ORDINANCE 78-86
To Amend Chapter 17.20 of the Bloomington Municipal Code, Entitled "Housing Quality"

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

SECTION I. Subsection 17.20.010(a) shall be amended to read as follows:

(a) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

SECTION II. Subsection 17.20.010(b) shall be amended to read as follows:

(b) "Housing code" means the Building Officials and Code Administrators International Basic Property Maintenance Code, First Edition, 1978, and all amendments thereto as adopted in Chapter 17.16 of the Bloomington Municipal Code.

SECTION III. Subsection 17.20.010(d) shall be amended to read as follows:

(d) "Owner" means any person, agent, firm or corporation having a legal or equitable interest in the property.

SECTION IV. Subsection 17.20.010(e) shall be amended to read as follows:

(e) "Person" means a corporation or co-partnership as well as an individual.

SECTION V. Subsection 17.20.010(f) shall be amended to read as follows:

(f) "Premises" means a lot, plot or parcel of land including the buildings or structures thereon.

SECTION VI. Subsection 17.20.010(j) shall be amended to read as follows:

(j) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

SECTION VII. Section 17.20.070 shall be amended to include subsection (d) which shall read as follows:

(d) Unless waived by the landlord or tenant, the following procedure shall be used to obtain entry to rental units for the purpose of inspection. The owner of the unit shall be contacted and a date shall be established for inspection. The owner shall also furnish to the Engineering Department a current list of tenants in each rental unit. The Engineering Department shall then send a certified letter with return receipt requested and a stamped self-addressed postcard to each tenant. If there is evidence that the tenant received the letter, but no other response is received from the tenant, consent to enter will be presumed. An official record shall be maintained of all notices required by this section and all responses received to the notices. The landlord shall be responsible for granting access to the inspector upon presentation of a copy of the official record of notices and responses. If the tenant refuses entry for inspection after proper notification, the Engineering Department shall not inspect without first obtaining a search warrant.

SECTION VIII. Section 17.20.100 shall be amended to read as follows:

17.20.100 Penalty. Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be subject to a fine of not more than $100 and other penalties provided in Section 1.01.130 of the Bloomington Municipal Code. Each day that a violation continues shall be deemed a separate offense. In addition, the city engineer may:

(a) declare a rental unit to be unsafe or unfit for human occupancy or use as provided by the housing code in Section 105.0, entitled "Condemnation"; and

(b) issue an emergency order where immediate action is required to protect the health and safety of the public or of the occupants of the rental unit as provided by the housing code in Section 108.0, entitled "Emergency Orders"; and

(c) seek any of the additional remedies provided by the housing code in Section 109.3, which provides for an appropriate action or proceeding at law or in equity against the person responsible for the violation for the purpose of ordering him to:

(1) restrain, correct or remove the violation or refrain from any further execution of work;

(2) restrain or correct the erection, installation, or alteration of such structure;

(3) require the removal of work in violation; or

(4) prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

SECTION IX. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other 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 severable.

SECTION X. The enactment of this ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun before the effective date of this ordinance. The rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under prior ordinance as if this ordinance had not been enacted. All offenses committed before the effective date of this ordinance shall be prosecuted and remain punishable under prior ordinances as if this ordinance had not been enacted.

SECTION XI. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of November, 1978.

John F. Richardson

John F. Richardson, President
Bloomington Common Council

ATTEST:

Karel Dolnick

Karel Dolnick, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 14th day of NOVEMBER, 1978

Nora M. Connors

Nora M. Connors, Deputy City Clerk

SIGNED and APPROVED by me upon this 18th day of NOVEMBER, 1978.

Francis X. McCloskey

Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance would bring the housing code provisions of the Bloomington Municipal Code in line with the 1978 BOCA Property Maintenance Code that is expected to be adopted in Ordinance 78-86. Changes include adopting definitions found in the new housing code, adopting the penalty provisions of the new code, and adding a right-of-entry provision to outline how entry for inspections will be obtained.

I HEREBY MOVE THAT ORDINANCE # 78- 86 ,

ENTITLED Amend BVC re: Housing Quality

BE INTRODUCED AND READ FOR FIRST READING BY TITLE

ONLY AT THE COUNCIL MEETING HELD on 11/2/78

Lloyd W. Oestl

(Signature)