ORDINANCE 86-19

To Amend Title 16 of the Bloomington Municipal Code Entitled "Housing Inspection

WHEREAS, the Housing Code Task Force has met and recommended certain changes be made in Title 16 of the Bloomington Municipal Code:

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

SECTION I. Section 16.04.010 of Title 16 of the Bloomington Municipal Code shall be amended to add the following:

PM-105.0 shall be amended to read: "UNSAFE BUILDING LAW."

PM-105.1 shall be amended to read: "General: The City of Bloomington Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code, which incorporates by reference Indiana Code 36-7-9-1--36-7-9-28, is hereby incorporated into this code in its entirety and made a part hereof, as fully as though set out in its entirety. Whenever the Code Official determines that a building or structure is unsafe within the meaning of Bloomington Municipal Code 17.16.040, the Code Official shall proceed in accordance with the provisions of said Chapter."

PM-106.1 shall be amended to read: "Notice to owner or to person or persons responsible: Whenever the Code Official determines that there has been a violation of this code, or has reasonable grounds to believe that a violation has occurred, the Code Official shall give notice to the owner or the person or persons responsible in the manner described below. If any structure or part thereof has been declared unsafe, notice shall be in accordance with the provisions of the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code."

SECTION II. PM-106.3 shall be repealed and re-enacted to read as follows:

PM-106.3 shall be amended to read: "Service: Such notice prescribed in Sections PM-106.1 and PM-106.2 shall be deemed to be properly served upon such owner or such person or persons responsible if a copy thereof is delivered to the person personally; or by leaving the notice at the person's usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by mailing first class mail, postage prepaid, to the person's last known address; or if the letter is returned because it could not be delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice. Where notice to vacate, notice of an emergency order, or notice that a structure or part thereof has been declared unsafe is served, service shall be in accordance with the provisions of the Unsafe Building Law, Chapter 17.16."

SECTION III. Section 16.04.010 shall be amended to add the following:

PM-106.3.1 shall be amended to read: "Service on occupant: When an order pursuant to the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code is served on an occupant other than the owner or person responsible for compliance, the form and content of such notice shall be in accordance with the provisions of the Unsafe Building Law.

PM-107.0 through PM-107.3 shall be deleted.

PM-108.1 shall be amended to read: "General: Whenever the Code Official finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the Code Official may proceed in accordance with the provisions of the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code."

PM-108.2 shall be deleted.

SECTION IV. PM-110.1 and PM 201.0 shall be repealed and reenacted to read as follows:

PM-110.1 shall be amended to read: "Appeals Board: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Housing Quality Appeals. The appeal shall be the manner prescribed in Section 2.12.030 of the Bloomington Municipal Code and the established Rules of Procedure for the Board. Provided, an appeal of any action or order taken or issued pursuant to the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code, shall be in accordance with the provisions of said Unsafe Building Law."

PM-201.0 shall be amended as follows:

The definition of "code official" shall be amended to read: "The official who is charged with the administration and enforcement of this code, who shall be the City Engineer or any duly authorized representative."

The definition of "junk vehicle" shall be deleted.

The definition of "rental unit" shall be added to read: "A rented dwelling unit or rooming unit."

The definition of "structure" shall be amended to read: "That which is built, constructed or used for rental residential occupancy or use and includes, but is not limited to, buildings, travel trailers, mobile homes, fences, fire escapes, stairways and railings."

SECTION V. Section 16.04.010 shall be amended to <u>add</u> the following:

PM-300.2 shall be amended to read: "Responsibility: The owner of the premises shall maintain such structure and premises in compliance with these requirements. A person shall not let to another for occupancy or use premises which do not comply with the following requirements of this article."

PM-301.4 shall be deleted.

PM-301.9 shall be amended to read: "Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound, shall be properly surface coated when required to prevent deterioration and shall be free of all electrical and fire hazards and harmful insects and rodent infestation."

PM-302.1 shall be amended to read: "General: The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

Where the Code Official has ordered the exterior of a structure to be painted, compliance shall be within a period of one year from the date the inspection report and order are mailed. It shall be the responsibility of the owner or agent to schedule a reinspection with the Housing Code Office during, or at the end of, the one year period.

