

City of Bloomington Common Council

Legislative Packet

Wednesday, 15 October 2014

Regular Session

All legislation and background material contained herein

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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Second Reading or Resolutions:

- **Res 14-17** To Approve the Interlocal Agreement Between Monroe County, Town of Ellettsville, and the City of Bloomington for Animal Shelter Operation for the Year 2015
 - Interlocal Agreement; Memo from Patty Mulvihill, City Attorney; Statistics Sheet

*Contact: Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov
Laurie Ringquist at 349-3870 or ringquil@bloomington.in.gov*

Legislation and Background Material for First Reading:

- **Ord 14-22** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” – Re: Stop and Signalized Intersections, One Way Streets, Restricted Turns on Red Light, Parking on Unimproved Surfaces, Angle Parking, No Parking, Bus Zones, and Appeals of Parking Violations
 - Memo to the Council from Tom Micuda, Director of Planning and Transportation, and Patty Mulvihill, City Attorney; Maps

*Contact:
Tom Micuda at 349-3423 or micudat@bloomington.in.gov
Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov*
- **Ord 14-23** To Repeal and Replace Title 17, Chapter 17.6, “Unsafe Building Law”
 - Memo from Patty Mulvihill, City Attorney and Lisa Abbott, Director of Housing and Neighborhood Development

*Contact: Patty Mulvihill at 349-3552, mulvihip@bloomington.in.gov
Lisa Abbott at 349-3576, abbottl@bloomington.in.gov*

Minutes from Special Session:

- September 23, 2015

Memo

One Resolution Under Second Readings and Resolutions and Two Ordinances Under First Reading at Regular Session on Wednesday, October 15th

The agenda for the Regular Session next Wednesday includes one resolution under Second Readings and Resolutions and two ordinances under First Reading. All three pieces of legislation and related materials are included in this packet and summarized herein.

Resolution for Consideration at Regular Session

Res 14-17 Approving the Animal Control Interlocal Agreement Between the County, Town of Ellettsville and City for 2015

Res 14-17 is the one item to be considered for Second Reading at the Regular Session next Wednesday. It authorizes the signing of an *Interlocal Agreement* between Monroe County, the Town of Ellettsville, and the City regarding the funding for Animal Shelter operations in 2015. The total of those payments to the City will be \$335,051.

Under the terms of the *Agreement*, the County will pay a total of \$310,067.53 and the Town of Ellettsville will pay a total of \$24,983.47 to the City for work we do on their behalf next year. This work includes the services done by the City in sheltering animals coming from the County and otherwise assisting in County operations (i.e., dispatching runs and giving information to callers), but is distinct from the City's animal control field operations, education program and volunteer program. The amount of payment is based upon a long-standing formula that takes into account the cost of shelter operations (which is about half the City's Animal Care and Control budget), offsetting revenues and the percentage of shelter operations attributable to animals coming from these jurisdictions during the previous year. Rather than use the previous full year's expenditures as a way of *projecting costs* into the next full year, the agreement for 2015 uses that last full-year of expenditures as a *basis for reimbursement* which to be paid in 2015. Please note that total payments will go up by \$4,575 in 2015.

The formula works as follows:

Budget for Animal Shelter Operations for 2013 (which is about 56% of the ACC total budget. This number is further offset by adoption revenues [\$102,256].) \$683,777
(down \$34,649 from 2012)

Percentage of Shelter Operations Attributable to County
(This is based upon the percentage of animals taken in 2013 by the Shelter that arrive from the County. According to the Statistics Sheet (included in the materials), the Shelter received a total of 3,991 animals, with 1,956 coming from both the County (1,812) and the Town of Ellettsville (146). It appears that the number of animals handled by the Shelter decreased by 107 and the number of animals coming from the County (including Ellettsville) increased by 76 between 2012 and 2013.) x 49 %
(up 3% from 2012)

TOTAL **\$ 335,051**
(up \$4,575 from 2012 to 2013)

First Readings

Item One – Ord 14-22 – Amending Title 15 (Vehicles and Traffic)

Ord 14-22 offers the first amendments to Title 15 (Vehicles and Traffic) of the Bloomington Municipal Code to come forward from the newly consolidated Planning and Transportation department. A difference, that I understand is temporary and due to staff turnover, is that the Traffic Commission has not vetted those changes that typically go through them. The amendments affect provisions regarding stop and signalized intersections, one way streets, angle parking, no parking, bus zones, city parking lots, and appeals of parking violations.

According to the memo from Tom Micuda, Director of Planning and Transportation, and Patty Mulvihill, City Attorney, the impetus for the changes fall into to five categories:

- Changes necessitated by new development projects;
- Permanently implementing 90-Day Orders;
- Corrections in location of Bus Zones;
- Parking on an Unimproved Surface; and
- Adding another category of persons who can challenge a Class D parking violation.

