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ORDINANCE #

COPY

**AN ORDINANCE REGARDING ABANDON BUILDINGS AND  
DEEMING ABANDONED BUILDINGS UNSAFE**

WHEREAS, abandoned buildings pose a danger to the health, safety, morals and welfare of the citizens of Parker City and should be considered vacant, deteriorated structures and deemed unsafe pursuant to Indiana Code 36-7-9-4.5.

WHEREAS, there is a need to adopt vigorous and disciplined action to ensure the proper maintenance and repair of vacant structures.

WHEREAS, this Ordinance adopts the provisions of Indiana Code 36-7-9 (Unsafe Building Law).

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Council of the Town of Parker City, Indiana as follows:

1. **ENFORCEMENT AUTHORITY.** It shall be the duty of the police officers of the town to enforce the provisions of this Ordinance.
2. **HEARING AUTHORITY.** It shall be the duty of the Town Council to act as the hearing authority for all matters requiring a hearing under this Ordinance.
3. **POWERS AND DUTIES.** The Enforcement Authority may issue an order requiring action relative to any vacant premises deemed unsafe:
  - a) sealing against intrusion by unauthorized persons;
  - b) extermination of vermin in and about the premises;
  - c) removal of trash, debris, or fire hazardous material in and about the unsafe premises;
  - d) repair or rehabilitation to bring the building into compliance with any ordinance, code or statute or for human habitation, occupancy or use;
  - e) removal of part of a building; and
  - f) removal of a building.
4. For any action other than that described in 3 a, b and c, a hearing shall be held pursuant to Indiana Code 36-7-9-7.
5. An order issued by the Enforcement Authority will contain the following information:

- a) The name of the person to whom the order is issued (which person shall be a person having a "substantial property interest" in the premises, the definition of which is found in I.C. 36-7-9 and which is hereby incorporated by reference;
- b) The legal description or address of the unsafe premises that are the subject of the order;
- c) The action that the order requires;
- d) The period of time in which the action is required to be accomplished (which is to be measured from the date the notice is given);
- e) If a hearing is required, a statement indicating the exact time and place of the hearing and stating that the person to whom the order was issued is entitled to appear with or without legal counsel, present evidence, cross-examine opposing witnesses and present argument;
- f) If a hearing is not required, a statement that the order becomes final ten (10) days after notice is given, unless a hearing is requested in writing by a person with a "substantial property interest".
- g) The following statement:

A person who has been issued and has received notice of an order relative to unsafe and unabandoned premises and has not complied with said order:

- (1) Must supply full information regarding the order to a person who takes or agrees to take a substantial interest in the premises before transferring or agreeing to transfer that interest; and
- (2) Must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the premises, supply the Town of Parker City with written copies of the full name, address and telephone number of the person taking a substantial property interest in the premises and the legal instrument under which the transfer or agreement to transfer the interest is accomplished.

If a judgment is obtained against the Town of Parker City or other governmental entity for the failure to provide notice of its actions, a person who failed to comply with obligation is liable to the Town of Parker City of the amount of the judgment.

h ) The name, address and telephone number of the Enforcement Authority.

6. The order must allow at least ten (10) days from the time when notice of the order is given to accomplish the required action.
7. The order may be enforced for up to two (2) years from the day the notice is given.
8. **PERFORMANCE OF WORK AND COSTS THEREOF:** The work required by an order of the Enforcement Authority may be performed in the following manners:
  - a) Work described in section 3 a, b, and c may be performed without further notice to the property owner and may be performed by a contractor who has been awarded a base bid to perform the work, or by the Enforcement Authority acting through its own works and equipment.
  - b) All other work described in section 3, which is estimated to cost LESS than \$5,000.00, may be performed after notice to the property owner of at least ten (10) days, by the Enforcement Authority acting through its own employees and equipment. Work estimated to cost MORE than \$5,000.00, must be let at public bid to a contractor licensed and qualified under law.
9. **LIABILITY FOR COSTS.** When action required by an order is performed by the Enforcement Authority or by a contractor, each person, who held a substantial property interest from the time the order was issued to the time the work was performed is jointly and severally responsible for the costs thereof, pursuant to Indiana Code 36-7-9-12.

Judgment for these costs shall be obtained pursuant to Indiana Code 36-7-9-13.
10. **UNSAFE BUILDING FUND.** The Enforcement Authority has established a fund designated the "Unsafe Building Fund", Money for the Unsafe Building Fund may be received from any source, including appropriations by local, state or federal governments and donations. Any money received by judgment for costs incurred by the Enforcement Authority for work performed shall be deposited in the Unsafe Building Fund.
11. **EFFECTIVE DATE:** This ordinance shall be effective only upon its passage by the Town Council of the Town of Parker City.

ALL OF WHICH IS ORDAINED, PASSED, AND OTHERWISE ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARKER CITY, RANDOLPH COUNTY, INDIANA, ON THIS 6<sup>th</sup> DAY OF April, 2000.

BOARD OF TRUSTEES OF PARKER  
CITY, RANDOLPH COUNTY, INDIANA

Paul Hedrickson

MEMBER, TOWN BOARD

L. Dean Swales

MEMBER, TOWN BOARD

Paul C. Hefner

MEMBER TOWN BOARD

ATTESTED:

Kim B. Wick

CLERK-TREASURER  
TOWN OF PARKER CITY