Passed 7-0-1 (Sturbaum)

ORDINANCE 17-19

TO AMEND TITLE 14 OF THE BLOOMINGTON MUNICIPAL CODE (BMC) ENTITLED "PEACE AND SAFETY"
(Deleting Section 14.36.130 through 150 [Stench Bombs] and Amending Section 14.36.160 [Fencing Around Swimming Pools and Other Water-Filled Excavations])

WHEREAS, Bloomington Municipal Code Sections 14.36.130 through 14.36.150 currently regulate stench bombs; and

WHEREAS, these Code provisions originate in the 1957 Code and have never been amended since; and

WHEREAS, the City of Bloomington cannot locate any record of a violation associated with stench bombs; and

WHEREAS, the regulation of stench bombs by ordinance is unnecessary; and

WHEREAS, Bloomington Municipal Code Section 14.36.160 mandates the installation of fences next to any water-filled excavation with a depth exceeding thirty-six inches; and

WHEREAS, Bloomington Municipal Code Section 14.36.160 is unduly onerous; and

WHEREAS, Bloomington Municipal Code Section 14.36.160 unnecessarily exposes the City to liability;

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

SECTION 1. Sections 14.36.130 through 14.36.150, which presently regulate stench bombs, shall be deleted in their entirety without replacements.

SECTION 2. Section 14.36.160, currently entitled "Fences adjacent to swimming pools, ponds, quarries or other water-filled excavations - Required," shall be renamed to read as follows: "Fences adjacent to residential swimming pools - Required."

SECTION 3. Section 14.36.160, currently entitled "Fences adjacent to swimming pools, ponds, quarries or other water-filled excavation – Required," shall have the body of the Section deleted in its entirety and replaced with the following:

> "Every person in possession of land upon which is situated a residential swimming pool who fails to restrict access to such swimming pool in accordance with the requirements of the Indiana Administrative Code shall be subject to the general penalty provisions set forth in Section 1.01.130 of this Municipal Code."

SECTION 4. 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 5. 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 19th day of April, 2017.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20th day of April, 2017.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 28th day of April, 2017.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 14 of local code entitled "Peace and Safety." First, it deletes BMC Sections 14.36.130 through 14.36.150, which regulate stench bombs, in their entirety. Second, it amends Section 14.36.160, which requires fences adjacent to any body of water with a depth exceeding thirty-six inches. The amendments tie the requirements for fencing around pools to those found in the Indiana Administrative Code, but remove requirements for fencing around other water-filled excavations.

Distributed to: Mayor, Clerk, Council Administrator, Legal, Controller, Utilities, Planning and Transportation