

CHAPTER 155: ABANDONED AND VACANT BUILDINGS

Section

- 155.01 Scope
- 155.02 Purpose
- 155.03 Definitions
- 155.04 Standard for maintenance
- 155.05 Continuing maintenance; mandatory and voluntary registration
- 155.06 Liability insurance
- 155.07 Registration of buildings and structures
- 155.08 Registration fee
- 155.09 Property manager
- 155.10 Exemptions

- 155.99 Penalty

§ 155.01 SCOPE.

(A) The City of Rushville finds that vacant and abandoned buildings may cause a hazard to public health, safety and welfare. Establishment and enforcement of a registration program and abatement of vacant and abandoned properties to prevent blight and are necessary to promote the general welfare of the community.

(B) There are hereby established rules and regulations registration of vacant and abandoned and the abatement of vacant and abandoned properties in the City of Rushville, Indiana which shall be known as "The Registration and Abatement of Vacant and Abandoned Buildings Ordinance" of the City of Rushville, Indiana.

(Ord. 2014-19, passed 9-2-2014)

§ 155.02 PURPOSE.

The purpose of this chapter is as follows:

(A) To establish a program for ongoing identification and registration of buildings and properties which have been vacant for a designated period of time.

(B) To establish the responsibility for the owners of vacant and abandoned buildings or properties; and

(C) To provide for administration and enforcement of standards related to vacant and abandoned buildings or properties.

(Ord. 2014-19, passed 9-2-2014)

§ 155.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different

meaning.

ABANDONED BUILDING. A building or structure on a parcel of real property in the City of Rushville:

(1) Which is vacant for more than 90 days;

(2) Which is also submitted to and order issued pursuant to the City of Rushville's Unsafe Building Ordinance, Minimum Housing Standards Ordinance and Minimum Standards for Non-Residential Properties; and

(3) Upon which the condition which has generated the order has existed for at least 30 days and has not been remedied.

OWNER. Any person having a legal or equitable title in the real estate or premises.

OWNER'S REPRESENTATIVE. A person hired by the owner to represent and/or advocate on the owner's behalf.

PERSON. Any entity including any of the following: individual, firm, corporation, association, partnership, or limited liability corporation/company. References in the masculine gender include the feminine and the neuter, in the present tense includes the future, and the singular includes the plural.

PROPERTY MANAGER. An individual or company responsible for the day-to-day functioning of a piece of real estate.

VACANT BUILDING. A building or structure on a parcel of real property which lacks the habitual presence of human beings or beings who have a legal right to be on the premises, or at which substantially all lawful business operations or residential occupancy has ceased for a period of at least 30 days. **VACANT BUILDING** shall not include a seasonally occupied residence or a residence owned by an individual actively serving in the military.

(Ord. 2014-19, passed 9-2-2014)

§ 155.04 STANDARD FOR MAINTENANCE.

(A) (1) At least once each week, the owner or property manager of the property required to be registered under this chapter shall ensure that the property is inspected and secured against unlawful entry, that the property is cleaned, vegetation is mowed, and that walkways are cleared of snow and ice.

(2) Records of such inspections shall be provided to the Code Enforcement Officer upon request.

(B) Door and window openings of all buildings or structures on the property shall be secured against unlawful entry by the use of locks designed for such use.

(C) To protect the building against unlawful entry or vandalism while vacant, the owner may secure the doors and windows of the building by the use of boarding. If boarding is used to secure the building, the following standard shall be met:

(1) Windows shall be framed by nominal two-inch by four-inch lumber secured with plywood to the frame using six seven-inch lag bolts into king studs in all corners and in the center of the vertical boards. Plywood shall be a minimum of four-ply rated for exterior exposure, no less than one-half inch in thickness and attached with tamper proof screws, no less than three inches in length and spaced no more than eight inches on-center.

(2) Doors may be secured against unlawful entry by the use of locks designed to prevent unlawful entry or by framing nominal two-inch by four-inch lumber secured with plywood to the frame using six seven-inch lag bolts into king studs in all corners and in the center of the vertical boards. Plywood shall be a minimum of four-ply rated for exterior exposure, no less than one-half inch in thickness and attached with tamper proof screws, no less than three inches in length and spaced no more than eight inches on-center.

