

1. Ordinance No. 73-23

2. An Ordinance to Amend Title 17 of the Bloomington  
3. Municipal Code

4. Be It Ordained by the Common Council of the City of  
5. Bloomington that Title 17 be amended by adding the following  
6. Provisions:

7. Chapter 17.18

8. Board of Housing Quality Appeals

9. 17.18.010 Established. There is established a Board of  
10. Housing Quality Appeals for the City of Bloomington.

11. 17.18.020 Purpose. The purpose of this Board is to hear  
12. the appeal of any owner or person who is aggrieved by a  
13. ruling or decision of the enforcing officer or any admini-  
14. stration official, in any matter relative to the interpre-  
15. tation or enforcement of any of the provisions of the  
16. Housing Code of the City of Bloomington.

17. 17.18.030 Membership. The Board shall consist of five (5)  
18. members. All members shall be residents of the City of  
19. Bloomington and shall be qualified for their duties by edu-  
20. cation and experience in the area of building and housing.  
21. The sufficiency of such education and experience shall be  
22. determined by the Mayor of the City of Bloomington. Members  
23. of the Board may be, but are not required to be, persons  
24. who are elected, appointed, or otherwise employed by the  
25. City of Bloomington, but such members shall not constitute  
26. a majority of the Board.

27. 17.18.040 Appointment of Members. Members of the Board  
28. of Housing Quality Appeals shall be appointed by the Mayor  
29. of the City of Bloomington. All such appointments shall  
30. be subject to the advice and consent of the Common Council  
31. of the City of Bloomington.

32. 17.18.050 Compensation. Members of the Housing Quality  
33. Appeals Board will serve without compensation.

34. 17.18.060 Terms of members - Termination by Mayor. Upon  
35. the establishment of the Board the members shall be  
36. initially appointed for terms as follows: One member  
37. for one year, two members for two years and two members  
38. for three year terms. Thereafter, as each term expires  
39. each new member shall be appointed for a three-year  
40. term. All terms shall expire on January 31st of the  
41. respective year, but an appointee shall continue in  
42. office until his successor is appointed.

43. The Mayor may terminate the appointment of any  
44. member as he deems necessary and proper. Notice of  
45. such termination of appointment, with reasons therefor,  
46. shall be communicated to the member concerned by first  
47. class mail. The successor in such case shall be appointed  
48. for the remainder of the term vacated.

49. 17.18.070 Officers - Meetings. The Board shall select  
50. from its members a chairman and such other officers as  
51. it may require and such officers shall serve terms of  
52. one year. The Board shall determine its rules of pro-  
53. cedure and schedule of meetings. Special meetings may  
54. be called by the Mayor or the chairman of the Board  
55. by delivering notices of the special meeting in writing  
56. to members of the Board not less than forty-eight hours  
57. prior to the time of the holding of such meeting.

58. 17.18.080 Jurisdiction. The jurisdiction of the Board  
59. shall extend to appeals from the decisions of any ad-  
60. ministrative officer charged with the enforcement of  
61. the Municipal Housing Code within the City of Bloomington.

62. 17.18.090 Duties generally. The Board shall make  
63. investigations, consider complaints and hold hearings  
64. upon alleged violations of the Housing Code. The Board  
65. may overrule the decisions of any administration officer

66. including the Housing Code Enforcement Officer.

67. 17.18.100 Powers and Duties. The powers and duties of  
68. the Board of Housing Quality Appeals shall be:

69. (1) To hear and determine appeals from and review  
70. any order, requirement, decision or determination made  
71. by an administrative official or board charged with the  
72. enforcement of any regulation or restrictions set forth  
73. in the Housing Code;

74. (2) To permit and authorize exceptions in part-  
75. icular situations specified in the Housing Code;

76. (3) To hear and decide special exceptions to the  
77. terms of the Housing Code which the Board is required to  
78. act under this title;

79. In exercising its powers, the Housing Quality  
80. Appeals Board may reverse or affirm, wholly or partly,  
81. or may modify the order, requirement, decision or deter-  
82. mination appealed from as in its opinion ought to be  
83. done in the premises, and to that end shall have all  
84. the powers of the officer or board from which the appeal  
85. is taken.

86. 17.18.110 Jurisdiction - Granting exceptions - Require-  
87. ments. In the matter of granting exceptions, the  
88. Board shall not assume jurisdiction unless it first finds  
89. in each individual case that the following conditions  
90. are present:

91. (1) That the value of the area about the property  
92. to which the exception is to apply will not be adversely  
93. affected;

94. (2) That the exception is consistent with the  
95. intent and purpose of the Housing Code and promotes  
96. public health, safety, and general welfare.

97. 17.18.120 Rules of procedure. The Housing Quality  
98. Appeals Board shall establish its own rules of procedure  
99. which may be amended from time to time by a majority of  
100. the membership.

101. 17.18.130 Public hearing on petitions - Notice - Publi-  
102. cation - Cost. Prior to decision on petitions addressed  
103. to the Board, the Board shall hold a public hearing there-  
104. on, notice of which shall be mailed to the petitioner  
105. and advertised ten days prior to the public hearing in  
106. a newspaper of general circulation published in the city.  
107. The cost of advertising the notice of the public hearing  
108. shall be borne by the petitioner.

