

Passed!

ORDINANCE 93-41

TO AMEND TITLE 15 ENTITLED "VEHICLES AND TRAFFIC", TITLE 16 ENTITLED "HOUSING INSPECTION", AND TITLE 17 ENTITLED "CONSTRUCTION REGULATIONS" OF THE BLOOMINGTON MUNICIPAL CODE (Adjustments in Fees and Fines)

WHEREAS, the City of Bloomington seeks to recover its cost of code enforcement and parking enforcement services from appropriate fees and charges; and

WHEREAS, the costs to provide code enforcement and parking enforcement services have increased since they were last adjusted in 1991;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 15.40.030 Parking Permits, Subsection (a)(1) shall be amended to read "Three hundred fifty dollars (\$350.00) in 1994, Three hundred fifty-five dollars (\$355.00) in 1995, and Three hundred sixty dollars (\$360.00) in 1996" in lieu of "Three hundred fifteen dollars (\$315.00) in 1991, Three hundred thirty dollars (\$330.00) in 1992, and Three hundred forty-five dollars (\$345.00) in 1993" where such appears in the subsection.

SECTION II. Section 15.40.030 Parking Permits, Subsection (a)(1) shall be amended to read "Three hundred dollars (\$300.00) in 1994, Three hundred five dollars (\$305.00) in 1995, and Three hundred ten dollars (\$310.00) in 1996" in lieu of "Two Hundred Sixty-five dollars (\$265.00) in 1991, Two Hundred eighty dollars (\$280.00) in 1992, and Two Hundred ninety-five dollars (\$295.00) in 1993" where such appears in the subsection.

SECTION III. Section 15.40.030 Parking Permits, Subsection (a)(2) shall be amended to read "Two hundred fifty dollars (\$250.00) in 1994, Two hundred seventy dollars (\$270.00) in 1995, and Two hundred ninety dollars (\$290.00) in 1996" in lieu of "One Hundred Ninety Dollars (\$190.00) in 1991, Two Hundred ten dollars (\$210.00) in 1992, and Two Hundred Thirty dollars (\$230.00) in 1993" where such appears in the subsection.

SECTION IV. Section 15.40.030 Parking Permits, Subsection (a)(2) shall be amended to read "Seventy dollars (\$70.00) in 1994, Seventy-five dollars (\$75.00) in 1995, and Eighty dollars (\$80.00) in 1996" in lieu of "Fifty Dollars (\$50.00) in 1991, Fifty-five dollars (\$55.00) in 1992, and Sixty dollars (\$60.00) in 1993" where such appears in the subsection.

SECTION V. Section 15.40.030 Parking Permits, Subsection (a)(2) shall be amended to read "Twenty-five dollars (\$25.00) in 1994, Twenty-eight dollars (\$28.00) in 1995, and Thirty dollars (\$30.00) in 1996" in lieu of "Eighteen dollars (\$18.00) in 1991, Twenty dollars (\$20.00) in 1992, and Twenty-three dollars (\$23.00) in 1993" where such appears in the subsection.

SECTION VI. Section 15.40.030 Parking Permits, Subsection (a)(2) shall be amended to add "except Lot 1" after the words "any of the city parking lots and garages" where such appears in the subsection.

SECTION VII. Section 15.40.030 Parking Permits, Subsection (b)(1) shall be amended to read "Thirty-five dollars (\$35.00) in 1994, Thirty-six dollars (\$36.00) in 1995, and Thirty-seven dollars (\$37.00) in 1996" in lieu of "Thirty-One Dollars and Fifty Cents (\$31.50) in 1991, Thirty-Three dollars (\$33.00) in 1992, and Thirty-four dollars and fifty cents (\$34.50) in 1993" where such appears in the subsection.

SECTION VIII. Section 15.40.030 Parking Permits, Subsection (b)(2) shall be amended to read "Thirty-five dollars (\$35.00) in 1994, Thirty-six dollars (\$36.00) in 1995, and Thirty-seven dollars (\$37.00) in 1996" in lieu of "Thirty-One Dollars and

Fifty Cents (\$31.50) in 1991, Thirty-Three dollars (\$33.00) in 1992, and Thirty-four dollars and fifty cents (\$34.50) in 1993" where such appears in the subsection.

