Passed: 8-0

ORDINANCE 97-06

TO AMEND TITLE 2 ENTITLED "ADMINISTRATION AND PERSONNEL," TITLE 8 ENTITLED "HISTORIC DISTRICTS AND STANDARDS," TITLE 16 ENTITLED "HOUSING INSPECTION", AND TITLE 17 ENTITLED "CONSTRUCTION REGULATION" (Consolidation of the Former Redevelopment and Code Enforcement Departments into the New Housing and Neighborhood Development (HAND) Department)

WHEREAS, the Redevelopment Department and the Code Enforcement Division are being consolidated; and

WHEREAS, the purpose is to enhance the quality of life for Bloomington residents by developing services and partnerships that will preserve community character, promote affordable housing and add to neighborhood vitality; and

WHEREAS, the name of this new department is to be Housing and Neighborhood Development; and

WHEREAS, the current Bloomington Municipal Code contains numerous references to the Redevelopment Department and the Code Enforcement Division; and

WHEREAS, amendments need to be made to reflect the new name and new duties.

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

SECTION 1. Title 2 Administration and Personnel, Chapter 2.10.000 Establishment shall be amended to delete the words "Code Enforcement" and "Electrical Examination and Regulation Board."

SECTION 2. Chapter 2.11 Department of Public Works--Divisions, Section 2.11.070 Code Enforcement Division shall be deleted in its entirety and reference to this section shall be deleted from the Table of Contents for Chapter 2.11.00 Public Works--Divisions.

SECTION 3. Chapter 2.12 Boards, Commissions and Councils, Section 2.12.030 Board of Housing Quality Appeals as amended in the following sections of this ordinance shall be renumbered as Section 2.19.040 and reference to the Board of Housing Quality Appeals shall be deleted from the Table of Contents for Chapter 2.12 Boards, Commissions and Councils and added to the Table of Contents for Chapter 2.19.

SECTION 4. Section 2.12.030 Board of Housing Quality Appeals, Part (1) Purpose, shall be amended to replace the words "housing code officer" with the words "Neighborhood Development Manager", and to replace the words "housing code" with the words "property maintenance code."

SECTION 5. Section 2.12.030 Board of Housing Quality Appeals, Part (5) Powers and Duties, shall be amended to delete the words "housing code" and to add the words "property maintenance code" in their place wherever they appear.

SECTION 6. Section 2.12.030 Board of Housing Quality Appeals, Part (6) Jurisdiction, shall be amended to delete the words "municipal housing code" and to add the words "property maintenance code" in their place.

SECTION 7. Section 2.12.030 Board of Housing Quality Appeals, Part (10) Board Decision, shall be amended to replace the words "housing code enforcement officer" with the words "Neighborhood Development Manager."

SECTION 8. Section 2.12.030 Board of Housing Quality Appeals, Part (11) Notice of Decision, shall be amended to replace the words "enforcement officer" with the words "Neighborhood Development Manager."

SECTION 9. Chapter 2.18 Bloomington Redevelopment Commission, Section 2.18.000 Establishment, shall be amended to replace the words "Department of Redevelopment" with the words "Housing and Neighborhood Development."

SECTION 10. Chapter 2.19 Department of Redevelopment shall be repealed and renamed as Housing and Neighborhood Development.

SECTION 11. Section 2.19.000 Establishment shall be repealed in its entirety and enacted in its place the following:

> There is hereby created the Housing and Neighborhood Development Department. It shall strive to enhance the quality of life for Bloomington residents by developing programs, services and partnerships with public and private organizations to preserve community character, promote affordable housing and neighborhood vitality. It shall also be responsible, according to statute, for the redevelopment of blighted areas within the City. All of the territory within the corporate boundaries of Bloomington constitutes a taxing district for the purpose of levying and collecting special benefit taxes for redevelopment purposes.

SECTION 12. Section 2.19.010 Appointment of Director shall be amended to replace the words "Department of Redevelopment" with the words "Housing and Neighborhood Development", and to replace the word "Board" with the words "Redevelopment Commission."