These changes are briefly summarized and explained below:

Changes Necessitated by New Developments and Improvements

The changes due to new developments and improvements affect stop and signalized intersections, one-way streets, angle parking, and restricted turns on red light.¹

Stop Intersections (Maps 1 - 4) [BMC 15.12.010, Schedule A] - Sections 1 & 2 of Ord 14-22

Location:

- Gentry Street (between 4th and Kirkwood)

Action and Rationale:

In the last year or so, the Council made Gentry a one-way street (south) to accommodate the new Hyatt Place hotel constructed between Gentry and the B-Line Trail. This amendment moves the stop intersection from Kirkwood to Fourth Street.

- Monroe Street & Arlington Road
- 17th and Monroe Street

The new roundabout at this “K” intersection will eliminate the need for these stop signs, which are removed by this ordinance.

- Walnut Grove and 10th Street

A few years ago, the City vacated a portion of Walnut Grove to allow IU to build a new classroom facility and pedestrian way. Section 4 of this ordinance makes the first block of north of 10th Street a one-way street heading north and Section 1 removes the now unneeded stop intersection for traffic entering 10th from Walnut Grove.

- Isaac Drive and Patterson Drive
- Isaac Drive and Westplex Avenue
- Milieu Drive and Westplex Avenue

These new stop intersections are a result of the Patterson Point PUD under development on the City’s west side. Traffic on the street listed first will stop for the street listed second.

Signalized Intersection (Map 5) [BMC 15.12.030, Schedule D] – Section 3 of Ord 14-22

Location:

- Patterson Drive and Adams Street

Action and Rationale:

This signalized intersection is the result of the Patterson Point and Patterson Park PUD projects under development on the City’s west side.

¹ I have placed the latter change in this category because it is driven by the building-forward design of a relatively recent project and is not subject to a 90-Day Order.

One-Way Street (Map 6) [BMC 15.16.010, Schedule E] – Section 4 of Ord 14-22

Location:

- Walnut Grove from Tenth to Cottage Grove

Action and Rationale:

As mentioned above, the block north of this site was vacated by the City in order for IU to construct a classroom facility and pedestrian corridor. Walnut Grove now connects with Cottage Grove and this change makes this route one-way going north.

Restricted Turns on Red at Signalized Intersections (Map 7) [BMC 15.20.020, Schedule H] – Section 5 of Ord 14-22

Location:

- Grimes Lane & Walnut Street (West)

Action and Rationale:

This amendment would prohibit motorists who are heading east on Grimes Lane and turning south at the signal onto Walnut Street from making that turn on a red light. It addresses a line-of-sight issue due to building-forward design of the Bloomington Paint and Wallpaper Building which makes it difficult to see southbound vehicles.

Angle Parking (Map 8) [BMC 15.32.030, Schedule L] – Section 7 of Ord 14-22

Location:

- College Avenue for 310 feet south of Seventeenth Street (East side)
- Patterson Drive from 375 feet north to 275 feet south of Adams Street

Action and Rationale:

A new development at this intersection calls for angle-parking and this ordinance adds those changes to our code.

The Patterson Park PUD included some angle parking along Patterson Drive and this amendment adds them to the local code.

Permanently Implementing 90-Day Orders

The following are a series of changes in the No Parking Zones already implemented by 90-Day Orders that would become permanent with the adoption of this ordinance.

No Parking (Maps 9 - 11) [BMC 15.32.080, Schedule M] – Sections 8 & 9 of Ord 14-22

Location:

- Fifth Street from Union Street to the dead-end of Overhill Drive at the SR 45/46 Bypass
- Fourteenth Street from Fess Avenue to Woodlawn Avenue
- Grant Street from University Street to the dead-end north of Twelfth Street
- Lincoln Street from First to Second Street
- Lincoln Street from Twelfth Street to the dead-end north of it
- Second Street from Lincoln Street to Grant Street
- University Street from Lincoln Street to Henderson Street

Action and Rationale:

- Parking is currently prohibited on East Fifth Street from Union Street to Overhill Drive and allowed for the dead-end block east of Overhill. This change would:
 - Prohibit parking on both sides of the street from Union Street to Hillsdale Drive; and
 - Allow parking on the south side of the street between Hillsdale Drive and the dead-end east of Overhill Drive.
- Parking is currently prohibited on the north side of Fourteenth from Indiana Avenue to Woodlawn Avenue. This change would:
 - Prohibit parking on the south side from Fess to Woodlawn.
- Parking is currently prohibited on the east side of Grant from University to Twelfth Street. This change would:
 - Keep that prohibition from Second to Twelfth Street; but
 - Allow parking on the east side of Grant at the southern end (between First and Second Street) and northern end (from Twelfth to the dead-end north of it).
- This ordinance shifts the parking prohibition from the west to the east side of the street for this one block.
- It also adds a parking prohibition on the west side of the half-block of Lincoln that deadens north of Twelfth Street.
- There is currently a parking prohibition on the north side of Second from Grant to Henderson and on the south side from Washington to Grant. This change would include the south side from Lincoln to Grant in this prohibition.
- There are no parking prohibitions for University in this area and this amendment adds one on the north side for these two blocks.

