



subjected to inundation, overflow, or unnecessary or unnatural hazard or inconvenience.

[Pre-1995 Recodification Citation: 14-3-1-15(a).]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-2 Notices required to be made to department**

Sec. 2. Within five (5) days after:

(1) an order has been made by a circuit or superior court, board of commissioners, or county auditor referring a petition for drainage or for the establishment and construction of a levee or dike to the:

(A) drainage or levee commissioners;

(B) county surveyor; or

(C) joint board of drainage commissioners for interstate drains; and

(2) the election and organization of the board of directors of an incorporated levee or dike association under Indiana law for the location, establishment, or construction of ditches, drains, levees, or dikes;

the clerk of the circuit court, the county auditor, or the clerk of the board of directors of the incorporated levee or dike association shall notify the department by registered letter of the making of the order or the election and organization of the board of directors.

[Pre-1995 Recodification Citation: 14-3-1-15(b) part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-3 Contents of notices**

Sec. 3. The letter required by section 2 of this chapter must state the following:

(1) The names and addresses of the drainage or levee commissioners or the members of the board of directors.

(2) The date and place of meeting of the commissioners or board of directors to make personal inspection of the land described in the petition or likely to be affected by the proposed work of drainage or levee or dike construction.

(3) The date fixed by the court or board of county commissioners or otherwise upon which the preliminary or final report of the drainage or levee commissioners or board of directors is to be submitted.

[Pre-1995 Recodification Citation: 14-3-1-15(b) part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-4 Collection of data, statistics, or information**

Sec. 4. Upon the receipt of notice under section 2 of this chapter or at any time thereafter, the department may obtain, collate, and interpret the data, statistics, or other information relative to the proposed ditch, drain, levee, or dike that in the discretion of the department is considered necessary to enable the department to fully and satisfactorily perform the duties required by this chapter. The data, statistics, or other information may be obtained by the department or an agent of the department either in person or by a suitable questionnaire prepared by the department and submitted to:

(1) the clerk of the circuit court or the auditor of the county having jurisdiction of the case; or

(2) the drainage or levee commissioners or board of directors or superintendent of construction.

[Pre-1995 Recodification Citation: 14-3-1-15(b) part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-5 Designation of technical advisor**

Sec. 5. The department may, upon the receipt of a request in writing from:

(1) the circuit or superior court or the board of county commissioners having

jurisdiction of the case;

(2) the drainage or levee commissioners;

(3) the board of directors of an incorporated levee or dike association;

(4) the superintendent of construction; or

(5) a petitioner or a landowner who may be affected by an assessment or damages incident to the establishment and construction of the proposed work;

direct the state engineer or an authorized agent or person connected with the division of engineering to act as a technical advisor.

[Pre-1995 Recodification Citation: 14-3-1-15(b) part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-6                    Duties of technical advisor**

Sec. 6. The department may direct the technical advisor designated under section 5 of this chapter to do any of the following:

(1) Accompany the drainage or levee commissioners, the joint board of drainage commissioners, or the board of directors of an incorporated levee or dike association and assist and advise them while making personal inspection of the land likely to be affected by the proposed work to determine the best and cheapest method of drainage or of constructing the proposed levee or dike, including the termini, route, location, character, and dimensions of the main drain or levee, as well as any arms, branches, or laterals, considering future contingencies as well as present needs, and cooperate with them in the determination of all other matters that the commissioners or board of directors are lawfully required to perform and on which they may request the person's assistance or advice.

(2) Sit in an advisory capacity during the hearing of the preliminary or final report of the drainage or levee commissioners or board of directors by the court or county executive until the proceedings have been dismissed or an order has been issued declaring the proposed work established.

(3) Cooperate with the superintendent of construction, commissioner, or other person charged with the execution of the work in the determination of all matters on which the person's advice or assistance is requested.

[Pre-1995 Recodification Citation: 14-3-1-15(b) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-2**

**Chapter 2. Levees; Miscellaneous Provisions**

14-27-2-1 Acquisition of property by purchase or eminent domain  
14-27-2-2 Riding or driving on levee prohibited

**IC 14-27-2-1**

**Acquisition of property by purchase or eminent domain**

Sec. 1. A person, an officer, a corporation, a limited liability company, or an association authorized by law to maintain, protect, or repair a levee constructed under Indiana law may purchase for the use of the levee the real property that is necessary, in the opinion of the person, officer, corporation, limited liability company, or association, to protect, maintain, or repair the levee. If the person, officer, corporation, limited liability company, or association is unable to agree with the owner of the real property, the person, officer, corporation, limited liability company, or association may proceed to acquire the real property by condemnation in the same manner and with the same effect as provided by law for the condemnation of real property for railroad purposes.

[Pre-1995 Recodification Citation: 13-2-19-1.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-2-2**

**Riding or driving on levee prohibited**

Sec. 2. A person who knowingly rides or drives upon or over a levee constructed under law, except for the purpose of:

- (1) passing over the levee:
  - (A) at a public or private crossing; or
  - (B) upon a part of a public highway; or
- (2) inspection or repair;

commits a Class B infraction.

[Pre-1995 Recodification Citation: 13-2-19-2.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.71-2004, SEC.10.*

**IC 14-27-3****Chapter 3. Control of Levees**

14-27-3-1	Duties of superintendent of construction
14-27-3-2	Laborer's and materialman's liens
14-27-3-3	Pro rata distribution of excess money
14-27-3-4	Assessments; defect in proceedings not defeating collection
14-27-3-5	Assessments; petition for additional assessments
14-27-3-6	Assessments; supplemental petitions
14-27-3-7	Levee repair and maintenance; records; warrants
14-27-3-8	Apportionment and assessment of costs of repairs
14-27-3-8.5	Appointed levee committee members
14-27-3-9	Notice of assessments
14-27-3-10	Appeal of assessment; bond; summons; pleadings
14-27-3-11	Appeal of assessment; proceedings
14-27-3-12	Appeal of assessment; costs
14-27-3-13	Assessments; certified copy; placement on tax duplicate; applicability of statutes
14-27-3-14	Preservation and protection of levee
14-27-3-15	Additions to or protection of levee upon petition of landowners
14-27-3-16	Pumping or removal of water upon petition of landowners
14-27-3-17	Applicability of statutes regarding assessments
14-27-3-18	Minimum annual assessment
14-27-3-19	Effect of recodification

**IC 14-27-3-1****Duties of superintendent of construction**

Sec. 1. (a) The superintendent of construction of the work shall do the following:

- (1) Keep an account of all money collected and paid out by the superintendent in relation to the work.
- (2) Take vouchers for all money paid out.
- (3) Keep an account of time spent on the superintendent's duties. If the superintendent is engaged in at least two (2) works on the same day, the superintendent shall divide the day among the works in proportion to the time devoted to each.
- (4) At least one (1) time every six (6) months, make under oath to the court a full report of all matters relating to the work. The court shall allow the superintendent an amount not exceeding four dollars (\$4) per day for the time actually and necessarily spent by the superintendent on the work.

(b) The superintendent is under the direction of the court. If the superintendent fails to obey the orders of the court, the superintendent:

- (1) forfeits all compensation due the superintendent;
- (2) shall be treated summarily as for contempt; and
- (3) may be removed by the court.

(c) An action may also be brought upon the superintendent's bond, in the name of the state of Indiana, for a failure of duty, and the amount recovered shall be applied to payment of the expenses of the construction.

(d) The court may at any time discharge the superintendent and appoint another superintendent.

[Pre-1995 Recodification Citation: 13-2-19.5-1(a).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-2****Laborer's and materialman's liens**

Sec. 2. (a) All laborers and other persons who perform a service or furnish materials in the construction of the work under this chapter have a lien upon the fund raised for the construction of the work. Upon notice in writing filed with the county treasurer of the amount due and what the amount is for, the treasurer shall withhold payment to the contractor on any warrant drawn in the contractor's favor in an amount sufficient to satisfy the lien, until the amount is adjusted.

(b) If the contractor and the person claiming the lien disagree on the amount or validity of the lien, the court shall, on motion of the superintendent, contractor, or person claiming the lien, determine the matter.

(c) On failure to comply with this section, the superintendent is liable on the superintendent's bond for any amount improperly paid over to the contractor.

[Pre-1995 Recodification Citation: 13-2-19.5-1(b).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-3 Pro rata distribution of excess money**

Sec. 3. If money remains after the payment of the cost of the construction of the work and expenses connected with the work, the money shall be distributed, pro rata, according to the amount paid by the owners of the land and the corporations assessed for the work.

[Pre-1995 Recodification Citation: 13-2-19.5-1(c).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-4 Assessments; defect in proceedings not defeating collection**

Sec. 4. The collection of assessments is not defeated by reason of a defect in the proceeding occurring before the judgment of the court approving and confirming the assessment of benefits and damages and ordering the work established if the court had jurisdiction. The judgment is conclusive that all prior proceedings were regular and according to law. A person may not, at any stage of the proceedings, take advantage of an error, a defect, or an informality that does not directly affect the person. If the court releases a person of liability or modifies the person's assessment, the act of the court does not affect the rights or liabilities of any other person.

[Pre-1995 Recodification Citation: 13-2-19.5-2(a).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-5 Assessments; petition for additional assessments**

Sec. 5. (a) If it appears that the assessment of benefits is insufficient to complete the work and pay expenses in connection with the work, the superintendent of construction may file a petition asking the court for an additional assessment. Five (5) days notice of the filing of the petition shall be given to each person assessed for the work or to the attorney of record of the person. The notice shall be given and served in the same manner as the notice of filing of the original petition.

(b) On or before the expiration of the five (5) days notice, an interested person may file an answer or objection to the petition.

(c) The court may:

(1) after:

(A) the expiration of the time; or

(B) hearing the answer or objection if an answer or objection is filed; and

(2) if satisfied of the necessity;

make an additional assessment on all land originally assessed as benefited and in proportion to the original assessment. The additional assessments, or as much of the additional assessments that are necessary, are first liens upon the land against which the additional assessments are assessed and shall be collected as provided for the original assessments.

[Pre-1995 Recodification Citation: 13-2-19.5-2(b).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-6 Assessments; supplemental petitions**

Sec. 6. (a) The superintendent of construction or a person interested in the work may also file with the court a supplemental petition showing that land not assessed for benefits or damages is affected by the work whether or not the land is described in the petition or in either report of the commissioners. Notice of the supplemental petition shall be given as

provided for filing the original petition.

(b) The court shall refer the supplemental petition to the commissioners to report on the supplemental petition. All proceedings may be had and orders and decrees made, including the construction of additional arms or branches, as if the supplemental petition were an original petition. However, the proceedings on the supplemental petition do not affect the original petition unless the court, for good cause, orders the petitions consolidated. An order to consolidate the petitions, however, may not delay the original work.

[Pre-1995 Recodification Citation: 13-2-19.5-2(c).]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-3-7            Levee repair and maintenance; records; warrants**

Sec. 7. (a) The committee placed in charge of the levee may perform maintenance and make all necessary repairs to the levee that are necessary to keep the levee in original condition. However, the committee shall perform the maintenance of and repairs to the levee that are necessary to maintain federal certification of the levee. The committee shall notify the county executive not later than ten (10) days after a change in the status of a levee that no longer meets the requirements necessary to maintain federal certification. If it becomes necessary for the safety of the levee to change the line and location of the levee at any point in making the repairs, the committee may make the change. However, the committee may not change or relocate the general line or location of the levee.

(b) The committee shall do the following:

- (1) Keep a record of the committee's proceedings.
- (2) Note in the record all expenses incurred in making the repairs.
- (3) File with the county auditor a statement showing the cost and expenses of making the repairs, specifying the amounts due each person.

(c) The auditor shall draw a warrant on the county treasurer in favor of each person for the amount due the person. The amounts shall be paid out of the county revenue but reimbursed to the county.

(d) Notwithstanding any other law, the cost and expenses of performing maintenance on a levee under subsection (a) shall be apportioned and assessed in the same manner as repair costs and expenses to a levee.

[Pre-1995 Recodification Citation: 13-2-19.5-3(a), (b).]

