

**CITY OF CHARLESTOWN, INDIANA COMMON COUNCIL**

**ORDINANCE NO. 2020-04**

**AN ORDINANCE ADOPTING THE CITY OF CHARLESTOWN  
UNSAFE BUILDING LAW**

**WHEREAS**, the Common Council has determined that there exist within the City Limits of Charlestown, structures that have become unsafe and attractive nuisances; and

**WHEREAS**, the adoption of an unsafe building law is intended to protect, preserve, and promote the physical and mental health and well-being of the citizens of Charlestown and to eliminate blight and preserve and protect property values in the community; and

**WHEREAS**, the State of Indiana has provided provisions in accordance with Indiana Code 36-7-9-3 that allows Cities and Towns to adopt Unsafe Building Laws in the best interest of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN, INDIANA, THAT:

**UNSAFE BUILDING LAW.**

Under the provisions of I.C., 36-7-9-3, there is established the City of Charlestown Unsafe Building Law.

**Sec. 1. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) **ENFORCEMENT AUTHORITY** refers to the Building Commissioner and/or the director of the Department of Planning and Zoning.

(b) **HEARING AUTHORITY** refers to the Charlestown Board of Public Works and Safety as the body designated to conduct hearings in accordance with I.C., 36-7-9-7 and Section 8 of this Code.

(c) **SUBSTANTIAL PROPERTY INTEREST** means any right in real property that may be affected in a substantial way by actions authorized by this Chapter, including a fee interest, a life estate, a future interest, a present possessory interest, or an equity interest of a contract purchaser.

**Sec. 2. Statutes Adopted.**

I.C., 36-7-9-1 through I.C., 36-7-9-28, as amended, together with all hearing requirements, is adopted by reference as the City of Charlestown Unsafe Building Law. All proceedings within the City for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions of this Article. In the event the provisions of this Article conflict with the provisions of I.C., 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control.

### Sec. 3. Compliance Required.

No person, firm or corporation, 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 any order issued by the Building Commissioner and/or the Director of Planning and Zoning.

### Sec. 4. Nuisance Declared; Abatement Required.

All buildings, or portions thereof within the City which are determined after inspection by the Building Commissioner and/or the Director of Planning and Zoning 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 or vacated in accordance with the procedure specified in this Article.

### Sec. 5. Enforcement Authority.

(a) The Enforcement Authority shall, after consultation with appropriate City officials and/or agencies, be authorized to administer and to proceed under the provisions of this Article in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

(b) Wherever in the building regulations of the City or in this Article, 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 Planning Department, 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; 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.

### Sec. 6. Additions to Definition of Unsafe Building.

The definition of an unsafe building contained in I.C., 36-7-9-4, is supplemented to provide minimum standards for building conditions or maintenance in the City, by adding the following to said definition:

Any building or structure which has any or all of the unsafe 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 arranged as required so as to be in compliance with the applicable building code then in force;

(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 (1-1/2) times the working stress or stresses allowed for new buildings of similar structure, purpose or location as established by the applicable Indiana State Building Code then in force;

(c) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such extent that the structural strength or stability thereof is materially less than it was before such catastrophe, and less than the minimum requirements for new buildings of similar structure, purpose or location as established by the applicable Indiana State Building Code then in force.

(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 so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings as established by the applicable Indiana State Building Code then in force.

(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 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 one-third of the base.

(j) Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting 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) 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 City, or of any law or ordinances of this state or county 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 nonsupporting part, member, or portion less than fifty

(50) percent, or in any supporting part, member, or portion less than sixty-six (66) percent 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 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-resisting construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the 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 thereon an attractive nuisance or hazard to the public.

(q) Whenever a structure designed and/or utilized for residential occupancy is without proper waste disposal for more than a forty-eight (48) hour period.

#### Sec. 7. Standards and Practices in the Trade.

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 and regulations pertaining to construction, plumbing, electrical, mechanical, and one- and two-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 and/or the Director of Planning and Zoning.

#### Sec. 8. Authority Designated.

The City of Charlestown Board of Public Works and Safety is hereby designated the hearing authority in accordance with the provisions of I.C., 36-7-9-7, and for the purpose of conducting hearings in accordance with I.C., 36-7-9-7.

#### Sec. 9. Unsafe Building Fund.

An Unsafe Building Fund may be established in the operating budget of the Board of Public Works and Safety in accordance with the provisions of I.C., 36-7-9-14.


#### Sec. 10. Board of Public Works and Safety to Administer Bids and Contracts.

It shall be the responsibility of the Board of Public Works and Safety to administer any bids for or demolition contracts awarded pursuant to the provisions of this Article.

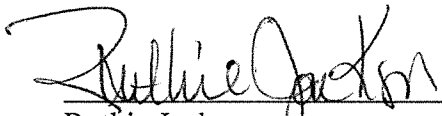
This Resolution is hereby ADOPTED by the City of Charlestown, Indiana Common Council this date: 4-6-2020.

  
\_\_\_\_\_  
Brian Hester


In Favor	Opposed	Abstained
<u>✓</u>	_____	_____

  
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Bo Bertram

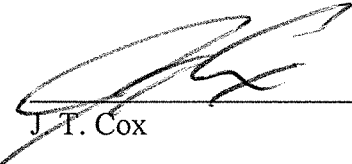
In Favor	Opposed	Abstained
<u>✓</u>	_____	_____

  
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Ruthie Jackson

In Favor	Opposed	Abstained
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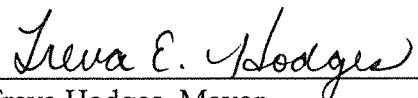
  
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B. J. Steele

In Favor	Opposed	Abstained
<u>✓</u>	_____	_____

  
\_\_\_\_\_  
J. T. Cox


In Favor	Opposed	Abstained
<u>✓</u>	_____	_____

THIS ORDINANCE WAS APPROVED upon this date: 4-6-2020

  
\_\_\_\_\_  
Treva Hodges, Mayor

**ATTEST:**

4-6-2020  
Date

  
\_\_\_\_\_  
Donna Coomer  
City Clerk-Treasurer