



City of Bloomington Common Council

Legislative Packet

Regular Session

16 July 2008

Office of the Common Council
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To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: July 11, 2008

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Final Action:

- **Ord 08-11** To Amend the Preliminary Plan for the Woolery Planned Unit Development (PUD) to Allow Additional Dwelling Units on Parcel D - Re: 2770 S. Adams Street (Monroe House, Petitioner)
 - RC-01 (Reasonable Condition-01) – Volan – Permeable Pavers for Emergency Turn-Out

Contact: Eric Greulich at 349-3526 or greulice@bloomington.in.gov

For legislation and background material regarding this item, please consult the [Legislative Packet](#) issued in interest of the 9 July 2008 Special Session.

- **Ord 08-10** To Amend Title 18 of the Bloomington Municipal Code Entitled “Fire Prevention” (To Repeal and Re-Enact Said Title)
 - Am 01 – Piedmont – Makes Minor Corrections and Clarifications.
 - Am 02 –Sturbaum and Wisler – Addresses Moveable Outdoor Fire Places
 - Am 03 –Ruff – Establishes Graduated (Class 1 and Class 2) Fines for Violation of the Over-Occupancy Limits.

- Am 04 –Volan – Requires that Egress Only Doors in Certain Areas of Assembly be Framed with Luminescent or Reflective Tape or Paint.
- Am 05 –Volan – Requires Announcements Regarding Location of Emergency Exits in Certain “Regulated Places of Amusement or Entertainment.”
- Am 06 –Volan – Makes a Series of Changes to Penalties, One of Which Adds New Violation Regarding ““Locking, Chaining, or Rendering Inoperable Any Marked Exit.”
- Am 07 – Volan - Would Allow Blended-Seating Model When Calculating Occupancy Load (Yet to be Prepared)

Contact: Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov

For legislation and background material regarding this item, please consult the [Legislative Packet](#) issued in interest of the 18 June 2008 Regular Session.

Legislation and Background Material for First Reading:

None

Minutes from Regular Session:

- July 9, 2008

Memo

Two Ordinances Ready for Final Action and No Ordinances Scheduled for Introduction at the Regular Session on Wednesday, July 16th

Two ordinances are ready for final action and no ordinances are ready to be introduced at the Regular Session next week. The two ordinances ready for final action can be found in previous legislative packets. The first is **Ord 08-11** which amends the Preliminary Plan of Parcel D of the Woolery PUD and can be found in the [Legislative Packet](#) prepared for the 9 July 2008 Special Session. The second is **Ord 08-10** which repeals and re-enacts the Fire Prevention Code (Title 18) and can be found in the [Legislative Packet](#) prepared for the 18 June 2008 Regular Session. Please note that there are proposals to change both of these pieces of legislation and that those changes are briefly noted below and included in this packet.

Reasonable Condition for Ord 08-11 (Amending Preliminary Plan for Parcel D of the Woolery PUD – Addition to the Monroe House Assisted Living Facility)

The Council is empowered to impose reasonable conditions when approving Planned Unit Developments (PUDs). Councilmember Volan has asked that one be prepared that requires use of permeable pavers or similar materials when constructing the emergency turn-out at the north west corner of the site.

**Amendments to Ord 08-10
(Repealing and Re-enacting Title 18 - Fire Prevention)**

The Council postponed final action on Ord 08-10 (Repealing and Re-enacting Title 18 – Fire Prevention) from July 2nd to July 16th in order to provide time to work through some issues. Toward that end, four Council members (Sandberg, Mayer, Volan, and Ruff) met with City staff earlier this week.