*As added by P.L.1-1995, SEC.20. Amended by P.L.108-2013, SEC.1.*

#### **IC 14-27-3-8            Apportionment and assessment of costs of repairs**

Sec. 8. (a) To raise the necessary money to reimburse the county, the committee in charge of a levee shall apportion and assess the costs upon the land and corporations to be benefited by the repairs in proportion to the benefits not more than ninety (90) days after filing the statement of costs and expenses for repairs under section 7(b)(3) of this chapter. The costs may not exceed the benefits. However, if the repairs have been made necessary by the act or negligence of:

- (1) the owner or occupant of land; or
- (2) an employee or agent of the owner or occupant;

the cost of the repairs shall be assessed against that land alone.

(b) If a committee in charge of a levee:

- (1) before July 1, 2013, has filed the statement of costs and expenses for repairs under section 7(b)(3) of this chapter; and
- (2) has not:
  - (A) reimbursed the county for the costs and expenses for repairs to the levee; or
  - (B) apportioned and assessed the costs upon the land and corporations benefited by the repairs as required in subsection (a);

the committee in charge of a levee shall, before September 29, 2013, apportion and assess the costs upon the land and corporations benefited by the repairs as required by subsection

(a).

[Pre-1995 Recodification Citation: 13-2-19.5-3(c).]

*As added by P.L.1-1995, SEC.20. Amended by P.L.108-2013, SEC.2.*

**IC 14-27-3-8.5 Appointed levee committee members**

Sec. 8.5. (a) The county council and county executive shall each appoint an individual to serve as a voting member of the committee in charge of a levee.

(b) A member of a committee in charge of a levee appointed under this section serves at the pleasure of the appointing authority.

*As added by P.L.108-2013, SEC.3.*

**IC 14-27-3-9 Notice of assessments**

Sec. 9. (a) The committee shall, within five (5) days after making an assessment, post written notices as follows:

(1) In three (3) public places in the township where the land assessed is situated, near to the work done.

(2) One (1) at the door of the courthouse of each county in which the land is situated.

(b) The committee shall note in the record in the committee's office the time and place of posting of each notice.

[Pre-1995 Recodification Citation: 13-2-19.5-3(d).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-10 Appeal of assessment; bond; summons; pleadings**

Sec. 10. (a) A person assessed may appeal the assessment to the circuit or superior court of the county in which the proceedings for the construction of the work were held by filing with the clerk of the court, within ten (10) days after the date of posting the notices, an appeal bond:

(1) payable to the committee in the amount of two (2) times the assessment;

(2) with surety to the approval of the clerk; and

(3) conditioned that the person will prosecute the appeal and pay all costs that are adjudged against the person.

(b) The clerk shall issue a summons for the committee served by the sheriff.

(c) The committee shall file with the clerk the following:

(1) A copy of the record of the assessment for the repairs.

(2) The notice of the assessment.

(3) A statement showing when and where the notices were posted.

(d) Other pleadings are not necessary.

[Pre-1995 Recodification Citation: 13-2-19.5-3(e).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-11 Appeal of assessment; proceedings**

Sec. 11. (a) The appeal shall be tried by the court without a jury. A change of venue from the judge but not from the county is allowed. The only questions tried are the following:

(1) Whether the repairs are necessary.

(2) What is the cost of the repairs.

(3) Whether the appellant's land is benefited by the repairs.

(4) If the appellant's land is benefited, what part of the costs should be assessed against the land of the appellant.

(b) The decision of the court may not be appealed.

[Pre-1995 Recodification Citation: 13-2-19.5-3(f).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-12 Appeal of assessment; costs**

Sec. 12. (a) If the court reduces the assessment against the land of the appellant at least twenty percent (20%), all the costs of the appeal shall be added to the assessment and shall be assessed upon the tracts of land in the same proportion as the original assessment.

(b) If the court does not reduce the assessment of the appellant at least twenty percent (20%), the appellant must pay all costs of the appeal.

(c) If more than one (1) person appeals, the cases shall be consolidated and tried together and the costs apportioned as justice requires.

[Pre-1995 Recodification Citation: 13-2-19.5-3(g).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-13 Assessments; certified copy; placement on tax duplicate; applicability of statutes**

Sec. 13. (a) The:

- (1) clerk of the court, when an appeal is disposed of; or
- (2) committee, if an appeal is not taken;

shall make a certified copy of the assessment as confirmed by the court in an appeal or as made originally if an appeal is not taken. The clerk or committee shall file the certified copy with the auditor of the county in which the proceedings are held.

(b) The auditor shall place the assessments against each tract of land upon the next succeeding tax duplicate. The assessment is a lien from the time of posting the original notices of the assessments and shall be collected as other state and county taxes are collected.

(c) All statutes regulating:

- (1) the payment and collection of state and county taxes;
- (2) the assessment of penalties and interest; and
- (3) the sale of property for delinquent taxes;

apply to the payment and collection of assessments that are placed upon the tax duplicates under this section.

[Pre-1995 Recodification Citation: 13-2-19.5-3(h).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-14 Preservation and protection of levee**

Sec. 14. (a) The committee in charge of a levee may preserve and protect the levee, including a strip of land ten (10) feet in width on the inside of the levee.

(b) If the committee determines that the preservation of the levee or a part of the levee requires that the levee should be fenced, the committee may have suitable fences erected along the levee.

(c) The committee may also do the following:

- (1) Adopt the means necessary to keep the levee free from sprouts, grass, weeds, briars, and other growth.
- (2) Sow grass seed on the levee.
- (3) Use the means necessary to protect the levee from varmints or burrowing animals.

[Pre-1995 Recodification Citation: 13-2-19.5-4(a).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-15 Additions to or protection of levee upon petition of landowners**

Sec. 15. If requested by a petition signed by a majority of the owners of land protected by the levee, the committee in charge of a levee may do the following:

- (1) Make additions to the levee by increasing the height or width of the levee.
- (2) Protect against the encroachment of a stream and take all necessary steps to protect and prevent the washing and cutting away of the banks of the stream by the construction of a suitable work that will prevent the washing or cutting of the banks.

[Pre-1995 Recodification Citations: 13-2-19.5-5 part; 13-2-19.5-6 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-16 Pumping or removal of water upon petition of landowners**

Sec. 16. If requested in writing by a majority of interested landowners, the committee in charge of a levee may pump out or remove from land protected by the levee water that collects and remains standing on the land and that does not have a means of outlet. For this purpose the committee may purchase pumps or adopt other suitable means for the removal of the water.

[Pre-1995 Recodification Citation: 13-2-19.5-7 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-17 Applicability of statutes regarding assessments**

Sec. 17. All of the provisions of sections 7 through 13 of this chapter concerning:

- (1) the payment of the cost of repairs of levees;
- (2) the making of assessments for the cost;
- (3) the right of appeal from the assessments; and
- (4) the manner of collecting the assessments;

apply to work done under sections 14, 15, and 16 of this chapter.

[Pre-1995 Recodification Citations: 13-2-19.5-4(b); 13-2-19.5-5 part; 13-2-19.5-6 part; 13-2-19.5-7 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-18 Minimum annual assessment**

Sec. 18. Notwithstanding the percent of benefit assessment determined by a levee committee under Acts 1907, c.223, s.8 1/2, as added by Acts 1941, c.159, s.1, as amended, and as preserved from repeal under certain circumstances by section 19 of this chapter, the minimum annual amount to be imposed for levee purposes upon a tract of land benefited by the levee may not be less than five dollars (\$5).

[Pre-1995 Recodification Citation: 13-2-19.5-8.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-3-19 Effect of recodification**

Sec. 19. A levee district or association that was created under a statute that was repealed by IC 19-3-2-106 (recodified as IC 13-2-19.5-9 before its repeal, and later recodified as this section):

- (1) is not affected by the repeal;
- (2) except as provided in subdivision (3), may continue to exist as if the statute had not been repealed; and
- (3) is subject to the requirements under this chapter.

[Pre-1995 Recodification Citation: 13-2-19.5-9.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.118-2014, SEC.1.*

**IC 14-27-4 Chapter 4. Levee Associations; Merged**

14-27-4-1	Applicability of chapter
14-27-4-2	Effect of repeal on surviving corporation
14-27-4-3	Effect on rights and obligations of surviving corporation

**IC 14-27-4-1 Applicability of chapter**

Sec. 1. This chapter applies to a levee association or corporation that meets the following conditions:

- (1) The levee association or corporation was a levee association originally organized under Acts 1913, c.165, that:
  - (A) accepted the provisions of:
    - (i) IC 23-7-1 (before its repeal on September 2, 1971);
    - (ii) IC 23-7-1.1 (before its repeal on August 1, 1991); or
    - (iii) IC 23-17; and
  - (B) merged with a levee association originally organized under IC 23-7-1.
- (2) The surviving corporation or association of the merger has in the articles of merger restated the provisions of the corporation's or association's articles to do the following:
  - (A) Include among the corporation's or association's purposes the construction, extension, changing, improvement, maintenance, or repair of a levee, dike, breakwater, dam, sewer, ditch, drain, diversion channel, creek, water course, pumping station, syphon, flood gate, waste gate, or a combination of more than one (1) of these objects or in any work determined to be necessary for or to be an aid to the protection, drainage, reclamation, or improvement of wet or overflowed land subject to overflow.
  - (B) Use all statutes relating to levees, ditches, and drains.
- (3) At least one (1) of the following has occurred:
  - (A) The levee association has entered into a commitment with a state or federal authority or agency for the construction of a levee or for the planning of a levee.
  - (B) Federal or state money has been appropriated or expended in feasibility studies or for preconstruction planning before March 10, 1967, as a consequence of the commitment.

[Pre-1995 Recodification Citation: 13-2-28-1 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-4-2 Effect of repeal on surviving corporation**

Sec. 2. A surviving corporation:

- (1) may continue and possesses all the rights, powers, duties, and privileges of any law repealed by IC 19-3-2-106 (repealed April 1, 1980); and
- (2) is not affected by the repeal.

[Pre-1995 Recodification Citation: 13-2-28-1 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-4-3 Effect on rights and obligations of surviving corporation**

Sec. 3. A surviving corporation has all the specific rights, powers, privileges, and obligations conferred on levee associations organized under Acts 1913, c.165, as amended.

[Pre-1995 Recodification Citation: 13-2-28-2.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-5 Chapter 5. Levee Associations; Federal Loans**

14-27-5-1	Applicability of chapter
14-27-5-2	Application for loan
14-27-5-3	Evidence and security of loan
14-27-5-4	Terms of loan subject to agreement and federal law
14-27-5-5	Petition for approval of loan
14-27-5-6	Hearing on petition for approval of loan
14-27-5-7	Court approval of loan
14-27-5-8	Levy of special assessment upon court approval
14-27-5-9	Purposes of loan
14-27-5-10	Offer of bond issue for sale to federal agency
14-27-5-11	Repayment of loan by levy of special assessment

**IC 14-27-5-1 Applicability of chapter**

Sec. 1. This chapter applies to the following:

- (1) A levee association incorporated before March 10, 1967, under Acts 1913, c.165, or a successor of the association.
- (2) An association existing before March 10, 1967, under IC 23-7-1 (repealed September 2, 1971) for the purpose of using a statute:
  - (A) concerning levees, ditches, and improvements relating to levees or ditches; and
  - (B) repealed by IC 19-3-2-106 (repealed April 1, 1980).
- (3) A levee association complying with IC 14-27-4.

[Pre-1995 Recodification Citation: 13-2-29-1(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-5-2 Application for loan**

Sec. 2. The board of directors of an association described in section 1 of this chapter may apply to the federal Farmers Home Administration, the United States Department of Housing and Urban Development, or any other agency of the federal government authorized by federal law to make loans for works of improvement for a long term or short term loan to cover the association's expenses in connection with the construction of a levee or ditch and any other required or related improvements, including the following expenses:

- (1) General, legal, and administrative expenses.
- (2) The acquisition of land rights.
- (3) Costs of engineering.
- (4) Other costs of necessary construction and maintaining and operating the works of improvement authorized by applicable governmental authority.

[Pre-1995 Recodification Citation: 13-2-29-1(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-5-3 Evidence and security of loan**

Sec. 3. A loan may be:

- (1) evidenced by one (1) installment note or by a series of notes; and
- (2) secured by the collection of a special assessment levied as provided in section 11 of this chapter.

[Pre-1995 Recodification Citation: 13-2-29-1(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-5-4 Terms of loan subject to agreement and federal law**

Sec. 4. The following are subject to the agreement of the board of directors and the federal agency and applicable federal law:

- (1) The time repayment of a loan must begin.
- (2) The term within which the loan is repaid.

