Passed: 7-1 (Red Young)
Sherman absent

RESOLUTION 96-33

TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA IN REGARD TO PLANNING AND ZONING JURISDICTION AND BUILDING CODE AUTHORITY

WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and

WHEREAS, it is in the best interest of the citizens of Monroe County for the Planning and Zoning Departments and the Building Code Departments of the City of Bloomington and of Monroe County, Indiana, to coordinate their services and jurisdictions for the efficient delivery of services to their constituents; and

WHEREAS, Monroe County anticipates the passage of a new zoning ordinance in December of 1996, to take effect in January of 1997, which will enable Monroe County to assert zoning jurisdictional control over the unincorporated area outside of the City of Bloomington, commonly known as "the two (2) mile fringe;" and

WHEREAS, the governmental entities have determined that it is prudent, rational, and in the best interest of the citizens for the City to maintain planning and zoning jurisdiction over certain areas within or immediately adjacent to the City, to be known as "Areas Intended for Annexation" or "AIFA;" and

WHEREAS, the governmental entities have determined that it is more cost effective and convenient for the citizens of Monroe County to transfer the authority, power and responsibility of building code jurisdiction, including permit applications, inspection, and issuance to a single entity, the Monroe County Building Code Department; and

WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively provide the transfer of powers between the City of Bloomington and Monroe County;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

The *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana, in Regard to Planning and Zoning Jurisdiction and Building Code Authority* attached to this resolution be approved.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18th day of December, 1996.

Patricia Cole

PATRICIA COLE, Vice President
Bloomington Common Council

SIGNED AND APPROVED by me upon this 19 day of December, 1996.

JF Fernandez

JOHN FERNANDEZ, Mayor
City of Bloomington

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SYNOPSIS

This Resolution approves the *Interlocal Cooperation Agreement between Monroe County and the City of Bloomington in Regard to Planning and Zoning Jurisdiction and Building Code Authority*. Effective January 1, 1997, the County will have the power, authority, and responsibility over building permits and building codes for all of Monroe County. Effective after passage and publication, the County will assert planning and zoning jurisdiction over areas outside of the corporate boundaries of the City, and will permit the City to retain planning and zoning jurisdiction over specific areas intended for annexation (AIFA). This Agreement reflects the communication and cooperation required between the governmental entities to effectuate the efficient and effective transfer of power.

MARGARET COOK, AUDITOR
MONROE COUNTY AUDITOR'S OFFICE
COURTHOUSE, ROOM 209
BLOOMINGTON, IN. 47404
(812) 349-2510
Fax (812) 349-2837

December 23, 1996

Mayor Fernandez
401 N. Morton Street
P.O. Box 100
Bloomington, IN. 47404

RE: Interlocal Cooperation Agreement Between The City Of Bloomington and Monroe County, Indiana In Regard To Planning and Zoning Jurisdiction and Building Code Authority

Dear Mayor Fernandez:

Please find enclosed one (1) original of the above mentioned agreement. Please sign and forward to Patricia Cole, Vice-President of the Bloomington Common Council and Patricia Williams, City Clerk and return when fully executed.

Thank you.

Sincerely,

Margaret Cook

Margaret Cook
Monroe County Auditor

MC/pv

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA IN REGARD TO PLANNING AND ZONING JURISDICTION AND BUILDING CODE AUTHORITY

WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and

WHEREAS, it is in the best interest of the citizens of Monroe County for the Planning and Zoning Departments and the Building Code Departments of the City of Bloomington and of Monroe County, Indiana, to coordinate their services and jurisdictions for the efficient delivery of services to their constituents; and

WHEREAS, Monroe County anticipates the passage of a new zoning ordinance in December of 1996, to take effect in January of 1997, which will enable Monroe County to assert zoning jurisdictional control over the unincorporated area outside of the City of Bloomington, commonly known as "the two (2) mile fringe;" and

WHEREAS, the governmental entities have determined that it is prudent, rational, and in the best interest of the citizens for the City to maintain planning and zoning jurisdiction over certain areas within or immediately adjacent to the City, to be known as "Areas Intended for Annexation" or "AIFA;" and

WHEREAS, the governmental entities have determined that it is more cost effective and convenient for the citizens of Monroe County to transfer the authority, power and responsibility of building code jurisdiction, including permit applications, inspection, and issuance to a single entity, the Monroe County Building Code Department; and

WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively provide the transfer of powers between the City of Bloomington and Monroe County.

NOW, THEREFORE, City of Bloomington and Monroe County, Indiana, hereby agree as follows:

Part 1. Definitions.

"AIFA" means the area shown on the map of the Bloomington area, attached hereto and incorporated herein as Exhibit A, over which the City of Bloomington will retain zoning jurisdiction after passage of the County Zoning Ordinance. AIFA (or "Areas Intended for Annexation") includes those areas where property owners have submitted letters asking to remain in City zoning jurisdiction, includes already annexed areas with delayed effective dates, and includes selected areas identified as intended for annexation by the City.