SECTION IX. Section 16.12.050 Disclosure, Subsection (d) shall be amended to delete "Housing Code Enforcement Officer" and replace it with "Code Enforcement Manager" where such appears in the subsection.

SECTION X. Section 16.12.050 Disclosure, Subsection (e) shall be amended to delete "Housing Code Enforcement Office" and replace it with "Code Enforcement Division" where such appears in the subsection.

SECTION XI. Section 16.12.060 Registration of rental units required, Subsection (a)(5) shall be amended to delete "address of owner's agent" and replace it with "street address of agent" where such appears in the subsection.

SECTION XII. Section 16.12.070 Inspection---Right of entry---Fees, shall be deleted and replaced with the following new section:

(a)(1) Each rental unit and premises within the city shall be inspected by the Code Enforcement Division immediately prior to the expiration of its occupancy permit, to establish compliance with the Housing Code. Occupancy permits shall be issued for three, four or five year periods, as determined by subsections (b), (c), (d), and (e) of this section.

(2) No rental unit having a current occupancy permit shall be inspected in good faith more often than is required for the renewal of the occupancy permit, unless a request for inspection is made as provided in subsection (e) of this section.

(b) Three-year permit. A three-year occupancy permit shall be issued for each rental unit upon which a cycle inspection or a complete off-cycle inspection is performed after the effective date of the ordinance codified in this section, where the owner or agent fails to have the unit reinspected and found in compliance with the inspection report, excluding exterior painting, within sixty days after such report is mailed to the owner or agent. Three-year permits will be issued for all properties that do not have all fee assessments satisfied within 30 days from the final inspection. Three-year occupancy permits will be issued for all properties that have life/safety variance(s) that have been granted by the Board of Housing Quality Appeals.

(c) Four-year permit. A four-year occupancy permit shall be issued for each rental unit upon which a cycle inspection or a complete off-cycle inspection is performed after the effective date of the ordinance codified in this section, provided all violations cited on the inspection report, excluding exterior painting, are satisfactorily corrected and the unit reinspected within sixty days after such report is mailed to the owner or agent. A four-year occupancy permit may be issued when the previous occupancy permit was issued for three years.

(d) Five-year permit. A five-year occupancy permit shall be issued for each rental unit upon which a cycle inspection is performed after the effective date of the ordinance codified in this section, provided all violations cited on the inspection report, excluding exterior painting, are satisfactorily corrected and the unit reinspected within sixty days after such report is mailed to the owner or agent. A five-year permit may be issued when the previous occupancy permit was issued for four years. All new construction shall be eligible for five-year permits provided that the Code Enforcement Manager issues a Certificate of Occupancy prior to occupancy.

(e) Off-cycle inspections may be done at the discretion of the Code Enforcement Manager, upon the written, signed request of any resident of the city, any governmental agency, or the rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent. An off-cycle inspection shall be confined to the defects complained of, if any, by the person requesting the inspection unless the Code Enforcement Manager determines that

the condition of the rental unit or premises has deteriorated since the last cycle inspection to such an extent that a complete inspection is required to effectuate the purposes of the Housing Code, in which case a complete new inspection of the entire rental unit and premises may be performed. If a complete off-cycle inspection is performed, a new occupancy permit shall be issued upon compliance. Such permit shall be for a four-year period, provided all violations excluding exterior painting are satisfactorily completed, and the unit reinspection within sixty days after the receipt of the inspection report by the owner or owner's agent. Such permit shall be for a three-year period if the owner or agent fails to have the unit reinspected and found in compliance with the inspection report, excluding exterior painting, within sixty days after such report is mailed to the owner or agent.

(f) All cycle inspections and complete off-cycle inspections shall be charged an inspection fee to be determined by the schedule in subsection (g). Complaint and limited off-cycle inspections shall not be charged an inspection fee. An administrative fee of three times the inspection fee shall be assessed in addition to the inspection fee for any rental properties subject to this Code and operating without a valid Rental Occupancy Permit. First re-inspections, and re-inspections necessary to obtain information for appeals to the Board of Housing Quality Appeals shall not be charged an inspection fee. The fee for each subsequent reinspection that requires entry to the rental unit after the first reinspection shall be twenty-five dollars (\$25.00) per rental unit. The failure of a property owner or his appointed representative to meet the inspector(s) at a confirmed scheduled appointment when the failure results in the inspector being unable to complete the inspection, shall cause an assessment of a No-show fee of twenty-five dollars (\$25.00). Inspectors shall be required to remain at the property until fifteen (15) minutes past the appointed time. All fees shall be paid by the owner or his agent prior to the issuance of an occupancy permit. All fees are to be paid within thirty (30) days of assessment or any long-term Occupancy Permit will revert to a three-year permit.

