

**ORDINANCE NO. 11-2023 (2<sup>nd</sup> Amended)**

**AN ORDINANCE REQUIRING NOTIFICATION  
TO TENANTS OF DEMOLITION**

WHEREAS, Indiana state law on public notice regarding rezoning is detailed at IC § 36-7-4-604.

WHEREAS, Indiana code does not demand, nor does it prohibit the notification of tenants individually of a rezoning hearing that could result in a demolition of a tenant occupied building.

WHEREAS, input from tenants affected by prior rezoning hearings indicates that state provisions do not adequately alert tenants of an upcoming rezoning hearing that could result in a demolition.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

The following shall be added to the West Lafayette City Code as Section 28-6 to read as follows.

Sec. 28-6. – Notification of Demolition

It shall be unlawful for any property owner to execute a final demolition order following a rezoning hearing before the West Lafayette Common Council without mailing a certified letter of notification to all tenants in the affected property who will be under lease with the property owner on the date of the rezoning hearing.

(1) The following conditions are required for the notification.

- a. The notification must be mailed 21 days prior to the rezoning hearing.
- b. The notification must include the date of which the ordinance is given a hearing by the Tippecanoe County Area Planning Commission if that date is within the 21-day period outlined in subsection (a).
- c. The notification must state all information required under IC 36-7-4-604 (b).
- d. The notification must include a statement outlining the details of the tenant's contract as it applies to potential relocation of the tenant following demolition.
- e. Property owners are not required to notify tenants of potential subsequent common council meetings where the ordinance is presented on the agenda following the initial rezoning hearing.

(2) A property owner will be found in violation of West Lafayette City Code if:

- a. Evidence is found that the property owner did not notify tenants of a rezoning hearing of the property in accordance with section 1.

Violation of this section shall be punishable by a fine in the amount of \$2,500.

INTRODUCED ON FIRST READING ON THE 3 DAY OF April, 2023.

MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Parker.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 1 DAY OF May, 2023, HAVING BEEN PASSED BY A VOTE OF 8 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

|          | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Blanco   | ✓   |     |        |         |
| Brown    | ✓   |     |        |         |
| Bunder   | ✓   |     |        |         |
| DeBoer   | ✓   |     |        |         |
| Hardesty | ✓   |     |        |         |
| Leverenz | ✓   |     |        |         |
| Parker   | ✓   |     |        |         |
| Sanders  | ✓   |     |        |         |
| Thomas   |     |     | ✓      |         |

Peter Bunder  
Peter Bunder, Presiding Officer

Attest:

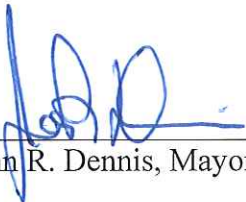
Sana G. Booker  
Sana G. Booker, Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 2 DAY OF May, 2023.

Sana G. Booker  
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 3 DAY OF May, 2023.

  
\_\_\_\_\_  
John R. Dennis, Mayor

Attest:

  
\_\_\_\_\_  
Sana G. Booker, Clerk

