

AMENDMENTS TO

ENVIRONMENTAL QUALITY AND CONSERVATION COMMISSION

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ORDINANCE # 71-39

SECTION 1. Public Policy and Purpose

- a. It is hereby declared to be the public policy of the City of Bloomington and the purpose of this ordinance to achieve and maintain such levels of environmental quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and conveniences of the people, promote the economic and social development of Bloomington and facilitate the enjoyment of the natural attractions of the City of Bloomington.
- b. To these ends it is the purpose of this ordinance to provide a program of environmental quality control.
- c. This ordinance shall be known and cited as the Bloomington Environmental Quality and Conservation Commission Ordinance and shall be construed broadly to effectuate its purposes.

SECTION 2. Definitions

As used in this ordinance unless the context clearly requires otherwise:

- a. Environment means the sum total of the physical, chemical and biological factors affecting the populace of the City of Bloomington and the surrounding community.
- b. Pollution means the presence in the environment of one or more contaminants, or noise, in such quantities, characteristics or duration as is or tends to be injurious to human health or welfare, or property, or would interfere with the enjoyment of life or property.
- c. Commission means the Bloomington Environmental Quality and Conservation Commission, as created in this ordinance.
- d. Person means any individual, partnership, co-partnership, firm, company, public or private corporation,

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association, trust, estate, or any agency, board,
department or bureau of the City of Bloomington,
or any other legal entity.

- e. Bloomington means the City of Bloomington, its corporate limits and any areas within its legal purview.

SECTION 3. Commission Established

There is hereby established an Environmental Quality and Conservation Commission.

SECTION 4. Membership - Terms

- a. The Commission shall consist of fourteen (14) persons serving without compensation and including at least five with expertise in one or more areas of physical sciences, biological sciences, engineering, business, sanitation, public health, conservation and recreation. One member shall be a member of the Common Council and selected by the Common Council. Another member shall be a member of the Plan Commission and selected by that Commission. The twelve citizen members shall be appointed by the Mayor with the advice and consent of the Common Council. This shall be done within forty-five (45) days from the date of passage of this ordinance.
- b. Of the twelve (12) citizen members first appointed, four shall be appointed to serve until March 1972; four shall be appointed to serve until March 1973; four shall be appointed to serve until March 1974. As such terms expire the vacancies resulting shall be filled by appointment for terms of three years. If a member dies or leaves the Commission for any other reason, his or her successor shall be appointed to serve for the unexpired term for which the member had been appointed.

SECTION 5. First Meeting - Officers

- a. Within thirty (30) days after its appointment the Mayor shall call the first meeting of the Commission.
- b. At that first meeting the Commission shall select from its membership and thereafter at its February meetings a chairman and vice-chairman.

SECTION 6. Meetings - Procedures - Budget

- a. The Commission shall meet a minimum of once each month. One (1) additional meeting day shall be scheduled each month; that meeting and any other special meeting may be called by the Chairman of the Commission, the Mayor or President of the Common Council, or six (6) members of the Commission.
- b. Except as specifically stated in this ordinance, the Commission may determine its own procedures, including the formation of committees and the designation of individuals and organizations within the community to serve as consultants.
- c. The budgeted expenses for carrying on the Commission's activities shall be paid out of funds appropriated for such purposes by the Common Council.

SECTION 7. Powers and Duties

- a. The Commission shall administer this ordinance within Bloomington, and shall have the following powers and duties:
 1. To adopt administrative rules and regulations for the conduct of its business under this ordinance.
 2. From time to time, but not less than once every four months, to formally prepare and issue a report to the Common Council and Mayor describing in detail the investigations and conciliation proceedings it has conducted and their outcome, the progress made and any other work performed and achievements toward the prevention, abatement and control of environmental pollution.

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3. To hold hearings relating to any aspect of or matter in the administration of this ordinance, to issue a cease and desist order in case of violation and in cases of non-compliance request the City Attorney to take legal action.
 4. To retain, employ, provide for, and compensate, within appropriations available thereof, such consultants, assistants, deputies, clerks, technical and other employees, on a full or part-time basis as may be necessary to carry out the provisions of this ordinance and prescribe the times at which they shall be appointed, the duration of their appointments and their powers and duties.
 5. To secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise with any educational institution, experiment station, or any board, department, or other agency of any subdivision or state or the Federal government.
 6. To determine by means of field studies and sampling the degree of pollution in Bloomington.
 7. To encourage and conduct studies, investigations and research relating to pollution and its causes, effects, prevention, abatement and control in Bloomington, and make recommendations to the appropriate public and private bodies with respect thereto.
 8. To classify contaminant sources, which in the Commission's judgment may cause or contribute to pollution.
 9. To prepare and develop a comprehensive plan or plans for the prevention, abatement and control of pollution in Bloomington.
 10. To encourage voluntary cooperation by persons and affected groups to achieve the purposes of this ordinance.

11. To collect and disseminate information and conduct educational and training programs relating to pollution and environmental quality and conservation.
12. To advise, consult, contract and cooperate with other agencies of the State and the City of Bloomington, other local governments, industries, other states, interstate or interlocal agencies, and the Federal government, and with interested persons or groups.
13. To apply for, accept, receive and administer grants or other funds or gifts from public or private agencies including the State and Federal governments for the purpose of carrying out any of the provisions or purposes of this ordinance. Such funds received by the Commission pursuant to this subdivision shall be deposited with the City Controller and held and disbursed by him or her in accordance with the administrative regulations of the Commission. The Commission is authorized to promulgate such rules and regulations or enter into contracts as it may deem necessary for carrying out the provisions of this subdivision.
14. To make appropriate inquiry into and give constructive consideration to the operations and policies of all departments and governmental branches of the City of Bloomington concerning their adherence to a commitment for environmental quality and the conservation of natural resources.
15. To prepare reports and recommendations to the Mayor, Common Council, Board of Public Works, and the Planning Commission as needed.

SECTION 8. Amendment of Prior Ordinance

Upon its passage and adoption, this ordinance amends Ordinance 71-39.

SECTION 9. That this ordinance shall be in full force and effect from and after its passage, promulgation and publication in accordance with the law.

Passed and adopted by the Common Council of the City of
Bloomington, Indiana, on the 23rd day of June 1972.

Charlotte T. Zietlow
Charlotte T. Zietlow, President

ATTEST:

Grace E. Johnson
Grace E. Johnson, City Clerk

Presented by me to the Mayor of the City of Bloomington upon
the 23rd day of June 1972, at the hour of 4:00 o'clock P.m.

Grace E. Johnson
Grace E. Johnson, City Clerk

This ordinance approved, and signed by me upon the 26th day
of June 1972, at the hour of 10 o'clock 2.m.

Francis X. McCloskey
Francis X. McCloskey, Mayor

INTRODUCED BY:

REFERRED TO COUNCIL COMMITTEE:

APPROVED AS TO LEGALITY:
