

ORDINANCE 2025-06

AN ORDINANCE REPEALING AND REPLACING CHAPTER 159 ENTITLED “DANGEROUS BUILDINGS” OF THE CITY OF AUBURN CODE OF ORDINANCES

WHEREAS, the City of Auburn, Indiana (the “City”), by and through its Common Council, desires to repeal and replace Chapter 159 of the City of Auburn Code of Ordinances in order to more closely follow the Indiana state statute regrading Unsafe Buildings

SECTION 1. That Chapter 159 entitled “Dangerous Buildings” of the City of Auburn Code of Ordinances is hereby repealed in full, retitled as “Unsafe Buildings” and replaced, as follows:

159.1 Adoption of Indiana Code 36-7-9 et seq.

A. Ind. Code § 36-7-9 *et seq.* is hereby adopted by reference as the Unsafe Building Law. All proceedings within the City for inspection, repair, and removal of unsafe buildings shall be governed by this law and the provisions of this section. In the event the provisions of this section conflict with the provisions of Ind. Code § 36-7-9 *et seq.* the provisions of the state statute shall control and prevail.

B. SUBSTANTIAL PROPERTY INTEREST shall have the meaning set forth in Ind. Code § 36-7-9-2.

C. DEPARTMENT refers to the Building, Planning, and Development Department of the City of Auburn, Indiana.

D. ENFORCEMENT AUTHORITY refers to the Administrator of the Building, Planning, and Development Department, Building Commissioner, or his/her designee.

E. HEARING AUTHORITY refers to the Board of Public Works and Safety.

159.2 DEFINITIONS OF UNSAFE BUILDINGS AND PREMISES.

The City shall follow the definitions provided in Ind. Code § 36-7-9 *et seq.*

159.3 ENFORCEMENT AUTHORITY.

The City *ENFORCEMENT AUTHORITY* shall be authorized to administer and to proceed under the provisions of state law and this chapter, as amended, in ordering the repair or removal of any buildings or premises found to be unsafe.

159.4 SIGNS POSTED; NOTICE TO OWNERS.

Unsafe building or structure notices shall be posted at each entrance to such building or structure with the following: "Do Not Enter. Unsafe to Occupy. Building Planning, and Department, City of Auburn, Indiana." The notice shall remain posted until the required repairs are made or demolition is completed. The notice shall not be removed without written permission from the *ENFORCEMENT AUTHORITY* and no person shall enter the building except to make repairs or to demolish same.

159.5 DECLARED A NUISANCE.

All buildings or portions thereof within the City which are determined after inspection by the *ENFORCEMENT AUTHORITY* to be unsafe, hereof are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

159.6 DISCRETION OF CITY OFFICIALS.

Whenever in the building regulations of the City or in this subchapter, 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.

159.7 RECONSTRUCTION OR REPAIR TO BUILDINGS.

All work for the reconstruction, 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 rules pertaining to construction, plumbing, electrical, mechanical and one or two family dwellings, appropriated by the Indiana Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters

covered by this subchapter or orders issued pursuant to this section by the ***ENFORCEMENT AUTHORITY***.

159.8 UNSAFE BUILDING FUND.

The Common Council of the City of Auburn is hereafter authorized to establish an operating budget of the City in accordance with the provisions of I.C. 36-7-9-14.


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

1st day of April, 2025.



James Finchum, Councilmember

ATTEST:


Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 1st day of

April, 2025.


Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 1st day of April, 2025.


David E. Clark, Jr., Mayor

VOTING:

AYE

NAY

Natalie DeWitt



Rod Williams



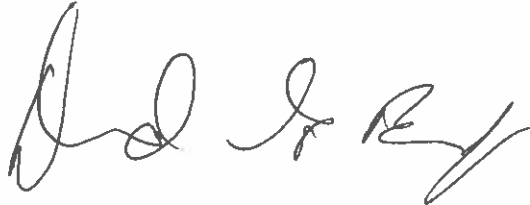
James Finchum



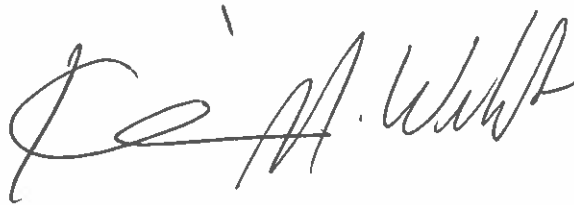
Dan Braun



David Bundy



Kevin Webb



Emily Prosser