(3) The Code Enforcement Officer may approve alternative methods to secure windows, upon the owner presenting the following information:

(a) Type of material to be used;

(b) Thickness of material;

(c) Method that will be used to attach the material to the building or structure.

(D) Boarding of a vacant or abandoned building or structure is to be considered temporary and not a long-term method of securing the building or structure.

(1) Boarding used to secure doors and/or windows for more than 30 day shall be surface coated with an exterior grade paint matching the exterior of the building or structure. By matching the exterior of the building or structure reduces the blighting effect.

(Ord. 2014-19, passed 9-2-2014) Penalty, see § 155.99

§ 155.05 CONTINUING MAINTENANCE MANDATORY AND VOLUNTARY REGISTRATION.

(A) Upon finding a building vacant and abandoned, the Code Enforcement Officer, or his or her designee, may issue to the owner an order for continuing maintenance pursuant to the City of Rushville's Unsafe Building Ordinance, Minimum Housing Standards Ordinance and Minimum Standards for Non-Residential Properties Ordinance, as may be amended from time to time or pursuant to similar authority granted by state statute or this chapter, or other ordinances and regulations.

(B) The owner of a building at that is abandoned shall register the abandoned property with the Code Enforcement Officer for the City of Rushville.

(C) The owner of a building that is vacant, but not abandoned, as set forth in this chapter, may opt to register the building with the Code Enforcement Officer, so as to notify the city of the property manager and exchange of information pertinent to the condition of the building or structure.

(Ord. 2014-19, passed 9-2-2014) Penalty, see § 155.99

§ 155.06 LIABILITY INSURANCE.

(A) The owner of any building or structure required to be registered by this chapter shall maintain a policy of liability insurance for the building or structure.

(1) A copy certificate or the liability insurance policy shall be provided to the Code Enforcement Officer.

(2) The minimum coverage required shall be \$100,000 per occurrence and \$100,000 in the aggregate.

(B) The insurance policy shall require the agent or earner to provide a minimum of 15 business days' advance notice of cancellation to the Code Enforcement Officer.

(Ord. 2014-19, passed 9-2-2014) Penalty, see § 155.99

§ 155.07 REGISTRATION OF BUILDINGS AND STRUCTURES.

(A) The owner of a building that is vacant and abandoned shall register the property with the Code Enforcement Officer upon receipt of an order for registration. Registration shall be on a form provided by the Code Enforcement Officer, shall be verified under penalties of perjury, and shall include the following:

(1) Street address of the affected property;

(2) The name(s), mailing address(es) and telephone(s) of the owner(s) or entities which hold an ownership, land contract, mortgage, or other lien interest in the property, and all beneficiaries of any land trust which owns the property.

(3) Copy of the most recently executed deed used to transfer title to the property and the most recently prepared sales disclosure form, if available to the owner.

(4) Name(s) and address(es) of all person(s) or entities which hold a lien interest or a substantial property interest in the property.

(5) Property manager's information, if required, name, mailing address, location address, if different from mailing address, telephone number that provides 24-hour contact to the property manager.

(6) Name of insurance company providing insurance coverage for the building or structure requiring registration, including the representing agent's name, address and telephone number that provides 24-hour access.

(7) A written plan for maintenance and repair of the property, including:

(a) A schedule within which the owner anticipates completion of all repairs required to bring the building and property into

compliance with this chapter and other property maintenance ordinances.

1. The schedule shall not exceed 30 days unless it is demonstrated to the Code Enforcement Officer that additional time is necessary to avoid undue hardship to the owner due to the quantity of work required.

2. The owner's request for additional time shall be supported by relevant documentation, including, but not limited to, bids, quotes for the work, and the owner's financial statement, based upon a financial disclosure statement.

(b) The owner's schedule of plan does not relieve the owner of any order issued pursuant to the Unsafe Building Ordinance, Minimum Housing Standards Ordinance or Minimum Standards for Non-Residential Properties Ordinance

(c) The Code Enforcement Officer's receipt of the plan does not constitute approval of the owner's plan or of any violation of property maintenance ordinances.

(B) (1) The owner is responsible for providing an updated registration form to the Code Enforcement Officer within five business days of any change in ownership or any information contained on the registration form.

(2) Failure of the owner to provide updated information within five business days of any change in the registration is a violation of this chapter.

(Ord. 2014-19, passed 9-2-2014) Penalty, see § 155.99

§ 155.08 REGISTRATION FEE.

