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ORDINANCE NO. 23, 1961

An Ordinance regulating supplied facilities, maintenance and occupancy of dwellings, and dwelling units within the City of Bloomington, and hereafter referred to as "The Municipal Housing Code of the City of Bloomington".

IT IS ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

Chapter 31-1
(Definitions)

The following definitions apply in the interpretation and enforcement of this Ordinance:

GENERAL - Words in the singular include the plural and words in the plural include the singular. The word "persons" includes a corporation, unincorporated association, and "building" includes "structure" and is construed as if followed by the words "or part thereof".

BASEMENT means a portion of building located partly underground, but having less than half its clear floor-to-ceiling height below average grade of adjoining ground.

BUILDING INSPECTOR means the City Engineer of the City of Bloomington, or his authorized representative.

BOARD OF PUBLIC WORKS AND SAFETY or the word Board means the legally constituted Board of Public Works and Safety of the City of Bloomington.

CELLAR means the portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DWELLING means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants: PROVIDED that temporary housing as here defined is not regarded as a dwelling.

DWELLING UNIT means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are intended to be used or are used for living, cooking and eating.

EXTERMINATION means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Board of Health.

GARBAGE means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM means a room or enclosed floor space used or intended to be used for living, sleeping, cooking and eating purposes excluding bathrooms, heater closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

HEALTH OFFICER means the legally designated health authority of the City of Bloomington, or his authorized representatives.

HOTEL means every building or structure kept, used or maintained as and advertised or held out to the public to be an inn, hotel, motel, family hotel, apartment hotel, lodging house, dormitory or place where sleep or rooming accommodations are furnished for hire or are used or maintained for the accommodations of guests, lodgers or roomers.

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INFESTATION means the presence within or around a dwelling of any insects, rodents or other pests.

MULTIPLE DWELLING means any dwelling containing more than two dwelling units.

OCCUPANT means any person, over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

OPERATOR means any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

ORDINARY MINIMUM WINTER CONDITIONS means that the temperature fifteen (15) degrees Fahrenheit above the lowest recorded temperature for the previous ten (10) year period.

OWNER means any person who, alone or jointly or severally with others:

- (a) Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession; or
- (b) Has charge, care, control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, to the same extent as if he were the owner.

PERSON means and includes an individual, firm, corporation, association or partnership.

FIRE INSPECTOR means the legally designated authority of the Fire Department of the City of Bloomington.

PLUMBING means and includes all of the following supplied facilities and equipment: gas, pipes, gas-burning equipment, water pipes, garbage and disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

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 cooking or eating purposes.

ROOMING HOUSE means any dwelling or part of any dwelling containing three or more rooming units in which space is let by the owners or operator to persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

RUBBISH means combustible and non-combustible waste materials except garbage; and the term shall include all residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

SUPPLIED means paid for, furnished, or provided by or under the control of, the owner or operator.

TEMPORARY HOUSING means any tent, trailer, or other structures used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

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CHAPTER 31 - 2
(Inspections)

The Health Inspector, The Fire Inspector and the Building Inspector are authorized to make inspections to determine the condition of dwelling units, rooming units, and premises located within the City of Bloomington in order that they may perform their duties safeguarding the health and safety of the occupants of dwellings and of the general public.

CHAPTER 31 - 3
(Enforcement)

- (a) Whenever the Health Officer or the Fire Inspector or the Building Inspector determines that there is reasonable grounds to believe that there is a violation of any provisions of this Ordinance he shall give notice that there is an alleged violation to the person or persons responsible therefor. The notice will:
- (1) Be in writing;
 - (2) Include a statement of the reasons why it is being issued;
 - (3) Allow a reasonable time (not less than ten (10) days for the performance of any act it requires; and
 - (4) Be served on the owner or his agent or the occupant, as the case may require and in accordance with applicable State Law (Burns Indiana Statutes - Section 48-6145)

The notice may:

