

CHAPTER 25

INCORPORATION AND ANNEXATION PROCEDURE

TITLE

2500. Title.

This chapter shall be entitled "Incorporation of and Annexation by Cities, Towns and Villages." (Ord. 39, Ordination Clause)

DEFINITIONS

2510. Definitions.

The following words and phrases are defined as follows.

2511. Legislature.

Legislature means the County Legislature of Jackson County. (Ord. 39, Sec. 8.57, Eff. 4-18-73)

2512. Municipality.

Municipality shall include cities, towns and villages. (Ord. 39, Sec. 8.57, Eff. 4-18-73)

PROCEDURE FOR INCORPORATION

2520. Incorporation, Required Documentation.

Persons desiring to incorporate any municipality in Jackson County shall file the following with the Clerk of the County Legislature. (Ord. 39, Sec. 8.58, Eff. 4-18-73)

2520.1 Maps of Area.

Four (4) clear, legible maps of the area shall be filed showing all streets, subdivisions and blocks by name, and number or letter, school district, sewer district, water and fire district and similar governmental subdivision lines wholly or partly in or adjacent to the area, or if no school district line is wholly or partly in or adjacent to the area, then the map shall include a legend setting out the school district in which the area is located; the boundaries of the proposed municipality in bold lines, with sufficient distances and courses marked on the lines, with sufficient distances and courses marked on the map to clearly show the true dimensions of the area, the boundaries of adjacent municipalities, and where possible the boundaries of nearby municipalities and other governmental districts, and the numbers or other designation of all lots adjacent to or the boundaries of which are intersected by the municipal limits, whether those lots are wholly or partly within the area outside the proposed limits but adjacent to the area. (Ord. 39, Sec. 8.58(a), Eff. 4-18-73)

2520.2 Verified Statement.

A verified statement shall be filed in quadruplicate showing the approximate total population and number of the taxable inhabitants and the correct legal description of the area and boundaries. (Ord. 39, Sec. 8.58(b), Eff. 4-18-73)

2520.3 Names and Addresses of Petitioners.

The names, addresses and telephone numbers of at least three (3) of the proposed petitioners or that of their attorney shall be filed. (Ord. 39, Sec. 8.58(c), Eff. 4-18-73)

2520.4 Assessed Valuation of Property and Proposed Budget.

The assessed valuation of the property, real and personal, in the area to be incorporated, together with a proposed budget for the first year of operation of the proposed municipality, shall be filed. The proposed budget shall be based on the assessed valuation of the property in the proposed municipality and shall show the anticipated revenue during the first year of operation of the municipality, as well as the municipal services to be rendered to the people of the proposed municipality, if it is incorporated. (Ord. 39, Sec. 8.58(d), Eff. 4-18-73)

2520.5 When Filed.

The documents required by Sections 2520.01 through 2520.04 may be filed either before a petition of incorporation is filed or at the time of filing the petition for incorporation. (Ord. 39, Sec. 8.58, Eff. 4-18-73)

2521. Deposit for Costs.

At the time the maps and statements required by Sections 2520.01 and 2520.02 are filed, the petitioners shall deposit with the Clerk of the County Legislature the sum of sixty dollars (\$60) for costs which shall be allocated as follows. (Ord. 39, Sec. 8.64, Eff. 4-18-73)

2521.1 Ten Dollars.

Ten dollars (\$10) shall be taxed to cover the cost of investigating and reporting by each of the three (3) offices required by Section 2522.00 to make a report. (Ord. 39, Sec. 8.64, Eff. 4-18-73)

2521.2 Balance of Deposit.

The balance of the sixty dollars (\$60) shall be subject to the costs of the Clerk of County Legislature in making and certifying the order of incorporation, if any, or in making a transcript on appeal. (Ord. 39, Sec. 8.64, Eff. 4-18-73)

2521.3 Remaining Funds.

Any portion of the deposit remaining shall be refunded to the petitioners or their attorneys. (Ord. 39, Sec. 8.64, Eff. 4-18-73)

2522. Information Forwarded After Receipt.

On receipt of the maps and verified statements required by Sections 2520.01 and 2520.02, the Clerk of the County Legislature shall promptly forward one (1) copy to the County

Counselor, one (1) to the Plan Commission and one (1) to the Director of Public Works. (Ord. 39, Sec. 8.59, Eff. 4-18-73)

2523. Written Report.

The County Counselor, the Plan Commission, Director of Public Works and the Clerk of the County Legislature shall within thirty (30) days verified statements file in duplicate a written report. (Ord. 39, Sec. 8.59, Eff. 4-18-73)

