

Ordinance No. 2021-2

An Ordinance to amend Ordinance 1999-1, An Ordinance providing for the Inspection, Repair, or Removal of Unsafe Buildings Within the Town of Westport, Indiana

WHEREAS, the Legislature of the State of Indiana has found that unoccupied structures that are not maintained constitute a hazard to public health, safety, and welfare;

WHEREAS, the problem found by the state general assembly to be caused by deteriorated structures in urban areas also apply to small towns and rural areas;

NOW THEREFORE, BE IT ORDAINED by the Town Council of Westport, Indiana, that:

1. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby adopted by reference as the Town of Westport Unsafe Building Law. All proceedings within the Town of Westport for the inspection, repair, and removal of unsafe building shall be governed by that law and the provisions of this ordinance.
2. This ordinance shall supersede those provisions of Westport Ordinance 1984-3 and 1999-1 which deal with unsafe buildings.
3. All buildings or portions thereof within the Town of Westport which are determined after inspection by the Superintendent of Public Works to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.
4. The Superintendent of Public Works shall be authorized to administer this ordinance.
5. A building or structure, or any part of a building or structure, that is:
 - a. In an impaired structural condition that makes it unsafe to a person or property;
 - b. A fire hazard;
 - c. A hazard to the public health;
 - d. A public nuisance;
 - e. Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
 - f. Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;Is considered an unsafe building. An unsafe building and the tract of real property on which the unsafe building is located are considered unsafe premises. The Superintendent of Public Works is authorized to adopt written polices and

guidelines to use in determining whether buildings or structures are unsafe or dangerous.

6. The Superintendent of Public Works may issue an order requiring action relative to any unsafe premises. The following orders become final ten (10) days after notice is given, unless a hearing is requested before the 10 days end by a person holding a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises:

- a. Sealing an unsafe building against intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;
- b. Extermination of vermin in and about the unsafe premises;
- c. Removal of trash, debris, or fire hazardous material in and about the unsafe premises;

The following orders require a hearing before they become final:

- d. Repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy, or use by a statute, a rule adopted under IC 4-22-2, or an ordinance;
- e. Removal of part of an unsafe building
- f. Removal of an unsafe building; and
- g. Requiring, for an unsafe building that will be sealed for a period of more than ninety (90) days:
 - i. Sealing against intrusion by unauthorized persons and the effects of weather;
 - ii. Exterior improvements to make the building compatible in appearance with other buildings in the area; and
 - iii. Continuing maintenance and upkeep of the building and premises.

Any person having a substantial property interest in the unsafe premises may appear in person or by counsel at the hearing.

7. "Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this ordinance, including a fee interest, a life estate interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser. The interest reflected by a deed, lease, license, mortgage, land sale contract, lien, or evidence of it is:

- a. Recorded in the office of the county recorder; or
- b. The subject of a written information that is received by the town clerk and includes the name and address of the holder of the interest described.

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

9. 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.

10. This Ordinance shall be in full force and effect from and after its passage.

ADOPTED AND PASSED by the Town Council of the Town of Westport, Indiana, this 8th day of March, 2021.

AYES

NAYS

Harry Pray III
Joe Boyd
Joseph Bruidley
Council Members

Council Members

Presented to me by the Town Council of Westport, Indiana on this 8th day of March, 2021.

Mark Owen
Clerk-Treasurer