Where the Code Official has ordered repairs to correct exterior violations other than painting, an extension of time to complete the repairs may be granted for a period not to exceed one year from the date that the inspection report and order are mailed; provided, no such extension shall be granted where, in the opinion of the Code Official, the violations are not life/safety in nature."

PM-302.4 shall be amended to read: "Window and door frames: Every window, door, and frame shall be constructed and maintained so as to exclude rain as completely as possible, and to substantially exclude air infiltration."

SECTION VI. PM-302.4.1 and PM-302.4.2 shall be <u>repealed</u> and <u>re-enacted</u> to read as follows:

PM-302.4.1 shall be amended to read: "Weathertight: Every window and exterior door shall be fitted reasonably in its frame, be weathertight, substantially exclude air infiltration and rain, and they shall be kept in sound condition and repair."

PM-302.4.2 shall be amended to read: "Glazing: Every required window sash shall be fully supplied with approved glazing materials which are without cracks or holes.

Exception: Corner cracks (cracks which begin and end approximately

4" from a corner and which extend diagonally from one side stile of window to either top or bottom rail of window) shall not be cited as violations as long as the window sash is fully supplied with glazing materials (compound), the window frame is in good condition, and the glass is tight and secure in its frame."

SECTION VII. Section 16.04.010 shall be amended to add the following:

PM-302.4.3 shall amended to read: "Openable windows: Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by its own hardware."

SECTION VIII. PM 302.4.4 shall be repealed and reenacted to read as follows:

PM-302.4.4 shall be amended to read: "Insect screens: From May 15th to October 15th of each year every door opening directly from any rental unit to the outdoors, and every window or other outside opening used for ventilation purposes shall be supplied with approved screening, and every swinging screen door shall have a self-closing device in good working condition, except that such screens shall not be required for a rental unit on a floor above the fifth floor, for outside doors of rental units that are centrally air-conditioned, or for common hallways of multi-family dwellings."

SECTION IX. Section 16.04.010 shall be amended to add the following:

PM-302.4.5 shall be amended to read: "Door hardware: Every door which connects a rental unit with any area exterior to the unit shall have a functioning locking device, door hinge, and door latch and shall be maintained in good condition. Door locks in rental units shall be capable of tightly securing the door."

SECTION X. PM-302.5 shall be repealed and re-enacted to read as follows:

PM-302.5 shall be added to read: "Exterior handrails: Every stairwell and every flight of stairs, which is more than three (3) risers high, shall have handrails or railings which shall be located as required by the building code, and every open portion of a stair, porch, landing and balcony which is more than thirty (30) inches above the floor or grade below shall have guardrails. Every handrail and guardrail shall be maintained in good condition, be firmly fastened, and be capable of bearing normally imposed loads."

SECTION XI. Section 16.04.010 shall be amended to add the following:

PM-303.3.2 shall be amended to read: "Bathroom and kitchen floors: Every toilet, bathroom, and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. This does not preclude carpet, provided that it is devoid of mildew, mold, or other unsafe or unsanitary conditions."

"PM-303.6 shall be deleted."

PM-400.2 shall be amended to read: "Responsibility: The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not let to another for occupancy or use any premises which does not comply with the following requirements of this article."

PM-402.1 shall be amended to read: "General: All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, the mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.

Exception: A kitchen with all electric appliances which contains neither an openable window nor mechanical ventilation shall not be subject to the requirements of PM-402.1 provided that:

1. the kitchen is in a location which would prohibit the installation of a window in an exterior wall; and
2. the installation of a mechanical ventilation system would be infeasible due to structural considerations."

PM-402.3 shall be amended to read: "Toilet rooms: Every bathroom and toilet room shall comply with the light and ventilation requirements for habitable rooms as required by Section PM-401.2 except that a window shall not be required in bathrooms or toilet rooms equipped with a natural or approved mechanical ventilation system."

PM-403.2 shall be amended to read: "Common access: A habitable room, bathroom or toilet room which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes."

PM-403.3 shall be amended to read: "Basement rooms: Basement rooms partially below grade shall not be used for living purposes unless:

1. floors and walls are watertight and so insultated as to prevent entry of moisture and drafts; and
2. total window area, total openable area and ceiling height are in accordance with this code; and
3. required minimum window area of every habitable room is entirely above the grade of the ground adjoining the window area, not excluding approved window wells."

PM-500.2 shall be amended to read: "Responsibility: The owner of the structure shall provide and maintain plumbing facilities in compliance with these requirements. A person shall not let to another for occupancy or use any structure or portion thereof or premise which does not comply with the following requirements of this article."

PM-501.1.1 shall be amended to read: "Toilet and lavatory: Every dwelling unit shall contain within its walls, a room separate from habitable rooms, which affords privacy and a toilet supplied with cold running water. The lavatory may be placed in the same room as the toilet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which the toilet is located. The lavatory shall be supplied with hot and cold running water. There shall be one toilet and one lavatory for every five (5) adults occupying the premises."

PM-501.1.2 shall be amended to read: "Bathtub or shower: Every dwelling unit shall contain a room which affords privacy to a person and which is equipped with a bathtub or shower supplied with hot and cold running water. There shall be one bathtub or shower for every five (5) adults occupying the premises."

PM-501.2 shall be amended to read: "Rooming houses: At least one (1) toilet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each five (5) adults within a rooming house wherever bathroom facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times."

PM-504.1 shall be amended to read: "General: Every sink, lavatory, bathtub or shower, drinking fountain, toilet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water."

PM-505.1 shall be amended to read: "General: Every sink, lavatory, bathtub or shower, drinking fountain, toilet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system."

PM-600.2 shall be amended to read: "Responsibility: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not let to another for occupancy or use any premises which do not comply with the following requirements of this article."

PM-601.1 shall be amended to read: "Residential buildings: Every rental unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of sixty-five (65) degrees F., at a point three (3) feet above the floor and three (3) feet from an exterior wall in all habitable rooms, bathrooms, and toilet rooms. The

heating system in all residential buildings containing fewer heating facilities than rental units shall be balanced in a manner which will ensure that all rental units are capable of maintaining a room temperature of sixty-five (65) degrees F., at a point three (3) feet above the floor and three (3) feet from an exterior wall in all habitable rooms, bathrooms, and toilet rooms. The heating system(s) shall be balanced in a manner which will ensure that every rental unit and every habitable room, bathroom and toilet room within each rental unit is being heated to a temperature reasonably close to the temperature indicated by the controlling thermostat."

PM-601.5 shall be amended to read: "Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe, connected to approved chimneys and equipped with a damper or other approved device capable of substantially excluding air infiltration."

PM-602.1 shall be amended to read: "Outlets required: Where there is electric service available to a structure, every habitable room of a rental unit, and every guest room, shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall type electric light fixture. In a kitchen, three (3) separate and remote wall type electric convenience outlets or two (2) convenience outlets and one (1) ceiling or wall type electric light fixture shall be provided. Every public hall, toilet room, bathroom, laundry room, or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture in every bathroom and laundry room there shall be provided at least one (1) electric outlet."

PM-602.3 shall be amended to read: "Defective system: Where it is found, in the opinion of the Code Official that the electrical system in a structure constitutes a hazard to the occupants of the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, defects shall be required to be corrected. If electrical violations are cited which require the existing electrical system of a structure to be substantially upgraded, the Housing Code Office, owner, or tenant may have the City Electrical Inspector conduct an inspection of the electrical system."

PM-700.2 shall be amended to read: "Responsibility: The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the fire prevention code. A person shall not let to another for occupancy or use any premises which do not comply with the following requirements of this article."

