

IC 36-1-4

Chapter 4. General Corporate Powers

IC 36-1-4-1

Application of chapter

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to all units.

(b) Section 11 of this chapter does not apply to townships.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.251-1993, SEC.5.

IC 36-1-4-2

Establishment and operation

Sec. 2. A unit may establish and operate a government.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-3

Power to sue and be sued

Sec. 3. A unit may sue and be sued.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-4

Corporate seal

Sec. 4. A unit may have a corporate seal.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-5

Acquisition of real and personal property

Sec. 5. A unit may acquire, by eminent domain or other means, and own interests in real and personal property.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-6

Interests in property; use, improvement, lease, or disposal

Sec. 6. A unit may use, improve, develop, insure, protect, maintain, lease, and dispose of its interests in property.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-7

Contracts

Sec. 7. A unit may enter into contracts.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-7.5

Environmentally contaminated real estate; agreement to defend or indemnify

Sec. 7.5. (a) This section applies to a transaction that involves a parcel of real estate that is owned or leased by a unit and the unit or

a board, an agency, a department, a commission, or other division of the unit has determined in a resolution, an ordinance, a lease, a contract, or other written instrument that the parcel of real estate:

- (1) may have environmental contamination:
 - (A) that occurred during or before the time the unit owned or leased the parcel of real estate; and
 - (B) for which the unit may be liable under applicable laws; and
- (2) will be used in connection with an economic development project that will:
 - (A) promote opportunities for employment of the citizens of the unit;
 - (B) attract new business enterprises to the unit; or
 - (C) retain or expand a business enterprise within the unit.

(b) Except as provided in IC 26-2-5-1 and notwithstanding defenses available and immunity provided in IC 34-13-3, a unit may enter into a contract or lease that contains a provision, a clause, a covenant, a promise, or an agreement by the unit to defend or indemnify any person against any claim, cause of action, demand, cost, judgment, or other loss of any kind provided for under the terms of the contract.

(c) A unit may not indemnify a person against any claim, cause of action, demand, cost, judgment, or other loss resulting from environmental contamination of the parcel of real estate caused by the negligence or willful misconduct of the indemnified person occurring after the effective date of the indemnification.

(d) Nothing in this section may be construed to limit any rights that a unit may have to defend or indemnify a person under any other law.

As added by P.L.123-1996, SEC.18. Amended by P.L.1-1998, SEC.201.

IC 36-1-4-8

Payment of debts

Sec. 8. A unit may pay debts.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-9

Borrowing of money

Sec. 9. Subject to IC 5-11-1-4(c), a unit may borrow money.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.184-2015, SEC.12.

IC 36-1-4-10

Acceptance of donations

Sec. 10. A unit may accept donations of money or other property and execute any documents necessary to receive money or other property from the state or federal government or any other source.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-11

Ordinances

Sec. 11. A unit may adopt, codify, and enforce ordinances.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-12

Attendance of witnesses and production of documents at meetings

Sec. 12. A unit may require the attendance of witnesses and the production of documents relevant to matters being considered at meetings of a department or agency.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-13

Contempt and disorder in rooms of department

Sec. 13. A unit may punish contempt and disorder in rooms of a department or agency.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-14

Employees; employment and discharge; class based on merit and qualification

Sec. 14. A unit may hire and discharge employees and establish a system of employment for any class of employees based on merit and qualification.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-15

Compensation of officers and employees

Sec. 15. A unit may fix the level of compensation of its officers and employees.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-16

Ratification of actions of officers or employees; procedure

Sec. 16. A unit may ratify any action of the unit or its officers or employees if that action could have been approved in advance. Ratification of an action under this section must be made by the same procedure that would have been required for approval of the action in advance.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-17

Compromise of claims against unit; collecting owed money

Sec. 17. (a) A unit may compromise claims made against it.

(b) A unit or a person designated in writing by the unit may do the following:

(1) Collect any money that is owed to the unit.

(2) Compromise the amount of money owed to the unit.

(c) A unit shall determine the costs of collecting money under this section. The costs of collection, including reasonable attorney's fees, may be added to money that is owed and collected under this subsection.

(d) A unit or the unit's agent that collects money under this section shall deposit that money, less the costs of collection, in the account required by law.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.64-1989, SEC.2; P.L.57-1993, SEC.14.

IC 36-1-4-18

Extraterritorial powers

Sec. 18. A municipality may exercise powers granted by sections 5 and 6 of this chapter in areas within four (4) miles outside its corporate boundaries.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-4-19

Applicability of parking ordinances, zoning ordinances, and other requirements in Vanderburgh County

Sec. 19. (a) As used in this section, "subject property" refers to the property in Vanderburgh County within the Northwest Quarter of Section 26, Township 6 South, Range 10 West.

(b) An ordinance of a unit that regulates the parking of motor vehicles is not applicable within the subject property.

(c) A zoning ordinance of a unit is not applicable within the subject property.

(d) Any requirements for municipal roads or streets do not apply to a road or street within the subject property.

As added by P.L.195-2001, SEC.13. Amended by P.L.33-2003, SEC.1.

IC 36-1-4-20

Expenditures in support of military facilities

Sec. 20. (a) This section does not apply to units located in a county for which the total amount of net property taxes allocated to all allocation areas or other tax increment financing areas established by a redevelopment commission, military base reuse authority, military base development authority, or another similar entity in the county in the preceding calendar year exceeded nineteen percent (19%) of the total net property taxes billed in the county in the preceding calendar year.

(b) As used in this section, "active military base" means an active military installation that is used for the deployment, redeployment, mobilization, concentration, movement, exercise, or training of active or reserve components of the armed forces of the United States

or of active or reserve components of the Indiana National Guard or Indiana Air National Guard. The term also includes a military installation that is used for the design, construction, maintenance, and testing of electronic devices and ordnance.

(c) Upon appropriation by the fiscal body of a unit, the unit may expend money:

(1) in direct support of:

(A) an active military base located within the unit; or

(B) an entity located within:

(i) the territory or facilities of a military base or former military base within the unit that is scheduled for closing or is completely or partially inactive or closed; or

(ii) any territory or facilities of the United States Department of Defense within the unit that are scheduled for closing or are completely or partially inactive or closed;

including direct support for the promotion of the active military base or entity, the growth of the active military base or entity, and activities at the active military base or entity; and

(2) in support of any other entity that provides services or direct support to an active military base or entity described in subdivision (1).

As added by P.L.95-2014, SEC.1.

IC 36-1-4-21

Placement or display of political materials on political subdivision property

Sec. 21. If a political subdivision permits or authorizes the placement or display of materials:

(1) advocating the election or defeat of a candidate or public question; or

(2) supporting or opposing a political party;

on the real or personal property of the political subdivision, the political subdivision must permit the placement or display of these materials from any person on that real or personal property subject to the same time, place, and manner restrictions.

As added by P.L.149-2016, SEC.92.