The following is a summary of six amendments to this ordinance. There may be a seventh prepared on behalf of Councilmember Volan. Please note that our code will need to be approved by the Indiana Fire Prevention and Building Safety Commission. It's my understanding, after talking with the Commission's attorney, that it will consider provisions that are different from the State code and *may* approve them if there are evidence-based arguments that establish a harm and provide a remedy that is not unduly burdensome on the business owner. Please also note that the State code "grandfathers" existing buildings and uses which comply with codes that were in effect at the time the building "was constructed, altered, added to, or repaired." (675 IAC 22-2.4-2-101.2)

- Am 01 – Sponsored by Councilmember Piedmont. This amendment makes two technical changes. The first clarifies that the inspection report may be sent to one or more of the following persons: owner, operator, occupant, and/or other person responsible for the building or property depending upon the nature of the violation(s) found. The second acknowledges that persons may appeal both denial of permit and the issuance of a fine.
- Am 02 – Sponsored by Councilmembers Sturbaum and Wisler. This amendment expands the section on chimenias to include other small, moveable outdoor fire places. It also rewords the section and removes

the restriction against using the device for cooking (as long as doing so is in accordance with the manufacturer's guidelines).

- Am 03 – Sponsored by Councilmember Ruff. This amendment establishes graduated (Class 1 and Class 2) fines for violation of the over-occupancy limits. First violations of over-occupancy limits of less than 10% over the limit (Class 1 violation) would be subject to a fine of \$1,250, while a first violation of the over-occupancy limit of more than 10% over the limit (Class 2 violation) would be subject to a fine of \$2,500. A second violation of the over-occupancy limits within 12 months of a Class 1 violation would be subject to a fine of \$2,500, while a second violation after a Class 2 violation would be \$5,000. Subsequent violations within 12 months of both a Class 1 and Class 2 violation will double up to the statutory maximum of \$7,500.
- Am 04 – Sponsored by Councilmember Volan. This amendment would require exit doors used solely for emergency egress in areas of assembly with occupancy loads of over fifty but less than one thousand persons (e.g. bars, restaurants, performance venues, etc.) to be framed with luminescent or reflective tape or paint in a color that contrasts with adjacent surfaces. The fine for the first violation would be \$50 with the fine doubling for second and subsequent violations occurring within 12 months of the first violation.
- Am 05 – Sponsored by Councilmember Volan. This amendment requires the business operator or agent to announce the location of the emergency exits immediately prior to the “headliner” act in “regulated places of amusement or entertainment” with occupancy limits of over 50 but below 1,000 persons where alcohol is served and performances or shows occur.
- Am 06 – Sponsored by Councilmember Volan. This amendment makes five changes to Section 18.20.010 (Penalties and Appeals) and one change to Chapter 18.12 (Fire Protection Equipment, etc.) First, it raises the fine for failure to service extinguishers from \$10 to \$50. Second, it raises the fine for failure to post occupant loads from \$10 to \$100. Third, it changes the line concerning blocked exit to read “Blocking Any Marked Exit” in order to establish that the violation applies to each exit door that is blocked. Fourth, it inserts a new violation entitled “Locking, Chaining, or Rendering Inoperable Any

Marked Exit,” sets the fine for first violation at \$2,500 and the fine for second and subsequent violations with 12 months at \$7,500, and makes that fine apply to each exit where the violation occurs. The amendment also creates a separate violation in Chapter 18.20 entitled “Locked, Chained or Inoperable Exits.” Fifth, it shifts the line for “Crossing Emergency Fire Line or Limit” so that it appears with other violations with a \$500 fine.

- Am 07 – Sponsored by Councilmember Volan. This amendment, which has yet to be prepared, would allow the calculation of occupancy load using a blended-seating model.

