

ORDINANCE NO. 326 -95

AN ORDINANCE PROVIDING FOR THE INSPECTION, REPAIR, OR REMOVAL OF UNSAFE BUILDINGS WITHIN THE INCORPORATED AREAS OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA.

Be it ordained by the Board of Trustees of the Town of Battle Ground, Tippecanoe County, Indiana, that:

1. Under the provisions of Indiana Code 36-7-9, there is hereby established the Battle Ground Unsafe Building Ordinance.
2. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the Battle Ground Unsafe Building Ordinance. All proceedings within the incorporated areas of Battle Ground for the inspection, repair, and removal of unsafe buildings shall be governed by said applicable state law and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control
3. All buildings or portions thereof within the incorporated areas of Battle Ground which are determined after inspection by the Building Commissioner of Tippecanoe County 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 Tippecanoe County Building Commissioner, as chief administrative Officer, shall be authorized to administer and to proceed under the provisions of said applicable state law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.
5. Wherever in the building regulations of the State of Indiana, County of Tippecanoe or the Battle Ground Unsafe Building Ordinance, 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 Tippecanoe County, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.
6. The description of an unsafe building contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in Battle Ground, Indiana, by adding the following definition:

UNSAFE BUILDING means 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 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 and 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 such buildings.
- (g) Whenever any portion thereof has wracked, 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 (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) 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 thirty-three percent or more damage or deterioration of its supporting member or, members, or fifty percent damage or deterioration of its non-supporting 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 so as to become (1) an attractive nuisance to children, or (2) freely accessible to persons of committing unlawful acts.
- (m) 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 the Town of Battle Ground, or of any law or ordinance of the state or Tippecanoe County 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 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.
- (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 Office of Tippecanoe County (health official) to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the appropriate fire official and/or state Fire Marshall 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.
- (r) Notwithstanding the foregoing, a building may be inventoried for a period of twelve (12) months upon permit issued by the Building Commissioner after submission by applicant of a plan for securing said property, as well as, a plan for the rehabilitation and/or removal of said property.
7. The definition of "substantial property interest" set forth in I.C. 36-7-9-2 is hereby incorporated by reference herein as if copied in full.
 8. 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, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Building Commissioner of the County of Tippecanoe, Indiana.
 9. An Unsafe Building Fund is hereby established in the operating budget of Battle Ground in accordance with the provisions of I.C. 36-7-9-14.
 10. 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 Building Commissioner. Any person violating the provisions of this ordinance or I.C. 36-7-9-28 shall commit a class C infraction for each day such violation continues.
 11. Any and all costs incurred to enforce or implement the provisions of this ordinance shall constitute a lien on the subject real estate in favor of the Town of Battle Ground.

12. 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.
13. This ordinance will be in full force and effective on the 3rd day of April, 1995, according to the laws of the State of Indiana, and the ordinances of the Town of Battle Ground. All former ordinances which conflict with this ordinance are hereby repealed.
14. Any person violating the provisions of this section or the provisions of the Indiana Code as adopted herein shall commit a separate violation for each day that such violation continues and shall be subject to a penalty of not more than \$2,500.00 for each violation. The implementation of this penalty shall be at the discretion of the Town of Battle Ground, and shall be separate, independent and in addition to, any other provision of this ordinance.

Editor's Note: Section 14 was added by [Ordinance No. 2012-496](#), adopted 5/14/2012.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND,
TIPPECANOE COUNTY, INDIANA, THIS 3rd DAY OF APRIL, 1995.

TOWN OF BATTLE GROUND BOARD OF TRUSTEES

David L. Ferringer
David Ferringer

Steven C. Egly
Steven Egly

Stanley Cunningham
Stanley Cunningham

Donald D. McKee
Donald McKee

Marie McCoy
Marie McCoy

ATTEST: Geraldine Berghoff

Clerk-Treasurer