(g) The Fee Schedule for inspections shall be as follows:

Number of Units per Rental Building	Fee
Single family/one unit rental building	\$35
Duplex/two units per rental building	\$37
3 - 4 units per rental building	\$40
5 - 8 units per rental building	\$43
9 - 12 units per rental building	\$46
13 - 18 units per rental building	\$49
19 - 25 units per rental building	\$52
26 units and over per rental building	\$55

(h) Unless waived by the landlord or tenant, the following procedure shall be used to obtain entry to rental units for the purpose of inspection. The owner of the unit shall be contacted

and a date shall be established for inspection. The owner shall also furnish to the Code Enforcement Division a current list of tenants in each rental unit. The Code Enforcement Division shall then send a letter to each tenant informing them of the date of the inspection. If no response is received from the tenant, consent to enter will be presumed. An official record shall be maintained of all notices required by this section and all responses received to the notices. The landlord shall be responsible for granting access to the inspector upon presentation of a copy of the official record of notices and responses. If the tenant refuses entry for inspection after proper notification, the Code Enforcement Division shall not inspect without first obtaining a search warrant.

SECTION XIII. Section 16.12.080 Occupancy Permits, subsection (a) is amended to delete "Engineering Department" and replace it with "Code Enforcement Division" where such appears in the subsection.

SECTION XIV. Section 17.08.020 Scope and permits required, Subsection (c) Failure to Obtain Permit is amended to delete "not to exceed \$300" where such appears in said subsection.

SECTION XV. Section 17.08.030 Permit application, Subsection (7)(f) is amended to delete "ten dollars" and replace it with "fifty percent (50%) of original fee" where such appears in said subsection.

SECTION XVI. Section 17.08.050 Fees, Subsection (d) shall be replaced with a new subsection (d) to read: The fees shall be as follows:

PERMIT	DESCRIPTION	FEE		
		Aug. 1, 1993 to Dec. 31, 1994	Jan. 1, 1995 to Dec. 31, 1995	Jan. 1, 1996 to Dec. 31, 1996
Building	One and two family dwellings (habitable space)	.10 per sq. ft.; Min. \$150	.105 per sq. ft.; Min \$160	.11 per sq. ft.; Min \$170
	One and two family dwellings (uninhabitable space)	.05 per sq. ft.; Min. \$25	.055 per sq. ft.; Min \$30	.06 per sq. ft.; Min \$35
	Accessory bldg., covered decks, porches, car ports, detached garages, gazebo	.05 per sq. ft.; Min. \$35	.055 per sq. ft.; Min. \$40	.06 per sq. ft.; Min \$45
	Apartments and condos (triplex or greater) Less than 10 units	\$400 + .10 per sq. ft.	\$420 + .105 per sq. ft.	\$440 + .11 per sq. ft.
	Apartments and condos (triplex or greater) 10 units or more	\$1,000 + .10 per sq. ft.	\$1050 + .105 per sq. ft.	\$1100 + .11 per sq. ft.
	Manufactured or mobile home	\$50 + .10 per sq. ft.	\$55 + .105 per sq. ft.	\$60 + .11 per sq. ft.
	Manufacturing plant or warehouse less than 50,000 sq. ft.	\$500 + .12 per sq. ft.	\$525 + .125 per sq. ft.	\$550 + .13 per sq. ft.
	Manufacturing plant or warehouse 50,000 sq. ft. or more	\$1,000 + .10 per sq. ft.	\$1050 + .105 per sq. ft.	\$1100 + .11 per sq. ft.

