

TO AMEND SECTION OF
DELAWARE COUNTY CODE ENTITLED "UNSAFE BUILDING ORDINANCE"

- WHEREAS, Section 4-4 of The Code of Delaware County incorporates the Indiana Unsafe Building Ordinance and defines and discusses vacant structures; and
- WHEREAS, The Indiana Legislature has added a new section to its Unsafe Building regulations specifically addressing vacant and abandoned structures, which section is not currently adopted by Ordinance; and
- WHEREAS, I.C. 36-7-9 should be adopted by ordinance to address the issue of blight caused by vacant and abandoned structures within Delaware County.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DELAWARE COUNTY COMMISSIONERS,
THAT:

- (a) Adoption of State Law. I.C. 36-7-36-1 as modified herein, and 36-7-36-2 through 36-7-36-10 are adopted by reference and incorporated herein together with any and all amendments hereto that are made following this date. All proceedings as to vacant and/or abandoned buildings shall be governed by this law and the provisions of this section.
- (b) Definition of Abandoned Structure Amended. As used in this chapter, "abandoned structure" means any of the following:
 - (1) Commercial real property or a vacant structure on commercial real property that is used or was previously used for industrial or commercial purposes, and:
 - (A) that the owner of the property or structure has declared in writing to be abandoned; or
 - (B) for which the owner of the property or structure has been given a written order by an enforcement authority to rehabilitate or demolish, and the owner:
 - (i) has not applied for a permit to rehabilitate or demolish the property or structure; or
 - (ii) applied for and was granted a permit, but rehabilitation or demolition work has not commenced on the property or structure within thirty (30) days after the date the permit was granted.
 - (iii) applied for and was granted a permit, and work began, but was not completed prior to the expiration of the permit and an application for a subsequent permit has not been submitted.
 - (2) Real property that has not been used for a legal purpose for at least six (6) consecutive months and:

- (A) in the judgment of an enforcement authority, is in need of completion, rehabilitation, or repair, and completion, rehabilitation, or repair work has not taken place on the property for at least six (6) consecutive months;
 - (B) on which at least one (1) installment of property taxes and/or an assessment for a civil penalty or penalties issued by a hearing authority is delinquent; or
 - (C) that has been declared a public nuisance by a hearing authority.
- (3) Real property that has been declared in writing to be abandoned by the owner, including an estate or a trust that possesses the property.
- (4) Vacant real property on which a municipal lien has remained unpaid for at least one (1) year.

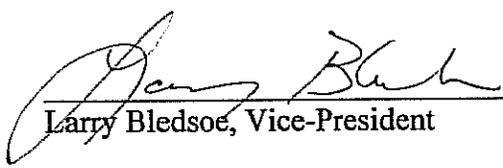
Section 2: Effective Date

This ordinance shall become effective on the date of passage.

Accepted this 19 day of Oct, 2009



Todd Donati, President



Larry Bledsoe, Vice-President

absent

Don Dunnuck, Member

Attest: 

Judy Rust, Auditor