

ORDINANCE NO. 88-1

UNSAFE BUILDING AND WEED CONTROL ORDINANCE OF THE
CITY OF LEBANON, INDIANA, STATE OF INDIANA

WHEREAS, the Board of Public Works and Safety of the City of Lebanon, Indiana, and the Common Council, desire to protect people from personal injury or property loss or damage from buildings or structures within the city which are in such condition as to be deemed unsafe for human habitation or unsafe to passersby or other persons upon the premises, or containing conditions which are likely to cause physical damage or contribute to physical damage to surrounding parcels of real estate, and on the property of other persons, and

WHEREAS, the Board of Public Works and Safety and the Common Council of the City of Lebanon, Indiana, further desire to protect the citizens of the City of Lebanon from such conditions which exist in buildings which attract vermin, insects, and other unwanted pests which are likely to contribute to disease and other health hazards in the community, and

WHEREAS, the Board of Public Works and Safety and the Common Council of the City of Lebanon, Indiana, have determined that the interests of the citizens of the City of Lebanon, State of Indiana, can best be protected by an ordinance regulating the conditions of buildings, providing for the owners thereof to have an opportunity to correct the conditions and for providing for the removal of the building and/or conditions, or weeds or over-growth.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF PUBLIC WORKS AND SAFETY AND THE COMMON COUNCIL OF THE CITY OF LEBANON, STATE OF INDIANA, as follows:

Section 1. Under the provisions of the Indiana Code, Section I.C. 36-7-9, there is hereby established the City of Lebanon Unsafe Building Law.

Section 2. The Indiana Code, I.C. 36-7-9-1 through I.C. 36-7-9-28, is hereby adopted by reference as the Lebanon Unsafe Building Law. Further, I.C. 36-7-10-3 is hereby adopted by reference as the Weeds and Vegetation Removal Law of the City of Lebanon. All proceedings within the City of Lebanon for the inspection, repair, and removal of unsafe buildings shall be governed by the aforementioned law and the provisions of this ordinance. All proceedings within the City of Lebanon for the removal of weeds and rank vegetation shall be governed by the law hereinbefore stated and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of Indiana Code I.C. 36-7-9-1 through 36-7-9-28 and I.E. 36-7-10-3, then the provisions of the state statute shall be controlling.

Section 3. All buildings or portions thereof within the city of Lebanon which are determined after inspection by the Building Inspector 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.

Section 4. The Building Inspector, as chief administrative officer of the Department of Planning and Development, or his designated representative, shall be authorized to administer and proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereinafter.

Section 5. Wherever in the building regulations of the City of Lebanon or the Lebanon Unsafe Building Law, it is provided that anything must be done to the approval of, or subject to, the direction of the Building Inspector, or any other officer of the Building Inspector's Office, 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 provisions shall be construed as giving any officer discretionary powers as to what such regulations or standings shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary, capricious or discretionary manner.

Section 6. The description of an unsafe building contained in Indiana Code, I.C. 36-7-9-4, is hereby supplemented to provide minimal standards for building condition or maintenance in the City of Lebanon, Indiana, by adding the following definition:

UNSAFE BUILDING: Any building or structure which has any or all of the conditions or defects hereinafter described 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.

(a) 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.

(b) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(c) Whenever the stress in any materials, member, or portion thereof, due to all dead