

ORDINANCE # 6, 2015

AN ORDINANCE REGULATING DWELLINGS UNFIT FOR HUMAN HABITATION

WHEREAS, Indiana Code Section 16-41-20 sets out regulations for dwellings that are unfit for human habitation; and

WHEREAS, the City of Attica on occasion has to deal with dwellings within the City jurisdiction which are unfit for human habitation; and

WHEREAS, it is in the public interest to establish reasonable regulations for dwellings that are unfit of human habitation within the City;

BE IT, THEREFORE, ORDAINED by the City Council of the City of Attica of the State of Indiana, that;

Section 1: This ordinance shall be known as the “Dwellings Unfit for Human Habitation” Ordinance

Section 2: Dwellings unfit for human habitation

A dwelling is unfit for human habitation when the dwelling is dangerous or detrimental to life or health because of any of the following:

1. Want of repair.
2. Defects in the drainage, plumbing, lighting, ventilation, or construction.
3. Infection with contagious disease.
4. The existence on the premises of an unsanitary condition that is likely to cause sickness among occupants of the dwelling.
5. Water and/or sewer utilities have been shut off to the dwelling for a period of 30 days.

Section 3: Orders to vacate dwellings

Whenever the City determines that a dwelling is unfit for human habitation, the Mayor acting through his authorized agents or the Police Chief, may issue an order requiring all persons living in the dwelling to vacate the dwelling within not less than five (5) days and not more than fifteen (15) days. The order must mention at least one (1) reason for the order.

Section 4: Costs and expenses

A person who:

1. violates this chapter; or
2. fails to comply with an order of:
 - A. the state department or state department’s authorized agents;
 - B. a local board of health;
 - C. a county health officer; or
 - D. Mayor or Mayor’s authorized agents.

is liable for all costs and expenses paid or incurred by the state department, a local board of health or the local board of health's authorized agents, a local health officer, or the City in executing the order. This amount may be recovered in a civil action brought by the state department, a local board of health or the local board of health's authorized agents, a local health officer, or the City, who is entitled to recover reasonable attorney's fees.

Section 5: Violations

1. Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter shall be subject to fines of \$250 for each offense.
2. Each day of a violation constitutes a separate offense.

This Ordinance shall be effective 30 days after publication.

So adopted this _____ day of _____, 2015

City Council of the City of Attica, Indiana

Attest:

Susan Stoll, Clerk Treasurer