

IC 36-9-2

Chapter 2. General Powers Concerning Transportation and Public Works

IC 36-9-2-1

Application of chapter

Sec. 1. This chapter applies to all units except townships. However, with respect to a public transportation system, this chapter does not apply after December 31, 2009, to a county that is a member of the northern Indiana regional transportation district established under IC 8-24 and that has a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000);

or a unit located in such a county.

As added by Acts 1980, P.L.211, SEC.4. Amended by P.L.182-2009(ss), SEC.444; P.L.119-2012, SEC.223.

IC 36-9-2-2

Transportation systems; establishment, aid, and operation

Sec. 2. (a) A unit may establish, aid, maintain, and operate transportation systems.

(b) This subsection applies to an eligible county (as defined by IC 8-25-1-4) that establishes a public transportation system through a public transportation project authorized and funded under IC 8-25. The unit must establish fares and charges that cover at least twenty-five percent (25%) of the operating expenses of the public transportation system. For purposes of this subsection, operating expenses include only those expenses incurred in the operation of fixed route services that are established or expanded as a result of a public transportation project authorized and funded under IC 8-25. The unit annually shall report on the unit's compliance with this subsection not later than sixty (60) days after the close of the unit's fiscal year. The report must include information on any fare increases necessary to achieve compliance. The unit shall submit the report to the department of local government finance and make the report available electronically through the Indiana transparency Internet web site established under IC 5-14-3.8.

(c) If a unit fails to prepare and disclose the annual report in the manner required by subsection (b), any person subject to a tax described in IC 8-25 may initiate a cause of action in the circuit court of the eligible county to compel the appropriate officials of the unit to prepare and disclose the annual report not later than thirty (30) days after a court order mandating the unit to comply with subsection (b) is issued by the circuit court.

As added by Acts 1980, P.L.211, SEC.4. Amended by P.L.153-2014, SEC.19.

IC 36-9-2-3

Transportation facilities; establishment, aid, and operation

Sec. 3. A unit may establish, aid, maintain, and operate airports, bus terminals, railroad terminals, wharves, and other transportation facilities.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-4

Vehicles for public hire; regulation of services

Sec. 4. A unit may regulate the services offered by persons who hold out for public hire the use of vehicles. This includes the power to fix the price to be charged for that service.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-5

Public ways; establishment

Sec. 5. A unit may establish, vacate, maintain, and operate public ways.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-6

Public ways; rights-of-way through, under, or over

Sec. 6. A unit may grant rights-of-way through, under, or over public ways.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-7

Public ways; regulation of use; school corporation grounds

Sec. 7. A unit may regulate the use of public ways. A unit also may regulate the use of school corporation grounds if requested by the fiscal body of the school corporation.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-8

Watercourses; establishment and control

Sec. 8. A unit may establish, vacate, maintain, and control watercourses.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-9

Watercourses; channel alterations

Sec. 9. A unit may change the channel of, dam, dredge, remove an obstruction in, straighten, and widen a watercourse.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-10

Watercourses; taking or permitting escape of water

Sec. 10. A unit may regulate the taking of water, or causing or permitting water to escape, from a watercourse.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-11**Watercourses; altering temperature or affecting flow of water**

Sec. 11. A unit may regulate conduct that might alter the temperature of water, or affect the flow of water, in a watercourse.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-12**Watercourses; introduction of any substance**

Sec. 12. A unit may regulate the introduction of any substance into a watercourse or onto its banks.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-13**Watercourses; purification**

Sec. 13. A unit may purify the water in a watercourse.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-14**Waterworks**

Sec. 14. A unit may regulate the furnishing of water to the public. A unit also may establish, maintain, and operate waterworks.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-15**Utility service to public**

Sec. 15. A unit may furnish, or regulate the furnishing of, utility service to the public.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-16**Disposal of waste substances and domestic or sanitary sewage; regulation of services and charges**

Sec. 16. A unit may regulate the furnishing of the service of collecting, processing, and disposing of waste substances and domestic or sanitary sewage. This includes the power to fix the price to be charged for that service.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-17**Disposal of waste substances and domestic or sanitary sewage; systems**

Sec. 17. A unit may collect, process, and dispose of waste substances and domestic or sanitary sewage, and may establish, maintain, and operate sewers, sewage disposal systems, and systems to collect and dispose of waste substances.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-18**Extraterritorial powers; four mile limit**

Sec. 18. A municipality may exercise powers granted by sections

2, 3, 14, 16, and 17 of this chapter in areas within four (4) miles outside its corporate boundaries.

As added by Acts 1980, P.L.211, SEC.4.

IC 36-9-2-19

Extraterritorial powers; ten mile limit

Sec. 19. A municipality may exercise powers granted by sections 9, 10, 11, 12, and 13 of this chapter in areas within ten (10) miles outside its corporate boundaries.

As added by Acts 1980, P.L.211, SEC.4.