"Building Code Jurisdiction" refers to applicability, administration and enforcement of ordinances adopting state building, plumbing, electrical, mechanical, energy conservation, swimming pool, and fire building safety codes; specifically this term refers to Chapter 430 of the Monroe County Code, and to portions of Title 17 of the Bloomington Municipal Code that concern such state codes.

"City Zoning Jurisdiction" means the City zoning ordinance continues to apply and the City continues to administer and enforce its ordinance. The term "zoning jurisdiction" also includes applicability, administration and enforcement of the subdivision ordinance.

"County Zoning Jurisdiction" means the County zoning ordinance applies and the County administers and enforces its ordinance. The term "zoning jurisdiction" also includes applicability, administration and enforcement of the subdivision ordinance.

"Two-mile Fringe" refers to the unincorporated area of the County over which the City has exercised zoning jurisdiction since 1967 (see Ordinance 1967-1).

Part 2. Zoning Jurisdiction.

A. The County intends to approve a new zoning ordinance in December of 1996 to take effect in January of 1997. With the approval of its new zoning ordinance, the County will obtain planning and zoning jurisdiction over the unincorporated areas of Monroe County commonly known as "the two (2) mile fringe." Provided, however, the County will, by ordinance or resolution, provide for the City to retain planning, zoning, and subdivision jurisdiction in AIFA, as reflected in Exhibit A.

B. The County intends to adopt and enforce zoning regulations that are similar to the City's current regulations and will adopt and enforce City approvals for those areas outside the AIFA. Approvals shall include any and all approvals previously rendered by: the Plan Commission, including Planned Unit Developments (PUD's), site plan approvals, and subdivisions; the BZA, including variances and conditional uses; the Plat Committee; and the Hearing Officer.

C. Where the City holds outstanding bonds for PUD, subdivision, or erosion control in the areas previously within the two (2) mile fringe jurisdiction, the City will continue to inspect and enforce the bonded requirements until completion and release, or expiration of, the bond. The County hereby agrees to adopt in its zoning ordinance City approvals, including items bonded for, and further agrees that City will administer those requirements on behalf of County until completion or expiration of the bond. Where the bond expires after County takeover of zoning, it will be renewed in favor of the City and County jointly so that the County will assume control of inspection and enforcement but the City will have right to proceed against the bond without the County joining.

Part 3. Building Code Jurisdiction.

The County shall establish a county-wide Building Code Department with jurisdiction to enforce all state building, plumbing, electrical, mechanical, energy conservation, and fire building safety codes within Monroe County, including the corporate boundaries of the City of Bloomington and the AIFA. The City will continue to administer planning, zoning and subdivision compliance functions within the corporate boundaries and AIFA, as reflected herein below.

A. Effective January 1, 1997, the County Building Department shall accept building permit applications and will provide review, issue permits, receive fees, and provide inspections and enforcement, as required, for all buildings within Monroe County in accordance with County building codes. This transfer of power, authority, and responsibility shall include all building permit applications accepted by the City prior to January 1, 1997, and all active building permits issued by the City of Bloomington prior to January 1, 1997.

B. The County agrees to obtain from applicants, and transmit to the City, the following:

1. All applications for planning review and certificate of zoning compliances;

2. PUD, Subdivision, or erosion control bonds or letters of credit; and

3. Applications and fees for erosion control, sign permits, change in occupancy, street cuts and grading permits.

C. The City will review, approve and issue a certificate of zoning compliance as a condition precedent to the issuance of a building permit within the AIFA and the corporate limits. The assignment of addresses shall remain with the City's planning jurisdiction.

D. The County will not issue any building permit or release any grading permit in the City's planning jurisdiction unless and until a certificate of zoning compliance is issued by the City and all necessary bonds, letters of credit and fees described in paragraph B above have been paid or executed in favor of the City. The County will transcribe the permit

conditions required by the City under zoning/subdivision authority on to the permit; the County will ensure compliance with notation of City conditions on all temporary or permanent certificates of occupancy; and the County will make any necessary amendments to its building code ordinance to give the County these powers, subject to state approval when required.

E. The County will forward all permit applications covered by this Agreement to the City at least once a day by electronic means or personal delivery; both the City and the County will cooperate fully in working out any procedures needed to effectuate this agreement.

F. The City will inspect and enforce zoning and subdivision compliance and administer bonds (further subject to specific provisions herein regarding bonds) within the corporate limits and AIFA. The County will fax its inspection list to the City at least once per day to allow the City and the County inspections to take place simultaneously where reasonably possible. The County and the City will cooperate in providing information as requested by either party in a timely fashion.

G. The County will not issue any construction, remodel, electric, plumbing, demolition, moving, or any other type of permit that might change the disposition of a structure to a residential rental within the City's corporate limits until the City Code Enforcement Division (HAND) has completed plan review and released the application. The County will schedule all final inspections of those permits with the City Code Enforcement Division (HAND) where reasonably possible. The County will not issue a Certificate of Occupancy to a residential rental property that is not in compliance with the City of Bloomington Property Maintenance Code.