Budget Books Coming Next Week

**NOTICE AND REVISED AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, JULY 16, 2008
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: July 9, 2008 (Regular Session)

IV. REPORTS FROM:

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 08-11 To Amend the Preliminary Plan for the Woolery Planned Unit Development (PUD) to Allow an Additional 19 Dwelling Units on Woolery Parcel D -- Re: 2770 S. Adams St. (Monroe House, Petitioner)

Committee Recommendation: Do Pass 7 – 0 – 0
-- Reasonable Condition Expected

2. Ordinance 08-10 To Amend Title 18 of the Bloomington Municipal Code Entitled “Fire Prevention” (To Repeal and Re-Enact Said Title)

Committee Recommendation: Do Pass 7 – 0 – 2
-- Amendments Expected

** Please note: The Council adopted a motion on July 2, 2008 to postpone the second reading of this ordinance until July 16, 2008.*

VII. LEGISLATION FOR FIRST READING

None

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURNMENT



**City of Bloomington
Office of the Common Council**

To: Council Members
From: Council Office
Re: Calendar for the Week of July 14-19, 2008

Monday, July 14, 2008

4:30 pm Plat Committee, Hooker Room
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Plan Commission, Council Chambers
6:30 pm Monroe County Health Assessment Project Town Hall Meeting for Benton Township Residents – Free health screens & information, Unionville Church of Christ Community Building, 8056 E. St. Rd. 45

Tuesday, July 15, 2008

4:00 pm Bloomington Community Farmers' Market, Madison St., Between 6th & 7th Streets
4:00 pm Board of Public Safety, McCloskey
4:00 pm Community and Family Resources Commission, Hooker Room
5:00 pm *Plan Commission Work Session* – Members of the Plan Commission and Common Council discuss proposed changes to the Unified Development Ordinance, Hooker Room
5:30 pm NAACP Freedom Fund Banquet Meeting, Dunlap
5:30 pm Animal Control Commission, McCloskey

Wednesday, July 16, 2008

9:30 am Tree Commission, Rose Hill Cemetery Office, 930 W. Fourth St.
2:00 pm Hearing Officer, Kelly
7:00 pm Council of Neighborhood Associations, Hooker Room
7:30 pm Common Council Regular Session, Council Chambers

Thursday, July 17, 2008

8:00 am Bloomington Housing Authority, Housing Authority, 1007 N. Summit, Community Room
4:00 pm Bloomington Digital Underground, McCloskey
6:30 pm Monroe County Health Assessment Project Town Hall Meeting for Washington Township Residents – Free health screens & information, Family Life & Worship Cntr Gym, 8449 Fox Hollow Rd
7:00 pm Environmental Commission, McCloskey
7:00 pm Peak Oil Task Force, Hooker Room

Friday, July 18, 2008

12:00 pm Domestic Violence Taskforce, McCloskey

Saturday, July 19, 2008

8:00 am Bloomington Community Farmers' Market, Showers Common, Showers Building, 401 N. Morton

Posted and Distributed: Friday, July 11, 2008

Ordinance 08-11

One Reasonable Condition for Consideration

***** Reasonable Conditions Form – Planned Unit Development*****

Ordinance #: 08-11
Reasonable Condition #: 01
Submitted By: Councilmember Volan
Date: July 10, 2008

Proposed Reasonable Condition:

1. The emergency turn-out located at the north west corner of the site shall be constructed with permeable pavers or other similar approved materials.

Synopsis

Pursuant to BMC 20.04.080(g)(1), this action would impose a reasonable condition upon the amendment to the Preliminary Plan for Parcel D of the Woolery Planned Unit Development. This condition would require the petitioner to use permeable pavers or other similar materials when constructing the emergency turn-out at the north west corner of this site.

7/9 /08 Committee Action: N/A
7/16 /08 Regular Session Action: Pending

(July 10, 2008)

Ordinance 08-10

Amendments 01-06

***** Amendment Form *****

Ordinance #: 08-10
Amendment #: 01
Submitted By: Councilmember Piedmont, District 5
Date: June 27, 2008

Proposed Amendment: **Ordinance 08-10** shall be amended in the following manner:

1. Section 18.04.140 (Inspection Report) shall be amended by adding “and/” before the word “or” in the first sentence and adds the phrase “, depending on the nature of the violation(s) found” to the end of that sentences so that the sentence shall now read:

A copy of the inspection report with violations and safety recommendations shall be served upon the owner, operator, occupant and/or other person responsible for the building or property, depending on the nature of the violation(s) found.

