

SENATE BILL No. 257

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-6-4.

Synopsis: Coordination of enforcement actions. Requires, before bringing certain civil actions relating to the use of property or unlicensed conduct, a municipal corporation in a consolidated city to take reasonable steps to determine whether another proceeding concerning that property or other property owned by the same owner is pending. Authorizes the municipal corporation to consolidate the actions or otherwise coordinate enforcement actions, and provides that the failure to determine whether another proceeding is pending does not provide a basis for dismissal or sanction.

Effective: July 1, 2009.

Breaux

January 7, 2009, read first time and referred to Committee on Local Government.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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SENATE BILL No. 257



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

- 1 SECTION 1. IC 36-1-6-4, AS AMENDED BY P.L.194-2007,
- 2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2009]: Sec. 4. (a) A municipal corporation may bring a civil
- 4 action as provided in IC 34-28-5-1 if a person:
 - 5 (1) violates an ordinance regulating or prohibiting a condition or
 - 6 use of property; or
 - 7 (2) engages in conduct without a license or permit if an ordinance
 - 8 requires a license or permit to engage in the conduct.
- 9 (b) A court may take any appropriate action in a proceeding under
- 10 this section, including any of the following actions:
 - 11 (1) Issuing an injunction.
 - 12 (2) Entering a judgment.
 - 13 (3) Ordering an inspection.
 - 14 (4) Ordering a property vacated.
 - 15 (5) Imposing a penalty not to exceed an amount set forth in
 - 16 IC 36-1-3-8(a)(10).
 - 17 (6) Imposing court costs and fees in accordance with IC 33-37-4-2



1 and IC 33-37-5.
 2 (7) Ordering a defendant to take appropriate action to bring a
 3 property into compliance with an ordinance within a specified
 4 time.
 5 (8) Ordering a municipal corporation to take appropriate action to
 6 bring a property into compliance with an ordinance in accordance
 7 with IC 36-1-6-2.
 8 **(c) This subsection applies only to a consolidated city. Before**
 9 **bringing a civil action under this section, the municipal**
 10 **corporation shall take reasonable steps to determine whether**
 11 **another proceeding involving:**
 12 **(1) property that is the subject of the action under this**
 13 **section; or**
 14 **(2) other property owned by the person against whom the civil**
 15 **action is brought;**
 16 **is pending before the health and hospital corporation or the**
 17 **Marion superior court, environmental division. If the municipal**
 18 **corporation determines that another proceeding is pending, the**
 19 **municipal corporation may consolidate the proceedings, if**
 20 **practicable, or otherwise coordinate enforcement actions**
 21 **concerning property owned by the person who is the subject of a**
 22 **civil action under this section. However, the municipal**
 23 **corporation's failure to take reasonable steps to determine whether**
 24 **another proceeding is pending is not a basis for dismissal or for**
 25 **any other sanction.**

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