

Bill No. 122-23

ORDINANCE NO. 121-23

AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING CHAPTER 151:
BUILDING STANDARDS OF THE ST. JOSEPH COUNTY CODE

WHEREAS, there exists in the St. Joseph County Code Chapter 151, which details certain building standards enacted to promote the health, safety, and welfare of the residents of St. Joseph County, Indiana; and

WHEREAS, specifically, at § 151.65 the St. Joseph County Code adopts the provisions of Ind. Code § 36-7-9-1 *et seq.* known as the “Unsafe Building Law”; and

WHEREAS, the Unsafe Building Law provides a means for, among other remediation options for unsafe buildings, the ability to order the “sealing of an unsafe building against intrusion by unauthorized persons”, in order to prevent entry to buildings determined to be “unsafe” by the St. Joseph County Building Commissioner; and

WHEREAS, the St. Joseph County Building Commissioner is unable to utilize this ability, as Ind. Code § 36-7-9-5(a)(2) requires such an order to be “in accordance with a uniform standard established by ordinance”, and such standard has not previously been established; and

WHEREAS, the St. Joseph County Council desires to amend Chapter 151 of the St. Joseph County Code to provide for a “uniform standard” for the “sealing of an unsafe building against intrusion by unauthorized persons”.

NOW, THEREFORE, be it ordained by the County Council of St. Joseph County, Indiana that:

Section 1. Chapter 151 of the St. Joseph County Code is hereby amended as follows:

A new Section 151.70 is hereby added as follows:

“Uniform Standards for Sealing of Unsafe Building or Structure.
Sealing a Building or Structure means, for purposes of an order issued by the Enforcement Authority under this subchapter and Ind. Code § 36-7-9 *et seq.*, padlocking the entries to the building or structure and posting the building or structure with a notice that forbids entry to the building or structure and securing all other entry points to the building or structure from entry as prescribed by the Enforcement Authority.”

Section 2. All the Ordinances or parts of Ordinances in conflict herewith are hereby repealed. All Ordinances or parts of Ordinances not in conflict with this Ordinance continue in full force and effect.

Section 3. This Ordinance shall be in full force and effect immediately upon its passage by the County Council and approval by the Board of Commissioners, and any other steps required by Indiana law for such Ordinances have been taken.

Passed and adopted this 10 day of October, 2023.

Randall J. Fry
Member, St. Joseph County Council

1st READING *9-12-23*
PUBLIC HEARING *10-10-23*
2nd READING
NOT APPROVED
REFERRED *LUP*
PASSED *9-0*

FILED

SEP 05 2023

COUNTY COUNCIL
ST. JOSEPH COUNTY INDIANA

- FILED -
SEP 05 2023
AUDITOR
ST. JOSEPH COUNTY

Bill No. 122-23

Ordinance No. 121-23

AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING CHAPTER 151:
BUILDING STANDARDS OF THE ST. JOSEPH COUNTY CODE
PETITIONER: AREA PLAN COMMISSION

This bill came before the St. Joseph County Council the 10 th day of October, 2023,
and was voted to duly pass/~~not to~~ pass, this Ordinance.



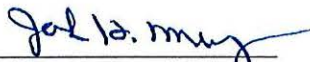
President, County Council

VOTES

YES 9

NO 0

ATTEST:




Auditor, St. Joseph County

11 Presented by me to the Board of Commissioners of the County of St. Joseph Indiana this
th day of October, 2023, at the hour of 12 o'clock P M.

This Ordinance approved and signed by the Board of Commissioners of St. Joseph County,
Indiana on the 17 th day of October, 2023, at the hour of 6 o'clock P M.



President, County Commissioner



Vice President, County Commissioner



Member, County Commissioner

ROBERT L. KRUSZYNSKI JR.
County Surveyor
SKY K. MEDORS, P.E.
County Engineer
WILLIAM S. SCHALLIOL, ESQ.
Executive Dir. of Economic Development
ABBY E. WILES, AICP
Executive Dir. of Area Plan Commission



ST. JOSEPH COUNTY

ESTABLISHED 1830

DEPARTMENT OF INFRASTRUCTURE, PLANNING & GROWTH

BOARD OF COMMISSIONERS
CARL H. BAXMEYER
District 1
DEREK D. DIETER
District 2
DEBORAH A. FLEMING, D.M.D.
District 3

172-23
September 12, 2023

Honorable Council of St. Joseph County
4th Floor, County-City Building
227 W Jefferson Blvd.
South Bend, IN 46601

RE: Proposed Ordinance Amending Chapter 151 Building Standards of St. Joseph County Code

Dear Council Members:

Enclosed is a proposed amendment to Chapter 151 Building Standards of the St. Joseph County Code that establishes a procedure for securing unsafe properties. The County Building Department and Code Enforcement Department have, in the course of their duties, encountered a number of buildings for which such a "board up" order would be appropriate, but without the establishment of this "uniform standard", cannot issue such an order. While the Unsafe Building Law was adopted in Section 151.65 of the County Code, a uniform standard for board ups has never been established.

This Ordinance establishes a uniform standard for board up orders, specifically: "padlocking the entries to the building or structure and posting the building or structure with a notice that forbids entry to the building or structure and securing all other entry points to the building or structure from entry as prescribed by the Enforcement Authority." This standard is very similar to other political subdivisions who have adopted the Unsafe Building Law. Once this Ordinance is in place, the County can begin issuing "board up" orders for unsafe buildings in a similar manner to demolitions.

Please include the attached ordinance on the Council agenda for first reading at your September 12, 2023, Council meeting, and set it for public hearing at your October 10, 2023, Council meeting.

Please feel free to contact me if you have any questions.

Sincerely,

Abby Wiles
APC Director

Enclosed: Ordinance