Defeated 1 – 8
Aye:Sabbagh

ORDINANCE 98-08

TO AMEND TITLE 16 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "HOUSING INSPECTION",

Re: PMC Sections 403.1 (Separation of units); 404.3 (Note on Table of Minimum Occupancy Area Requirements); 404.5 (Minimum Ceiling Heights); 502.2 (Direct Access); and, 502.5 (Floors)

WHEREAS, in 1974 the City Council adopted the Building Officials and Code Administrators International Basic Property Maintenance Code (PMC) as the City's Housing Code; and

WHEREAS, the purpose of the Housing Code is to promote and protect the public health, safety and welfare in all rental units and on their premises; and

WHEREAS, the Department of Housing and Neighborhood Development (HAND) has reviewed the PMC and determined that certain restrictions may have an adverse impact on housing availability or affordability, yet provide no compelling protections for health, safety, ongoing maintenance or general welfare; and

WHEREAS, on February 3, 1998, the Board of Housing Quality Appeals unanimously approved amending the PMC to remove the above referenced restrictions;

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

SECTION 1. Chapter 16.04.010, Section PM-403.1 (Separation of units) of the Bloomington Municipal Code shall be amended by deleting the sentence: "Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable space." The entry into the Bloomington Municipal Code shall then read as follows:

PM-403.1 shall be amended to read: "Separation of units: Dwelling units shall be separate and apart from each other."

SECTION 2. Chapter 16.04.010, Section Table PM-404.3 (Note on Table: Minimum Occupancy Area Requirements) shall be amended by deleting "Note: Every room used as a bedroom shall have access to at least one (1) water closet without passing through another room used as a bedroom." The entry into the Bloomington Municipal Code shall then read as follows:

PM-404.3 Table entitled "Minimum Occupancy Area Requirements" shall be amended to read:

Table PM-404.3
MINIMUM OCCUPANCY AREA REQUIREMENTS

space	1-2 occupants	3-5 occupants	6 or more
Living room * Dining room* Kitchen	No requirements No requirements 50	120 80 50	150 100 60
Bedrooms**	Must comply with Section PM-404.2		

Note*. Combined living room-dining room spaces will be constructed as meeting the requirements of this table if the total area is equal to that required for separate rooms and if the space is so located that it may function as a combination living room-dining room.

Note**. Every room used as a bedroom shall have access to at least one (1) water closet located on the same floor as the bedroom, except that this requirement shall not apply to the only bedroom on a floor.

SECTION 3. Chapter 16.04.010, Section PM-404.5 (Minimum Ceiling Height) shall be amended by replacing "over the minimum area required by this code at not less than seven and one-third (7-1/3) feet except that in attics or top half-stories the ceiling height shall be not less

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than seven (7) feet" with "of no lower than the minimum requirement set by the Building Code for any room within the structure and." The entry into the Bloomington Municipal Code shall then read as follows:

> PM-404.5 shall be amended to read: "Minimum ceiling heights: Habitable rooms shall have a clear ceiling height of no lower than the minimum requirement set by the Building Code for any room within the structure and over not less than one-third (1/3) of the minimum area required by this code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included."

SECTION 4. Chapter 16.04.010, Section PM-502.2 (Direct Access) shall be amended by deleting the phrase "to a hall or other space, or" in the first sentence, and the entire second sentence, which reads "A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room." The entry in the Bloomington Municipal Code shall then read as follows:

> PM-502.2 shall be amended to read: "Direct Access: Toilet rooms and bathrooms shall not be used as a passageway to the exterior."

SECTION 5. Chapter 16.04.010, Section PM-502.5 (Floors) shall be deleted in its entirety. The entry in the Bloomington Municipal Code shall then read as follows:

> PM-502.5 shall be deleted.

SECTION 6. Severability. 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 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 1998.

_____
TIMOTHY MAYER, 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 ____ day of _____, 1998.

_____
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ___ day of _____, 1998.

_____
JOHN FERNANDEZ, Mayor
City of Bloomington

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SYNOPSIS

This ordinance modifies the Basic Property Maintenance Code (PMC) which is incorporated in Title 16 of the BMC. The purpose of these modifications is to remove restrictions that may have an adverse impact on housing availability or affordability, but provide no compelling protections for health, safety, ongoing maintenance, or general welfare. The modification of PM-403.1, 404.3 and 502.5 no longer makes passing through a bedroom to get to a bedroom or bath, and passing through a bathroom to get to a bedroom a violation of the code. The modification of PM-404.5 changes the minimum ceiling height requirements in the Property Maintenance Code so that the minimum ceiling height for all rooms in a rental unit are no lower than the minimum requirements for any room covered in the Building Code. The last modification, regarding the deletion of PM-502.5, corrects a discrepancy between this code section and PM-303.3.2, and is intended to make it clear that carpeting is allowed in a bathroom.

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