

IC 8-1-8

Chapter 8. Condemnation by Utilities

IC 8-1-8-1

Limitations on power

Sec. 1. (a) A public utility, except in cities of the third class, engaged in the production, transmission, delivery, or furnishing of heat, light, water, or power or for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid sewage or furnishing facilities for transmission of intelligence by electricity to towns and cities and to the public in general or for the furnishing of elevator or warehouse service, either directly or indirectly, to or for the public, for the purpose of enabling it to perform its functions, may appropriate and condemn lands of individuals and private corporations, or any easement in any lands, necessary to the carrying out of its objects, whether the same be for its building, structures, dams, line of poles, wires, mains, conduits, and pipelines, or right-of-way to accommodate railway siding or switch tracks connecting its plant or plants with the tracks of any common carrier, overflowage by backwater from its dams, waste, or sluiceways.

(b) However, within the limits of any incorporated town or city, the authority to appropriate does not:

- (1) extend to lands situated in any city block in which more than fifty percent (50%) of the frontage is devoted to residence purposes;
- (2) extend to common carriers engaged in the transportation of freight or passengers; or
- (3) give to any public utility any right or authority to:
 - (A) appropriate any land or easement within the corporate limits of any city for overflowage by backwater from any dam;
 - (B) appropriate or acquire any dam, race, or sluiceway existing on May 31, 1921, or any interest in either, except to use water for condensation purposes;
 - (C) appropriate or acquire any pipeline laid or contained within the limits of private property; or
 - (D) authorize any corporation developing hydroelectric power to unreasonably interfere with or disturb the natural flow of the stream from which power may be derived. Lands or easements in lands acquired by appropriation and condemnation shall be held and enjoyed by the company for those purposes as though the land or easement had been acquired by purchase.

(c) If a not-for-profit sewer utility (as described in IC 8-1-2-125(a)) appropriates or condemns land to acquire an easement or right-of-way necessary to carry out the not-for-profit sewer utility's objectives, the easement or right-of-way may not exceed fifty (50) feet in width.

(d) The appropriation and condemnation of lands and easements

in lands authorized by this section must be done under the terms and conditions and in the manner prescribed by IC 32-24-1.

(Formerly: Acts 1921, c.98, s.1; Acts 1961, c.195, s.1.) As amended by P.L.59-1984, SEC.59; P.L.2-2002, SEC.36; P.L.97-2012, SEC.2.

IC 8-1-8-2

Repealed

(Repealed by P.L.59-1984, SEC.60.)

IC 8-1-8-3

Construction of chapter

Sec. 3. This chapter shall be construed as supplemental legislation and not as repealing any statutes in force on May 31, 1921.

(Formerly: Acts 1921, c.98, s.3.) As amended by P.L.59-1984, SEC.61.