SECTION 13. Section 2.19.030 Neighborhood Development Division shall be added to Chapter 2.19 and reflected in the Table of Contents and the section shall read as follows:

> Section 2.19.030 Neighborhood Development Division. The Neighborhood Development Division shall be administered by the Neighborhood Development Manager who reports to the Director of the Housing and Neighborhood Development. The Division shall enforce property maintenance codes applicable within the City of Bloomington. The division also shall assist other city departments with enforcement of city code complaints. All money received by the city for the payment of fines, penalties, and reimbursement of services related to and resulting from Neighborhood Development Division activity shall be placed in the unsafe building fund, as established by IC §36-7-9-1 to-28 and Bloomington Municipal Code Chapter 17.16.

SECTION 14. Chapter 2.27 Ordinance Violations Bureau, Section 2.27.010 Appointment of administrator of bureau and designation of agents for collection of civil penalties, Part (d) Code enforcement division, shall be amended to delete the words "Code enforcement division" and to add the words "Housing and Neighborhood Development" in their place and to add the words, "Title 8, Historic Preservation" after the words "Refuse and Weeds."

SECTION 15. Pursuant to Ordinance 97-03, which is being considered by the Council concurrently with this ordinance, Chapter 8.04 Historic Preservation Commission will be repealed and reenacted as Chapter 2.16 Historic Preservation Commission and the former Chapter 2.16 Historic Preservation Study Commission will be repealed in its entirety.

SECTION 16. Given the renumbering acknowledged in the previous section, Chapter 2.16 Historic Preservation Commission, Section 2.16.010 Establishment, Part (b) Staffing, shall be amended to replace the words "redevelopment department" with the words "Housing and Neighborhood Development."

SECTION 17. Given the renumbering acknowledged in Section 15, Chapter 2.16 Historic Preservation Commission, Section 2.16.020 Organization, Part (a) Commission Administrator, shall be amended to delete the words "department of redevelopment" and to add the words "Housing and Neighborhood Development" in their place.

SECTION 18. Chapter 8.08 Historic District and Standards, Section 8.08.030 Maintenance standards, Part (a) shall be amended to delete the words "Housing Code" and to add the words "Property Maintenance Code" in their place.

SECTION 19. Chapter 8.16 Administration and Enforcement, Section 8.16.020 Enforcement, penalties, and judicial review, Part (a) Enforcement, shall be amended to delete the words "redevelopment department of the city" and to add the words "Housing and Neighborhood Development" in their place.

SECTION 20. Chapter 16.04 Housing Code shall be amended to be entitled "Property Maintenance Code" and the change in name shall be reflected in the Table of Contents for the chapter.

SECTION 21. Section 16.04.010 Adopted, Section PM-100.1, shall be amended to delete the word and character "Housing-" from the title.

SECTION 22. Section 16.04.010 Adopted, Section PM-103.1, shall be amended to read as follows:

> PM-103.1 shall be amended to read: Officer: It shall be the duty and responsibility of the Neighborhood Development Manager to enforce the provisions of this code that have been designated the duties and responsibilities of that position.

SECTION 23. Section 16.04.010 Adopted, Section PM-105.1, shall be amended to delete the words "Code Official" and to add the words "Neighborhood Development Manager or city engineer" in their place.

SECTION 24. Section 16.04.010 Adopted, Section PM-106.1, shall be amended to delete the words "Code Official" and to add the words "Neighborhood Development Manager" in their place, wherever they appear.

SECTION 25. Section 16.04.010 Adopted, Section PM-108.1, shall be amended to delete the words "Code Official" and to add the words "Neighborhood Development Manager or City Engineer" in their place.

SECTION 26. Section 16.04.010 Adopted, Section PM-201.0, shall be amended to delete the definition title "Code Official" and to add the definition title "Neighborhood Development Manager;" which shall read as follows:

> Neighborhood Development Manager: The official who is charged with the administration and enforcement of this code, who shall be the Director of Housing and Neighborhood Development or any duly authorized representative.

