

ORDINANCE 18-06

**TO AMEND TITLE 16 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “RESIDENTIAL RENTAL UNIT AND LODGING
ESTABLISHMENT INSPECTION PROGRAM”**

**- Re: Repeal of Chapters 16.06 (Public Health and Safety), 16.07 (Smoke Detectors),
16.08 (Carbon Monoxide Detectors), and 16.09 (Fire Extinguishers)**

- WHEREAS, Bloomington Municipal Code Chapter 16.06, titled Public Health and Safety, purports to regulate accessibility to bathrooms, safe egress from buildings, climate control and prohibited uses; and
- WHEREAS, Bloomington Municipal Code Chapter 16.07, titled Smoke Detectors, purports to regulate the manner in which smoke detectors shall be employed in residential rental units and lodging establishments and its primary thrust was to require hardwiring of all smoke detectors in residential rental units and lodging establishments; and
- WHEREAS, Bloomington Municipal Code Chapter 16.08, titled Carbon Monoxide Detectors, purports to regulate the manner in which carbon monoxide detectors shall be employed in residential rental units and lodging establishments; and
- WHEREAS, Bloomington Municipal Code Chapter 16.09, titled Fire Extinguishers, purports to regulate the manner in which fire extinguishers shall be employed in residential rental units and lodging establishments; and
- WHEREAS, Bloomington Municipal Code Chapters 16.06, 16.07, 16.08 and 16.09 were enacted by the City with the adoption of Ordinance 12-17 on November 14, 2012; and
- WHEREAS, Chapters 16.06, 16.08, and 16.09 were not to go into effect until they had been reviewed and approved by the Indiana Fire Prevention and Building Safety Commission since these chapters contained regulations that qualify as either a “building law” or a “fire safety law”; and
- WHEREAS, On or about the 3rd day of January, 2013, the Indiana Fire Prevention and Building Safety Commission voted to not approve Chapters 16.06, 16.08 and 16.09 and therefore these chapters never went into effect; and
- WHEREAS, On or about the 10th day of February, 2014, the Monroe Circuit Court I, Monroe County, found that Section 16.07.030, which requires all smoke detectors to be hardwired, was in conflict with Indiana Code § 22-11-18-3.5 and was therefore unenforceable; and
- WHEREAS, The Monroe Circuit Court I, Monroe County, further found in its Order of February 10, 2014, that the rest and remainder of Chapter 16.07 qualified as a “fire safety law” and therefore must first be reviewed and approved by the Indiana fire Prevention and Building Safety Commission before the City of Bloomington may enforce the same; and

WHEREAS, Since the primary thrust of Chapter 16.07 was found to be unenforceable, and given the Indiana fire Prevention and Building Safety Commission's disapproval of each of the other Chapters in Title 16 that contained regulations that qualify as either a "building law" or a "fire safety law," it is realistic to believe that the rest and remainder of Chapter 16.07 would be met with disfavor by the Indiana fire Prevention and Building Safety Commission and would not be approved; and

WHEREAS, Bloomington Municipal Code Chapters 16.06, 16.07, 16.08 and 16.090 should now be repealed in their entirety;

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

SECTION 1. Bloomington Municipal Code Chapters 16.06 (Public Health and Safety), 16.07 (Smoke Detectors), 16.08 (Carbon Monoxide Detectors), and 16.09 (Fire Extinguishers) shall be repealed in their entirety.

SECTION 2. If any section, 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 3. This ordinance 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 all other requirements of the Indiana Code.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 23rd day of March, 2018.

Id.

Dorothy Granger
DOROTHY GRANGER, President
Bloomington Common Council

ATTEST:

Nicole Bolden

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 23 day of March, 2018.

Nicole Bolden

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 23rd day of March, 2018.

John Hamilton
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the Bloomington Municipal Code Title 16 by repealing Chapters 16.06 (Public Health and Safety), 16.07 (Smoke Detectors), 16.08 (Carbon Monoxide Detectors), and 16.09 (Fire Extinguishers) in their entirety. Chapters 16.06, 16.08 and 16.09 never went into effect, having never been approved by the Indiana Fire Prevention and Building Safety Commission, as required by state statute. Chapter 16.07 went into effect but was later found to be unenforceable by the Monroe Circuit Court I. As such, Chapters 16.06, 16.07, 16.08 and 16.09 should be repealed in their entirety.