

IC 36-7-2

Chapter 2. General Powers Concerning Planning and Development

IC 36-7-2-1

Planning and zoning powers of reorganized units

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to all units except townships.

(b) A unit consisting of:

(1) two (2) or more townships; and

(2) at least one (1) municipality;

that has reorganized under IC 36-1.5 may exercise planning and zoning power under IC 36-7-4 if the unit's plan of reorganization under IC 36-1.5 authorizes the unit to exercise planning and zoning powers.

As added by Acts 1980, P.L.211, SEC.2. Amended by P.L.202-2013, SEC.32.

IC 36-7-2-2

Planning and regulation of real property; access to solar energy

Sec. 2. A unit may plan for and regulate the use, improvement, and maintenance of real property and the location, condition, and maintenance of structures and other improvements. A unit may also regulate the platting and subdividing of real property and number the structures abutting public ways. In planning for and regulating the use of land or in regulating the platting or subdividing of real property, a unit may also regulate access to incident solar energy for all categories of land use.

As added by Acts 1980, P.L.211, SEC.2. Amended by Acts 1981, P.L.311, SEC.1.

IC 36-7-2-3

Inspection of structures or improvements

Sec. 3. A unit may inspect any structure or other improvement at any reasonable time.

As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-4

Regulation of alteration and construction of structures and improvements; bonds

Sec. 4. A unit may regulate methods of, and use of materials in repair, alteration, and construction of structures and other improvements. The unit also may require the execution of a bond by any person repairing, altering, or constructing structures or other improvements.

As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-5

Repair, alteration, or destruction of structures and improvements

Sec. 5. A unit may repair, alter, or destroy structures and other

improvements if necessary.
As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-5.5

Removal or alteration of a sign as a condition of issuing a permit, license, or variance

Sec. 5.5. A unit may not require that a lawfully erected sign be removed or altered as a condition of issuing:

- (1) a permit;
- (2) a license;
- (3) a variance; or
- (4) any other order concerning land use or development;

unless the owner of the sign is compensated in accordance with IC 32-24 or has waived the right to and receipt of damages in writing.

As added by P.L.163-2006, SEC.19.

IC 36-7-2-6

Regulation of movement or removal of earth below ground level

Sec. 6. A unit may regulate excavation, mining, drilling, and other movement or removal of earth below ground level.

As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-7

Promotion of economic development and tourism

Sec. 7. A unit may promote economic development and tourism.

As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-8

Solar energy systems; ordinances; reasonable restrictions

Sec. 8. (a) As used in this section, "solar energy system" means either of the following:

- (1) any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, or for water heating; or
- (2) any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of energy for space heating or cooling, or for water heating.

(b) A unit may not adopt any ordinance which has the effect of prohibiting or of unreasonably restricting the use of solar energy systems other than for the preservation or protection of the public health and safety.

(c) This section does not apply to ordinances which impose reasonable restrictions on solar energy systems. However, it is the policy of this state to promote and encourage the use of solar energy systems and to remove obstacles to their use. Reasonable restrictions on solar energy systems are those restrictions which:

- (1) do not significantly increase the cost of the system or significantly decrease its efficiency; or
- (2) allow for an alternative system of comparable cost and

efficiency.
As added by Acts 1981, P.L.311, SEC.2.

IC 36-7-2-9

Compliance with code of building laws and orders

Sec. 9. Each unit shall require compliance with:

- (1) the code of building laws and fire safety laws that is adopted in the rules of the fire prevention and building safety commission under IC 22-13;
- (2) orders issued under IC 22-13-2-11 that grant a variance to the code of building laws and fire safety laws described in subdivision (1);
- (3) orders issued under IC 22-12-7 that apply the code of building laws described in subdivision (1);
- (4) IC 22-15-3-7; and
- (5) a written interpretation of a building law and fire safety law binding on the unit under IC 22-13-5-3 or IC 22-13-5-4.

As added by P.L.245-1987, SEC.19. Amended by P.L.71-1999, SEC.3; P.L.22-2005, SEC.50.

IC 36-7-2-10

Ordinance making forestry operation a nuisance or abating operation void; exceptions to valid ordinance

Sec. 10. (a) An ordinance adopted after March 31, 2005, by a unit of local government that:

- (1) makes a forestry operation (as defined in IC 32-30-6-1.5) a nuisance; or
- (2) provides for an abatement of a forestry operation as a:
 - (A) nuisance;
 - (B) trespass; or
 - (C) zoning violation;

under this chapter is void.

(b) If the owner of a property owned the property before the enactment of an ordinance that restricts forestry operations but that is not invalidated by subsection (a), the property is exempt from the ordinance if the forestry operations (as defined by IC 32-30-6-1.5) on the property:

- (1) comply with generally accepted best management practices;
- (2) comply with the practices established in the Indiana Logging and Forestry Best Management Practices BMP Field Guide, as published in September 1999, by the division of forestry of the department of natural resources; and
- (3) have been in continuous operation on the property.

As added by P.L.82-2005, SEC.6.