Corrections in Location of Bus Zones

There are an addition and deletion of bus zones:

Bus Zones (Maps 12 & 13) [BMC 15.32.110, Schedule P] – Sections 10 & 11 of Ord 14-22

Location:

- Washington Street from Kirkwood Avenue to Fourth Street (West side)
- Fourth Street from Washington Street to the entrance to Municipal Lot 3 (North side)
- Covenanter Drive between roughly 500 and 600 feet west of Clarizz (on both the north and south side of the street)

Action and Rationale:

This ordinance removes the bus zones in front of the former downtown transit station

This ordinance adds bus zones on both the north and south side of Clarizz in a transit zone serving new recent development in the area.

Adding Prohibition Against Parking on an Unimproved Surface to Title 15 (BMC 15.32.025 – Section 6 of Ord 14-22)

The requirement that parking areas be paved with asphalt, concrete, or other approved materials is found in Title 20 (Unified Development Ordinance), but the violations are typically discovered by Parking Enforcement Officers, who are responsible for enforcing the parking provisions in Title 15 (Vehicles and Traffic). This amendment will allow the Parking Enforcement Officers to issue that citation rather than forward it to the Planning and Transportation Department for further action.

Adding Another Category of Persons Who May Challenge a Class D Parking Violation (BMC 15.64.010[e][3] – Section 12 of Ord 14-22)

This section was proposed by the City Clerk and allows not only the persons cited for a parking violation and their attorney to appeal a citation, but someone who otherwise represents them. This person could be a relative or friend.

Item Two -- Ord 14-23 To Repeal and Replace Title 17, Chapter 17.6, “Unsafe Building Law”

Ord 14-23 is largely a housekeeping measure to bring local code provisions regarding unsafe buildings into agreement with State law. As pointed out in the accompanying memo from City Attorney, Patty Mulvihill, while the State’s Unsafe Building Law has experienced numerous changes in the last few decades, the most recent substantive change to the City’s Unsafe Building Law was in 1987. Ord 14-23 repeals the Chapter 17.16 “Unsafe Buildings” of the Bloomington Municipal Code and replaces it with language that: 1) incorporates by reference Indiana Code provisions on unsafe buildings; 2) incorporates by reference relevant provisions of the Indiana Administrative Code; and 3) spells out a uniform standard for sealing unsafe buildings, the codification of which is required by State law. While this is a wholesale replacement of Chapter 17.16, it is worth noting that very little about the City’s actual practice regarding unsafe buildings changes with Ord 14-23. Indeed, the only substantive change to practice is the requirement that when a building is sealed, the material used to seal the building must be painted a similar color to the exterior.

Incorporating Indiana Code and Indiana Administrative Code Provisions by Reference

Ord 14-23 incorporates Indiana Code §36-7-9 “Unsafe Building Law” by reference (linked [here](#)) and the applicable rules of the Indiana Fire Prevention and Building Safety Commission as outlined in Title 675 of the Indiana Administrative Code (linked [here](#)). The effect of incorporation by reference is that the requirements of State statute and administrative rules become those of the Bloomington Municipal Code. In this instance, the State’s Unsafe Building Law is being incorporated in its entirety and only those applicable provision of the State’s Administrative Code are being incorporated (for example, those provisions relating to residential, plumbing, electrical, and mechanical rules).

State law directs that when a municipality incorporates the State’s Unsafe Building Law, it must specify the executive department responsible for the administration of the municipality’s unsafe building law, and must incorporate by reference the statutory definition of “substantial property interest.” Ord 14-23 identifies the City’s Housing and Neighborhood Development Department (HAND) as the department responsible for administration. Ord 14-23 also explicitly incorporates by reference the statutory definition of “substantial property interest.” Indiana Code defines “substantial property interest” as “any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.” I.C. §36-7-9-2. Those with a

substantial property interest are due notice and have standing to appeal the decision of the Board of Public Works, among other rights.

