

ORDINANCE NO. 2021-23

AN ORDINANCE AMENDING CHAPTER 150 OF THE TOWN OF EDINBURGH'S CODE REGARDING UNSAFE BUILDINGS

WHEREAS, the Edinburgh Town Council adopted Ordinance 1985-6 on the 22nd day of April, 1985 which provided certain provisions to provide for the protection of life, limb, health, property, public safety, and welfare of citizens, and abatement of unsafe premises by repair, vacation, sealing, or the removal of an unsafe building, or buildings, in or upon unsafe premises, or, the extermination of vermin in or about unsafe premises within the Town of Edinburgh.

WHEREAS, Edinburgh Town Council desires to amend Ordinance 1985-6 to reflect the updated provisions of the Indiana Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN
COUNCIL, AS FOLLOWS:**

I. SECTION 1. PRIOR ORDINANCE

- a. That the Edinburgh Town Council ("Council") adopted Ordinance 1985-6 on the 22nd day of April, 1985 ("Ordinance") which provided certain provisions for the protection of life, limb, health, property, public safety, and welfare of citizens, and abatement of unsafe premises by repair, vacation, sealing, or the removal of an unsafe building, or buildings, in or upon unsafe premises, or, the extermination of vermin in or about unsafe premises within the Town of Edinburgh which said provisions were contained in Chapter 150 of the Edinburgh Town Code ("Code").

II. SECTION 2. AMENDMENTS TO CODE

- a. That the Council hereby amends Chapter 150 as follows:
 - i. Section 150.52 is deleted in its entirety and replaced with the following:
 1. *"I.C. 36-7-9 through I.C. 36-7-9-29 is hereby adopted by reference, and made hereto as part of this chapter, as the Town of Edinburgh Unsafe Building Ordinance. All proceedings within the Town for the inspection, repair and removal of unsafe buildings shall be governed by said law and the*

provisions of this subchapter. In the event the provisions of this chapter conflict with the provisions of I.C. 36-7-9 through 36-7-9-29, the provisions of the state statute shall control.”

- ii. Section 150.53 is deleted in its entirety and replaced with the following:

- I. *“The definitions in I.C. 36-7-9-1 through 36-7-9-29 are adopted by reference. Without limiting those definitions, they are supplemented as follows:*
 - a. **DEPARTMENT.** *The Office of the Town Manager of the Town of Edinburgh, Indiana by and through the Building and Zoning Department of the Town of Edinburgh.*
 - b. **ENFORCEMENT AUTHORITY.** *The Town Manager of the Town of Edinburgh, Indiana and/or the designee of the Town Manager.*
 - c. **HEARING AUTHORITY.** *The person or persons designated as such by the Edinburgh Town Council. Such designation(s) may be made by amendment(s) to this chapter and/or by resolutions) adopted from time to time.*
 - d. **SUBSTANTIAL PROPERTY INTEREST.** *Has the meaning set out in I.C. 36-7-9-2. Pursuant to I.C. 36-7-9-3, that definition is specifically incorporated by reference.*
 - e. **UNSAFE BUILDING and UNSAFE PREMISES.** *Have the meanings that are set out in I.C. 36-7-9-1 through 36-7-9-29. Further, and not in limitation of the meanings set forth in the Indiana Code, **UNSAFE BUILDING and UNSAFE PREMISES** include the following:*

i. 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.

1. Whenever any door, aisle, passageway, or other means of egress or means of escape 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.

2. 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.

3. 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 or similar structure, purpose or location.

4. Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to

collapse and thereby creating a situation to potentially injure persons or damage property.

5. *Whenever any portion of a building, or any member, appurtenance, 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 similar structure, purpose or location without exceeding the working stresses permitted for such buildings.*
6. *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.*
7. *Whenever the building or structure, or any portion thereof, because of:*
 - a. *Dilapidation, deterioration, or decay;*
 - b. *Faulty construction;*
 - c. *The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;*

- d. The deterioration, decay or inadequacy of its foundation;*
 - e. Any other cause; or is likely to partially or completely collapse.*
- 8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.*
- 9. 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.*
- 10. Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.*
- 11. 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:*
 - a. An attractive nuisance to children; or*
 - b. Freely accessible to persons for the purpose of committing unlawful acts.*

12. 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 , or of any law or ordinance of this state or town , relating to the condition, location or structure of buildings.

13. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting parts, member or portion less than 50%, or is any support part, member or portion less than 66% of the:

- a. Strength;*
- b. Fire-resisting qualities or characteristics;*
- c. Weather-resisting qualities or characteristics; or required by law in the case of a newly constructed building of like area, height and occupancy in the same location.*

14. 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 and Zoning Department of the Town of Edinburgh to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

15. *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 Building and Zoning Department of the Town of Edinburgh to be a fire hazard.*

16. *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."*

17. *Whenever the building or structure has been used as a location to produce methamphetamine or any other narcotic and the building or structure has not been certified clean by the local or state department of health.*

18. Whenever the building or structure has been used as a location to produce devices with explosives or any other materials that were intended to create an explosion and the building or structure has not been certified clean by the local or state department of health.

19. Whenever the building or structure has been declared a public nuisance in accordance with Section 103.08 of the Town of Edinburgh Municipal Code.

iii. Section 150.54 is deleted in its entirety and replaced with the following:

1. "The Office of the Town Manager of the Town of Edinburgh, Indiana by and through the Building and Zoning Department of the Town of Edinburgh, or any of its officers, may rely upon any officer of the Bartholomew County Board of Health, Johnson County Board of Health, or the Shelby County Board of Health, in making a determination that a building or structure is unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease. Office of the Town Manager of the Town of Edinburgh, Indiana by and through the Building and Zoning Department of the Town of Edinburgh, or any of its officers, may rely upon the Fire Chief or his designee of the Edinburgh Fire Department, in determining that a building or premises is a fire hazard."

iv. Section 150.56 is amended by adding the following:

1. "The fund shall receive monies from any source, including appropriations by local, state, or federal governments, and donations. The fund will be used exclusively for enforcement of Town of Edinburgh Unsafe Building Ordinance, Chapter 150

of the Town of Edinburgh Municipal Code, pursuant to Indiana Code § 36-7-9 et seq. Deposits into and expenditures from the Fund will be administered pursuant to applicable law.”

- v. A new section shall be added titled Section 150.57 titled

“VIOLATIONS - PENALTY” and states as follows:

1. *“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 subchapter or any order issued by the Office of the Town Manager of the Town of Edinburgh, Indiana by and through the Building and Zoning Department of the Town of Edinburgh.*
2. *If any person, firm or corporation shall violate any of the provisions of this chapter or shall do any act prohibited therein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the applicable official or representative of the Town of Edinburgh, or shall fail, neglect or refuse to obey any lawful order given by the same in connection with the provisions of this chapter for each violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day the violation continues constitutes a separate offense.”*

III. **SECTION 3. PUBLIC BENEFIT**

- a. That the Edinburgh Town Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

IV. SECTION 4. REPEALER

- a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

V. SECTION 5. SEVERABILITY

- a. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

VI. SECTION 6. PUBLIC NOTICE

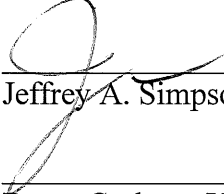
- a. In accordance with Indiana Code 36-5-2-10(b) and Indiana Code 5-3-1-2(h), this Ordinance shall be published in newspapers of general circulation in Johnson, Shelby, and Bartholomew Counties one (1) time within thirty (30) days after it is adopted by Council.

VII. SECTION 7. EFFECTIVE DATE

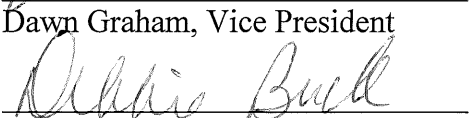
- a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

ADOPTED this 13th day of December, 2021.

EDINBURGH TOWN COUNCIL



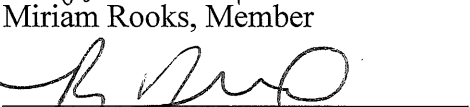
Jeffrey A. Simpson, Council President



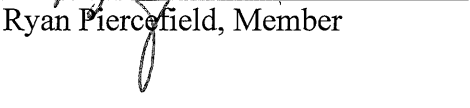
Dawn Graham, Vice President



Debbie Buck, Member

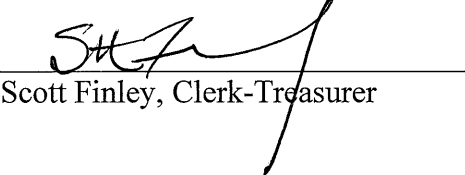


Miriam Rooks, Member



Ryan Piercefield, Member

ATTEST:



Scott Finley, Clerk-Treasurer