2. Section 18.20.020 ((Law Enforcement Assistance) shall be amended by adding the phrase “or the issuance of the fine” at the end of part (2) so that it shall now read:

(2) The appeal must be submitted to the City of Bloomington Legal Department within fourteen (14) calendar days of the denial of the permit or the issuance of the fine.

Synopsis

This amendment is sponsored by Councilmember Piedmont and makes two minor corrections or clarifications to the ordinance. The first clarifies that the inspection report may be sent to one or more of the following persons: owner, operator, occupant, and/or other person responsible for the building or property depending upon the nature of the violation(s) found. The second acknowledges that persons may appeal both denial of permit and the issuance of a fine.

6/25/08 Committee Action: None
7/2/08 Regular Session Action: None
7/16/08 Regular Session Action: Pending

(July 2, 2008)

Current Language - with changes in bold

18.04.140 Inspection Report

A copy of the inspection report with violations and safety recommendations shall be served upon the owner, operator, occupant **and/or** other person responsible for the building or property **depending on the nature of violation(s) found**. Service of such report shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises or by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupant's last known address.

18.20.020 Appeals

(a) Whenever the Fire Department disapproves or refuses to grant a permit applied for, the applicant may appeal the decision of the Fire Department to the Board of Public Safety or whenever the Fire Department assesses a fine for a violation of this Code, said fine may be appealed to the Board of Public Safety.

(1) The appeal must be in writing.

(2) The appeal must be submitted to the City of Bloomington Legal Department within fourteen (14) calendar days of the denial of the permit **or the issuance of the fine**.

***** Amendment Form *****

Ordinance #: 08-10

Amendment #: 02

Submitted By: Councilmember Sturbaum , District 1
Councilmember Wisler, District 2

Date: June 27, 2008

Proposed Amendment: **Ordinance 08-10** shall be amended in the following manner:

1. Section 18.16.020 (Permit Required) Part (d) shall be amended to read as follows:

(d) These restrictions do not prohibit outdoor fires in pits or grills used solely for the preparation of food or the use of small, moveable outdoor fire places under conditions set forth in Section 18.16.050.

2. Section 18.16.050 Chimenia (small ceramic fire place) shall be amended to read as follows:

18.16.050 Chimenia, fire pits and other small, moveable outdoor fire places

Chiménias, fire pits and other small, moveable outdoor fire places may be used, provided the unit:

- (a) must be used following the manufacturer's guidelines;
- (b) must be placed outside and cannot be located under a roof or any type of balcony;
- (c) must be placed on an approved noncombustible surface such as a "UL listed stove mat" or "hearth board," if used on a wooden deck or other combustible surface;
- (d) shall not be placed within four (4) feet to any combustible material;
- (e) shall be attended at all times while burning
- (f) should be fitted with a protective screen over all openings, if wood is used that causes "crackle and sparks;" and
- (g) shall not be used for heating indoor areas.

Synopsis

This amendment is sponsored by Councilmembers Sturbaum and Wisler and expands the section on chiménias to include other small, moveable outdoor fire places. It also rewords the section and removes the restriction against using the device for cooking (as long as doing so is in accordance with the manufacturer's guidelines).

6/25/08 Committee Action: None
7/2/08 Regular Session Action: None
7/16/08 Regular Session Action: Pending

(July 2, 2008)

Current Provisions on Open Burning:

18.16.010 General

In addition to the requirements of this Code, all rules of the Indiana Department of Natural Resources and the Indiana Department of Environmental Management shall be observed at all times.

18.16.020 Permit Required

(a) No person shall start, kindle or maintain any bonfire or open burning, or authorize or allow any such fire to be started, kindled or maintained with the City of Bloomington without having first obtained a permit from Fire Department.

(b) During the construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning without having first obtained a permit from the Fire Department.