H. The County agrees to recognize and enforce Section 17.08.050(c) of the Bloomington Municipal Code which provides for the waiver of permit fees under specified conditions for eligible affordable housing projects up to the amount of $2,500.00 per year.

I. The County will adopt and enforce a licensed plumber registration and an electrical licensing ordinance that is at least as comprehensive and stringent as the City's.

J. In recognition of the City's investment in the GIS mapping system, the County agrees to collect and verify GIS data for the City in a manner consistent with the informational needs of the City. The County shall provide such data as is customarily obtained through building permit administration and planning subdivision approvals. The County will cooperate in enhancing its computer capability and compatibility for information exchange with the City.

K. The County will notify the appropriate Fire Department for fire code inspections and shall transcribe all notations requested by the Fire Department with jurisdiction on to temporary and permanent certificates of occupancy. The County will notify the City Fire

Department to coordinate review, response and comment to the State Fire and Building Commission regarding all applications for variance within the corporate boundaries.

L. The County shall inspect for compliance with all City of Bloomington Utilities regulations and any City ordinances governing construction/connection of utilities related to permit activity between the building and the connection to City's meter or main, and shall adopt into its ordinance any such regulations and ordinances that are not covered by current County codes.

M. **Stop Work Authority**. The County shall amend its ordinances as needed to ensure that the County has power to issue stop work orders on building permits issued by County where violations of applicable City zoning/subdivision regulations, including erosion control, would result from continued construction activity, or where work is stayed due to an appeal to the Board of Zoning Appeals as provided in Indiana Code §36-7-4-1001. The County shall issue such stop work order upon written request of the City Planning Director, City Engineer, or Director of Housing and Neighborhood Development. Enforcement action shall be taken by the governmental entity whose ordinances or conditions of approval have been violated.

Part 4. Recitals of Commitment, Purpose, Duration and Renewal of Agreement.

A. The level of cooperation recited in this agreement is intended to exist in perpetuity for the efficient and effective delivery of governmental services to the citizens of Monroe County. However, the parties recognize that modifications may be required, both to the Interlocal Cooperation Agreement itself, or to the practices and procedures that bring the recitals contained within this document to fruition.

B. The Treasurer of Monroe County shall remit to the City, on a quarterly basis, or any other routine basis as mutually agreed upon by the parties with the approval of the State Board of Accounts, that portion of permitting fees legally attributable to and due to the City for permits required within the corporate boundaries and AIFA as previously recited herein (erosion control, sign permits, grading permits, street cuts, and change in occupancy) along with the amount agreed upon between the parties as fair and reasonable compensation to the City for the services performed by the City in order to effectuate this Agreement. The amount agreed upon as fair and reasonable compensation is Eighty Thousand Dollars ($80,000.00) per year; this amount may be renegotiated and reevaluated during the term of this agreement; modification of the amount will be reflected in the approved budgets of the City and the County; the obligation to make the foregoing payment is subject to appropriation by the Monroe County Council.

C. The term of this Agreement shall be for five (5) calendar years, commencing on January 1, 1997, and ending on December 31, 2001. This Agreement may be renewed by mutual agreement of the parties for an appropriate term of years.

D. The City and County Departments affected by the terms of this Agreement will continue to communicate and cooperate together to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of Monroe County, Indiana.

Part 5. Interpretation and Severability.

A. Because the jurisdictional approach set forth in this Agreement departs from current practice, the parties acknowledge and agree that this Agreement shall be liberally construed so that the parties can cooperatively address unforeseen problems through the implementation of policies, with minimal need for Agreement amendment.

B. If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Part 6. Approval, Consent and/or Cooperation.

Wherever this Agreement requires the approval, consent and/or cooperation of a party (or parties), said approval, consent and/or cooperation shall not be unreasonably withheld.

Part 7. Appropriation of Funds.

The parties acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by their respective councils. The parties agree to make a good faith effort to obtain all necessary appropriations from their councils and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

SO AGREED this 13 day of November, 1996.

MONROE COUNTY, INDIANA

JOYCE POLING, President
Monroe County Commissioners

NORMAN ANDERSON, Vice President
Monroe County Commissioners

TIM TILTON, Commissioner
Monroe County Commissioners

CITY OF BLOOMINGTON, INDIANA

JOHN FERNANDEZ, Mayor

ATTEST:

Barbara M. Clark

~~MARGARET COOK~~, Auditor
Barbara M. Clark

Approved this 3 day of January, 1997 ~~December, 1996~~, by the Monroe County Council.

David Hamilton

DAVID HAMILTON, President
Monroe County Council

ATTEST:

Margaret Cook

MARGARET COOK, Auditor

Approved this 18th day of December, 1996, by the City of Bloomington Common Council.

Patricia Cole

PATRICIA COLE, Vice President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, City Clerk

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