(A) (1) The owner of any building or structure required to be registered under this chapter shall pay an annual registration fee to the City of Rushville through the Code Enforcement Officer, upon registration.

(2) Owners who voluntarily register a vacant building, but not abandoned as defined in this chapter, are not required to pay a registration fee.

(B) Fees shall be as follows:

(1) Buildings or structures used or zoned for residential purposes and contains no more than two dwelling units the registration fee shall be \$50.

(2) Buildings or structures used or zoned for non-residential purposes shall be:

(a) Two hundred and fifty dollars for the first year or any part thereof;

(b) Three hundred and seventy-five dollars for the second year or any part thereof;

(c) Five hundred dollars for the third and each subsequent year of any part thereof that the property is required to be registered pursuant to this chapter.

(C) The registration fee is to reimburse the Code Enforcement Officer, Fire Chief, or Police Department for the costs of monitoring the buildings or structures and the additional costs of responding to emergencies and any property maintenance cost incurred by the city for the vacant and abandoned building or structure not covered by any other statute, law or ordinance.

(Ord. 2014-19, passed 9-2-2014) Penalty, see § 155.99

§ 155.09 PROPERTY MANAGER.

(A) (1) Owner(s) of a building or structure that is required to be registered who is/are a resident of the City of Rushville or Rush County may act as the property manager or acquire the services of a property manager.

(3) If the owner who is a resident of the City of Rushville or Rush County acquires the services of a property manager, the property manager shall reside within 50 miles of the affected building(s) or structure(s).

(B) When the owner, of a building or structure that is required to be registered is not a resident of the City of Rushville, or Rush County, the owner shall appoint a property manager that resides within 50 miles of the affected property.

(C) The property manager shall be:

(1) At least 21 years of age;

(2) Available to the Code Enforcement Officer, Fire Chief, or Police Chief by telephone 24 hours a day.

(D) The owner's failure to make the property manager available as required is a separate violation of this chapter.

(Ord. 2014-19, passed 9-2-2014) Penalty, see § 155.99

§ 155.10 EXEMPTIONS.

(A) The Unsafe Building Board may grant an exception for properties to register if:

(1) The property is the subject of an open probate estate; or

(2) The property has suffered extensive fire or catastrophic damage within the past 90 days.

(B) Any exemption granted under division (A)(2) shall be for a specific period of time, not to exceed 90 days.

(C) Exemption from the registration requirement shall not constitute approval of any violation of this chapter, or the Unsafe Building Ordinance, Minimum Housing Standards Ordinance or Minimum Standards for Non-Residential Properties Ordinance.

(Ord. 2014-19, passed 9-2-2014)

§ 155.99 PENALTY.

(A) An owner of a property that remains vacant or abandoned for at least 90 consecutive calendar days may be liable for a civil penalty in the amount of \$500 per vacant or abandoned building or structure, not to exceed \$5,000 per building or structure per year, unless:

(1) Documentation has been filed and approved by the Code Enforcement Officer that indicates the owner's intent to eliminate the vacant or abandoned building or structure status of the property;

(2) The owner is current on all property taxes and special assessments; and

(3) At least one of the following applies:

(a) The structure is the subject of a valid building permit for repair or rehabilitation and the owner is proceeding diligently and in good faith to complete the repair or rehabilitation of the building or structure as defined in the enforcement order issued by the Code Enforcement Officer.

(b) The structure is:

1. Maintained in compliance with this chapter and other application statutes, laws or ordinances; and

2. Actively being offered for sale, lease, or rent.

(c) The owner can demonstrate that a diligent and good faith effort to implement actions approved by the Code Enforcement Officer.

(B) If the building or structure continues to remain vacant or abandoned beyond the initial 90 days described in division (A) and the owner does not meet any of the exceptions set forth in this section, the Code Enforcement Officer may continue to assess penalties each year on each building or structure in the following amounts:

(1) One thousand dollars for each second 90 calendar day period each building or structure remains vacant or abandoned.

(2) One thousand five hundred dollars for the third 90 calendar day period each building or structure remains vacant or abandoned.

(3) Two thousand dollars for the fourth and each subsequent 90 calendar day period thereafter for each building or structure that remains a vacant or abandoned.

(C) A civil penalty under this section may not exceed \$5,000 per building or structure per year.