- (3) The amount of interest.
- (4) The time of making payments of interest.
- (5) The interval at which interest shall be paid.

[Pre-1995 Recodification Citation: 13-2-29-1(a) part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-5-5            Petition for approval of loan**

Sec. 5. Before making financial commitments described in this chapter with a federal agency, the board of directors must file a petition for approval of the proposed action in the circuit court, superior court, or probate court of the county in which the most land affected by the construction or improvements lies. The petition must state the following for the proposed loan:

- (1) The purpose.
- (2) The amount.
- (3) The terms.

[Pre-1995 Recodification Citation: 13-2-29-1(b) part.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.84-2016, SEC.70.*

#### **IC 14-27-5-6            Hearing on petition for approval of loan**

Sec. 6. The court shall do the following:

- (1) Set a date for a hearing.
- (2) Allow at least twenty-one (21) days for an interested person to file objections.
- (3) Order notice for the hearing that the court considers necessary. However, publication must at least be made in each of the counties containing land within the affected area in accordance with IC 5-3-1. The notice must set forth in summary form the contents of the petition.

[Pre-1995 Recodification Citation: 13-2-29-1(b) part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-5-7            Court approval of loan**

Sec. 7. If at the hearing the court finds that:

- (1) the loan as proposed in the petition is necessary for the accomplishment of the purposes set forth in this chapter; and
- (2) the terms and conditions are reasonable and probably are as beneficial to accomplish the purposes as would be obtainable in private competitive financial markets;

the court shall approve the petition and authorize the board of directors to enter into the loan agreement.

[Pre-1995 Recodification Citation: 13-2-29-1(b) part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-5-8            Levy of special assessment upon court approval**

Sec. 8. Upon approval by the court, the board of directors may levy the special assessments necessary for the repayment of the loan.

[Pre-1995 Recodification Citation: 13-2-29-1(b) part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-5-9            Purposes of loan**

Sec. 9. The board of directors may secure part or all of the money necessary for the project under this chapter. The board of directors may make the loan for any of the board's needs to cover the expenses for which the loan is sought and maintaining and operating the works of improvement that have been authorized by applicable governmental authority. The loan may also be used to refinance a prior loan whose proceeds have been used for any of the

purposes described in section 2 of this chapter.

[Pre-1995 Recodification Citation: 13-2-29-1(c).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-5-10 Offer of bond issue for sale to federal agency**

Sec. 10. If the board of directors:

- (1) decides not to enter into a loan agreement with a federal agency by installment note or series of notes; and
- (2) instead prepares a bond issue, in whole or in part;

the board of directors may offer the bond issue for sale to a federal agency without a public offering or the securing of competitive bids on the bond offering.

[Pre-1995 Recodification Citation: 13-2-29-1(d).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-5-11 Repayment of loan by levy of special assessment**

Sec. 11. A loan made under this chapter or under IC 13-2-29-1 (before its repeal) shall be repaid by levy of the special assessment authorized on the real property within the proposed project. The assessment against the landowners must be in the proportion that the benefits assessed against each tract of real property bear to the total benefits assessed as shown by the report of the appraisers appointed by the board of commissioners of the county under Acts 1913, c. 165, s. 16. Statutes regulating:

- (1) the payment and collection of state and county taxes;
- (2) the placing of assessments on the tax rolls and the recording of the assessments;
- (3) the validity of the assessments;
- (4) the assessment of penalties and interest; and
- (5) the sale of property for delinquent taxes;

apply to the assessments.

[Pre-1995 Recodification Citation: 13-2-29-2.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6****Chapter 6. Levee Authority in Vanderburgh County**

14-27-6-1	Applicability of chapter
14-27-6-2	"Board" defined
14-27-6-3	"Gate" defined
14-27-6-4	"Levee" defined
14-27-6-5	"Pumping station" defined
14-27-6-6	Ordinance establishing levee authority
14-27-6-7	Board; executive and legislative powers
14-27-6-8	Board; members
14-27-6-9	Board; eligibility of members
14-27-6-10	Board; appointment of members; first meeting
14-27-6-11	Board; terms of first members
14-27-6-12	Board; filling of vacancy upon expiration of term
14-27-6-13	Board; filling of vacancy upon resignation
14-27-6-14	Board; terms of members
14-27-6-15	Board; restrictions on members
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14-27-6-17	Board; officers
14-27-6-18	Board; office and records
14-27-6-19	Board; meetings
14-27-6-20	Board; quorum
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14-27-6-31	Letting of contracts; bidding
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14-27-6-34	Eminent domain powers; land already in public use
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14-27-6-36	Eminent domain powers; taking possession; abandonment; acquisition of other land
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14-27-6-38	General obligation bonds; issuance
14-27-6-39	General obligation bonds; sale
14-27-6-40	General obligation bonds; applicability of IC 5-1 and IC 6-1.1-20
14-27-6-41	General obligation bonds; payment; tax exemption
14-27-6-42	Tax anticipation loans
14-27-6-43	Treasurer; appointment, powers, and duties
14-27-6-44	Treasurer; report of accounts
14-27-6-45	Audits
14-27-6-46	Budgets; tax levies
14-27-6-47	Assessment and collection of tax levies
14-27-6-48	Cumulative building fund
14-27-6-49	Board of finance
14-27-6-50	Public purpose
14-27-6-51	Expenses
14-27-6-52	Repealed

**IC 14-27-6-1      Applicability of chapter**

Sec. 1. This chapter applies to the following:

- (1) A city having a population of more than one hundred ten thousand (110,000) but less than one hundred fifty thousand (150,000).

(2) The county in which a city described in subdivision (1) exists.

[Pre-1995 Recodification Citation: 13-2-31-2 part.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.119-2012, SEC.121.*

**IC 14-27-6-2 "Board" defined**

Sec. 2. As used in this chapter, "board" refers to the board of the levee authority.

[Pre-1995 Recodification Citation: 13-2-31-1 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-3 "Gate" defined**

Sec. 3. As used in this chapter, "gate" means any opening in a levee that can be closed mechanically to prevent the flow of water through the levee.

[Pre-1995 Recodification Citation: 13-2-31-1 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-4 "Levee" defined**

Sec. 4. As used in this chapter, "levee" means any wall built along a stream to keep the stream from overflowing the banks.

[Pre-1995 Recodification Citation: 13-2-31-1 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-5 "Pumping station" defined**

Sec. 5. As used in this chapter, "pumping station" means any place equipped with pumps for the purpose of lifting water over a levee wall and into the stream.

[Pre-1995 Recodification Citation: 13-2-31-1 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-6 Ordinance establishing levee authority**

Sec. 6. The:

- (1) city fiscal body; or
- (2) city fiscal body and the county fiscal body;

may adopt an ordinance to establish a levee authority for the purpose of acquiring land, rights-of-way, and easements on which the board or the United States Army Corps of Engineers can construct, improve, equip, maintain, control, lease, and regulate levees to hold back flood waters either within or without the district. The authority has jurisdiction over a district coterminous with the jurisdictional boundaries of the fiscal body adopting the ordinance.

[Pre-1995 Recodification Citation: 13-2-31-2 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-7 Board; executive and legislative powers**

Sec. 7. The board shall exercise the executive and legislative powers of the authority as provided by this chapter.

[Pre-1995 Recodification Citation: 13-2-31-3.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-8 Board; members**

Sec. 8. (a) The board consists of three (3) members as follows:

- (1) Two (2) members shall be appointed by the city executive.
- (2) One (1) member shall be appointed by the board of commissioners of the county if the fiscal body of the county adopted an ordinance under section 6 of this chapter or under IC 13-2-31-2 (before its repeal).

(b) Not more than two (2) members of the board may be members of the same political

party.

[Pre-1995 Recodification Citation: 13-2-31-4.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-9 Board; eligibility of members**

Sec. 9. To be eligible to be appointed as a member of the board, an individual must meet the following conditions:

- (1) Be at least eighteen (18) years of age.
- (2) Be a resident householder of the city if appointed by the city executive.
- (3) Be a resident of the county.

[Pre-1995 Recodification Citation: 13-2-31-5.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-10 Board; appointment of members; first meeting**

Sec. 10. As soon as possible after the adoption of an ordinance for the creation of a levee authority, the members of the board shall be appointed as provided in section 8 of this chapter. The members shall meet on the day of the first meeting of the board and organize as the board.

[Pre-1995 Recodification Citation: 13-2-31-7(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-11 Board; terms of first members**

Sec. 11. (a) Except as provided in subsection (b), the first members of the board shall be appointed as follows:

- (1) One (1) member for the term of one (1) year.
  - (2) One (1) member for the term of two (2) years.
  - (3) One (1) member for the term of three (3) years.
- (b) If the board consists of members appointed from both the city and the county:
- (1) the city executive shall appoint members for original terms of one (1) and two (2) years; and
  - (2) the board of commissioners of the county shall appoint a member for a term of three (3) years.

[Pre-1995 Recodification Citation: 13-2-31-7(b) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-12 Board; filling of vacancy upon expiration of term**

Sec. 12. Upon the expiration of a term, the city executive or board of commissioners of the county shall appoint a member to fill the vacancy.

[Pre-1995 Recodification Citation: 13-2-31-7(b) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-13 Board; filling of vacancy upon resignation**

Sec. 13. If a vacancy occurs on the board by resignation or otherwise, except for the expiration of a term, the city executive or board of commissioners of the county shall appoint a member for the remainder of the term.

[Pre-1995 Recodification Citation: 13-2-31-7(b) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-14 Board; terms of members**

Sec. 14. (a) Except as otherwise provided in this chapter, a member of the board serves for a term of three (3) years:

- (1) beginning at noon on the day of the first meeting of the board; and
- (2) continuing until a successor has qualified for the office.

(b) A member of the board is eligible for reappointment to successive terms.

(c) A member of the board may be impeached under the procedure provided for the impeachment of county officers.

[Pre-1995 Recodification Citations: 13-2-31-6; 13-2-31-7(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-15 Board; restrictions on members**

Sec. 15. (a) A member of the board is ineligible to hold an appointive office or employment for the authority.

(b) A member of the board may not be or become personally interested in a contract with or claim against the authority.

[Pre-1995 Recodification Citation: 13-2-31-8.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-16 Board; compensation of members**

Sec. 16. The members of the board are entitled to a minimum compensation of six hundred dollars (\$600) each year.

[Pre-1995 Recodification Citation: 13-2-31-9.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-17 Board; officers**

Sec. 17. The board shall, at the board's first regular meeting to be conducted on the first July 1 or January 1 following appointment of the members and annually thereafter, elect the following officers:

(1) One (1) of the members as president.

(2) Another of the members as vice president, who shall perform the duties of the president during the absence or disability of the president.

[Pre-1995 Recodification Citation: 13-2-31-10(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-18 Board; office and records**

Sec. 18. The board shall have a suitable office where the board's maps, plans, documents, records, and accounts shall be kept, subject to public inspection at all reasonable times.

[Pre-1995 Recodification Citation: 13-2-31-10(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-19 Board; meetings**

Sec. 19. (a) The board shall by rule provide for regular meetings to be held not less than at semimonthly intervals throughout the year. The board shall keep meetings open to the public.

(b) The board shall convene a special meeting when a special meeting is called. The chairman or a majority of the members of the board may call a special meeting. The board shall do the following:

(1) Establish by rule a procedure for calling special meetings.

(2) Give notice of a special meeting that is open to the public by publication one (1) time, not less than twenty-four (24) hours before the time of the meeting, in each of two

(2) daily newspapers of general circulation in the district.

[Pre-1995 Recodification Citation: 13-2-31-10(b), (c).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-20 Board; quorum**

Sec. 20. A majority of the members of the board constitutes a quorum for a meeting. The board may act officially by an affirmative vote of a majority of the members present at the

meeting at which the action is taken.

[Pre-1995 Recodification Citation: 13-2-31-10(d).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-21 Board; record of proceedings**

Sec. 21. The board shall have a written record of the board's proceedings kept. The record must be available for public inspection in the office of the board. The board shall record in the record the affirmative and negative vote on the passage of each item of business.