	All other commercial, office, retail, hotel, etc. less than 5,000 sq. ft.	\$300 + .20 per sq. ft.	\$315 + .21 per sq. ft.	\$330 + .22 per sq. ft.
	All other commercial, office, retail, hotel, etc. 5,001-25,000 sq. ft.	\$500 + .15 per sq. ft.	\$525 + .16 per sq. ft.	\$550 + .17 per sq. ft.
	All other commercial, office, retail, hotel, etc. 25,001-100,000 sq. ft.	\$1,000 + .10 per sq. ft.	\$1050 + .105 per sq. ft.	\$1100 + .11 per sq. ft.
	Shell building only	80% of normal fee	80% of normal fee	80% of normal fee
	Remodels, additions, repairs	\$50 + .10 per sq. ft; Min. \$75	\$55 + .105 per sq. ft; Min \$80	\$60 + .11 per sq. ft.; Min. \$85
	Foundation only	25% of normal Fee	25% of normal fee	25% of normal fee
Electrical	Alterations or repairs	\$25	\$27.50	\$30
	Service 100 to 200 amps	\$25	\$27.50	\$30
	Over 200 amps, single-phase	\$50	\$55	\$60
	Over 200 amps, multi-phase	\$100	\$110	\$120
Plumbing	Alterations or repairs	\$25	\$27.50	\$30
	Install sewer or septic	\$25	\$27.50	\$30
	Swimming pool fees, in-ground	\$125	\$130	\$140
	Swimming pool fees, above-ground	\$50	\$55	\$60
	Spa	\$25	\$27.50	\$30
Fences	Fences over 6 feet in height, ramps and misc. structures	\$25	\$27.50	\$30
Re-inspections	Additional inspections and re-inspections	\$25	\$27.50	\$30
Renewal	Renewal fees	50% of original fee	50% of original fee	50% of original fee
Excavation	Must have current bond on file. Any work done in City Right-of-Way which requires cutting or altering any physical feature.	.25 per linear ft.	.30 per linear foot	.35 per linear foot
Grading	All earth grading under Title 20.17 One and two family	\$75	\$80	\$85
	All earth grading under Title 20.17 All other	\$100	\$110	\$115
Paving		\$2.75/1000 cost; Min. \$25	\$2.85/1000 cost; \$25 Min.	\$3/1000 cost; \$25 Min.

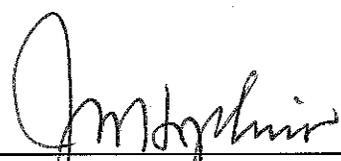
Moving	Less than 300 sq. ft.	\$50	\$55	\$60
	300 to 900 sq. ft.	\$100	\$110	\$120
	900 sq. ft. or more	\$250	\$260	\$270
Demolition	Less than 300 sq. ft.	\$25	\$27.50	\$30
	300 to 900 sq. ft.	\$50	\$55	\$60
	900 sq. ft. or more	\$125	\$130	\$140
Signs	Any sign erected under Title 20.17	\$25	\$25	\$25
Other Fees	Plan review fee	20% of normal fee; \$20 Min.	20% of normal fee; \$25 Min.	20% of normal fee; \$30 Min.
	Certificate of occupancy fee (without conditions), single family	\$25	\$27.50	\$30
	Certificate of occupancy fee (without conditions), all other	\$50 + \$10 per unit or tenant space	\$55 + \$10.50 per unit or tenant	\$60 + \$11 per unit or tenant
	Certificate of occupancy fee (temporary or conditional), single family	\$100	\$105	\$110
	Certificate of occupancy fee (temporary or conditional), all other	\$200 + \$20 per unit or tenant space	\$210 + \$21 per unit or tenant	\$220 + \$22 per unit or tenant
	Affidavit of non-habitable space	\$50	\$50	\$50

SECTION XVII. Section 17.080.070 Inspections, Subsection (e) is amended to delete "of twenty dollars" and replace it with "as described in Section 17.080.050 (d)" where such appears in the subsection.

SECTION XVIII. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION XIX. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor and promulgation by law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 28th day of July, 1993.


 JACK W. HOPKINS, President
 Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 29 day of July, 1993.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 29 day of July, 1993.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance establishes a three-year schedule of fees for parking, housing code, and building code services. It also establishes a five-year occupancy permit for rental units.

Signed copies to:
Public Works
Housing Code - Post Backwater
P.E.D.

BMC-File
Clerk
CA/CA
HT - Certified

Engineering
Planning
Legal - 4