(c) Any applicant for an open burning permit shall demonstrate that he/she is in legal control of the lot or parcel of land on which the burning is to occur.

(d) These restrictions do not prohibit outdoor fires in pits or grills used solely for the preparation of food.

18.16.030 Burning on Public Property

Burning on public property shall be prohibited unless a permit has first been obtained from the Fire Department.

18.16.040 Hazardous or Objectionable Situation

The Fire Department is authorized to order the extinguishment of an open burn or extinguish the open burn itself upon a determination that the open burn creates or adds to a hazardous or objectionable situation. This section applies to those persons granted a permit under sections 18.16.020 and 18.16.030.

18.16.050 Chimenea (small ceramic fire place)

Chimeneas may be used, provided the following guidelines are met:

- (h) A chimenea must be used following the manufacturer's guidelines.
- (i) A chimenea must be placed outside and cannot be located under a roof or any type of balcony.
- (j) If a chimenea is used on a wooden deck or other combustible surface, the unit must be placed on an approved noncombustible surface such as a "UL listed stove mat" or "hearth board".
- (k) A chimenea shall not be placed within four (4) feet to any combustible material.
- (l) A chimenea shall be attended at all times while burning.
- (m) If wood is used that causes "crackle and sparks" the chimenea should be fitted with a protective screen over all openings.
- (n) A chimenea shall not be used for heating indoor areas or cooking.

***** Amendment Form *****

Ordinance #: 08-10
Amendment #: 03
Submitted By: Councilmember Ruff, At-Large
Date: June 27, 2008

Proposed Amendment: Ordinance 08-10 shall be amended in the following manner:

1. Section 18.20.010 shall be amended by deleting the line in the Fine Schedule concerning “Violation of Occupancy Limitation” and replacing it with the following:

| Fire Prevention Code | Fine |
|--|-------------------|
| Violation of Occupancy Limitation (Class 1) – No More than 10% Over the Posted Limit for the First Over-Occupancy Offense within 12 Months | \$1,250 |
| Violation of Occupancy Limitation (Class 2) – More than 10% Over the Posted Limit for First Occupancy Offense within 12 Months; or Second Over-Occupancy Offense within 12 Months Where First was Treated as a Class 1 Violaton | \$2,500.00 |

Synopsis

The ordinance would impose a \$2,500 fine for the first violation of the over-occupancy limit and would double that amount for the second and subsequent violations that occur within 12 months of that violation up to \$7,500. This amendment introduces a graduated fine of \$1,250 for a Class 1 violation of the over-occupancy requirements in order to account for the first, perhaps inadvertent violation of this requirement. A Class 1 over-occupancy violation would occur when it is the first offense within a 12-month period and the number of occupants is no more than 10% over the occupancy limits. A Class 2 over-occupancy violation would occur when it was either: 1) the first violation of the over-occupancy requirement within 12 months and the number of occupants was more than 10% over the posted limits; or, 2) the second violation within a 12-month period and the first violation was treated as a Class 1 violation. Under this amendment the fine for the next violation after a Class 2 violation would be \$5,000.

6/25/08 Committee Action: None
7/2/08 Regular Session Action: None
7/16/08 Regular Session Action: Pending

(July 9, 2008)

Current Language in Section 18.20.010

18.20.010 Penalties

(a) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this Chapter. A violation continues to exist until corrected.

(b) Any violation of this Chapter shall be subject to a civil penalty of not more than two thousand five hundred dollars (\$2,500.00) for each such violation, and not more than seven thousand five hundred dollars (\$7,500.00) for the second and any subsequent violation within twelve months of the first violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(c) The following violations of this Chapter shall be subject to the fines listed in the table below for the first offense. In addition, if a responsible party commits a second or subsequent violation of the same provision of this Chapter within twelve (12) months of the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in *Subsection 18.20.010(b)*. (For example, a violation that is subject to a one hundred dollar (\$100.00) fine per the table will be subject to a two hundred dollar (\$200.00) fine for the second offense, a four hundred dollar (\$400.00) fine for the third offense, and so forth.)

