

SPONSOR:

Janet Venecz

Councilwoman at Large

**ORDINANCE NO. 9312**\_\_\_\_\_

**AN ORDINANCE AMENDING ORD. 8282, ALSO KNOWN AS SECTION 150.072 OF THE HAMMOND MUNICIPAL CODE AS IT PERTAINS TO THE REGISTRATION OF VACANT AND ABANDONED BUILDINGS IN THE CITY OF HAMMOND**

WHEREAS, there exists in the City of Hammond, abandoned, and neglected properties upon which the title owners allow to remain vacant, unmaintained and unrepaired for excessive lengths of time; and

WHEREAS, In addition to the existing property maintenance requirements set forth by Hammond Municipal Code and applicable building/fire codes, the Hammond Common Council wishes to establish standards for maintenance of any real property, which is vacant or abandoned as defined in this section.

WHEREAS, Indiana Code Section 36-7-9-4.5 addresses this issue and states:

- (a) In Indiana, especially in urban areas, there exist a large number of unoccupied structures that are not maintained and that constitute a hazard to public health, safety, and welfare.
- (b) Vacant structures often become dilapidated because the structures are not maintained and repaired by the owners or persons in control of the structures.
- (c) Vacant structures attract children, become harborage for vermin, serve as temporary abodes for vagrants and criminals, and are likely to be damaged by vandals or set ablaze by arsonists.
- (d) Unkempt grounds surrounding vacant structures invite dumping of garbage, trash, and other debris.
- (e) Many vacant structures are situated on narrow city lots and in close proximity to neighboring structures, thereby increasing the risk of conflagration and spread of insect and rodent infestation.
- (f) Vacant, deteriorated structures contribute to blight, cause a decrease in property values, and discourage neighbors from making improvements to properties.
- (g) Structures that remain boarded up for an extended period of time also exert a blighting influence and contribute to the decline of the neighborhood by

decreasing property values, discouraging persons  
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from moving into the neighborhood, and encouraging persons to move out of the neighborhood.

- (h) Vacant structures often continue to deteriorate to the point that demolition of the structure is required, thereby decreasing available housing in a community and further contributing to the decline of the neighborhood.
- (i) The blighting influence of vacant, deteriorated structures adversely affects the tax revenues of local government.
- (j) The general assembly finds that vacant, deteriorated structures create a serious and substantial problem in urban areas and are public nuisances.
- (k) In recognition of the problems created in a community by vacant structures, the general assembly finds that vigorous and disciplined action should be taken to ensure the proper maintenance and repair of vacant structures and encourages local governmental bodies to adopt maintenance and repair standards appropriate for the community in accordance with this chapter and other statutes.

WHEREAS, such properties are a fire, health and safety issue for the citizens of Hammond and the location of such properties often times is not identified until the property has reached the stage of deterioration requiring demolition; and

WHEREAS, Section 150.72 as written only addresses commercial and industrial buildings, while in reality, residential vacant properties are equally destructive on Hammond neighborhoods; and

WHEREAS, The City of Hammond, by its administration and Council wish to maintain a registration of abandoned and vacant properties so that Hammond first responders can be made aware of the location and status of such properties in case of emergency; and

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WHEREAS, a registry of vacant and abandoned structures in Hammond will allow the Inspections Department to monitor the property to insure that the exterior is maintained in a Code Compliant manner and that squatters are not living in the structures illegally; and

WHEREAS, the Hammond Common Council wishes to formally create an abandoned property registry, which will be maintained by the Hammond Inspections Department, a registration fee will be charged which will reimburse the City for the costs of monitoring the property and the additional costs of responding to emergencies or for taking enforcement action under the Unsafe Building Act;

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Common Council of the City of Hammond that Ordinance 8282, also known as Section 150.072 of the Hammond Municipal Code, be amended as follows:

**Section 150.072 Property Owners to Notify Inspections Department of Vacant Property by October 1 annually:**

(A) **Property owners of residential, commercial and industrial properties located in the City of Hammond shall be required to register in writing such properties as being empty, vacant, and/or not in use, if vacant for a period of more than ninety (90) days. An Owner is a person, or entity legally recognizable as having an ownership interest in a property, or has obtained judgment of foreclosure regarding the property based on a mortgage or land contract, and whose identity may be determined from a recorded interest.**

(B) **A property will be considered abandoned if it is:**

- 1. Vacant for more than ninety (90) days;**
- 2. Is the subject of an unresolved enforcement action before the Hammond Board of Works or in Hammond City Court;**
- 3. Is not maintained in compliance with Hammond City Code,**  
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**Indiana Building or Fire Codes.**
- 4. An unsafe property under the Unsafe Building Act (I.C. 36-7-9)**

- (C) A property will be considered vacant if such property is not
1. Inhabited;
  2. Maintained in a condition which permits immediate inhabitation;
  3. Currently connected to public utilities such as power and/or water;
  4. Boarded or partially boarded up in excess of ninety (90) days.
  5. An unsafe property under the Unsafe Building Act (I.C. 36-7-9)
  6. A property is not “vacant” if it is actively listed for sale by an Indiana licensed Real Estate Agent and remains maintained, or is the residence of an individual actively serving in the U.S. Military.
- (D) Owners will be required to notify the City of Hammond when such residential, commercial and industrial properties become inhabited or put back into use, and a timeline for same. If notification is not made by the owner, the presumption shall be that the building remains vacant.
- (E) A registration form and registration fee of three hundred (\$300) dollars will be required for each vacant property, each year of vacancy exceeding ninety (90) days. The registration form will require the property owners name, address and 24 hour contact number in case of emergency. A Registration sticker shall be posted on the building. False information provided shall invalidate the registration.
- (F) In the first year (2015) of the program, owners shall have until November 1, 2015 to register, starting in 2016 and subsequent years, October 1 shall be the deadline to register.
- (G) Any property owner failing to register shall receive a Citation in the Hammond City Court pursuant to Section 150.999

FURTHER BE IT ORDAINED The City of Hammond intends to create an enforceable Ordinance which is compliant with all Federal, State and Local laws, in the event, that this Ordinance, or any part of it, or any provision, or any classification contained therein, is found to be unconstitutional, the remaining portion will remain in effect and will be found to be valid.

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NOW BE IT FURTHER ORDAINED that herein ordinance shall have full force and effect from and after passage, approval by the Council, signing by the President thereof and approval and

signing of the Mayor.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this 28<sup>th</sup> day of September, 2015.

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Michael Opinker, President /s/  
Hammond Common Council

ATTEST:

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Robert J. Golec, City Clerk /s/  
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 29<sup>th</sup> day of September, 2015.

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Robert J. Golec, City Clerk /s/  
City of Hammond, Indiana

The foregoing Ordinance No. 9312 consisting of six (6) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana, this 29<sup>th</sup> day of September, 2015.

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Thomas M. McDermott, Jr., Mayor /s/  
City of Hammond, Indiana

PASSED by the Common Council on the 28<sup>th</sup> day of September, 2015, and approved by the Mayor on the 29<sup>th</sup> day of September, 2015.

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Robert J. Golec, City Clerk /s/  
City of Hammond, Indiana