

Town of Cedar Lake

Unsafe Building Department

January 31, 2011 Minutes

The Cedar Lake Unsafe Building Department held their regular public meeting on January 31, 2011. It was called to order at approximately 6:00 p.m. followed by the Pledge to the Flag. Those in attendance were: Tom Cutsinger, Citizen Appointee; Diane Cusack, Plan Commission Appointee; Greg Parker, Town Council Appointee; David Austgen, Town Attorney; Ian Nicolini, Town Administrator; and Laurie Wyrick, Recording Secretary.

1. **Organizational meeting and responsibilities of the Unsafe Building Department:** Ian Nicolini stated that the Unsafe Building Department has not met for approximately five (5) years. This first meeting of the Unsafe Building Department will outline the responsibilities and laws regarding unsafe properties. The Town of Cedar Lake has a need for the Unsafe Building Department and the members will need to understand the processes and become familiar with properties of concern in the Town. Ian Nicolini introduced each of the members of the Unsafe Building Department.

- A. Town Attorney's Comment: David Austgen gave a brief history of the Unsafe Building Department in the Town of Cedar Lake and the impact that the removal of one blighted structure can make to a neighborhood. In the event a blighted structure is remedied in a neighborhood, neighboring properties are inclined to improve in a rippling effect. The Unsafe Building Department was a need known to residents in the late 1970's and was adopted into Ordinance and Town Code in 1982. Our laws reflected the laws adopted by the State of Indiana in 1981. In ten (10) years of activity approximately two hundred and fifty (250) blighted structures were removed. The average costs of demolition at that time were \$500.00 to \$800.00, and the old homes were often used as fill in areas. Costs have increased to meet the new standards of today. Attorney Austgen stated that the appropriate steps to remediate unsafe conditions are critical to the success of the Unsafe Building Department. The Members will need to set standards for the Town; and using resources available combined with common sense to improve the quality of life for the citizens of the Town of Cedar Lake. The existing Town Ordinance No. 1000 will need to be revisited by the Members to reflect current standards against the State penalties, fines and enforcement mechanisms. Most of the State standards are adopted by reference. The Town Attorney's main concerns with our existing Ordinance No. 1000, is the penal provisions that need to be clear, concise and enforceable statutes to ensure compliance with the unsafe building statutes.

Attorney Austgen referenced Town Code 150.35, a copy of this code was given to the Members, summarizing the definitions of unsafe buildings as buildings and/or premises impaired structurally that make it unsafe to person or property, fire hazard, public health hazard, a public nuisance, dangerous to person or property because of a violation of statute or ordinance concerning building condition or maintenance (i.e. adopted building codes), or vacant, not properly maintained property that would not allow human habitation, occupancy or use under the requirements of statute or ordinance; and that unsafe premises are the building and the tract of land it occupies. The definition of unsafe in the State statutes has an amount of latitude allowing individual areas to set individual standards that best meet the desired character of the municipality.

Attorney Austgen outlined the ways to remedy unsafe buildings with emphasis on the importance of discipline in following statutes. The importance of persons' Constitutional rights and protocols are strict. Notice requirements for compliance are outlined and the requirements for demolition are more stringent. Requirements are according to IC 36-7-9-5. Exhausting all means of contacting property owners including records trace, contacting the police department, utility billing, tax records and other sources available to locate property owners and those with interest in the

property is a critical step to success. The Unsafe Building Department will have determined the corrective action needed to remedy the situation and can work with the property owner to that end. Attorney Austgen stressed the importance of procedure and protocol and that the Unsafe Building Department cannot afford errors. The members will sometimes wait longer than planned for action to be taken on a property and that each property and each situation is unique. Notification is the beginning of dialogue between the Town and property owners for compliance. Attorney Austgen stated that building codes can be the standards used by the Unsafe Building Department.

Attorney Austgen stated that the current budget of the Unsafe Building Department is approximately twenty thousand dollars (\$20,000.00). In time, the Unsafe Building Department can become self-funded by following the processes in place. The members will need to be specific about prioritizing which larger, more expensive projects to address first and lower cost compliance projects can be added to the list. Maintaining two separate lists is advised; one for corrective action and one for demolition. Often items will be put out for bid to bring a property into compliance or demolition depending on the amount of monies required to remedy a property. Attorney Austgen stated that properties in need of lesser repair(s) are often completed ministerially in house.

- B. Discussion: Greg Parker stated concerns about property owners that are not able to be found. Attorney Austgen stated that mechanisms exist in the statutes outlining best practice for location of property owners and what they do in the event that the property owner cannot be located with emphasis to the importance of exhausting all means available to locate property owners. Ian Nicolini stated that compliance doesn't necessarily mean demolition of the property. Greg Parker questioned that if the Town could board properties for the safety of the neighborhood and lien the property owners for the cost to keep the burden off the taxpayers. Attorney Austgen responded that property owners can have a lien placed on the property similar to the wastewater billing lien process. Ian Nicolini stated that emergency building procedures need to be in place that can be followed in the event of emergencies. Ian Nicolini stated that an application for Community Development Block Grant (CDBG) that can be used to improve neighborhoods is planned for additional funding in the future as the department expands. The Town needs to begin the process and document procedures for the Unsafe Building Department. Diane Cusack stated concerns about incidences where residents that live in unsafe properties. Ian Nicolini responded that most of the homes of concern at this time are vacant and that procedures are established to determine if a property is being utilized as a current dwelling. Diane Cusack requested clarification of the beginning process and how a structure ends up before the Unsafe Building Department. Ian Nicolini stated that concerned properties are found by citizens and town employees; persons have concerns about the safety of their neighborhoods and contact town employees and business owners. Ian Nicolini stated that there is a need for the Unsafe Building Department in the Town. Currently, code enforcement is completed by reserve police officers and a part time building inspector will be hired in the future to replace the interim building inspector that will assist with properties. Greg Parker stated the importance of follow through and keeping as much burden off the taxpayers as possible. Ian Nicolini recommended monthly meetings and document addresses of concern.
- The meetings will be held on the third Wednesdays of the month at 6:00 p.m. with the next meeting on March 16, 2011.

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- 2. Other Business:** None
- 3. Public Comment:** None
- 4. Adjournment:** 7:10 p.m. Greg Parker adjourned the meeting.
- Press Session:** None

Diane Cusack

Tom Cutsinger

Greg Parker

Attest: _____
Laurie Wyrick, Recording Secretary