

## **IC 36-9-17**

### **Chapter 17. Municipal General Improvement Fund**

#### **IC 36-9-17-1**

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

Sec. 1. This chapter applies to all municipalities.

*As added by Acts 1981, P.L.309, SEC.90.*

#### **IC 36-9-17-2**

##### **Preliminary financing resolution**

Sec. 2. Whenever the works board of a municipality wants to improve a public way or public place, or to construct, repair, or reconstruct a sidewalk, curb, gutter, sewer, or drain in the municipality, it shall adopt a preliminary resolution designating whether the proposed improvement is to be financed and paid for in the manner prescribed by this chapter.

*As added by Acts 1981, P.L.309, SEC.90.*

#### **IC 36-9-17-3**

##### **Authorization and composition of fund**

Sec. 3. A municipality may, by ordinance and in compliance with the procedures for the establishment of a cumulative fund under IC 6-1.1-41, establish a general improvement fund, which shall be used to construct, repair, or improve streets, alleys, sidewalks, curbs, gutters, and sewers. This fund consists of:

- (1) the special assessments collected under this chapter for benefits to property from constructing, repairing, or improving streets, alleys, sidewalks, curbs, gutters, and sewers; and
- (2) any appropriation made from the general fund of the municipality or from taxes levied by the municipal legislative body for these purposes.

However, special assessments collected by a municipality under any statute other than this chapter may not be deposited in the fund.

*As added by Acts 1981, P.L.309, SEC.90. Amended by P.L.17-1995, SEC.35.*

#### **IC 36-9-17-4**

##### **Repealed**

*(Repealed by P.L.17-1995, SEC.45.)*

#### **IC 36-9-17-5**

##### **Appropriations; tax levies**

Sec. 5. (a) Subject to tax limitations and to the review of appropriations and tax levies, the legislative body of a municipality that establishes a general improvement fund may appropriate money from the general fund of the municipality and transfer that money to the general improvement fund, levy a tax for the benefit and use of the general improvement fund in compliance with the procedures for a levy for a cumulative fund under IC 6-1.1-41, or both.

(b) During the year in which a municipality establishes a general

improvement fund, the municipal legislative body may make an emergency appropriation from the general fund of the municipality and transfer that appropriation to the general improvement fund in the manner prescribed by statute for the making of emergency appropriations.

(c) Any sum may be appropriated or levied under this section in any one (1) year, but the aggregate sum that may be appropriated and levied under this section, including emergency appropriations under subsection (b), may not exceed the equivalent of sixteen and sixty-seven hundredths cents (\$0.1667) on each one hundred dollars (\$100) net taxable valuation of property in the municipality.

*As added by Acts 1981, P.L.309, SEC.90. Amended by P.L.17-1995, SEC.36; P.L.6-1997, SEC.222.*

#### **IC 36-9-17-6**

##### **Limitations on disbursements**

Sec. 6. Disbursements may be made from the general improvement fund for any purpose only if benefits are to be:

- (1) assessed against the properties benefited in the manner provided by the street and sewer improvement statutes; and
- (2) collected in the manner provided by law for the collection of Barrett Law assessments, with all interest and penalties paid into the general fund of the municipality.

*As added by Acts 1981, P.L.309, SEC.90.*

#### **IC 36-9-17-7**

##### **Procedure for awarding contracts; assessments**

Sec. 7. (a) Contracts for public improvements authorized by this chapter shall be let according to the statutes authorizing municipalities to make and finance public improvements.

(b) As soon as any contract for the construction of a public improvement has been let, the municipal works board shall:

- (1) carefully compute the entire cost of the project, including payments made and to be made to the contractor and all incidental costs, expenses, and damages paid and incurred according to law; and
- (2) prepare and make out an assessment roll listing the assessments against the properties benefited.

In determining and fixing the amount of assessments, the giving of notice of assessments, the holding of public hearings, and the making of final determinations, subject to the right of appeal from those determinations, the municipal works board is governed by the street and sewer improvement statutes.

(c) Assessments made under this chapter are liens on the properties benefited from the time of the letting of the contract and shall be collected in the manner provided by law for the collection of Barrett Law assessments. However, the municipal works board shall fix a period of not more than five (5) years within which the assessments shall be paid. Any property owner liable for an assessment may elect to pay it in annual installments over the period

of time fixed by the municipal works board by executing a waiver in the manner provided by the street and sewer improvement statutes.

(d) All payments of assessments and all payments made by the municipality for public improvements under this chapter shall be made into the general improvement fund.

*As added by Acts 1981, P.L.309, SEC.90.*