

**ORDINANCE NO. 2026-07**

**AN ORDINANCE TO ESTABLISH CHAPTER 166,  
PROPERTY MAINTENANCE CODE OF THE CITY OF AUBURN**

**SUMMARY**

This ordinance establishes Chapter 166: Property Maintenance Code, in the City of Auburn, Indiana Code of Ordinances.

_____ Recorder's Office	<u>  X  </u> Publish Public Hearing
_____ Auditor's Office	_____
<u>  X  </u> Clerk's Office	<u>  X  </u> Publish O/R after adoption
_____ Other	_____

Building Department

Engineering Department

DeKalb County Plan Commission

Internet Code Site

**ORDINANCE NO. 2026-07**

**AN ORDINANCE TO ESTABLISH CHAPTER 166,  
PROPERTY MAINTENANCE CODE OF THE CITY OF AUBURN**

**WHEREAS**, the Auburn Common Council has determined it is in the best interests of the citizens of Auburn, Indiana to adopt a Property Maintenance Code; and

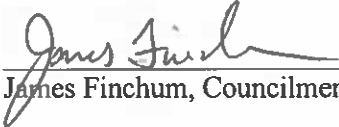
**WHEREAS**, the Property Maintenance Code shall apply to all premises within the City and shall establish certain minimum standards for safety, sanitation, and maintenance; and

**WHEREAS**, the Property Maintenance Code is intended to protect, preserve, and promote the physical and mental health and well-being of the citizens of Auburn and eliminate blight and preserve and protect property values in the community.


**SECTION 1.** That Chapter 166: Property Maintenance Code for the City of Auburn, Indiana is hereby established as provided in Exhibit "A".

**SECTION 2.** That this ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


**PASSED AND ADOPTED** by the Common Council of the City of Auburn, Indiana, this 7<sup>th</sup> day of April, 2026.

  
James Finchum, Councilmember

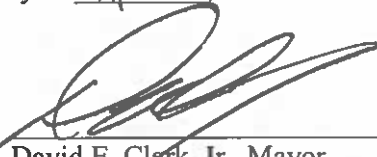
ATTEST:

  
Lorrie K. Pontius, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 7<sup>th</sup> day of April, 2026.

  
Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 7<sup>th</sup> day of April, 2026.

  
David E. Clark, Jr., Mayor

**VOTING:**

**AYE**

**NAY**

Natalie DeWitt



Rod Williams



James Finchum



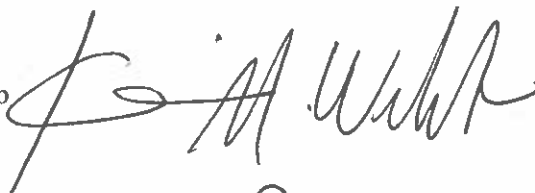
Dan Braun



David Bundy



Kevin Webb



Emily Prosser



## EXHIBIT "A"

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**166.01 TITLE**

Chapter 166 shall be known as the "City of Auburn, Indiana Property Maintenance Code," referred to as "this Code."

**166.02 PURPOSE**

This Code is adopted to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and/or maintenance of structures and premises on private property. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**166.03 INTERPRETATION AND APPLICATION OF CODE**

In the interpretation and application of the provisions of this Code, they shall be held to be the minimum requirements adopted for the preservation of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than another more general provision imposed by this Code or other law, the provisions imposing the greater restriction or regulation shall be deemed to be controlling.

**166.04 SEVERABILITY**

If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

**166.05 DEFINITIONS**

- A. *Building*: Any structure used or intended for supporting or sheltering any use or occupancy.
- B. *City*. The City of Auburn, Indiana.
- C. *Code*. The Property Maintenance Code of the City of Auburn, Indiana.
- D. *Computation of Time*. The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last. If the last day is Sunday or legal holiday, observed by the City, it shall be excluded.
- E. *Department*. The Building, Planning and Development Department for the City of Auburn, Indiana.
- F. *Developed Property*. Any lot, tract, or other parcel of land that contains a primary structure upon the property.
- G. *Drainage*. The removal of surface water or groundwater from land by drains, grading or other means.
- H. *Driveway*. A surface improvement installed on a lot and used to convey vehicles to public streets.
- I. *Dwelling*. Any building which contains one or more dwelling units that are used, intended or designed to be built, used, rented, leased, let or hired out to be

occupied, or that are occupied, for living purposes.