"PM-703.2 Furnaces and water heaters located in sleeping rooms and basements with sleeping rooms: All petro-chemical furnaces and petro-chemical water heaters located in sleeping rooms, or in basements containing sleeping rooms, shall be separated from the sleeping rooms by an enclosure which shall consist of 5/8" Type X gypsum wallboard taped and spackled on both sides of all walls of the enclosure. The enclosure shall extend from floor to ceiling and shall be constructed to eliminate all openings in the enclosure. Access doors and panels shall be solid-core or shall be covered on both sides with 5/8" Type X gypsum wallboard. If combustion air cannot be supplied from the exterior of the structure or from another interior area of the structure, it shall be permissable to install louvered grills in the door, access panel or wall of the enclosure.

Exception: Petro-chemical furnaces and petro-chemical water heaters located in sleeping rooms, or in basements containing sleeping rooms, that have previously been inspected and approved for occupancy shall be exempted from the requirements above provided that conditions and use have not changed and provided that it can be determined that at the time of previous inspections, the situation was deemed safe and acceptable to the inspector."

PM-801.1 shall be amended to read: "Cleanliness: Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which the individual occupies, controls, or uses in a clean and sanitary condition. Every owner of a structure containing two (2) or more rental units shall maintain in a clean and sanitary condition the shared or public areas of the structure and premises thereof.

Exception: The occupants in a structure with a common leasing

agreement and common bathroom, hallway and/or kitchen shall maintain the common areas, equipment and fixtures in a clean and sanitary condition."

PM-801.2 shall be amended to read: "Disposal of garbage, refuse and rubbish: Every occupant of a structure or part thereof shall dispose of all garbage, refuse and rubbish in a clean and sanitary manner in accordance with all applicable provisions of the Bloomington Municipal Code."

PM-801.3 shall be deleted.

PM-801.4 shall be amended to read: "Garbage, refuse and rubbish storage facilities: Every owner of a rental building containing three (3) or more rental units shall supply approved refuse containers sufficient to meet the reasonable needs of the occupants. If City Refuse Collection is not available, the owner shall be responsible for the removal of the garbage, refuse and rubbish. 'Approved refuse containers' shall have the meaning set forth in Bloomington Municipal Code Section 6.04.040."

PM-801.5 shall be amended to read: "Garbage, refuse and rubbish storage facilities: Every occupant of a single family structure or duplex shall supply approved refuse containers for storage of garbage, refuse and rubbish and shall properly dispose of said garbage, refuse and rubbish. If City Refuse Collection is not available, the owner shall be responsible for the removal of the garbage, refuse and rubbish. 'Approved refuse container' shall have the meaning set forth in Bloomington Municipal Code Section 6.04.040."

PM-801.7 shall be amended to read: "Supplied fixtures and equipment: The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

Exception: The occupant shall be responsible for keeping the supplied equipment and fixtures clean and sanitary provided that the owner furnishes the Housing Code Office with documentation that the equipment and fixtures were clean and sanitary prior to the occupant taking possession of the dwelling."

PM-802.1 shall be amended to read: "General: All structures and premises shall be kept free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation."

PM-802.2 shall be amended to read: "Owner: The owner of any structure shall be responsible for extermination within the structure prior to renting, leasing, assigning, or selling the structure."

SECTION XII. PM-802.3 and PM-802.4 shall be <u>repealed</u> and <u>re-enacted</u> to read as follows:

PM-802.3 shall be amended to read: "Tenant-occupant: The tenant-occupant of any structure shall be responsible for the continued insect and rodent-proof condition of the structure and if the tenant-occupant fails to maintain the insect and rodent-proof condition, the cost of additional extermination shall be the responsibility of the tenant-occupant."

PM-802.4 shall be amended to read: "Single Family Dwelling:

(a) The occupant shall be responsible for extermination of insects, rodents, vermin or other pests in the structure and on the premises where:

1. The first observable signs of infestation appear more than thirty (30) days after the occupant takes possession of the premises; or,
2. The first observable signs of infestation appear within thirty (30) days after the occupant takes possession of the premises, and the occupant fails to notify the owner of the infestation within the thirty (30) day period; or,
3. The owner, after being notified pursuant to subsection (2) above, has undertaken extermination which eliminated infestation within forty-five (45) days after the extermination began; or,
4. Whenever the Housing Code Official determines that infes-

tation was caused by the occupant's violation of housekeeping provisions of the Housing Code, regardless of when the infestation occurs or is reported to the owner.

