

CHAPTER 125

**PROVIDING FOR THE INSPECTION, REPAIR, OR
REMOVAL OF UNSAFE BUILDINGS WITHIN THE
TOWN OF WALKERTON, INDIANA.**

- 125.1. Establishment. Under the provisions of Indiana Code 36-7-9, there is hereby established the Walkerton Unsafe Building Law.
- 125.2. Adoption by Reference. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby adopted by reference as the Walkerton Unsafe Building Law. All proceedings within the Town of Walkerton, Indiana, for the 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 26-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control.
- 125.3. Public Nuisances. All buildings or portions thereof within the Town of Walkerton, Indiana, which are determined after inspection by the Building Commissioner or other duly elected official of the Town Board, 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.
- 125.4. Commissioner's Appointment. The Walkerton Building Commissioner will be appointed by the Town Board of Trustees of the Town of Walkerton for a one (1) year term starting on the first day of January and, shall be authorized to administer and to proceed under the provisions of said law upon prior approval of the Town Board of Trustees in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified thereafter. If the Commissioner has not been appointed or fails to qualify for said position, the Town Board or a designated Trustee shall act in place of the Building Commissioner.
- 125.5. Authority. Whenever in the building regulations of the Town of Walkerton, Indiana, or the Walkerton Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, or any other officer of the Town of Walkerton, Indiana, this shall be construed to give such officer only the discretion of determining whether the rules

and standards established by ordinance have been complied with; and no such provision 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.

125.6.

Description. The description of an unsafe building contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the Town of Walkerton, Indiana, by adding the following definition:

Unsafe Building: Any building or structure hereinafter described shall be deemed to be an un-safe 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.

1. 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.
2. 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.
3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by 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.
4. 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.
5. 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.

6. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that the walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
7. Whenever the building or structure, or any portion thereof because of:
 - A. dilapidation, deterioration or decay;
 - B. faulty construction;
 - C. the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
 - D. the deterioration, decay, or inadequacy of its foundation; or
 - E. any other cause, it is likely to partially or completely collapse.
8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
9. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plum line passing through the center of gravity does not fall inside the middle one-third of the base.
10. 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 of deterioration of its non-supporting members, enclosing or outside walls or coverings.

11. 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:
 - A. an attractive nuisance to children, or
 - B. freely accessible to persons for the purpose of committing unlawful acts.
12. 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 Regulations of this Board, or of any law or ordinance of this state or of the Town of Walkerton relating to the condition, location or structure of buildings.
13. 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 strength, fire resistant qualities or characteristics, or weather-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.
14. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise is determined by the Department of Public Health to be unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease.
15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is

determined by the State Fire Marshal to be a fire hazard.

16. 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.

125.7. Substantial Property Interest. 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.

125.8. Standards. 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 rules pertaining to construction, plumbing, electrical, mechanical, and one and two family dwellings, promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance issued pursuant to this ordinance by the Building Commissioner of the Town of Walkerton, Indiana.

125.9. Unsafe Building Fund. An Unsafe Building Fund is hereby established in the operating budget of the Town of Walkerton in accordance with the provisions of I.C. 36-7-9-14.

125.10. Violation of Ordinance. No person, firm, or corporation, whether as owner, lessee, sub-lessee 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 Building Commissioner of the Town of Walkerton. 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.