- J. *Dwelling Unit.* Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended for use as a residence by human occupants, including but not limited to uses of living, cooking and eating.
- K. *Exterior Property.* The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- L. *Extermination.* The control and elimination of insects, rats or other pests by eliminating their harborage place, by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.
- M. *Garbage.* Rejected wastes, rejected home products, including every waste of food, matter used or intended for food or that attends the preparation, use, cooking, dealing in food preparation. Other waste items intended to be disposed and authorized for regular disposal by the contract for services with the Garbage and Rubbish Collection for the City of Auburn, Indiana.
- N. *Governmental Property.* Real estate within the City which is owned, leased, controlled, or occupied by the United States, the State of Indiana, or any political subdivision thereof.
- O. *Infestation.* The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- P. *Junk.* Any metal, glass, paper, rags, wood, discarded automobile parts, machinery parts, cloth or other waste or discarded material or any nature or substance whatsoever, or scrap or salvage materials.
- Q. *Occupant.* Any person, living, sleeping, cooking, or having actual possession of a dwelling unit or rooming unit, or any person having actual possession of any building or structure other than a dwelling unit or rooming unit.
- R. *Owner.* Any one or more of the following:
  - (1) The fee simple owner or owners of a parcel of real estate including the life tenant or tenants if any;
  - (2) The record owner or owners as reflected by the most current records in the DeKalb County Auditor's office; or
  - (3) The purchaser or purchasers of such real estate under any contract for conditional sale thereof.
- S. *Person.* Shall include, but not be limited to, any individual, firm, corporation, association or partnership.
- T. *Plumbing.* Shall include any of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, bathtubs, showers, installed clothes-washing machines, catch basins, building drains, sewer drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

- U. *Rubbish*. Useless waste or rejected matter including, but not limited to, ashes, cans, metal ware, or any kind of type of refuse and/or discharge, excluding leaves, grass, weeds, construction material, electronics, lightbulbs, metal, rubber products not pertaining to household goods, or used on a regular basis in a household, plastics not pertaining to household goods, or used on a regular basis in a household, any hazardous waste.
- V. *Solid Waste*. All solid and semi-solid wastes, including garbage, litter, trash, refuse and rubbish.
- W. *Structure*. Anything constructed or erected with requires location on the ground or attachment to something that has location on the ground.
- X. *Substantial property interest*. Any right in real estate that may be affected in a substantial way by actions authorized by this Code article, including a fee interest, life estate interest, future interest, present possessory interest, mortgaged interest, or equitable interest of a contract purchaser.
- Y. *Supplied*. Shall mean paid for, furnished, or provided by or under the control of the owner or the owner's representative.
- Z. *Undeveloped Property*. Any lot, tract, or other parcel of land without a primary structure upon the property.

## ADMINISTRATION

### 166.20 CODE OFFICIAL

- A. The Code Official shall be the Administrator of the Building, Planning and Development Department of the City of Auburn, Indiana.
- B. The Code Official or appointed deputy(s) shall enforce the provisions of this Code. Additionally, any officer of the Auburn Police Department shall have the authority to enforce the provisions of this Code.
- C. The Code Official shall have the authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent of; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.

### 166.21 RIGHT OF ENTRY

Whenever necessary to make an inspection or to enforce any of the provisions of this Code or whenever the Code Official has reasonable cause to believe that there exists in any building or structure, or upon any premises, any condition which makes such building, structure, or premises unsafe, the Code Official may enter the building, structure, or premises at any reasonable time to inspect the same or to

perform any duty imposed upon the Code Official by this Code; provided, if such property be occupied, the Code Official shall first present proper credentials and request and obtain permission to enter before entering the building, structure or premises. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry. If no consent has been given to enter or inspect any building, structure or premises, no entry or inspection shall be made without the procurement of an administrative warrant.