2523.1 Where Filed.

The written report shall be filed in the office of the Clerk of the County Legislature. (Ord. 39, Sec. 8.59, Eff. 4-18-73)

2523.2 Contents.

The written report shall wholly or partially approve or disapprove the proposed incorporation giving the reasons for disapproval, if any. The report shall include recommendations for correction of any proposed boundary, or otherwise. (Ord. 39, Sec. 8.59, Eff. 4-18-73)

2523.3 Failure to Make Timely Report.

If the County Counselor, the Plan Commission, Director of Public Works or the Clerk of the County Legislature fails to file a report within the time required by Section 2523.00, the proposed incorporation shall be considered approved by the officer not filing a report. (Ord. 39, Sec. 8.59, Eff. 4-18-73)

2524. Copies of Reports to Petitioners.

Within thirty-four (34) days after the filing of the required maps and statements the Clerk of the County Legislature shall mail to the attorney for the parties filing those documents, or if the parties have no attorney, to the first named of the proposed petitioners, one (1) copy of the report from each of the county offices required to file a report. If no report was filed by one or more of said offices, a statement to that effect from the Clerk of the County Legislature. (Ord. 39, Sec. 8.60, Eff. 4-18-73)

2525. Incorporation, Petition for.

If the petition for incorporation has not been previously filed, it may be filed any time within sixty (60) days after the Clerk of the County Legislature mails the reports as provided by Section 2524.00 to the petitioners. (Ord. 39, Sec. 8.61, Eff. 4-18-73)

2525.1 Contents.

The petition shall so far as possible, conform to and follow the recommendations of the reports filed by the County Counselor, the Plan Commission, the Director of Public Works and the Clerk of the County Legislature. If for any reason this cannot be done in any particular, the petitioners shall have the burden of justifying the variance. (Ord. 39, Sec. 8.62, Eff. 4-18-73)

2525.2 Copies of Petitions.

A copy of the petition shall be referred to the Manager of the Division of Property who shall verify the assessed valuation and report to the County Legislature. The Manager shall also advise the County Legislature on the status of the tax collections in the area sought to be incorporated. (Ord. 39, Sec. 8.58 (e), Eff. 4-18-73)

2525.3 Extension of Time to File.

The County Legislature may grant more time to file the petition for incorporation. (Ord. 39, Sec. 8.61, Eff. 4-18-73)

2525.4 Failure to Timely File.

If the petition for incorporation is not filed within the time set forth in Section 2525.00 or within the extended time, no petition shall be filed until the requirements of Sections 2520.00 through 2524.00 are met again. (Ord. 39, Sec. 8.61, Eff. 4-18-73)

2526. Proof.

Strict proof shall be required of all facts necessary to be established for the incorporation of municipalities. (Ord. 39, Sec. 8.63, Eff. 4-18-83)

HEARING BEFORE LEGISLATURE

2530. When Hearing Set.

If the petition for incorporation is filed with the maps and statements required by Sections 2520.01 and 2520.02, the County Legislature shall at its first regular meeting after the Clerk of the County Legislature has mailed the reports, as required by Section 2524.00, set the petition for hearing within sixty (60) days unless at that meeting the petitioners or any of the agencies required to report on the petition request further time. (Ord. 39, Sec. 8.65, Eff. 4-18-73)

2531. Incorporation Hearing.

After hearing the petitioners, and the opponents to the incorporation, if any, the County Legislature may take the matter under advisement until such time as the County Legislature has had an opportunity to study the particular reports and recommendations and the evidence adduced at the hearing. (Ord. 39, Sec. 8.65, Eff. 4-18-73)

2532. Determination by Legislature.

At such time as the County Legislature has concluded its studies after the hearing and is ready to determine whether the petition should be granted, it shall order the matter of the petition for incorporation placed on the agenda not less than two (2) weeks from the time it has concluded its study. (Ord. 39, Sec. 8.65, Eff. 4-18-73)

2533. Further Considerations When Matter on Agenda.

On the day when the matter is on the agenda for a determination by the County Legislature, the County Legislature shall further consider the particular recommendations, statements and evidence. (Ord. 39, Sec. 8.65, Eff. 4-18-73)

2534. Vote by Legislature.

At the meeting when the matter is on the agenda, the County Legislature shall by its vote determine whether the petition should be granted, and whether any necessary election should be called. (Ord. 39, Sec. 8.65, Eff. 4-18-73)

2535. Failure of Legislature to Render Determination.

Should the County Legislature fail to make its determination, within six (6) months of the date of filing of the petition, the petition shall be deemed granted. (Ord. 39, Sec. 8.65, Eff. 4-18-73)