| Fire Prevention Code | Fine |
|--|------------------|
| Failure to Post Occupant Load | \$10.00 |
| Failure to Service Extinguishers | \$10.00 |
| Exit Lights Not Working Properly | \$50.00 |
| Emergency Lighting Not Working Properly | \$50.00 |
| Fire Stoppage/Penetration Violations | \$50.00 |
| Electrical Hazard Violations | \$100.00 |
| Combustibles Stored in Mechanical Rooms | \$500.00 |
| Failure to Service Fire Alarm(s) | \$500.00 |
| Failure to Service Sprinkler System(s) | \$500.00 |
| Failure to Service/Clean Commercial Kitchen Hoods | \$1,000.00 |
| Tampering, Obstructing, Hindering or Obstructing Access to Fire Service Features | \$1,000.00 |
| Violation of Occupancy Limitation | \$2,500.00 |
| Blocking Marked Exits | \$2,500.00 |
| Disabling Sprinkler System | \$2,500.00 |
| Open Burning | \$2,500.00 |
| Crossing Emergency Line or Limit | \$500.00 |
| Any Other Violation | Up to \$2,500.00 |

***** Amendment Form *****

Ordinance #: 08-10
Amendment #: 04
Submitted By: Councilmember Volan, District 6
Date: July 9, 2008

Proposed Amendment: Ord 08-10 shall be amended in the following manner:

- Chapter 18.12 shall be amended by deleting and replacing the title which shall now read:
Chapter 18.12

**FIRE PROTECTION EQUIPMENT, COMMERCIAL KITCHENS, FIRE LANES,
AND OTHER FIRE PROTECTION MEASURES**

- Section 18.12.040 entitled "Emergency Exit Markings" shall be inserted in the Table of Contents and body of the ordinance and shall read as follows:

18.12.40 Emergency Exit Markings

All exit doors used solely for emergency egress serving areas of assembly with occupancy loads of over fifty but less than one thousand persons shall be framed by a swath of luminescent or reflective tape or paint no less than three inches in width. This luminescent paint or tape shall be of a color that contrasts with the color of adjacent surfaces.

- Section 18.20.010 entitled "Penalties" shall be amended by inserting the following violation and fine:

| Fire Prevention Code | Fine |
|---|-------------|
| Failure to Properly Mark Emergency Exit Doors (BMC 18.12.040) | \$50.00 |

Synopsis

This amendment would require exit doors used solely for emergency egress in areas of assembly with occupancy loads of over fifty but less than one thousand persons (e.g. bars, restaurants, meeting rooms, performance venues, etc.) to be framed with luminescent or reflective tape or paint in a color that contrasts with adjacent surfaces. It addresses the natural tendency of occupants to leave the way they entered by helping occupants identify and use exits other than the main entrance in the event of an emergency. The fine for the first violation of this requirement would be \$50 and double for second and subsequent offenses that occur within 12 months of the first up to a maximum of \$7,500.

6/25/08 Committee Action: N/A
7/2/08 Regular Session Action: N/A
7/16/08 Regular Session Action: Pending

July 9, 2008

*** Amendment Form ***

Ordinance #: 08-10
Amendment #: 05
Submitted By: Councilmember Volan, District 6
Date: July 9, 2008

Proposed Amendment: Ord 08-10 shall be amended in the following manner:

1. Chapter 18.12 shall be amended by deleting and replacing the title which shall now read:

Chapter 18.12

**FIRE PROTECTION EQUIPMENT, COMMERCIAL KITCHENS, FIRE LANES,
AND OTHER FIRE PROTECTION MEASURES**

2. Section 18.12.050 entitled Exit Announcements shall be inserted in the Table of Contents and body of the ordinance and shall read a follows:

18.12.050 Exit Announcement

The business operator or agent shall make an announcement in any “regulated place of amusement or entertainment” (as defined in 675 I.A.C. 12-9-2) with an occupant limit over fifty but below one thousand persons where alcohol is served and a performance or show occurs. The announcement must be made immediately before the main performance or show and use the following language:

"If you ever have to leave this building because of an emergency, you don't have to go out the way you came in. This building has [a]_____ total marked exits. [b]_____ exits are emergency-only, located in the [c]_____ walls [*said while pointing at the exits*]. Remember that there is more than one way to exit these premises in an emergency. Please take a look around now, to make sure you know where all the exits are, before you enjoy the show."

