

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 28 -2014

**AN ORDINANCE AMENDING AND REPLACING PREVIOUSLY PASSED UNSAFE BUILDING ORDINANCES**

**WHEREAS**, this Board of Commissioners of Clark County, Indiana (this “Board”), is the executive body of Clark County government pursuant to the provisions of Ind. Code § 36-2-2-2; and,

**WHEREAS**, this Board is also the legislative body of Clark County government pursuant to the provisions of Ind. Code § 36-1-2-9; and,

**WHEREAS**, from time to time, the state of Indiana amends statutes resulting in necessary changes to Clark County’s code of ordinances; and,

**WHEREAS**, Ind. Code § 36-7-9 *et seq.* sets forth the Indiana Unsafe Building Law; and,

**WHEREAS**, this Board finds that deteriorated structures constitute a hazard to public health, safety, and welfare; attract vermin, vagrants, and criminals; cause a decrease of property values; and create a serious and substantial problem and are public nuisances.

**NOW, THEREFORE, BE IT ORDAINED** by this Board of Clark County Commissioners as follows:

Section 1. This Board does hereby adopt Ind. Code § 36-7-9 *et seq.* as Clark County’s Unsafe Building Ordinance, and explicitly incorporates the definition of “substantial property interest” found in Ind. Code § 36-7-9-2. In the event the provisions of this ordinance conflict with the provisions of Indiana law, then the provisions of state statute shall control.

Section 2. The Clark County Planning and Zoning Department shall be the executive department authorized to administer this ordinance and the Clark County Building Commissioner/Ordinance Enforcement Officer shall be the enforcement authority.

Section 3. Pursuant to Ind. Code § 36-7-9-2, this Board designates the Clark County Planning and Zoning Board as the hearing authority. However, the Planning and Zoning

Board shall have the authority to form a sub-committee of not less than three (3) members of the Planning and Zoning Board to act as the hearing authority. If the Planning and Zoning Board decide not to utilize or cannot agree on a sub-committee, then the entire board shall serve as the hearing authority.

Section 4. The Clark County Planning and Zoning Board shall establish in its operating budget a fund designated as the Unsafe Building Fund, pursuant to Ind. Code § 36-7-9-14.

Section 5. Violations of this Ordinance shall be prosecuted as set forth in Ind. Code § 36-7-9 *et seq.*

Section 6. This Ordinance shall replace and supersede all previously adopted ordinances regarding the Indiana Unsafe Building Law.


Section 7. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

SO ORDAINED this 9 day of October, 2014.


*Members voting "NO":*

*Members voting "YES":*


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Jack Coffman, Commissioner

  
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Rick Stephenson, Commissioner

  
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Rick Stephenson, Commissioner

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John Perkins, Commissioner

  
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John Perkins, Commissioner

*Attested by:*

  
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R. Monty Snelling, Clark County Auditor