

ORDINANCE NO. 2023-05

**ORDINANCE AMENDING THE UNSAFE BUILDING LAW AND
AMENDING ORDINANCE 1986-03 (36-7-9-3)**

WHEREAS, the Board of Commissioners of Jefferson County, Indiana previously adopted the Unsafe Building Law by Ordinance 1986-03 (36-7-9-3);

WHEREAS, the Board of Commissioners finds that it is in the County's best interests to make amendments to the Unsafe Building Law to correct the appointment of the chief administrative officer, to provide detail regarding the established fund and to provide detail regarding the violation penalties;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF JEFFERSON COUNTY, STATE OF INDIANA:

Ordinance 1986-03 (36-7-9-3) is amended to remove the following language from subsection (C):

"Definition. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Substantial property interest. The definition of 'substantial property interest' contained in I.C. 36-7-9-2 is incorporated by reference into this section."

Ordinance 1986-03 (36-7-9-3) is further amended to add the following language to subsection (C):

(C) Procedure:

(1) Appointment of Hearing Authority

The Board of Commissioners of Jefferson County is hereby designated as the hearing authority in accordance with the provisions of Indiana Code 36-7-9-2. The hearing authority shall perform those functions specified by the Indiana Unsafe Building Law.

(2) Unsafe Building Fund Established

An Unsafe Building Fund is established in the operating budget of the Jefferson County Building Inspector in accordance with the provisions of IC 36-7-9-14 as follows:

- a. The fund will receive original revenue from a Donation Ordinance. Thereafter the fund will receive revenue from the General Fund and from repaid or recovered costs of enforcement and demolition.
- b. The fund shall be used for all expenses, including but not limited to attorney fees, incurred by the Board of Commissioners and / or the Building Inspector.
- c. The fund shall exist in perpetuity unless and until amended or repealed by subsequent ordinance.
- d. The fund balance at year's end shall carry forward to the fund budget of the next year. The fund balance shall be deposited in the General Fund on termination of the fund.

(3) Construction

Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter.

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Jefferson County Recorder IN
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Auditor
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“Substantial property interest” means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.

(4) Penalty for Violation

Violations of this ordinance shall be addressed as established in Indiana Code Chapter 36-7-9 as it may be amended from time to time, including but not limited to:

- a. The issuance of an order requiring remediation action pursuant to **I.C. 36-7-9-5**
- b. The issuance of a continuance enforcement order under **I.C. 36-7-9-7** and / or multiple civil penalties up to the amount allowed by **I.C. 36-7-9-7** (currently \$5000 per).
- c. The issuance of an emergency action remediating immediate danger under **I.C. 36-7-9-9**.
- d. Liability for costs for performance of work required by order under **I.C. 36-7-9-11 & 12**.
- e. Imposition of a judgment lien for unpaid costs under **I.C. 36-7-9-13 & 13.5**.

(5) Severability

Should any section, paragraph, sentence, clause, or any other portion of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if, such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

(6) Repeal

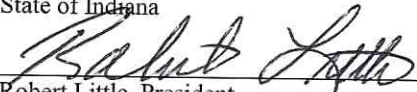
All parts of previous ordinances in conflict herewith are repealed to the extent of said conflict.


(7) Effective Date

This ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Section 36-5-2-10.

The foregoing Ordinance was passed and adopted by the Board of Commissioners of the County of Jefferson, State of Indiana this 20 day of April, 2023.


The Board of Commissioners
Of the County of Jefferson,
State of Indiana


Robert Little, President


Ron Lee, Member


David Bramer, Member

Attest:


Heather Huff, Auditor