

IN THE CIRCUIT COURT NO. 2 FOR CLARK COUNTY

STATE OF INDIANA

**CHARLESTOWN PLEASANT RIDGE
NEIGHBORHOOD ASSN, et.al.**
Plaintiffs

v.

**CASE NO. 10C02-1701-CT-10
Special Judge: Jason Mount**

CITY OF CHARLESTOWN, et.al.
Defendants

AGREED ORDER AND JUDGMENT

The Parties having reached an agreement regarding all remaining issues before the Court, and having presented said agreement herein, and the Court, being duly advised in the premises, hereby finds and Orders as follows:

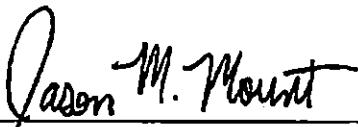
1. This Order concerns any present or future property-maintenance codes that Defendant, the City of Charlestown, has enacted and enforced or will enact and enforce. This Order also concerns any other ordinance or other law that the City might use for code enforcement. This Order binds the City, its officers, its agents, its employees, and its agencies, such as Defendant Board of Public Works and Safety.
2. The City shall enforce its current or any future property-maintenance code (hereinafter "PMC") in a manner consistent with the plain language of the PMC. In addition, the City will do the following:
 - a. In cases where a property owner appeals an order within ten (10) days of receipt of notice of any fines or other enforcement action, the City, through its Board of Public Works and Safety, shall provide a meaningful right of appeal;
 - b. In all cases where corrective action is required, the City shall give property owners a reasonable time to comply with a notice of violation before the imposition of any fine. Reasonableness is in proportion to the scope of the corrective repairs or other

actions that the City requires. The City will not issue a fine associated with a notice of violation or correction order unless the property owner willfully refuses to make the correction within a reasonable time. In no case shall a "reasonable time" be fewer than 10 days after the receipt of the notice of violation or correction order;

3. In the event that any rental inspection reveals an immediate, serious threat to health, life or limb, the City may, consistent with City Regulations or state law, require immediate vacation of a rental property and/or disconnection of utility services until required corrections are made.
4. In the event of a refusal of an owner occupant, a landlord, or rental property occupant to allow a property inspection, the City may obtain an inspection warrant pursuant to procedures set out in *City Ordinance 2018-OR-22*, enacted October 3, 2018, or pursuant to any substantially similar ordinance subsequently enacted. The City Administration shall not punish an owner-occupant, landlord, or rental property occupant for refusing to consent to a voluntarily inspection.
5. Notwithstanding the provisions immediately above, in ¶4 & ¶5, in emergency/exigent circumstances a real property inspection may occur without first obtaining an inspection warrant;
6. The City shall not impose fines for corrections the City Regulations require unless the owner and/or occupant of the subject real property fails to make the required correction within a reasonable time, as defined in paragraph 2(b) above. The City shall work in good faith with rental-property owners who strive to work in good faith with City Administration to resolve corrections as promptly and inexpensively as possible;

7. The City shall not enforce the PMC or any other property regulation against resident property owners of Pleasant Ridge to a greater degree than it does against owners of any other property in the Pleasant Ridge neighborhood, whether that other property is owned by a landlord, speculator, or developer;
8. The City shall pay the Plaintiffs' attorney fees in the amount of \$70,000.00, payment of \$35,000.00 to be made to the Plaintiffs' attorneys within thirty (30) days of the entry of this Order and Judgment and payment of \$35,000.00 to be made within twelve (12) months of the entry of this Order and Judgment.

SO ORDERED on this date December 17, 2020.



HON. JASON M. MOUNT
Special Judge, Clark County Circuit Court No. 2

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