- (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- (b) Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Ordinance, may request and shall be granted a hearing on the matter before the Board of Public Works and Safety of the City of Bloomington. Provided that such person may request and shall be granted a hearing on the matter before the Board of Public Works and Safety within ten (10) days after the notice was served. The Board may postpone the date of the hearing for a reasonable time beyond the ten (10) day period, if in its judgment the petitioner has submitted a good and sufficient reason for postponement. The hearing will be open to the public.
- (c) After the hearing the Board of Public Works and Safety will sustain, modify, or withdraw the notice, depending on its finding as to whether the provisions of this Ordinance and the rules and regulations adopted under this Ordinance have been complied with. If the Board sustains or modifies the notice, it will be deemed to be an order. Any notice served under sub-section 3-(a) of this Ordinance automatically becomes an order if a request for a hearing is not made within ten (10) days after the notice is served. After a hearing in the matter of a notice suspending a permit required by this Ordinance, or by any rules or regulations adopted under this Ordinance, if the notice is sustained by the Board the permit will be deemed to be revoked. Any permit that is suspended by a notice is automatically revoked if a request for hearing is not made to the Board within ten (10) days after the notice is served.
- (d) The proceedings at the hearings, including the findings and decisions of the Board are to be summarized, reduced to writing, and entered as a matter of public record in the office of the Board. The record will include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief by submitting, within ten (10) days after the decision of the Board, an appeal to the Circuit Court of Monroe County a verified complaint setting forth a copy of the notice or order of the inspecting officials as affirmed by the Board of Public Works and Safety, and the copy of the decision of the Board of Public Works and Safety being appealed.

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CHAPTER 31 -4

(Minimum Standards for Basic Equipment and Facilities)

No person may occupy as owner-occupant or let to another for occupancy any dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- (a) Every dwelling unit must contain a kitchen sink in good working condition and properly connected to a water system and sewer system if available; if no sewer, to a septic tank system approved by the City of Bloomington.
- (b) Within eighteen (18) months of the passage of this Ordinance every dwelling unit (except as otherwise permitted under sub-section 4-(c)) must contain a room which affords privacy to a person in the room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water system and sewer system if available; if no sewer to a septic tank system approved by the City of Bloomington.
- (c) The occupant of not more than two (2) dwelling units may share a single flush water closet, a single lavatory basin and a single bathtub or shower if;
 - (1) Neither of the two (2) dwelling units contain more than two rooms: Provided that for the purpose of this sub-section a kitchenette or an efficiency kitchen with not more than sixty (60) square feet floor area will not be counted as a room: and that
 - (2) The habitable area of each dwelling unit equals not more than two hundred fifty (250) square feet of floor area: and that
 - (3) The water closet, lavatory basin, and bathtub or shower is in good working condition and properly connected to water and sewer systems if available; if no sewer, to a septic tank system approved by the City of Bloomington.
- (d) Every dwelling and dwelling unit must be supplied with rubbish storage facilities in accordance with the provisions of the Municipal Code of the City of Bloomington.
- (e) Every dwelling and dwelling unit must have garbage disposal facilities or garbage storage containers in accordance with the provisions of the Municipal Code of the City of Bloomington.
- (f) Every dwelling must have a safe and unobstructed means of egress leading to safe and open space at ground level.

CHAPTER 31-5

(Minimum Standards for Light, Ventilation and Heating)

No person may occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- (a) Every habitable room must have at least one (1) window or skylight facing directly outdoors. The total window area, measured between stops, for every habitable room is to be at least ten percent (10%) of the floor area of the room. Whenever walls or other portions of structures face a window of a room and these light obstructions are structures located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, the window is not to be included as contributing to the required minimum total window area. Whenever the only window in a room is a sky light type window in the top of the room, the total window area of the sky light must equal at least fifteen percent (15%) of the total floor area of the room.