Under Indiana Code, an unsafe building is one that:

- is in an impaired structural condition that makes it unsafe to a person or property;
- a fire hazard;
- a hazard to the public health;
- a public nuisance;
- dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
- vacant or blighted and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;

While the substantive process for addressing unsafe buildings is not being altered with Ord 14-23, a brief review of the process that HAND follows may be instructive. When a building is determined to be unsafe, statute directs that the enforcement authority may issue an order requiring action relative to any unsafe premises, including:

- Vacating the unsafe building;
- Sealing the unsafe building;
- Exterminating vermin in and around the unsafe building;
- Removing trash, debris, fire hazardous materials, or public health hazards in and about the unsafe building;
- Repairing or rehabilitating the unsafe building so that it is brought into compliance with standards for building conditions;
- Demolishing or removing *part* of an unsafe building;
- Demolishing or removing *all* of an unsafe building (only permitted if the general condition of the building warrants removal or the building continues to require reinspection and additional abatement actions after an initial abatement action has been taken pursuant to an unsafe order); or
- Sealing the unsafe building for a period of more than 90 days.

Notice of the order is then sent by registered or certified mail to those who have a property interest in the structure.

A hearing is required for any order to vacate. All other orders listed above become final ten days after notice is given unless a person holding an interest in the property requests a hearing before the 10 days has tolled. Under Ord 14-23, the Board of Public Works acts as the hearing authority for the Unsafe Building Law. At the conclusion of the hearing the Board of Public Works may affirm, rescind, or modify the order. The Board may grant more time to complete an order if good cause is shown. If the Board finds a willful failure

to comply with the Order, the Board may impose a civil penalty not to exceed \$5,000. When a property owner does not comply with an order, in some circumstances, the City may fix the violation and may place a lien on the property to recoup costs.

Codifying Uniform Standards for Sealing an Unsafe Building

State law requires that the standards for sealing an unsafe building be established by way of ordinance. Previously these standards were not codified. Modeled on the sealing standards outlined in the Indianapolis-Marion County Code,² Ord 14-23 clearly articulates the protocol for boarding buildings. In large part, this protocol reflects the current practice of HAND; however, Ord 14-23 does add one new standard: the requirement that any material used to board a building be painted a similar color as the building's exterior (17.16.060(b)(2)(B)).

Local Unsafe Buildings in Context

As relayed by Mulvihill at the Internal Work Session, it is worth noting that, in comparison to many other Indiana communities, Bloomington does not issue many orders to remedy unsafe buildings. In large part, this is due to the City's robust housing inspection program. According to Abbott, on average, the City issues approximately ten Orders per year. In the last ten years, the City has demolished or paid for the demolition of only three houses – a number that pales in comparison to many other Indiana communities.

Effective Date

This ordinance requires the approval of the Indiana Fire Prevention and Safety Commission and the ordinance becomes effective upon only when the measure is passed and adopted by the City and has been approved by the Commission. Know that in drafting this ordinance, Mulvihill consulted with the Commission attorney, who has indicated that the ordinance is acceptable.

² Sec. 537-41

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, OCTOBER 15, 2014
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: September 23, 2014 Special Session

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 14-17 To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2015

Committee Recommendation: None (*Not heard by Committee*)

VII. LEGISLATION FOR FIRST READING

1. Ordinance 14-22 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” – Re: Stop and Signalized Intersections, One Way Streets, Restricted Turns on Red Light, Parking on Unimproved Surfaces, Angle Parking, No Parking, Bus Zones, and Appeals of Parking Violations
2. Ordinance 14-23 To Amend Title 17 of the Bloomington Municipal Code Entitled, “Construction Regulations” Re: Repealing and Replacing Chapter 17.16, “Unsafe Building Law”

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak



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

To Council Members
From Council Office
Re Weekly Calendar – 13-18 October 2014

Monday, 13 October

No meeting scheduled for this day.

Tuesday, 14 October

11:30 am Plan Commission – Work Session, Kelly
4:30 pm Commission on Aging, Hooker
5:00 pm Black History Month 2015 Planning Team, Dunlap
6:00 pm Bloomington Commission on Sustainability, McCloskey
6:30 pm Sister Cities International – CubAmistad, Dunlap
6:30 pm Sister Cities International – Posoltega, Kelly
7:30 pm Sister Cities International, Kelly

Wednesday, 15 October

9:00 am Monroe County Emergency Management Advisory Council, Chambers
2:00 pm Hearing Officer, Kelly
6:00 pm Council of Neighborhood Associates, Hooker
6:30 pm Commission on the Status of Women – 40th Anniversary Reception, Atrium
7:00 pm Environmental Commission, McCloskey
7:30 pm Common Council -- Regular Session, Chambers

Thursday, 16 October

8:00 am Bloomington Housing Authority Board of Commissioners, 1007 N Summit, Community Rm.
5:15 pm Monroe County Solid Waste Management District – Citizens' Advisory Council, McCloskey

Friday, 17 October

12:00 pm Domestic Violence Task Force, McCloskey
12:00 pm Council-Staff Internal Work Session, Council Library

Saturday, 18 October

9:00 am Bloomington Community Farmers' Market – Showers Common, 401 N Morton St.

Posted and Distributed: Friday, 10 October 2014

RESOLUTION 14-17

**TO APPROVE THE INTERLOCAL AGREEMENT
BETWEEN MONROE COUNTY, THE TOWN OF ELLETTSVILLE
AND THE CITY OF BLOOMINGTON FOR
ANIMAL SHELTER OPERATION FOR THE YEAR 2015**

WHEREAS, the Common Council of the City of Bloomington desires to contract with Monroe County and the Town of Ellettsville, through the authority of I.C. § 36-1-7-2, to provide services and facilities to Monroe County and the Town of Ellettsville for animal care and control in consideration of payment therefore; and,

WHEREAS, an agreement has been reached between the City of Bloomington, Monroe County and the Town of Ellettsville to provide said services and facilities for 2015;

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

Section 1. The Common Council hereby approves the Animal Shelter Interlocal Agreement for Fiscal Year 2015 and authorizes the Mayor, the Director of the Animal Shelter and the Clerk of the City of Bloomington to execute the Agreement.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

DARRYL NEHER, 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 _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution authorizes execution, by the Mayor and Director of Animal Care and Control, of the Animal Shelter Interlocal Agreement for Fiscal Year 2015 between the City of Bloomington, Monroe County and Town of Ellettsville. The agreement provides that Monroe County shall pay the City of Bloomington the sum of \$310,067.53 for 2015 in return for the space the City provides to the County and services it renders on the County's behalf. The agreement further provides that the Town of Ellettsville shall provide the City of Bloomington the sum of \$24,983.47 for 2015 in return for the space the City provides the Town of Ellettsville and services it renders on the Town of Ellettsville's behalf.

ANIMAL SHELTER INTERLOCAL AGREEMENT FOR FISCAL YEAR 2015

WHEREAS, the City of Bloomington Animal Control Department operates the Animal Shelter for the care and control of animals; and,

WHEREAS, the City of Bloomington Animal Control Department enforces licensing, animal care and animal control ordinances within the corporate boundaries of the municipality, including impoundment, adoptions and euthanizing of animals of the Animal Shelter; and,

WHEREAS, the County Animal Management Officers exercise similar functions within the County, but utilize the Shelter premises and staff for impoundment, adoptions and euthanasia; and,

WHEREAS, the County Animal Management Officers exercise similar functions within the town limits of the Town of Ellettsville, but utilize the Shelter premises and staff for impoundment, adoptions and euthanasia; and,

WHEREAS, the Town of Ellettsville finds it in the best interest of its citizens to contract with Monroe County for the animal management services and the City of Bloomington, Indiana for animal shelter use; and,

WHEREAS, Monroe County finds it in the best interest of its citizens to contract with the City of Bloomington, Indiana for animal shelter use and to provide the Town of Ellettsville animal management services; and,

WHEREAS, the City of Bloomington, Town of Ellettsville, and Monroe County are empowered pursuant to Indiana Code § 36-1-7 to contract together on the basis of mutual advantage to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local government;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein agreed, the parties agree as follows:

1. The duration of the Agreement shall be for one (1) year, commencing January 1, 2015 and ending on December 31, 2015.
2. The City of Bloomington ("City") agrees to provide the Town of Ellettsville ("Town") and Monroe County ("County") the following:
 - a. The impoundment, general animal care, adoption and euthanasia for the Town and County.
 - b. Use of supplies and equipment in the City Animal Shelter by the County personnel;
 - c. Assistance to the Town and County in answering phone calls, dispatching service calls and explaining the County animal management laws to callers; and

- d. Accept and record payments for County license fees, and to remit these funds to the County monthly.
3. County shall administer and enforce County Animal Management Laws, including relevant kennel regulations, within the Corporate limits of Ellettsville.
4. The County agrees to pay the City the sum of \$310,067.53.
5. The Town agrees to pay the City the sum of \$24,983.47.
6. The level of cooperation recited in this Agreement is intended to exist for the purpose of efficient and effective delivery of governmental services to the citizens of the City, Town, and County; however, the parties recognize that modifications may be required, either to the Agreement itself, or to the practices and procedures that bring the recitals contained within this document to fruition.
7. The City, Town, and County departments affected by the terms of this Agreement will continue to communicate and cooperate together to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of the respective political subdivisions.
8. Payments shall be made semi-annually to the Controller of the City of Bloomington, upon the timely submission by the City of a claim. Such claims should be submitted to the Monroe County Board of Commissioners, Room 322, Courthouse, Bloomington, Indiana 47404 and the Town Council of Ellettsville, 211 N. Sale Street, Ellettsville, Indiana, 47429.

THE PARTIES, intending to be bound, have executed this *ANIMAL SHELTER INTERLOCAL AGREEMENT FOR FISCAL YEAR 2015* on this _____ day of _____, 2014.

