

**IN THE CIRCUIT COURT NO. 2 FOR CLARK COUNTY
STATE OF INDIANA**

CHARLESTOWN PLEASANT RIDGE)
NEIGHBORHOOD ASSOCIATION)
CORPORATION, JOSHUA CRAVEN,)
TINA BARNES, DAVID AND ELLEN)
KEITH, AND BOLDER PROPERTIES,)
LLC, an Indiana Limited Liability)
Company,)

Plaintiffs,)

v.)

CITY OF CHARLESTOWN,)
INDIANA, a municipality,)
CHARLESTOWN BOARD OF PUBLIC)
WORKS AND SAFETY,)

Defendants.)

Case # 10C02-1701-CT-010

HON. JASON M. MOUNT, SPECIAL JUDGE

**ORDER GRANTING PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Rule 65(A) of the Indiana Rules of Trial Procedure, Plaintiffs' motion for a preliminary injunction, is granted. In accordance with the findings of fact and conclusions of law prepared under Rule 65(D) and filed separately, the Court enters a preliminary injunction with the following terms, which shall bind Defendants and their agents (collectively, "City"):

1. The City shall enforce its property-maintenance code ("PMC"), 2008-OR-1, in a manner consistent with the plain language of the PMC. Pursuant to the PMCs plain language, the City shall only issue fines against a property owner in the following manner:
 - a. In cases where a property owner appeals an order within 20 days, the City, through the Board of Public Works and Safety, shall provide a meaningful right of

appeal, and shall only fine the property owner if it determines that the property owner has willfully failed to comply with a notice of violation within a reasonable time;

- b. In all cases, the City shall give property owners a reasonable time to comply with a notice of violation. As the PMC does not define “reasonable time,” and as the City has opted to implement certain provisions of the UBL, and cites the UBL in its Citation, between 10 and 60 days, depending on the violation and the good-faith effort of the property owner to cure, shall be a “reasonable time.”;
 - c. In cases where a property owner does not appeal an order within 20 days, the City, through its enforcement authority, shall only impose a fine after the property owner has failed or refused to comply with the order within a reasonable time.
2. The City shall enforce its property-maintenance code, 2008-OR-1, in a manner consistent with the plain language of the ordinance, and, pursuant to its plain language, shall allow property owners a reasonable time to comply with a notice of violation before they are sanctioned in any way, including before they are fined;
 3. The City shall not fine property owners in Pleasant Ridge, or seek to collect fines against property owners in Pleasant Ridge, to a greater degree than it does against Pleasant Ridge Redevelopment, LLC (or any other entity controlled by a private developer). Specifically, if the City waives fines for properties owned, or that were owned until they were demolished, by Pleasant Ridge Redevelopment, LLC, then it must waive fines imposed on other property owners in Pleasant Ridge such as Plaintiff Association;
 4. This Order shall take immediate effect and remain in place until modified by the Court or replaced by the terms of a final judgment in this case.

Dated: DECEMBER 4, 2017

IT IS SO ORDERED:

/s/ Jason M. Mount
HON. JASON M. MOUNT, SPECIAL JUDGE
Judge of the Scott County Circuit Court