[Pre-1995 Recodification Citation: 13-2-31-10(e).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-22 Board; rules of procedure**

Sec. 22. The board shall adopt a system of rules of procedure under which the board's meetings are to be held. The board may suspend the rules of procedure by unanimous vote of the members of the board who are present at the meeting. The board may not suspend the rules of procedure beyond the duration of the meeting at which the suspension of rules occurs.

[Pre-1995 Recodification Citation: 13-2-31-10(f).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-23 Board; supervision of internal affairs**

Sec. 23. The board may supervise the board's internal affairs in the same manner as other municipal legislative and administrative bodies.

[Pre-1995 Recodification Citation: 13-2-31-10(g).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-24 Proposed drafts of ordinances**

Sec. 24. (a) A member of the board may introduce a proposed draft of an ordinance at a meeting of the board. A person who introduces a proposed draft of an ordinance shall provide at the time of introduction a written copy of the proposed draft.

(b) The board shall assign to each proposed draft of an ordinance a distinguishing number and the date when introduced.

[Pre-1995 Recodification Citation: 13-2-31-11(a).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-25 Notice of pending action on proposed drafts**

Sec. 25. (a) Not:

(1) more than seven (7) days after the introduction of a proposed draft of an ordinance;  
and

(2) less than seven (7) days before the final passage of a proposed draft of an ordinance;

the board shall publish a notice that the proposed ordinance is pending final action by the board. The notice shall be published one (1) time in each of two (2) daily newspapers that have a general circulation in the district. Notice of an ordinance establishing a budget must be in accordance with the general law relating to budgets of cities.

(b) The board shall do the following:

(1) Include in the notice the following:

(A) Reference to the subject matter of the proposed ordinance.

(B) The time and place a hearing will be held on the proposed ordinance.

(C) A statement that the proposed draft of an ordinance is available for public inspection at the office of the board.

(2) Not later than the date of notice of the introduction of a proposed ordinance, place five (5) copies of the proposed draft on file in the office of the board for public

inspection.

(c) The board may include in one (1) notice a reference to the subject matter of each draft of an ordinance that is pending and for which notice has not already been given.

(d) An ordinance is not invalid because the reference to the subject matter of the draft of an ordinance was inadequate if the reference was sufficient to advise the public of the general subject matter of the proposed ordinance.

[Pre-1995 Recodification Citation: 13-2-31-11(b), (c), (d), (e).]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-26 Meetings to take action on proposed drafts**

Sec. 26. At a meeting for which notice has been given as required by section 25 of this chapter, the board may:

- (1) take final action on the proposed ordinance; or
- (2) postpone final consideration to a designated meeting in the future without giving additional notice.

[Pre-1995 Recodification Citation: 13-2-31-11(f).]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-27 Public meeting required**

Sec. 27. The board may adopt a draft of an ordinance only at a meeting that is open to the public. Before adopting an ordinance, the board shall give opportunity to a person present at the meeting to give testimony, evidence, or argument for or against the proposed ordinance in person or by counsel under rules that the board adopts concerning the number of persons who may be heard and time limits.

[Pre-1995 Recodification Citation: 13-2-31-12.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-28 Effective dates of ordinances**

Sec. 28. Whenever the board adopts an ordinance, the board shall at the same meeting designate the effective date of the ordinance. If the board fails to designate the effective date of the ordinance in the record of the proceedings of the board, the ordinance takes effect fourteen (14) days after passage.

[Pre-1995 Recodification Citation: 13-2-31-13.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-29 Copies of ordinances**

Sec. 29. (a) The board shall have copies of each ordinance made available to the public.

(b) The board may provide for the printing of any of the ordinances of the authority in pamphlet form or in bound volumes. The board may:

- (1) distribute the pamphlets or volumes without charge; or
- (2) charge the cost of printing and distribution.

[Pre-1995 Recodification Citation: 13-2-31-14.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-30 General powers of board**

Sec. 30. The board may perform all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following powers:

- (1) To sue and be sued collectively by the board's name "\_\_\_\_\_ Levee Authority", with service of process being had on the president of the board. However, costs may not be taxed against the board or any of the board's members in an action.
- (2) To have exclusive jurisdiction within the district.
- (3) To adopt ordinances to protect all property owned or managed by the board.
- (4) To adopt an annual budget and levy taxes not to exceed two and sixty-seven

hundredths cents (\$0.0267) on each one hundred dollars (\$100) of assessed property in accordance with this chapter.

(5) To incur indebtedness in the name of the authority in accordance with this chapter.

(6) To:

(A) acquire real, personal, or mixed property by deed, purchase, lease, condemnation, or otherwise; and

(B) dispose of the property;

for flood control purposes.

(7) To do the following:

(A) Receive gifts, donations, bequests, and public trusts.

(B) Agree to accompanying conditions and terms and bind the authority to carry out the terms and conditions.

(8) To determine matters of policy regarding internal organization and operating procedures not specifically provided for otherwise.

(9) In addition to all other powers conferred by this chapter and IC 14-27-3, to do the following:

(A) Cooperate with an officer or agency of the federal government in the performance of any of the work authorized by this chapter.

(B) Accept labor, material, or financial assistance.

(C) Do all things not inconsistent with this chapter necessary to satisfy the requirements of the federal authorities for the purpose of obtaining aid from the federal government.

(10) To purchase supplies, materials, and equipment to carry out the duties and functions of the board in accordance with procedures adopted by the board and in accordance with general law.

(11) To employ personnel as necessary to carry out the duties, functions, and powers of the board.

(12) To sell surplus or unneeded property in accordance with procedures prescribed by the board.

(13) To adopt administrative rules to do the following:

(A) Carry out the board's powers and duties.

(B) Govern the duties of the board's officers, employees, and personnel.

(C) Govern the internal management of the affairs of the board.

The board shall publish all rules adopted by the board for at least ten (10) days in a newspaper of general circulation printed in the district.

(14) To fix the salaries or compensation of the officers and employees of the authority, except as otherwise provided by this chapter.

(15) To carry out the purposes and objects of the authority.

(16) To adopt and use a seal.

(17) To:

(A) acquire land, easements, and rights-of-way; and

(B) establish, construct, improve, equip, maintain, control, lease, and regulate levees and the land owned adjacent to the levees, either within or outside the district;

for flood prevention purposes. However, if at the time of the creation of the levee authority a political subdivision owns or controls a levee, upon the qualification of the members of the board the exclusive control, management, and authority over each levee owned or controlled by a political subdivision shall be transferred to the board without the passage of an ordinance. The board of public works of the political subdivision or other persons having possession or control of a levee shall immediately deliver to the board all personal property and records, books, maps, and other papers and documents relating to the levee.

(18) To:

(A) elect a secretary from the board's membership; or

(B) employ a secretary;  
and fix the compensation of the secretary.

(19) To do the following:

(A) Employ superintendents, managers, engineers, surveyors, attorneys, clerks, guards, mechanics, laborers, and all other employees the board considers expedient.

All employees shall be selected and appointed irrespective of political affiliations.

(B) Prescribe and assign the duties and authority of the employees.

(C) Fix the compensation to be paid to the persons employed by the board in accordance with appropriations made by the city fiscal body.

(D) Require a bond on any officer or employee of the authority in the amount, upon the terms and conditions, and with surety to the approval of the board.

(20) To adopt rules not in conflict with:

(A) Indiana law;

(B) the ordinances of the city; or

(C) the laws or regulations of the United States and the United States Corps of Army Engineers;

regulating the construction, maintenance, and control of the board's levees and other property under the board's control.

(21) To establish the board's own detail or department of police or to hire guards to execute the orders and enforce the rules of the board.

(22) To permit the federal government to do the following:

(A) Construct or repair, on land or rights-of-way owned by the authority, levees, dikes, breakwaters, pumping stations, syphons, and flood gates.

(B) Construct or repair sewers, ditches, drains, diversion channels, and watercourses if necessary in the actual construction, repair, and maintenance of a levee and along land or rights-of-way owned by the authority.

(23) To do the following:

(A) Construct, maintain, and repair levees, dikes, breakwaters, pumping stations, and flood gates.

(B) Construct or repair sewers, ditches, drains, diversion channels, and watercourses if necessary in the actual construction, repair, and maintenance of a levee.

(24) To sell machinery, equipment, or material under the control of the board that the board determines is not required for levee purposes. The proceeds derived from the sale shall be deposited with the treasurer of the authority.

(25) To negotiate and execute:

(A) contracts of sale or purchase;

(B) leases;

(C) contracts for personal services, materials, supplies, or equipment; or

(D) any other transaction, business or otherwise;

relating to a levee under the board's control and operation. However, if the board determines to sell part or all of levee land, buildings, or improvements owned by the authority, the sale must be in accordance with statute. If personal property under the control of the board valued in excess of five hundred dollars (\$500) is to be sold, the board shall sell to the highest and best bidder after due publication of notice of the sale.

(26) To contract with other political subdivisions and state agencies under IC 36-1-7 for:

(A) the provision of services;

(B) the rental or use of equipment or facilities; or

(C) the joint purchase and use of equipment or facilities;

considered proper by the contracting parties for use in the operation, maintenance, or construction of a levee operated under this chapter.

[Pre-1995 Recodification Citations: 13-2-31-15; 13-2-31-17 part; 13-2-31-28.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.6-1997, SEC.158.*

**IC 14-27-6-31 Letting of contracts; bidding**

Sec. 31. (a) Except as provided in subsection (b), in the letting of a contract for the repair or equipment of a levee under the control of the board, the board shall, when:

- (1) adopting plans;
- (2) giving notice; and
- (3) receiving bids;

comply with statutes.

(b) If:

- (1) an emergency arises involving the safety of human life due to accident or act of God; and
- (2) the board declares the emergency;

the board may purchase necessary equipment and appliances without advertising for bids.

[Pre-1995 Recodification Citation: 13-2-31-16.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-32 Recovery of damages or possession of property**

Sec. 32. The board may take action the board considers proper to do the following:

- (1) Recover damages for the following:
  - (A) The breach of an agreement, express or implied, relating to or growing out of the operation, control, leasing, management, or improvement of the property under the board's control.
  - (B) The penalties for the violation of an ordinance or a rule of the board.
  - (C) Injury to the personal or real property under the board's control.
- (2) Recover possession of property under the board's control.

[Pre-1995 Recodification Citation: 13-2-31-17 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-33 Eminent domain powers; generally**

Sec. 33. (a) The board may do the following:

- (1) Exercise the power of eminent domain for the purpose of carrying out this chapter.
- (2) Award damages to landowners for real property and property rights appropriated and taken.

(b) If the board cannot agree with the owner, lessee, or occupant of real property selected by the board for the purpose set forth in this chapter, the board may proceed to procure the condemnation of the property as provided in this chapter.

(c) If not in conflict or inconsistent with this chapter, the board may also proceed under IC 32-24. IC 32-24 applies to levees under this chapter as far as IC 32-24 is not in conflict or inconsistent with this chapter.

[Pre-1995 Recodification Citation: 13-2-31-18(a).]

*As added by P.L.1-1995, SEC.20. Amended by P.L.2-2002, SEC.60.*

**IC 14-27-6-34 Eminent domain powers; land already in public use**

Sec. 34. (a) This section applies to land or the surface of the ground on, over, and across which it is necessary or advisable to construct a levee as provided in this chapter that:

- (1) is already in use for any other public purpose; or
- (2) has been condemned or appropriated for a use authorized by statute and is being used for that purpose by the corporation appropriating the land or surface of the ground.

(b) The public use or prior condemnation does not bar the right of the board to condemn the use of the ground for levee purposes.

(c) The use by the board does not permanently prevent the use of the land or the surface of the ground:

- (1) for the prior public use; or

(2) by the corporation previously condemning or appropriating the land or surface of the ground.

(d) In a proceeding prosecuted by the board to condemn the use of land or the surface of ground for purposes permitted by this chapter, the board must show that the board's use will not permanently or seriously interfere with:

- (1) the continued public use of the land or surface of ground; or
- (2) the corporation previously condemning the land or surface or the corporation's successors.

However, in a proceeding the board may require and enforce the removal or the burying beneath the surface of the ground of wires, cables, power lines, or other structures within a restricted zone established as provided in this chapter.

