

**City of
Bloomington
Indiana**



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

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
email: council@city.bloomington.in.us

To: Council Members
From: Council Office
Re: Weekly Packet
Date: March 28, 2003

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

Notice of USB Rate Group Meeting on Tuesday, April 1, 2003 at 6:00 p.m. at the Utilities Services Center (Council has been invited and a quorum may be present)

Notice of Demolition Advisory Review Committee Meeting on Wednesday, April 9, 2003 at 4:00 p.m. in the Council Chambers

Reports

Annual Tax Abatement Report

Legislation for Final Action:

Ord 03-09 To Establish the Wireless Enhanced 911 Non-Reverting Fund

(Please see the March 21st packet for legislation, summary, and other materials)

Contact: Tom Guevara at 349-3412 or guevarat@city.bloomington.in.us

Ord 03-10 An Ordinance Concerning the Refunding By the City of Bloomington of Its Waterworks Refunding Revenue Bonds of 1993 and Its Waterworks Revenue Bonds of 1995; Authorizing the Issuance of Waterworks Refunding Revenue Bonds for Such Purpose; Providing for the Collection, Segregation and Distribution of the Revenues of the Waterworks and the Safeguarding of the Interests of the Owners of the Waterworks Refunding Revenue Bonds Authorized Herein; Other Matters Connected Therewith; And Repealing Ordinances Inconsistent Herewith

(Please see the March 21st packet for legislation, summary, and other materials)

(Please Note that Copies of the Purchase Agreement, Escrow Agreement, Continuing Disclosure Undertaking Agreement are Available in the Council Office and Will be Attached to the Ordinance)

Contact: Mike Phillips, Director of Utilities at 349-3650 or phillipm@city.bloomington.in.us

Vickie Renfrow, Assistant City Attorney at 349-3426 or renfrowv@city.bloomington.in.us

Legislation and Background Material for First Reading:

Ord 03-08 To Amend Title 16 of the Bloomington Municipal Code Entitled “Housing Inspection” (Repealing and Reenacting Chapter 16.04 (Property Maintenance Code) and Amending Portions of Chapter 16.12 (Housing Quality))

- Memo from Susie Johnson, Acting Director of HAND Department; Current Version of Chapter 16.04 (Property Maintenance Code); Chapter 16.12 (Housing Quality) with Amendments Noted by Strikeout and Bold Text

Contact: Susie Johnson at 349-3510 or johnsons@city.bloomington.in.us, or Michael Flory at 349-3551 or florym@city.bloomington.in.us.

Minutes from Regular Session:

None

Memo

Annual Tax Abatement Report and Two Ordinances Ready for Final Action, and One Ordinance Ready for First Reading at Regular Session on Wednesday, April 2, 2003

Yes, there is a Council meeting next Wednesday night. It's the regularly scheduled first Regular Session in April and should, thankfully, be fairly short. It will include the Annual Tax Abatement Report, two ordinances ready for final action, and one ordinance ready for first reading. The two ordinances ready for final action can be found in the March 21st packet and the other items can be found in this packet. A brief listing of the agenda items appears below and is followed by a summary of the report and new ordinance:

Reports - Mayor's and City Offices

Annual Tax Abatement Report

Items Ready for Final Action - April 2nd Regular Session *(Please note that these items did not receive a committee discussion)*

Ord 03-09 Establishing an Enhanced Wireless 911 Non-Reverting Fund from Revenues Paid by Mobile Phone Subscribers in order to Reimburse City for Costs Related to the Enhanced Service

Ord 03-10 Authorizing the Refunding of the Waterworks Utility Bonds of 1993 and 1995 in Order to Lower Debt Service

Items Ready for Introduction - April 2nd Regular Session

Ord 03-08 Repealing and Reenacting Chapter 16.04 (by Updating Property Maintenance Code) and Amending Portions of Chapter 16.12 (Housing Quality)

Annual Tax Abatement Report

Nathan Hadley will present the annual report of tax abatements to the Council next Wednesday night during Reports from the Mayor's Office. This report includes a review of the forms filed by current beneficiaries of tax abatements showing their compliance with the statement of benefits.

Report on Statement of Benefits

Every year property owners who are receiving a tax abatement must submit forms (CF-1s) to the City Council showing their compliance with the Statement of Benefits form. This form was originally presented to the Council at the time these owners or their predecessors requested the abatement, and contains their commitments regarding the benefits the project will provide to the public.

Nathan has assembled the compliance forms on about 30 tax abatements, prepared the report, and took it to the Economic Development Commission on March 28th. While the report notes that a few recipients have not yet file their forms, it recommended finding them all in substantial compliance with the statement of benefits and the Commission approved this recommendation and forwarded it to the Council. He presents the report and the EDC recommendations to the Council in April in order to allow the Council to pursue statutory procedures to terminate abatements – should the underlying circumstances justify that decision.

Unfiled CF-1's

Recipients of tax abatements for improvements to real estate must file the CF-1 form by March 1st and recipients of tax abatements for new manufacturing equipment must file the form by May 15th. The following are the list of projects that have not filed these forms.

Real Estate (due on March 1st)

Renaissance Rentals (Hopewell)

Cottage Grove Housing, Inc. (x 2)
Habitat for Humanity
Leo Moncel (*W. 6th Street*)

Manufacturing Equipment (formal deadline May 15th)

Independent Packaging

Action on the Annual Report - Request for Supplemental Report

The Council will need to take some action on the report and unfilled CF-1s. Last year the Council rescinded three tax abatements and appears to have cleared away most of the non-performing or inactive projects. *If anyone believes any of these recipients are not in substantial compliance, however, please contact me before the meeting, so that I can prepare the appropriate motions.* Otherwise, please consider a motion to accept the report and to schedule a Supplemental Report for the unfilled CF-1s. In the past the Council has moved to request that Nathan file his report in early June and present it at the second Regular Session in June (June 18th).

First Readings

Ord 03-08 - Updating the Entire Property Maintenance Code (BMC 16.04) and Amending Portions of the Rental Inspection and Permitting Provisions (BMC 16.12)

Ord 03-08 is the one item ready for first reading and would amend both chapters in Title 16 of the Bloomington Municipal Code entitled "Housing Inspections." It repeals and reenacts Chapter 16.04, regarding the "Property Maintenance Code," and makes minor changes to Chapter 16.12, regarding rental inspection and permitting program. Susie Johnson, Acting Director of the HAND department, has prepared a memo highlighting these changes.

16.04 Property Maintenance Code

Susie explains that our Property Maintenance Code is a locally modified version of the 1978 Building Operators and Code Administrators (BOCA) code and that the Administration wishes to replace it with the 2000 International Property Maintenance Code. This code regulates the maintenance and use of residential rental units in order to promote the health, safety, and welfare of the city's residents. In its seven sections, this code sets forth minimum standards for the occupation and condition of these

properties, establishes an inspection and permitting program, and empowers the City to remedy violations. Those sections and highlights of the changes are noted below:

Section 100 - Administration

This section establishes the City's authority and procedures for enforcing the code.

Highlight of Changes:

102.2 Maintenance.

- Requires that equipment, systems, devices and safeguards be maintained in good working order (introduces a new standard);
- Makes the owner responsible for the maintenance of the rental unit and grounds unless otherwise provided by the code (while the existing code assigns most of the maintenance duties to the owner, it doesn't articulate this overall allocation of duties).

105 Approval.

- Provides a procedure for determining the acceptability of alternative methods, materials, and equipment.

108 Unsafe Structures, 109 Emergency Measures & 110 Demolition.

- Clarifies and expands what code officials may do to correct violations (e.g. declare an emergency and close buildings and streets).

Section 200 - Definitions

This section provides guidance for interpreting the code and defines many key terms and the proposed code:

- Introduces new or modified terms (e.g. Bathroom, Bedroom, Guard, HAND Department, Imminent Danger, Inoperable Vehicle, Labeled);
- Incorporates the definitions currently found in Chapter 16.12 (Housing Quality) (e.g. HAND Department, Housing Code, Occupancy, Owner, Residential Rental Unit, Tenant, Tenancy Agreement, Transient Occupancy)
- *Deletes certain definitions (e.g. family & public nuisance - per Council Office).*

Section 300 - General Requirements

This section sets forth the "requirements the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas" (per official commentary).

Highlight of Changes:

302 Exterior Property Areas

- Allows staff to:
 - correct unsafe sidewalks and driveways (302.3);
 - remove unsafe trees (302.4.1);
 - deal more effectively with abandoned vehicles (302.8); and
 - remove graffiti (302.9); and
- Adds safety requirements for swimming pools (302.7.1 & 302.7.2);

303 Exterior Structure

- Imposes a higher standard for protecting exterior surfaces and covers skylights (303.2); and
- Requires locks on doors for rooming units (303.1.5).

304 Interior Structure

- Refers to walking surfaces and stairs in a section that currently covers walls and plaster (304.4);

305 Rubbish and Garbage

- Requires the operator of a rental unit to provide trash containers (305.3.2).

Section 400 - Light, Ventilation, and Occupancy Limitations

As the title implies, this section sets forth the minimum standards for light, ventilation, and space-per-occupant and, according to Susie's memo, the proposed code includes the following significant changes:

404 Occupancy Limitations

- Requires the room width (7' - 404.2) and height (404.3) to match local building codes; and
- Adds requirements for efficiency units (404.6).

Section 500 - Plumbing Facilities and Fixture Requirements

This section sets forth minimum standards for installing and maintaining water supply as well as waste water disposal systems. Susie's memo highlights the following changes:

502 Required Facilities

- Reduces the minimum number of occupants per bathroom from 5 to 4 (502.2)

507 Storm Drainage

- Prohibits sump pumps from placing water into sanitary sewers (507.2).

Section 600 - Mechanical and Electrical System

This section sets forth minimum standards for installing and maintaining the equipment, appliances and systems for lighting, heating, air-conditioning, cooking, and ventilating residential structures (as well as for moving people and material by elevators and such). Susie highlights the following changes:

603 Mechanical Systems

- Prohibits locating furnaces in certain rooms or spaces (603.7).

606 Elevators, Escalators and Dumbwaiters

- Adds new section covering these devices.

Section 700 - Fire Safety Requirements

This section "establishes minimum requirements for fire safety facilities and fire protection systems" (per official commentary) and includes the following changes:

702 Means of Egress

- Raises the standard for emergency escape openings (702.4 - currently found under 701).

Housing Quality (Chapter 16.12)

This Chapter establishes the City's permitting and inspection program, which has been operating since the 1970's. The ordinance makes minor changes to this chapter, which are mentioned by Susie, in her memo, and noted below:

- The name of the department has been changed from the "Neighborhood Development division" to the "HAND department" throughout the chapter;

16.12.050 Disclosure

- Requires owners to sign the Summary of Rights and Responsibilities form (and not merely distribute it) (Part (d));

16.12.070 Inspection - Right of Entry - Fees

- Allows code officials to give owners more than 60 days to do certain weather sensitive maintenance (Parts (b)(3), (c)(1), (d)(1) & (i));
- Requires code official to attempt notification of owner or owner's agent about off-cycle inspections (Part (e));
- Shifts more responsibility to the owner for the scheduling of inspections (which conforms with current practice, but not current code provisions)(Part h);

16.12.080 Occupancy permits

- Clarifies that permits will not be issued for dwelling units that fail to comply with the requirements of the Chapter 16.04 (Property Maintenance Code) (Part (a));
- Allows the permit to be placed in an accessible place other than inside the main entrance of the unit (Part b).

Potential Amendments

John Irvine has proposed numerous amendments to these chapters and summaries of his proposals have been distributed to council members, city staff, and members of the public who have requested them. Chris Gaal and Tim Mayer have met with Mr. Irvine and will be deciding whether to sponsor any of his proposals.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, APRIL 2, 2003
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 03-09 To Establish the Wireless Enhanced 911 Non-reverting Fund

Asked to Attend: Tom Guevara, Controller

2. Ordinance 03-10 An Ordinance Concerning the Refunding By the City of Bloomington of Its Waterworks Refunding Revenue Bonds of 1993 and Its Waterworks Revenue Bonds of 1995; Authorizing the Issuance of Waterworks Refunding Revenue Bonds for Such Purpose; Providing for the Collection, Segregation and Distribution of the Revenues of the Waterworks and the Safeguarding of the Interests of the Owners of the Waterworks Refunding Revenue Bonds Authorized Herein; Other Matters Connected Therewith; And Repealing Ordinances Inconsistent Herewith

Asked to Attend: Mike Phillips, Director of the Utilities Department
Vickie Renfrow, Assistant City Attorney

VII. LEGISLATION FOR FIRST READING

1. Ordinance 03-08 To Amend Title 16 of the Bloomington Municipal Code Entitled "Housing Inspection" (Repealing and Reenacting Chapter 16.04 (Property Maintenance Code) and Amending Portions of Chapter 16.12 (Housing Quality))

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
Indiana

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



Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
email: council@city.bloomington.in.us

To: Council Members
From: Council Office
Re: Calendar for the Week of
March 31, 2003 – April 6, 2003
Date: March 28, 2003

Monday, March 31, 2003

No meetings scheduled

Tuesday, April 1, 2003

6:30 pm Home Buyers Club, McCloskey
7:30 pm Telecommunications Council, Chambers

Wednesday, April 2, 2003

6:30 pm Council for Community Accessibility Head Injury Support Group, Hooker
7:30 pm Common Council Meeting – Regular Session, Council Chambers

Thursday, April 3, 2003

5:30 pm Commission on the Status of Women, McCloskey

Friday, April 4, 2003

No meetings scheduled

Saturday, April 5, 2003

3:00 pm La Cara Latina Photo Exhibit Reception, Chambers



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

MEETING NOTICE

Utility Rate Work Group Meeting

The Utility Rate Work Group will meet at 6:00 p.m. on Tuesday, April 1, 2003. The meeting will be held in the Utility Services Center Board Room (1969 South Henderson). Because a quorum of the Council may be present, this meeting would also constitute a meeting of the Common Council under the Indiana Open Door Law. For that reason, this statement is providing notice that this governing body may be meeting and that this gathering is open for the public to attend, observe, and record what transpires.

Dated and Posted: Friday, March 28, 2003



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

MEETING NOTICE

Demolition Advisory Review Committee

The Demolition Advisory Review Committee will meet at 4:00 p.m. on Wednesday April 9, 2003. The meeting will be held in Council Chambers (401 N Morton St.). Because a quorum of the Council may be present, this meeting would also constitute a meeting of the Common Council under the Indiana Open Door Law. For that reason, this statement is providing notice that this governing body may be meeting and that this gathering is open for the public to attend, observe, and record what transpires.

