

TITLE 15

BUILDINGS AND CONSTRUCTION

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Chapter 15.24

UNSAFE BUILDINGS

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15.24.010 Establishment. Under the provisions of Indiana Code 36-7-9, there is hereby established the City of Jasper Unsafe Building Law. (Ord. 2005-34, S15.24.010, Sept. 21, 2005) (Ord. 1274, 1986) (Ord. 733, 1973)

15.24.020 Adoption of State Law. Indiana Code 36-7-9 et seq., as amended from time to time, which addresses unsafe buildings and the enforcement of building standards, is hereby adopted and incorporated in full by this reference, and is supplemented by the additional terms and conditions of this Chapter. (Ord. 2005-34, S15.24.020, Sept. 21, 2005)

15.24.030 Definitions.

- (1) CITY. The City of Jasper, Indiana.
- (2) HEARING AUTHORITY. The Mayor of the City of Jasper or the person or persons designated as such by the Mayor of the City of Jasper.
- (3) SUBSTANTIAL PROPERTY INTEREST. The same meaning as that term is defined by I.C. 36-7-9-2, as amended from time to time, which definition is incorporated herein by reference thereto.
- (4) UNSAFE BUILDING. The description of an unsafe building contained in I.C. 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the city by adding the following definition: Any building or structure which has any or all of the conditions or defects hereinafter described, provided that such 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.
- (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 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 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 those buildings.
- (g) Whenever any portion thereof has cracked, 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 ground necessary for the purpose of supporting that 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 as to become an attractive nuisance to children; or freely accessible to persons for the purpose of committing unlawful acts.
- (m) Whenever the 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 city or of any law or ordinance of this state or of any 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 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 Health Official to be unsanitary, unfit for human

habitation, or in such a condition that is likely to cause sickness or disease.

- (p) Whenever the building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction is determined by the Fire Chief of the city to be a fire hazard.
- (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 such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 2005-34, S15.24.030, Sept. 21, 2005)

15.24.040 Declared a Nuisance. All buildings or portions thereof within the city which are determined after inspection by the Building Commissioner to be unsafe as described in Section 15.24.030 are hereby declared to be public nuisances, and shall be abated by repair, rehabilitation, demolition, or removal. (Ord. 2005-34, S15.24.040, Sept. 21, 2005)

15.24.050 Enforcement Authority. The City Building Commissioner shall be authorized to administer and to proceed under the provisions of the state or local law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter. Wherever in the building regulations of the city or the Indiana Unsafe Building Law it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the city, this shall be construed to give the officer only the discretion of determining whether the rules and standards established by this code or any other applicable ordinance of the city have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what those regulations or standards shall be, power to require conditions not prescribed by this code and any other applicable ordinance of the city, or to enforce code or ordinance provisions in an arbitrary or discretionary manner. (Ord. 2005-34, S15.24.050, Sept. 21, 2005)

15.24.060 Reconstruction or Repair to Buildings. All work for the reconstruction, 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 building laws, as defined in I.C. 22-12-1-3, as may be amended from time to time, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the Building Commissioner of the city. (Ord. 2005-34, S15.24.060, Sept. 21, 2005)

15.24.070 Unsafe Building Fund. An Unsafe Building Fund is hereby established in the operating budget of the city in accordance with the provisions of I.C. 36-7-9-14. (Ord. 2005-34, S15.24.070, Sept. 21, 2005)

15.24.080 Violations. No person, firm, or corporation, whether as owner, lessee, sublessee, 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 chapter or any order issued by the Building Commissioner. (Ord. 2005-34, S15.24.080, Sept. 21, 2005)

15.04.090 Penalty. Any violation of the provisions of this chapter or of any lawful order issued pursuant to this chapter shall be subject to a civil penalty in an amount not to exceed One Thousand Dollars (\$1,000.00). (Ord. 2005-34, S15.24.090, Sept. 21, 2005)

15.04.100 Performance Bond. The Jasper Board of Public Works and Safety shall, after proper notice and hearing, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of actions ordered by the Building Commissioner hereunder and the amount of the average processing expense incurred in taking the actions necessary hereunder concerning a typical unsafe building. (Ord. 2005-34, S15.24.100, Sept. 21, 2005)

Chapter 15.30

MOBILE HOME RESTRICTIONS

Sections:

- 15.30.010 Mobile homes - Prohibited where.**
- 15.30.020 Mobile home - Defined.**
- 15.30.030 Violation - Penalty.**

15.30.010 Mobile homes - Prohibited where. No person shall park or occupy any mobile home on premises in any district outside an approved mobile home park as designated by the zoning ordinances and subdivision control ordinance of the City of Jasper. (Ord. 972, S2, 1979)

15.30.020 Mobile home - Defined. For purpose of this chapter, "mobile home" shall be defined as any vehicle or structure constructed in such manner as to permit occupancy thereof for use as sleeping and eating quarters or for the conduct of any business, trade or occupation; use as a selling or advertising device; or for storage or conveyance of tools, equipment or machinery; and so designed that it is or may be propelled by motor power other than its own. The term "mobile home" shall include automobile trailer, trailer coach and trailer. (Ord. 972, S1, 1979)

15.30.030 Violation - Penalty. Any person who violates this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars and not more than five hundred dollars, and each day's violation shall constitute a separate offense. (Ord. 972, S3, 1979)