[Pre-1995 Recodification Citation: 13-2-31-18(b).]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-35 Eminent domain powers; rights of board and landowners**

Sec. 35. (a) In a proceeding prosecuted by the board to condemn or appropriate:

- (1) land;
- (2) the use of land; or
- (3) a right in land;

for purposes permitted by this chapter, the board and all owners and holders of property or rights in property sought to be taken are governed by and have the same rights concerning procedure, notices, hearings, assessments of benefits and awards, and payments of benefits and awards that are prescribed by law for the appropriation and condemnation of real property.

(b) The property owners have the same powers and rights to:

- (1) remonstrate; and
- (2) appeal;

to the circuit or superior courts with jurisdiction in the county in which the district is located that are provided by law for the appropriation and condemnation of real property.

(c) An appeal:

- (1) only affects the amount of the assessment of awards of the person appealing; and
- (2) shall be taken in conformity with the laws relating to appeals. However, the payment of all damages awarded for land, property, or interests or rights in property appropriated under this chapter shall be paid entirely out of money under the control of the board.

[Pre-1995 Recodification Citation: 13-2-31-18(c).]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-36 Eminent domain powers; taking possession; abandonment; acquisition of other land**

Sec. 36. (a) Notwithstanding this or any other statute, the city or district may take possession of property to be acquired at any time after the filing of the petition describing the property in condemnation proceedings.

(b) The city or district may abandon the condemnation of property if possession of the property has not been taken.

(c) The board may acquire and use land reasonably necessary for the purposes of this chapter. However:

- (1) the board may not acquire or use land that is still being used and is absolutely necessary for the purposes for which the land was previously condemned; and
- (2) this chapter does not permit the acquisition or use by the board of land previously acquired by condemnation that is being used for the purpose for which the land was acquired if the use by the board would impair or interfere with the necessary use of the land by the owner of the land.

[Pre-1995 Recodification Citation: 13-2-31-18(d).]  
*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-37 Eminent domain powers; description of land; statement of purpose**

Sec. 37. Within sixty (60) days after land or interests in land is acquired or taken under this chapter, the board shall file and cause to be recorded in the recorder's office of the county in which the land is situated the following, which a majority of the board shall sign:

- (1) A description of the land or interest in land sufficiently accurate for identification.
- (2) A statement of the purpose for which the land or interest in land is required or taken.

[Pre-1995 Recodification Citation: 13-2-31-18(e).]  
*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-38 General obligation bonds; issuance**

Sec. 38. (a) The board may issue general obligation bonds of the authority for the purpose of procuring money to pay the cost of:

- (1) acquiring real property or rights-of-way; or
- (2) constructing, enlarging, improving, remodeling, repairing, or equipping levees, gates, and pumping stations and sewers, ditches, and drains in connection with that construction or maintenance or other facilities;

for use as or in connection with or for administrative purposes of the levee.

(b) The board must authorize the issuance of bonds by ordinance providing for the following:

- (1) The amount, terms, and tenor of the bonds.
- (2) The time and character of notice.
- (3) The mode of selling the bonds.

(c) The bonds:

- (1) may bear interest at any rate;
- (2) are payable in not more than twenty-five (25) years after the date of issuance; and
- (3) shall be:
  - (A) executed in the name of the authority by the president of the board; and
  - (B) attested by the secretary and treasurer who shall affix to each of the bonds the official seal of the authority.

(d) The interest coupons attached to the bonds may be executed by placing on the coupons the facsimile signature of the president of the board.

[Pre-1995 Recodification Citation: 13-2-31-19(a).]  
*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-39 General obligation bonds; sale**

Sec. 39. (a) The levee superintendent shall manage and supervise the preparation, advertisement, and sale of the bonds, subject to the authorizing ordinance. Before the sale of the bonds, the superintendent shall have notice of the sale published one (1) time each week for two (2) consecutive weeks in two (2) newspapers of general circulation published in the district. The notice must state the following:

- (1) The time and place where bids will be received.
- (2) The amount and maturity dates of the issue.
- (3) The maximum interest rate.
- (4) The terms and conditions of sale and delivery of the bonds.

(b) The bonds shall be sold to the highest and best bidder. After the bonds have been properly sold and executed, the superintendent shall do the following:

- (1) Deliver the bonds to the treasurer of the authority and take a receipt for the bonds.
- (2) Certify to the treasurer the amount that the purchaser is to pay for the bonds,

together with the name and address of the purchaser.

(c) On payment of the purchase price the treasurer shall deliver the bonds to the purchaser, and the treasurer and superintendent shall report their actions to the board.

[Pre-1995 Recodification Citation: 13-2-31-19(b).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-40            General obligation bonds; applicability of IC 5-1 and  
IC 6-1.1-20**

Sec. 40. The provisions of IC 5-1 and IC 6-1.1-20 relating to the following apply to proceedings under this chapter:

- (1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.
- (2) The giving of notice of determination to issue bonds.
- (3) The giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of:
  - (A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or
  - (B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).
- (6) The sale of bonds at:
  - (A) a public sale for not less than the par value; or
  - (B) alternatively, a negotiated sale after June 30, 2018, and before July 1, 2021, in the case of a city described in section 1(1) of this chapter.

[Pre-1995 Recodification Citation: 13-2-31-19(c).]

*As added by P.L.1-1995, SEC.20. Amended by P.L.90-2002, SEC.371; P.L.219-2007, SEC.98; P.L.146-2008, SEC.425; P.L.125-2018, SEC.4.*

**IC 14-27-6-41            General obligation bonds; payment; tax exemption**

Sec. 41. (a) All bonds issued under this chapter or under IC 13-2-31 (before its repeal) are the direct general obligations of the authority issuing the bonds and are payable out of unlimited ad valorem taxes that shall be levied and collected on all the taxable property within the district. All officials and bodies involved with the levying of taxes for the district shall ensure that sufficient levies are made to meet the principal and interest on the bonds at the time fixed for payment without regard to any other statute.

(b) The bonds issued under this chapter or under IC 13-2-31 (before its repeal) are exempt from taxation for all purposes.

[Pre-1995 Recodification Citation: 13-2-31-19(d).]

*As added by P.L.1-1995, SEC.20. Amended by P.L.192-2002(ss), SEC.157.*

**IC 14-27-6-42            Tax anticipation loans**

Sec. 42. (a) The board may authorize and make temporary loans in anticipation of the collection of taxes in the district actually levied and in course of collection for the fiscal year in which the loans are made.

(b) The board must authorize the loans by ordinance and shall evidence the loans by warrants in the form provided by the authorizing ordinance. The warrants must state the following:

- (1) The total amount of the issue.
- (2) The denomination of the warrant.
- (3) The time and place payable.
- (4) The rate of interest.
- (5) The revenues in anticipation of which the warrants are issued and out of which the

warrants are payable.

(6) A reference to the ordinance authorizing the warrants and the date of passage of the ordinance.

(c) The ordinance authorizing the temporary loans must appropriate and pledge sufficient of the current revenues in anticipation of which the warrants are issued and out of which the warrants are payable to the payment of the warrants. The warrants evidencing the temporary loans shall be executed, sold, and delivered in the same manner as are bonds of the authority.

[Pre-1995 Recodification Citation: 13-2-31-20.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-43            Treasurer; appointment, powers, and duties**

Sec. 43. (a) The board shall appoint a person to act as treasurer of the authority. The treasurer shall give bond in the amount and with the condition that the board prescribes and with surety to the approval of the board. The treasurer shall be appointed to serve for a term of one (1) year unless removed for cause.

(b) All money payable to the authority shall be paid to the treasurer, and the treasurer shall deposit the money in accordance with the statutes relating to the deposit of public money by municipal corporations. The treasurer shall keep an accurate account of the following:

- (1) All appropriations made and all taxes levied by the authority.
- (2) All money owing or due to the authority.
- (3) All money received and disbursed.

(c) The treasurer shall preserve all vouchers for payments and disbursements made.

(d) The treasurer shall issue all warrants for the payment of money from the money of the district, but a warrant may not be issued for the payment of a claim until the claim has been allowed in accordance with the procedure prescribed by the board. The president shall countersign all warrants. Whenever the treasurer is called upon to issue a warrant, the treasurer may do the following:

- (1) Require evidence that the amount claimed is justly due and in conformity with law.
- (2) For that purpose:
  - (A) summon before the treasurer an officer, agent, or employee of the authority or other person; and
  - (B) examine the individual concerning the warrant on oath or affirmation that the treasurer may administer.

[Pre-1995 Recodification Citation: 13-2-31-21.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-44            Treasurer; report of accounts**

Sec. 44. The treasurer shall submit to the board annually, and more often if required by the board, a report of the accounts exhibiting the following:

- (1) The revenues, receipts, and disbursements.
- (2) The sources from which the revenues and money are derived.
- (3) The manner in which the money has been disbursed.

[Pre-1995 Recodification Citation: 13-2-31-22.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-6-45            Audits**

Sec. 45. The treasurer shall submit annually, and more often if required by the board, the records of accounts to a certified public accountant or firm of certified public accountants designated or selected by the board for audit. The accountant or firm shall prepare and submit a certified report of the records of accounts to the board exhibiting the following:

- (1) The revenues, receipts, and disbursements.
- (2) The sources from which the revenues and money are derived.

(3) The manner in which the money has been disbursed.

[Pre-1995 Recodification Citation: 13-2-31-23.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-46            Budgets; tax levies**

Sec. 46. (a) The board shall do the following:

(1) Annually prepare a budget for the operation and capital expenditures of the authority.

(2) Calculate the tax levy necessary to provide money for the operating expenditures necessary to carry out the powers, duties, and functions of the authority together with any capital expenditures that are included in the annual budget.

(b) The budget shall be prepared and submitted at the same time and in the same manner as provided by the statutes relating to the preparation of budgets by cities. The budget is subject to the same review by the department of local government finance as under the statutes relating to budgets of cities.

(c) The budgets and the tax levies are subject to review and modification by the fiscal body of a city and county within the district in the same manner as the budgets and tax levies of the executive departments of the city.

[Pre-1995 Recodification Citation: 13-2-31-24.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.90-2002, SEC.372; P.L.257-2019, SEC.84.*

**IC 14-27-6-47            Assessment and collection of tax levies**

Sec. 47. The county treasurer shall assess and collect the tax levy as finally approved by the department of local government finance as other taxes are levied and collected. The county treasurer shall remit all taxes so collected to the treasurer of the authority.

[Pre-1995 Recodification Citation: 13-2-31-25.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.90-2002, SEC.373.*

**IC 14-27-6-48            Cumulative building fund**

Sec. 48. (a) The board may provide a cumulative building fund in compliance with IC 6-1.1-41 to provide for the erection of:

(1) levees, gates, and pumping stations; or

(2) other facilities or the addition to or improvement of the facilities on the levees; needed to carry out this chapter.

(b) In compliance with IC 6-1.1-41, the board may levy a property tax not to exceed sixty-seven hundredths of one cent (\$0.0067) on each one hundred dollars (\$100) of taxable property within the district. As the tax is collected, the tax may be invested in negotiable United States bonds or other securities that the federal government has the direct obligation to pay.

(c) Any money of the cumulative building fund not invested in government obligations shall be withdrawn from the cumulative building fund in the same manner as money is regularly withdrawn from a general fund but without further or additional appropriation.

[Pre-1995 Recodification Citation: 13-2-31-26.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.17-1995, SEC.13; P.L.6-1997, SEC.159.*

**IC 14-27-6-49            Board of finance**

Sec. 49. The board shall act as a board of finance under the statutes relating to the deposit of public money by municipal corporations.

[Pre-1995 Recodification Citation: 13-2-31-27.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-50            Public purpose**

Sec. 50. The acquiring, establishment, construction, improvement, equipment, maintenance, control, and operation of levees under this chapter are declared to be:

- (1) a governmental function of general public necessity and benefit; and
- (2) for the use and general welfare of all the people of Indiana as well as of the people residing in the district.

[Pre-1995 Recodification Citation: 13-2-31-29.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-51 Expenses**

Sec. 51. All expenses incurred by the board necessary to be paid before the collection of taxes levied under this chapter shall be met and paid in the following manner:

- (1) The board shall periodically certify items of expense to the controller of the city directing the controller to pay the amounts. The controller shall draw a warrant that shall be paid out of the general money of the city not appropriated without special appropriation being made by the city fiscal body or approval of any other body.
- (2) If there is not unappropriated general money of the city, the controller shall recommend to the city fiscal body the temporary transfer from other money of the city of a sufficient amount to meet the items of expense or the making of a temporary loan for this purpose. The city fiscal body shall immediately make the transfer or authorize the temporary loan in the same manner that other transfers and temporary loans are made by the city. The amount advanced by the city may not exceed fifty thousand dollars (\$50,000), and the fund of the city from which the advancement is made shall be fully reimbursed and repaid by the authority out of the first proceeds of the taxes levied under this chapter. Money advanced by the city may not be used in the acquisition of real property.