(b) The owner shall be responsible for extermination where:

1. The occupant notifies the owner of infestation within thirty (30) days of the occupant's occupancy; or,
2. After the owner has been notified pursuant to subsection (1) above, infestation still exists forty-five (45) days after extermination was commenced; except that if the owner presents the Housing Code Office with proof that a satisfactory effort was made to control the infestation, then the occupant shall be responsible for further extermination if continued infestation is attributable to the occupant.

SECTION XIII. Section 16.04.010 shall be amended to add the following:

PM-802.5 shall be amended to read: "Multiple Occupancy: Every owner, agent or operator of a structure containing two (2) or more rental units shall be responsible for the extermination of insects, rodents or other pests in the shared or public areas of the structure and premises. The owner shall be responsible for extermination within each rental unit, except that where an occupant's poor housekeeping has caused infestation, the occupant shall be responsible for extermination within the occupant's rental unit."

PM-802.6 shall be added and shall read: "Continued rodent infestation: Continuing or repeated incidents of rodent infestation determined from the official records as provided in PM-103.3 of this code shall require the installation of rat and vermin-proof walls. The rat and vermin-proof walls shall be installed in accordance with the building code."

SECTION XIV. Section 16.04.020 of Title 16 of the Bloomington Municipal Code shall be amended to read as follows:

16.04.020 Filing of Copies. Two copies of the Building Officials and Code Administrators International Basic Property Maintenance Code, First Edition, 1978, as amended in Section 16.04.010 of the Bloomington Municipal Code shall be filed in the office of the City Clerk and kept there for public inspection, and two amended copies shall be filed in the office of the City Engineer and kept there for public inspection. Copies shall be available for inspection by any interested citizen during the times the Municipal Building is open for business. (Ord. 79-17 Section 1 (part), 1979; Ord. 78-85 Section 1 (part), 1978; Ord. 76-15 Section 2, 1976; Ord. 73-12 Section 1 (part), 1973).

SECTION XV. Chapter 16.12 of the Bloomington Municipal Code, entitled "Housing Quality" shall be amended to delete the asterisk and footnote.

SECTION XVI. Section 16.12.030(b) of Title 16 of the Bloomington Municipal Code shall be amended to add the following subsection (6):

16.12.030(b)(6) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with the tenant.

SECTION XVII. Section 16.12.040 of Title 16 of the Bloomington Municipal Code shall be amended to add subsections (c) and (d) as follows:

(c) The owner or his agent shall have a duty to initiate the joint inspections; however, both the owner or his agent and the tenant shall have an affirmative duty to make a good faith effort in scheduling joint inspections. In the event the owner or his agent is unable to schedule an inspection with the tenant through contacting the tenant by telephone, personal message or personal contact, the owner or his agent may show compliance with this section by producing the following: a carbon copy of a letter to tenant stating the time and place of inspection; and, a normal business record showing that this letter was mailed to the tenant by first class mail at least two days prior to the date of the inspection.

If the owner or owner's agent cannot arrange a joint inspection pursuant to the above procedures, the owner or agent shall complete the inspection, noting on a signed and dated inspection report any damages which exceed normal wear and tear.

(d) The owner's or agent's copy of all inspection reports shall be retained for a minimum of the present lease period and the two subsequent lease periods, or for a period of four years, whichever is less.

SECTION XVIII. Section 16.12.070 of Title 16 of the Bloomington Municipal Code shall be repealed and re-enacted to read:

16.12.070 Inspection - Right of Entry - Fees.

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

No rental unit having a current four-year occupancy permit shall be inspected in good faith more often than once every four years, and no rental unit having a current three-year occupancy permit shall be inspected in good faith more often than once every three years, unless a request for inspection is made as provided in subsection (d) of this section.

(b) 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 this section, provided all violations cited on the inspection report, excluding exterior painting, are satisfactorily corrected and the unit reinspected within sixty (60) days after such report is mailed to the owner or agent.

