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(passed 9-0)

ORDINANCE 03-25

TO AMEND TITLES 14 (PEACE AND SAFETY,) 15 (VEHICLES AND TRAFFIC,) 16 (HOUSING INSPECTION), 17 (CONSTRUCTION REGULATIONS) AND 18 (FIRE PREVENTION) OF THE BLOOMINGTON MUNICIPAL CODE (Adjusting Certain Fees and Fines)

- WHEREAS, it has been four to eight years since the fees and fines described in this ordinance have been modified; and
- WHEREAS, the cost to provide the programs and services associated with these fees and fines have increased in that period; and
- WHEREAS, when appropriate it is sound policy to use fee and fine revenues to minimize the degree of general taxpayer subsidy of certain programs and services; and
- WHEREAS, even with the fee and fine adjustments described in this ordinance some level of general taxpayer subsidy for the provision of the related programs and services will still occur;

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

SECTION 1. Bloomington Municipal Code 14.40.020 (d) shall be amended by deleting it and replacing it with the following:

(d) "False alarm" is a burglar, fire or emergency alarm signal received at the central dispatch facility located in the Bloomington police department or the monitoring company that is from causes other than burglary, attempted burglary, fire, smoke or severe weather conditions. Such causes include human error, improper maintenance, improper installation, faulty equipment, electrical or mechanical malfunction, or excessive sensitivity, but do not include signals when a timely and proper call is made to police or central dispatch, canceling any response needed to the alarm.

SECTION 2. Bloomington Municipal Code 14.40.030 shall be amended by deleting and replacing it with the following:

All false alarms are prohibited. A person who controls or occupies property on which an alarm system is installed shall receive a warning from the Bloomington Police Department and/or from the Bloomington Fire Department for the first three false alarms in a calendar year issued by such an alarm system in each category.

SECTION 3. Bloomington Municipal Code 14.40.060 (b) shall be amended by deleting and replacing it with the following:

(b) The fine for an ordinance violation as the result of the fourth police false alarm or fourth fire false alarm in a calendar year at the same location shall be fifty dollars. The fine for the fifth and each subsequent false alarm in each category shall be one hundred dollars each. The fines shall be paid to the Bloomington Police Department within thirty days of the issuance of the citation, in full satisfaction of the assessed penalty. In the event that such payment is not made within the prescribed period, the matter will be referred to the city legal department for appropriate legal proceedings.

SECTION 4. Bloomington Municipal Code 14.40.060 (d) shall be deleted.

SECTION 5. Bloomington Municipal Code 15.60.080 (a)(1) shall be amended by deleting the cite of "Indiana Code 9-3-1-3" and replacing it with the cite "Indiana Code 9-29-11-1,"

SECTION 6. Bloomington Municipal Code 15.60.080 (a)(6) shall be amended by deleting the cite "Indiana Code 9-17-2-12(b)(3)" and replacing it with the cite "Indiana Code 9-29-4-2."

SECTION 7. Bloomington Municipal Code 15.60.080 (a)(8) shall be amended by deleting the cite "Indiana Code 5-2-5-7(a)(2)" and replacing it with the cite "Indiana Code 10-13-3-30(a)(2)."

SECTION 8. Bloomington Municipal Code 15.60.080 (a)(9) shall be amended by deleting the cite "Indiana Code 5-2-5-7(a)(3)" and replacing it with the cite "Indiana Code 10-13-3-30(a)(3)."

SECTION 9. The fifth sentence of Bloomington Municipal Code 16.12.070 (f) shall be amended by changing the word "thirty" to "fifty" so that the sentence now reads:

The fee for each subsequent reinspection that requires entry to the rental unit after the first reinspection shall be fifty dollars per rental unit.

SECTION 10. The sixth sentence of Bloomington Municipal Code 16.12.070 (f) shall be amended by changing the word "thirty" to "thirty-five" so that the sentence now reads:

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 thirty-five dollars.

SECTION 11. Bloomington Municipal Code 16.12.070 (g) shall be amended by deleting and replacing it with the following:

The fee for inspecting a single-unit dwelling shall be sixty-two dollars. The fee for inspecting a rooming house shall be fifty dollars per building, plus twelve dollars per bathroom/toilet facilities in the building. The fee for inspecting all other unit/building configurations shall be fifty dollars per building, plus twelve dollars per unit in the building.

SECTION 12. Bloomington Municipal Code 17.08.050 (e) shall be amended by deleting and replacing it with the following:

(e) The fees shall be as follows:

Permit	Fee
Change in use/temporary uses	\$250
Grading and site development permits All earth grading under Section 20.06.05.03	\$115 per acre (rounded to nearest tenth of an acre); \$115 minimum
Right-of-way borings Must have current bond on file. Boring work done in city right-of-way.	\$0.75 per lineal ft; \$50 Min.
Right-of-way cuts Must have current bond on file. Any work done in city right-of-way which requires cutting or altering any feature.	\$1.00 per square ft; \$100 Min.
Temporary sign permits Temporary signs erected under Section 20.06.06.04(b)	\$55 (no additional charge for fifteen-day renewal)
Permanent sign permits All other signs erected under Section 20.06.06 Includes signs for Large and Small Residential Centers, Individual Nonresidential Uses, Shopping Centers, and Freestanding Signs.	\$55 per sign

SECTION 13. Bloomington Municipal Code 18.04.040(a) shall be amended by deleting and replacing it with the following:

(a) The provisions of the Indiana Fire Prevention and Building Safety Commission as set out in Article 22 of Title 675 of the Indiana Administrative Code are incorporated by reference in this code, and shall include later amendments to that Article.

