

ORDINANCE NO. 2021- 1202

AN ORDINANCE FOR UNSAFE BUILDINGS

WHEREAS, The Town of Reynolds, Indiana, now finds that it is in the best interest of the citizens of Reynolds, Indiana that a Unsafe Buildings ordinance be established for the benefit of the health and safety of its citizens; and

WHEREAS, the ordinance will establish a schedule of fines, penalties and costs payable by the persons who violate the ordinance;

NOW, THEREFORE, BE IT HEREBY ORDINAED by the Town of Reynolds, Indiana:

ADOPTION OF STATE LAW.

(A) Pursuant to the authority granted by the state through I.C. 36-7-9-3, the town hereby adopts the provisions of I.C. 36-7-9, which are hereby established as the "Reynolds Unsafe Building Code".

(B) (1) I.C. 36-7-9-1 through 6-7-9-28, as it may be amended from time to time, is hereby incorporated by reference in the Town Unsafe Building Code. All proceedings within the town for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions in this subchapter.

(2) In the event the provisions of this subchapter conflict with the provisions of I.C. 36-7-9, then the provisions of the state statue shall control.

DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(B) The definitions set forth in I.C. 36-7-9-2 and I.C. 36-7-9-4 are incorporated by reference herein in their entirety, including the definition of "substantial property interest" therein; and for purposes of this subchapter, the following additional definitions shall apply.

**DILAPIDATED.** No longer adequate for the purpose or use for which it was originally intended.

**PUBLIC NUISNACE.** Includes:

(A) Any physical condition, use, or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to,

abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or for which the required precautions against trespassers have not been provided;

(B) Any premises from which the plumbing, heating, electrical, and facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective;

(C) Any structure of building that is in a state of dilapidation, deterioration, or decay; abandoned; in danger of collapse or failure; and/or dangerous to anyone on or near the premises;

(D) Any structure where the paint has been severely removed by time, or where the paint is checked or bleeding; or

(E) Any structure which violates state law.

**UNSAFE BUILDING.** In addition to the definition thereof contained in I.C. 36-7-9-4, UNSAFE BUILDING means any building or structure which has any or all the conditions or defects hereinafter described, provided that these 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 a 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 or 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 an extent that the structural strength or stability thereof is materially less than it was before that 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 such buildings;

(G) Whenever any portion thereof is 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 dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting the 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 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 an attractive nuisance to children, or freely accessible to persons for the purpose 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 the building or structure provided by the building regulations of this town, or any law ordinance of this state or city relating to the condition, location, or structure of buildings;

(N) 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 County Health Officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease;

(O) 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 that building or portion thereof an attractive nuisance or hazard to the public.

**Enforcement of Penalties:**

Whenever a violation is found to exist within the Town of Reynolds, Indiana, the Reynolds Town Council may proceed to enforce compliance with this Ordinance:

(A) By giving written notice to all persons holding a substantial interest in the property upon which such violation exists or upon the person causing or maintaining the violation, containing the following:

1) An order to abate the violation within a time certain which time shall be reasonable under the circumstances;

2) The location of the violation.

3) A description of what constitutes the violation;

4) A statement of the acts necessary to abate the violation;

5) A statement that if the violation is not abated as directed, the Town of Reynolds, Indiana may abate such violation and assess the cost thereof against such person or property;

(B) Enforcement of this Ordinance shall be enforced by filing suit, including all necessary costs and fees associated therewith, for collection of penalties and costs associated with abatement of said violation.

(C) Upon the failure of the person upon whom notice to abate a violation was served pursuant to the provisions of this Ordinance, a duly designated officer or employee of the Town of Reynolds, Indiana may proceed to take any and all action necessary, including but not limited to entry onto any property where the violation exists, to abate such violation, and shall prepare a statement of the costs incurred in the abatement thereof. Remedy can include the total or partial destruction of the property where violation exists and owner has failed to abate the nuisance of unsafe building within 90 days of the third notice provided to the property owner.

(D) Penalty: Any person who violates any provision of this Ordinance shall be subject to the following penalties:

1) First Offense: fine of not more than \$500.00 plus any cost incurred by the town pursuant to Paragraph (B) of this Section.

2) Second Offense: Fine of not more than \$1,000.00 plus any cost incurred by the town pursuant to Paragraph (B) of this Section.

3) Third Offense: Fine of not more than \$2,000.00 plus any cost incurred by the town pursuant to Paragraph (B) of this Section.

4) Each day that the violation remains following the deadline given in the notice constitutes a separate violation.

ADOPTED by the Town Council of Reynolds, White County, Indiana, this 1 day of December, 2021

TOWN COUNCIL

Carol Henderson, Pres  
Judith Zehner  
Megan Gowan  
Shirley  
Mason

ATTEST:

Randa Bennett  
Secretary of Town Council Of Reynolds, Indiana

Faint markings and a partial circular stamp in the top right corner.



A circular stamp containing illegible text, possibly a library or archival mark.

