

**TO AMEND TITLE 17 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED,  
"CONSTRUCTION REGULATIONS"**

**Re: Repealing and Replacing Chapter 17.16, "Unsafe Building Law"**

- WHEREAS, Chapter 17.16, entitled "Unsafe Building Law," has not been substantively updated since 1987; and
- WHEREAS, Indiana Code § 36-7-9-3 requires local units of government that wish to adopt an Unsafe Building Law ordinance to do so in accordance with the provisions of Indiana Code § 36-7-9 *et seq.*; and
- WHEREAS, Indiana Code § 36-7-9 *et seq.* has been updated and modified numerous times since 1987, making changes to the City's Unsafe Building Law necessary and appropriate; and
- WHEREAS, the Indiana Fire Prevention and Building Safety Commission is required by Indiana Code §§ 22-13-2-5 and 36-7-8-3 to review any Unsafe Building Law ordinance adopted by a local unit of government; and
- WHEREAS, the Indiana Fire Prevention and Building Safety Commission has supplied local units of government with a sample Unsafe Building Law ordinance.

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

SECTION 1. Chapter 17.16, entitled "Unsafe Building Law" shall be repealed in its entirety and replaced with the following:

**Chapter 17.16  
UNSAFE BUILDING LAW**

**Sections:**

- 17.16.010 Title and Scope.**
- 17.16.020 Adoption of the Unsafe Building Law.**
- 17.16.030 Appointment of Housing and Neighborhood Development to Administer Ordinance.**
- 17.16.040 Appointment of Board of Public Works as Hearing Authority.**
- 17.16.050 Construction.**
- 17.16.060 Uniform Standards for Sealing an Unsafe Building.**
- 17.16.070 Penalty for Violation.**

**17.16.010 Title and Scope.**

In accordance with Indiana Code § 36-7-9 *et seq.*, this Chapter is established and shall be known as the Unsafe Building Law of the City of Bloomington, Indiana. The regulations of this Chapter shall apply throughout the corporate limits of the City of Bloomington, Indiana.

**17.16.020 Adoption of the Unsafe Building Law**

(a) Indiana Code § 36-7-9 *et seq.* is hereby incorporated by reference in this Chapter as the Unsafe Building Law of the City of Bloomington, Indiana; the definition of "substantial property interest" found in Indiana Code § 36-7-9-2 is explicitly incorporated by reference.

(b) Any rules of the Indiana Fire Prevention and Building Safety Commission as set out in the Articles of Title 675 of the Indiana Administrative Code herein listed are also hereby incorporated by reference in this Chapter as the Unsafe Building Law of the City of Bloomington, Indiana:

- (1) Article 13 - Building Codes;
- (2) Article 14 - Indiana Residential Code;
- (3) Article 16 - Indiana Plumbing Code;
- (4) Article 17 - Indiana Electrical Code;
- (5) Article 18 - Indiana Mechanical Code;
- (6) Article 19 - Indiana Energy Conservation Code;
- (7) Article 20 - Indiana Swimming Pool Code;
- (8) Article 21 - Safety Codes for Elevators, Escalators, Manlifts & Hoists;
- (9) Article 22 - Indiana Fire Code;
- (10) Article 25 - Indiana Fuel Gas Code; and
- (11) Article 28 - NFPA Standards.

#### **17.16.030 Appointment of Housing and Neighborhood Development to Administer Ordinance.**

Pursuant to Indiana Code § 36-7-9-2 the Housing and Neighborhood Development Department shall be the executive department authorized to administer this Chapter, and any employee of said Department is authorized to take action to enforce the provisions of this Chapter.

#### **17.16.040 Appointment of Board of Public Works as Hearing Authority.**

Pursuant to Indiana Code § 36-7-9-2 the Board of Public Works Indiana shall be the hearing authority for this Chapter.

#### **17.16.050 Construction.**

Any reference to a State statute shall mean the statute as amended from time to time and any reference to an administrative rule of the Indiana Fire Prevention and Building Safety Commission shall mean the rule as amended from time to time. Additionally, this also includes any similar statutory provisions or similar rule provision that may supersede predecessor provisions relating to the same or similar subject matter.

#### **17.16.060 Uniform Standards for Sealing an Unsafe Building.**

Pursuant to Indiana Code §§ 36-7-9-5(a)(2) and 36-7-9-5(a)(8), this Section hereby establishes a uniform standard for sealing an unsafe building against intrusion by unauthorized persons when such an order is issued by the Housing and Neighborhood Development Department or the Board of Public of Works:

- (a) All openings of a building shall be closed.
- (b) Openings that are more than one (1) square foot in area and located less than twenty (20) feet above the ground or that are accessible from a part of the building such as a fire escape or other means of access shall be secured by the following means:
  - (1) Plywood or oriented strand board, covered with a weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building and cut to the inside dimension of the exterior of the opening, shall be placed in all openings in such a way that no portion of the plywood or oriented strand board extends outside the existing frame.
    - (A) The plywood or oriented strand board shall be placed against any existing exterior window slide trim or a furring strip.
    - (B) If there is no slide trim or furring strip, an equivalent block shall be installed.
    - (C) The slide trim, furring strip or block shall be sufficient to prevent the plywood or oriented strand board from being pushed inward.
    - (D) The plywood or oriented strand board shall be affixed to the exterior frame by use of two and three-quarters-inch or longer ring nails spaced a maximum of eight (8) inches apart.
  - (2) Where the inside dimension of the opening exceeds twenty-six (26) square feet in area, additional exterior support shall be provided by placing continuous pieces of nominal two-inch by four-inch framing grade lumber on the outside of the plywood or oriented strand board in such a manner that every carriage bolt used in the opening passes through and joins such a piece of nominal two-inch by four-inch lumber, the plywood or oriented strand board and the interior brace.
    - (A) The round head of the bolt shall be on the outside of such pieces of nominal two-inch by four-inch lumber that gives exterior support.
    - (B) The pieces of nominal two-inch by four-inch framing grade lumber shall be covered with a weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building.
  - (3) In case of a ground level door the following method of securing shall be used:
    - (A) The door shall be placed in good repair including, but not limited to, closing any openings in the door, repairing hinges on the door and providing for an adequate closure to the opening; and
    - (B) The door shall be locked by the use of not less than two (2) hasp locks and padlocks to be located equidistant from the top and bottom casing and each other.
    - (C) If no door exists, or if it is impractical to repair the existing door, the opening shall be secured in the manner described in this subsection, substituting, however, a piece of plywood or oriented strand board for the door. The plywood or oriented strand board shall be covered with a

weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building.

(c) Any opening that is less than one (1) square foot in area or that is both more than twenty (20) feet above the ground and not accessible from a part of the building shall be covered so as to prevent the entry of birds, rats or other animals and shall be made weather tight. The covering shall be painted in color similar to the exterior of the building.

(d) The materials used to secure the openings of a building pursuant to these standards shall meet the following specifications:

- (1) Plywood or oriented strand board: no less than one-half-inch exterior grade;
- (2) Braces: no less than nominal two-inch by four-inch framing grade lumber; and
- (3) Bolts: no less than three-eighths-inch carriage bolts.

(e) The Housing and Neighborhood Development Department or Board of Public Works may allow the use of other materials and methods of securing openings, including the use of existing doors, if it is shown that, as related to the particular circumstances, the objectives of these standards would be met by the use of such materials and methods.

#### 17.16.070 Penalty for Violation.

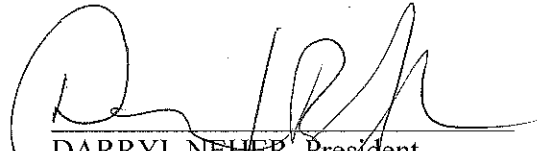
Violations of this Chapter shall be addressed as established in Indiana Code § 36-7-9 *et seq.* as it may be amended from time to time.

SECTION II. 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 III. This ordinance shall be in full force and effect from and after the date on which all of the following has occurred:

- (a) The Common Council has passed this ordinance;
- (b) The Mayor has approved this ordinance; and
- (c) The Indiana Fire Prevention and Building Safety Commission has approved this ordinance as required by Indiana Code §§ 36-7-8-3 and 22-13-2-5.


PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 29<sup>th</sup> day of October, 2014.

  
DARRYL NEHER, President  
Bloomington Common Council

ATTEST:

  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 30<sup>th</sup> day of October, 2014.

  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 30<sup>th</sup> day of OCTOBER, 2014.

  
MARK KRUZAN, Mayor  
City of Bloomington

SYNOPSIS

The City's Unsafe Building Law has not been substantively updated since 1987. As provided by the Indiana Code, this ordinance incorporates by reference the State of Indiana's Unsafe Building Law. As the State has updated and modified its Unsafe Building Law several times since 1987, it is necessary and appropriate for the City to adjust local code to reflect State law. This revision to the City's Unsafe Building Law requires approval by the Indiana Fire Prevention and Building Safety Commission. This ordinance is modeled on a template Unsafe Building Law provided by the Commission.

Signed copies to:

controller

legal

planning & transportation

HAND

Board of Public Works

Public Works

Indiana Fire Prevention & Building Safety Commission  
via motorcycle

CA/CA

clerk (2)

BMC (2)