

IC 36-2

**ARTICLE 2. GOVERNMENT OF COUNTIES
GENERALLY**

IC 36-2-1

Chapter 1. Division of State Into Counties

IC 36-2-1-1

Names of counties

Sec. 1. Indiana is divided into the ninety-two (92) counties named in this section. The boundaries of these counties existing on August 31, 1981, remain in effect until changed in the manner prescribed by section 2 of this chapter. The counties are:

- (1) Adams County.
- (2) Allen County.
- (3) Bartholomew County.
- (4) Benton County.
- (5) Blackford County.
- (6) Boone County.
- (7) Brown County.
- (8) Carroll County.
- (9) Cass County.
- (10) Clark County.
- (11) Clay County.
- (12) Clinton County.
- (13) Crawford County.
- (14) Daviess County.
- (15) Dearborn County.
- (16) Decatur County.
- (17) DeKalb County.
- (18) Delaware County.
- (19) Dubois County.
- (20) Elkhart County.
- (21) Fayette County.
- (22) Floyd County.
- (23) Fountain County.
- (24) Franklin County.
- (25) Fulton County.
- (26) Gibson County.
- (27) Grant County.
- (28) Greene County.
- (29) Hamilton County.
- (30) Hancock County.
- (31) Harrison County.
- (32) Hendricks County.
- (33) Henry County.
- (34) Howard County.
- (35) Huntington County.
- (36) Jackson County.
- (37) Jasper County.

- (38) Jay County.
- (39) Jefferson County.
- (40) Jennings County.
- (41) Johnson County.
- (42) Knox County.
- (43) Kosciusko County.
- (44) LaGrange County.
- (45) Lake County.
- (46) LaPorte County.
- (47) Lawrence County.
- (48) Madison County.
- (49) Marion County.
- (50) Marshall County.
- (51) Martin County.
- (52) Miami County.
- (53) Monroe County.
- (54) Montgomery County.
- (55) Morgan County.
- (56) Newton County.
- (57) Noble County.
- (58) Ohio County.
- (59) Orange County.
- (60) Owen County.
- (61) Parke County.
- (62) Perry County.
- (63) Pike County.
- (64) Porter County.
- (65) Posey County.
- (66) Pulaski County.
- (67) Putnam County.
- (68) Randolph County.
- (69) Ripley County.
- (70) Rush County.
- (71) St. Joseph County.
- (72) Scott County.
- (73) Shelby County.
- (74) Spencer County.
- (75) Starke County.
- (76) Steuben County.
- (77) Sullivan County.
- (78) Switzerland County.
- (79) Tippecanoe County.
- (80) Tipton County.
- (81) Union County.
- (82) Vanderburgh County.
- (83) Vermillion County.
- (84) Vigo County.
- (85) Wabash County.
- (86) Warren County.
- (87) Warrick County.

(88) Washington County.

(89) Wayne County.

(90) Wells County.

(91) White County.

(92) Whitley County.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-2

Changing boundaries; transfer of territory; petition; signatures; election; order

Sec. 2. (a) If the resident voters in a specified territory in two (2) or more contiguous counties desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

(1) be signed by at least the number of voters resident in the territory requested to be transferred required to place a candidate on the ballot under IC 3-8-6-3;

(2) contain a clear, distinct description of the requested boundary change; and

(3) not propose to decrease the area of any county below four hundred (400) square miles in compliance with Article 15, Section 7 of the Constitution of the State of Indiana.

(b) Whenever a petition under subsection (a) is filed with a county executive, the executive shall determine, at its first meeting after the petition is filed:

(1) whether the signatures on the petition are genuine; and

(2) whether the petition complies with subsection (a).

(c) If the determinations under subsection (b) are affirmative, the executive shall certify the question to the county election board of each affected county. The county election boards shall jointly order a special election to be held, scheduling the election so that the election is held on the same date in each county interested in the change, but not later than thirty (30) days and not on the same date as a general election. The election shall be conducted under IC 3-10-8-6. All voters of each interested county are entitled to vote on the question. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the boundaries of _____ County and _____ County change?".

(d) After an election under subsection (c), the clerk of each county shall make a certified copy of the election returns and not later than five (5) days after the election file the copy with the auditor of the county. The auditor shall, not later than five (5) days after the filing of the returns in the auditor's office, make a true and complete copy of the returns, certified under the auditor's hand and seal, and deposit the copy with the auditor of every other county interested in the change.

