

Ordinance 2019-3

AN ORDINANCE GOVERNING UNSAFE BUILDINGS WITHIN THE TOWN OF LA PAZ, INDIANA

WHEREAS, the Town Council of the Town of La Paz, Indiana, has received complaints from the residents and visitors of the Town of La Paz regarding deteriorating structures that appear to be unsafe; and

WHEREAS, the State of Indiana has adopted standards regarding unsafe buildings contained in Indiana Code 36-7-9, and permits municipalities to adopt their own ordinance thereunder; and

WHEREAS, Marshall County, Indiana has adopted an ordinance under that chapter regarding unsafe buildings in unincorporated areas; and

WHEREAS, the Marshall County Building Department enforces building standards for the Town of La Paz;

WHEREFORE, be it ordained by the Town Council of La Paz, Marshall County, Indiana that the following standards are hereby adopted and incorporated into the Town Code of the Town of La Paz, Indiana as the Unsafe Building Ordinance, as follows:

1. Indiana Code 36-7-9-1 through Indiana Code 36-7-9-28 is hereby adopted by reference as the Town of La Paz Unsafe Building Ordinance. All proceedings within the town of La Paz 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 Indiana Code 36-7-9-28, the provisions of the State statute shall control.
2. All buildings and properties or portions thereof within the Town of La Paz which are determined after inspection by the Marshall County Building Commissioner to be unsafe as defined by statute or in this ordinance are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.
3. The Marshall County Building Commissioner shall be authorized to administer and to proceed under the provisions of said law and this ordinance in ordering the repair or

removal of any buildings or materials found to be unsafe as specified therein or as specified thereafter.

4. The Marshall County Unsafe Building Hearing Authority is hereby designated as the hearing authority for the continuation of this ordinance as outlined in Indiana Code 36-7-9-1 through Indiana Code 36-7-9-28.
5. Wherever in the building regulations or statutes of the State of Indiana or the Town of La Paz Unsafe Building Ordinance that it is provided that anything must be done to the approval of or subject to the direction of the Town of La Paz Code Enforcement Officer, or any other officer of the Town of La Paz, this shall be construed to give such officer only the discretion to determine whether the property in question complies with the rules and standards established by this ordinance. No such provision shall be construed as giving any officer discretionary authority to determine what such regulations and/or standards shall be, the authority to require conditions not prescribed within said ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner. The Town Council of the Town of La Paz has the authority to establish policy and standard operating procedures.
6. The description of an unsafe building and unsafe premises described in Indiana 36-7-9-4 is hereby supplemented to provide the minimum standards for building condition, property conditions, or maintenance in the Town of La Paz, Indiana, by adding the following definition:

UNSAFE BUILDING: 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 in danger.

- (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 an adequate means of exit in case of fire or panic.
- (b) Whenever the street 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 a 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 was materially less than it was before such a catastrophe and is less than the minimum requirements for new buildings for a similar structure, purpose or location.
- (d) Whenever any portion, member, or appurtenance thereof is likely to fall, 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 so 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 or a similar structure, purpose or location without exceeding the working stresses permitted for such buildings.
- (f) Whenever any portion thereof has racked, 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 structure, 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 on-third 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 (50%) 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, flood or other natural disaster, or 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.
- (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 the Town of La Paz, or of any law or ordinance of this State, Marshall County, or the Town of La Paz, relating to the condition, location, or structure of buildings.
- (m) Whenever any building or structure which, whether or not erected in accordance with applicable laws and ordinances, has in any non-supporting parts, member or portion less than fifty (50%), or is any support part, member or portion less than sixty-six (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 light, air or sanitation facilities, or otherwise, is determined by the Marshall County Building Commissioner 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 Marshall County Building Commissioner to be a fire hazard.

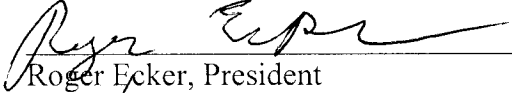
(p) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

7. The definition of “substantial property interest” set forth in Indiana Code 36-7-9-2 is hereby incorporated by reference herein as if copied in full.
8. All work for the reconstruction, alteration, repair or demolition of the buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices of the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical and one-and two-family dwellings, promulgated by the Fire Prevention and Building Safety Commission of Indiana shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Marshall County Building Commissioner.
9. An Unsafe Building and Unsafe Premises Fund is hereby designated and established in the operating budget of the Town of La Paz in accordance with the provisions of Indiana Code 36-7-9-14.
10. No person, firm or corporation, whether as owner, lessee, sub-lessee 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 Town of La Paz Code Enforcement Officer or the Marshall County Building Commissioner. Any person violating the provisions of this ordinance or Indiana Code 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 reason, the remainder of said ordinance shall not be affected thereby.
12. This ordinance will be in full force and effect on the 12 day of September, 2019, according to the law of the State of Indiana. All

former ordinances which conflict with this ordinance are hereby repealed and superseded.

Adopted this 12 day of September, 2019.

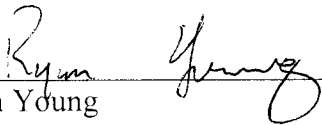
THE TOWN COUNCIL OF THE
TOWN OF LA PAZ, INDIANA



Roger Ecker, President

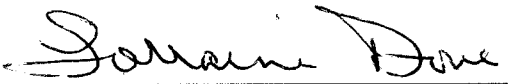


Kelli Chavez



Ryan Young

ATTEST:



Lorraine Dove, Clerk-Treasurer
Town of La Paz, Indiana