SECTION 27. Section 16.04.010 Adopted, Section PM-201.0, shall be amended to delete the word "his" in the definition of "Building official."

SECTION 28. (This Section does not contain any text, but has been retained to keep references in the background material consistent with the sections of the ordinance.)

SECTION 29. Section 16.04.010 Adopted, Section PM-302.1, shall be amended to delete the words "Housing Code Office" and to add the words "Neighborhood Development Division" in their place.

SECTION 30. Section 16.04.010 Adopted, Section PM-801.7, shall be amended to delete the words "Housing Code Office" and to add the words "Neighborhood Development Division" in their place.

SECTION 31. Section 16.04.010 Adopted, Section PM-802.4 (a)(4), shall be amended to delete the words "Housing Code Official" and to add the words "Neighborhood Development Manager" in their place; and to delete the words "Housing Code" and to add the words "Property Maintenance Code" in their place.

SECTION 32. Section 16.04.010 Adopted, Section PM-802.4 (b)(2), shall be amended to delete the words "Housing Code Office" and to add the words "Neighborhood Development Division" in their place.

SECTION 33. Section 16.04.020 Filing of copies shall be amended to delete the words "city engineer" and to add the words "Housing and Neighborhood Development" in their place; and to delete the words "Municipal Building" and to add the words "City Hall" in their place.

SECTION 34. Chapter 16.12 Housing Quality, Section 16.12.050 Disclosure, Part (d), shall be amended to delete the words "code enforcement manager" and to add the words "Neighborhood Development Manager" in their place.

SECTION 35. Section 16.12.050 Disclosure, Part (e), shall be amended to delete the words "code enforcement division" and add the words "Neighborhood Development Division" in their place wherever they appear; and to delete the words "Bloomington Housing Code" and to add the words "Bloomington Property Maintenance Code" in their place wherever they appear.

SECTION 36. Section 16.12.060 Registration of rental units required , Part (a), shall be amended to delete the words "engineering department" and to add the words "Neighborhood Development Division" in their place, and to delete the word "department" and to add the word "division" in its place wherever it appears.

SECTION 37. Section 16.12.070 Inspection--Right of entry--Fees, Part (a)(1), shall be amended to delete the words "code enforcement division" and to add the words "Neighborhood Development Division" in their place and to delete the words "housing code" and add "property maintenance code" in their place..

SECTION 38. Section 16.12.070 Inspection--Right of entry--Fees, Part (d) Five-year Permit, shall be amended to delete the words "code enforcement manager" and to add the words "Neighborhood Development Manager" in their place.

SECTION 39. Section 16.12.070 Inspection--Right of entry--Fees, Part (e), shall be amended to delete the words "code enforcement manager" and to add the words "Neighborhood Development Manager" in their place, and to delete the words "housing code" and add the words "property maintenance code" in their place, wherever they appear.

SECTION 40. Section 16.12.070 Inspection--Right of entry--Fees, Part (h), shall be amended to delete the words "code enforcement division" and to add the words "Neighborhood Development Division" in their place, wherever they appear.

SECTION 41. Section 16.12.080 Occupancy permits, Part (a), shall be amended to delete the words "code enforcement division" and to add the words "Neighborhood Development Division" in their place wherever they appear, and to delete the words "housing code" and to add the words "property maintenance code" in their place.

SECTION 42. Section 16.12.080 Occupancy permits, Part (c), shall be amended to delete the words "housing code" and to add the words "property maintenance code" in their place.

SECTION 43. Section 16.12.080 Occupancy permits, Part (d), shall be amended to delete the words "housing code" and to add the words "property maintenance code" in their place.

SECTION 44. Section 16.12.090 Retaliatory eviction prohibited shall be amended to delete the reference to "subsection (c)" and to add the words "subsection (e)" in their place.

SECTION 45. Section 16.12.100 Penalty (b) shall be amended to delete the words "housing code" and to add the words "property maintenance code" in their place.

