

ORDINANCE NO. 2017-10

AN ORDINANCE providing for the inspection, cleanup, repair, or removal of unsafe buildings and such unsafe premises within the County of Cass, State of Indiana

BE IT ORDAINED by the Board of Commissioners of Cass County, Indiana, as follows:

SECTION 1.

Under the provisions of Indiana Code 36-7-9, there is hereby established the Cass County Unsafe Building Law.

SECTION 2.

Indiana Code 36-7-9 is hereby adopted by reference as the Cass County Unsafe Building Law. All proceedings within the County of Cass for the inspection, repair, and removal of unsafe buildings or the inspection and remediation of unsafe premises as addressed in Indiana Code 36-7-9-4 shall be governed by said law and the provisions of this ordinance. In the event the provisions of this ordinance conflicts with the provisions of the State Statute, the Statute will control.

SECTION 3.

All buildings or portions thereof within Cass County which are determined after inspection by the Zoning Administrator, Building Commissioner and/or Health Officer to be unsafe as defined in the ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal. All tracts of real estate within Cass County, which are determined after inspection by the Zoning Administrator, Building Commissioner and/or Health Officer to be unsafe as defined by ordinance are hereby declared to be public nuisances and shall be abated by repair or remediation.

SECTION 4.

The Zoning Administrator, Building Commissioner and Health Officer shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any building found to be unsafe or tracts of real estate considered as unsafe premises as specified therein or as specified hereafter.

SECTION 5.

The Cass County Plan Commission is hereby designated as the hearing authority for the implementation of this ordinance. The Cass County Plan Commission may defer health related issues of this ordinance to the Cass County Health Board.

SECTION 6.

The Cass County Commissioners hereby adopts Indiana Code Chapter 36-7-9, which establishes the Indiana Unsafe Building Law. Adoption explicitly incorporates by reference the definition of "substantial property interest" found in Indiana Code Section 36-7-9-2. The description of an unsafe building and unsafe premises contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in Cass County, Indiana by adding the following definition:

UNSAFE BUILDING AND UNSAFE PREMISES: Any building or structures or unsafe premises, except structures that are currently or previously used for agricultural uses, which has any or all of the conditions or defects described in IC 36-7-9 shall be deemed to be an unsafe building or unsafe premises, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered

SECTION 7.

Should any section, paragraph, sentence, clause, or any other portion of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if, such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Commissioners in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 8.

This ordinance will be in full force and effect on the 7 day of August, 2017, according to the laws of the State of Indiana. All former ordinances which conflict with this ordinance are hereby repealed.

Adopted the 7 day of August, 2017.

THE BOARD OF COMMISSIONERS OF
CASS COUNTY, STATE OF INDIANA

James L. Sailer
[Signature]
Jeffrey L. Conne

ATTEST:

Chey A. Cory
Auditor, Cass County, Indiana