both.
- (5) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.
- (6) To purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the unit.
- (7) To purchase or acquire land, with or without buildings, for park or recreation purposes.
- (8) To purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of any combination of the police, a community corrections program, or the fire department, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses.
- (9) To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvement funds.
- (10) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.
- (11) In a county or a consolidated city, to purchase or lease equipment to be used to illuminate a public way or sidewalk.
- (12) The fund may be used for any of the following purposes:
  - (A) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:
    - (i) Computer hardware.
    - (ii) Computer software.
    - (iii) Wiring and computer networks.
    - (iv) Communication access systems used to connect with computer networks or electronic gateways.
  - (B) To pay for the services of full-time or part-time computer maintenance employees.
  - (C) To conduct nonrecurring inservice technology training of unit employees.
- (13) To purchase body armor (as defined in IC 35-47-5-13(a)) for active members of a police department under:
  - (A) IC 36-5-7-7;
  - (B) IC 36-8-4-4.5;
  - (C) IC 36-8-9-9; and
  - (D) IC 36-8-10-4.5.

*As added by Acts 1981, P.L.309, SEC.89. Amended by P.L.82-1985, SEC.7; P.L.199-1988, SEC.6; P.L.41-2001, SEC.1; P.L.8-2009, SEC.4; P.L.34-2010, SEC.10; P.L.67-2012, SEC.7.*

#### **IC 36-9-16-4**

#### **Establishment of fund and approval of levy; department of local government finance hearing and action; appeal**

Sec. 4. (a) A cumulative building fund or cumulative capital improvement fund may be established by a resolution that is:

(1) adopted by the unit's legislative body; and

(2) approved by the department of local government finance.

(b) Notice of the proposed levy to provide money for the cumulative building fund or cumulative capital improvement fund shall be given to all taxpayers in the unit before the proposed action is presented to the department of local government finance for approval. Notice shall be given by publication of the proposal in accordance with IC 5-3-1.

(c) If, after the public hearing, the proposed action is submitted for approval to the department of local government finance, the department shall require notice of that submission to be given to the taxing district involved in the manner prescribed by subsection (b).

(d) Fifty (50) or more taxpayers in the taxing district who will be affected by the tax rate may, not later than ten (10) days after the publication of the notice, file with the county auditor a petition setting forth their objections to the proposed levy. The county auditor shall immediately certify the petition to the department of local government finance, which, within a reasonable time, shall fix a date for a hearing on the petition. The hearing shall be held in the county in which the unit is located. Notice of the hearing shall be given to the executive of the unit and to the first ten (10) taxpayers whose names appear upon the petition, by a letter signed by the commissioner or deputy commissioner of the department of local government finance and sent by mail to the executive and the taxpayers at their usual place of residence at least five (5) days before the date fixed for the hearing.

(e) After a hearing upon the proposal, the department of local government finance shall certify its approval, disapproval, or modification of the proposed tax levy to the auditor of the county in which the unit is located.

(f) A:

(1) taxpayer who signed a petition filed under subsection (d); or

(2) unit against which a petition under subsection (d) 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 department certifies its action under subsection (e).

*As added by Acts 1981, P.L.309, SEC.89. Amended by Acts 1981, P.L.317, SEC.14; P.L.199-1988, SEC.7; P.L.90-2002, SEC.512; P.L.256-2003, SEC.40.*

### **IC 36-9-16-5**

#### **Cumulative building fund; tax levy; appropriations**

Sec. 5. (a) The unit's fiscal body may levy a tax not to exceed thirty-three cents (\$0.33) on each one hundred dollars (\$100) of taxable property within the taxing district to provide for a cumulative building fund. The tax may be levied annually for any period not to exceed ten (10) years.

(b) Appropriations may be made from the cumulative building fund for the purposes authorized by this chapter.

*As added by Acts 1981, P.L.309, SEC.89. Amended by P.L.199-1988, SEC.8; P.L.6-1997, SEC.220.*

**IC 36-9-16-6**

**Cumulative capital improvement fund; tax levy; additions to fund; appropriations**

Sec. 6. (a) The unit's fiscal body may levy a tax not to exceed thirty-three cents (\$0.33) on each one hundred dollars (\$100) of taxable property within the taxing district to provide for a cumulative capital improvement fund. The tax may be levied annually for any period not to exceed ten (10) years and may be decreased or increased from year to year, except that the tax may not be increased above the levy approved by the department of local government finance.

(b) Surplus money in other accounts of the unit, or other sources, and money acquired from other activities of the unit, or other sources, may, by resolution of the legislative body and with the approval of the department of local government finance, be added to the cumulative capital improvement fund.

(c) Appropriations may be made:

- (1) as provided by law from the cumulative capital improvement fund for purposes of this chapter; or
- (2) for a contribution to an authority established under IC 36-7-23.

*As added by Acts 1981, P.L.309, SEC.89. Amended by P.L.199-1988, SEC.9; P.L.346-1989(ss), SEC.10; P.L.6-1997, SEC.221; P.L.90-2002, SEC.513.*