SECTION 14. Bloomington Municipal Code 18.04.060 shall be amended by deleting and replacing it with the following:

18.04.060 Inspections.

(a) The fire chief shall cause to be inspected all structures and premises except the interiors of private single-family dwellings, and dwelling units in two-family and multifamily dwellings for the purpose of ascertaining and causing to be corrected any violation of the provisions or intent of this code affecting fire safety.

(b) There shall be no fee for the initial inspection or first reinspection of structures and premises. A fee of fifty dollars shall be charged for a second reinspection of the same structures and premises required as a result of violations of the provisions of this code or other ordinances under the fire chief's jurisdiction that have not been remedied by the first reinspection. There shall be a fee of one hundred fifty dollars for each subsequent reinspection of the same structures and premises required to ensure the abatement of these violations.

SECTION 15. Bloomington Municipal Code 18.04.080 shall be retitled "Violations – Orders and Penalties."

SECTION 16. Bloomington Municipal Code 18.04.080(b) and 18.04.080(c) shall be renumbered 18.04.080(d) and 18.04.080(e) and a new 18.04.080(b) shall be inserted to read as follows:

(b) With the exception of violation of established occupancy limits, there shall be a ten dollar penalty for each separate and distinct violation of the provisions of this code, or other ordinances under the fire chief's jurisdiction, that has been listed in the notice of violation described in the previous subsection, and that has not been remedied by the time of a first re-inspection. This penalty shall rise to fifty dollars for each separate and distinct violation that has not been remedied by a second, and each subsequent, re-inspection.

SECTION 17. A new Bloomington Municipal Code 18.04.080(c) shall be inserted to read as follows:

(c) The penalty for exceeding a premises' established occupancy limit shall be five hundred dollars for the first violation and one thousand dollars for each subsequent violation within a twelve month period.

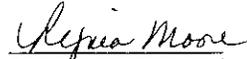
SECTION 18. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 19. All the sections of this ordinance except those mentioned in the second sentence of this provision shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor, and, where necessary, publication. Changes to fees or penalties enacted by Sections 3, 9, 10 and 11 of this ordinance shall be in full force and effect after publication and beginning January 1, 2004.

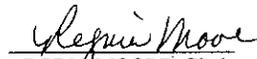
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 10<sup>th</sup> day of September, 2003.

  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 10<sup>th</sup> day of September, 2003.

  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 10<sup>th</sup> day of September, 2003.

  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance adjusts various fees and fines found in Title 14, 16, 17 & 18 of the local code. In Title 14 (Peace and Safety), it raises the penalties for four or more false alarms in a calendar year requiring a public safety response and extends the false alarm penalty provisions to include fire, as well as burglar, alarms. In Title 16 (Housing Inspection), it raises the base fee for rental unit inspections from \$40 to \$50 and the per unit fee from \$10 to \$12. It also increases the fee for a second rental unit re-inspection from \$30 to \$50 and the "no-show" fee from \$30 to \$35. In Title 17 (Construction Regulations), the ordinance amends the schedule of fees found in BMC 17.08.050(e). In that regard, it creates a new category of right-of-way cuts for borings and charges a fee of \$0.75 per lineal foot for such borings with a \$50 minimum. It changes the basis of the fee for surface right-of-way cuts from lineal feet to square feet and makes that fee \$1.00 per square foot with a \$100 minimum. It also eliminates the distinction between grading permits for one and two family home developments and other kinds of developments, and changes the grading permit from a flat \$115 fee to a fee of \$115 per acre. The ordinance also raises the fee for temporary signs from \$25 per 15-day period to \$55 for up to thirty days and raises the fee for permanent signs from a flat \$25 fee to \$55 per sign. In Title 18 (Fire Prevention), the ordinance establishes a fee for second and subsequent fire code re-inspections and a \$10 penalty for fire code violations not remedied by a first re-inspection. It also establishes a separate \$500 fine for violations of occupancy limits which doubles to \$1,000 for subsequent violations at the same property. The ordinance makes the provisions regarding false alarms and housing inspections effective as of January 1, 2004 and makes the other provisions effective upon adoption and, where necessary, publication. Along with these amendments, the ordinance also updates various provisions of the Bloomington Municipal Code to correspond with Indiana Code.

Legal (5)  
Controller  
CA (10)  
Clerk  
file

Fire Department  
HAND  
Police Dept.  
Planning

BMC file