SECTION 46. Title 17 Construction Regulations, Chapter 17.08 Administration and Enforcement, Section 17.08.050 Fees, Part (c) Affordable Housing Permit Program, shall be amended to delete the words "Director of Redevelopment" and to add the words "Director of Housing and Neighborhood Development" in their place, wherever they appear.

SECTION 47. Chapter 17.16 Unsafe Building Law, Section 17.16.030 Public nuisance shall be amended to delete the words "or building commissioner" in the first sentence, and to add "or Neighborhood Development Manager" in their place, and to delete the words, "the city engineer through himself or his designated agent, the building commissioner, is" in the second sentence, and to add the words "The city engineer or Neighborhood Development Manager are" in their place.

SECTION 48. Section 17.16.040 Definitions , Part (b) "Enforcement authority," shall be amended to read as follows:

(b) "Enforcement Authority" means the City Engineer, the Director of Housing and Neighborhood Development, or a designee of either.

SECTION 49. Section 17.16.040 Definitions , Part (f) "Unsafe building or structure," shall be amended to renumber the current (6) as (7) and to add a new (6) to read as follows:

(6) Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; or ...

SECTION 50. Section 17.16.090 Costs shall be amended by deleting the last sentence and adding the following sentence in its place: "Unpaid costs are subject to the procedures in IC 36-7-9-13 and IC 36-7-913.5, and may result in a judgment, special tax assessment, and/or lien on real or personal property of persons responsible for the costs."

SECTION 51. Section 17.16.130 Legal proceedings shall be amended to add the words "or Director of Housing and Neighborhood Development" after the words "engineering department."

SECTION 52. Title 18 Fire Protection, Chapter 18.10 Smoke Detectors, Section 18.10.030 Type and placement of smoke detectors, Part (c), shall be amended to delete the words "Housing Code Enforcement Officer" and to add "Neighborhood Development Manager" in their place.

SECTION 53. Section 18.10.050 Enforcement shall be amended to delete the words "Bloomington Housing Code Enforcement Officer" and to add "Neighborhood Development Manager" in their place.

SECTION 54. Title 20 Zoning, Chapter 20.09 Enforcement, Section 20.09.01.00 Authority shall be amended to delete the words "Code Enforcement Manager" and to add the words "Neighborhood Development Manager" in their place.

SECTION 55. Section 20.09.03.00 Administration shall be amended to delete the words "Code Enforcement Manager" and to add the words "Neighborhood Development Manager" in their place.

SECTION 56. Any reference to the Redevelopment Commission in any ordinance or resolution passed by the City of Bloomington Common Council concerning Tax Abatements or the Industrial Incentive Loan Program, including but not limited to Resolutions 86-6, 86-8 and 93-14, and Ordinances 79-73, 79-74, 85-39, 87-25, 87-30, 87-31, 89-11, and 92-08, shall be changed to the Economic Development Commission. Said Economic Development Commission shall now make recommendations concerning such matters to the City of Bloomington Common Council. Administration of the Tax Abatement and Industrial Incentive Loan Program shall be the responsibility of the Mayor's Office.

SECTION 57. 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 19th day of February, 1997.

ANTHONY PIZZO, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20 day of February, 1997.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20 day of February, 1997.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance provides for the consolidation of the prior Redevelopment Department and Code Enforcement Division into one department, which will be known as Housing and Neighborhood Development (HAND). In order to effectuate this consolidation, numerous code references and provisions have been added, altered or deleted. For example, the purpose for this new department have been added. And, references to the "housing code" are changed to the "property maintenance code" and references to "Housing Code Enforcement Officer" and "Code Official" are changed either to the "Neighborhood Development Manager" or to "Director of Housing and Neighborhood Development." Also, references to the Redevelopment Commission contained in any prior legislation concerning Tax Abatement and the Industrial Incentive Loan Program are now changed to refer to the Economic Development Commission. In addition, the ordinance also makes minor changes to update or correct the affected portions of the code.

Signed copies to:
Clerk / CACA — Emp. Services
BMC File — HAND — Engineering
Legal — Planning — Mayor's Office