TOWN OF ELLETTSVILLE, INDIANA

 Scott Oldham, President
 Ellettsville Town Council

DATE: _____

ATTEST:

 SANDRA HASH, Clerk/Treasurer

DATE: _____

CITY OF BLOOMINGTON

MONROE COUNTY COMMISSIONERS

MARK KRUZAN, MAYOR

PATRICK STOFFERS, PRESIDENT

DATE: _____

DATE: _____

LAURIE RINGQUIST, ANIMAL
CONTROL DIRECTOR

IRIS KIESLING, VICE PRESIDENT

DATE: _____

DATE: _____

JULIE THOMAS, MEMBER

DATE: _____

ATTEST:

ATTEST:

REGINA MOORE, CLERK

STEVE SAULTER, COUNTY AUDITOR

DATE: _____

DATE: _____

MEMO:

To: City of Bloomington Common Council

From: Patricia M. Mulvihill, City Attorney

Date: September 11, 2014

Re: 2015 Animal Interlocal

The City of Bloomington, Monroe County, and the Town of Ellettsville have at once agreed to renew and extend the annual Animal Interlocal Agreement. This Agreement essentially states that the City of Bloomington agrees to house animals from Monroe County and Ellettsville at the City's Shelter, along with working to adopt those animals and in answering questions from the public. In return, the County and Ellettsville agree to pay the City a specific dollar amount as reimbursement for those services.

The 2015 Animal Interlocal financial portion was calculated using the 2013 Animal Shelter expenditures and dividing that by the number of animals taken in by the Shelter from both the County and the Town of Ellettsville. That formula provides the three government agencies with a specific dollar amount that the County and Ellettsville must pay to the City.

For 2015, Monroe County will pay the City \$310,067.53.

For 2015, the Town of Ellettsville will pay the City \$24,983.47.

2013 BREAKDOWN OF INCOMING ANIMALS BY JURISDICTION AND SOURCE

Animals included in City of Bloomington Total

<u>Jurisdiction</u>	<u>ACO P/U</u>	<u>Surrender</u>	<u>Stray</u>	<u>Total</u>	
City	367	671	562	1600	40%
Owen County		45	30	75	
Greene County		69	53	122	
Lawrence County		50	17	67	
Brown County		4	1	5	
Morgan County		14	1	15	
Other Counties		121	28	149	
Subtotal Other Counties	0	303	130	433	11%

Animals included in Monroe County Total

<u>Jurisdiction</u>	<u>ACO P/U</u>	<u>Surrender</u>	<u>Stray</u>	<u>Total</u>	
Monroe County	342	719	751	1812	45%
Ellettsville	24	76	46	146	4%
Subtotal	366	795	797	1958	49%

TOTAL INCOMING ANIMALS 733 1769 1489 3991

ACO P/U - These are animals picked up in the field by city and county animal control officers.

Surrender - These are owned animals surrendered at the shelter.

Stray - These are stray animals brought to the shelter by citizens.

ORDINANCE 14-22

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“VEHICLES AND TRAFFIC”**

**– Re: Stop and Signalized Intersections, One Way Streets, Restricted Turns on Red Light,
Parking on Unimproved Surfaces, Angle Parking, No Parking, Bus Zones, and Appeals of
Parking Violations**

WHEREAS, the Traffic Commission and Planning and Transportation Department have recommended certain changes be made to Title 15 of the Bloomington Municipal Code entitled “Vehicles and Traffic”;

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

SECTION 1. Section 15.12.010 Schedule A shall be amended to delete the following:

STOP INTERSECTIONS

Traffic on	Shall Stop for Traffic on
Gentry Street	Kirkwood Avenue
Monroe Street	Arlington Road
Seventeenth Street (Eastbound)	Monroe Street
Walnut Grove	Tenth Street

SECTION 2. Section 15.12.010 Schedule A shall be amended to add the following:

STOP INTERSECTIONS

Traffic on	Shall Stop for Traffic on
Gentry Street	Fourth Street
Isaac Drive	Patterson Drive
Isaac Drive	Westplex Avenue
Milieu Drive	Westplex Avenue

SECTION 3. Section 15.12.030 Schedule D shall be amended to add the following:

SIGNALIZED INTERSECTIONS

Cross Street	Cross Street	Flasher Hours and Days	Preferentiality
Patterson Drive	Adams Street		

SECTION 4. Section 15.16.010 Schedule E shall be amended to add the following:

ONE-WAY STREETS

Street	From	To	Direction of Travel
Walnut Grove	Tenth Street	Cottage Grove Avenue	North

SECTION 5. Section 15.20.020 Schedule H shall be amended to add the following:

RESTRICTED TURNS ON RED AT SIGNALIZED INTERSECTIONS

Intersection	From	To
Grimes Lane & Walnut Street	West	South

SECTION 6. Chapter 15.32, entitled “Parking Controls,” shall be amended by adding Section 15.32.025, which shall read as follows:

15.32.025 Parking on an unimproved surface.

All areas used for parking shall be asphalt, concrete, or other approved material. Under no circumstances shall a vehicle be parked upon dirt, sand, or grass.

