

SENATE BILL No. 509

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8.

Synopsis: Fire department residency requirements. Requires a member of a city, town, or township (unit) fire department to reside within Indiana and not more than 50 miles from the boundaries of the unit. Allows a member of a unit's fire department to reside outside Indiana if: (1) the unit adopts an ordinance or resolution allowing a member to reside outside Indiana; and (2) the member resides not more than 50 miles from the unit's boundaries. (Current law requires a member of a fire department to live within the county where the unit is located or a contiguous county). Eliminates provisions allowing a unit to adopt an ordinance or resolution requiring a member of the fire department to reside within the county where the unit is located, within the unit, or within a distance from the unit.

Effective: July 1, 2019.

Raatz

January 14, 2019, read first time and referred to Committee on Local Government.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 509

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-4-2, AS AMENDED BY P.L.65-2008,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 2. (a) **Except as provided in subsections (c)**
4 **through (f)**, members of the police ~~and fire~~ departments must reside
5 in Indiana within:
6 (1) the county in which the city is located; or
7 (2) a county that is contiguous to the county in which the city is
8 located.
9 (b) **A member of a city fire department shall reside in Indiana**
10 **and not more than fifty (50) miles from the boundary of the city**
11 **where the fire department is located. However, a member of a city**
12 **fire department may reside outside Indiana, if:**
13 (1) **the city adopts an ordinance allowing a member to reside**
14 **outside Indiana; and**
15 (2) **the member resides not more than fifty (50) miles from the**
16 **boundary of the city.**
17 (c) ~~(b)~~ **(c) In a consolidated city, a member of the police department**



1 who was residing outside the county on January 1, 1975, is exempt
2 from subsection (a).

3 ~~(e)~~ **(d)** A city with a population of less than seven thousand five
4 hundred (7,500) may adopt an ordinance that requires a member of the
5 city's police ~~or fire~~ department to comply with the following:

- 6 (1) Reside within the county in which the city is located.
- 7 (2) Have adequate means of transportation into the city.
- 8 (3) Maintain in the member's residence telephone service with the
9 city.

10 ~~(d)~~ **(e)** This subsection applies to a city that:

- 11 (1) has a population of less than seven thousand five hundred
12 (7,500); and
- 13 (2) adopted an ordinance to establish the requirements described
14 in this subsection before September 1, 1984.

15 A city may require, in addition to the requirements of subsection ~~(e)~~;
16 **(d)**, that a member of the police ~~or fire~~ department reside within the
17 city until the member has served in the department for five (5) years.

18 ~~(e)~~ **(f)** An ordinance ~~adopted under described in~~ subsection ~~(e)~~ **(d)**
19 ~~or described in subsection (d)(2)~~ **(e)(2)** may not require a member of
20 a city's police ~~or fire~~ department to reside within the county in which
21 the city is located if the member resides outside the county on the date
22 the ordinance is adopted.

23 SECTION 2. IC 36-8-4.5-4, AS ADDED BY P.L.65-2008,
24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2019]: Sec. 4. A member of a town police ~~or fire~~ department
26 must reside in Indiana within:

- 27 (1) the county in which the town is located; or
- 28 (2) a county that is contiguous to the county in which the town is
29 located.

30 SECTION 3. IC 36-8-4.5-4.5 IS ADDED TO THE INDIANA
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2019]: **Sec. 4.5. (a) A member of a town fire**
33 **department shall reside:**

- 34 **(1) in Indiana; and**
- 35 **(2) not more than fifty (50) miles from the boundary of the**
36 **town where the fire department is located.**

37 **(b) Notwithstanding subsection (a), a member of a town fire**
38 **department may reside outside Indiana, if:**

- 39 **(1) the town adopts an ordinance allowing a member to reside**
40 **outside Indiana; and**
- 41 **(2) the member resides not more than (50) miles from the**
42 **boundary of the town where the fire department is located.**



1 SECTION 4. IC 36-8-4.5-5, AS ADDED BY P.L.65-2008,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 5. A town with a population of less than seven
 4 thousand five hundred (7,500) may adopt an ordinance that requires a
 5 member of the town police ~~or fire~~ department to satisfy all of the
 6 following:

7 (1) Reside within:

8 (A) the county in which the town is located; or

9 (B) a distance from the town stated in the ordinance.

10 (2) Have adequate means of transportation into the town.

11 (3) Maintain in the member's residence telephone service with the
 12 town.

13 SECTION 5. IC 36-8-4.5-6, AS ADDED BY P.L.65-2008,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 6. This section applies to a town that:

16 (1) has a population of less than seven thousand five hundred
 17 (7,500); and

18 (2) adopted an ordinance to establish the requirements described
 19 in this section before September 1, 1984.

20 A town may require, in addition to the requirements of section 5 of this
 21 chapter, that a member of the police ~~or fire~~ department reside within
 22 the town until the member has served in the department for five (5)
 23 years.

24 SECTION 6. IC 36-8-4.5-7, AS ADDED BY P.L.65-2008,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 7. An ordinance ~~adopted under described in~~
 27 section 5 or 6 of this chapter may not require a member of a town
 28 police ~~or fire~~ department to comply with section 5(1) of this chapter if
 29 the member resides:

30 (1) outside the county; or

31 (2) a distance outside the town greater than stated in the
 32 ordinance.

33 on the date the ordinance is adopted.

34 SECTION 7. IC 36-8-13.5-4, AS ADDED BY P.L.65-2008,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 4. **(a)** A member of a township fire department
 37 **must shall** reside:

38 **(1) in Indiana; and within:**

39 **(2) not more than fifty (50) miles from the boundary of the**
 40 **township where the fire department is located.**

41 **(+) the county in which the township is located; or**

42 **(2) a county that is contiguous to the county in which the**



1 township is located:

2 **(b) Notwithstanding subsection (a), a member may reside**
 3 **outside Indiana, if:**

4 **(1) the township adopts a resolution allowing a member to**
 5 **reside outside Indiana; and**

6 **(2) the member resides not more than fifty (50) miles from the**
 7 **boundary of the township where the fire department is**
 8 **located.**

9 SECTION 8. IC 36-8-13.5-5 IS REPEALED [EFFECTIVE JULY
 10 1, 2019]. Sec. 5: A township with a population of less than seven
 11 thousand five hundred (7,500) may adopt a resolution that requires a
 12 member of the township fire department to satisfy all of the following:

13 (1) Reside within:

14 (A) the county in which the township is located; or

15 (B) a distance from the township stated in the resolution:

16 (2) Have adequate means of transportation into the township:

17 (3) Maintain in the member's residence telephone service with the
 18 township.

19 SECTION 9. IC 36-8-13.5-6 IS REPEALED [EFFECTIVE JULY
 20 1, 2019]. Sec. 6: This section applies to a township that:

21 (1) has a population of less than seven thousand five hundred
 22 (7,500); and

23 (2) adopted a resolution to establish the requirements described
 24 in this section before September 1, 1984.

25 A township may require, in addition to the requirements of section 5 of
 26 this chapter, that a member of the township fire department reside
 27 within the township until the member has served in the department for
 28 five (5) years.

29 SECTION 10. IC 36-8-13.5-7 IS REPEALED [EFFECTIVE JULY
 30 1, 2019]. Sec. 7: A resolution adopted under section 5 or 6 of this
 31 chapter may not require a member of a township fire department to
 32 comply with section 5(1) of this chapter if the member resides

33 (1) outside the county; or

34 (2) a distance outside the township greater than stated in the
 35 resolution;

36 on the date the resolution is adopted.

