

IC 14-33

ARTICLE 33. CONSERVANCY DISTRICTS

IC 14-33-1

Chapter 1. Purposes

IC 14-33-1-1

General purposes

Sec. 1. (a) A conservancy district may be established for any of the following purposes:

- (1) Flood prevention and control.
- (2) Improving drainage.
- (3) Providing for irrigation.
- (4) Providing water supply, including treatment and distribution, for domestic, industrial, and public use.
- (5) Providing for the collection, treatment, and disposal of sewage and other liquid wastes.
- (6) Developing forests, wildlife areas, parks, and recreational facilities if feasible in connection with beneficial water management.
- (7) Preventing the loss of topsoil from injurious water erosion.
- (8) Storage of water for augmentation of stream flow.
- (9) Operation, maintenance, and improvement of:
 - (A) a work of improvement for water based recreational purposes; or
 - (B) other work of improvement that could have been built for any other purpose authorized by this section.

(b) These purposes may be accomplished by cooperating with federal and state agencies whose programs are designed to accomplish any of the purposes of the district.

As added by P.L.1-1995, SEC.26.

IC 14-33-1-2

Sewage collection, treatment, and disposal; petition to engage in services outside territory boundaries

Sec. 2. (a) A district established for the purpose of section 1(a)(5) of this chapter that proposes to collect, treat, or dispose of sewage and other liquid wastes produced outside of the district boundaries must petition the Indiana utility regulatory commission for territorial authority to engage in the services to territory outside of the boundaries of the district.

(b) Upon notice and hearing, the Indiana utility regulatory commission shall determine the following:

- (1) The territory outside of the boundaries from which sewage and other liquid wastes may be collected, treated, or disposed of.
- (2) The rates and charges that the district may make for the services.

As added by P.L.1-1995, SEC.26.

IC 14-33-1-3

Use of powers to accomplish purpose of district

Sec. 3. Powers granted by this article may be used only to accomplish each purpose set forth by the court in the order establishing the district. However, a district plan or act of the board necessary to accomplish a purpose for which the district is established is not invalid because the district plan or act incidentally accomplishes a purpose other than a purpose for which the district is established.

As added by P.L.1-1995, SEC.26.

IC 14-33-1-4

Adding purpose to established district

Sec. 4. To add a purpose to an established district:

- (1) the same procedure may be used as is provided for the establishment of a district; or
- (2) the board may pass a resolution adding an additional authorized purpose to the district already established if the board has received a petition that:
 - (A) is signed by at least ten percent (10%) of the freeholders in the district; and
 - (B) requests the addition of the purpose to the district.

As added by P.L.1-1995, SEC.26.

IC 14-33-1-5

Procedures following passage of resolution

Sec. 5. (a) If a petition is filed and a resolution passed under section 4 of this chapter, the board shall file the resolution and petition with the court.

(b) Upon receipt, the court shall do the following:

- (1) Order a hearing.
- (2) Have a copy of the resolution and the date of the hearing forwarded to the commission.
- (3) Order notice of the hearing as follows:
 - (A) A copy of the resolution and the time and place of the hearing shall be published at least one (1) time in at least one (1) newspaper of general circulation in each county containing land in the district.
 - (B) A copy of the notice as prepared for publication shall be sent by mail, first class postage prepaid, to each freeholder.

(c) The mailing of notice and proof of notice is the same as is required for notice of the hearing on the original petition to establish the district.

(d) The notice to the commission, the publication, and the mailing must be done at least thirty (30) days before the date of the hearing.

(e) If:

- (1) at the hearing an objection is not filed by the commission or by an owner of real property; and
 - (2) the court determines that the petition is proper;
- the court shall order the district to be established also for the

additional purpose.

(f) If an objection is filed, the court shall do the following:

(1) Determine at the hearing the following:

(A) The sufficiency of the petition.

(B) The necessity and feasibility of adding the purpose.

(2) Make the order according to the facts found.

As added by P.L.1-1995, SEC.26.