Dated and Posted: Friday, March 28, 2003

Annual Tax Abatement Report (Online Packet)

Contents

- Condensed Annual Report (Powerpoint Document Prepared by Nathan Hadley)
- Without the CF-1 Forms (Which Can Be Inspected in the Council Office)
- Index of Tax Abatements with Cover Sheet

**Tax Abatement
Program**

Activity Summary

Preliminary
Report to Common
Council and Economic
Development
Commission

April 1, 2003

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- Page 3--CFC, Inc. (S. Madison and S. Morton St.)
- Page 4--David Ferguson (211 N. Washington St.)
- Page 5--Covey Parke Partners (1851, 1852, 1855, 1857 S. Covey Lane)
- Page 6--Johnson Creamery, LLC (400 W. 7th St.)
- Page 7-- Cottage Grove Housing, Inc. (1201, 1208, 1209 W. Cottage Grove)
- Page 8--Independent Packaging (303 N. Curry Pike)
- Page 9--Doug McCoy (314 N. Washington)
- Page 10--Bloomington Community Foundation (400 N. Morton St.)
- Page 11--CFC, Inc. (320 W. 8th St.)
- Page 12--Huntington Gardens (838-840 Miller Dr.)
- Page 13--CFC, Inc. (301-311 E. 7th St and 308, 310 N. Lincoln St.)
- Page 14--The Highlands (1721, 1725, 1731 Highland and 1239, 1249, 1251 Miller Dr.)
- Page 15--Fortune Properties-Frosted Foods Building (213 S. Rogers)
- Page 16--CFC, Inc. (200-216 S. Madison St.)
- Page 17--Renaissance Rentals, LLC (1421 and 1425 W. 6th)
- Page 18--Bloomington Business Incubator (210 and 220 W. Allen)
- Page 19--CFC, Inc. (417 and 421 W. 8th)
- Page 20--PTS Corp. (5233 S. Highway 37)
- Page 21--B&L Sheet Metal and Roofing (1301 N. Monroe)
- Page 22--Metropolitan Printing (720 South Morton)
- Page 23--Landmark Medical (550 Landmark Ave.)
- Page 24--RONO Corp. (901-903 South Rogers)
- Page 25--KP Building (114-116 N. Walnut)
- Page 26--Hirons Investment (555 N. Morton)
- Page 27--Omega Building (252 N. Walnut)
- Page 28--Lockerbie Court Condos (500 N. Walnut)

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Tax Abatement
CFC, Inc.
S. Madison and S. Morton Street

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 8/8/91 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Build downtown condos and renovated historic house.</p> <p>Resolution: 91-18</p>	<p><u>Compliance</u></p> <p>Summary: All condominiums have been constructed and home renovated.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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• Taxpayer: CFC, Inc.
320 W. Eighth St.
Showers Plaza, Suite 200
Bloomington, IN 47404
Contact: Jim Murphy

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Tax Abatement
David Ferguson
211 N. Washington St. -- Cantol Wax Bldg.

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 12/4/91 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Proposed a \$141,000 renovation of historic 1905 warehouse into downtown apartments.</p> <p>Resolution: 91-31</p>	<p><u>Compliance</u></p> <p>Summary: Renovation of housing is complete and fully occupied. Lower level commercial is available for lease. Actual cost of project was \$362,354.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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• Taxpayer: David Ferguson and John Seeber
403 E. 6th Street
Bloomington, IN 47408

• Notes:

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Tax Abatement
Covey Parke Partners
1851, 1852, 1855, 1857 S. Covey Lane

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 4/21/93 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Development of 2 low income housing duplexes for a total of four units with two units handicapped accessible.</p> <p>Resolution: 93-12</p>	<p><u>Compliance</u></p> <p>Summary: Provides housing in the units for persons with income below 60% of area median income.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Renaissance Rentals, LLC
1300 N. Walnut Street
Bloomington, IN 47404
Contact: Tim Henke
- **Notes:**

City of Bloomington -Office of the Mayor 5

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Tax Abatement
Johnson Creamery, LLC
(formerly Eighth Street Development Corp.)
400 W. 7th St. - Johnson Creamery Building

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 8/4/93 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Proposed a \$1.675 million renovation of historic Johnson Creamery into downtown office space.</p> <p>Resolution: 93-24</p>	<p><u>Compliance</u></p> <p>Summary: Completed in April 1995 with actual investment totaling \$3.5 million. Sold to Johnson Creamery, LLC in 1st quarter 2000.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Johnson Creamery, LLC
P.O. Box 1961
Bloomington, IN 47402
Contact: Peter Dvorak
- **Notes:**

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Tax Abatement
Cottage Grove Housing, Inc
1201, 1208, 1209 W. Cottage Grove

<p><u>Statement of Benefits</u> Summary: Approved 8/4/93 - 10 Year Type: Real Estate and Improvements. Benefits: Development of two low income housing units for rental. Resolution 93-27 and 94-14</p>	<p><u>Compliance</u> Summary: Continues to lease as low income housing. Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:**
- **Notes:**

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Tax Abatement
Independent Packaging, Inc.
303 N. Curry Pike

<p><u>Statement of Benefits</u> Summary: Approved 12/93, extended 7/97, extended 8/99-10 year Type: New Equipment and real estate improvement Benefits: Overall, estimated purchase and installation of approximately \$14,974,000 in new equipment, \$2,050,000 in improvements, and creation of 141 jobs with \$3.85 million in wages. Resolutions: 93-19, 97-07, 99-35</p>	<p><u>Compliance</u> Summary: Currently has invested \$15,213,000 in equipment and \$2,011,000 in improvements. Has 150 employees with over \$4,391,528 in wages. All positions have benefit package. Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Independent Packaging, L.P.
303 N. Curry Pike
Bloomington, IN 47404
Contact: Jack Culver
- **Notes:** Council approved a 10 year tax abatement in 1993. In 1997, Council approved extension of Independent Packaging's ERA designation to include an additional a projected investment of \$3.7 million in new equipment and hiring of 21 additional employees. In 1999, Council approved another extension to include a proposed \$3,820,000 in new equipment and \$750,000 in real estate improvements. Independent Packaging has exceeded these projections.

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Tax Abatement
Doug McCoy
314 N. Washington (known as the Gables)

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 02/94 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Development of 6 downtown condos.</p> <p>Resolution: 94-02</p>	<p><u>Compliance</u></p> <p>Summary: All unit interiors have been completed and are fully occupied.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Doug M. McCoy
115 N. College Ave.
Suite 11
Bloomington, IN 47404
Contact: Doug McCoy
- **Notes:**

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Tax Abatement
Bloomington Community Foundation
400 N. Morton Street - Showers Building

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 5/8/94 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Development of historic Showers building into professional office space for I.U Research Park.</p> <p>Resolution: 94-17</p>	<p><u>Compliance</u></p> <p>Summary: Structure was renovated and houses the I.U. Research Park.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Community Foundation of Bloomington and Monroe County
400 N. Morton Street
Bloomington, IN 47404
- **Notes:** This property was previously held by the Bloomington Advancement Corporation. BAC has donated Showers Office and Research Center to the Bloomington Community Foundation which is leased to the Trustees of Indiana University.

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Tax Abatement
CFC, Inc.
320 West Eighth Street - Showers Plaza

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 5/8/94 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Development of historic Showers building into professional office space for commercial tenants.</p> <p>Resolution: 94-17</p>	<p><u>Compliance</u></p> <p>Summary: Renovations complete with nearly full occupancy.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** CFC, Inc.
320 W. Eighth St.
Showers Plaza, Suite 200
Bloomington, IN 47404
Contact: Jim Murphy
- **Notes:**

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Tax Abatement
Huntington Gardens, LLC
838-840 Miller Drive

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 6/1/94 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Development of low income housing apartments for a total of 32 one bedroom units with 10 being handicapped accessible for persons below 60% or area median income.</p> <p>Resolution: 94-18</p>	<p><u>Compliance</u></p> <p>Summary: Provides housing in the units for persons with income below 60% of area median income.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Renaissance Rentals, LLC
1300 N. Walnut Street
Bloomington, IN 47404
Contact: Tim Henke
- **Notes:**

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Tax Abatement
CFC, Inc.
301- 311 E. 7th Street and 308, 310 N. Lincoln Street

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 10/5/94 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Proposed \$1,280,000 development of 8 two bedroom downtown condos.</p> <p>Resolution: 94-33</p>	<p><u>Compliance</u></p> <p>Summary: Completed and sold. Actual cost \$1,424,213</p> <p>Status: Substantial Compliance with Statement of Benefits.</p>
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- **Taxpayer:** CFC, Inc.
320 W. Eighth St.
Showers Plaza, Suite 200
Bloomington, IN 47404
Contact: Jim Murphy
- **Notes:**

City of Bloomington -Office of the Mayor 13

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Tax Abatement
The Highlands
1721, 1725, 1731 Highland Ave and 1239, 1249, 1251
Miller Drive

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 3/1/95 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Proposed \$450,000 development of six, three bedroom single family low income rental units. 20 year affordability.</p> <p>Resolution: 95-03</p>	<p><u>Compliance</u></p> <p>Summary: Project completed at a cost of \$446,000. All homes rented.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Highland LLC
(formerly East Third Street Properties, Inc.)
1335 Fenbrook
Bloomington, IN 47408
- **Notes:**

City of Bloomington -Office of the Mayor 14

Tax Abatement
Fortune Properties- Frosted Foods Building
213 S. Rogers Street

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 5/3/95 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Proposed \$775,000 renovation of historic foods warehouse into commercial and retail space.</p> <p>Resolution: 95-09</p>	<p><u>Compliance</u></p> <p>Summary: Building complete and occupied. Cost of project \$1,227,261. Mix of retail and services.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Jigme Norbu-dba Fortune Properties, Inc.
P.O. Box 1601
Bloomington, IN 47401
Contact: Jigme Norbu
- **Notes:** Property was sold by Joe Harrell to Jigme Norbu in 2000.

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Tax Abatement
CFC, Inc.
200 - 216 S. Madison Street (Bicycle Apartments)

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 10/4/95 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Development of 78 low income apartments--66 efficiencies and 12 one bedroom units. 4 units handicapped accessible. Proposed cost of \$1,195,000.</p> <p>Resolution: 95-30</p>	<p><u>Compliance</u></p> <p>Summary: Construction completed at a cost of \$1,400,191. Includes 78 units with laundry/maintenance unit and one office.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** CFC, Inc.
320 W. Eighth St.
Showers Plaza, Suite 200
Bloomington, IN 47404
Contact: Jim Murphy
- **Notes:**

City of Bloomington -Office of the Mayor 16

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Tax Abatement
Renaissance Rentals, LLC
1421 and 1425 W. 6th Street (Hopewell)

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 8/24/96 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Development of 13 affordable efficiency apartments and 12 two story townhomes target towards first-time home buyers. Purchase price will be \$65,000 or lower.</p> <p>Resolution: 96-14</p>	<p><u>Compliance</u></p> <p>Summary: The 13 efficiency apartments have been completed. 4 townhomes have been constructed to date.</p> <p>Status: Project currently on hold.</p>
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- **Taxpayer:**
- **Notes:** The future development of the remaining planned units is unclear at this time. The abatement status remains, although no benefit has been taken for 2 years. The tax abatement status may provide an incentive for a new owner to complete the remaining units.

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Tax Abatement
Bloomington Business Incubator, LLC
210 and 220 W. Allen Street

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 11/2/94 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Development of a business incubator. Proposed \$361,000 renovation of two existing structures into incubator space and construction of a new administrative center and meeting facility for the SBDC, BBI tenants, and SCORE.</p> <p>Resolution: 94-56</p>	<p><u>Compliance</u></p> <p>Summary: Building complete and occupied. Actual investment nearly \$679,000. Houses numerous incubator businesses.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Bloomington Business Incubator, LLC
210 W. Allen St.
Bloomington, IN 47403
Contact: David Miller
- **Notes:**

City of Bloomington -Office of the Mayor18

Tax Abatement
CFC, Inc.
417 & 421 West Sixth Street (Max Fulk/East House)

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 5/98 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Proposed \$971,692 development of 2 story commercial/apartment (5 units) building and historic renovation of John East home. Included the demolition of the vacant Max Fulk building.</p> <p>Resolution: 98-10</p>	<p><u>Compliance</u></p> <p>Summary: Building complete and occupied. Actual investment of \$1,134,072.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** CFC, Inc.
320 W. Eighth Street, suite 200
Bloomington, IN 47404
Contact: Jim Murphy
- **Notes:**

City of Bloomington -Office of the Mayor19

Tax Abatement
PTS Corporation
5233 S. Highway 37

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 1994 - 10 Year</p> <p>Type: Real Estate and Improvements.</p> <p>Benefits: Proposed \$750,000 development of buildings for expansion project. Projected the retention of 118 employees with the addition of 82 new employees.</p> <p>Resolution: 94-26</p>	<p><u>Compliance</u></p> <p>Summary: Building complete and occupied. Actual number of PTS employees is 576 w/ salaries of \$13.2 million. Curry Pike employees number 187 and \$3.96 million in salaries.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** PTS Corp.
5233 S. Highway 37
Bloomington, IN 47401
Contact: Geri Sciscoe, Controller
- **Notes:**

City of Bloomington -Office of the Mayor20

Tax Abatement
B&L Sheet Metal & Roofing
1301 N. Monroe Street

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 1999 - 10 Year</p> <p>Type: Real Estate and Equipment.</p> <p>Benefits: Proposed \$220,000 development of buildings and \$200,000 in equipment for expansion project. Projected the retention of 33 employees with the addition of 10 new employees.</p> <p>Resolution: 99-41</p>	<p><u>Compliance</u></p> <p>Summary: Building complete and occupied. Actual investment of \$220,000 in real property. Current employment is 44, recently added 4 new employees.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** B & L Sheet Metal & Roofing
1301 N. Monroe Street
Bloomington, IN 47404
Contact: J.C. Lee

- **Notes:**

City of Bloomington -Office of the Mayor21

Tax Abatement
Metropolitan Printing
720 South Morton Street

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 1999 - 10 Year Real Estate, 5 year equipment</p> <p>Type: Real Estate and Equipment.</p> <p>Benefits: Proposed \$225,000 development of buildings and \$2.25 million in equipment for expansion project. Projected the retention of 55 employees with the addition of 6-8 new employees.</p> <p>Resolution: 99-31</p>	<p><u>Compliance</u></p> <p>Summary: Building expansion and equipment installation completed. To date, actual investment of \$125,000 in real property and \$2,522,686 in equipment. Additional employees have not been hired.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Metropolitan Printing, Inc.
720 South Morton Street
Bloomington, IN 47403
Contact: Mike Baran

- **Notes:**

City of Bloomington -Office of the Mayor22

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Tax Abatement
Rogers Property Management (Landmark Medical)
550 Landmark Avenue

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 1999 - 10 Year</p> <p>Type: Real Estate.</p> <p>Benefits: Proposed \$9,231,231 development of building for outpatient facility. Projected the retention of 271 employees with the addition of 121 new employees.</p> <p>Resolution: 99-26 and 99-27</p>	<p><u>Compliance</u></p> <p>Summary: Building complete and occupied. Actual investment of \$12,000,000. 125 new employees have been hired; 271 retained.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Rogers Property Management (Landmark Medical, LLC)
550 Landmark Avenue
Bloomington, IN 47403
Contact: Kevin McNulty/Lee Sympson
- **Notes:**

City of Bloomington -Office of the Mayor23

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Tax Abatement
RONO Corporation
901-903 South Rogers

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 1999 - 10 Year</p> <p>Type: Real Estate.</p> <p>Benefits: Proposed \$600,000 for renovation of mixed use structure. Projected the retention of 10-14 new employees.</p> <p>Resolution: 99-28 and 99-29</p>	<p><u>Compliance</u></p> <p>Summary: Building completed. Actual investment of \$508,468.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** RONO Corp./RC One, L.P.
P.O. Box 3111
Bloomington, IN 47401
Contact: Roland Nobis
- **Notes:**

City of Bloomington -Office of the Mayor24

Tax Abatement
KP Building
114-116 N. Walnut Street

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 1999 - 10 Year</p> <p>Type: Real Estate.</p> <p>Benefits: Proposed \$500,000 for renovation of Fraternal Lodge Building into ten apartments.</p> <p>Resolution: 99-20</p>	<p><u>Compliance</u></p> <p>Summary: Building renovation. Actual investment of \$500,000. All units occupied</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** David Ferguson, John Seeber, Tom Seeber & Randy Cassidy
403 East 6th Street
Bloomington, IN 47404
Contact: David Ferguson
- **Notes:**

City of Bloomington -Office of the Mayor25

Tax Abatement
Hirons Investment
555 N. Morton

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 1999 - 10 Year</p> <p>Type: Real Estate.</p> <p>Benefits: Proposed \$2,700,000 for renovation of former Showers showroom building, into office building for Hirons, Inc. Retention of 48 employees and 30-40 new employees estimated.</p> <p>Resolution: 99-13</p>	<p><u>Compliance</u></p> <p>Summary: Building renovation completed. Actual investment of \$3,900,000. Retention of 48 employees and 2 new jobs added.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Hirons Investment, LLC
555 N. Morton Street
Bloomington, IN 47404
Contact: Tom Hirons
- **Notes:**

City of Bloomington -Office of the Mayor26

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Tax Abatement
Omega Building
252 N. Walnut

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 2000 - 10 Year</p> <p>Type: Real Estate.</p> <p>Benefits: Proposed \$2,100,000 for construction of new 4-story building with 13 apartments and 2 retail spaces.</p> <p>Resolution: 00-07</p>	<p><u>Compliance</u></p> <p>Summary: Construction has been completed. Apartments are rented, and restaurant tenant identified. Actual investment was \$2.1 million.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Mary and Daniel Friedman
629 Woodcrest Drive
Bloomington, IN 47404
Contact: Mary Friedman
- **Notes:**

City of Bloomington -Office of the Mayor27

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Tax Abatement
Lockerbie Court Condominiums
500 N. Walnut

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 2001 - 10 Year</p> <p>Type: Real Estate.</p> <p>Benefits: Proposed \$2.7 million for construction of new 4-story building for 17 condo units.</p> <p>Resolution: 00-06</p>	<p><u>Compliance</u></p> <p>Summary: Construction is completed. Some units have been sold.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Lockerbie Court Condominiums, LLC
1720 N. Kinser Pike
Contact: Peter Dvorak
- **Notes:**

City of Bloomington -Office of the Mayor28

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Tax Abatement
Habitat for Humanity
410, 412, 414 North Hay Street

<p><u>Statement of Benefits</u></p> <p>Summary: Approved 1995 - 10 Year</p> <p>Type: Real Estate.</p> <p>Benefits: Proposed \$87,000 for construction of 3 new housing units for low-income residents.</p> <p>Resolution: 95-11</p>	<p><u>Compliance</u></p> <p>Summary: Construction has been completed. All units have been sold. Actual investment was \$105,000.</p> <p>Status: Applicant is in substantial compliance with Statement of Benefits.</p>
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- **Taxpayer:** Habitat for Humanity of Monroe County
P.O. Box 1441
Bloomington, IN 47402
Contact: Kerry Thomson
- **Notes:**

City of Bloomington -Office of the Mayor 29

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Tax Abatement
2002 Approvals
Incomplete Projects

2002 Projects Approved

- Covenanter Gardens—Renaissance Rentals
- International Data
- Buyer's Only Real Estate
- CFC-Mace's (Council Approval—2003)
- Evergreen Place Apartments

City of Bloomington -Office of the Mayor 30

Index of Tax Abatements (Prepared by Council Office)

Explanation

Shaded rows indicate tax abatement was either denied, rescinded, or had benefits that were exhausted.

Cross-Hatched Far Right Cell

Indicates that the CF-1 has not been received

Index & Master List of Tax Abatements for 2003 Report (March 28, 2003)
(listed in order of approval)

Name	Address	Resolution #	Approval Date	Type of Abatement	Length of Abatement (ERA)	Status of Tax Abatement	2003 Compliance form received?
Thompson Consumer Electronics	1300 S. Rogers	91-9	3/6/91	real estate & improvements	10 yr T.A.	Voluntarily Rescinded	N/A
Thompson Consumer Electronics	1300 S. Rodgers	91-9	3/6/91	new manufacturing equipment	5 yr T.A.	Voluntarily Rescinded	N/A
K&W Products	239 W. Grimes	92-12	10/7/92	new manufacturing equipment	5 yr T.A.	Rescinded	N/A
CFC, Inc. Madison Park HO Assoc.	321, 339,345, 347, & 349 S. Madison and 320 & 348 S. Morton	91-18	8/8/91	real estate & improvements	10 yr T.A.	Active	Rec'd 2/18/03
David Ferguson	211 N. Washington	91-31	12/4/91	real estate & improvements	10 yr T.A.	Active	Rec'd 1/29/03
K&W Products	239 W. Grimes	92-12	10/92	new manufacturing equipment	5 yr T.A.	Rescinded	N/A
K & W Products	239 W. Grimes	92-12	10/7/92	Real estate & improvements	10 yr T.A.	Rescinded	N/A
Covey Park Partners	1851, 1853, 1855, & 1857 S. Covey	93-12	4/21/93	real estate & improvements	10 yr T.A.	Active	Rec'd 2/27/03
Johnson Creamery, LLC	400 W. 7th	93-24	8/4/93	real estate & improvements	10 yr T.A.	Active	Rec'd. 2/20/03
Cottage Grove Housing, Inc.	1201, 1208 & 1209 West Cottage Grove	93-27	8/4/93	real estate & improvements	10 yr T.A.	Active	2002 Not Rec'd.
Independent Packaging,	303 N. Curry Pike	93-19	12/93; 7/97 & 8/99	new manufacturing equipment	10 yr T.A.	Active	2002 Not Rec'd. Due May 15th

Doug McCoy	314 N. Washington	94-01	2/94	real estate & improvements	10 yr T.A.	Active	Rec'd. 2/26/03
Sterling Venture Group L.L.C.	102-104 E. Kirkwood	94-13	4/6/94	Real estate & improvements	10 yr T.A.	Rescinded	N/A
Cottage Grove Housing, Inc.	1201 West Cottage Grove	94-15	4/20/94	real estate & improvements	10 yr T.A.	Active	2002 Not Rec'd.
Bloomington Community Foundation	400 N. Morton St.	94-17	5/8/94	real estate & improvements	10 yr T.A.	Active	Rec'd 2/18/03
CFC, Inc.	320 W. Eighth St.	94-17	5/8/94	real estate & improvements	10 yr T.A.	Active	Rec'd. 03/03/03
Huntington Gardens, L.L.C.	838-840 E. Miller Drive	94-18	6/1/94	real estate & improvements	10 yr T.A.	Active	Rec'd 2/26/03
PTS Corporation	5233 S. Highway 37	94-26	1994	real Estate and Improvements	10 yr T.A.	Active	Rec'd. 2/25/03
Cottage Grove Housing, Inc	910 N. Rogers St.	94-26	8/3/94	real estate and improvements	10 yr T.A.	Rescinded Res 96-08	N/A
CFC, Inc. Lincoln Place Homeowners Association	303 and 309 E. 7th, 312 N. Lincoln	94-33	10/5/94	real estate & improvements	10 yr T.A.	Active	Rec'd. 2/26/03
ECP Healthcare, P.C.	1155 W. Third St.	94-34	10/5/94	real estate & improvements	10 yr T.A.	Exhausted benefits	N/A
Bloomington Business Incubator, L.L.C.	210 & 220 West Allen	94-56	11/2/94	real estate & improvements	10 yr T.A.	Active	Rec'd. 2/7/03
The Highlands	1721, 1725, 1731 Highland Avenue 1239, 1249, 1257	95-03	3/1/95	real estate & improvements	10 yr T.A.	Active	Rec'd 2/6/03

	Miller Drive						
Fortune Properties—Frosted Foods Building	213 S.Rogers	95-09	5/3/95	real estate & improvements	10 yr T.A.	Active	Rec'd 4/30/02
Habitat for Humanity	410, 412, & 414 N. Hay Street	95-11	5/3/95	real estate & improvements	10 yr T.A.	Active	Not Received
Jerden Industries	1104 S. Morton St.	95-19	8/95	new manufacturing equipment	5 yr T.A.	Exhausted benefits	N/A
CFC, Inc.	200-216 S. Madison	95-30	10/4/95	real estate & improvements	10 yr T.A.	Active	Rec'd. 3/03/03
Middle Way Development,	401 S. Washington St.	95-33	11/15/05	real estate & improvements	10 yr T.A.	Voluntarily Rescinded	N/A
Seeber, Ferguson, Cassidy	526 N. Morton	96-06	4/8/96	real estate & improvements	10 yr T.A.	Res 02-12 Terminated the Tax Deduction But Kept the ERA	Rec'd 2/15/02 Rescind 02-12
Renaissance Rentals (Hopewell)	1421 & 1425 West 6th Street	96-14	7/24/96	real estate & improvements	10 yr T.A.	Active	2002 Not Rec'd.
Middle Way Development, A limited Partnership	401 S. Washington St.	97-03 (amends 95-33)	2/2/97	real estate & improvements		Voluntarily rescinded	N/A
Independent Packaging, Inc	303 N. Curry Pike	97-07 (modifies 93-18)	7/2/97	new manufacturing equipment	10 yr T.A.	Active	2002 Not Rec'd. Due 5/15/02
Prairie Dog	310 W. Hillside Dr.	97-16 (modifies 97-14)	10/16/97	new manufacturing equipment	10 yr T.A.	Rescinded <u>Res 02-21</u>	Not Received
CFC, Inc.	315, 317, and 319 N. Grant St.	98-08 Rescind	6/18/98	real estate & improvements	10 yr T.A.	<u>Res 02-11</u> Terminated the Tax	Rec'd 2/27/02

		02-11				Deduction But Kept the ERA	
CFC, Inc.	417 & 421 West 6th St.	98-10	5/98	real estate & improvements	10 yr T.A.	Active	Rec'd 3/3/03
PTS Corporatio n	305 N. Curry Pike	99-09	4/21/9 9	new manufacturing equipment	5 yr T.A.	Active	Rec'd 2/25/03
Hirons Inv., LCC	555 North Morton	99-13	5/11/9 9	real estate & improvements	10 yr T.A.	Active	Rec'd. 2/24/03
Ferguson/ Seeber (KP Building)	114-116 N. Walnut	99-20	7/21/9 9	real estate & improvements	10 yr T.A.	Active	Rec'd. 1/29/03
Rogers Property Management	500 & 550 Landmark Avenue	99-27	9/25/9 9	real estate & improvements	10 yr T.A.	Active	Rec'd 2/28/03
RONO Corp.	901-903 S. Rogers	99-29	10/7/9 9	real estate & improvements	10 yr T.A.	Active	Signed 2/19/03
Metropolita n Printing	720 S. Morton	99-31	10/7/9 9	real estate & improvements, new manufacturing equipment	10 yr T.A.	Active	Rec'd. 2/20/03
Independe nt Packaging, Inc	303 N. Curry Pike	99-35 (modifie s 93-18)	10/27/ 99	real estate & improvements, new manufacturing equipment	10 yr T.A.	Active	2002 Not Rec'd. Part Due May 15th
B & L Sheet Metal & Roofing, Inc.	1301 N. Monroe	99-41	1999	real estate & improvements, new manufacturing equipment	10 yr T.A.	Active	Rec'd. 2/27/03
Daniel P. & Mary T. Friedman (Omega Blg)	252 N. Walnut	00-07	3/6/00	real estate & improvements	10 yr T.A.	Active	Rec'd. 2/24/03

Prarie Dog Corporation	310 W. Hillside Dr.	00-16	6/8/00	New manufacturing equipment	10 yr T.A.	Rescinded Res 02-21	N/A
K&W Products	239 W. Grimes Ln.	00-17	5/18			Rescinded	N/A
Lockerbie Court Condominiums	500 N. Walnut St.	01-02	2/21/01	Real estate & improvements	10 yr T.A.	Active	Rec'd. 2/20/03
Leo E. Moncel	1403 & 1405 West 6 th Street	01-06	6/13/01	Real estate & improvements	10 yr T.A.	Active	Not Received
Ken E. Nunn	121 South College Avenue	01-09	Tabled	Tabled	10 yr. T.A.	Denied	N/A
Evergreen Place Apartments	318 South Washington Street	01-30 02-01	1/7/02	Real Estate & Improvements	10 yr T.A.		Approved 2002 (Not necessary this year)
West Kirkwood Corridor Plan	West Kirkwood From Rogers to Adams Street	Res 02-05 and 02-06 Ord 02-03	4/3/02 2/20/02	Established ERA and EDTA for Corridor	Offered 10 Yr Tx Ab for Projects that Comply with Plan		
Buyers Only Real Estate	2305 Rockport Rd.	Res 02-14		Owner occupied condominium	10 yr. T.A.		
Renaissance Rentals	3000 Covenanter Drive	Res 02-18		ERA Real Estate and Improvements	10 yr. T.A.		
Richland Development Group (Int'l Data)	1600 Bloomfield Road	Res 02-23		ERA Real Estate and Improvements	10 yr. T.A.		
Kum Kwok and Alice Cho, LLC	1420 North Walnut Street	Res 02-39	Denied 12/18/03	Requested ERA and EDTA	10 yr. T.A.	Denied	N/A

ORDINANCE 03-08

**TO AMEND TITLE 16 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“HOUSING INSPECTION”
(Repealing and Reenacting Chapter 16.04 (Property Maintenance Code) and
Amending Portions of Chapter 16.12 (Housing Quality))**

- WHEREAS, Bloomington Municipal Code (BMC) Section 2.19.030 authorizes the Department of Housing and Neighborhood Development (HAND) to enforce the property maintenance code provisions that are applicable within the City of Bloomington; and
- WHEREAS, in 2002 there were 18,432 registered rental units in the City of Bloomington; and
- WHEREAS, in 2002 HAND staff inspected 4,789 rental units; and
- WHEREAS, rental units are physically inspected on a 3, 4, or 5-year cycle; and
- WHEREAS, Title 16 of the BMC is titled "Housing Inspection," and contains two Chapters:
16.04, Property Maintenance Code, and
16.12, Housing Quality;
- WHEREAS, BMC 16.04 contains the 1978 Building Officials and Code Administrators Property Maintenance Code as adopted by, and as modified by, the Common Council of the City of Bloomington; and
- WHEREAS, BMC 16.12 contains certain definitions, requirements for maintenance and occupation of rental units, and schedules for inspection of rental units
- WHEREAS, BMC 16.12.020 "Purpose--Rules of Construction" states:

"This chapter shall be liberally construed and applied to promote its underlying purpose, which is to encourage the maintenance and improvement of the quality of housing in the city." and,
- WHEREAS, BMC 16.12.030 states that "No person shall occupy or maintain a rental unit within the city unless in accordance with the provisions of this chapter." and,
- WHEREAS, the Board of Housing Quality Appeals has adopted a resolution supporting adoption of the 2000 International Property Maintenance Code, with certain amendments; and
- WHEREAS, HAND staff have outlined to the Common Council a number of areas in which provisions of the 2000 International Property Maintenance Code offer greater protections for the health and safety of persons who reside in rental units than are currently offered by Title 16; and
- WHEREAS, HAND staff have outlined to the Common Council a number of areas in which amendment of Title 16 would lead to greater efficiency in the inspection of rental units in the City of Bloomington, and would lead to increased protections for the health and safety of the residents of rental units in the City of Bloomington;
- WHEREAS, HAND staff have outlined to the Common Council a number of amendments to the 2000 International Property Maintenance Code that are tailored to the rental market in Bloomington Indiana; and

WHEREAS, the Common Council has weighed the desire to protect the health and safety of residents of rental units in the City of Bloomington, with the desire to provide affordable housing to the community;

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

SECTION I: Title 16, Chapter 16.04, “Property Maintenance Code” of the Bloomington Municipal Code shall be repealed in its entirety and replaced with the following:

16.04 “Property Maintenance Code”

Section 100

ADMINISTRATION

PM 101

GENERAL

PM101.1 Title. These regulations shall be known as the Property Maintenance Code of The City of Bloomington, hereinafter referred to as “this code.”

PM101.2 Scope. The provisions of this code shall apply to all existing residential rental units and their premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. These provisions shall be applicable to all residential units except as provided for in 16.12.030.

PM101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

PM101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

PM 102

APPLICABILITY

PM102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

PM102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

PM102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions locally adopted codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Bloomington Zoning Ordinance. If any provisions in this code can be construed to be in conflict with provisions of the City of Bloomington Zoning Code, the more restrictive provision shall apply.

PM102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

PM102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

PM102.6 Historic buildings. The provisions of this code may not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

PM102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are adopted locally and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

PM102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

PM 103

DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

PM103.1 General. The Housing and Neighborhood Development Department shall be responsible for the enforcement of this code and the Department Director shall be known as the code official.

PM103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

PM103.4 Restriction of employees. An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the Board of Housing Quality Appeals as established in Title 2, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

PM103.5 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

PM 104

DUTIES AND POWERS OF THE CODE OFFICIAL

PM104.1 General. The code official shall enforce the provisions of this code.

PM104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

PM104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

PM104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

PM104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

PM104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

PM104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

PM104.8 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of any local ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

PM 105 APPROVAL

PM105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

PM105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

PM105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods,

the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

PM105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

PM105.3.2 Testing agency. All tests shall be performed by an approved agency.

PM105.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

PM105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

PM 106 VIOLATIONS

PM106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

PM106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

PM106.3 Prosecution of violation. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

PM106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and subject to a fine not more than \$100 per day. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

PM106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

PM 107 NOTICES AND ORDERS

PM107.1 Notice to owner or to person or persons responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3.

PM107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.

PM107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or

2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

PM107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

PM107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

PM 108 UNSAFE STRUCTURES AND EQUIPMENT

PM108.1 General. The City of Bloomington Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code, which incorporates by reference Indiana Code 36-7-9-1 through 36-7-9-28, is hereby incorporated into this code in its entirety and made a part hereof, as fully as though set out in its entirety. Pursuant to I.C. 36-1-5-4, two copies of this material are on file in the Office of the City Clerk for public inspection. Whenever the code official determines that a building or structure is unsafe within the meaning of Bloomington Municipal Code 17.16.040, the code official shall proceed in accordance with the provisions of said Chapter.

PM 109 EMERGENCY MEASURES

PM109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

PM109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

PM109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

PM109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

PM109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate

action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

PM109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

PM 110 DEMOLITION

PM110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

PM110.2 Notices and orders. All notices and orders shall comply with Section 107.

PM110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

PM 111 MEANS OF APPEAL

PM111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Housing Quality Appeals. The appeal shall be the manner prescribed in Section 2.19.030 of the Bloomington Municipal Code and the established rules of Procedure for the Board. Provided, an appeal of the action or order taken or issued pursuant to the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code, shall be in accordance with the provisions of the said Unsafe Building Law.

SECTION 200 DEFINITIONS PM 201 GENERAL

PM201.1 Scope. Unless otherwise expressly stated, the definitions of terms shown in PM 202 "General Definitions" shall be applicable throughout Title 16.

PM201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

PM201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the locally adopted codes, such terms shall have the meanings ascribed to them as in those codes.

PM201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

PM201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

PM 202 GENERAL DEFINITIONS

APPROVED: Approved by the code official.

BASEMENT: That portion of a building which is partly or completely below grade.

BATHROOM: A room containing plumbing fixtures including a bathtub or shower.

BEDROOM: Any room or space used or intended to be used for sleeping purposes.

CODE OFFICIAL: The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN: To adjudge unfit for occupancy.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION: The control and elimination of insects, rats or other pests: by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

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

GUARD: A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HAND DEPARTMENT: Housing and Neighborhood Development Department.

HABITABLE SPACE: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSING CODE: The International Property Maintenance Code, First Edition, 2000, and all amendments thereto as adopted in Chapter 16.04 of the Bloomington Municipal Code.

IMMINENT DANGER: A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE VEHICLE: A vehicle that cannot be driven upon the public streets for reasons including but not limited to being unlicensed, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED: Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET: To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MULTI FAMILY DWELLING: Three or more residential rental units in one building.

OCCUPANCY: The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT: Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA: That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER: Any person, agent, operator, firm or corporation: having a legal or equitable interest in the property; recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. For the purposes of this code a person with a lease hold interest shall not be considered an owner.

PERSON: An individual, corporation, partnership or any other group acting as a unit.

PREMISES: A lot, plot or parcel of land including any structures thereon.

RESIDENTIAL RENTAL UNIT: Any dwelling unit, rooming house, or rooming unit occupied by a person or persons other than the owner and/or their legal dependant(s).

ROOMING HOUSE: A building arranged or occupied for lodging, with or without meals, and not occupied as a one- or two-family dwelling.

ROOMING UNIT: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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

STRUCTURE: That which is built or constructed or a portion thereof.

TENANT: A person, corporation, partnership or group, whether or not the legal owner of record, occupying or entitled to occupy a building or portion thereof as a unit.

TENANCY AGREEMENT: Includes all agreements, written, oral or implied, and valid rules and regulation embodying the terms and conditions concerning the use and occupancy of a rental unit and premises.

TOILET ROOM: A room containing a water closet or urinal but not a bathtub or shower.

TRANSIENT OCCUPANCY: Occupancy which is less than two weeks in duration in the same or similar units owned by the same owner.

VENTILATION: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD: An open space on the same lot with a structure.

**SECTION 300
GENERAL REQUIREMENTS
PM 301
GENERAL**

PM301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

PM301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

PM301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**PM 302
EXTERIOR PROPERTY AREAS**

PM302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

PM302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

PM302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

PM302.4 Weeds. All premises and exterior property shall be maintained free from weeds and plant growth in accordance with the Bloomington Municipal Code.

PM302.4.1 Trees. All trees on the premises shall be in good health and pose no danger to persons or building.

PM302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

PM302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

PM302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM302.7.1 Gates. Gates which are required to be self-closing and self-latching in accordance with the local building code shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

PM302.7.2 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

PM302.8 Motor vehicles. Except as provided in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

PM302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

PM 303 EXTERIOR STRUCTURE

PM303.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

PM303.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Where the Code Official has ordered the exterior of a structure to be painted, compliance shall be within a period of one year from the date the inspection report and order are mailed. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

PM303.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) unless other wise directed by the fire code.

PM303.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

PM303.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

PM303.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

PM303.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in

good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

PM303.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

PM303.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM303.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

PM303.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM303.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

PM303.12.1 Handrails. Shall conform with the current, locally adopted building code.

Exception: If the property had a current and valid Rental Occupancy Permit prior to (effective date of this code) handrails shall, at a minimum, conform to the following: Every stairwell and every flight of stairs, which is more than three risers high, shall have handrails or railings which shall be located as required by the building code, and every open portion of a stair, porch landing and balcony which is more than thirty inches above the floor or grade below shall have guardrails.

PM303.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

PM303.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

PM303.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. All openable windows shall have fixed secure locking mechanisms.

PM303.14 Insect screens. During the period from May 1st to October 15th, every door, window and other outside opening required for ventilation of habitable rooms shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging screen door shall have a self-closing device in good working condition.

Exception: If the property has central air-conditioning screen doors shall not be required.

PM303.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

PM303.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

PM303.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

PM 304 INTERIOR STRUCTURE

PM304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, two or more dwelling units or a dwelling unit and nonresidential occupancy, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

PM304.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

PM304.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

PM304.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

PM304.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

PM304.5.1 Handrails. Shall conform with the current, locally adopted building code.

Exception: If the property had a current and valid Rental Occupancy Permit prior to the effective date of this chapter, handrails shall, at a minimum, conform to the following: Every stairwell and every flight of stairs, which is more than three risers high, shall have handrails or railings which shall be located as required by the building code, and every open portion of a stair, porch landing and balcony which is more than thirty inches above the floor or grade below shall have guardrails.

PM304.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

PM 305 RUBBISH AND GARBAGE

PM305.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

PM305.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

PM305.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish in accordance with Title 6 of the municipal code, and the owner of the premises shall be responsible for the removal of rubbish.

PM305.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

PM305.3.1 Garbage facilities. The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container in accordance with Title 6 of the municipal code. A dumpster may be approved for multi-unit buildings and must be located/placed in accordance with all locally adopted codes and ordinances.

PM305.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

PM 306 EXTERMINATION

PM306.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

PM306.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

PM306.3 Single-family dwelling:

(a) The occupant shall be responsible for extermination of insects, rodents, vermin or other pests in the structure on the premises where:

1. The first observable signs of infestation appear more than thirty (30) days after the occupant takes possession of the premises: or,
2. The first observable signs of infestation appear within thirty (30) days after the occupant takes possession of the premises, and the occupant fails to notify the owner of the infestation within the thirty (30) day period: or,
3. The owner, after being notified pursuant to the subsection (2) above, has undertaken extermination which eliminated infestation within forty-five days after the extermination began: or
4. Whenever the Code Official determines that the occupant's housekeeping led to the infestation regardless of when the infestation occurs or is reported to the owner.

(b) The owner shall be responsible for extermination where:

1. The occupant notifies the owner of infestation within thirty (30) days of the occupant's occupancy: or
2. After the owner has been notified pursuant to subsection (1) above, infestation still exists forty-five (45) days after extermination was commenced: except that if the owner presents Code Official with proof that a satisfactory effort was made to control the infestation, then the occupant shall be responsible for further extermination if continued infestation is attributable to the occupant.

PM306.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

PM306.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

SECTION 400 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS PM 401 GENERAL

PM401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

PM401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall occupy or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

PM401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the locally adopted building code shall be permitted.

PM 402 LIGHT

PM402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room or as required by locally adopted building codes.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

PM402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm).

PM402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures and in accordance with locally adopted building codes.

PM 403 VENTILATION

PM403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1 or as required by locally adopted building codes. Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

PM403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

PM403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. Exception: Where specifically approved in writing by the code official.

PM403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

PM403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer’s instructions.

PM 404 OCCUPANCY LIMITATIONS

PM404.1 Privacy. Dwelling units, and rooming units shall be arranged to provide privacy and be separate from other adjoining spaces.

PM404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

PM404.3 Minimum ceiling height. Minimum ceiling height shall comply with the locally adopted building code.

PM404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

PM404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

PM404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

PM404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

PM404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

PM404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

PM404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5 or the Zoning Ordinance, whichever is more restrictive.

MINIMUM AREA REQUIREMENTS

Space	Minimum Area In Square Feet		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a, b}	No requirements	120	150
Dining room ^{a, b}	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093m²

a. See Section 404.5.2 for combined living room/dining room/kitchen spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

PM404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

PM404.5.2 Combined spaces. Where the living room, dining, and/or kitchen uses are combined in one room, that space shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room and kitchen.

PM404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 & 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be three.

PM404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

SECTION 500

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

PM 501

GENERAL

PM501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

PM501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

PM 502

REQUIRED FACILITIES

PM502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

PM502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

PM502.3 Fixture units. Every rental unit shall have at least one toilet, lavatory and tub/shower for every 5 occupants.

PM 503

TOILET ROOMS

PM503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

PM503.2 Location. Toilet rooms and bathrooms serving rooming units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

PM 504

PLUMBING SYSTEMS AND FIXTURES

PM504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

PM504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

PM504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

PM 505

WATER SYSTEM

PM505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the locally adopted building or plumbing code.

PM505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

PM505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

PM505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, except as allowed by the locally adopted code. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

PM 506
SANITARY DRAINAGE SYSTEM

PM506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

PM506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

PM 507
STORM DRAINAGE

PM507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

PM507.2 Sump Pumps. Sump pumps shall not discharge into the sanitary sewer or in violation of any city ordinance.

SECTION 600
MECHANICAL AND ELECTRICAL REQUIREMENTS

PM 601
GENERAL

PM601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

PM601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy or permit another person to occupy any premises which does not comply with the requirements of this chapter.

PM 602
HEATING FACILITIES

PM602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

PM602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

PM602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the locally adopted building code.

PM602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

PM 603
MECHANICAL EQUIPMENT

PM603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

PM603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

PM603.3 Clearances. All required clearances to combustible materials shall be maintained.

PM603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

PM603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

PM603.7 Prohibited locations. Fuel-fired appliances shall not be located in or obtain combustion air from any of the following rooms or spaces:

1. Sleeping rooms
2. Bathrooms
3. Toilet Rooms
4. Closets used for storage of any combustibles
5. Under stairs

Except as allowed by current, locally adopted code(s).

PM 604 ELECTRICAL FACILITIES

PM604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

PM604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the locally adopted electrical code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

PM604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

PM 605 ELECTRICAL EQUIPMENT

PM605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

PM605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. When a faulty receptacle is identified in a wet location it shall be replaced

with a ground fault circuit interrupter. Any new receptacle in a wet location shall have ground fault circuit interrupter protection.

PM605.3 Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

PM 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

PM606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

PM606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

PM 607 DUCT SYSTEMS

PM607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

SECTION 700 FIRE SAFETY REQUIREMENTS PM 701 GENERAL

PM701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

PM701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy or permit another person to occupy any premises that do not comply with the requirements of this chapter.

PM 702 MEANS OF EGRESS

PM702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

PM702.2 Aisles. The required width of aisles shall be unobstructed in accordance with the locally adopted fire code.

PM702.3 Locked doors. All doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the locally adopted building code.

PM702.4 Emergency escape openings. All sleeping rooms shall have emergency escape openings in accordance with the code at the time of construction or remodel. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over

emergency escape and rescue openings provided the minimum net clear opening size complies with the locally adopted building code and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 704. Required window wells shall comply with the locally adopted building code.

Exception: 1 & 2 Family dwellings built or altered prior to January, 1972, and Multi-Family Dwellings built or altered prior to January, 1973 shall, at a minimum, have emergency escape windows in every sleeping room that meet or exceed the following:

Minimum opening area, a minimum net clear opening of 3.75 square feet.

Minimum opening height shall be 22 inches.

Minimum opening width shall be 16 inches.

Minimum sill height, a minimum net sill height shall not be more than 48 inches above the finished floor.

PM 703 FIRE-RESISTANCE RATINGS

PM703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, draft stops, shaft enclosures, partitions and floors shall be maintained.

PM703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors and their approved hardware shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

PM 704 FIRE PROTECTION SYSTEMS

PM704.1 Smoke detectors. Existing Group R occupancies and all residential rental units not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms.

PM704.2 Installation. Approved single-station smoke alarms shall be installed in existing dwelling units, congregate residences and all residential rental units. Installation shall be in accordance with the locally adopted fire code.

PM704.3 Fire extinguishers: Each rental unit shall have one fire extinguisher of approved size and location. Fire extinguishers shall be maintained and services in accordance with the locally adopted fire code.

SECTION II: Chapter 16.12, "Housing Quality" shall be amended in the following ways:

SECTION II (a):

16.12.010 Definitions. 16.12.010 shall be amended by deleting the entire text and replacing it with the following: "Definitions applicable to this chapter are found at 16.04 Section 202."

SECTION II (b):

16.12.050 Disclosure. 16.12.050(d) shall be amended by deleting the entire text and replacing it with the following: "The owner or owner's agent shall provide to the tenants of each rental unit, at or before the commencement of occupancy, a copy of the summary of the tenants' and owners' rights and responsibilities, in such a form as shall be prescribed by the HAND Director or other Designee. The owner shall sign the summary, obtain the signatures of the tenants on the summary, and shall provide a copy of that summary to the Housing and Neighborhood Development Department, upon its request."

SECTION II (c):

16.12.050 (e) shall be amended by deleting the phrase “the neighborhood development division” wherever it occurs and replacing it with the phrase, “the Hand Department”.

The amended version shall read: “The HAND Department shall furnish, upon request, to each registered owner or owner’s agent of rental property subject to this chapter a copy of the Bloomington Property Maintenance Code. The housing quality ordinance and a sufficient number of copies of the summary required by subsection (d) of this section shall be provided to each owner or owner’s agent to permit distribution of the summary to each rental unit. Owners shall contact the HAND Department for additional copies as needed. The HAND Department shall make available additional copies of the summary as owners need them. Owners who first register rental property after the effective date of this subsection shall be furnished the housing quality ordinance at the time of registration. Owners already registered on the effective date of this subsection shall be furnished the housing quality ordinance no later than the time of the next cycle inspection.

SECTION II (d):

16.12.060 Registration of rental units required. 16.12.060 (a) shall be amended by deleting the phrase “neighborhood development division” and replacing it with the phrase “HAND Department.”

SECTION II (e):

16.12.070 Inspection—Right of entry—Fees.

16.12.070 (a) (1) shall be amended by deleting the phrase “neighborhood development division” and replacing it with the phrase “HAND Department.”

16.12.070 (b) (3) shall be amended by deleting the phrase “excluding exterior painting requirements.” The resulting phrase shall read: “If a unit has been inspected and the HAND inspector has issued a report citing violations, and the owner fails to have the unit reinspected and found in compliance with the property maintenance code within sixty days after the inspection report citing violations was mailed to the owner or agent;”

16.12.070 (c) (1) shall be amended by deleting the phrase “excluding exterior painting requirements.” The resulting phrase shall read: “The inspection uncovers no violations, or all violations cited on a cycle inspection report are satisfactorily corrected within sixty days after the report was mailed to the owner or agent, and”

16.12.070 (d) (1) shall be amended by deleting the phrase, “excluding exterior painting requirements.” The resulting phrase shall read: “The rental unit is new construction and the inspection uncovers no violations or all violations cited on a cycle inspection report are satisfactorily corrected within sixty (60) days after the report was mailed to the owner or agent, and the owner satisfies all outstanding fee assessments within thirty days form the date of billing, and HAND has issued a rental occupancy permit prior to occupancy of the unit; or”

16.12.070(e) shall be amended by adding after the first sentence, the following sentence, “HAND shall attempt to notify the owner or owner’s agent of such inspection.” In addition, the word “reinspection” in the fifth sentence shall be deleted and replaced with the word “reinspected.” The resulting section shall then read as follows: “Off-cycle inspections may be done at the discretion of the HAND Director or other designee, upon the written, signed request of any resident of the city, any governmental agency, or the rental unit’s tenant, the tenant’s legal representative, the owner, or the owner’s agent. HAND shall attempt to notify the owner or owner's agent of such inspection. An off-cycle inspection shall be confined to the defects complained of, if any, by the person requesting the inspection unless the HAND Director or other designee determines that the condition of the rental unit or premises has deteriorated since the last cycle inspection to such an extent that a complete inspection is required to effectuate the purposes of the property maintenance code, in which case a complete new inspection of the entire rental unit and premises may be performed. If a complete off-cycle inspection is performed, a new occupancy permit shall be issued upon compliance. Such permit shall be for a four-year period, provided all violations excluding

exterior painting are satisfactorily completed, and the unit reinspected within sixty days after the receipt of the inspection report by the owner or owner's agent. Such permit shall be for a three-year period if the owner or agent fails to have the unit reinspected and found in compliance with the inspection report, excluding exterior painting, within sixty (60) days after such report is mailed to the owner or agent."

16.12.070 (h) shall be deleted in its entirety, and the following shall be adopted in replacement: "It shall be the responsibility of the owner or his agent to schedule all required inspections and reinspections. The owner or owner's agent shall notify the tenant(s) of all scheduled inspections and reinspections. The owner or his agent shall be responsible for granting access to the inspector. If the tenant refuses entry for inspection the HAND Department shall not inspect without first obtaining a search warrant."

16.12.070 (i) shall be added, as follows: "Exception to sixty day (60) compliance deadline: An exception to the 60 day compliance deadline shall be granted when exterior painting or other exterior repairs, in the judgment of the HAND Director or Designee, are weather sensitive. This exception shall not exceed one year and is at the discretion of the HAND Director or Designee."

SECTION II (f):

16.12.080 Occupancy permits

16.12.080 (a) shall be amended by deleting the provision in its entirety and replacing it with the following: "No occupancy permit shall be issued by the HAND Department until the rental unit and premises have been inspected pursuant to section 16.12.070 and found not to be in violation of the property maintenance code and until all provisions of Chapter 16.12 have been met. Upon registration of a rental unit not previously used as such, the HAND Department shall issue a temporary occupancy permit which shall be in effect until the unit has been inspected and either an occupancy permit has been issued or the temporary permit is revoked as provided in subsection (d) of this section."

16.12.080 (b) shall be amended by deleting the phrase "on the inside of the main entrance of the unit" and replacing it with the phrase, "in an accessible location inside the unit." The resulting provision shall read, "All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit."

SECTION II (g)

16.12.100 Penalty.

16.12.100 shall be amended by deleting the phrase "the city engineer" and replacing it with the phrase "The HAND Director or other Designee."

SECTION III. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall go into effect on September 1, 2003.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

CHRIS GAAL, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance repeals the 1978 Building Officials Code Administrators Property Maintenance Code, as amended, and adopts the 2000 International Property Maintenance Code (IPMC), with certain modifications that are tailored to the Bloomington rental housing market. It establishes the minimum regulations governing the conditions and maintenance of all rental property by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use. In addition, this ordinance makes certain changes to Chapter 16.12 of the BMC that should allow for more efficient implementation of the housing inspection program.

To: Common Council
From: Susie Johnson
Date: March 24, 2003
RE: 2000 International Property Maintenance Code

Every rental unit in Bloomington should be safe, and well maintained. That's why the City of Bloomington has had a property maintenance code for nearly 30 years. In order to do the best job possible, inspectors and managers need up to date tools. To that end, the Housing and Neighborhood Development brings forward the 2000 International Property Maintenance Code IPMC to replace the 23 year old 1978 BOCA Property Maintenance Code.

"The code is intended to provide requirements addressing the public health, safety and welfare as they relate to the use and maintenance of existing structures and premises. The code requires existing structures and premises that are not in compliance with the code to be altered or repaired to meet the code. The code requirements are intended to represent the minimum acceptable level of public health and safety." - International Property Maintenance Code Commentary, 2000.

The following is an overview of the significant changes from the 1978 BOCA Code to the 2000 International Property Maintenance Code.

GENERAL COMMENT

Throughout the body of the amendments of the IPMC you will see where a specific building code is struck and replaced with "locally adopted building code". The reason for this amendment is, many of the codes referred to in the IPMC are not codes used or approved for use in Indiana. We do not want the Bloomington Property Maintenance Code to be in conflict with the rules and regulations used in new construction. Therefore, "locally adopted building code" keeps the Bloomington Property Maintenance Code in sync with regulations enforced by the Monroe County Building Department.

SECTION 100

Section 100 is divided into 11 areas. They are: General, Applicability, Department of Property Maintenance Inspection, Duties and Powers of the Code Official, Approval, Violations, Notices and Orders, Unsafe Structures and Equipment, Emergency Measures, Demolition, and Means of Appeal. Generally, these sections cover the same areas as before. Below I will outline significant changes.

102.2 Maintenance. This is a new subsection. With positive additions that strengthen the application of the code. The new code talks about "good working order". Additionally this section specifically assigns the responsibility of maintenance to the owner, not the tenant.

105 Approval. This is new. It specifically outlines how alternative and used equipment and components may be used.

105.3 Required testing. This is new and a helpful addition. IPMC Commentary: "To provide the basis on which the code official can make a decision regarding an alternative material or type

of equipment, sufficient technical data, test reports and documentation must be provided for evaluation by the code official.”

108 Unsafe Structures and Equipment and 109 Emergency Measures have expanded the old Section 108. These two sections expand how the staff can deal with an emergency. It details imminent danger, temporary safeguards, closing streets, emergency repairs and costs of those repairs. Additionally there is section 110 that deals with demolition and the process the staff may use to eliminate a dilapidated or dangerous building.

SECTION 200

Section 200 is divided into two areas; General and definitions. Below is listed the specific new additions to the definitions: Bathroom, Bedroom, Guard, HAND Department, Housing Code, Imminent Danger, Inoperable Vehicle, Labeled, Occupancy, Owner, Residential Rental Unit, Tenant, Tenancy Agreement, Toilet Room, Transient Occupancy.

SECTION 300

Section 300 is divided into 6 areas; General, Exterior Property Areas, Exterior Structure, Interior Structure, Rubbish and Garbage, and Extermination. Below is an overview of the significant changes.

302.3 Sidewalks and driveways. This is a new section and will allow staff to more readily deal with buckled sidewalks and rutted driveways.

302.4.1 Trees. This will allow staff to require a dead and dangerous tree be removed.

302.7.1 & 302.7.2 Gates & Swimming Pools. Add needed sections that deal with safety features required for pools.

302.8 Motor vehicles. Allows staff to more efficiently deal with abandoned vehicles.

302.9 Defacement of property. Will allow staff to deal with graffiti.

303.2 Protective treatment. This is much more inclusive than the current code.

303.1.3 Window, skylight and door frames. This adds skylights to the code.

303.15 Doors. This section adds the requirement for rooming units to have individual locks.

304.4 Stairs and walking surfaces. This adds stairs and walking surfaces as a specific area of concern. The old code had this in the "interior surfaces" section, which really dealt specifically with walls and plaster.

305.3.2 Containers. Requires the operator of a rental unit to provide trash containers.

SECTION 400

Section 400 is divided into 4 sections. Light, Ventilation, and Occupancy Limitations. Below is an overview of the significant changes.

404.2 Minimum room widths- Adds the 7 foot minimum room width which brings it into line with the building code.

404.3 Minimum ceiling heights. Brings the PMC into line with the building code.

404.6 Efficiency unit. Adds efficiency unit and what those basic requirements are.

SECTION 500

Section 500 is divided into 7 sections. General, Required Facilities, Toilet Rooms, Plumbing Systems and Fixtures, Water System, Sanitary Drainage System, Storm Drainage. Below is an overview of the significant changes.

502.2 Rooming Unit. Changes the required bathrooms from 1 per 5 occupants to 1 per 4 occupants.

507.2 Sump Pumps. This allows us to assist in the on-going storm water management effort by making it a violation to pump sump water into the sanitary sewer.

SECTION 600

Section 600 is divided into 7 sections. General, Heating Facilities, Mechanical Equipment, Electrical Facilities, Electrical Equipment, Elevators – Escalators- and Dumbwaiters. Below is an overview of significant changes.

603.7 Prohibited locations. Clearly sets out where furnaces cannot be located.

606 Elevators, Escalators and Dumbwaiters. Adds a section to cover this equipment.

SECTION 700

Section 700 is divided into 4 sections. General, Means of Egress, Fire-Resistance Ratings, Fire Protection. Below is an overview of the significant changes.

702.4 Emergency escape openings. Clearly and completely outlines what emergency egress requirements are.

CHAPTER 16

SECTION 16.12.010

Below is an overview of significant changes.

Definitions have been directed to look to 16.04 PM202 for definitions. This keeps the definitions exactly the same in both Sections.

In several places in 16.12 “Neighborhood Development Manager” has been replaced with “HAND Director or other Designee”.

16.12.050 (d) Requires the owner to show HAND they actually completed the summary.

16.12.070(e) Requires HAND to attempt to notify an owner or owners agent of an off-cycle inspection.

16.12.070(h) Requires the owner or owners agent to notify their tenants of all inspections. It also requires the owner grant access to the inspector.

16.12.070 (I) Allows HAND to grant more than a 60-day compliance timeline on exterior repairs that are called out if the weather forbids the repair.

In conclusion, many of the proposed changes will bring our code in line with current building codes enforced by the Monroe County Building Department, more clearly define specific requirements, and bring the Bloomington Property Maintenance Code up to date with available information.

HOUSING AND NEIGHBORHOOD DEVELOPMENT
CITY OF BLOOMINGTON
PROPERTY MAINTENANCE CODE (3/28/03)

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Housing and Neighborhood Development CITY OF BLOOMINGTON PROPERTY MAINTENANCE CODE

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

SECTION PM-100.0 GENERAL

PM-100.1 Title: These regulations shall be known as the Property Maintenance Code of Bloomington, Indiana, hereinafter referred to as “this code”.

PM-100.2 Scope: This code is to protect the public health, safety and welfare in all existing rental units and their premises by:

1. establishing minimum maintenance standards for existing rental units and their premises for basic equipment and facilities for light; ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of rental units now in existence;
2. fixing the responsibilities of owners, operators and occupants of rental units; and
3. providing for administration, enforcement and penalties.

PM-100.3 Intent: This code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the maintenance of structures and premises.

PM-100.4 Other regulations: The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

PM-100.5 Application of building code: Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of the building code.

PM-100.6 Existing remedies: The provisions in this code shall not be deemed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

SECTION PM-101.0 VALIDITY

PM-101.1 Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this code which shall continue in full force and effect and to this end the provisions of this code are hereby declared to be severable.

PM-101.2 Saving clause: This code shall not affect violations of any other ordinance, code, or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provision of those ordinances, codes, and regulations in effect at the time the violation was committed.

SECTION PM-102.0 EXISTING STRUCTURES

PM-102.1 Existing structures: As provided in section PM-100.0, this code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise

established by ordinance, which may be additional or more stringent for the construction, repair, alteration, or use of structures, equipment, or facilities.

SECTION PM-103.0 ENFORCEMENT AUTHORITY

PM-103.1 Officer: It shall be the duty and responsibility of the Neighborhood Development Manager to enforce the provisions of this code that have been designated the duties and responsibilities of that position.

PM-103.2 Relief from personal liability: Any code official, officer or employee who acts in good faith and without malice in the discharge of his duties of enforcement of this code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he shall not be held liable for any costs in any action, suit or proceeding that may be instituted by him in the enforcement of this code. In any of these actions, the official or employee shall be defended or presented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

PM-103.3 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the code official to maintain the integrity and security of such records.

SECTION PM-104.0 DUTIES AND POWERS OF CODE OFFICIAL

PM-104.1 General: The code official shall enforce all the provisions of this code relative to the maintenance of structures and premises, except as may otherwise be specifically provided by other regulations.

PM-104.2 Notices and orders: The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the code requirements for the safety, health, and general welfare of the public.

PM-104.3 Inspection: In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing his duties under this code.

PM-104.3.1 Right of entry: If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge cease and desist with such interference.

PM-104.3.2 Access by owner or operator: Every occupant of a structure or premises shall give the owner or operator thereof, or his agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

PM-104.4 Credentials: The code official or his authorized representative shall disclose proper credentials of his respective office for the purpose of inspecting any and all buildings and premises in the performance of his duties under this code.

PM-104.5 Coordination of enforcement: Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of code officials so charged by the jurisdiction. Whenever, in the opinion of a code official initiating an inspection under this code, it is deemed necessary or desirable to have inspections by any other department, he shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders which it determines must be issued.

PM-104.6 Rule making authority: The code official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this code or violating accepted engineering practice involving public safety.

SECTION PM-105.0 UNSAFE BUILDING LAW

PM-105.1 General: The City of Bloomington Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code 36-7-9-1-36-7-9-28, is hereby incorporated into this code in its entirety and made a part hereof, as fully as though set out in its entirety. Whenever the Neighborhood Development Manager or City Engineer determines that a building or structure is unsafe within the

meaning of Bloomington Municipal Code 17.16.040, the Code Official shall proceed in accordance with the provisions of said Chapter.

SECTION PM-106.0 NOTICES AND ORDERS

PM-106.1 Notice to owner or to person or persons responsible: Whenever the Neighborhood Development Manager determines that there has been a violation of this code, or has reasonable grounds to believe that a violation has occurred, the Neighborhood Development Manager shall give notice to the owner or the person or persons responsible in the manner described below. If any structure or part thereof has been declared unsafe, notice shall be in accordance with the provisions of the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code.

PM-106.2 Form: Such notice prescribed in Section PM-106.1 shall:

1. be in writing,
2. include a description of the real estate sufficient for identification,
3. include a statement of the reason or reasons by it is being issued,
4. include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code, and,
5. include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to an appeals board or appropriate review board.

PM-106.3 Service: Such notice prescribed in Section PM-106.1 and PM-106.2 shall be deemed to be properly served upon such owner or such person or persons responsible if a copy thereof is delivered to the person personally; or by leaving the notice at the person's usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by mailing first class mail, postage prepaid, to the person's last known address; or if the letter is returned because it could not be delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice. Where notice to vacate, notice of an emergency order, or notice that a structure or part thereof has been declared unsafe is served, service shall be in accordance with the provisions of the Unsafe Building Law 17.16.

PM-106.3.1 Service on occupant: When an order pursuant to the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code is served on an occupant other than the owner or person responsible for compliance, the form and content of such notice shall be in accordance with the provisions of the Unsafe Building Law.

PM-106.4 Penalties: Penalties for non-compliance of orders and notices shall be subject to the penalties set forth in Section PM-109.2.

SECTION PM-108.0 EMERGENCY ORDERS

PM-108.1 General: Whenever the Neighborhood Development Manager or City Engineer finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the Neighborhood Development Manager or City Engineer may proceed in accordance with the provisions of the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code.

SECTION PM-109.0 VIOLATIONS

PM-109.1 Unlawful acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code.

PM-109.2 Penalty: Any person, firm or corporation who shall violate any provision of this code shall upon conviction thereof, be subject to a fine of not more than \$100 each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

PM-109.3 Prosecution: In case any violation order is not promptly complied with, the code official may request the jurisdiction's legal representative to institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-109.2, and in addition thereto, may ask the legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering him:

1. to restrain, correct or remove the violation or refrain from any further execution of work;
2. to restrain or correct the erection, installation, or alteration of such structure;
3. to require the removal of work in violation, or;

4. to prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

SECTION PM-110.0 RIGHT TO APPEAL

PM-110.1 Appeals Board: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Housing Quality Appeals. The appeal shall be the manner prescribed in Section 2.12.030 of the Bloomington Municipal Code and established rules of procedure for the Board. Provided, an appeal of the action or order taken or issued pursuant to the Unsafe Building Law, Chapter 17.16 of the Bloomington Municipal Code, shall be in accordance with the provisions of said Unsafe Building Law.

ARTICLE 2

DEFINITIONS

SECTION PM-200.0 GENERAL

PM-200.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this article.

PM-200.0 Interchangeability: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

PM-200.3 Terms defined in other codes: Where terms are not defined in this code and are defined in the building, plumbing and/or mechanical codes, they shall have the same meanings ascribed to them as in those codes.

PM-200.4 Terms not defined: Where terms are not defined under the provisions of this code or under the provisions of the building, plumbing and/or mechanical codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION PM-201.0 APPLIED MEANING OF WORDS AND TERMS

Approved: Approved as applied to a material, device, or method construction shall mean approved by the code official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

Basement: That portion of a building which is partly below and partly above grade, and having at least one-half its height above grade (see "Cellar").

Building code: The building code officially adopted by the legislative body of this jurisdiction, or such other code as may be officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

Building official: The official designated by the jurisdiction to enforce building, zoning or similar laws, or duly authorized representative.

Cellar: That portion of a building which is partly or completely below grade, and having at least one-half its height below grade (see "Basement").

Central heating: The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms, and water closet compartments from a source outside of these rooms.

Condemn: To adjudge unfit for use or occupancy.

Condemnation: The act of judicially condemning.

Dwellings:

- **One-family dwelling:** A building containing one dwelling unit with not more than five (5) lodgers or boarders.

- **Two-family dwelling:** A building containing two (2) dwelling units with not more than five (5) lodgers or boarders per family, but not more than twenty (20) individuals.
- **Multi-family-apartment house:** A building or portion thereof containing more than two (2) dwelling units and not classified as a one- or two-family dwelling.
- **Boarding house, tourist house:** A building arranged or used for the lodging with or without meals, for compensation, by more than five (5) and not more than twenty (20) individuals.
- **Lodging house:** Any building or portion thereof containing not more than five (5) guest rooms which are used by not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements for dwellings.
- **Dormitory:** A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one (1) room, or in a series of closely associated rooms.
- **Hotel:** Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests.

Dwelling unit: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Enforcement officer: The official designated herein or otherwise charged with the responsibilities of administering this code, or his duly authorized representative.

Exterior property areas: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination: 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 poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

Family: An individual or married couple and the children thereof with not more than two (2) other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five (5) unrelated (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Hotel: See "Dwellings".

Infestation: The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

Let for occupancy of let: To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or licensee, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Maintenance: Conforming of a building and its facilities to the code under which the building was constructed.

Motel: A hotel as defined in this code.

Multifamily (multiple) dwellings: See "Dwellings".

Neighborhood Development Manager: The official who is charged with the administration and enforcement of this code, who shall be the Director of Housing and Neighborhood Development or any duly authorized representative.

Occupant: Any person over one (1) year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

Openable area: That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator: Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property.

Person: Includes a corporation or co-partnership as well as an individual.

Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code.

Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

Premises: A lot plot or parcel of land including the buildings or structures thereon.

Public nuisance: Includes the following:

1. the physical condition or use of any premises regarded as a public nuisance at common law; or
2. any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. any premises which have unsanitary sewerage or plumbing facilities; or
4. any premises designated as unsafe for human habitation or use; or
5. any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb, or property; or
6. Any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or
8. any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant, or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

Renovation: A building and its facilities made to conform to present-day minimum standards of sanitation, fire and life safety.

Rental unit: A rented dwelling unit or rooming unit.

Residence building: A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under building code.

Rooming house: Any residence building, or any part thereof, containing one (1) or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of the family (see "Dwellings, boarding house").

Rooming unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

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

Structure: That which is built, constructed or used for rental residential occupancy or use and includes, but is not limited to, buildings, travel trailers, mobile homes, fences, fire escapes, stairways and railings.

Supplied: Installed, furnished or provided by the owner or operator.

Ventilation: The process of supplying and removing air by natural or mechanical means to and from any space.

Mechanical: Ventilation by power-driven devices.

Natural: Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices.

Workmanlike: Whenever the words “workmanlike state of maintenance and repair” are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

Yard: An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear or interior lot line.

ARTICLE 3

ENVIRONMENTAL REQUIREMENTS

SECTION PM-300.0 GENERAL

PM-300.1 Scope: The provisions of this article shall govern the minimum conditions for maintenance of exterior property, premises and structures and premises shall comply with the condition herein prescribed insofar as they are applicable.

PM-300.2 Responsibility: The owner of the premises shall maintain such structure and premises in compliance with these requirements. A person shall not let to another for occupancy or use of premises which do not comply with the following requirements of this article.

SECTION PM-301.0 PREMISES CONDITIONS

PM-301.1 Sanitation: All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

PM-301.2 Grading and drainage: All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

PM-301.6 Noxious weeds: All areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare.

PM-301.9 Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound, shall be properly surface coated when required to prevent deterioration and shall be free of all electrical and fire hazards and harmful insects and rodent infestation.

SECTION PM-302.0 EXTERIOR STRUCTURE

PM-302.1 General: The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

Where the Code Official has ordered the exterior of a structure to be painted, compliance shall be within a period of one year from the date the inspection report and orders are mailed. It shall be the responsibility of the owner or agent to schedule a reinspection with the Neighborhood Development Division during, or at the end of, the one-year period.

Where the Code Official has ordered repairs to correct exterior violations other than painting, an extension of time to complete the repairs may be granted for a period not to exceed one year from the date that the inspection report and order are mailed; provided, no such extension shall be granted where, in the opinion of the Code Official, the violations are life-safety in nature.

PM-302.2 Structural members: All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

PM-302.3 Exterior surfaces (foundations, walls and roof): Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanship state of maintenance and repair and shall be kept in such condition as to exclude rodents.

PM-302.3.1 Foundation walls: All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

PM-302.3.2 Exterior walls: Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All

exterior surface material, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

PM-302.3.3 Roofs: The roof shall be structurally sound, tight, and not have defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

PM-302.3.4 Decorative features: All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.

PM-302.3.5 Overhang extensions: All canopies, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

PM-302.3.6 Chimneys: All chimneys and similar appurtenances shall be maintained structurally safe, sound and in good repair, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating material such as paint or similar surface treatment.

PM-302.3.7 Stairs and porches: Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.

PM-302.4 Window and door frames: Every window, door, and frame shall be constructed and maintained so as to exclude rain as completely as possible, and to substantially exclude air infiltration.

PM-302.4.1 Weather tight: Every window and exterior door shall be fitted reasonably in its frame, be weather tight, substantially exclude air infiltration and rain, and they shall be kept in sound condition and repair.

PM-302.4.2 Glazing: Every required window sash shall be fully supplied with approved glazing materials, which are without cracks or holes.

Exception: Corner cracks (cracks which begin and end approximately 4" from a corner and which extend diagonally from one side stile of a window to either top or bottom rail of window) shall not be cited as violations as long as the window sash is fully supplied with glazing materials (compound), the window frame is in good condition, and the glass is tight and secure in its frame.

PM-302.4.3 Openable windows: Every window, other than a fixed window, shall be capable of being easily opened and held in position by its own hardware, and all basement and ground floor windows and all upper windows adjacent to porch, roofs, decks or other accessible exterior elements shall be capable of latching securely.

PM-302.4.4 Insect screens: From May 15th to October 15th of each year, every door opening directly from any rental unit to the outdoors, and every window or other outside opening used for ventilation purposes shall be supplied with approved screening, and every swinging door shall have a self-closing device in good working condition, except that such screens shall not be required for a rental unit on a floor above the fifth floor, for outside doors of rental units that are centrally air-conditioned, or for common hallways of multi-family dwellings.

PM-302.4.5 Door hardware: Every door which connects a rental unit with any area exterior to the unit shall have a functioning locking device, door hinge, and door latch and shall be maintained in good condition. Door locks in rental units shall be capable of tightly securing the door.

PM-302.4.6 Basement hatchways: Every basement or cellar hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the structure.

PM-302.4.7 Guards for basement windows: Every basement or cellar window which is openable shall be supplied with rodent-proof shields, or storm windows or other material affording protection against the entry of rodents.

PM-302.5 Exterior handrails: Every stairwell and every flight of stairs, which is more than three risers high, shall have handrails or railings which shall be located as required by the building code, and every open portion of a stair, porch, landing and balcony which is more than thirty inches above the floor or grade below shall have guardrails. Every handrail and guardrail shall be maintained in good condition, be firmly fastened, and be capable of bearing normally imposed loads.

SECTION PM-303.0 INTERIOR STRUCTURE

PM-303.1 General: The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and protect the occupants from the environment.

PM-303.2 Structural members: The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

PM-303.3 Interior surfaces: Floors, walls, including windows and doors, ceilings, and other interior surfaces shall be maintained in good, clean, and sanitary condition. Peeling paint, substantially cracked or loose plaster, decayed wood, peeling or loose wallpaper, and other defective surface conditions shall be eliminated.

PM-303.3.2 Bathroom and kitchen floors: Every toilet, bathroom, and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. This does not preclude carpet, provided that it is devoid of mildew, mold, or other unsafe or unsanitary conditions.

PM-303.4 Free from dampness: In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

PM-303.5 Sanitation: The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under Section PM-801.0.

PM-303.5.1 Storage: Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

PM-303.7 Exit doors: Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key.

PM-303.8.1 Exit facilities: All interior stairs and railings and other exist facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting anticipated loads.

PM-303.8.2 Handrails: Every flight of stairs, which is more than three (3) risers high, shall have handrails which shall be located as required by the building code, and every open portion of a stair, porch, landing and balcony which is more than thirty (30) inches above the floor or grade below shall have guardrails. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

ARTICLE 4

LIGHT, VENTILATION AND SPACE REQUIREMENTS

SECTION PM-400.0 GENERAL

PM-400.1 Scope: The provisions of this article shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable.

PM-400.2 Responsibility: The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not let to another for occupancy or use any premises which does not comply with the following requirements of this article.

PM-400.3 Access to public property: All structures shall be provided access to public property. Such access means shall be maintained unobstructed.

SECTION PM-401.0 LIGHT

PM-401.1 General: All spaces or rooms shall be provided sufficient light so as not to endanger health and safety.

PM-401.2 Habitable rooms: Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight per cent (8%) of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the building code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

PM-401.3 Common halls and stairways: Every common hall and stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least a sixty (60) watt light bulb. Such illumination shall be provided throughout the normally traveled stairs and passageways.

PM-401.4 Other spaces: All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

SECTION PM-402.0 VENTILATION

PM-402.1 General: All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, the mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.

Exception: A kitchen with all electric appliances which contains neither an openable window nor mechanical ventilation shall not be subject to the requirements of PM-402.1 provided that:

1. Kitchen is in a location which would prohibit the installation of a window in an exterior wall; and
2. The installation of a mechanical ventilation system would be infeasible due to structural considerations.

PM-402.2 Habitable rooms: Every habitable room shall have at least one (1) window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least forty-five percent (45%) of the minimum window area size required in Section PM-401.2.

PM-402.3 Toilet rooms: Every bathroom and toilet room shall comply with the light and ventilation requirements for habitable rooms as required by Section PM-401.2 except that a window shall not be required in bathrooms or toilet rooms equipped with a natural or approved mechanical ventilation system.

PM-402.4 Cooking facilities: Cooking shall not be permitted in any sleeping room, and a cooking facility or appliance shall not be permitted to be present in a sleeping room.

SECTION PM-403.0 DWELLING UNIT LIMITATIONS

PM-403.1 Separation of units: Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

PM-403.2 Common access: A habitable room, bathroom or toilet room which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

PM-403.3 Basement rooms: Basement rooms partially below grade shall not be used for living purposes unless:

1. floors and walls are watertight and so insulated as to prevent entry of moisture and drafts; and
2. total window area, total openable area and ceiling height are in accordance with this code; and
3. required minimum window area of every habitable room is entirely above the grade of the ground adjoining the window area, not excluding approved window wells.

SECTION PM-404.0 SPACE REQUIREMENTS

PM-404.1 Dwelling units: Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

PM-404.2 Area for sleeping purposes: Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant thereof.

PM-404.3 Overcrowding: If any room used for residential purposes is overcrowded, the code official may order the number of persons sleeping or living in said room to be reduced so that there shall be not less than the total area required in Table PM-404.3, Minimum Occupancy Area Requirements.

PM-404.4 Prohibited use: It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space, or public space.

PM-404.5 Minimum ceiling heights: Habitable rooms shall have a clear ceiling height over the minimum area required by this code at not less than seven and one-third (7-1/3) feet, except that in attics or top half-stories the ceiling height shall be not less than seven (7) feet over not less than one-third (1/3) of the minimum area required by this code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

Table PM-404.3

MINIMUM OCCUPANCY AREA REQUIREMENTS

Space	1-2 occupants	3-5 occupants	6 or more
Living room (*)	No requirements	120	150
Dining room (*)	No requirements	80	100
Kitchen	50	50	60
Bedrooms (**)	Must comply with Section PM-404.2		

*NOTE: Combined living room-dining room spaces will be construed as meeting the requirements of this table if the total area is equal to that required for separate rooms and if the space is so located that it may function as a combination living room-dining room.

**NOTE: Every room used as a bedroom shall have access to at least one (1) water closet without passing through another room used as a bedroom. Every room used as a bedroom shall have access to at least one (1) water closet located on the same floor as the bedroom, except that this requirement shall not apply to the only bedroom on a floor.

ARTICLE 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION PM-500.0 GENERAL

PM-500.1 Scope: The provisions of this article shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein prescribed insofar as they are applicable.

PM-500.2 Responsibility: The owner of the structure shall provide and maintain plumbing facilities in compliance with these requirements. A person shall not let to another for occupancy or use any structure or portion thereof or premise which does not comply with the following requirements of this article.

SECTION PM-501.0 REQUIRED FACILITIES

PM-501.1 Dwelling units: Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities set forth in Section PM-501.1.1 through PM-501.1.3 shall be supplied and maintained in sanitary, safe working condition.

PM-501.1.1 Toilet and lavatory: Every dwelling unit shall contain within its walls, a room separate from habitable rooms, which affords privacy and a toilet supplies with cold running water. The lavatory may be placed in the same room as the toilet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room which the toilet is located. The lavatory shall be supplied with hot and cold running water. There shall be one toilet and one lavatory for every five (5) adults occupying the premises.

PM-501.1.2 Bathtub or shower: Every dwelling units shall contain a room which affords privacy to a person and which is equipped with a bathtub or shower supplied with hot and cold running water. There shall be one bathtub or shower for every five (5) adults occupying the premises.

PM-501.1.3 Kitchen sink: Every dwelling unit shall contain a kitchen sink apart from the lavatory required under Section PM-501.1.1 and be supplied with hot and cold running water.

PM-501.2 Rooming houses: At least one (1) toilet, lavatory, basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each five (5) adults within a rooming house wherever bathroom facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

SECTION PM-502.0 TOILET ROOMS

PM-502.1 Privacy: Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

PM-502.2 Direct access: Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.

PM-502.3 Same story: Toilet rooms and bathrooms serving hotel units, lodging units, or dormitory units, unless located within such respective units, or dormitory units, or directly connected thereto, shall be provided on the same story with such units, and be accessible only from a common hall or passageway.

PM-502.5 Floors: Bathrooms and toilet rooms shall be provided with floors of moisture resistant material.

SECTION PM-503.0 PLUMBING FIXTURES

PM-503.1 General: All plumbing fixtures shall be maintained in a safe and useable condition. All plumbing fixtures shall be of approved non-absorbent material.

PM-503.2 Connections: Water supply lines, plumbing fixtures, vents, and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code.

PM-503.3 Maintained clean and sanitary: All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

SECTION PM-504.0 WATER SYSTEM

PM-504.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, toilet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

PM-504.2 Contamination: The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

PM-504.3 Supply: The water supply systems shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressure adequate to enable them to function satisfactorily.

PM-504.4 Water heating facilities: Where hot water is provided water heating facilities shall be installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit

an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar degrees Fahrenheit.

PM-504.5 Temperature/pressure relief valve assembly: Water heating facilities shall be equipped with a temperature/pressure relief valve and drain, installed and maintained in accordance with the current adopted [Building Officials & Code Administrators (BOCA)] Plumbing Code.

SECTION PM-505.0 SEWAGE SYSTEM

PM-505.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, toilet or other facility shall be properly connected to either a public sewer or to an approved private sewage disposal system.

PM-505.2 Maintenance: Every plumbing stack, waste, and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration of health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code.

ARTICLE 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION PM-600.0 GENERAL

PM-600.1 Scope: The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

PM-600.2 Responsibility: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not let to another for occupancy or use and premises which do not comply with the following requirements of the article.

SECTION PM-601.0 HEATING FACILITIES

PM-601.1 Residential buildings: Every unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of sixty-five (65) degrees F., at a point three (3) feet above the floor and three (3) feet from an exterior wall in all habitable rooms, bathrooms, and toilet rooms. The heating system in all residential buildings containing fewer heating facilities than rental units shall be balanced in a manner which will ensure that all rental units are capable of maintaining a room temperature of sixty-five (65) degrees F., at a point three (3) feet above the floor and three (3) feet from an exterior wall in all habitable rooms, bathrooms, and toilet rooms. The heating system(s) shall be balanced in a manner which will ensure that every room within each rental unit is being heated to a temperature reasonably close to the temperature indicated by the controlling thermostat.

PM-601.3 Cooking and heating equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or salvers which are heated by a candle or alcohol lamp.

PM-601.4 Installations: All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.

PM-601.4.1 Flue: All fuel-burning equipment shall be connected to an approved chimney, flue or vent.

PM-601.4.2 Clearances: All required clearances to combustibles material shall be maintained.

PM-601.4.3 Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM-601.4.4 Combustion air: A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided to the fuel-burning equipment.

PM-601.5 Fireplaces: Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe, connected to approved chimneys and equipment with a damper or other approved device capable of substantially excluding air infiltration.

PM-601.6 Climate control: When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures used as dwelling units of other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

SECTION PM-602.0 ELECTRICAL FACILITIES

PM-602.1 Required outlets: When there is electric service available to a structure, every habitable room of a rental unit, and every guest room, shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall type electric light fixture. In a kitchen, three (3) separate and remote wall type electric light fixtures shall be provided. Every public hall, toilet room, bathroom, laundry room, or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture in every bathroom and laundry room there shall be provided at least one (1) electric outlet.

PM-602.2 Installation: All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

PM-602.3 Defective system: Where it is found, in the opinion of the Code Official that the electrical system in a structure constitutes a hazard to the occupants of the structure by reason on inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, defects shall be required to be corrected. If electrical violations are cited which require the existing electrical system of a structure to be substantially upgraded, the Housing Code Office, owner or tenant may have the City Electrical Inspector conduct an inspection of the electrical system.

ARTICLE 7

FIRE SAFETY REQUIREMENTS

SECTION PM-700.0 GENERAL

PM-700.1 Scope: The provisions of this article shall govern the minimum fire safety facilities and equipment to be provided. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as the applicable.

PM-700.2 Responsibility: The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with those requirements and the fire prevention code. A person shall not let to another for occupancy or use any premises which do not comply with the following requirements of this article.

SECTION PM-701.0 MEANS OF EGRESS

PM-701.1 General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court, or passageway leading to a public open areas at grade.

PM-701.2 Direct exists: Every rental unit shall have access directly to the outside or to a public corridor, and every sleeping room shall have an approved direct means of egress to the outside.

PM-701.3 Locked doors: All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exists from dwelling units, hotel units, lodging units, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

PM-701.4 Fire escapes: All required fire escapes shall be maintained in working condition and structurally sound.

PM-701.5 Exit signs: All exit signs shall be maintained illuminated and visible.

SECTION PM-702.0 ACCUMULATION AND STORAGE

PM-702.1 Accumulations: Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

PM-702.2 Flammable matter: Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as waste paper, boxes, and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

PM-702.3 Residential unit: A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees F., or lower except as provided by the building code.

SECTION PM-703.0 FIRE RESISTANCE RATINGS

PM-703.1 General: Floors, walls, ceilings, and other elements and components required to develop a FIRE RESISTANCE rating shall be maintained so that the respective FIRE RESISTANCE rating of the enclosure, separation, or construction is preserved.

PM-703.2 Furnaces and water heaters located in sleeping rooms: All petro-chemical furnaces and petro-chemical water heaters located in sleeping rooms, or in basements containing sleeping rooms, shall be separated from the sleeping rooms by an enclosure which shall consist of 5/8" Type X gypsum wallboard taped and spackled on both sides of all walls of the enclosure. The enclosure shall extend from floor to ceiling and shall be constructed to eliminate all openings in the enclosure. Access doors and panels shall be solid-core or shall be covered on both sides with 5/8" Type X gypsum wallboard. If combustion air cannot be supplied from the exterior of the structure or from another interior area of the structure, it shall be permissible to install louvered grills in the door, access panel or wall of the enclosure.

Exception: Petro-chemical furnaces and petro-chemical water heaters located in sleeping rooms, or in basements containing sleeping rooms, that have previously been inspected and approved for occupancy shall be exempted from the requirements above provided that conditions and use have not changed and provided that it can be determined that at the time of previous inspection, the situation was deemed safe and acceptable to the inspector.

SECTION PM-704.0 FIRE PROTECTION SYSTEMS

PM-704.1 General: All fire protection systems and equipment shall be maintained in proper operating condition at all times.

PM-704.1.1 Fire alarms: Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

PM-704.2 Sprinkler heads: Sprinkler heads of fire suppression systems shall be maintained clean, free of corrosion and paint, and not bent or damaged.

PM-704.3 Standpipe system: Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry and free of deterioration.

PM-704.4 Fire extinguishers: Each rental unit shall have reasonable access to an adequately sized fire extinguisher that is visible, accessible and maintained in an efficient and safe operating condition.

ARTICLE 8

RESPONSIBILITIES OF PERSONS

SECTION PM-800.0

PM-800.1 Scope: The provisions of this article shall govern the responsibilities of person for the maintenance of structures, and the equipment and premises thereof.

SECTION PM-801.0 SANITARY CONDITION

PM-801.0 For the purposes of the PM-801 series, clean and sanitary means a condition that does not constitute a hazard to public health or safety, or contribute to the physical deterioration of the premises.

PM-801.1 Cleanliness: Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which the individual occupies, controls, or uses in a clean and sanitary condition. Every owner of a structure containing two (2) or more rental units shall maintain in a clean and sanitary condition the shared or public areas of the structure and premises thereof.

Exception: The occupants in a structure with a common leasing agreement and common bathroom, hallway and/or kitchen shall maintain the common areas, equipment and fixtures in a clean and sanitary condition.

PM-801.2 Disposal of garbage, refuse, and rubbish: Every occupant of a structure or part thereof shall dispose of all garbage, refuse and rubbish in a clean and sanitary manner in accordance with all applicable provisions of the Bloomington Municipal Code.

PM-801.4 Garbage, refuse and rubbish storage facilities: Every owner of a rental building containing three (3) or more rental units shall supply approved refuse container sufficient to meet the reasonable needs of the occupants. If City refuse is not available, the owner shall be responsible for the removal of the garbage, refuse and rubbish. "Approved refuse containers" shall have the meaning set forth in Bloomington Municipal Code Section 6.04.040.

PM-801.5 Garbage, refuse and rubbish storage facilities: Every occupant of a single-family structure or duplex shall supply approved refuse containers for storage of garbage, refuse and rubbish and shall properly dispose of said garbage, refuse and rubbish. If City Refuse Collection is not available, the owner shall be responsible for the removal of the garbage, refuse and rubbish. "Approved refuse container" shall have the meaning set forth in Bloomington Municipal Code Section 6.04.040.

PM-801.6 Food preparation: All spaces used or intended to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

PM-801.7 Supplied fixtures and equipment: The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

Exception: The occupant shall be responsible for keeping the supplied equipment and fixtures clean and sanitary provided that the owner furnishes the Housing Code Office with documentation that the equipment and fixtures were clean and sanitary prior to the occupant taking possession of the dwelling.

PM-801.8 Furnished by the occupant: The equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

SECTION PM-802.0 EXTERMINATION

PM-802.1 General: All structures and premises shall be kept free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

PM-802.2 Owner: The owner of any structure shall be responsible for extermination within the structure prior to renting, leasing, assigning, or selling the structure.

PM-802.3 Tenant-occupant: The tenant-occupant of any structure shall be responsible for the continued insect and rodent-proof condition of the structure and if the tenant-occupant fails to maintain the insect and rodent-proof condition, the cost of additional extermination shall be the responsibility of the tenant-occupant.

PM-802.4 Single-family dwelling:

(a) The occupant shall be responsible for extermination of insects, rodents, vermin or other pests in the structure on the premises where:

1. The first observable signs of infestation appear more than thirty (30) days after the occupant takes possession of the premises; or,
2. The first observable signs of infestation appear within thirty (30) days after the occupant takes possession of the premises, and the occupant fails to notify the owner of the infestation within the thirty (30) day period; or,

3. The owner, after being notified pursuant to subsection (2) above, has undertaken extermination which eliminated infestation within forty-five (45) days after the extermination began; or,

4. Whenever the Housing Code Official determines that infestation was caused by the occupant's violation of housekeeping provisions of the Housing Code, regardless of when the infestation occurs or is reported to the owner.

b) The owner shall be responsible for extermination where:

1. The occupant notifies the owner of infestation within thirty (30) days of the occupant's occupancy; or,

2. After the owner has been notified pursuant to subsection (1) above, infestation still exists forty-five (45) days after extermination was commenced; except that if the owner presents the Housing Code Office with proof that a satisfactory effort was made to control the infestation, then the occupant shall be responsible for further extermination if continued infestation is attributable to the occupant.

PM-802.5 Multiple occupancy: Every owner, agent or operator of a structure containing two or more rental units shall be responsible for the extermination of insects, rodents or other pests in the shared or public areas of the structure and premises. The owner shall be responsible for extermination within each rental unit, except that where an occupant's poor housekeeping has caused infestation, the occupant shall be responsible for extermination within the occupant's rental unit.

PM-802.6 Continued rodent infestation: Continuing or repeated incidents of rodent infestation determined from the official records as provided in PM-103.3 of this code shall require the installation of rat and vermin-proof walls. The rat and vermin-proof walls shall be installed in accordance with the building code.

**DOCUMENT INDICATING CHANGES IN
CHAPTER 16.12 (HOUSING QUALITY)
PROPOSED BY ORDINANCE 03-08**

**Chapter 16.12
HOUSING QUALITY**

~~Strikeout~~ = Deleted Text

Bold = New Text

16.12.010 Definitions.

16.12.020 Purpose--Rules of construction.

16.12.030 Compliance required--Application of chapter.

16.12.040 Inventory and damage lists-- Security deposits.

16.12.050 Disclosure.

16.12.060 Registration of rental units required.

16.12.070 Inspection--Right of entry--Fees.

16.12.080 Occupancy permits.

16.12.090 Retaliatory eviction prohibited.

16.12.100 Penalty.

16.12.110 Severability.

16.12.010 Definitions.

Definitions applicable to this chapter are found at 16.04 Section 202.

~~As used in this chapter, the following terms have the following meanings unless otherwise designated:~~

Note: The definitions in this section were either moved to Chapter 16.04 Section 200 or deleted.

16.12.020 Purpose--Rules of construction.

This chapter shall be liberally construed and applied to promote its underlying purpose, which is to encourage the maintenance and improvement of the quality of housing in the city. (Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.030 Compliance required--Application of chapter.

(a) No person shall occupy or maintain a rental unit within the city unless in accordance with the provisions of this chapter.

(b) This chapter applies to rental units located within the city, including governmental or public agencies acting as landlords, but shall not apply to the following arrangements unless the arrangements are created to avoid the application of this chapter:

- (1) Occupancy in a rental unit operated by the Indiana University Halls of Residence;
- (2) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
- (3) Occupancy by the purchaser of a dwelling unit under a contract of sale;
- (4) Transient occupancy in a hotel, motel or other similar lodgings;
- (5) Owners who reside in a single-family dwelling unit but who wish to lease to individuals or a family while they are absent from the city for short period of time, not to exceed one year, and who intend to return to their single-family dwelling unit at the expiration of the lease period;
- (6) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with the tenant. (Ord.86-19 § 16,1986; Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.040 Inventory and damage lists-- Security deposits.

(a) The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement.

(b) The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur at the end of the tenant's occupancy and prior to the occupancy of the next tenant. Any damages to the rental unit shall be noted on the inventory and damage list, and the list shall thereupon be signed by the parties. If the parties can agree to the cost of repair, such portion as is due the tenant, shall be refunded within forty-five days.

(c) (1) The owner or his agent shall have a duty to initiate the joint inspections; however, both the owner or his agent and the tenant shall have an affirmative duty to make a good-faith effort in scheduling joint inspections. In the event the owner or his agent is unable to schedule an inspection with the tenant through contacting the tenant by telephone, personal message or personal contact, the owner or his agent may show compliance with this section by producing the following: a carbon copy of a letter to tenant stating the time and place of inspection; and, a normal business record showing that this letter was mailed to the tenant by first class mail at least two days prior to the date of the inspection.

(2) If the owner or owner's agent cannot arrange a joint inspection pursuant to the above procedures, the owner or agent shall complete the inspection, noting on a signed and dated inspection report any damages which exceed normal wear and tear.

(d) The owner's or agent's copy of all inspection reports shall be retained for a minimum of the present lease period and the two subsequent lease periods, or for a period of four years, whichever is less. (Ord. 90-51 § 2, 1990; Ord. 86-19 § 17, 1986; Ord. 81-97 § 1, 1981; Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.050 Disclosure.

(a) A party signing a tenancy agreement as owner shall disclose therein or in a separate writing furnished to the tenant at or before the commencement of tenancy the name and usual address of each person who is:

(1) Authorized to manage the premises; and

(2) An owner of the premises or his agent who is authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving all notices and demands.

(b) In case of an oral tenancy agreement, the owner or his agent, upon written request, shall furnish the tenant with a written statement containing the information required by subsection (a) of this section.

(c) The information required by this section shall be kept current. The provisions of this section shall extend to and be enforceable against any successor owner or manager.

~~(d) In addition, the owner or owner's agent shall provide to each tenant, at or before the commencement of occupancy, a summary of the tenants' and owners' rights and responsibilities, in such form as shall be prescribed by the neighborhood development manager. For purposes of this subsection, it shall be sufficient if the owner furnishes one copy of the summary to each rental unit at or before each change in occupancy and obtains the signatures of the parties to the contract on the summary.~~

(d) The owner or owner's agent shall provide to the tenants of each rental unit, at or before the commencement of occupancy, a copy of the summary of the tenants' and owners' rights and responsibilities, in such a form as shall be prescribed by the HAND Director or other Designee. The owner shall sign the summary, obtain the signatures of the tenants on the summary, and shall provide a copy of that summary to the Housing and Neighborhood Development Department, upon its request.

~~(e) The neighborhood development division~~ **HAND Department** shall furnish, upon request, to each registered owner or owner's agent of rental property subject to this chapter a copy of the Bloomington Property Maintenance Code. The housing quality ordinance and a sufficient number of copies of the summary required by subsection (d) of this section shall be provided to each owner or owner's agent to permit distribution of the summary to each rental unit. Owners shall contact the ~~neighborhood development division~~ **HAND Department** for additional copies as needed. The ~~neighborhood development division~~ **HAND Department** shall make available additional copies of the summary as owners need them. Owners who first register rental property after the effective date of this subsection shall be furnished the housing quality ordinance at the time of registration. Owners already registered on the effective date of this subsection shall be furnished the housing quality ordinance no later than the time of the next cycle inspection. (Ord. 97-06 §§ 34, 35, 1997; Ord. 93-41 §§ 9, 10, 1993; Ord. 88-40 § 1, 1988; Ord. 78-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.060 Registration of rental units required.

No owner of real estate within the city shall use real estate for the purpose of erecting or maintaining a rental unit thereon without registering such property with the ~~neighborhood development division~~ **HAND Department** of the city. Such registration shall be effected by furnishing to such division, upon a form furnished by the division, the following information:

(1) Name of owner;

(2) Street address of owner;

(3) Street address of property;

(4) Brief description of type and number of rental unit(s); and

(5) Name and street address of agent, if any, authorized to receive notification of complaints,

damages, emergencies, substandard conditions or other communications, including service of process. The address of any agent so designated shall be within the state. Any owner who does not reside in Indiana shall be required to designate such an agent.

(b) The registration form shall be signed by the owner.

(c) Whenever ownership of a rental unit changes, the new owner shall register the property.

(d) Notification of the owner or his agent at the address shown on the registration form shall constitute sufficient notice pursuant to any provision of this chapter.

(e) It shall be a violation of this chapter for any owner to maintain a rental unit which has not been registered in accordance with this section. (Ord. 98-09 § 1, 1998; Ord. 97-06 § 36, 1997; Ord. 93-41 § 11, 1993; Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.070 Inspection--Right of entry--Fees.

(a) (1) Each rental unit and premises within the city shall be inspected by the ~~neighborhood development division~~ **HAND Department** immediately prior to the expiration of its occupancy permit, to establish compliance with the property maintenance code. Occupancy permits shall be issued for three, four or five year periods, as determined by subsections (b), (c), (d), and (e) of this section.

(2) No rental unit having a current occupancy permit shall be inspected in good faith more often than is required for the renewal of the occupancy permit, unless a request for inspection is made as provided in subsection (e) of this section. When a rental unit passes a regularly scheduled cycle inspection, or a complete off-cycle inspection it shall receive an occupancy permit according to the plan and criteria below:

(b) Three-year Permit. A unit shall receive a three-year occupancy permit if any of the subsections below applies:

(1) If the unit has received life-safety variances;

(2) If the owner fails to schedule a cycle inspection prior to the expiration of the unit's occupancy permit;

(3) If a unit has been inspected and the HAND inspector has issued a report citing violations, and the owner fails to have the unit reinspected and found in compliance with the property maintenance code, excluding exterior painting requirements, within sixty days after the inspection report citing violations was mailed to the owner or agent;

(4) If the owner fails to satisfy all outstanding fee assessments within thirty days from the date of billing.

(c) Four-year Permit. A unit shall receive a four-year permit if both of the conditions below apply:

(1) The inspection uncovers no violations, or all violations cited on a cycle inspection report, ~~excluding exterior painting requirements~~, are satisfactorily corrected within sixty days after the report was mailed to the owner or agent, and

(2) The owner satisfies all outstanding fee assessments within thirty days from the date of billing. However, if the unit qualifies under subsection (d)(2) below, a five-year permit shall be issued.

(d) Five-year Permit. A unit shall receive a five-year permit if:

(1) The rental unit is new construction and the inspection uncovers no violations or all violations cited on a cycle inspection report, ~~excluding exterior painting requirements~~, are satisfactorily corrected within sixty (60) days after the report was mailed to the owner or agent, and the owner satisfies all outstanding fee assessments within thirty days from the date of billing, and HAND has issued a rental occupancy permit prior to occupancy of the unit; or

(2) The unit's occupancy permit at the time of reinspection for permit renewal had been a four-year permit, and the reinspection uncovers no violations or all violations cited on the reinspection report, excluding exterior painting requirements, are satisfactorily corrected within sixty days after the report was mailed to the owner or agent, and the owner satisfies all outstanding fee assessments within thirty days from the date of billing.

(e) Off-cycle inspections may be done at the discretion of the ~~neighborhood development manager~~ **HAND Director or other designee**, upon the written, signed request of any resident of the city, any governmental agency, or the rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent. **HAND shall attempt to notify the owner or owner's agent of such inspection.** An off-cycle inspection shall be confined to the defects complained of, if any, by the person requesting the inspection unless the ~~neighborhood development manager~~ **HAND Director or other designee** determines that the condition of the rental unit or premises has deteriorated since the last cycle inspection to such an extent that a complete inspection is required to effectuate the purposes of the property maintenance code, in which case a complete new inspection of the entire rental unit and premises may be performed. If a complete off-cycle inspection is performed, a new occupancy permit shall be issued upon compliance. Such permit

shall be for a four-year period, provided all violations excluding exterior painting are satisfactorily completed, and the unit **reinspected** within sixty days after the receipt of the inspection report by the owner or owner's agent. Such permit shall be for a three-year period if the owner or agent fails to have the unit reinspected and found in compliance with the inspection report, excluding exterior painting, within sixty (60) days after such report is mailed to the owner or agent.

(f) All cycle inspections and complete off-cycle inspections shall be charged an inspection fee to be determined by the schedule in subsection (g) of this section. Complaint and limited off-cycle inspections shall not be charged an inspection fee. An administrative fee of three times the inspection fee shall be assessed in addition to the inspection fee for any rental properties subject to this code and operating without a valid rental occupancy permit. First reinspections, and reinspections necessary to obtain information for appeals to the board of housing quality appeals shall not be charged an inspection fee. The fee for each subsequent reinspection that requires entry to the rental unit after the first reinspection shall be thirty dollars per rental unit. The failure of a property owner or his appointed representative to meet the inspector(s) at a confirmed scheduled appointment when the failure results in the inspector being unable to complete the inspection, shall cause an assessment of a no-show fee of thirty dollars. Inspectors shall be required to remain at the property until fifteen minutes past the appointed time. All fees shall be paid by the owner or his agent prior to the issuance of an occupancy permit. All fees are to be paid within thirty days of assessment or any long-term occupancy permit will revert to a three-year permit.

(g) The fee for inspecting a single-unit dwelling shall be fifty dollars. The fee for inspecting a rooming house shall be forty dollars per building, plus ten dollars per bathroom/toilet facilities in the building. The fee for inspecting all other unit/building configurations shall be forty dollars per building, plus ten dollars per unit in the building.

~~(h) Unless waived by the landlord or tenant, the following procedure shall be used to obtain entry to rental units for the purpose of inspection. The owner of the unit shall be contracted and a date shall be established for inspection. The owner shall also furnish to the neighborhood development division a current list of tenants in each rental unit. The neighborhood development division shall then send a letter to each tenant informing them of the date of the inspection. If no response is received from the tenant, consent to enter will be presumed. An official record shall be maintained of all notices required by this section and all responses received to the notices. The landlord shall be responsible for granting access to the inspector upon presentation of a copy of the official record of notices and responses. If the tenant refuses entry for inspection after proper notification, the neighborhood development division shall not inspect without first obtaining a search warrant. (Ord. 98-09 §§ 2, 3, 4, 1998; Ord. 97-06 §§ 37-40, 1997; Ord. 93-41 § 12, 1993).~~

(h) It shall be the responsibility of the owner or his agent to schedule all required inspections and reinspections. The owner or owner's agent shall notify the tenant(s) of all scheduled inspections and reinspections. The owner or his agent shall be responsible for granting access to the inspector. If the tenant refuses entry for inspection the HAND Department shall not inspect without first obtaining a search warrant.

16.12.080 Occupancy permits.

~~(a) All rental units and premises inspected pursuant to Section 16.12.070 and found not to be in violation of the property maintenance code shall be issued an occupancy permit by the neighborhood development division. No occupancy permit shall be issued by the HAND Department until the rental unit and premises have been inspected pursuant to section 16.12.070 and found not to be in violation of the property maintenance code and until all provisions of Chapter 16.12 have been met.~~ Upon registration of a rental unit not previously used as such, the neighborhood development division shall issue a temporary occupancy permit which shall be in effect until the unit has been inspected and either an occupancy permit has been issued or the temporary permit is revoked as provided in subsection (d) of this section.

(b) All rental units shall be required to have a current occupancy permit to be displayed on the inside of the main entrance of the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit.

(c) The owners of rental units and premises found to be in violation of the property maintenance code shall be notified in writing of the reason for disapproval and the reasonable time period during which compliance with the property maintenance code is expected.

(d) At the end of the time period specified in the notice described in subsection (c), any rental unit or premises found to be in violation of the property maintenance code shall be reinspected by the city at the request of the owner or his agent after such owner or agent has effected those corrections and additions required by the city as a result of any previous inspection, and upon

such reinspection such rental unit and premises shall be approved or disapproved for an occupancy permit. If reinspection is not requested by the owner or his agent at the end of the time period specified in the notice described in subsection (c), or upon reinspection the unit and premises is not approved, any occupancy permit shall be revoked.

(e) It shall be a violation of this chapter for any owner to maintain a rental unit without an occupancy permit. (Ord. 97-06 §§ 41--43, 1997; Ord. 93-41 § 13, 1993; Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.090 Retaliatory eviction prohibited.

It shall be a violation of this chapter for any owner or his agent to bring or threaten to bring an action for possession for the purpose of retaliating against a tenant for requesting an inspection as provided for in subsection (e) of Section 16.12.070. (Ord. 97-06 § 44, 1997; Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).

16.12.100 Penalty.

Any person, firm or corporation who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine of not more than one hundred dollars and other penalties provided in Section 1.01.130 of the Bloomington Municipal Code. Each day that a violation continues shall be deemed a separate offense. In addition, the ~~city engineer~~ **HAND Director of other Designee** may:

(a) Declare a rental unit to be unsafe as provided by the Housing Code in Section 105.0, entitled "Unsafe Building Law"; and

(b) Issue an emergency order where immediate action is required to protect the health and safety of the public or of the occupants of the rental unit as provided by the property maintenance code in Section 108.0, entitled "Emergency Orders"; and

(c) Seek any of the additional remedies provided by the housing code in Section 109.3, which provides for an appropriate action or proceeding at law or in equity against the person responsible for the violation for the purpose of ordering him to:

(1) Restrain, correct or remove the violation or refrain from any further execution of work,

(2) Restrain or correct the erection, installation, or alteration of such structure,

(3) Require the removal of work in violation, or

(4) Prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued. (Ord. 97-06 § 45, 1997; Ord. 86-19 § 19, 1986; Ord. 79-19 § 1 (part), 1979; Ord. 78-86 § 8, 1978; Ord. 78-56 § 1 (part), 1978).

16.12.110 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. (Ord. 79-17 § 1 (part), 1979; Ord. 78-56 § 1 (part), 1978).