[Pre-1995 Recodification Citation: 13-2-31-30.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-6-52 Repealed**

[Pre-1995 Recodification Citation: 13-2-31-31.]

*As added by P.L.1-1995, SEC.20. Repealed by P.L.195-2014, SEC.35.*

**IC 14-27-7 Chapter 7. Regulation of Levees, Dikes, and Floodwalls**

14-27-7-1	"Owner" defined
14-27-7-2	Maintenance and repair
14-27-7-3	Powers and duties of department
14-27-7-4	Engineering inspections
14-27-7-5	Notice of violation
14-27-7-6	Emergency measures to protect life and property
14-27-7-7	Violations
14-27-7-8	Right of entry upon premises
14-27-7-9	Exemption of department from liability

**IC 14-27-7-1 "Owner" defined**

Sec. 1. As used in this chapter, "owner" means an individual, a firm, a partnership, a copartnership, a lessee, an association, a corporation, an executor, an administrator, a trustee, the state, an agency of the state, a municipal corporation, a political subdivision of the state, a legal entity, a drainage district, a levee district, a conservancy district, any other district established by law, or any other person who has a right, a title, or an interest in or to the property upon which the levee, dike, or floodwall and appurtenant works is located.

[Pre-1995 Recodification Citation: 13-2-20-1(2).]

*As added by P.L.1-1995, SEC.20. Amended by P.L.148-2002, SEC.6.*

**IC 14-27-7-2 Maintenance and repair**

Sec. 2. The owner of a levee, dike, or floodwall and appurtenant works shall maintain and keep the structures and appurtenant works in the state of repair and operating condition required by the following:

- (1) The exercise of prudence.
- (2) Due regard for life or property.
- (3) The application of sound and accepted engineering principles.

[Pre-1995 Recodification Citation: 13-2-20-2.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.148-2002, SEC.7.*

**IC 14-27-7-3 Powers and duties of department**

Sec. 3. The department:

- (1) has, on behalf of the state, jurisdiction and supervision over the maintenance and repair of levees, dikes, floodwalls, and appurtenant works in, on, or along the rivers and streams of Indiana;
- (2) shall exercise care to see that the dikes, floodwalls, levees, and appurtenances are maintained in a good and sufficient state of repair and operating condition to fully perform the intended purpose;
- (3) may adopt rules under IC 4-22-2 for maintenance and operation that are necessary for the purposes of this chapter; and
- (4) may vary the standards for maintenance and operation, giving due consideration to the following:
  - (A) The type and location of the dike, floodwall, levee, or appurtenance.
  - (B) The hazards to which the dike, floodwall, levee, or appurtenance is or may be exposed.
  - (C) The peril to life or property if the dike, floodwall, levee, or appurtenance fails to perform the structure's function.

[Pre-1995 Recodification Citation: 13-2-20-3.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.148-2002, SEC.8.*

**IC 14-27-7-4 Engineering inspections**

Sec. 4. (a) The department shall make an engineering inspection of all levees, dikes, and

floodwalls and appurtenant works:

- (1) at least one (1) time every three (3) years or at more frequent intervals if the exigencies of the case require; or
- (2) upon the written request of an affected person or agency.

(b) The department shall place in the files of the department a report of each inspection conducted under subsection (a).

(c) This chapter does not apply to the following:

- (1) A levee, dike, or floodwall that meets both of the following conditions:
  - (A) Is under a single private ownership.
  - (B) Provides protection only to land or other property under the single private ownership.
- (2) A dike, floodwall, or levee that is regulated under the federal Mine Safety and Health Act of 1977, unless the dike, floodwall, or levee is proposed to be retained as a permanent structure after bond release.

[Pre-1995 Recodification Citation: 13-2-20-4 part.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.75-1998, SEC.4; P.L.148-2002, SEC.9.*

#### **IC 14-27-7-5 Notice of violation**

Sec. 5. If the department finds that a dike, floodwall, levee, or appurtenance is:

- (1) not sufficiently strong;
- (2) not maintained in a good and sufficient state of repair or operating condition; or
- (3) unsafe and dangerous to life or property;

the department shall issue a notice of violation to the owner of the dike, floodwall, levee, or appurtenance under IC 14-25.5-2.

[Pre-1995 Recodification Citation: 13-2-20-4 part.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.148-2002, SEC.10; P.L.71-2004, SEC.11.*

#### **IC 14-27-7-6 Emergency measures to protect life and property**

Sec. 6. (a) If at any time the condition of a levee, a dike, a floodwall, or an appurtenance becomes so dangerous to the safety of life and property that, in the opinion of the department there is not sufficient time for the issuance and enforcement of a notice of violation for the maintenance, alteration, repair, reconstruction, change in construction or location, or removal of the dike, floodwall, levee, or appurtenance in the manner provided in this chapter, the department may immediately take the measures that are essential to provide emergency protection to life and property.

(b) The department may recover the cost of the emergency measures from the owner by appropriate legal action.

[Pre-1995 Recodification Citation: 13-2-20-5.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.148-2002, SEC.11.*

#### **IC 14-27-7-7 Violations**

Sec. 7. An owner who knowingly fails to effect the maintenance, alteration, repair, reconstruction, change in construction or location, or removal within the time limit set forth in the notice of violation of the department under:

- (1) section 5 of this chapter; or
- (2) IC 13-2-20-4 (before its repeal);

commits a Class B infraction. Every day of failure constitutes a separate infraction.

[Pre-1995 Recodification Citation: 13-2-20-6.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.148-2002, SEC.12; P.L.71-2004, SEC.12.*

#### **IC 14-27-7-8 Right of entry upon premises**

Sec. 8. The department and the department's agents, engineers, and other employees may, for the purposes of determining the department's jurisdiction and performing the engineering

inspections provided in section 4 of this chapter, enter upon any land or water in Indiana without liability for trespass. The owner of a levee, dike, or floodwall and appurtenant works shall do the following:

- (1) Cooperate with the department and the department's agents, engineers, and other employees in the conduct of the inspections.
- (2) Facilitate access to the dike, floodwall, levee, or appurtenance.
- (3) Furnish upon request the plans, specifications, operating and maintenance data, or other information that is pertinent to the dike, floodwall, levee, or appurtenance.

[Pre-1995 Recodification Citation: 13-2-20-7.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.148-2002, SEC.13.*

**IC 14-27-7-9 Exemption of department from liability**

Sec. 9. This chapter does not create a liability for damages against the department or the department's officers, agents, and employees caused by or arising out of any of the following:

- (1) The construction, maintenance, operation, or failure of a levee, dike, or floodwall and appurtenant works.
- (2) The issuance and enforcement of a notice of violation or a rule issued by the department to carry out the department's duties.

[Pre-1995 Recodification Citation: 13-2-20-8.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.148-2002, SEC.14.*

**IC 14-27-7.5 Chapter 7.5. Regulation of Dams**

14-27-7.5-1	Applicability
14-27-7.5-2	"Hazard classification"
14-27-7.5-3	"Height"
14-27-7.5-4	"Owner"
14-27-7.5-5	"Structure"
14-27-7.5-6	"Volume"
14-27-7.5-7	Maintenance, repair, and sale; duties of owner
14-27-7.5-8	Powers and duties of department; hazard classifications
14-27-7.5-9	High hazard structures; inspections; report; duty to make repairs or alterations; notice of violation
14-27-7.5-10	Significant and low hazard structures; inspections; reports; fees
14-27-7.5-11	Notice of violation
14-27-7.5-12	Emergency measures to protect life and property
14-27-7.5-13	Violations
14-27-7.5-14	Right of entry upon premises
14-27-7.5-15	Exemption of department from liability
14-27-7.5-16	Request to have structure declared high hazard; notice

**IC 14-27-7.5-1 Applicability**

Sec. 1. This chapter does not apply to the following:

- (1) A structure that meets the following conditions:
  - (A) Is built for the sole purpose of erosion control, watering livestock, recreation, or providing a haven or refuge for fish or wildlife.
  - (B) Has a drainage area above the dam of not more than one (1) square mile.
  - (C) Does not exceed twenty (20) feet in height.
  - (D) Does not impound a volume of more than one hundred (100) acre-feet of water.
- (2) A structure that is regulated under the federal Mine Safety and Health Act of 1977, unless the structure is proposed to be retained as a permanent structure after bond release.

*As added by P.L.148-2002, SEC.15.*

**IC 14-27-7.5-2 "Hazard classification"**

Sec. 2. As used in this chapter, "hazard classification" means a rating assigned to a structure by the department based on the potential consequences resulting from the uncontrolled release of its contents due to a failure or misoperation of the structure.

*As added by P.L.148-2002, SEC.15.*

**IC 14-27-7.5-3 "Height"**

Sec. 3. As used in this chapter, "height" means the vertical dimension of a structure as measured from the lowest point in the natural streambed or watercourse under the centerline of the structure to the top of the structure.

*As added by P.L.148-2002, SEC.15.*

**IC 14-27-7.5-4 "Owner"**

Sec. 4. As used in this chapter, "owner" means an individual, a firm, a partnership, a copartnership, a lessee, an association, a corporation, an executor, an administrator, a trustee, the state, an agency of the state, a municipal corporation, a political subdivision of the state, a legal entity, a drainage district, a levee district, a conservancy district, any other district established by law, or any other person who has a right, a title, or an interest in or to the property upon which the structure is located.

*As added by P.L.148-2002, SEC.15.*

**IC 14-27-7.5-5 "Structure"**

Sec. 5. As used in this chapter, "structure" means a dam and its appurtenant works.  
*As added by P.L.148-2002, SEC.15.*

**IC 14-27-7.5-6 "Volume"**

Sec. 6. As used in this chapter, "volume" means the amount of water that is impounded by a structure:

- (1) at or below the elevation of the top of the structure; or
- (2) at or below the maximum design flood pool elevation;

whichever is lower.

*As added by P.L.148-2002, SEC.15.*

**IC 14-27-7.5-7 Maintenance, repair, and sale; duties of owner**

Sec. 7. (a) The owner of a structure shall maintain and keep the structure in the state of repair and operating condition required by the following:

- (1) The exercise of prudence.
- (2) Due regard for life and property.
- (3) The application of sound and accepted technical principles.

(b) The owner of a structure shall notify the department in writing of the sale or other transfer of ownership of the structure. The notice must include the name and address of the new owner of the structure.

*As added by P.L.148-2002, SEC.15. Amended by P.L.71-2004, SEC.13.*

**IC 14-27-7.5-8 Powers and duties of department; hazard classifications**

Sec. 8. (a) The department:

- (1) has, on behalf of the state, jurisdiction and supervision over the maintenance and repair of structures in, on, or along the rivers, streams, and lakes of Indiana;
- (2) shall exercise care to see that the structures are maintained in a good and sufficient state of repair and operating condition to fully perform the intended purpose;
- (3) shall grant permits for the construction and operation of structures in, on, or along the rivers, streams, and lakes of Indiana;
- (4) may adopt rules under IC 4-22-2 for permitting, maintenance, and operation that are necessary for the purposes of this chapter; and
- (5) may vary the standards for permits, maintenance, and operation, giving due consideration to the following:
  - (A) The type and location of the structure.
  - (B) The hazards to which the structure is or may be exposed.
  - (C) The peril to life or property if the structure fails to perform the structure's function.

(b) The department shall establish by rule the criteria for assigning a hazard classification to a structure that is based on the potential consequences resulting from the uncontrolled release of the structure's contents due to a failure of the structure. The hazard classification system must include the following classes of structures:

- (1) High hazard: A structure the failure of which may cause the loss of life and serious damage to homes, industrial and commercial buildings, public utilities, major highways, or railroads.
- (2) Significant hazard: A structure the failure of which may damage isolated homes and highways, or cause the temporary interruption of public utility services.
- (3) Low hazard: A structure the failure of which may damage farm buildings, agricultural land, or local roads.

