

## Ordinance No. 87-11

### AN ORDINANCE PROVIDING FOR THE INSPECTION, REPAIR, OR REMOVAL OF UNSAFE BUILDINGS WITHIN NEWTON COUNTY, INDIANA.

Be it ordained by the Board of Commissioners of Newton County, Indiana, that:

1. Under the provisions of Indiana Code 36-7-9, there is hereby established the **Newton County Unsafe Building Law**.
2. Indiana code 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the Newton County Unsafe Building Law. All proceedings within Newton County of the inspection, repair, and removal of unsafe building shall be governed by said law and the provisions of the ordinance. In the event the provisions of this ordinance conflict with the provisions of Indiana code 36-7-9-1 through 36-8-9-28, then the provisions of the state statute shall control.
3. All buildings or portions thereof within Newton County which are determined after inspection by the Building Commissioner to be unsafe as defined in this ordinance are hereby declared public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.
4. The Newton County Building Commissioner shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.
5. Wherever in the building regulations of Newton County or the Newton County Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, 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.
6. The description of an unsafe building contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in Newton County, Indiana, by adding the following definition:

**Unsafe Building** means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered:

- (a) Whenever any door, aisle, passageway, or other means of exit is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (b) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in the case of fire or panic.

- (c) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.
- (d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.
- (e) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (f) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half that of that specified for new buildings of similar structure, purpose, or location, without exceeding the working stresses permitted for such buildings.
- (g) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (h) Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.
- (i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (j) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- (k) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- (l) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.
- (m) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Newton County or of any law or ordinance of this state or Newton County relating to the condition, location, or structure of buildings.
- (n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinance has in any non-supporting part, member, or portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics required by law

in the case of a newly constructed building of like area, height, and occupancy in the same location.

- (o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Newton County Health Officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
  - (p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the Newton county Building Commissioner to be a fire hazard.
  - (q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
7. The definition of "substantial property interest" set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full.
  8. All work for the reconstruction, 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 building laws, as defined in IC 22-12-1-3, adopted as rules of the fire prevention and Building Safety commission, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Building Commissioner of Newton County, Indiana.
  9. An Unsafe Building Fund is hereby established in the operating budget of the Newton County Plan Commission in accordance with the provisions of IC 36-7-9-14.
  10. No person, firm, or corporation, whether as owner, lessee, or 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 ordinance or any order issued by the Building Commissioner. Any person violating the provisions of this ordinance or IC 36-7-9-28 shall commit a Class C infraction for each day such violation continues.
  11. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reasons, the remainder of said ordinance shall not be affected thereby.
  12. This ordinance will be in full force and effect on the 15<sup>th</sup> day of December, 1987, according to the laws of the State of Indiana. All former ordinances which conflict with this ordinance are hereby repealed.

Passed by the Board of Commissioners of Newton County, Indiana, this 15<sup>th</sup> day of December, 1987.