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83-06563

MARY L. LUDLOW
RECORDER LAPORTE CO.

ORDINANCE OF THE LAPORTE COUNTY
BOARD OF COMMISSIONERS
NO. 83-7

AN ORDINANCE providing for the inspection, repair, or removal of unsafe buildings within the County of LaPorte.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY THAT:

1. Under the provisions of Indiana Code 36-7-9 et seq., there is hereby established the LaPorte County Unsafe Building Ordinance.
2. Indiana Code 36-7-9-1 through 36-7-9-27 is hereby adopted by reference as the LaPorte County unsafe Building Ordinance. All proceedings within the County of LaPorte for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions of this Ordinance. In the event the provisions of this Ordinance conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control. Any repeal of said statute shall not act as a repeal of this Ordinance.
3. The administration of the provisions of this Ordinance shall be the responsibility of the Office of the Building Commissioner. The Building Commissioner shall be the "Enforcement Authority", and the Board of County Commissioners shall be the "Hearing Authority", within the meaning of these terms as defined in IC 36-7-9-2.
4. The definition of "substantial property interest" as set forth in IC 36-7-9-2 is also specifically incorporated herein by reference, including that portion designated as applicable in a consolidated city.
5. The definition of and description of an unsafe building set forth in IC 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the County of LaPorte, Indiana, by adding the following to said definition:

Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, 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 of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (b) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1/2) times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.

- (c) 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.
- (d) 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.
- (e) 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 anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.
- (f) 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.
- (g) 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.
- (h) Whenever, for any reason, the building or structures, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (i) 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 (1/3) of the base.
- (j) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) 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.
- (k) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become: (1) an attractive nuisance to children; or (2) a harbor for vagrants, or criminals.
- (l) 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 County, or of any law or ordinance of this state relating to the condition, location, or structure of buildings.

- (m) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than fifty percent (50%), or in any supporting part, member, or portion less than sixty-six percent (66%) of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-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.
 - (n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the enforcement authority to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
 - (o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the enforcement authority to be a fire hazard.
 - (p) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or equity jurisprudence.
 - (q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the 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.
6. An Unsafe Building Fund is hereby established in the operating budget of the enforcement authority, in accordance with the provisions of IC 36-7-9-14.
7. A person who:
- (a) Remains in, uses, or enters a building in violation of an order made under this Ordinance; or,
 - (b) Knowingly interferes with or delays the carrying out of an order, made under this chapter; or,
 - (c) Knowingly obstructs, damages, or interferes with persons engaged or property used in performing any work or duty under this chapter; or,
 - (d) Fails to comply with IC 36-7-9-27 (incorporated herein by reference),
- shall be subject to a fine of not more than five hundred dollars (\$500.00). Each day that a given violation continues constitutes a separate offense.
8. Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provisions and such holding shall not affect the validity of the remaining portions.

9. This Ordinance shall be in effect upon its passage, approval by the Board of County Commissioners and publication as required by law.

BOARD OF COUNTY COMMISSIONERS
LAPORTE COUNTY, INDIANA

Kenneth W. Swanson
Kenneth W. Swanson, President

Richard O. Knoll
Richard O. Knoll

Robert E. Miller

Passed this 11th day of July, 1983.



Attested to: Sherry K. Waters
Sherry K. Waters, County Auditor

Please publish two (2) times in the Michigan City News-Dispatch the LaPorte Herald-Argus on July 19 and July 26, 1983