- (b) Every habitable room must have at least one (1) window or sky light which can be easily opened, or some other device that will adequately ventilate the room. The total of openable window area in every habitable room is to be equal to at least forty five percent (45%) of the minimum window area or minimum skylight type window, as required in sub-section (e) of this Ordinance, except where there is supplied some other device that affords adequate ventilation and is approved by the Health Officer.
- (c) Every bathroom and water closet compartment must comply with the light and ventilation requirements for habitable rooms contained in sub-sections (a) and (b) of Chapter 5, except that no window or sky light is required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is approved by the Health Officer.
- (d) Every habitable room of the dwelling must contain at least one (1) separate floor or wall type electric convenience outlets or one (1) convenience outlet and one (1) supplied wall or ceiling type electric light fixture, and every water closet compartment, bathroom, laundry room, furnace room, and public hall must contain at least one (1) supplied ceiling or wall type electric light fixture. Every outlet and fixture must be properly installed and connected to the source of electric power in a safe manner.
- (e) Every dwelling must have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least seventy (70) degrees Fahrenheit, at a distance three (3) feet above floor level, under ordinary minimum winter conditions.
- (f) Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units must be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full time lighting.
- (g) During that portion of each year from May 1st through October 31st for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit used or intended to be used for ventilation to outdoor space must have supplied screens and a self-closing device; and every window and other device with openings to out-door space, used or intended to be used for ventilation, must likewise be supplied with screens.
- (h) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide entry for rodents must be supplied with a screen or other device that will effectively prevent their entrance.

CHAPTER 31 - 6

(General Requirements Relating to the Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units)

No person may occupy as owner-occupant or let to another for occupancy and dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) Every foundation, floor, wall, ceiling, and roof is to be reasonably weathertight and rodent proof; must be capable of affording privacy; and must be kept in good repair.
- (b) Every window, exterior door, and basement hatchway is to be reasonably weathertight, watertight, and rodent proof; and must be kept in sound working condition and good repair.

- (c) Every inside and outside stair, every porch, and every appurtenance thereto is to be so constructed as to be safe to use and capable of supporting the load that normal use may caused to be placed thereon; and must be kept in sound condition and good repair.
- (d) Every plumbing fixture and water and waste pipe must be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.
- (e) Every water closet compartment floor surface and bathroom floor surface is to be so constructed and maintained as to be reasonably impervious to water and so as to permit the floor to be easily kept in clean and sanitary condition.
- (f) Every supplied facility, piece of equipment, or utility which is required under this Ordinance is to be so constructed or installed that it will function safely and effectively, and must be maintained in satisfactory working condition.
- (g) No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Ordinance to be removed or shut off or discontinued for any occupied dwelling let or occupied by him, except for temporary interruptions that may be necessary when actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health or Fire Inspector.

CHAPTER 31 - 7

(Minimum Space, Use and Location Requirements)

No person may occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) Every dwelling unit must contain at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) additional square feet of floor space for every additional occupant, the floor space to be calculated on the basis of total habitable room area.
- (b) At least one-half of the floor area of every habitable room must have a ceiling height of at least six and one-half ($6\frac{1}{2}$) feet; and the floor area of that part of any room where the ceiling height is less than five (5) feet is not to be considered as a part of the floor area of the room for the purpose of determining the maximum permissible room occupancy.
- (c) No cellar space may be used as a habitable room or dwelling unit; unless
 - (1) The floor and walls are impervious to leakage of underground and surface run off water and are insulated against dampness;
 - (2) The total of openable window area in each room is equal to at least the minimum as required under sub-section (b) of Chapter 5 of this Ordinance, except where there is supplied some other device that afford ventilation and is approved by the Health Officer.

CHAPTER 31 - 8

(Responsibility of Owners and Occupants)

- (a) Every owner of a building containing two (2) or more dwelling units is responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and its' premises.
- (b) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises which he occupies and controls.