SECTION 7. Section 15.32.030 Schedule L shall be amended to add the following:

ANGLE PARKING

Street	From	To	Side of Street
College Avenue	310’ South of Seventeenth Street	Seventeenth Street	East
Patterson Drive	385’ South of Adams Street	275’ North of Adams Street	East

SECTION 8. Section 15.32.080 Schedule M shall be amended to delete the following:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Fifth Street	Union Street	Overhill Drive	Both	Any Time
Grant Street	University Street	Twelfth Street	East	Any Time
Lincoln Street	First Street	Second Street	West	Any Time
Lincoln Street	1st Alley North of University Street	Second Street	East	Any Time
Lincoln Street	University Street	2 parking spaces South	East	Any Time

SECTION 9. Section 15.32.080 Schedule M shall be amended to add the following:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Fifth Street	Overhill Drive	East to Dead End	North	Any Time
Fifth Street	Hillsdale Drive	Overhill Drive	North	Any Time
Fifth Street	Union Street	Hillsdale Drive	Both	Any Time
Fourteenth Street	Fess Avenue	Woodlawn Avenue	South	Any Time
Grant Street	First Street	Second Street	West	Any Time
Grant Street	Second Street	Twelfth Street	East	Any Time
Grant Street	Twelfth Street	North to Dead End	West	Any Time
Lincoln Street	First Street	Second Street	East	Any Time
Lincoln Street	Twelfth Street	North to Dead End	West	Any Time
Second Street	Lincoln Street	Grant Street	North	Any Time
University Street	Lincoln Street	Henderson Street	North	Any Time

SECTION 10. Section 15.32.110 Schedule P shall be amended to delete the following:

BUS ZONES

Street	From	To	Side of Street	Time of Restrict.
Fourth Street	Washington Street	Entrance to Municipal Lot No. 3	North	All Time
Washington Street	Kirkwood Avenue	Fourth Street	West	All Time

SECTION 11. Section 15.32.110 Schedule P shall be amended to add the following:

BUS ZONES

Street	From	To	Side of Street	Time of Restrict.
Covenanter Drive	450' west of Clarizz Blvd	605' west of Clarizz Blvd	South	All Time
Covenanter Drive	584' west of Clarizz Blvd	628' west of Clarizz Blvd	North	All Time

SECTION 12. Section 15.064.010 Violations and penalties shall be amended in the following manner: Part (d), entitled “Class D Traffic Violations (most parking violations),” sub-part (3) shall be amended by adding sub-part (E) which shall read as follows:

(E) A representative of any of the persons listed in subsection (A) through (D) above.

SECTION 13. If any section, 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 14. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and the approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

DARRYL NEHER, 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 _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to the Bloomington Municipal Code. This includes stop intersections, signalized intersections, one-way streets, restricted turns on red at signalized intersections, parking on unimproved surfaces, no parking zones, on-street parking meter zones, and bus zones. Also included is a new provision which prohibits the parking of motor vehicles on an unimproved surface. Additionally, the list of individuals who are permitted to challenge a traffic citation is expanded to include a representative of those persons already permitted to register a challenge (persons already permitted include the owner, the driver, and attorney representing either the owner or driver).

MEMO:

To: City of Bloomington Common Council
From: Tom Micuda, Director of Planning & Transportation
Patty Mulvihill, City Attorney
Date: October 6, 2014
Re: Ordinance No. 14-22

Ordinance No. 14-22 is an ordinance which seeks to make minor amendments to Title 15 (Vehicles & Traffic) of the Bloomington Municipal Code. There are five types of changes located within this ordinance:

- Permanently implementing 90-Day Orders;
- Changes necessitated by new development projects;
- Corrections to the locations of bus zones;
- Establishment of parking on an unimproved surface as both a violation of Title 20 (Unified Development Ordinance) and Title 15 (Vehicles & Traffic); and
- Adding an additional category of persons who can challenge a traffic citation.

Permanently Implementing 90-Day Orders

There have been a few 90-Day Orders that have made certain streets within the City No Parking zones because of issues related to traffic safety problems and inability to access necessary entry points. The 90-Day Orders have proven effective and staff wishes to permanently encompass this changes.

Changes Necessitated by New Development Projects

Since the last update there have been a variety of new developments throughout the entire jurisdiction of the City. These new developments have necessitated the installation of new traffic signal controls, new stop signs, new angled parking, and the reworking of streets to one-way. As the development projects have been approved, and in some instances completed and opened, staff would like to codify these changes.

Corrections to Locations of Bus Zones

There are two bus loading zones (near Clarizz) that need to be added to the ordinance and the bus zones around the former Downtown Transit Center need to be removed from the ordinance.

