

IC 36-4-1.5

Chapter 1.5. Changing a Town Into a City

IC 36-4-1.5-1

Change of status; town to city

Sec. 1. (a) A town may be changed into a city only as provided in this chapter.

(b) A town with a population of less than two thousand (2,000) may not be changed into a city.

As added by P.L.111-2005, SEC.2.

IC 36-4-1.5-2

Change of status; procedure

Sec. 2. A town may be changed into a city through the following:

(1) The town legislative body must adopt a resolution submitting to the town's voters the question of whether the town should be changed into a city. The town legislative body shall adopt a resolution described in this subdivision if at least the number of registered voters of the town equal to ten percent (10%) of the total votes cast in the town at the last election for secretary of state sign a petition requesting the town legislative body to adopt such a resolution. In determining the number of signatures required under this subdivision, any fraction that exceeds a whole number shall be disregarded.

(2) The town legislative body must adopt the resolution under subdivision (1) not later than thirty (30) days after the date on which a petition having a sufficient number of signatures is filed. A resolution adopted under subdivision (1) must fix the date for an election on the question of whether the town should be changed into a city as follows:

(A) If the election is to be on the same date as a general election or municipal election:

(i) the resolution must state that fact and be certified in accordance with IC 3-10-9-3; and

(ii) the election must be held on the date of the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under IC 3-10-9.

(B) If the election is to be a special election, the date must be:

(i) not less than seventy-four (74) and not more than one hundred four (104) days after the notice of the election; and

(ii) not later than the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under IC 3-10-9.

(3) The town legislative body shall file a copy of the resolution adopted under subdivision (1) with the circuit court clerk of

each county in which the town is located. The circuit court clerk shall immediately certify the resolution to the county election board.

(4) The county election board shall give notice of the election in the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the election.

(5) The question described in subdivision (1) shall be placed on the ballot in the form prescribed by IC 3-10-9-4. The text of the question shall be: "Shall the town of _____ change into a city?"

(6) If a majority of the voters voting on the question described in subdivision (1) vote "yes", the town is changed into a city as provided in this chapter. If a majority of the voters voting on the question vote "no", the town remains a town.

As added by P.L.111-2005, SEC.2. Amended by P.L.202-2013, SEC.29; P.L.2-2014, SEC.119; P.L.76-2014, SEC.66.

IC 36-4-1.5-3

Adoption of ordinance

Sec. 3. (a) A town legislative body may satisfy the requirements of this section in an ordinance adopted either before or after the town's voters vote on the question described in section 2 of this chapter.

(b) If a resolution is adopted under section 2 of this chapter, the town legislative body shall adopt an ordinance providing for the transition from governance as a town to governance as a city. The ordinance adopted under this section must include the following details:

(1) A division of the town into city legislative body districts as provided in the applicable provisions of IC 36-4-6.

(2) Provisions for the election of the following officers:

(A) The city executive.

(B) The members of the city legislative body.

(C) The city clerk or city clerk-treasurer as appropriate under IC 36-4-10.

(3) The date of the first election of the city officers. The first election may be held only on the date of the next general election or municipal election, whichever is earlier, following the date fixed for an election under section 2 of this chapter on the question of whether the town should be changed into a city. Candidates for election to the city offices shall be nominated:

(A) at the corresponding primary election during a general election year or a municipal election year; or

(B) as otherwise provided in IC 3.

(4) Subject to section 4 of this chapter, the term of office of each city officer elected at the first election of city officers.

(5) Any other details the town legislative body considers useful in providing for the transition of the town into a city.

(c) An ordinance adopted under this section is effective only if the voters of the town approve the conversion of the town into a city under section 2(6) of this chapter.

(d) The provisions of an ordinance adopted under this section are subject to all other laws governing the structure of city government.

(e) Subject to this chapter, the town legislative body or the city legislative body (after the town is changed into a city) may amend an ordinance adopted under this section.

As added by P.L.111-2005, SEC.2. Amended by P.L.202-2013, SEC.30.

IC 36-4-1.5-4

Newly elected city officers' term of office

Sec. 4. (a) Notwithstanding any other law, the term of office of the city officers elected at the first election of city officers held under the ordinance adopted under section 3 of this chapter:

(1) begins on January 1 after the first election of city officers; and

(2) may not extend after December 31 of the next municipal election year that occurs after the first election of city officers.

(b) The ordinance adopted under section 3 of this chapter may provide for a shorter term of office for specified members of the city legislative body to stagger terms as permitted under IC 3 and IC 36-4-6 if a general election will occur before the next municipal election after the first election of city officers.

(c) After the first municipal election after the first election of city officers, the term of office of each city officer is four (4) years.

As added by P.L.111-2005, SEC.2.

IC 36-4-1.5-5

Effective date of status change

Sec. 5. A town becomes a city under this chapter on January 1 after the first election of city officers under section 4 of this chapter.

As added by P.L.111-2005, SEC.2.

IC 36-4-1.5-6

Continuation of town acts, ordinances, contracts, rules, and regulations

Sec. 6. (a) The acts, contracts, and obligations of a town that is changed into a city under this chapter become the acts, contracts, and obligations of the city.

(b) The ordinances, rules, and regulations of a town that is changed into a city under this chapter continue in effect as ordinances, rules, and regulations of the city until amended or repealed.

As added by P.L.111-2005, SEC.2.