Where:

[a] is the total number of marked exits in the building.

[b] is the number of marked exits that are emergency-only.

[c] is as many of the words, "North" "South" "East" "and" "West" as applicable to describe the location(s) of the door(s).

3. Section 18.20.010 entitled “Penalties” shall be amended by inserting the following violation and fine:

| Fire Prevention Code | Fine |
|-----------------------------------|----------|
| Failure to Give Exit Announcement | \$100.00 |

Synopsis

This amendment requires the business operator or agent to announce the location of the emergency exits immediately prior to the main performance in “regulated places of amusement or entertainment” with occupancy limits of over 50 but below 1,000 persons where alcohol is served and performances or shows occur. Please note that the foregoing places with occupancy loads exceeding 1,000 persons already are required to have an automated voice recording locating exits in the event of an emergency.

6/25/08 Committee Action: N/A
7/2/08 Regular Session Action: N/A
7/16/08 Regular Session Action: Pending
July 10, 2008

***** Amendment Form *****

Ordinance #: 08-10
Amendment #: 06
Submitted By: Councilmember Volan, District 6
Date: July 9, 2008

Proposed Amendment: **Ord 08-10** shall be amended in the following manner:

- Chapter 18.12 shall be amended by deleting and replacing the title which shall now read:

Chapter 18.12

**FIRE PROTECTION EQUIPMENT, COMMERCIAL KITCHENS, FIRE LANES,
AND OTHER FIRE PROTECTION MEASURES**

- Section 18.12.060 entitled “Locked, Chained, or Inoperable Emergency Exits” shall be assigned the appropriate number, be inserted in the Table of Contents and body of the ordinance, and read as follows:

Section 18.12.060 Locked, Chained, or Inoperable Emergency Exits
No person shall lock, chain or otherwise render inoperable an emergency exit. Each exit where this occurs shall be treated as a separate violation.

- Section 18.20.010 part (c) shall be amended by deleting and replacing the second sentence which shall read as follows:

Except as set forth in the table, if a responsible party commits a second or subsequent violation of the same provision of this Chapter within twelve (12) months of the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in *Subsection 18.20.010(b)*.

- Section 18.20.010 shall be amended by deleting the Fine Schedule and replacing it with the following:

| Fire Prevention Code | Fine |
|--|--|
| Failure to Service Extinguishers | \$50.00 |
| Exit Lights Not Working Properly | \$50.00 |
| Emergency Lighting Not Working Properly | \$50.00 |
| Fire Stoppage/Penetration Violations | \$50.00 |
| Failure to Post Occupant Load | \$100.00 |
| Electrical Hazard Violations | \$100.00 |
| Combustibles Stored in Mechanical Rooms | \$500.00 |
| Failure to Service Fire Alarm(s) | \$500.00 |
| Failure to Service Sprinkler System(s) | \$500.00 |
| Crossing Emergency Line or Limit | \$500.00 |
| Failure to Service/Clean Commercial Kitchen Hoods | \$1,000.00 |
| Tampering, Obstructing, Hindering or Obstructing Access to Fire Service Features | \$1,000.00 |
| Violation of Occupancy Limitation | \$2,500.00 |
| Blocking Any Marked Exit | \$2,500.00 |
| Disabling Sprinkler System | \$2,500.00 |
| Open Burning | \$2,500.00 |
| Locking, Chaining or Rendering Inoperable Any Marked Exit | \$2,500.00 (\$7,500 for second and subsequent violation within 12 months of the first violation) |
| Any Other Violation | Up to \$2,500.00 |

