

Ordinance Number 2011-__4__

**AN ORDINANCE ADOPTING AND ESTABLISHING
PROCEDURES FOR THE ENFORCEMENT OF BUILDING
STANDARDS WITHIN THE TOWN OF
BURLINGTON, INDIANA**

WHEREAS, it would be beneficial to the health and welfare of the citizens of Burlington that there exists standard procedures for the uniform enforcement of building standards within the Town of Burlington.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BURLINGTON, INDIANA, as follows:

SECTION I
Definitions

- A. **Department-** The Town Council for the Town of Burlington shall be the executive department authorized by this ordinance
- B. **Enforcement Authority-** is the President of the Burlington Town Council or his designee.
- C. **Hearing Authority-** shall mean that person or persons designated as such by the legislative body of the Town under the authority of IC 36-7-9-2. The hearing authority shall perform those functions specified by state statute.
- D. **Substantial Property Interest-** The definition of “substantial property interest” set out in IC 36-7-9-2 is hereby specifically incorporated by reference into this ordinance as if fully set forth herein.

SECTION II
Declaration of Public Nuisance

All buildings or portions thereof within the Town of Burlington which are determined after inspection by the enforcement authority to be unsafe as defined in this ordinance are hereby declared to be public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.

SECTION III
Powers of Enforcement Authority

The enforcement authority, as President of the Town Council of the Town of Burlington, or their designee, shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

SECTION IV **Limitations of Powers**

Wherever in this ordinance, or under applicable state statute, it is provided that anything must be done to the approval of, or subject to, the discretion of determining whether the rules and standards established by ordinance or statute have been complied with; and no such provisions shall be construed as giving the enforcement authority discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance or statute, or to enforce such provisions in an arbitrary or capricious manner.

SECTION V **Unsafe Building**

The description of an unsafe building contained in IC 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the Town of Burlington, 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 endangered. Such conditions or defects 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 case of fire or panic.
- b. 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 this Town, or of any law or ordinance of this state or this town relating to the condition, location, or structure of buildings.

- c. 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.
- d. 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 Enforcement Authority to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- e. 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 Enforcement Authority to be a fire hazard.
- f. 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.

SECTION VI **Sealing of Unsafe Buildings**

Upon a finding by the Enforcement Authority that a building or structure is “unsafe” and defined by IC 36-7-9-4, or this ordinance, then, in addition to all other powers provided by law, the Enforcement Authority may, pursuant to IC 36-7-9-5(a)(2), proceed to seal the unsafe building against intrusion by unauthorized persons according to the administrative procedures set out in IC 36-7-9-1 et seq.

SECTION VII **Renovation Standard**

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 orders issued pursuant to this ordinance by the Enforcement Authority of the Town of Burlington, Indiana, or its designee.

SECTION VIII
Establishment of Unsafe Building

An Unsafe Building Fund is hereby established in the operating budget of the Town of Burlington in accordance with the provisions of IC 36-7-9-14.

SECTION IX
Violations

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 Enforcement Authority. Any person violating the provisions of this ordinance or IC 36-7-9-28 shall commit a Class C infraction for each day such violation continues.

SECTION X
Severability

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
Effective Date and Repealer

This Ordinance shall be in full force and effect from and after its passage, signature by the Members of the Town Council, and publication as provided by law.

PASSED AND ADOPTED by the Town Council of the Town of Burlington, Carroll County, Indiana, this __12th__ day of ____July____, 2011.

Councilman:

Stan Moore

Teddy Huffer

Joseph Armstrong

ATTEST:

Christy Shepherd, Clerk-Treasurer