*As added by P.L.148-2002, SEC.15.*

**IC 14-27-7.5-9 High hazard structures; inspections; report; duty to make repairs or alterations; notice of violation**

Sec. 9. (a) The owner of a high hazard structure shall:

(1) have a professional engineer licensed under IC 25-31 make an engineering inspection of the high hazard structure at least one (1) time every two (2) years;

(2) submit a report of the inspection in a form approved by the department to the department. The report must include at least the following information:

(A) An evaluation of the structure's condition, spillway capacity, operational adequacy, and structural integrity.

(B) A determination of whether deficiencies exist that could lead to the failure of the structure, and recommendations for maintenance, repairs, and alterations to the structure to eliminate deficiencies, including a recommended schedule for necessary upgrades to the structure.

(b) If after an inspection under subsection (a) the licensed professional engineer who conducted the inspection determines that maintenance, repairs, or alterations to a high hazard structure are necessary to remedy deficiencies in the structure, the owner shall perform the recommended maintenance, repairs, or alterations.

(c) The department shall issue a notice of violation under section 11 of this chapter to the owner of a high hazard structure who fails to:

(1) have the structure inspected under subsection (a);

(2) perform recommended maintenance, repairs, or alterations to the structure under subsection (b); or

(3) biennially submit the inspection report prepared under subsection (a).

(d) The department may make an engineering inspection of a high hazard structure to ensure compliance with this chapter.

*As added by P.L.148-2002, SEC.15. Amended by P.L.1-2003, SEC.60; P.L.186-2003, SEC.72.*

**IC 14-27-7.5-10 Significant and low hazard structures; inspections; reports; fees**

Sec. 10. (a) The department shall make an engineering inspection of:

(1) a significant hazard structure at least one (1) time every three (3) years; and

(2) a low hazard structure at least one (1) time every five (5) years;

or at more frequent intervals if the exigencies of the case require.

(b) The department shall place in the files of the department a report of each inspection conducted under subsection (a).

(c) The department shall charge the following for engineering inspections:

(1) For a significant hazard structure under subsection (a)(1), a minimum fee of two hundred dollars (\$200).

(2) For a low hazard structure under subsection (a)(2), a minimum fee of one hundred dollars (\$100).

(d) Subject to IC 14-10-2-1, the commission may set an engineering inspection fee above the minimum fee established under subsection (c).

*As added by P.L.148-2002, SEC.15. Amended by P.L.186-2003, SEC.73; P.L.195-2017, SEC.43.*

**IC 14-27-7.5-11 Notice of violation**

Sec. 11. If the department finds that a structure is:

(1) not sufficiently strong;

(2) not maintained in a good and sufficient state of repair or operating condition;

(3) not designed to remain safe during infrequent loading events; or

(4) unsafe and dangerous to life and property;

the department may issue a notice of violation under IC 14-25.5-2.

*As added by P.L.148-2002, SEC.15. Amended by P.L.71-2004, SEC.14.*

**IC 14-27-7.5-12 Emergency measures to protect life and property**

Sec. 12. (a) If at any time the condition of a structure becomes so dangerous to the safety of life and property that, in the opinion of the department, there is not sufficient time for the issuance and enforcement of an order for the maintenance, alteration, repair, reconstruction, change in construction or location, or removal of the structure in the manner provided in this chapter, the department may immediately take the measures that are essential to provide emergency protection to life and property, including the lowering of the water level by releasing water or by a controlled breach of the structure.

(b) The department may recover the cost of the emergency measures from the owner by appropriate legal action.

*As added by P.L.148-2002, SEC.15.*

**IC 14-27-7.5-13 Violations**

Sec. 13. An owner who knowingly fails to effect the maintenance, alteration, repair, reconstruction, change in construction or location, or removal within the time limit set forth in the notice of violation of the department under:

- (1) section 11 of this chapter; or
- (2) IC 13-2-20-4 (before its repeal);

commits a Class B infraction. Every day of failure constitutes a separate infraction.

*As added by P.L.148-2002, SEC.15. Amended by P.L.71-2004, SEC.15.*

**IC 14-27-7.5-14 Right of entry upon premises**

Sec. 14. The department and the department's agents, engineers, geologists, and other employees may, for purposes of determining the department's jurisdiction and performing the engineering inspections provided in sections 9 and 10 of this chapter, enter upon any land or water in Indiana without liability for trespass. The owner of a structure shall do the following:

- (1) Cooperate with the department and the department's agents, engineers, geologists, and other employees in the conduct of the inspections.
- (2) Facilitate access to the structure.
- (3) Furnish upon request the plans, specifications, operating and maintenance data, or other information that is pertinent to the structure.

*As added by P.L.148-2002, SEC.15. Amended by P.L.186-2003, SEC.74.*

**IC 14-27-7.5-15 Exemption of department from liability**

Sec. 15. This chapter does not create a liability for damages against the department or the department's officers, agents, and employees caused by or arising out of any of the following:

- (1) The construction, maintenance, operation, or failure of a structure.
- (2) The issuance and enforcement of a notice of violation or a rule issued by the department to carry out the department's duties.

*As added by P.L.148-2002, SEC.15.*

**IC 14-27-7.5-16 Request to have structure declared high hazard; notice**

Sec. 16. (a) A property owner, the owner's representative, or an individual who resides downstream from a structure:

- (1) over which the department does not have jurisdiction under this chapter; and
- (2) that the property owner, the owner's representative, or the individual believes would cause a loss of life or damage to the person's home, industrial or commercial building, public utility, major highway, or railroad if the structure fails;

may request in writing that the department declare the structure a high hazard structure.

(b) If the department receives a request under subsection (a), the department shall:

- (1) investigate the structure and the area downstream from the structure;
- (2) notify the owner of the structure that the structure is being investigated;
- (3) review written statements and technical documentation from any interested party;

and

(4) after considering the available information, determine whether or not the structure is a high hazard structure.

(c) The department shall issue a written notice of the department's determination under subsection (b) to:

(1) the individual who requested the determination; and

(2) the owner of the structure that is the subject of the request.

(d) Either:

(1) the individual who requested a determination; or

(2) the owner of the structure that is the subject of the request;

may request an administrative review under IC 4-21.5-3-6 within thirty (30) days after receipt of the written determination.

(e) If the department determines that a structure is a high hazard structure under subsection (b), the provisions of this chapter concerning high hazard structures apply to the structure.

*As added by P.L.71-2004, SEC.16.*

**IC 14-27-7.7 Chapter 7.7. Lease of Williams Dam**

14-27-7.7-1	Long term lease for Williams Dam
14-27-7.7-2	Lease requirements
14-27-7.7-3	Lease renewal
14-27-7.7-4	Lease limitations and restrictions
14-27-7.7-5	Disposition of lease revenues

**IC 14-27-7.7-1 Long term lease for Williams Dam**

Sec. 1. The director may enter into a long term lease of the Williams Dam on the East Fork of the White River in Lawrence County.

*As added by P.L.16-2009, SEC.23.*

**IC 14-27-7.7-2 Lease requirements**

Sec. 2. A lease executed under this chapter must meet the following requirements:

- (1) It must be for the development of hydroelectric power at the Williams Dam Fishing Area.
- (2) It must enhance the recreation and fishing potential of the Williams Dam Fishing Area.
- (3) The initial term of the lease may not exceed forty (40) years.

*As added by P.L.16-2009, SEC.23.*

**IC 14-27-7.7-3 Lease renewal**

Sec. 3. A lease executed under this chapter may provide for renewal at the option of the director, with the approval of the governor.

*As added by P.L.16-2009, SEC.23.*

**IC 14-27-7.7-4 Lease limitations and restrictions**

Sec. 4. A lease executed under this chapter may include any other limitations or restrictions determined necessary by the director.

*As added by P.L.16-2009, SEC.23.*

**IC 14-27-7.7-5 Disposition of lease revenues**

Sec. 5. Revenue from a lease under this chapter shall be used solely for the division of fish and wildlife.

*As added by P.L.16-2009, SEC.23.*

**IC 14-27-8****Chapter 8. Drainage Districts**

14-27-8-1	Applicability of chapter
14-27-8-2	"District" defined
14-27-8-3	"Ditch" or "drain" defined
14-27-8-4	Petition to establish district; filing
14-27-8-5	Petition to establish district; contents
14-27-8-6	Petition to establish district; signature
14-27-8-7	Petition to establish district; hearing
14-27-8-8	Petition to establish district; notice of hearing to resident landowners
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14-27-8-12	Drainage commissioners; terms
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14-27-8-16	Drainage commissioners; filling of vacancies; removal
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14-27-8-18	Maintenance of ditches and drains; labor and materials
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14-27-8-20	Fixing of assessment rate
14-27-8-21	Itemized statement of costs of petitioners
14-27-8-22	Collection of assessments
14-27-8-23	Carryover of balance in drainage maintenance fund
14-27-8-24	Dissolution of district; authority
14-27-8-25	Dissolution of district; petition

**IC 14-27-8-1      Applicability of chapter**

Sec. 1. This chapter applies if a public ditch or drain is established and constructed under the order of any of the following:

- (1) A circuit or superior court.
- (2) A county executive.

[Pre-1995 Recodification Citation: 13-2-21-2 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-2      "District" defined**

Sec. 2. As used in this chapter, "district" refers to a drainage maintenance and repair district.

[1995 Recodification Citation: New.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-3      "Ditch" or "drain" defined**

Sec. 3. As used in this chapter, "ditch" or "drain" includes the following:

- (1) A main dredge ditch.
- (2) The lateral ditches:
  - (A) tributary to a main ditch; and
  - (B) constructed as one (1) system of drainage by the use of a dredge machine.

[Pre-1995 Recodification Citation: 13-2-21-1.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-4      Petition to establish district; filing**

Sec. 4. (a) A petition requesting the establishment of a drainage maintenance and repair district under this chapter may not be filed after June 30, 2001.

(b) Twenty percent (20%) of the owners of the real property assessed for a ditch or drain who:

- (1) would benefit by the construction of the ditch or drain; and
- (2) own not less than twenty percent (20%) of the land in acreage that is assessed for the ditch or drain;

may file, in the office of the clerk of a circuit or superior court having jurisdiction in the county in which is located the greatest acreage of the land as last assessed with benefits for the construction or reconstruction of the ditch, a petition requesting the establishment of a drainage maintenance and repair district.

[Pre-1995 Recodification Citation: 13-2-21-2 part.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.276-2001, SEC.4.*

#### **IC 14-27-8-5            Petition to establish district; contents**

Sec. 5. A petition filed under section 4 of this chapter must do the following:

- (1) Describe all the land assessed with benefits for the construction or reconstruction of the ditch or drain.
- (2) State a general description of the ditch or drain that the district is proposed to keep in repair and to properly maintain.
- (3) State that the maintenance and repair of the ditch or drain is a work of necessity or public utility and can be best accomplished by the organization of the district.
- (4) Include other facts that are important.

[Pre-1995 Recodification Citation: 13-2-21-2 part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-8-6            Petition to establish district; signature**

Sec. 6. If the proposed district includes a city, town, or part of a city or town, the legislative body of the city or town may, after determining whether the city or town and the owners of land located in the city or town that would be included in the proposed district would benefit by the district, sign the petition. If a petition is signed by the legislative body, the petition shall be treated as if the petition were signed by all owners of land located in the city or town in the proposed district.

[Pre-1995 Recodification Citation: 13-2-21-2 part.]

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-8-7            Petition to establish district; hearing**

Sec. 7. (a) Upon the filing of a petition described in section 4 of this chapter, the clerk of the court shall do the following:

- (1) Fix by endorsement upon the petition a day in the next term of the court, not less than twenty (20) days later than the date of the filing of the petition, for the hearing.
- (2) Give notice of the filing and hearing at least ten (10) days before the day fixed for the hearing as follows:
  - (A) By summons, which shall be served by United States mail, return receipt requested.
  - (B) For owners of land in the city or town, by reading to the legislative body of the city or town or a majority of the members.
  - (C) By posting notice in five (5) of the most public places within the proposed district.
  - (D) By posting one (1) notice at the door of the courthouse in the county in which the petition is filed.
  - (E) For nonresidents of Indiana, by publication one (1) time in a newspaper of general circulation in the county.

(b) When notified under subsection (a), the legislative body shall make every reasonable effort to see that landowners in the city or town included in the proposed district are informed of the proposed district.

