CHAPTER 150: BUILDINGS

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UNSAFE BUILDINGS

§ 150.01 ADOPTION OF STATE LAW.

(A) Pursuant to the authority granted by the state through I.C. 36-7-9-3, the town hereby adopts the provisions of I.C. 36-7-9, which are hereby established as the "Brookston Unsafe Building Code".

(B) (1) I.C. 36-7-9-1 through 6-7-9-28, as it may be amended from time to time, is hereby incorporated by reference in the Town Unsafe Building Code. 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.

(2) In the event the provisions of this subchapter conflict with the provisions of I.C. 36-7-9, then the provisions of the state statute shall control.
(Ord. 4, 1994, passed 8-10-1994)

§ 150.02 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(B) The definitions set forth in I.C. 36-7-9-2 and I.C. 36-7-9-4 are incorporated by reference herein in their entirety, including the definition of "substantial property interest" therein; and for purposes of this subchapter, the following additional definitions shall apply.

DILAPIDATED. No longer adequate for the purpose or use for which it was originally intended.

PUBLIC NUISANCE. Includes:

(a) Any physical condition, use, or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or for which the required precautions against trespassers have not been provided;

(b) Any premises from which the plumbing, heating, electrical, and facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective;

(c) Any structure or building that is in a state of dilapidation, deterioration, or decay; abandoned; in danger of collapse or failure; and/or dangerous to anyone on or near the premises;

(d) Any structure where the paint has been severely removed by time, or where the paint is checked or bleeding; or

(e) Any structure which violates state law.

UNSAFE BUILDING. In addition to the definition thereof contained in I.C. 36-7-9-4, *UNSAFE BUILDING* means any building or structure which has any or all of the conditions or defects hereinafter described, provided that these 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 walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;

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(c) 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;

(d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to an extent that the structural strength or stability thereof is materially less than it was before that catastrophe, and is less than the minimum requirements for new buildings of similar structure, purpose, or location;

(e) 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;

(f) 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;

(g) 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;

(h) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting the building; the deterioration, decay, or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse;

(i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

(j) 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;

(k) 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 nonsupporting members, enclosing or outside walls, or coverings;

(l) 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 an attractive nuisance to children, or freely accessible to persons for the purpose of committing unlawful acts;

(m) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to the building or structure provided by

the building regulations of this town, or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings;

(n) 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 50%, or in any supporting part, member, or portion less than 66% of the strength, fire-resisting qualities or characteristics, or 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;

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the County Health Officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease;

(p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, or lack of sufficient fire-resistive construction is determined by the Chief of the City Fire Inspection Bureau to be a fire hazard; or

(q) 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 that building or portion thereof an attractive nuisance or hazard to the public.
(Ord. 4, 1994, passed 8-10-1994)

§ 150.03 BUILDING INSPECTOR POSITION; DUTIES.

(A) There is hereby created for the town the position of Building Inspector who shall be appointed by the Town Council and who shall serve in this capacity until the official either resigns or the Town Council removes the official from the position, with or without cause.

(B) Whenever the Building Inspector or his or her designee for the town shall find within the municipal limits any unsafe buildings as described herein, said official shall have the power to order and compel compliance with this subchapter pursuant to the provisions of I.C. 36-7-9. The Building Inspector shall have the power to compel all occupants of any such building or structure and all other persons to vacate and remain out of such unsafe buildings and structures pending compliance with this subchapter and state law, by posting in all instances, upon such building, structure, or appurtenance thereof, or at or near its principal entrance, a sign in large letters stating, in substance.

"THIS BUILDING OR STRUCTURE IS IN AN UNSAFE CONDITION AND MUST NOT BE USED OR ENTERED BY ANYONE, WITHOUT THE WRITTEN PERMISSION OF THE BUILDING INSPECTOR OF THE TOWN OF BROOKSTON, INDIANA".

(C) The Building Inspector or his or her designee shall, and is hereby empowered to issue all orders in writing to owners and occupants of buildings and structures that are unsafe within the meaning of this subchapter directing such action as may be necessary to bring said building or structure within compliance of this subchapter and state law; provided, however, that prior to the issuance of any such orders, the Building Inspector or his or her designee shall prepare a written report to be distributed to the Town Council, which report shall state the location of such unsafe building or structure, the owner, and/or occupants thereof, the general nature of repairs, alterations, or other reconstruction that may be necessary to bring said building or structure within compliance of this subchapter and the action that is about to be taken by the Building Inspector or his or her designee. All papers and reports as required herein shall constitute the record in each case and must be preserved in a file kept in the office of the Building Inspector or his or her designee.

(D) In the event that the Building Inspector or his or her designee finds any building, structure, or appurtenance thereto is an unsafe building as described herein, and that no remedy for compliance is feasible, then and in that event, the Building Inspector or his or her designee shall have the authority to condemn the building or structure in order that the same be wrecked and removed pursuant to I.C. 36-7-9.
(Ord. 4, 1994, passed 8-10-1994)

§ 150.04 HEARING AUTHORITY.

The Town Council shall be the hearing authority which shall conduct all administrative hearings required under I.C. 36-7-9.
(Ord. 4, 1994, passed 8-10-1994)

§ 150.05 UNSAFE BUILDING FUND.

An Unsafe Building Fund is hereby established in the operating budget of the town in accordance with the provisions of I.C. 36-7-9-14.
(Ord. 4, 1994, passed 8-10-1994)

§ 150.06 VIOLATIONS.

Any person shall, in any and each such instance, be deemed guilty of a Class C infraction, pursuant to I.C. 36-7-9-28(4), for each day any such person shall:

(A) Prevent or attempt to prevent the posting of any notice;

(B) Remove or deface any notice posted upon any building or structure or appurtenance thereto, as provided for in this subchapter, without written permission of or when acting for the Building Inspector or his or her designee;

(C) Remain in, use, or enter any building or structure in violation of an order thereon, as provided in this subchapter;

(D) Willfully refuse to comply with, or shall willfully interfere with or delay the carrying out of any order finally effective and authorized by this subchapter and I.C. 36-7-9;

(E) Willfully obstructs, delays, damages, injures, or interferes with any persons engaged or property used in performing any work or duty under or authorized by this subchapter and state law, or under and pursuant to any other pertinent ordinances or laws; or

(F) Violate any other provisions of this subchapter or I.C. 36-7-9.
(Ord. 4, 1994, passed 8-10-1994)

NUMBERING OF LOTS, BUILDINGS, AND STRUCTURES

§ 150.20 NUMBERING GENERALLY.

All houses, buildings, and structures in the town shall be numbered in accordance with the following plan.

(A) The number shall reflect the official address recognized by the town and the 9-1-1 emergency system.

(B) It shall be the obligation of the owner of the property to place numbers on the house, building or structure, which numbers shall be a minimum of three inches high and shall contrast with the background on which they are placed.

(C) If the building or structure is a residence and is more than 75 feet from the roadway, then the numbers shall be attached to a fixture near the street.

(D) Residential numbers may be attached to a rural mailbox post provided the mailbox post is on the same side of the roadway and only one mailbox is present.

(E) If the building or structure is a business, the number must be affixed in a clearly visible location on the front of the building.

(F) Each unit of a multi-family dwelling shall be addressed separately.
(Ord. 93-3, passed 8-25-1993)

§ 150.21 TOWN CLERK-TREASURER'S DOCUMENTATION.

The Town Clerk-Treasurer shall keep a chart or log showing the proper street number of every house, building, or structure in the town.
(Ord. 93-3, passed 8-25-1993)

§ 150.22 ENFORCEMENT OF SUBCHAPTER.

Enforcement of this subchapter may be accomplished by the town in any manner authorized by law, including the bringing of the town of an action to enjoin or otherwise abate any existing violation of this subchapter.
(Ord. 93-3, passed 8-25-1993)