

ORDINANCE NO. 2015-05

AN ORDINANCE providing for the inspection, cleanup, repair, or removal of unsafe buildings and such premise within the Unincorporated County of Cass, State of Indiana

BE IT ORDAINED by the Board of Commissioners of Cass County, Indiana, as follows:

SECTION 1.

Under the provisions of Indiana Code 36-7-9, there is hereby established the Unincorporated Cass County Unsafe Building Law.

SECTION 2.

Indiana Code 36-7-9 is hereby adopted by reference as the Unincorporated Cass County Unsafe Building Law. All proceedings within the County of Cass 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 conflicts with the provisions of the State Statute, the Statute will control.

SECTION 3.

All buildings or portions thereof within Cass County which are determined after inspection by the Zoning Administrator, Building Commissioner and/or Health Officer to be unsafe as defined in the ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.

SECTION 4.

The Zoning Administrator, Building Commissioner and Health Officer shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any building found to be unsafe as specified therein or as specified hereafter.

SECTION 5.

The Cass County Plan Commission is hereby designated as the hearing authority for the implementation of this ordinance. The Cass County Plan Commission may defer health related issues of this ordinance to the Cass County Health Department.

SECTION 6.

The Cass County Commissioners hereby adopts Indiana Code Chapter 36-7-9, which establishes the Indiana Unsafe Building Law, except the provision of the code relating to a tract of real property that does not contain an unsafe building or structure under IC 36-7-9-4 (c). Adoption explicitly incorporates by reference the

definition of "substantial property interest" found in Indiana Code Section 36-7-9-2. 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 Cass County, Indiana by adding the following definition:

UNSAFE BUILDING: Any building or structure, except for accessory buildings or structures that are currently or previously used for agricultural uses, which has any or all of the conditions or defects described in IC 36-7-9 shall be deemed to be an unsafe 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.

SECTION 7.

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.

SECTION 8.

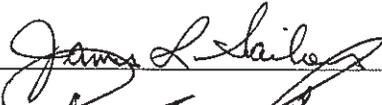
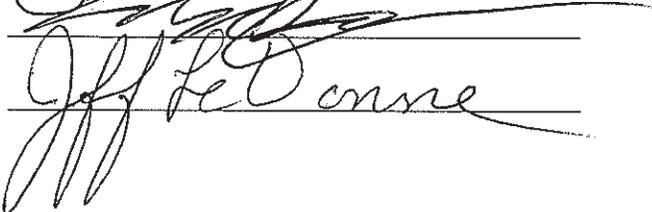
Should any section, paragraph, sentence, clause, or any other portion of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if, such remaining provisions can, without the invalid provision or provisions,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

SECTION 9.

This ordinance will be in full force and effect on the 20 day of April, 2015, according to the laws of the State of Indiana. All former ordinances which conflict with this ordinance are hereby repealed.

Adopted the 20 day of April, 2015.

THE BOARD OF COMMISSIONERS OF
CASS COUNTY, STATE OF INDIANA

ATTEST:


Auditor, Cass County, Indiana