

ORDINANCE NO.

**AN ORDINANCE OF THE OGDEN DUNES TOWN COUNCIL
AMENDING CHAPTER 151 OF THE OGDEN DUNES TOWN CODE**

NOW, THEREFORE BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION ONE: That Ordinance 812 shall be repealed.

SECTION TWO: That the portion of Chapter 151, Building Code and Unsafe Buildings of the Ogden Dunes Town Code involving unsafe buildings shall be amended re-codified into Chapter 154 and hereafter read as follows:

CHAPTER 154- UNSAFE BUILDINGS

- 154.101 Short Title
- 154.102 Definitions
- 154.103 State Law Adopted By Reference
- 154.104 Declared Public Nuisance; Abatement Required
- 154.105 Enforcement
- 154.106 Officer's Authority of Enforcement
- 154.107 Work Standards
- 154.108 Fund Established
- 154.109 Violations, Penalties – Unsafe Buildings

154.101 SHORT TITLE. This Article shall be known and may be cited as the “Ogden Dunes Unsafe Building Law.”

154.102 DEFINITIONS

- A. The definitions of “substantial property interest” set forth in Indiana Code §36-7-9-2 is hereby incorporated by reference herein as if copied in full.
- B. The description of an “unsafe building” and “unsafe premises” contained in Indiana Code 36-7-9-4 is incorporated by reference herein as if copied in full and reads as follows:
 - 1. A building or structure, or any part of a building or structure, that is:

- a. In an impaired structural condition that makes it unsafe to a person or property;
 - b. A fire hazard;
 - c. A hazard to the public health;
 - d. A public nuisance;
 - e. Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
 - f. Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; is considered an unsafe building.
2. For purposes of this Article:
 - a. An unsafe building; and
 - b. The tract of real property on which the unsafe building is located;are considered unsafe premises.
3. A tract of real property that does not contain a building or structure, not including land used for production agriculture, is considered an unsafe premises if the tract of real property is:
 - a. a fire hazard;
 - b. a hazard to public health;
 - c. a public nuisance; or
 - d. dangerous to a person or property because of a violation of a statute or ordinance.

154.103 STATE LAW ADOPTED BY REFERENCE

Indiana Code §36-7-9 *et seq.* is hereby adopted by reference as the Town Unsafe Building Law. All proceedings within the Town for the inspection, repair, and removal of unsafe building shall be governed by such law and the provisions of this article. If the provisions of this article conflict with the provisions of Indiana Code §36-7-9 *et seq.*, the provisions of the state statute shall control. Two (2) copies of Indiana Code §36-7-9 *et seq.* are on file for public review in the office of the Clerk-Treasurer.

Any reference to Indiana Code §36-7-9 *et seq.* shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter.

154.104 DECLARED PUBLIC NUISANCES; ABATEMENT REQUIRED

All buildings or portions thereof within the Town that are determined after inspection by the Building Commissioner to be unsafe as defined in this article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

154.105 ENFORCEMENT

The Building Commissioner is the Enforcement Authority and shall be authorized to administer and to proceed under the provisions of the unsafe building law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter. The Plan Commission shall be the hearing authority under the provisions of the unsafe building law for all proceedings that may be held under Indiana Code §36-7-9 *et seq.*

154.106 OFFICER'S AUTHORITY OF ENFORCEMENT

Whenever in the building regulations of the State or the Town unsafe building law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, or any other Officer of the Town, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.

154.107 WORK STANDARDS

All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good, workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical and one family dwellings, promulgated by the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this article or orders issued pursuant to this article by the Building Commissioner. The permit shall be issued for a period of 30 days. All work must be completed in 30 days unless extended for a period not to exceed 30 days by the Building Commissioner.

154.108 FUND ESTABLISHED

An unsafe building fund is hereby established in the operating budget of the Town in accordance with the provisions of Indiana Code §36-7-9-14.

151.109 VIOLATIONS; PENALTIES – UNSAFE BUILDINGS

No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this article or Indiana Code §36-7-9 *et seq.* Any violation of this Chapter shall be subject to the provisions of Indiana Code §36-7-9 *et seq.* as it may be amended from time to time and/or penalties as described in §10.99 of the Ogden Dunes Town Code.

SECTION THREE: This Ordinance shall be in full force and effect from and after its adoption, and publication as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Ogden Dunes, Porter County, Indiana, this _____ day of _____, 2020.

OGDEN DUNES TOWN COUNCIL

Mike Webber, President

Scott Lehmann

Nate Ball

Carolyn Saxton

Doug Cannon

ATTEST:

Jean Manna, Clerk-Treasurer