

BOONE COUNTY UNSAFE BUILDING ORDINANCE

ORDINANCE NO. 04 - \_\_\_\_\_

WHEREAS, the Boone County Commissioners desire to protect people from personal injury or property loss or damage from buildings or structures within the County which are in such condition as to be deemed unsafe for human habitation or unsafe to passersby or other persons upon the premises, or containing conditions which are likely to cause physical damage or contribute to physical damage to surrounding parcels of real estate, and on the property of other persons, and

WHEREAS, the Boone County Commissioners further desire to protect the citizens of Boone County from such conditions which exist in buildings which attract vermin, insects, and other unwanted pests which are likely to contribute to disease and other health hazards in the community, and

WHEREAS, the Boone County Commissioners have determined that the interests of the citizens of Boone County can best be protected by an ordinance regulating the conditions of buildings, providing for the owners thereof to have an opportunity to correct the conditions and for providing for the removal of the building and/or conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE Boone County Commissioners as follows:

Section 1. Pursuant to I.C. 36-7-9, there is hereby established the Boone County Unsafe Building Law.

Section 2. I.C. 36-7-9-1 et seq. is hereby adopted by reference as the Boone County Unsafe Building Law. In the event the provisions of this ordinance conflict with

the provisions of I.C. 36-7-9-1 et seq. then the provisions of the state statute shall be controlling.

Section 3. All buildings or portions thereof within Boone County which are determined after inspection by the Enforcement Authority 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.

Section 4. The Boone County Area Plan Commission is designated as the “Department” authorized to administer this ordinance. The “Enforcement Authority” is the Executive Director of the Boone County Area Plan Commission or his designee.

Section 5. The description of an unsafe building and premises contained in I.C. 36-7-9-4, is hereby incorporated by reference.

Section 6. 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.

Section 7. All work for the reconstruction, alteration, repair or demolition of buildings and other structures shall be performed in good workmanlike manner according to the accepted standards and practices in the trade, as set forth in I.C. 36-7-9-11 and other state law and county ordinances.

Section 8. An Unsafe Building Fund is hereby established in the operating budget of Boone County in accordance with the provisions of I.C. 36-7-9-14.

Section 9. 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 Enforcement Authority. Any person violating the provisions of this ordinance or I.C. 36-7-9-28 shall commit an ordinance violation, or the equivalent of a Class C infraction as defined in I.C. 36-7-9-28, for each day such violation continues. Such person, firm or corporation, as defined herein, may be fined up to a maximum of Five Hundred Dollars (\$500) for each violation of this ordinance.

Section 10. For the purpose of I.C. 36-7-9-1, et seq., the hearing authority as required by this ordinance and the state statutes governing the same, shall be that person or persons as designated by the County Commissioners.

Section 11. In the event that Boone County Commissioners are required to file ordinance violation charges or required to seek injunctive or other relief before any Court, upon any determination in favor of Boone County, the County shall be further entitled to recover and have judgment against any such person, firm, or corporation, or other entity violating this ordinance for the County's reasonable attorney fees incurred in prosecuting any of the actions set forth herein.

Section 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.

Section 13. This Ordinance shall be in full force and effect from and after its passage and any publication which may be required of the same by law.

ALL OF WHICH IS CONSIDERED, APPROVED AND ADOPTED BY THE BOONE  
COUNTY COMMISSIONERS, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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Betty Lee Cooper, President

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Jo Baldauf, Vice-President

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Byron Loveless, Member

ATTEST:

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Gretchen Smith, Auditor