(c) 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 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 (60) days after such report is mailed to the owner or agent.

(d) Off-cycle inspections may be done at the discretion of the City Engineer, 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 City Engineer 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 reinspected, within sixty (60) 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 (60) days after such report is mailed to the owner or agent.

(e) All inspections, first reinspections, and reinspections necessary to obtain information for appeals to the Board of Housing Quality Appeals shall be free of charge. The fee for each subsequent reinspection that requires entry to the rental unit after the first reinspection shall be ten dollars ($10.00) per rental unit. The fee shall be paid by the owner or his agent.

(f) 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 Engineering Department a current list of tenants in each rental unit. The Engineering Department shall then send a certified letter with return receipt requested and a stamped self-addressed postcard to each tenant. If there is evidence that the tenant received the letter, but no other 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 Engineering Department shall not inspect without first obtaining a search warrant. (Ord. 79-17 Section 1 (part), 1979; Ord. 78-86 Section 7, 1978; Ord. 78-56 Section 1 (part), 1978).

SECTION XIX. Section 16.12.100(a) of Title 16 of the Bloomington Municipal Code shall be amended to read as follows:

(a) Declare a rental unit to be unsafe as provided by the Housing Code in Section 105.0, entitled "Unsafe Building Law"; and

SECTION XX. Section 2.12.030(3) of Title 2 of the Bloomington Municipal Code shall be amended to read as follows:

2.12.030(3) Qualifications. Members shall be residents of the City. Members may be, but are not required to be, persons who are elected, appointed, or otherwise employed by the City, but such members shall not constitute a majority of the Board. Consideration shall be given for appointment to the Board to tenants, owners, and persons with experience in the area of building, managing, and leasing housing.

SECTION XXI. Section 2.12.030(4) of Title 2 of the Bloomington Municipal Code shall be amended to read as follows:

2.12.030(4) Rules of Procedure. The Housing Quality Appeals Board shall establish its own rules of operating procedure which may be amended from time to time by a majority of the membership; provided, however, that a petitioner seeking an exception from the code shall always be required to make a showing that the exception requested shall not harm the safety, health, or welfare of the occupants as well as provide a reasonable explanation of why the variance is needed.

SECTION XXII. Section 2.12.030(8) of Title 2 of the Bloomington Municipal Code shall be amended to read as follows:

2.12.030(8) Petitions. A person may petition the Board to appeal any decision of any administrative official or enforcing officer by submitting a written petition to the Board, accompanied by a filing fee of twenty dollars ($20.00). Petitioner must list the names of the occupants of the premises in the petition.

SECTION XXIII. Section 2.12.030(9) of Title 2 of the Bloomington Municipal Code shall be amended to add, after the final sentence: "The occupants of the premises shall be allowed to participate in the public hearing."

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

SECTION XXVI. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16 day of April, 1986.

James Regester
JAMES C. REGESTER, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17 day of April, 1986.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 18 day of April, 1986.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance incorporates several amendments suggested by the Housing Code Task Force. Major changes include: deleting the "condemnation" provisions of the current Housing Code, and instead incorporating by reference the existing Bloomington Unsafe Building Law; creating an incentive system whereby timely compliance with inspection reports is rewarded by a four-year occupancy permit, rather than the three-year permits presently issued for all properties upon compliance with the Code; requiring one bathroom for each five adults in a rooming house, where the bathroom is shared (previously one bathroom was required for each four rooms); requiring the occupants of single-family or duplex structures to provide outside garbage receptacles; and allocating responsibility for extermination of insects and rodents as between owner and occupant.

4/18/86 Signed Copies:

1. Housing Insp
2. Planning
3. Legal
4. Controller
5. Engineering
6. Ken Young
7. Jim Regester
8. Dick Wells
9. John Irvine
10. Kevin Baer
11. Mr & Mrs William Gasser
12. Rob Snoddy
13. Mayor
14. Langley
15. Pat Patterson - Publ Wks
16. Trish Pernens