[Pre-1995 Recodification Citation: 13-2-21-3(a), (b), (c) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-8                    Petition to establish district; notice of hearing to resident landowners**

Sec. 8. Notice given under section 7 of this chapter must state the following:

- (1) The date of the filing.
- (2) The time and place of the hearing.
- (3) The fact that the petition requests the establishment of a district.
- (4) The name and a general description of the dredge ditch or drain for which it is proposed to establish the district.

[Pre-1995 Recodification Citation: 13-2-21-3(c) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-9                    Petition to establish district; notice of hearing to nonresident landowners**

Sec. 9. (a) If a landowner in the proposed district is not a resident of one (1) of the counties in which the proposed district will lie, the petitioners shall file in the clerk's office with the petition an affidavit that does the following:

- (1) Gives the name of every nonresident landowner.
- (2) States the landowner's post office address if known.
- (3) If the landowner's post office address is not known, states that diligent inquiry has been made to ascertain the address but has not been able to do so.

(b) The clerk shall mail a copy of the notice to every nonresident landowner whose post office address is stated in the affidavit not later than the day on which publication of the notice is made.

[Pre-1995 Recodification Citation: 13-2-21-3(d).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-10                  Petition to establish district; court proceedings**

Sec. 10. (a) Upon the hearing of a petition filed under section 4 of this chapter, an owner of real property within the proposed district may appear and contest the necessity for or utility of the establishment of the district.

(b) The court shall determine the following:

- (1) Whether the petition is signed by twenty percent (20%) of the landowners in the proposed district.
- (2) Whether the landowners represent at least twenty percent (20%) of the land in acreage included in the proposed district.

(c) If the court after hearing the evidence finds that a petition has not been signed as required by this chapter, the court shall dismiss the petition at the cost of the petitioners.

(d) If the court finds that:

- (1) a petition has been signed by twenty percent (20%) of the owners of land within the proposed district; and
- (2) the signers own at least twenty percent (20%) of the land in acreage;

the finding shall be entered of record and is conclusive upon all landowners owning land within the district who have been notified as required by this chapter.

(e) If it further appears to the court that:

- (1) the establishment of the proposed district is necessary; or
- (2) the district will be useful and a public utility;

the court shall adjudge the district established unless a remonstrance objecting to the establishment has been filed with the clerk of the court.

(f) A remonstrance filed under subsection (e) must contain the names of the following:

- (1) Owners of at least two-thirds (2/3) of the acreage described within the proposed district.

(2) Owners of land abutting on at least fifty-one percent (51%) of the length of the ditch.

(g) The court shall give the district a distinguishing name.

[Pre-1995 Recodification Citation: 13-2-21-4(a), (b), (c) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-11 Drainage commissioners; appointment; qualifications**

Sec. 11. (a) The board of commissioners of the county shall appoint three (3) drainage commissioners to do the following:

(1) Take charge of the maintenance and repair of the dredge ditch or drain within the district.

(2) Perform other duties assigned to the drainage commissioners under this chapter.

(b) A drainage commissioner must have the following qualifications:

(1) Own land in the district.

(2) Reside in the district.

(3) Be an individual of intelligence and good judgment.

(c) If the district is composed of land from more than one (1) county, the board of commissioners of each county may participate in the appointment of the drainage commissioners.

[Pre-1995 Recodification Citation: 13-2-21-4(c) part, (e).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-12 Drainage commissioners; terms**

Sec. 12. (a) The initial drainage commissioners serve for terms designated by the board of commissioners of the county as follows:

(1) One (1) drainage commissioner for one (1) year.

(2) One (1) drainage commissioner for two (2) years.

(3) One (1) drainage commissioner for three (3) years.

(b) Upon the expiration of the initial terms, the board of commissioners of the county shall appoint successors for terms of three (3) years.

[Pre-1995 Recodification Citation: 13-2-21-4(d) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-13 Drainage commissioners; oath**

Sec. 13. Before entering upon the discharge of their duties, the drainage commissioners shall take and subscribe an oath to do the following:

(1) Faithfully and honestly discharge the duties of office without favor or partiality.

(2) Give a true account of their work to the board of county commissioners whenever required to do so by law.

[Pre-1995 Recodification Citation: 13-2-21-4(d) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-14 Drainage commissioners; chairman; secretary**

Sec. 14. The drainage commissioners:

(1) shall elect one (1) of the drainage commissioners chairman; and

(2) may elect one (1) of the drainage commissioners secretary.

[Pre-1995 Recodification Citation: 13-2-21-6(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-15 Drainage commissioners; quorum**

Sec. 15. A majority of the drainage commissioners constitutes a quorum. A quorum is sufficient in any matter within their duties as drainage commissioners.

[Pre-1995 Recodification Citation: 13-2-21-6(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-16 Drainage commissioners; filling of vacancies; removal**

Sec. 16. (a) Upon the death or removal from the county of a drainage commissioner, the board of commissioners of the county shall appoint a successor.

(b) A drainage commissioner is subject to removal for cause upon written charges filed against the drainage commissioner in the circuit court, superior court, or probate court.

[Pre-1995 Recodification Citation: 13-2-21-6(b).]

*As added by P.L.1-1995, SEC.20. Amended by P.L.84-2016, SEC.71.*

**IC 14-27-8-17 Drainage commissioners; per diem compensation and traveling expenses**

Sec. 17. (a) A drainage commissioner serves without salary, but is entitled to be paid from the drainage maintenance fund twenty-five dollars (\$25) per day, not to exceed five hundred dollars (\$500) annually, for every day the drainage commissioner is actively and necessarily employed in the following:

(1) Going over the district for the purpose of inspecting the land and ditch and drains in the district.

(2) Preparing the statement of the annual assessment contemplated.

(b) A drainage commissioner is also entitled to be paid for traveling expense while engaged in the performance of duties under this chapter an amount for mileage equal to that amount per mile paid to state officers and employees.

[Pre-1995 Recodification Citation: 13-2-21-6(c).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-18 Maintenance of ditches and drains; labor and materials**

Sec. 18. (a) The drainage commissioners:

(1) shall at all times keep and maintain the dredge ditch and drain in proper condition; and

(2) may, subject to subsection (b), hire all labor, purchase all material, and do all acts that are necessary and incident to maintaining the ditch and drain.

(b) An obligation may not be made until the assessments are levied.

[Pre-1995 Recodification Citation: 13-2-21-5(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-19 Records of expenses; warrants**

Sec. 19. (a) The drainage commissioners shall do the following:

(1) Keep a complete record of their proceedings and note in the record all expenses incurred in the maintenance and repair of the ditch and drain.

(2) File with the county auditor an itemized statement showing the costs and expenses of the maintenance, and specifying the amounts due and owing to each person.

(b) The county auditor shall draw a warrant on the county treasurer in favor of each person for the amount due the person. The amount shall be paid out of the drainage maintenance fund created by assessments levied on the land benefited by the maintenance and repair as provided in this chapter.

[Pre-1995 Recodification Citation: 13-2-21-5(a) part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-20 Fixing of assessment rate**

Sec. 20. To raise the drainage maintenance fund, the drainage commissioners shall meet annually to do the following:

(1) Estimate the amount of money necessary to properly maintain the ditch and drain for the ensuing year.

(2) Determine what percent that amount is of the total of the last assessments made and confirmed by the court in the last proceedings to construct or reconstruct the ditch and drain. The drainage commissioners shall by resolution fix that percent as the assessment rate for the ensuing year, subject to the following:

(A) The assessment rate may not be greater than fifty percent (50%) of the last assessment.

(B) If, in a year there is an unencumbered balance in the drainage maintenance fund equal to or greater than four (4) times the estimated annual cost of the drainage maintenance, the annual assessment shall be omitted for that year.

[Pre-1995 Recodification Citation: 13-2-21-5(b).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-21 Itemized statement of costs of petitioners**

Sec. 21. The petitioners for the district shall present an itemized statement of all costs incurred by the petitioners in petitioning for the establishment of the district. If the drainage commissioners find the statement to be true and the expenses to be reasonable, the drainage commissioners shall include the expenses in the first assessment and reimburse the petitioners immediately.

[Pre-1995 Recodification Citation: 13-2-21-5(c).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-22 Collection of assessments**

Sec. 22. (a) The drainage commissioners shall, before November 1 of each year, file with the county auditor a certified copy of the resolution fixing the assessment rate.

(b) The county auditor shall do the following:

(1) Prepare an assessment duplicate assessing each tract of land with an amount determined by multiplying the last assessment on the tract of land made and confirmed by the court in the last proceedings to construct or reconstruct the ditch by the assessment rate.

(2) Deliver the assessment duplicate to the county treasurer at the same time the tax duplicates are delivered. However, if the amount to be collected is not greater than fifty cents (\$0.50), the county auditor may not deliver the assessment duplicate to the county treasurer to be collected.

(c) The county treasurer shall collect the assessments in the same ways as taxes are collected, except that the whole amount is due and payable and collected at the time of the payment of the spring installment of taxes. All laws concerning the collection of taxes apply to enforce the collection of assessments.

[Pre-1995 Recodification Citation: 13-2-21-5(d).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-23 Carryover of balance in drainage maintenance fund**

Sec. 23. A balance remaining in the drainage maintenance fund at the end of a year shall be carried forward into the drainage maintenance fund for the ensuing year.

[Pre-1995 Recodification Citation: 13-2-21-5(e).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-24 Dissolution of district; authority**

Sec. 24. A district established under this chapter or under IC 13-2-21 (before its repeal) may be dissolved by order of the court that established the district in accordance with:

(1) IC 36-9-27-27; or

(2) section 25 of this chapter.

[Pre-1995 Recodification Citation: 13-2-21-7(a).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-8-25            Dissolution of district; petition**

Sec. 25. (a) The court shall dissolve the district if it is shown that a petition for dissolution contains either of the following:

(1) The names of a majority of the drainage commissioners.

(2) The names of:

(A) the owners of at least two-thirds (2/3) of the acreage described within the district;  
and

(B) the owners of land abutting on at least fifty-one percent (51%) of the length of the ditch involved.

(b) A petition of dissolution may not be presented to the court until the district has been in existence for one (1) year.

(c) If the petition for dissolution is found by the court to be insufficient, the dissolution proceedings shall be dismissed at the cost of the petitioners for dissolution.

[Pre-1995 Recodification Citation: 13-2-21-7(b).]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-9 Chapter 9. Powers of Certain Drainage Corporations**

14-27-9-1	Assessments
14-27-9-2	Objections; appeals
14-27-9-3	Filing of assessments and placement on tax duplicate

**IC 14-27-9-1 Assessments**

Sec. 1. (a) If a nonprofit drainage corporation organized under Acts 1913, c.165 and reorganized under:

- (1) IC 23-7-1 (before its repeal on September 2, 1971);
- (2) IC 23-7-1.1 (before its repeal on August 1, 1991); or
- (3) IC 23-17;

determines that repairs to a project constructed under a statute specified in this subsection are necessary, the board of directors may assess the land originally assessed for an amount not more than twenty-five percent (25%) of the original cost of construction.

(b) The schedule of assessments for repairs shall be posted in the offices of the corporation and printed in a newspaper of general circulation in the county.

[Pre-1995 Recodification Citation: 13-2-30-1 part.]

*As added by P.L.1-1995, SEC.20.*

**IC 14-27-9-2 Objections; appeals**

Sec. 2. (a) The board shall hear an objection offered by an affected landowner to the assessment for repairs within ten (10) days of the posting under section 1 of this chapter.

(b) An affected landowner may appeal the assessment to the circuit court, superior court, or probate court of the county within ten (10) days after the hearing.

[Pre-1995 Recodification Citation: 13-2-30-1 part.]

*As added by P.L.1-1995, SEC.20. Amended by P.L.84-2016, SEC.72.*

**IC 14-27-9-3 Filing of assessments and placement on tax duplicate**

Sec. 3. (a) The board of directors of the corporation shall file a statement of the repair assessments with the county auditor. The assessments are a lien upon filing.

(b) The county auditor shall do the following:

- (1) Draw a warrant for the total amount of the repair assessments payable to the treasurer of the corporation.
- (2) Place the repair assessments on the tax duplicate of each affected landowner.

[Pre-1995 Recodification Citation: 13-2-30-2.]

*As added by P.L.1-1995, SEC.20.*