109. 17.18.140 Filing fees for petitions. Any petition to  
110. the Housing Quality Appeals Board for appeal, shall be  
111. accompanied by a filing fee of ten dollars.

112. 17.18.150 Complaint - Hearing - Notice. The Board shall  
113. investigate all such petitions and hold a hearing there-  
114. on within thirty days after the filing thereof. Notice  
115. of the time and place of such hearing shall be served  
116. not less than ten days before such hearings, upon the  
117. person having possession of the premises together with  
118. the owner of such premises complained of, if the owner  
119. is not in possession.

120. 17.18.160 Complaint - Hearing - Decision. Not less  
121. than ten days after such hearing the Board shall make  
122. its finding, determination, and recommendation in writing  
123. to the Housing Code Enforcement Officer. Not less than  
124. a majority of the members of such Board present at a  
125. regular or special meeting shall concur in such finding,  
126. determination and recommendation. A copy of such finding,  
127. determination and recommendation shall be furnished to  
128. the person having possession of the premises together  
129. with the owner of the premises if the owner is not in  
130. possession.

131. 17.18.170 Conflict of interest - Changing vote - Vote  
132. of absent member. No member shall vote on any question  
133. in the result of which he is immediately and particularly  
134. interested. Any member may change his vote before the

135. result is announced; and afterwards by leave of the  
136. Board. In no case shall a member absent when the ques-  
137. tion is put be allowed to vote.

138. 17.18.180 Required vote for certain actions. The  
139. concurring vote of three members of the Board shall be  
140. necessary to reverse any order, requirement, decision or  
141. determination of the Housing Code Enforcement Officer  
142. or other duly authorized administrative officer.

143. 17.18.190 Quorum. A quorum for the purposes of  
144. conducting the business of the Board shall be three  
145. members.

146. 17.18.200 Majority vote. Except as otherwise  
147. provided in this chapter, a majority vote shall be  
148. necessary to adopt any order, requirement, decision,  
149. or determination properly before the Board. For  
150. the purposes of this section a majority shall mean  
151. the majority of the quorum of any meeting.

152. 17.18.210 Reports of voting. The Board shall  
153. render its decisions in writing with the reasons  
154. for the decision included as a part of the decision.

155. 17.18.220 Report generally - Notice of decisions.  
156. The Board shall cause to be made a detailed report of  
157. all its proceedings, setting forth its reasons for  
158. its decisions, the vote of each member participating  
159. therein and the absence of a member or his failure  
160. to vote. Such record, immediately following the  
161. Board's decision shall be filed in the offices of  
162. the Board and of the day enforcement officer, and  
163. shall be open to public inspection. Notice of such  
164. decision shall be mailed forthwith to each in interest  
165. as aforesaid.

166. 17.18.230 Motions to reconsider. When the Board has  
167. decided any question in the affirmative or negative,  
168. any member voting on the prevailing side may move a

169. reconsideration of the vote thereon before adjournment  
170. of the session of the Board at which the vote is taken.  
171. Concurrence of a majority of the members present shall  
172. be sufficient to order reconsideration of a vote; but  
173. if a motion to reconsider is lost, it shall not again  
174. be entertained. Except in those matters irrevocable  
175. by nature or circumstance, and except insomuch as  
176. contractual or vested rights may have been established  
177. pursuant thereto, a decision of the Board once made  
178. may be rescinded only by a subsequent decision.

179. 17.18.240 Expressing dissent. Any member shall have  
180. the right to express dissent from or protest against  
181. any decision of the Board, and have the reason therefor  
182. entered in the minutes. Such dissent or protest must  
183. be filed in writing, couched in respectful language,  
184. and presented to the Board not later than the next  
185. meeting.

186. 17.18.250 Appeal from board decision. Any person  
187. jointly or severally aggrieved by any decision of the  
188. Board may proceed in any court of competent jurisdic-  
189. tion.

190. This ordinance shall be in full force and  
191. effect from and after its passage, approval  
192. and application according to the laws of  
193. the State of Indiana.

194. Passed by the Common Council of the City  
195. of Bloomington, Indiana, this 5 day of  
196. April, 1973.

197. Charlotte T. Zietlow  
198. Charlotte T. Zietlow  
President, Common Council

199. Attest:

200. Grace E. Johnson  
Grace E. Johnson, City Clerk

201. Presented by me to the Mayor of the City  
202. of Bloomington, Indiana, on the 9 day of  
203. April, 1973, at the hour of 9 o'clock A.m.

204. Grace E. Johnson.  
Grace E. Johnson, City Clerk

205. This ordinance approved and signed by me  
206. on the 9 day of April, 1973, at the hour  
207. of 9 o'clock A.m.

208. Francis X. McCloskey  
Francis X. McCloskey, Mayor

209. ATTEST:

210. Grace E. Johnson  
Grace E. Johnson, City Clerk

211. Introduced by:

212. Referred to Council Committee:

213. Approved as to legality: