



City of Bloomington Common Council

Legislative Packet

Regular Session

followed by

Committee of the Whole Discussion

07 March 2007

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Final Action:

- **Res 07-01** To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2007
Contact: Lisa Abbott at 349-3576 or abbottl@bloomington.in.gov
 - Please see the [Legislative Packet](#) issued for the Council meeting on 28 February 2007.
- **Ord 07-03** To Amend Title 8 “Historic Preservation and Protection” and Title 17 “Construction Regulations” of the Bloomington Municipal Code – Re: To Implement Revisions to the Demolition Delay Ordinance, Including Enforcement Provisions, as Provided by the Bloomington Unified Development Ordinance and Codifying the Adoption of the 2001 City of Bloomington Survey of Historic Sites and Structures
Contact: Tricia Bernens at 349-3426 or bernenst@bloomington.in.gov
 - Please see the [Legislative Packet](#) issued for the Council meeting on 21 February 2007.

Legislation and Background for First Readings:

None

Legislation and Background Material for Discussion at the Committee of the Whole on March 7th:

- **Res 07-02** To Extend Interlocal Cooperation Agreements Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction and Building Code Authority
 - Memo from Tricia Bernens, City Attorney; Interlocal Agreement Regarding Planning and Zoning; Exhibit A (Map of AIFA); Interlocal Agreement Regarding Building Code Authority*Contact: Tricia Bernens at 349-3426 or bernenst@bloomington.in.gov*

Minutes for Regular Sessions:

None

Memo

Chair: Councilmember Volan

Regular Session Immediately Followed by Committee of the Whole on Wednesday, March 7th

*Where Two Items are Ready for Final Action at the Regular Session and
One Item is Ready to be Discussed at the Committee of the Whole*

The Council will hold two meetings on Wednesday, March 7th because the following Wednesday falls during Spring Break - when many constituents are out of town. The first will be a Regular Session where two items from previous packets will be ready for final action and the second will be a Committee of the Whole where one item found in this packet will be ready for discussion.

Res 07-02 Approves Interlocal Agreements with the County Regarding the Planning and Zoning Jurisdiction as well as the Administration of Building Permit Program

Res 07-02 approves two interlocal agreements with the County covering planning and zoning jurisdiction as well as the administration of the building permit program. The history of these agreements dates back to 1996 when the County obtained and asserted its authority over the former two-mile fringe - an area outside the City boundaries that was under our planning and zoning jurisdiction. As part of the same agreement, the two parties also agreed to centralize the administration of the building codes so that the County would perform those functions for the properties within the City as well as the County. Since then, that Agreement was extended and divided into two agreements: one regarding planning and zoning and the other regarding building permits. These agreements are scheduled to expire at the end of the month and now will be extended for five years.

Before discussing the particulars of each of these agreements, it should be noted that they share similar language. Namely both: provide for the future modification of the agreements and liberal interpretation of their terms; recognize that each is contingent upon the appropriation of funds; and, require that cooperation not be unreasonably withheld.

Regarding Planning and Zoning Jurisdiction

One agreement allows the City to retain planning, zoning, and subdivision control over areas outside of our corporate boundaries for another five years (until March 31, 2012). These areas are known as "Areas Intended for Annexation" (AIFA) and include isolated properties surrounded by the City as well as property on the City's periphery. It is scheduled for approval by the Commissioners on March 30, 2007.

AIFA Five years ago, the City redrew the boundaries of the AIFA out of deference to county officials, who wanted assurances that the residents of these areas would soon come into the City and be represented by City officials. Under the terms of that Agreement the City agreed to adopt ordinances annexing AIFA properties within the period of the agreement. At this point, the City has not completed that annexation schedule and, while the new agreement retains the term AIFA for the areas outside our corporate limits which have not been annexed, it now dispenses with the time-line for their annexation.

Former Fringe. Under terms of the agreement, the County will enforce any existing City approvals in the former two-mile fringe, but will be able to change those approvals by following the usual state and local procedures.

Cooperation and Coordination. The City and County agree that their respective Planning Commissions *may*, rather than *will* meet periodically "hold joint work sessions for the purpose of facilitating discussion about planning and zoning issues of mutual interest and concern." This change acknowledges that the parties feel comfortable with the present level of cooperation and have not been meeting as called for in the Agreement.

Regarding Building Code Authority

The other Agreement with the County gives them the authority over the administration of building codes for another five years. These codes include the State building, plumbing, electrical, mechanical, energy conservation, swimming pool and fire safety codes, but do *not* include the City's planning, zoning, and subdivision regulations. Except for changing the term of the Agreement from four to five years, the document remains unchanged.

In brief, the other terms of the Agreement provide for the following:

- The Monroe County Building department will process all permits and fees related to the building codes.

- The City Planning Department will pick up and drop off permit materials every day until the County is able to transmit this information electronically.
- The Monroe County Building department shall not to issue a building permit within the City's planning jurisdiction without receiving a Certificate of Zoning Compliance and without transcribing the conditions onto the permit. They shall not issue any occupancy permit without requiring compliance with the conditions of the permit.
- The City will be responsible for determining zoning compliance and the County must e-mail any notice of certificate of occupancy permit to the City in order to allow for simultaneous inspections.
- For residential rental property within the corporate limits, the County may not issue any type of permit that changes the disposition of the structure until the HAND department has reviewed and released the application and cannot issue a Certificate of Occupancy until there is proof of compliance with the Property Maintenance Code.
- The County will waive fees for affordable housing projects within the City as provided by BMC 17.08.050(c).
- The County will cooperate with the City in sharing GIS information. This will entail handling and transmitting permit-related data to the City in a manner that meets the City's needs, yet accounts for the County's capabilities.
- The County will notify the appropriate Fire department of pertinent applications and transcribe all the requested notations onto the temporary and permanent Certificates of Occupancy. The County will also notify the City Fire Department of all applications for variance from the fire code regarding properties within the City.
- The County shall inspect permit activity in areas between buildings and the connection to the City's main or meter, and determine compliance with applicable ordinances and regulations.
- The County shall issue Stop Work Orders upon the written request of the City Planning Director, Manager of Engineering Services, or the Director of HAND. These orders will be used to stop construction activity when there has been a violation of the zoning or subdivision ordinance or in those circumstances when the matter will be presented to the Board of Zoning Appeals. The party whose ordinance(s) have been violated will then be responsible for enforcing the violation.

**NOTICE AND AGENDA FOR
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION & COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, MARCH 7, 2007
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON**

REGULAR SESSION

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. APPROVAL OF MINUTES FOR:** None
- 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. Resolution 07-01 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2007

Committee Recommendation: Do Pass 6 – 0 – 2

2. Ordinance 07-03 To Amend Title 8 “Historic Preservation and Protection” and Title 17 “Construction Regulations” of the Bloomington Municipal Code – Re: To Implement Revisions to the Demolition Delay Ordinance, Including Enforcement Provisions, as Provided by the Bloomington Unified Development Ordinance and Codifying the Adoption of the 2001 City of Bloomington Survey of Historic Sites and Structures

Committee Recommendation: Do Pass 7 – 0 – 1

VII. LEGISLATION FOR FIRST READING

None

VIII. PRIVILEGE OF THE FLOOR

IX. ADJOURNMENT

COMMITTEE OF THE WHOLE

Chair: Steve Volan

1. Resolution 07-02 To Extend Interlocal Cooperation Agreements Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction and Building Code Authority

Asked to Attend: Tricia Bernens, City Attorney

City of
Bloomington
Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402



Office of the Common Council

(p:) 812.349.3409

(f:) 812. 349.3570

council@bloomington.in.gov

www.bloomington.in.gov/council

To: Council Members

From: Council Office

Re: Calendar for the Week of March 5-9, 2007

Monday, March 5, 2007

10:00 am Safe Routes to School Taskforce, McCloskey
10:00 am Bloomington United, Hooker Room
2:30 pm *Livable Cities* with Dr. Norman Garrick on street design and transportation, Council Chambers
3:00 pm Economic Development Commission, Hooker Room
4:30 pm Plat Committee, Hooker Room
5:00 pm Redevelopment Commission, McCloskey
5:00 pm Utilities Service Board, IU Research-North Showers, 501 N. Morton Street 100B
5:30 pm Bicycle & Pedestrian Safety Commission Work Session, Hooker Room
5:30 pm Plan Commission, Council Chambers

Tuesday, March 6, 2007

1:30 pm Development Review Committee, McCloskey
4:00 pm Human Rights Commission Awards Ceremony, Council Chambers
5:30 pm Bloomington Public Transportation Corporation, Transportation Center, 130 W. Grimes Lane
5:30 pm Board of Public Works, Council Chambers
6:00 pm Bloomington Commission on Sustainability, McCloskey
6:00 pm Neighborhood Improvement Grant Public Hearing, Hooker Room
7:00 pm *Gliding the Globe Spring Ice Show*, Frank Southern Ice Arena, 1965 S. Henderson St.
7:30 pm Telecommunications Council, Council Chambers

Wednesday, March 7, 2007

11:30 am *Women's History Month Lunch 2007*, Convention Center of Bloomington-Monroe County, 302 S. College Ave.
7:30 pm Common Council Regular Session immediately followed by Committee of the Whole Meeting, Council Chambers

Thursday, March 8, 2007

12:00 pm Safe Routes to School, Hooker Room
12:00 pm Housing Network, McCloskey
12:00 pm Bloomington Urban Enterprise Association, Kelly
3:30 pm Bloomington Historic Preservation Commission, McCloskey
6:00 pm *Women in Government Reception*, City Hall Atrium

Friday, March 9, 2007

1:30 pm Metropolitan Planning Organization Technical Advisory Committee & Policy Committee, McCloskey

RESOLUTION 07--02

TO EXTEND INTERLOCAL COOPERATION AGREEMENTS BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA IN REGARD TO PLANNING AND ZONING JURISDICTION AND BUILDING CODE AUTHORITY

- WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation agreements; and
- WHEREAS, Indiana Code § 36-7-4-205 authorizes a municipality to exercise planning and zoning jurisdiction over unincorporated areas within two (2) miles of the corporate boundaries, with permission of the County; and
- WHEREAS, it is prudent, rational, and in the best interests of the citizens that the City of Bloomington maintain planning and zoning jurisdiction over certain unincorporated areas that are surrounded by or immediately adjacent to areas that are within the corporate boundaries of the City, which areas are known as “Areas Intended for Annexation” or “AIFA”; and
- WHEREAS, City planning and zoning jurisdiction outside the corporate boundaries is currently provided by authority of an Interlocal Cooperation Agreement between the parties that was approved by Common Council Resolution 96-33 and extended to and until March 31, 2007 by Common Council Resolution 02-09; and
- WHEREAS, the parties have agreed to extend the terms and conditions of the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction* to allow continuation of the City’s planning and zoning jurisdiction over those areas known as “Areas Intended for Annexation” or “AIFA”; and
- WHEREAS, the City of Bloomington and Monroe County, Indiana, also believe that it is in the best interests of the citizens of Monroe County for the Building Code administration and enforcement function throughout the County to remain centralized; and
- WHEREAS, Monroe County, Indiana currently performs this function county-wide by authority of the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana Regarding Building Code Authority* which was approved by Common Council Resolution 96-33 and extended to and until March 31, 2007 by Common Council Resolutions 02-10 and 02-38; and
- WHEREAS, The parties have agreed that it is in the public interest to extend the terms and conditions of both the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction* and the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana Regarding Building Code Authority* for an additional period of five (5) years, to and until March 31, 2012;

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

SECTION I. The *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction*, and the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana Regarding Building Code Authority*, as modified to reflect the agreement of the parties regarding extension thereof to and until March 31, 2012, and attached hereto and incorporated herein, are hereby approved.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2007.

DAVE ROLLO, President
Common Council

SIGNED and APPROVED by me upon this _____ day of _____, 2007.

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution extends the current terms and conditions of two Interlocal Cooperation Agreements between the City and Monroe County for an additional five years or through March 31, 2012. One Agreement authorizes the City to exercise planning and zoning jurisdiction over certain unincorporated areas that are surrounded by or immediately adjacent to areas that are within the corporate boundaries of the City. The other Agreement will continue the County's centralized enforcement and administration of the Building Code throughout the County.



INTERDEPARTMENTAL MEMO
CITY OF BLOOMINGTON LEGAL DEPARTMENT

TO: Members of the Common Council

FROM: Patricia S. Bernens, City Attorney

**RE: Resolution 07-02, Regarding Interlocal Cooperation Agreements
between City and County in regard to Planning and Zoning
Jurisdiction and Building Code Authority**

DATE: March 2, 2007

Resolution 07-02 would approve a five year extension of the current Interlocal Cooperation Agreements with Monroe County regarding City planning and zoning jurisdiction outside of the corporate boundaries and County administration and enforcement of Building Code throughout the County.

As you know, when the County adopted its new comprehensive plan in 1996, the County acquired the power under state law to terminate the City's longstanding planning and zoning jurisdiction in the two-mile fringe surrounding the corporate boundaries. In 1996, the Common Council approved an interlocal agreement that provided for the City to retain planning and zoning jurisdiction in a portion of the former fringe known as the Areas Intended for Annexation or "AIFA." The AIFA included areas adjacent to the City that the City believed it would logically someday annex. It also included some areas surrounded by the City and others in which the owners had asked to remain in City zoning jurisdiction.

The 1996 Interlocal Agreement also provided for the County to take over building code enforcement in the entire county, including corporate boundaries and unincorporated City zoning jurisdiction. Later versions of this Agreement have included the current arrangement whereby the County collects and remits to the City a processing fee set by the City Plan Commission to help defray the City's administrative costs of permit review within the City planning and zoning jurisdiction.

The original 1996 Interlocal Agreement was set to expire on December 31, 2001. It was extended by agreement of the parties, and further extended in 2002, at which time the original Agreement was separated into a planning agreement and a building code agreement, at the County's request, and both were extended to and until March 31, 2007.

Resolution 07-02 provides for a further five-year extension of both Agreements, to and until March 31, 2012. Exhibit A to the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in regard to Planning and Zoning*

Jurisdiction, is a map depicting the area outside the corporate boundaries over which the City will retain planning and zoning jurisdiction pursuant to the Agreement, still referred to in the documents as “AIFA.” This area is smaller than the area shown on the map attached to the current Agreement due to the City’s annexations during the past five years; no new areas have been added to the map.

Both Agreements have been modified to reflect a five-year extension. The Planning and Zoning Agreement has also been modified as follows:

- to revise the definition of “AIFA” in Part 1; and
- in Part 3 (C), to modify the *requirement* for quarterly joint meetings of the two Plan Commissions, as a result of a request from County Planning. Both City and County Planning Directors agree that quarterly joint meetings are not necessary but rather should be held when and as circumstances warrant.

Please do not hesitate to contact me if you have questions or concerns in advance of your meetings on this matter.

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF BLOOMINGTON AND MONROE COUNTY,
INDIANA IN REGARD TO PLANNING AND ZONING
JURISDICTION**

WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and

WHEREAS, Indiana Code § 36-7-4-205 authorizes a municipality to exercise planning and zoning jurisdiction in unincorporated areas within two (2) miles of the corporate boundaries, with permission of the County; and

WHEREAS, the governmental entities have determined that it is prudent, rational, and in the best interests of the citizens for the City to exercise planning and zoning jurisdiction over certain unincorporated areas that are surrounded by or immediately adjacent to areas within the City boundaries, to be known as “Areas Intended for Annexation” or “AIFA;” and

WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively provide the transfer of powers between the City of Bloomington and Monroe County.

NOW, THEREFORE, City of Bloomington and Monroe County, Indiana, hereby agree as follows:

Part 1. Definitions.

“AIFA” or “Areas Intended for Annexation” means the area shown on the map of the Bloomington area, attached hereto and incorporated herein as Exhibit A, over which the City of Bloomington will exercise City Zoning Jurisdiction pursuant to this Agreement. Any area outside the corporate boundaries that is not identified on Exhibit A as within City Zoning Jurisdiction will be subject to County Zoning Jurisdiction.

“City Zoning Jurisdiction” means the City zoning ordinance applies and the City administers and enforces its ordinance. The term "zoning jurisdiction" also includes applicability, administration and enforcement of the City subdivision ordinance.

“County Zoning Jurisdiction” means the County zoning ordinance applies and the County administers and enforces its ordinance. The term "zoning jurisdiction" also includes applicability, administration and enforcement of the County subdivision ordinance.

“Two- Mile Fringe” refers to the unincorporated area of the County over which the City exercised zoning jurisdiction pursuant to Ordinance 1967-1 between 1967 and January 1, 1997.

Part 2. Zoning Jurisdiction.

- A. The County authorizes the City to exercise planning, zoning, and subdivision jurisdiction in the AIFA, as that area is defined herein and described in Exhibit A.
- B. The County shall adopt all valid City approvals rendered in the Two–Mile Fringe, unless and until such approvals have been amended or vacated pursuant to County procedures. In any area that is or hereafter becomes a part of the County Zoning Jurisdiction, the County shall also administer and enforce said approvals. Approvals shall include any and all approvals previously rendered by: the Plan Commission, including Planned Unit Developments (PUD’s), site plan approvals, and subdivisions; the BZA, including variances and conditional uses; the Plat Committee; and the Hearing Officer. County has insured that there will be no lapse of zoning for any part of the Two-Mile Fringe as a result of this Agreement, by virtue of Chapter 833 of the Monroe County Zoning Ordinance.

Part 3. Recitals of Commitment, Purpose, Duration and Renewal of Agreement.

- A. The level of cooperation recited in this agreement is intended to exist in perpetuity for the efficient and effective delivery of governmental services to the citizens of Monroe County. However, the parties recognize that modifications may be required, either to the Interlocal Cooperation Agreement itself, or to the practices and procedures that bring the recitals contained within this document to fruition.
- B. The term of this Agreement shall be for five (5) calendar years, commencing on April 1, 2007, and ending on March 31, 2012. This Agreement may be renewed by mutual agreement of the parties for an appropriate term of years. Upon termination of this Agreement or any extension or renewal hereof, the County Zoning Jurisdiction shall include all unincorporated areas of Monroe County, Indiana, and shall be regulated according to all zoning provisions set forth in Chapter 833 of the Monroe County Zoning Ordinance, which includes but is not limited to all incorporated City zoning ordinances, and by the Monroe County Subdivision Control Ordinance.
- C. The City and County Departments affected by the terms of this Agreement will continue to communicate and cooperate together to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of Monroe County, Indiana. In particular, the parties agree that the City and County Plan Commissions may hold joint work sessions for the purpose of facilitating discussion about planning and zoning issues of mutual interest and concern.

Part 4. Interpretation and Severability.

- A. Because the jurisdictional approach set forth in this Agreement departs from current practice, the parties acknowledge and agree that this Agreement shall be liberally construed so that the parties can cooperatively address unforeseen problems through the implementation of policies, with minimal need for Agreement amendment.
- B. If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Part 5. Approval, Consent and/or Cooperation.

Wherever this Agreement requires the approval, consent and/or cooperation of a party (or parties), said approval, consent and/or cooperation shall not be unreasonably withheld.

Part 6. Appropriation of Funds.

The parties acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by their respective councils. The parties agree to make a good faith effort to obtain all necessary appropriations from their councils and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

SO AGREED this ____ day of _____, 2007.

CITY OF BLOOMINGTON, INDIANA

ATTEST:

MARK KRUZAN, Mayor

REGINA MOORE, City Clerk

MONROE COUNTY, INDIANA

ATTEST:

IRIS F. KIESLING, President
Monroe County Commissioners

SANDRA M. NEWMAN, Auditor

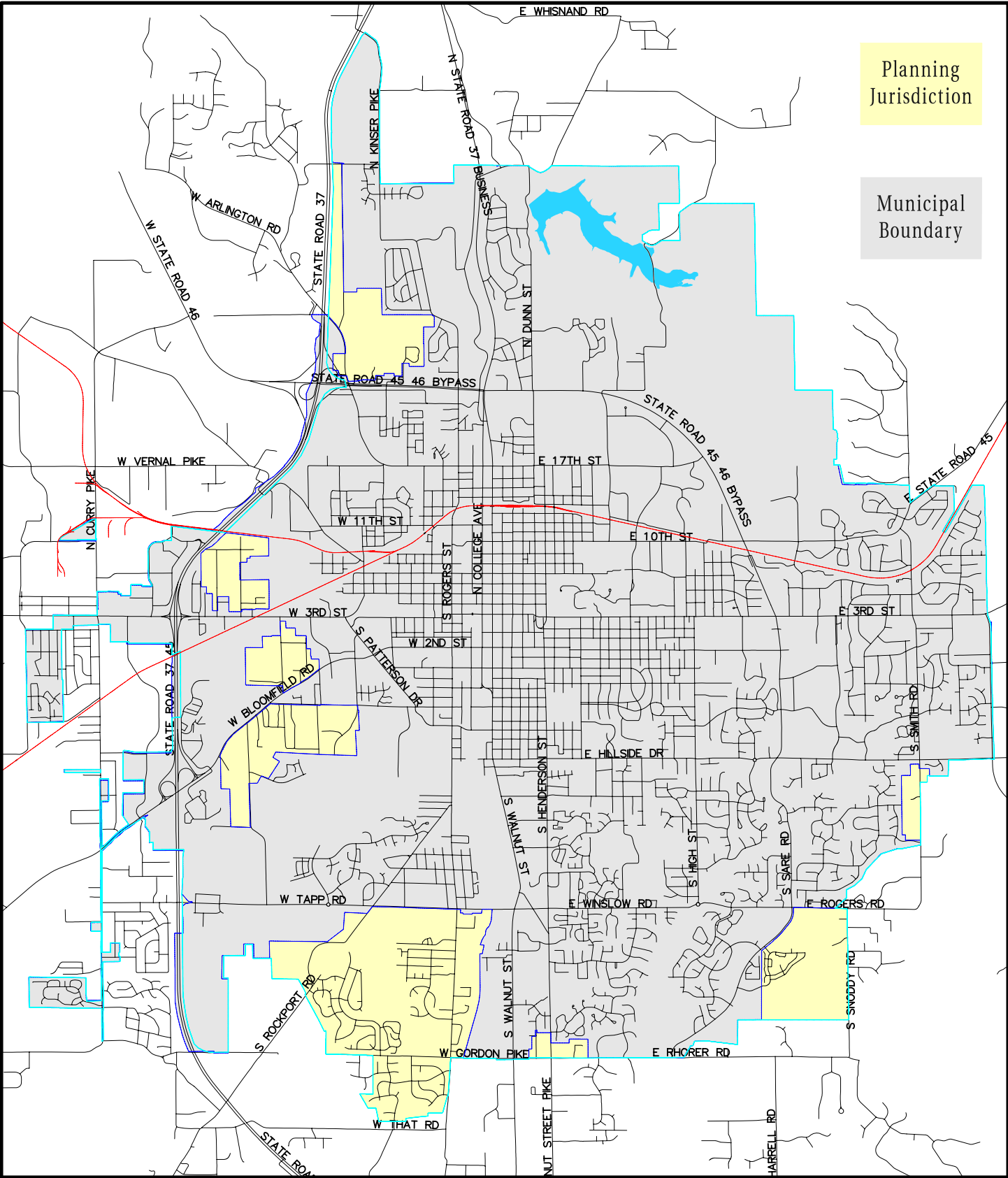
JOYCE B. POLING, Vice President
Monroe County Commissioners

PATRICK STOFFERS, Commissioner
Monroe County Commissior

Approved this _____ day of _____, 2007, by the City of
Bloomington Common Council.

DAVE ROLLO, President
Bloomington Common Council

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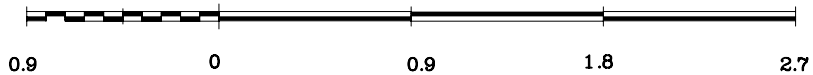
Planning
Jurisdiction

Municipal
Boundary

City of Bloomington, Indiana

Exhibit A

Scale: 1 inch = 0.9 miles



Feb 19, 2007

For use as map information only, information is NOT warranted.



City of Bloomington
ITS Department



Geographic
Information System

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA
REGARDING BUILDING CODE AUTHORITY

WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through interlocal cooperation agreements; and

WHEREAS, in 1996, the City of Bloomington, Indiana (“City”), acting by and through its Mayor and its Common Council, and the County of Monroe, Indiana (“County”), acting by and through its Board of Commissioners and its County Council, determined that the interests of the citizens of Monroe County, Indiana, would be better served by coordinating and combining certain City and County building code services through an interlocal cooperation agreement; and

WHEREAS, in 1996, the City and the County entered into a five-year interlocal cooperation agreement, effective beginning April 1, 1997, that conferred County-wide Building Code administration authority on the Monroe County Building Department; and

WHEREAS, in March of 2002 said interlocal cooperation agreement was extended for a one year period, ending March 31, 2003, and in January of 2003, said interlocal cooperation agreement was extended for an additional four year period, ending March 31, 2007; and

WHEREAS, the City and the County have determined that it is more cost effective and convenient for the citizens of Monroe County, Indiana, to continue to have the authority, power and responsibility for local building code administration, including permit application processing, project inspection, and permit issuance vested in a single entity, the Monroe County Building Department; and

WHEREAS, this Interlocal Cooperation Agreement (“Agreement”) reflects the commitments and understandings agreed to by the City and the County in order to efficiently and effectively provide the transfer of powers between the City and the County;

NOW, THEREFORE, the City and the County hereby agree as follows:

Part 1. Definitions.

“**Building Permit**” shall include without limitation any permit for construction, remodeling, demolition, moving, plumbing, electrical, or any other permit that affects construction, demolition, use and/or occupancy of land, buildings or structures, provided that such permit is within the scope of “Building Code Jurisdiction” as defined herein.

“**Building Code Jurisdiction**” refers to applicability, administration and enforcement of City and County ordinances adopting state building, plumbing, electrical, mechanical, energy conservation, swimming pool, and fire safety codes; specifically, this term refers to Monroe County Code Chapter 430 and to those portions of Bloomington Municipal Code Title 17 that concern such State codes.

“City Zoning Jurisdiction Area” refers to those portions of the County over which the City, by law or by interlocal cooperation agreement, possesses planning, zoning, and subdivision control authority.

“County Zoning Jurisdiction Area” refers to those portions of the County over which the County, by law or by interlocal cooperation agreement, possesses planning, zoning, and subdivision control authority.

Part 2. Building Code Jurisdiction.

The Monroe County Building Department shall enforce all State building, plumbing, electrical, mechanical, energy conservation, and fire building safety codes, as adopted by City and County ordinances, within the corporate limits of the City, and within all other unincorporated areas of Monroe County, Indiana. The City will administer planning, zoning, subdivision, and historic preservation compliance functions within the City Zoning Jurisdiction Area, including, without limitation, the assignment of street addresses.

- A. The Monroe County Building Department shall accept building permit applications and will provide review, issue permits, receive fees, and provide inspections and enforcement, as required, for all buildings within the County in accordance with County Building Codes.
- B. City zoning compliance review and the issuance of a Certificate of Zoning Compliance (“CZC”) by the City are conditions precedent to the issuance of a building permit for any project located within the City Zoning Jurisdiction Area. For projects located within the City Zoning Jurisdiction Area, the County will collect the City Zoning Compliance Review Fee, in the amount established by the City, in addition to the County Building Permit Fee.
- C. The County will not issue a building permit for a project located within the City Zoning Jurisdiction Area unless and until a Certificate of Zoning Compliance has been issued for the project by the City. The County will transcribe the CZC conditions required by the City onto the building permit; and the County will require compliance with the conditions as part of any temporary or permanent Certificate of Occupancy issued for the project by the County.
- D. The City Planning Department will send a staff person to the Monroe County Building Department offices once a work day to pick up and return all permit application materials until such time as the Monroe County Building Department is able to electronically transmit such application materials directly to the City Planning Department. Both parties agree to make their best efforts to expedite the processing of permits under this agreement, and specifically, County agrees to insure that permit applications are ready to be picked up by the City Planning Department as soon as reasonably possible after receipt by the county, and City agrees to review and act upon all permit applications as soon as reasonably possible after receipt from the County.

- E. The City will inspect and enforce zoning and subdivision compliance and administer bonds within the City Zoning Jurisdiction Area. The Monroe County Building Department will e-mail the City Planning Department a Notice of Certificate of Occupancy Inspection to allow the City and the County inspections to take place simultaneously where reasonably possible. The County and the City will cooperate in providing information requested by the other party in a timely fashion.
- F. The County will not issue any construction, remodel, demolition, moving, or any other type of permit that might change the disposition of a structure to a residential rental within the corporate limits of the City until the City Code Enforcement Division (“HAND”) has completed plan review and released the application. The County will schedule all final inspections of those permits with HAND where reasonably possible. The County will not issue a Certificate of Occupancy to a residential rental property within the corporate limits of the City unless and until compliance with the City of Bloomington Property Maintenance Code has been determined by HAND.
- G. For projects located within the corporate limits of the City, the County agrees to recognize and enforce Section 17.08.050(c) of the Bloomington Municipal Code which provides for the waiver of fees under specified conditions for eligible affordable housing projects up to the amount of \$2,500.00 per year.
- H. In recognition of the City’s investment in the GIS mapping system, the County agrees to collect and verify GIS data for the City in a manner consistent with both the informational needs of the City and the information gathering and processing capabilities of the County. The County shall provide such data as is customarily obtained through building permit administration and planning subdivision approvals. The County will cooperate in enhancing its computer capability and compatibility for information exchange with the City.
- I. The County will notify the appropriate Fire Department for fire code inspections and shall transcribe all notations requested by the Fire Department, with jurisdiction over the project area, on to temporary and permanent Certificates of Occupancy. The County will notify the City Fire Department to coordinate review, response, and comment to the State Fire and Building Safety Commission regarding all applications for variance within the corporate boundaries of the City.
- J. The County shall inspect for compliance with all City of Bloomington Utilities regulations and any City ordinances governing construction/connection of utilities related to permit activity between the building and the connection to City’s meter or main.
- K. The County shall issue stop work orders on Building Permits issued by the County where violations of applicable City zoning/subdivision or historic preservation regulations, including erosion control, would result from continued construction activity, or where work is stayed due to an appeal to the Board of Zoning Appeals as provided in Indiana

Code § 36-7-4-1001. The County shall issue such stop work order upon written request of the City Planning Director, the Manager of Engineering Services, or the Director of Housing and Neighborhood Development. Enforcement action shall be taken by the governmental entity whose ordinances or conditions of approval have been violated.

Part 3. Recitals of Commitment, Purpose, Duration, and Renewal of Agreement.

- A. The level of cooperation recited in this Agreement is intended to exist in perpetuity for the efficient and effective delivery of governmental services to the citizens of Monroe County. However, the parties recognize that modifications may be required, both to the Agreement itself, or to the practices and procedures that bring the recitals contained within this document to fruition.
- B. The County will collect the City Zoning Compliance Review Fee specified by the City, pursuant to Part 2, Paragraph B of this Agreement, and will transmit the collected fees to the City on a quarterly basis. Payments to the City will be made as promptly as possible after April 1, July 1, October 1, and January 1 of each year of this Agreement, allowing for the County's claim processing procedures. No other payments will be due to the City, from the County, under this Agreement.
- C. The term of this Agreement shall be for five (5) years, commencing on April 1, 2007, and ending on March 31, 2012. This Agreement may be renewed by mutual agreement of the parties for an appropriate term of years.
- D. The City and County departments affected by the terms of this Agreement will continue to communicate and cooperate together to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of Monroe County, Indiana.

Part 4. Interpretation and Severability.

- A. Because the jurisdictional approach set forth in this Agreement departs from current practice, the parties acknowledge and agree that this Agreement shall be liberally construed so that the parties can cooperatively address unforeseen problems through the implementation of policies, with minimal need for Agreement amendment.
- B. If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void, or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Part 5. Approval, Consent and/or Cooperation.

Whenever this Agreement requires the approval, consent and/or cooperation of a party (or parties), said approval, consent and/or cooperation shall not be unreasonably withheld.

Part 6. Appropriation of Funds.

The parties acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by their respective councils. The parties agree to make a good faith effort to obtain all necessary appropriations from their councils and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

SO AGREED this _____ day of _____, 2007.

MONROE COUNTY, INDIANA

CITY OF BLOOMINGTON, INDIANA

IRIS F. KIESLING, President
Monroe County Board of Commissioners

MARK KRUZAN, Mayor

MICHAEL WOODS, President
Monroe County Council

DAVE ROLLO, President
Bloomington Common Council

ATTEST:

ATTEST:

SANDRA M. NEWMAN, Auditor

REGINA MOORE, City Clerk