#### **166.22 INSPECTIONS**

The Code Official, or appointed deputy(s), shall make all the required inspections or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

### **GENERAL MINIMUM STANDARDS**

#### **166.30 MINIMUM STANDARDS FOR ALL STRUCTURES**

No building, accessory building, garage, or other structure, whether used for residential, commercial, industrial or other purposes, shall fail to comply with the following requirements:

- A. Every supplied facility, piece of equipment, or utility which is required under this Code article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition. All electrical systems, fuel connections, mechanical systems, or plumbing systems must be in proper working order and maintained in a manner that the systems will work safely.
- B. Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight and rodent proof; shall be capable of affording privacy; and shall be kept in good repair. All foundation systems must be firmly supported and free from open cracks and breaks. All foundation systems must be capable of supporting all nominal loads and capable of resisting all load effects.
- C. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building. Roof drains, gutters, and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a hazard on the premises or adjacent property.
- D. Every window, exterior door, and basement hatchway shall be reasonably weather tight and rodent proof and shall be kept in sound working condition and good repair. All glazing materials shall be maintained free from cracks and holes.

- E. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Other than surface rust, metal fire escapes shall be maintained in a rust-free condition.
- F. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- G. All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. All painted surfaces shall be properly coated and weather tight.
- H. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- I. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- J. All concrete shall be free of significant fractures, fissures, and exposed reinforcement that create a hazardous condition.
- K. All exterior wood shall be free of significant deterioration, damage from insects, rodents or other vermin, fire, splits or shear cracks. Any wood shall be properly attached to the structure. All structural members shall be maintained so that such members safely support all live and dead loads for the purpose for which the structural members were intended.
- L. Any pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- M. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon.
- N. All sidewalks, walkways, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- O. Any portion, member or appurtenance of a building shall not be likely to fail, to become detached, dislodged or to collapse and thereby injure persons or damage property.
- P. Any structures or fences shall not be maintained in a condition that is manifestly unsafe or hazardous to persons or property.
- Q. The building or structure shall not be in such a condition that it is likely to partially or completely collapse due to:

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; or
  4. the deterioration, decay or inadequacy of its foundation.
- R. Exterior walls or other vertical structural members shall not 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. The exterior walls shall be free of holes, cracks, breaks, or loose or rotting materials. The exterior walls shall be properly anchored.
- S. The building or structure, exclusive of the foundation, shall not show 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.
- T. The building or structure shall not have less than sixty-six percent (66%) of the strength, fire resisting qualities or characteristics, or weather resisting qualities or characteristics required by law in the case of newly constructed building of like area, height or occupancy in the same location.
- U. The building or structure shall not be so damaged by fire, earthquake, flood or any other cause that the structural strength and stability is materially less than it was before the catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location.
- V. The building or structure shall not be so damaged by fire, wind, earthquake or flood that it has become so dilapidated and deteriorated as it becomes freely accessible to persons.
- W. The building or structure shall not, because of obsolescence, dilapidated condition, deterioration, damage, lack of sufficient fire resistive construction, electrical wiring, gas connection, or heating apparatus, become a fire hazard.
- X. The anchorage of the floor or roof to walls or columns and of the walls and columns to foundations must be capable of resisting all nominal loads or load effects.
- Y. Chimneys, cooling towers, smokestacks and similar appurtenances must be structurally sound, properly anchored, support all nominal loads, and properly resist all load effects.
- Z. All siding and masonry joints, including the perimeter of all windows, doors and skylights must be in good repair and weathertight.
- AA. No portion of the building or structure that is being demolished shall remain on the property more than three (3) months after demolition or destruction has commenced.
- BB. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

## **EXTERIOR PROPERTY MAINTENANCE**

### **166.40 PEST INFESTATION**

All structures and exterior property shall be kept free from pest harborage and infestation. Where harborage or infestation of pests are found, they shall be removed and/or exterminated by approved processes which will not be injurious to human health. After removal or extermination, proper precautions shall be taken to eliminate pest harborage and prevent re-infestation.

### **166.41 OUTDOOR STORAGE**

Storage of all materials including junk material, tires, used appliances or furniture must be stored within a fully enclosed building. This requirement does not apply to porch/patio furniture, garden/horticulture equipment and associated supplies, recreational vehicles or accessory structures.

### **166.42 SANITATION**

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

### **166.43 PARKING LOTS**

- A. Parking spaces, access aisles in parking lots, driveways and driveway approaches shall be kept in a proper state of repair and maintained free from hazardous conditions.
- B. Vegetation shall not be allowed to grow through the concrete or asphalt surface.
- C. Concrete, asphalt or similar surfaces that are broken, heaved, collapsed, or missing shall be repaired.
- D. Spalling and cracking of concrete surfaces that have eroded away the top surface of the concrete leaving a rough, crumbling surface area shall be repaired.
- E. All pavement areas shall be maintained to prevent the accumulation of water thereon.
- F. Pavement areas shall not be allowed to degenerate to a point where there is loose gravel, broken up pavement, dirt or potholes.
- G. Potholes and surface cracks shall be filled and sealed in a timely fashion using appropriate materials.
- H. Parking spaces on commercial and industrial properties shall be clearly marked on the pavement surface, using paint or other marking devices approved by the City. Such pavement markings shall conform to the parking plan that was approved by the City and shall be maintained in a clearly legible condition.

- I. If any driveway, parking lot or similar surface area by virtue of its state of repair constitutes a danger to the public health and safety, the surface area shall be repaired.
- J. Hazardous conditions created by inclement weather are not applicable to this section.

**166.44 STORM WATER DRAINAGE**

- A. All storm water detention ponds, retention ponds, and associated drainage ways shall be maintained to:
  - 1. Allow for storm water to be collected, stored and released as the pond structure was designed and intended to function.
  - 2. Prevent trees, weeds and plants from growing within the pond area and creating potential for damage to the pond or preventing the proper flow of water into, through, or exiting the pond.
  - 3. Ensure all drainage pipes and overflow structures are maintained to prevent blockage of the pipe or structure.
- B. No person shall allow or cause any obstruction to be created, installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water on the adjoining property, or impede drainage. Fences may be erected in such areas provided they do not unnecessarily restrict the flow of water.

**166.45 UNLAWFUL ACCUMULATIONS**

- A. It is unlawful for a property owner or occupant to maintain a dangerous accumulation upon the exterior of a property that may create a fire hazard or threaten the health, safety or welfare of an occupant of a building on the same or adjacent property.
- B. It is unlawful for a property owner or occupant to maintain a dangerous accumulation so as to prevent upkeep or maintenance of the exterior of a structure or the exterior area of a property wherein such storage would create a public health risk to an occupant of a building on the same or adjacent property.
- C. It is unlawful for a property owner or occupant to accumulate items, goods, objects, materials and similar items in excess of what is reasonable and customarily necessary for the use of the property.
- D. It is unlawful for a property owner or occupant to keep, store or maintain an accumulation of items, goods, objects, materials or similar items in a manner that is unorganized, unmaintained, spread over the exterior yard area of the property, or generally so excessive that the visible appearance of the exterior area of the property creates an attractive nuisance for adjacent properties.

- E. It is unlawful for a property owner or occupant to accumulate or allow to be accumulated, abandoned, discarded or unused items, goods, objects, materials or similar items that are in a visible state of deterioration.
- F. It shall be unlawful for a property owner or occupant to accumulate or allow to be accumulated on the exterior areas of a property non-customary outdoor storage of items such as indoor furniture, refrigerators, stoves, washers, dryers and other household appliances.

**166.46 SIGNS**

- A. All signs, together with all their supports, braces, guys and anchors, must be kept in good repair and shall maintain a clean appearance and be in a safe condition.
- B. Any sign that is internally illuminated shall have all letters, graphics or symbol of the sign properly illuminated as originally designed.
- C. Any broken or missing sign face panel installed as part of a sign shall have the sign face panel repaired or replaced.

**166.47 NUISANCES**

- A. The allowance of nuisances as defined herein on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City, and are offensive to the general public health, safety and welfare of the community. Such nuisances promote conditions which cause disease; pollution; proliferation of rats, vermin, mosquitoes and snakes; the spread of fire; a harmful environment; harmful attractions for children; creates short and long-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City.
- B. It is unlawful for any owner, lessee or occupant or any agent, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part in the City, including any areas between the property lines of said lot or parcel and the centerline of any adjacent street or alley including sidewalks, streets, alleys, easements and rights-of-way, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or their agent, representative or employee to cause or maintain a nuisance on the land or property of another, with or without permission.
- C. The following are declared to be nuisances:
  - 1. Any pond or pool of unwholesome, impure, stagnant or offensive water found upon any lot or tract of ground.
  - 2. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
  - 3. Accumulations, wherever they may occur, of manure, rubbish, garbage, refuse, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes or within any composting area.

4. Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities or the presence of any gas, vapor, fume, smoke, dust or any other toxic substances on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
5. The dumping or depositing on or the scattering over the premises of any of the following:
  - a. Garbage or rubbish.
  - b. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, washing machines, dryers, cans, containers or similar objects.
  - c. Building material and/or construction equipment abandoned or stored on property where construction is not in progress, where a valid building permit does not exist or on property not properly zoned for such storage.
  - d. Brush and tree limbs.
6. Any open, uncovered or unprotected well or cistern on any premises.
7. Any water accumulating and remaining, continuing or stagnating upon, in or about any lot or tract of land, with the exception of natural streams and waterways, in which mosquitoes or insects, bugs, worms or living creatures might be bred, hatched, raised or allowed to remain or accumulate.
8. Inoperable vehicles.
9. Junk.
10. Accumulation of weeds and rank vegetation.

## **ENFORCEMENT**

### **166.50 ENFORCEMENT**

- A. When a violation of this Code is identified to exist on a property, a written notice to abate shall be prepared by the Code Official to be served upon the owner of the property by first class mail or by personal delivery.
- B. The notice to abate shall:
  1. provide a description of the violation and indicate the action necessary to abate said violation;
  2. provide the following timeframes to abate the violation:
    - a. Violations of Section 166.30 shall be abated within thirty (30) calendar days of the date of the violation notice.

b. Violations of all other sections of this Code shall be abated within ten (10) calendar days of the date of the violation notice.

3. Inform the property owner of the right to appeal; and
  4. Include a statement of the right of the City to issue a citation for noncompliance with the order and/or abate the violation and file a special tax assessment to recover the costs of said abatement.
- C. The Code Official is granted authority to extend the timeframe for abatement to occur as deemed appropriate by the Code Official.
- D. A notice sent by first-class mail shall be sent to the address of the property owner as indicated in the records of the DeKalb County Auditor on the date of the notice.
- E. In the event such violation is not abated within the time prescribed in the written notice as set forth in this subsection, the Code Official may:
1. Issue a citation to the property owner; and/or
  2. Institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto; and/or
  3. Have the violation abated, in which case the Code Official shall bill the property owner for the actual costs incurred in abating the violation. The costs shall include cost of removal of the nuisance, administrative fees, and recording fees. The administrative fees shall not limit whatever might be necessary in costs to enforce this Chapter. The bill shall be sent by first class mail to the property owner and/or property owner's agent. The City shall receive full payment within ten (10) days of the date the bill was sent or the full amount will be filed in the Office of the Auditor of DeKalb County for the purposes of the amount added to the next regular tax bill forwarded to such owner by DeKalb County and said charge will be due and payable by said owner at the time of payment of such tax bill.

**166.51 EMERGENCY MEASURES**

- A. Prior to implementation of any emergency measure actions by the Code Official, Ind. Code §36-7-9 *et. seq.* and Chapter 159: Unsafe Buildings of the City of Auburn Code of Ordinances shall be referenced.
- B. When necessary for public safety, the Code Official shall temporarily close structures and close, or request the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- C. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- D. Costs incurred in the performance of emergency work shall be paid by the City. The legal counsel of the City shall institute appropriate action against the owner of

the premises where the unsafe structure is or was located for the recovery of such costs.

**166.52 APPEALS**

Any person accused of a violation shall have the opportunity to appeal said accusation to the Board of Public Works and Safety at a regularly scheduled meeting. The appeal must be presented to the Clerk-Treasurer in writing at least seven (7) days prior to the meeting at which the appeal is requested. The appealing party must appear in person or by counsel to present his/her case. If not present the question will be decided in his/her absence. Notwithstanding the appealing party's right of future appeal to any court, the determination of the Board of Public Works and Safety shall be final. Enforcement shall abate during the appeal procedure to the Board of Public Works and Safety.

**166.53 PENALTIES**

A. Violations of this Code shall be subject to a fine in accordance with the following schedule:

1. First Offense	\$50.00
2. Second Offense	\$100.00
3. Third Offense	\$150.00
4. Fourth and each subsequent Offense	\$200.00

B. Every day a violation of this Code shall continue shall constitute a separate offense.

C. Citations and associated fines are administered as set forth in Chapter 36: Ordinance Violations Bureau of the Auburn Code of Ordinances.

D. The imposition of a penalty does not prevent the City from taking any other legal action to enforce the provisions of this Code.

E. Payment of a penalty does not remove or eliminate the requirement to abate a violation. If the violation continues to exist after payment of any penalty, the City may continue with enforcement of this Code and assess additional penalties until the violation is abated.