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- (c) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by the Municipal Code of the City of Bloomington.
- (d) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in the garbage storage containers required by sub-section (e) of Chapter 4 of this Ordinance. It is the responsibility of the owner of any building containing more than two (2) dwelling units to provide garbage disposal facilities or garbage storage containers in accordance with sub-section (e) of Chapter 4 of this Ordinance and to provide for the disposal of any garbage stored in the containers. In all cases, it is the responsibility of the occupant to furnish such facilities or containers.
- (e) Every occupant of a dwelling or dwelling unit is responsible for hanging all screens and double, or storm doors and windows which are required under the provisions of this Ordinance, except where the owner has agreed to supply these services.
- (f) Every occupant of a building containing a single dwelling unit is responsible for the extermination of any insects, rodents, or other pests within the building or on the premises; and every occupant of a dwelling unit in a building containing more than one (1) dwelling unit is responsible for the extermination whenever his dwelling unit is the only one infested. However, when infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonably insect proof condition, extermination is the responsibility of the owner. When infestation exists in two (2) or more of the dwelling units in any building, or in a shared or public parts of any building containing two (2) or more dwelling units, the extermination is the responsibility of the owner.
- (g) Every occupant of a dwelling unit shall keep all plumbing fixtures in the unit in a clean and sanitary condition and be responsible for the exercise of reasonable care in the proper use and operation of these fixtures.

CHAPTER 31 - 9
(Hotels and Rooming Houses)

No person may operate a hotel or rooming house, or occupy or let to another for occupancy any rooming unit in any hotel or rooming house without complying with the provisions of every section of this Ordinance, except the provisions of Chapter 4 and Chapter 8.

- (a) No person may operate a hotel or rooming house within the City until he has, within thirty (30) days of the passage of this Ordinance:
 - (1) Made application to the Health Officer for permit to operate a hotel or rooming house and paid to the City Clerk-Treasurer the annual inspection fees as hereinafter provided. All fees paid expire on the following September 30.
 - (2) Been inspected by both the Health Officer and the Fire Inspector and found by both inspectors to meet all requirements of this and all Health, Fire prevention and other ordinances and laws of the State of Indiana pertaining to hotels and rooming houses, and until he has been issued a permit by the Health Officer, cosigned by the Fire Inspector. The permit must be displayed in a conspicuous place within the hotel or rooming house.

It is the duty of both the Health Officer and the Fire Inspector to inspect a hotel or rooming house within forty eight (48) hours, excluding Saturdays, Sundays and legal holidays, following receipt of the first application for a permit to operate the hotel or rooming house or upon the application following failure to renew or suspension of permit.

The Health Officer and Fire Inspector shall refuse to issue a permit to operate a hotel or rooming house until the applicant has complied with this Ordinance and all ordinances of the City pertaining to health and fire prevention and all laws of the State of Indiana in regards to hotels and rooming houses. Any person aggrieved by the decision of either of the inspectors shall be granted a hearing before the Board of Public Works and Safety under the provisions of Chapter 3 of this Ordinance.

- (b) (1) Every hotel operated or maintained in the City and every rooming house operated and maintained in the City will be inspected by the Health Officer and Fire Inspector at least two (2) times each year. The inspections may be made jointly by the inspectors or separately. The inspection will be made to ascertain that the operator of the hotel or rooming house has conformed and does conform to all requirements of this and all other health and fire prevention ordinances of the City and all laws of the State of Indiana regarding hotels and rooming houses.
- (2) It is the duty of every person maintaining or operating a hotel or rooming house to pay to the City Clerk-Treasurer an annual inspection fee of five dollars (\$5.00) per hotel or rooming house.
- (c) Whenever, upon inspection of any hotel or rooming house, the Health Officer or Fire Inspector finds that conditions or practices exist which are in violation of any provisions of this Ordinance or other health and fire prevention ordinances of the City or the laws of the State of Indiana regarding hotels or rooming houses, the inspector will give notice in writing to the operator of the hotel or rooming house that unless conditions and practices are corrected within a reasonable time, of not less than ten (10) days, the operator's permit to operate a hotel or rooming house will be suspended. At the end of this period of time, the inspector giving notice will reinspect the hotel or rooming house, and if he finds that the illegal conditions or practices have not been corrected, he will give notice in writing to the operator that the permit is suspended and that the operation of the hotel or rooming house cease immediately. Upon receipt of this notice, the operator of the hotel or rooming house shall immediately cease operation, and allow no person to occupy for sleeping or living purposes any rooming unit therein. It is unlawful to display the permit after receipt of notice of suspension.
- (d) Any person whose permit to operate a hotel or rooming house has been suspended, or who has received notice from either inspector that his permit is to be suspended unless existing conditions or practices in his hotel or rooming house are corrected may request and will be granted a hearing on the matter before the Board of Public Works and Safety under the procedure provided by Chapter 3 of this Ordinance.
- (e) At least one flush water closet, lavatory basin and bathtub or shower in good working condition and properly connected to the water and sewer system of the City, if available; if no sewer is available, to a sewerage system approved by the City of Bloomington, is required for each eight (8) persons or fraction thereof residing within a hotel or rooming house, including members of operators family if they share the use of these facilities. In a hotel or rooming house where rooms are let to males, flush urinals may be instituted for not more than one-half of the required number of water closets. The facilities must be so located within the building as to be reasonably accessible from a common hall or passageway to all persons sharing the facilities. Every lavatory basin and bathtub or shower must be supplied with hot water at all times. These facilities may not be located in a basement.
- (f) The operator of every hotel or rooming house shall change supplied bed linen and towels at least once each week, and prior to the letting of any room to any occupant. The operator shall be

responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

- (g) Every room occupied for sleeping purposes by one person must contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person must contain at least forty (40) square feet of floor space for each occupant.
- (h) Every rooming unit must have safe, unobstructed means of egress leading to a safe open space at ground level, as required by the laws of the State of Indiana and the ordinances of this City.
- (i) The operator of every hotel or rooming house is responsible for the sanitary maintenance of all walls, floors, and ceiling, and the maintenance and sanitary condition in every other part of the hotel or rooming house; he is further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

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CHAPTER 31 - 10

(Designation of Unfit Dwellings and Legal Procedure of Condemnation)

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation of unfit dwellings or dwelling units will be carried out in compliance with the following requirements and those procedures set forth by the State Law applicable to the condemnation of un-safe buildings.

- (a) Any dwelling or dwelling unit which is found to have any of the following defects will be condemned as unfit for human habitation and will be so designated by the Building Inspector.
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (3) One which because of its general condition is unsanitary, or otherwise dangerous, to the health or safety of the occupants or of the public.
- (b) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated by the Building Inspector must be vacated within a reasonable time as ordered by the Building Inspector.
- (c) No dwelling or dwelling unit which has been condemned as unfit for human habitation may again be used for human habitation until written approval is secured from the Building Inspector. The approval may be secured whenever the defect or defects upon which the condemnation action was based has been eliminated.
- (d) Any person affected by any notice or order relating to the condemning of a dwelling or dwelling unit as unfit for human habitation may request and will be granted a hearing on the matter before the Board of Public Works and Safety under the procedure set forth in Chapter 3 of this Ordinance and applicable State Laws.

CHAPTER 31 - 11
(Date of Effect)

This ordinance shall take effect and be in force from and after its approval as required by law.

Passed and adopted by the Common Council of the City of Bloomington, Indiana this 5th day of September, 1961.

Thos. L. Lemon, Presiding Officer

ATTEST:

Mary Alice Dunlap, Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington on the 6th day of September, 1961, at the hour of 4 o'clock P.M.

Mary Alice Dunlap, Clerk-Treasurer

This Ordinance approved and signed by me this 6th day of September, 1961, at the hour of 4 o'clock P.M.

Thos. L. Lemon, Mayor