



January 29, 2021

SENATE BILL No. 158

DIGEST OF SB 158 (Updated January 28, 2021 10:47 am - DI 140)

Citations Affected: IC 15-20; IC 16-22; IC 36-1.

Synopsis: Ordinance violations. Requires the health and hospital corporation of Marion County to post notice of an ordinance pending final action on the county's Internet web site. Reduces the fines for certain ordinance violations from: (1) \$2,500 to \$250; and (2) \$7,500 to \$750. Provides that a fine imposed on a rental unit community must be imposed on the rental unit community as a whole rather than on a per rental unit basis. Makes conforming amendments.

Effective: July 1, 2021.

Bohacek

January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedure.
January 28, 2021, amended; reassigned to Committee on Local Government.

SB 158—LS 6142/DI 13



January 29, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 158

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 15-20-1-5, AS AMENDED BY P.L.158-2013,
2 SECTION 227, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The following definitions
4 apply throughout this section:
5 (1) "Coydog" means:
6 (A) an animal that is the offspring of a coyote and another
7 animal; or
8 (B) an animal that is the offspring of:
9 (i) an animal that is the offspring of a coyote and another
10 animal; and
11 (ii) another animal.
12 (2) "Secure enclosure" means an outdoor pen that is:
13 (A) roofed or that has sides at least six (6) feet tall; and
14 (B) constructed in such a manner that the type of animal
15 contained within the pen cannot reasonably be expected to
16 escape.
17 (3) "Wolf hybrid" means:

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- 1 (A) an animal that is the offspring of a wolf and another
 2 animal; or
 3 (B) an animal that is the offspring of:
 4 (i) an animal that is the offspring of a wolf and another
 5 animal; and
 6 (ii) another animal.
 7 (b) An owner of a wolf hybrid or coydog shall:
 8 (1) keep the animal in a building or secure enclosure; or
 9 (2) keep the animal:
 10 (A) under the reasonable control of an individual; and
 11 (B) on a leash not more than eight (8) feet in length.
 12 Subject to subsections (c) and (d), an owner who does not comply with
 13 this subsection commits a Class B infraction. An owner who merely
 14 tethers or chains a coydog or wolf hybrid does not comply with this
 15 subsection.
 16 (c) Subject to subsection (d), an owner of a wolf hybrid or coydog
 17 commits a Class B misdemeanor if the owner recklessly, knowingly, or
 18 intentionally fails to comply with subsection (b) and:
 19 (1) the wolf hybrid or coydog enters property other than the
 20 property of the owner; and
 21 (2) the wolf hybrid or coydog causes damage to livestock or the
 22 personal property of another individual.
 23 (d) The offense under subsection (c) is:
 24 (1) a Class A misdemeanor if the owner has one (1) prior
 25 unrelated conviction under this section;
 26 (2) a Level 6 felony if:
 27 (A) the owner has more than one (1) prior unrelated conviction
 28 for a violation under this section; or
 29 (B) the owner knowingly, intentionally, or recklessly fails to
 30 comply with subsection (b) and the failure to comply results in
 31 serious bodily injury to a person; and
 32 (3) a Level 5 felony if the owner knowingly, intentionally, or
 33 recklessly fails to comply with subsection (b) and the failure to
 34 comply results in the death of a person.
 35 (e) Notwithstanding IC 36-1-3-8(a), a unit (as defined in
 36 IC 36-1-2-23) may adopt an ordinance:
 37 (1) prohibiting a person from possessing a wolf hybrid or coydog;
 38 or
 39 (2) imposing:
 40 (A) a penalty of ~~more than one thousand dollars (\$1,000)~~ up to
 41 the limits prescribed in IC 36-1-3-8(a)(10)(B) for a violation
 42 of subsection (b); or



1 (B) conditions on the possession of a wolf hybrid or coydog
 2 that are more stringent than the provisions of subsection (b).
 3 SECTION 2. IC 16-22-8-21, AS AMENDED BY P.L.88-2006,
 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 21. (a) Not less than seven (7) days before a
 6 meeting considering the final passage of a proposed ordinance, the
 7 corporation shall publish a notice that the proposed ordinance is
 8 pending final action. The notice must be published:
 9 (1) one (1) time in two (2) newspapers with general circulation in
 10 the county; **and**
 11 **(2) on the county's Internet web site during the notice period.**
 12 Notice of an ordinance establishing a budget must be in accordance
 13 with the general law relating to budgets of first class cities.
 14 (b) The notice must state the following:
 15 (1) The general subject matter of the proposed ordinance.
 16 (2) The time and place of the meeting.
 17 (3) The proposed ordinance is available from the corporation.
 18 (c) The corporation may publish in one (1) notice the general
 19 subject matter of each ordinance pending final action for which notice
 20 has not been given.
 21 (d) An ordinance is not invalid because the reference to the subject
 22 matter of the proposed ordinance was inadequate if the reference is
 23 sufficient to advise the public of the general subject matter.
 24 SECTION 3. IC 36-1-3-8, AS AMENDED BY P.L.19-2019,
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2021]: Sec. 8. (a) Subject to subsection (b), a unit does not
 27 have the following:
 28 (1) The power to condition or limit its civil liability, except as
 29 expressly granted by statute.
 30 (2) The power to prescribe the law governing civil actions
 31 between private persons.
 32 (3) The power to impose duties on another political subdivision,
 33 except as expressly granted by statute.
 34 (4) The power to impose a tax, except as expressly granted by
 35 statute.
 36 (5) The power to impose a license fee greater than that reasonably
 37 related to the administrative cost of exercising a regulatory power.
 38 (6) The power to impose a service charge or user fee greater than
 39 that reasonably related to reasonable and just rates and charges
 40 for services.
 41 (7) The power to regulate conduct that is regulated by a state
 42 agency, except as expressly granted by statute.



- 1 (8) The power to prescribe a penalty for conduct constituting a
 2 crime or infraction under statute.
- 3 (9) The power to prescribe a penalty of imprisonment for an
 4 ordinance violation.
- 5 (10) The power to prescribe a penalty of a fine as follows:
 6 (A) More than ten thousand dollars (\$10,000) for the violation
 7 of an ordinance or a regulation concerning air emissions
 8 adopted by a county that has received approval to establish an
 9 air permit program under IC 13-17-12-6.
 10 (B) For a violation of any other ordinance:
 11 (i) more than two ~~thousand five~~ hundred **fifty** dollars
 12 ~~(\$2,500)~~ **(\$250)** for a first violation of the ordinance; and
 13 (ii) except as provided in subsection (c), more than seven
 14 ~~thousand five~~ hundred **fifty** dollars ~~(\$7,500)~~ **(\$750)** for a
 15 second or subsequent violation of the ordinance.
 16 **Fines imposed against a rental unit community (as defined**
 17 **in IC 36-1-20-1.5) must be per rental unit community and**
 18 **may not be enforced on a per rental unit basis.**
- 19 (11) The power to invest money, except as expressly granted by
 20 statute.
- 21 (12) The power to order or conduct an election, except as
 22 expressly granted by statute.
- 23 (13) The power to adopt or enforce an ordinance described in
 24 section 8.5 of this chapter.
- 25 (14) The power to take any action prohibited by section 8.6 of this
 26 chapter.
- 27 (15) The power to dissolve a political subdivision, except:
 28 (A) as expressly granted by statute; or
 29 (B) if IC 36-1-8-17.7 applies to the political subdivision, in
 30 accordance with the procedure set forth in IC 36-1-8-17.7.
- 31 (16) After June 30, 2019, the power to enact an ordinance
 32 requiring a solid waste hauler or a person who operates a vehicle
 33 in which recyclable material is transported for recycling to collect
 34 fees authorized by IC 13-21 and remit the fees to:
 35 (A) a unit; or
 36 (B) the board of a solid waste management district established
 37 under IC 13-21.
- 38 (b) A township does not have the following, except as expressly
 39 granted by statute:
 40 (1) The power to require a license or impose a license fee.
 41 (2) The power to impose a service charge or user fee.
 42 (3) The power to prescribe a penalty.



1 (c) Subsection (a)(10)(B)(ii) does not apply to the violation of an
2 ordinance that regulates traffic or parking.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 158, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Local Government.

(Reference is to SB 158 as introduced.)

BRAY, Chairperson

