

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 491

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-4-3-4, AS AMENDED BY P.L.105-2022, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

- (1) Territory that is contiguous to the municipality.
- (2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated as either of the following:
 - (A) An airport or landing field.
 - (B) A wastewater treatment facility or water treatment facility.
After a municipality annexes territory under this clause, the municipality may annex additional territory to enlarge the territory for the use of the wastewater treatment facility or water treatment facility only if the county legislative body approves that use of the additional territory by ordinance.
- (3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by:
 - (A) a municipally owned or regulated sanitary landfill, golf course, or hospital;
 - (B) a police station of the municipality; or
 - (C) a solar electric generating facility that is or will be interconnected to an electric utility owned by the municipality.

SEA 491



However, if territory annexed under subdivision (2) or (3) ceases to be used for the purpose for which the territory was annexed for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation. Territory that is annexed under subdivision (2) (including territory that is enlarged under subdivision (2)(B) for the use of the wastewater treatment facility or water treatment facility) or subdivision (3) may not be considered a part of the municipality for purposes of annexing additional territory.

(b) This subsection applies to ~~municipalities in any of the following:~~
~~counties:~~

- (1) A **municipality in a** county having a population of more than sixty-six thousand six hundred (66,600) and less than seventy thousand (70,000).
- (2) A **municipality in a** county having a population of more than eighty-two thousand (82,000) and less than eighty-three thousand (83,000).
- (3) A **municipality in a** county having a population of more than eighty thousand four hundred (80,400) and less than eighty-two thousand (82,000).
- (4) A **municipality in a** county having a population of more than forty-six thousand (46,000) and less than forty-six thousand four hundred (46,400).
- (5) A **municipality in a** county having a population of more than thirty-seven thousand (37,000) and less than thirty-seven thousand nine hundred (37,900).
- (6) A **municipality in a** county having a population of more than thirty-six thousand five hundred (36,500) and less than thirty-six thousand seven hundred (36,700).
- (7) A **municipality in a** county having a population of more than thirty-two thousand (32,000) and less than thirty-three thousand (33,000).
- (8) A **municipality in a** county having a population of more than twenty-three thousand (23,000) and less than twenty-three thousand three hundred seventy-five (23,375).
- (9) A **municipality in a** county having a population of more than

SEA 491



two hundred thousand (200,000) and less than two hundred fifty thousand (250,000).

(10) A **municipality in a** county having a population of more than two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).

(11) A **municipality in a** county having a population of more than thirty thousand nine hundred (30,900) and less than thirty-two thousand (32,000).

(12) A **municipality in a** county having a population of more than eighty thousand (80,000) and less than eighty thousand four hundred (80,400).

(13) A city having a population of more than five thousand one hundred forty (5,140) and less than five thousand two hundred (5,200).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred fifty thousand (250,000) and less than three hundred thousand (300,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or



- (B) in a county having a population of more than two hundred fifty thousand (250,000) and less than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;
- (2) expanding the municipality's extraterritorial jurisdictional area; or
- (3) changing an assigned service area under IC 8-1-2.3-6(1).
- (e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.
- (f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).
- (g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.
- (h) This subsection applies to a city having a population of more than twenty-eight thousand (28,000) and less than twenty-nine thousand (29,000). The city legislative body may, by ordinance, annex territory that:
 - (1) is not contiguous to the city;
 - (2) has its entire area not more than eight (8) miles from the city's boundary;
 - (3) does not extend more than:
 - (A) one and one-half (1 1/2) miles to the west;
 - (B) three-fourths (3/4) mile to the east;
 - (C) one-half (1/2) mile to the north; or
 - (D) one-half (1/2) mile to the south;
 of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and
 - (4) is owned by the city or by a property owner that consents to the annexation.
- (i) This subsection applies to a city having a population of more than thirty-four thousand (34,000) and less than thirty-four thousand five hundred (34,500). The city legislative body may, by ordinance, annex territory under section 5.1 of this chapter:
 - (1) that is not contiguous to the city;
 - (2) that is south of the southernmost boundary of the city;
 - (3) the entire area of which is not more than four (4) miles from the city's boundary; and
 - (4) that does not extend more than one (1) mile to the east of a state highway (as designated by the state highway authorities).
 Territory annexed under this subsection is not considered a part of the



city for purposes of annexation of additional territory. A city may not require connection to a sewer installed to provide service to territory annexed under this subsection.

(j) A third class city may annex a residential development under section 5.2 of this chapter that is not contiguous to the city.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 491