(e) After copies have been filed under subsection (d), the auditor of each county shall call a meeting of the executive of the county, which shall examine the returns. If a majority of the voters of each

interested county voted in favor of change, the executive shall:

- (1) enter an order declaring their boundaries to be changed as described in the petition; and
- (2) if the county has received territory from the transfer, adopt revised descriptions of:
 - (A) county commissioner districts under IC 36-2-2-4; and
 - (B) county council districts under IC 36-2-3-4;

so that the transferred territory is assigned to at least one (1) county commissioner district and at least one (1) county council district.

(f) The executive of each county shall file a copy of the order described in subsection (e)(1) with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of the county.

Except as provided in subsection (g), the transfer of territory becomes effective when the last county order is filed under this subsection.

(g) An order declaring county boundaries to be changed may not take effect during the year preceding a year in which a federal decennial census is conducted. An order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(h) An election under this section may be held only once every three (3) years.

(i) Notwithstanding subsection (g) as that subsection existed on December 31, 2009, a boundary change that took effect January 2, 2010, because of the application of subsection (g), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without an amended order or any other additional action being required.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.5-1986, SEC.32; P.L.3-1987, SEC.541; P.L.5-1989, SEC.85; P.L.12-1995, SEC.126; P.L.3-1997, SEC.450; P.L.2-1998, SEC.82; P.L.123-2000, SEC.1; P.L.113-2010, SEC.113.

IC 36-2-1-3

Order declaring boundaries to be changed; effect

Sec. 3. An order made under section 2(e) of this chapter operates to transfer the detached territory, and all persons and property in that territory, to the jurisdiction of the county to which it is attached for all judicial purposes, either civil or criminal.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-4

Taxation; indebtedness existing in interested counties

Sec. 4. If any indebtedness exists in either, both, or all of the interested counties, the fiscal body of the county shall levy, from year to year, a tax upon the detached territory, by such a rate on all the taxable property in the detached district as is necessary to liquidate and pay the indebtedness of the county from which the territory was detached until the indebtedness is fully paid. The rate may not exceed

that levied on the county so indebted. The auditor of each of the affected counties shall certify the rate so levied to the auditor of the county to which the territory was attached, which auditor shall place that rate on the tax duplicate of his county, and the treasurer of that county shall collect the tax, and, on demand of the treasurer of the proper county, shall pay over the revenue as other monies are paid out.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-5

Tax list; detached territory

Sec. 5. The executives of the affected counties shall order the auditors of their respective counties to make out a true and complete copy of all the property listed for taxation, either real, personal, or mixed, and all the names that appear upon the tax duplicates of their respective counties embraced within the detached territory, and to transmit the copy to the auditor of the county to which the territory is attached, for the purpose of taxation.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-6

Deeds and mortgages of real property in detached territory; copies; filing; evidence

Sec. 6. (a) The executive of a county from which territory is detached shall procure a suitable book and order the recorder of the county to copy in it, from the records in his office, all deeds and mortgages of real property in the detached territory that have been recorded.

(b) The copies made under subsection (a) shall be filed with the recorder of the county to which the territory is attached. If a copy made under subsection (a) is certified by the recorder who copied it as a true and complete copy of the instrument recorded in his office, it shall be admitted as evidence with the same force as the original record.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-7

Effect of change in boundaries; officers in office; pending actions in court; taxes due; court orders

Sec. 7. (a) All officers within the detached territory continue in office until replaced by qualified successors.

(b) A change in county boundaries does not affect any action pending in any court. All taxes due the state or county at the time of a boundary change shall be collected in the same manner as if the affected territory had not been detached.

(c) All court orders and judgments entered before a change in county boundaries remain in force until finally satisfied or settled.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-8

Revised descriptions of changed boundaries; filing

Sec. 8. (a) Whenever the boundaries of a county are changed, the surveyor shall file a revised description of the boundaries of the county with the office of the secretary of state not later than thirty (30) days after the change takes effect.

(b) The office of the secretary of state shall maintain an accurate file of the boundary descriptions filed under this section.

As added by Acts 1980, P.L.125, SEC.12. Amended by P.L.5-1989, SEC.86; P.L.3-1997, SEC.451; P.L.123-2000, SEC.2.

IC 36-2-1-9

Territory not included in any county

Sec. 9. If any territory in Indiana is not included in one (1) of the counties established under this chapter, the territory is included in the county that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all counties contiguous to that territory.

As added by P.L.3-1993, SEC.254.

IC 36-2-1-10

Territory included in more than one county

Sec. 10. If any territory in Indiana is included in more than one (1) of the counties established under this chapter, the territory is included in the county that:

- (1) is one (1) of the counties in which the territory is described under section 1 of this chapter;
- (2) is contiguous to that territory; and
- (3) contains the least population of all counties contiguous to that territory.

As added by P.L.3-1993, SEC.255.