

LAW OFFICES OF  
**Harris & Currens**

PROFESSIONAL CORPORATION

9 West Main Street

Phone: (317) 831-4466

Mooresville, IN 46158

Fax: (317) 831-4709

Steven I. Harris  
sharris@harrisandcurrens.com

Timothy C. Currens  
Registered Mediator  
tcurrens@harrisandcurrens.com

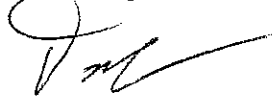
October 20, 2016

Indiana Department of Homeland Security  
Division of Fire and Building Safety  
Building Code Enforcement Branch  
Attn: Executive Director  
Indiana Government Center South  
402 W. Washington St., Room W246  
Indianapolis, IN 46204

Dear Director,

Enclosed is the proposed Ordinance providing for the inspection, repair or removal of unsafe buildings and for the maintenance and repair of vacant structures for the Town of Monrovia. Please execute your approval of this on the last page or if there are changes desired get with me at your earliest convenience. Thank you for your most able assistance.

Best regards,



Timothy C. Currens

TCC/mdt  
Encl.

ORDINANCE \_\_\_\_\_, 2016

**AN ORDINANCE PROVIDING FOR THE INSPECTION,  
REPAIR OR REMOVAL OF UNSAFE BUILDINGS AND FOR THE  
MAINTENANCE AND REPAIR OF VACANT STRUCTURES**

WHEREAS, pursuant to the authority of the Town of Monrovia to establish reasonable regulations for the health, safety and welfare of the citizens of the Town of Monrovia;

WHEREAS, IC 36-7-9 et seq. allows municipalities to adopt this Chapter of the Indiana Code by municipal ordinance;

WHEREAS, the Town Council finds it necessary to establish reasonable regulations for the inspection, repair or removal of unsafe buildings and for the repair and maintenance of vacant structures pursuant to IC 36-7-9 et seq.;

BE IT THEREFORE ORDERED AND ORDAINED by the Town Council of the Town of Monrovia, Morgan County, Indiana, the following:

SECTION I:

That under the provisions of IC 36-7-9 et seq. and all amendments thereto there is hereby established the Monrovia Unsafe Building Ordinance, an Ordinance for maintenance and repair of vacant structures.

SECTION II:

That IC 36-7-9 et seq. is hereby adopted by and referenced as the Town of Monrovia's Unsafe Building Ordinance and Vacant Structure Maintenance and Repair Ordinance. Proceedings under

this Ordinance within the Town of Monrovia providing for the inspection, repair, maintenance and removal of unsafe buildings and other vacant structures shall be governed by the aforementioned Indiana Code and all amendments to said Code along with the specific provisions set out in this Ordinance. In the event of direct conflict between the provisions of this Ordinance and IC 36-7-9 et seq. and any amendment thereto, the provisions of the Indiana Statute shall be controlling.

SECTION III:

The Town Council designates the Building Inspector's Office as the "Executive Department" authorized to administer this Chapter. The Head Building Inspector shall be the "Enforcement Authority" designated as the Chief Administrative Officer.

The "Hearing Authority" shall be the Monrovia Plan Commission.

That the definition of "substantial property interest" means any right in real property that may be effected in a substantial way by actions authorized by this Chapter, including a fee interest, a life estate interest, a future interest, a present possessory interest or an equitable interest of a contract purchaser. In a Town, the interest reflected by a Deed, Lease, License, Mortgage, Land Sale Contract or Lien is not a substantial property interest unless the Deed, Lease, License, Mortgage, Land Sale Contract, Lien or evidence of it

is:

(a) Recorded in the Office of the County Recorder; or

(b) The subject of a written information that is received by the Division of Development Services and includes the name and address of the holder of the interest described.

This definition generally states the definition of IC 36-7-9-2 and shall incorporate by reference any amendment to this Indiana Code cite.

That the definition of "person" shall mean any person, corporation, partnership or other business entity including an owner, lessee, sublessee or occupant.

SECTION IV:

All buildings or portions thereof within the Town of Monrovia which are determined to be unsafe as defined in this Ordinance are hereby declared to be a public nuisance and shall be, after proper notice, be abated by repair, rehabilitation, demolition, removal, sealing or other appropriate maintenance as set out in said order of the Enforcement Authority or Order of the Hearing Authority.

SECTION V:

Any enforcement of this Ordinance that states certain work shall be done subject to the approval of or the direction of the Building Inspector, or any other Officer of the Town of

Monrovia, shall be construed to give such Officer only the discretion of determining whether the rules and standards established by this Ordinance or codes of the State of Indiana 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 State Statute or State Building Standards or to enforce ordinance provisions in an arbitrary or discretionary manner.

SECTION VI:

The definition of unsafe buildings and unsafe premises described in IC 36-7-9-4 and all amendments thereto is hereby supplemented to provide more specific minimum standards for building conditions or maintenance in the Town of Monrovia for the purpose of giving more specific standards to IC 36-7-9-4(a)(1)-(6) and when a violation is cited the Indiana Code number shall be specified along with the more specific itemized violations set out in this Ordinance.

Specific standards are as follows:

- (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 the case of fire or panic.

(b) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half ( $1\frac{1}{2}$ ) times the working stress or stresses allowed for new buildings of similar structure, purpose or location.

(c) 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.

(d) 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.

(e) 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 ( $1/2$ ) of that specified for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings.

(f) 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.

(g) 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.

(h) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(i) 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 (1/3) of the base.

(j) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members

or fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(k) 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 for the purpose of committing unlawful acts.

(l) 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 Monrovia or of any law or ordinance of the State of Indiana or Town of Monrovia relating to the condition, location or structure of buildings.

(m) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinance has in any non-supporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) 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, heights and occupancy in



the same location.

(n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction arrangements, inadequate light, air or sanitation facilities or otherwise, is determined by the Health Official to be unsanitary or unfit for human habitation or in such a condition that it is likely to cause sickness or disease.

(o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, heating apparatus or other cause is determined by the Fire Official to be a fire hazard.

(p) 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 one (1) month so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

SECTION VIII:

All work for the reconstruction, alteration, 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 rules pertaining to construction, plumbing, electrical, mechanical and one (1) and two (2) family dwellings, promulgated by the Fire Prevention and Building Safety Commission shall be considered standard and acceptable practice for all matters covered by this Ordinance or others issued pursuant to this Ordinance by the Building Inspector of the Town of Monrovia.

SECTION IX:

An Unsafe Building Fund is hereby established in the operating budget of the Town of Monrovia in accordance with the provisions of IC 36-7-9-14.

SECTION X:

Should any Section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason the remainder of said Ordinance shall not be affected thereby.

SECTION XI:

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect from and after its passage and due publication.

PASSED by the Town Council for the Town of Monrovia this 3<sup>rd</sup> day of October, 2016.

Monrovia Town Council

Robert Marley *ayw*  
Robert Marley, President

David Harris *ayw*  
David Harris, Member

Philip Fowler *ayw*  
Philip Fowler, Member

Loren Moren *ayw*  
Loren Moren, Vice President

Bonnie Sjsby-Inman *ayw*  
Bonnie Sjsby-Inman, Member

Iona Jackson  
Attest: Iona Jackson, Clerk-Treasurer

Approved by the Indiana Fire Prevention and Building Safety Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Secretary/Executive Director