Synopsis

This amendment makes five changes to Section 18.20.010 (Penalties and Appeals) and one change to Chapter 18.12 (Fire Protection Equipment, etc.) First, it raises the fine for failure to service extinguishers from \$10 to \$50. Second, it raises the fine for failure to post occupant loads from \$10 to \$100. Third, it changes the line concerning blocked exit to read “Blocking Any Marked Exit” in order to establish that the violation applies to each exit door that is blocked. Fourth, it inserts a new violation entitled “Locking, Chaining, or Rendering Inoperable Any Marked Exit,” sets the fine for first violation at \$2,500 and the fine for second and subsequent violations with 12 months at \$7,500, and makes that fine apply to each exit where the violation occurs. The amendment also creates a separate violation in Chapter 18.20 entitled “Locked, Chained or Inoperable Exits.” Fifth, it shifts the line for “Crossing Emergency Fire Line or Limit” so that it appears with other violations with a \$500 fine.

6/25/08 Committee Action: N/A
7/2/08 Regular Session Action: N/A
7/16/08 Regular Session Action: Pending

July 9, 2008

Current Language in Section 18.20.010

18.20.010 Penalties

(a) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this Chapter. A violation continues to exist until corrected.

(b) Any violation of this Chapter shall be subject to a civil penalty of not more than two thousand five hundred dollars (\$2,500.00) for each such violation, and not more than seven thousand five hundred dollars (\$7,500.00) for the second and any subsequent violation within twelve months of the first violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(c) The following violations of this Chapter shall be subject to the fines listed in the table below for the first offense. In addition, if a responsible party commits a second or subsequent violation of the same provision of this Chapter within twelve (12) months of the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in *Subsection 18.20.010(b)*. (For example, a violation that is subject to a one hundred dollar (\$100.00) fine per the table will be subject to a two hundred dollar (\$200.00) fine for the second offense, a four hundred dollar (\$400.00) fine for the third offense, and so forth.)

| Fire Prevention Code | Fine |
|--|------------------|
| Failure to Post Occupant Load | \$10.00 |
| Failure to Service Extinguishers | \$10.00 |
| Exit Lights Not Working Properly | \$50.00 |
| Emergency Lighting Not Working Properly | \$50.00 |
| Fire Stoppage/Penetration Violations | \$50.00 |
| Electrical Hazard Violations | \$100.00 |
| Combustibles Stored in Mechanical Rooms | \$500.00 |
| Failure to Service Fire Alarm(s) | \$500.00 |
| Failure to Service Sprinkler System(s) | \$500.00 |
| Failure to Service/Clean Commercial Kitchen Hoods | \$1,000.00 |
| Tampering, Obstructing, Hindering or Obstructing Access to Fire Service Features | \$1,000.00 |
| Violation of Occupancy Limitation | \$2,500.00 |
| Blocking Marked Exits | \$2,500.00 |
| Disabling Sprinkler System | \$2,500.00 |
| Open Burning | \$2,500.00 |
| Crossing Emergency Line or Limit | \$500.00 |
| Any Other Violation | Up to \$2,500.00 |

In the Council Chambers of the Showers City Hall on Wednesday, JULY 9, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
JULY 9, 2008

Roll Call: Mayer, Rollo, Ruff, Sandberg, Satterfield, Volan, Wisler
Absent: Piedmont, Sturbaum

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of February 20, 2008 and April 2, 2008 were approved by a voice vote.

APPROVAL OF MINUTES

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST
READING

Ordinance 08-11 To Amend the Preliminary Plan for the Woolery Planned Unit Development (PUD) to Allow an Additional 19 Dwelling Units on Woolery Parcel D -- Re: 2770 S. Adams St. (Monroe House, Petitioner)

Ordinance 08-11

The meeting was adjourned at 7:36 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington