

**ORDINANCE NO. 2026-08**

**AN ORDINANCE TO ESTABLISH CHAPTER 167,  
VACANT AND ABANDONED STRUCTURES CODE OF THE CITY OF AUBURN**

**SUMMARY**

This ordinance establishes Chapter 167: Vacant and Abandoned Structures Code, in the City of Auburn, Indiana Code of Ordinances.

_____ Recorder's Office	___X___ Publish Public Hearing
_____ Auditor's Office	_____
___X___ Clerk's Office	___X___ Publish O/R after adoption
_____ Other	_____

Building Department

Engineering Department

DeKalb County Plan Commission

Internet Code Site

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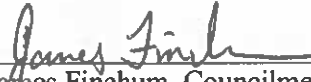
**WHEREAS**, the Auburn Common Council has determined it is in the best interests of the citizens of Auburn, Indiana to adopt a Vacant and Abandoned Structures Code; and

**WHEREAS**, the Vacant and Abandoned Structures 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.

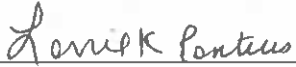
**SECTION 1.** That Chapter 167: Vacant and Abandoned Structures Code for the City of Auburn, Indiana is hereby established as provided in Exhibit "A".

**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**

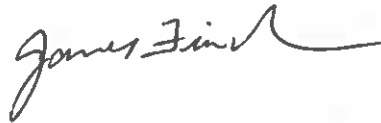
Natalie DeWitt




Rod Williams



James Finchum



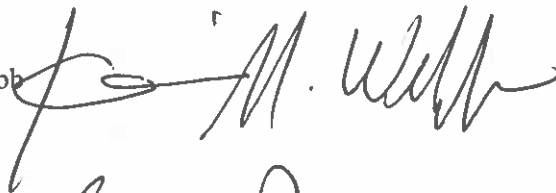
Dan Braun



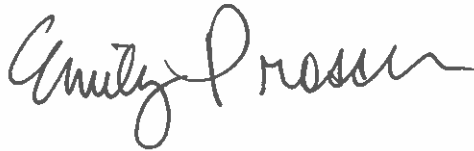
David Bundy



Kevin Webb



Emily Prosser



## EXHIBIT "A"

### 167.01 ADOPTION OF INDIANA CODE 36-7-36

Indiana Code §36-7-36 *et seq.* is hereby adopted by reference as the Auburn Vacant Structure and Abandoned Structure Code. All proceedings within the City for inspection, repair, rehabilitation, and securing of vacant structures or abandoned structures shall be governed by this Chapter. In the event the provisions of this Chapter conflict with the provisions of Indiana Code § 36-7-36 *et seq.* the provisions of the state statute shall control and prevail.

### 167.02 APPLICABILITY

This Chapter shall apply to a structure within the City that is utilized for commercial or industrial purposes or is located upon property with a commercial or industrial zoning classification.

### 167.03 ENFORCEMENT AUTHORITY

The City Enforcement Authority is the Administrator of the Building, Planning and Development Department for the City of Auburn, Indiana, or his/her designee. The Enforcement Authority is authorized to administer and to proceed under the provisions of state law and this Chapter, as amended, in ordering the cleaning, securing, boarding, and/or repair of vacant structures or abandoned structures.

### 167.04 HEARING AUTHORITY

The City Hearing Authority is the Board of Public Works and Safety for the City of Auburn, Indiana and shall be authorized to conduct hearings and to proceed with the provisions of state law and this Chapter, as amended, in ordering the cleaning, securing, boarding, and/or repair of vacant structures or abandoned structures.

### 167.05 DECLARED A NUISANCE

All buildings or structures or portions thereof within the City which are determined after inspection by the Enforcement Authority to be a vacant structure or abandoned structure are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, securing, boarding, demolition or removal.

#### **167.06 DISCRETION OF CITY OFFICIALS**

Whenever in the building regulations of the City or in this Chapter it is provided that anything must be done to the approval of, or subject to, the discretion of the Enforcement Authority, or any other officer of this City, this shall be construed to give the officer only the discretion of determining whether the rules and standards established by code and/or ordinance have been complied with. No provision shall be construed as giving any officer discretionary powers as to what the regulations or standards shall be, power to require conditions not prescribed by code and/or ordinance or to enforce the provisions of such code and/or ordinance in an arbitrary or discretionary manner.

#### **167.07 PROPERTY MANAGER**

Property Manager refers to an individual or company responsible for the day-to-day functioning and maintenance of a property.

#### **167.10 REGISTRATION OF VACANT STRUCTURES AND ABANDONED STRUCTURES**

- A. The owner of a property that contains a structure that is classified as a vacant structure and/or an abandoned structure shall register the property with the Enforcement Authority. Registration shall be upon a form provided by the Enforcement Authority. Information required to be provided on the form is:
  1. Street address of the property.
  2. The name(s), mailing address(es), telephone number(s), and email address(es) of the owner(s) or entities which hold an ownership, land contract, mortgage, or other lien interest in the property, and all beneficiaries of any land trust which owns the property.
  3. Property manager's information, if one is utilized, including name, address, email address, and telephone number.
- B. The owner is responsible for providing an updated registration form to the Enforcement Authority within ten (10) days of the date any change to the information on file occurs.
- C. The applicable fee from the City's fee schedule shall be paid at the time the registration form is submitted and for each annual registration thereafter.
- D. Registration shall be completed by December 31<sup>st</sup> for each subsequent calendar year after the initial registration of the property.
- E. If a property is no longer classified as a vacant structure or abandoned structure, the property no longer is required to be registered.

#### **167.11 STANDARDS FOR MAINTENANCE**

- A. At least once each week the owner or property manager of the property upon which a vacant structure or an abandoned structure exist shall inspect the

property and ensure the property and any structure(s) are:

1. Secured against unlawful entry;
  2. Cleaned of any trash or debris;
  3. Maintained to prevent entry of weather and/or animals into the structure(s); and
  4. Maintained to prevent overgrowth of vegetation, including grass, bushes and trees.
- B. Securing of the structure may be accomplished by:
1. Ensuring all doors, windows and any openings can be locked to prevent entry;
  2. Replacement of any broken windows with glass; and/or
  3. Boarding of openings with plywood or similar material installed to prevent entry of weather. Boarding is considered temporary and is allowed for no more than sixty (60) days. Any boarding material that remains after sixty (60) days shall be surface coated with exterior paint to match the exterior colors of the building.
- C. Exterior surfaces shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, fading and chipped paint shall be eliminated, and surfaces repainted. Tarps, house wrap, and similar materials are considered temporary and are not allowed as a wall covering for more than sixty (60) days.
- D. The roof and flashing shall be sound, tight, and not have defects that admit weather. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Tarps and similar coverings are considered temporary and are not allowed as a roof covering for more than sixty (60) days.
- E. Signage pertaining to a closed business shall be removed or covered.

#### **167.12 NOTICE AND ORDER**

- A. Pursuant to IC 36-7-36-9 the Enforcement Authority shall determine whether a vacant structure or an abandoned structure exists on a property and is thus subject to the provisions of this Chapter.
- B. If a vacant structure or an abandoned structure is determined to exist upon a property, the Enforcement Authority may send a notice and order to the owner of the property that directs the owner to:
  1. Register the vacant structure or abandoned structure in accordance with Section 167.10;
  2. Abate the vacant structure or abandoned structure by cleaning, securing, repairing, and/or boarding up the structure; and/or
  3. Erect a fence or similar barrier to discourage and prevent:

- a. access to the vacant structure or abandoned structure;
  - b. damage to the vacant structure or abandoned structure; and/or
  - c. illegal dumping or littering upon the property
- C. If an owner does not comply with the notice and order issued by the Enforcement Authority within the time prescribed in the order, the Enforcement Authority may schedule a hearing before the Hearing Authority to determine if a fine is to be assessed in accordance with IC 36-7-36-10.

### **167.13 VIOLATIONS**

- A. The following items shall be deemed violations of this Chapter:
- 1. Failure to register a vacant structure or abandoned structure in accordance with Section 167.10A.
  - 2. Failure to update registration information in accordance with Section 167.10B.
  - 3. Failure to comply to a notice and order issued pursuant to Section 167.12.
  - 4. Failure to comply with a decision of the Hearing Authority.
- B. If the owner fails to secure the property from unlawful entry within the time provided by the notice and order issued by the Enforcement Authority, the Hearing Authority may authorize the Enforcement Authority to cause the property to be secured with the owner being invoiced for the costs incurred by the Enforcement Authority, including administrative costs incurred by the Enforcement Authority.
- C. If the owner fails to pay the invoice within the time provided for the corrective actions taken by the Enforcement Authority in sub-section B above, the Enforcement Authority may obtain a lien against the property in the amount of the unpaid invoice. The lien shall be included on the property tax invoice for the property and collected in the same manner as property taxes are collected. The lien will be released upon payment of the full amount of the invoice by filing a release with the DeKalb County Recorder's Office.

### **167.14 APPEALS**

Any person provided a notice and order from the Enforcement Authority shall have the opportunity to appeal said notice and order to the Hearing Authority at a regularly scheduled meeting. The appeal must be presented to the Auburn Clerk-Treasurer in writing at least ten (10) 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. A stay on enforcement actions shall occur during the appeal procedure to the Board of Public Works and Safety.

**167.15 PENALTY**

In accordance with IC 36-7-36-10 a fine may be assessed by the Hearing Authority to the owner of a property that contains a vacant structure or abandoned structure for failure to comply with a notice and order issued by the Enforcement Authority.