

ORDINANCE NO. 9, 1993

AN ORDINANCE PROVIDING FOR THE INSPECTION, REPAIR, OR REMOVAL OF UNSAFE BUILDINGS AND FOR THE MAINTENANCE AND REPAIR OF VACANT STRUCTURES

WHEREAS, pursuant to the authority of the Civil Town of Mooresville, to establish reasonable regulations for the health, safety and welfare of the citizens of the Town of Mooresville;

WHEREAS, Indiana Code 36-7-9 et seq. allows municipalities to adopt this chapter of the Indiana Code by municipal ordinance;

WHEREAS, the Town Council finds it necessary to establish reasonable regulations for the inspection, repair, or removal of unsafe buildings and for the repair and maintenance of vacant structures pursuant to Indiana Code 36-7-9 et seq.;

BE IT THEREFORE ORDERED AND ORDAINED by the Town Council of the Civil Town of Mooresville, Morgan County, Indiana, the following:

SECTION I:

That under the provisions of Indiana Code 36-7-9 et seq. and all amendments thereto there is hereby established the Mooresville Unsafe Building Ordinance an ordinance for maintenance and repair of vacant structures.

SECTION II:

That Indiana Code 36-7-9 et seq. is hereby adopted by and referenced as the Town of Mooresville's Unsafe Building Ordinance and Vacant Structure Maintenance And Repair Ordinance. Proceedings under this ordinance within the Civil Town of Mooresville providing for the inspection, repair, maintenance, and removal of unsafe buildings and other vacant structures shall be governed by the aforementioned Indiana Code and all amendments to said Code along with the specific provisions set out in this ordinance. In the event of direct conflict between the provisions of this ordinance and Indiana Code 36-7-9 et seq. and any amendment thereto, the provisions of the Indiana Statute shall be controlling.

SECTION III:

The Town Council designates the building inspector's office as the "executive department" authorized to administer this chapter. The head building inspector shall be the "enforcement authority"

designated as the chief administrative officer.

The "hearing authority" shall be the Mooresville Plan Commission.

That the definition of "substantial property interest" means any right in real property that may be effected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser. In a consolidated City, the interest reflected by a Deed, lease, license, mortgage, land sale contract, or lien is not a substantial property interest unless the Deed, lease, license, mortgage, land sale contract, lien, or evidence of it is:

- (1) Recorded in the office of the County Recorder; or
- (2) The subject of a written information that is received by the Division of Development Services and includes the name and address of the holder of the interest described.

This definition specifically states the definition of I.C. 36-7-9-2 and shall incorporate by reference any amendment to this Indiana Code cite.

That the definition of "person" shall mean any person, corporation, partnership, or other business entity including an owner, lessee, sublessee, or occupant.

SECTION IV:

All buildings or portions thereof within the Civil Town of Mooresville which are determined to be unsafe as defined in this ordinance are hereby declared to be a public nuisance and shall be, after proper notice, be abated by repair, rehabilitation, demolition, removal, sealing, or other appropriate maintenance as set out in said order of the enforcement authority or order of the hearing authority.

SECTION V:

Any enforcement of this ordinance that states certain work shall be done subject to the approval of or the direction of the building inspector, or any other officer of the Town of Mooresville, shall be construed to give such officer only the discretion of determining whether the rules and standards established by this ordinance or codes of the State of Indiana 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 State Statute or State building standards, or to enforce ordinance provisions in an arbitrary or discretionary manner.

SECTION VI:

The definition of unsafe buildings and unsafe premises described in I.C. 36-7-9-4 and all amendments thereto is hereby supplemented to provide more specific minimum standards for building conditions or maintenance in the Town of Mooresville for the purpose of giving more specific standards to I.C. 36-7-9-4 (a (1)-(6) and when a violation is cited the Indiana Code number shall be specified along with the more specific itemized violations set out in this ordinance.

Specific standards are as follows:

(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 the 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 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 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 of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

(f) Whenever any portion thereof has cracked, 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 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.

(k) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood 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 Civil Town of Mooresville, or of any law or ordinance of the State of Indiana or Town of Mooresville 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, or in any supporting part, member, or portion less than sixty-six 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 arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Official to be unsanitary unfit for human habitation, or in such a condition that it 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 fire official 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 one month so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

SECTION VIII:

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 and two family dwellings, promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practice for all matters covered by this ordinance or others issued pursuant to this ordinance by the Building Inspector of the Civil Town of Mooresville.

SECTION IX:

An Unsafe Building Fund is hereby established in the operating budget of the Civil Town of Mooresville, in accordance with the provisions of I.C. 36-7-9-14.

SECTION X:

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.

SECTION XI:

All ordinances or parts of ordinance in conflict herewith are hereby repealed including Ordinance No. 15 - 1982 and Ordinance No. 9-1984, This ordinance shall be in full force and effect from and after it's passage and due publication.

Passed by the Town Council for the Civil Town of Mooresville, Indiana, this 17<sup>th</sup> day of August, 1993.

Town Council  
Civil Town of Mooresville

Steve Ballard  
Steve Ballard

Stephen A. Edwards  
Stephen A. Edwards

Patricia Overholser  
Patricia Overholser

Richard E. Heald

Tim Viles  
Tim Viles

Attest:

Ann Whaley  
Ann Whaley, Clerk-Treasurer

Approved by the Indiana Fire Prevention and Building Safety  
Commission this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



ORDINANCE 18, 2000

AN ORDINANCE AMENDING ORDINANCE 9, 1993  
WHICH IS AN ORDINANCE PROVIDING FOR THE INSPECTION,  
REPAIR OR REMOVAL OF UNSAFE BUILDINGS AND THE  
MAINTENANCE AND REPAIR OF VACANT STRUCTURES

WHEREAS, pursuant to the authority vested in the Town Council for the Town of Mooresville to establish reasonable regulations for the inspection, repair or removal of unsafe buildings pursuant to IC 36-7-9;

WHEREAS, the Town Council, by Ordinance, shall appoint a hearing officer for its Ordinance regulating buildings pursuant to IC 36-7-9;

NOW, THEREFORE, the Town Council for the Civil Town of Mooresville, amends Ordinance 9, 1993, Section 3, as pertains to the "hearing authority" which shall now be amended as follows:

**Section III**

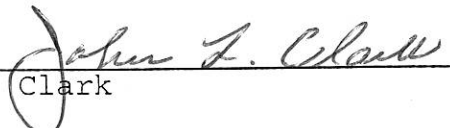
"The 'hearing authority' shall be the Judge of the Mooresville Town Court."

That this ordinance specifically vacates Ordinance 14, 2000 in it's entirety.

All other terms and conditions set out in Ordinance 9, 1993 not specifically amended by this Ordinance shall remain in full force and effect.


Dated this 5<sup>th</sup> day of December, 2000.

MOORESVILLE TOWN COUNCIL

  
\_\_\_\_\_  
John L. Clark

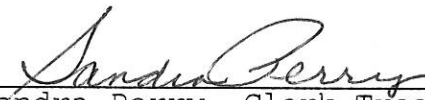
  
Toby Dolen

  
Mark Mathis

  
Andy Pygman

  
Tom Warthen

Attest:

  
Sandra Perry, Clerk-Treasurer