

CHAPTER 98: UNSAFE BUILDINGS

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98.01 ADOPTION

Under the provisions of Indiana Code 36-7-9 there is hereby established the Unsafe Building Code of the City of Richmond, Indiana.

98.02 DEFINITIONS

Indiana Code 36-7-9 et seq., as amended herein, is hereby adopted by reference as the Unsafe Building Ordinance of the City of Richmond, Indiana, together with any and all amendments thereto that are made following this date. All proceedings in the City of Richmond, Indiana for inspection, repair and removal of unsafe buildings shall be governed by said 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, then the provisions of the State Statute shall control.

The definitions as stated in Indiana Code 36-7-9-2 are hereby amended and the following definitions shall apply in the enforcement of this Ordinance.

(a) General

Words in the singular include the plural and words in the plural include the singular. The word "persons" includes a corporation, unincorporated association and "building" includes "structure" and shall be construed as if followed by the words "or part thereof".

(b) "DEPARTMENT" - refers to the Department in charge of enforcing all Building, Housing and related Codes in the City of Richmond, Indiana.

(c) "DIRECTOR"- refers to the Director of the Department, or his authorized representative.

(d) "HEARING AUTHORITY" - refers to the Unsafe Building Commission as established by Richmond Code 98.14. (Ord. 94-1996)

(e) "SUBSTANTIAL PROPERTY" - 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.

98.04 INSPECTION

All buildings or portions thereof within the City of Richmond, Indiana which are determined, after inspection by the Director, or his authorized representative, 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 in accordance with the procedures specified in the Unsafe Building Code of the City of Richmond, Indiana.

98.05 SERVICE OF ORDERS

The Director or his authorized representative shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as defined by State Law adopted herein and the definition as set forth herein.

98.06 MODIFICATION OF ORDERS

Wherever in the Building Code of the City of Richmond, Indiana or the Unsafe Building Code of the City of Richmond, Indiana, it is provided that any thing must be done to the approval of or subject to the direction of the Director, or any other officer of the City, this shall be construed to give such 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.

98.07 DESCRIPTION OF UNSAFE BUILDING

The description of an unsafe building contained in Indiana Code 37-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the City of Richmond, Indiana by adding the following to said definition:

“UNSAFE BUILDING” - Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, 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, 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 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 not so anchored or attached
- (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 cracked, 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

(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-covering

(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 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 such building or structure provided by the Building Code of the City of Richmond, Indiana, or of any law or ordinance of the State of Indiana or the City of Richmond 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 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 Wayne

County Health Department to be unsanitary, unfit for human habitation, or is in such condition that it is likely to cause sickness or disease

(p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, or lack of sufficient fire-resistive construction is determined by the Richmond Fire Department 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

98.08 RECONSTRUCTION, ALTERATION, REPAIR OR DEMOLITION

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 building laws, as defined in I.C. 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission of Indiana, shall be considered standard acceptable practice for all matters covered by this Ordinance or orders issued pursuant to this Ordinance by the Director or his authorized representative.

98.09 UNSAFE BUILDING FUND

An unsafe building fund is hereby established pursuant to Indiana Code 36-7-9-14(a). Any balance remaining at the end of the calendar year shall be carried over in the fund for the following year and does not revert to the General Fund. Money for the Unsafe Building Fund may be received from any source, including appropriations by local, state or federal governments, and donations. Money may be used for the expenses incurred in carrying out the purposes of Indiana Code 11-7-9-14(c) subsections (1) through (7) as currently set forth and as amended from time to time. Payment of money from the Unsafe Building Fund shall be made by order of the Board of Public Works and Safety in accordance with applicable laws. (Ord. 105-1993)

98.10 CONTRACTOR

In any instance where the words "contractor" or "contractor licensed and qualified under law" are used in Sections I.C. 36-7-9-11, I.C. 36-7-9-12 or any other Sections of the statute, as adopted herein, requirements are modified in that any contractor approved by the Director may perform any work that is required in complying with the Orders of the Director.

98.11 VIOLATIONS

No person, firm, or corporation, whether as owner, lessee, sublessee 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 Director or his authorized representative. 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.

98.12 UNCONSTITUTIONALITY

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.

98.13 CONFLICT WITH OTHER ORDINANCES

- (a) The provisions of this Ordinance shall supersede any provisions of prior Ordinances in conflict with the provisions contained herein. (Ord. 31-1988)
- (b) To the extent this Chapter conflicts with Chapter 158 (Historic Districts), this Chapter (Chapter 98) shall override and supersede Chapter 158 once a property has initially been determined to be an unsafe or blighted property by the Richmond Enforcement Authority and a pre-hearing order has been issued and recorded in accordance with this Chapter 98 and Indiana Code 36-7-9. After a pre-hearing order has been issued and recorded for a property, the Richmond Enforcement Authority will seek a Continuous Enforcement Order from the Richmond Unsafe Building Commission in accordance with this Chapter 98 and Indiana Code 36-7-9. The Richmond Historic Preservation Commission does not have authority to issue an interim protection order in accordance with Chapter 158 for said property until such time as the property is brought into compliance as directed by a Continuous Enforcement Order issued by the Unsafe Building Commission under this Chapter 98 and Indiana Code 36-7-9. (Ord. 15-2014)

98.14 UNSAFE BUILDING COMMISSION

- (a) There is hereby established a body known as the Unsafe Building Commission of the City of Richmond Indiana (Commission).
- (b) The Commission shall consist of three (3) members appointed by the Mayor and one non-voting advisory member appointed by the Historic Preservation Commission annually.
- (c) The initial members shall serve from their appointment until December 31, 1997; thereafter the term of each member shall be one year.
- (d) There are no limits on the number of terms, consecutive or otherwise, a member may serve.
- (e) The Commission shall serve as the "Hearing Authority" referenced in this Chapter and in Indiana Code 36-7-9 et seq.
- (f) The Commission shall annually elect from its members a President, a Vice President, and a Secretary.
- (g) The Commission shall meet as needed. The President shall determine the time, date, and place of each meeting. At least two (2) members must be present to conduct any meeting. (Ord. 94-1996)