

ORDINANCE NO. 73-68

An Ordinance to Amend Title 18, "Fire Prevention", of the City Code of Bloomington, by substituting a constitutional procedure for right of entry.

WHEREAS Section 1.3 of the Fire Prevention Code, 1970 Edition, grants to fire inspectors the right of entry to any building at any reasonable hour; and

WHEREAS such a grant is an unreasonable invasion of privacy,

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

Section 1. That the following be substituted for Section 1.3 of the Fire Prevention Code, 1970 Edition:

"Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the fire chief or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in this Code, the fire chief or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the fire chief by this Code; provided that if such buildings or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the fire chief or his authorized representative shall have recourse to every remedy provided by law to secure entry."

Section 2. That this ordinance shall be in full force and effect from and after its passage, promulgation and publication in accordance with the law.

Passed by the Common Council of the City of Bloomington, Indiana, this first day of November, 1973.

Charlotte T. Zietlow  
Charlotte T. Zietlow, Council President

ATTEST:

Grace E. Johnson  
Grace E. Johnson, City Clerk

Presented by me to the Mayor of the City of Bloomington, this 5 day of November 1973, at the hour of 9 o'clock A.m.

Grace E. Johnson  
Grace E. Johnson, City Clerk

Approved and signed by me this 5 day of November, 1973, at the hour of 9:30 o'clock P.m.

Francis X. McCloskey  
Francis X. McCloskey, Mayor