

References to Solar Rights and Solar Easements in the Indiana Code

This information is provided as a reference only.

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

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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 36-7-2-2

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.

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IC 32-23-4

Chapter 4. Solar Easement

IC 32-23-4-1

"Passive solar energy system" defined

Sec. 1. As used in this chapter, "passive solar energy system" means a structure specifically designed to retain heat that is derived from solar energy.

As added by P.L.2-2002, SEC.8.

IC 32-23-4-2

"Solar easement" defined

Sec. 2. As used in this chapter, "solar easement" means an easement obtained for the purpose of exposure of a solar energy device or a passive solar energy system to the direct rays of the sun.

As added by P.L.2-2002, SEC.8.

IC 32-23-4-3

"Solar energy device" defined

Sec. 3. As used in this chapter, "solar energy device" means an artifice, an instrument, or the equipment designed to receive the direct rays of the sun and convert the rays into heat, electricity, or another form of energy to provide heating, cooling, or electrical power.

As added by P.L.2-2002, SEC.8.

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IC 32-23-4-4**Creation; requirements**

Sec. 4. A solar easement:

- (1) must be created in writing; and
- (2) is subject to the conveyancing and recording requirements of this title.

As added by P.L.2-2002, SEC.8.

IC 32-23-4-5**Instrument; requisites**

Sec. 5. An instrument that creates a solar easement must include the following:

- (1) The vertical and horizontal angles, expressed in degrees, at which the solar easement extends over the real property that is subject to the solar easement, and a description of the real property to which the solar easement is appurtenant.
- (2) Any terms and conditions under which the solar easement is granted or will be terminated.

As added by P.L.2-2002, SEC.8.

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