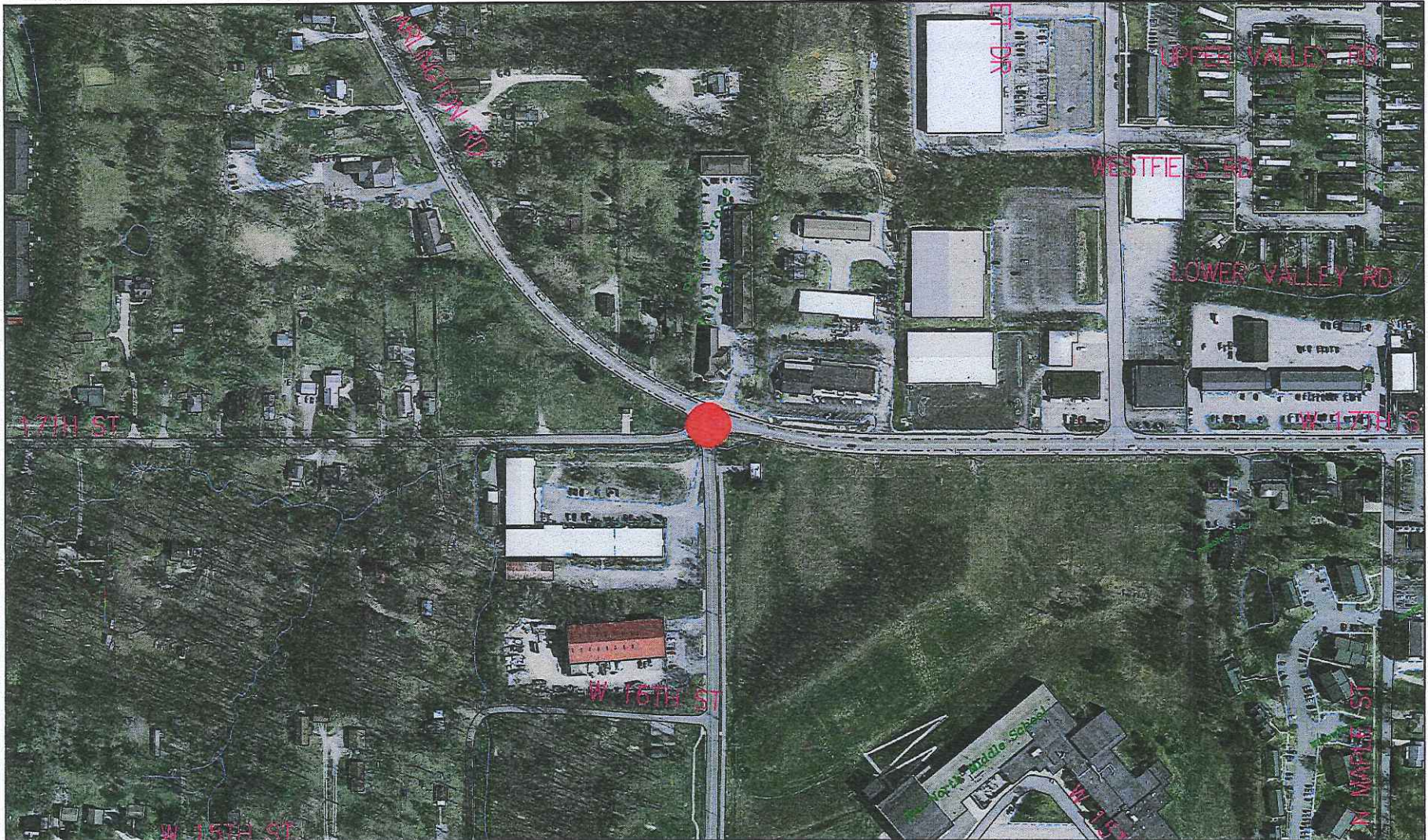
Parking on an Unimproved Surface

Currently parking on an unimproved surface is only a Title 20 (Unified Development Ordinance) violation. However, most of the violations are discovered by Parking Enforcement Officers.

When the violation is discovered the Parking Enforcement Officer creates a "blank" ticket which it then provides to the Planning and Transportation Department so that the Planning and Transportation Department can then issue a Notice of Violation. In order to stop the duplication of staff resources and to make the issuance of these types of violations more timely, City staff recommends making parking on an unimproved surface a violation of Title 15 as well. This way when Parking Enforcement Officers notice the violation they can promptly issue a ticket the same way they do for every other Title 15 violation.

Challenges to Traffic Citations

Section 15.64.010(e)(3) lists three categories of persons who have the legal right to challenge a traffic citation. These three categories include: the owner of the motor vehicle; the driver of the motor vehicle; and an attorney representing either the owner or the driver. The Clerk's Office has asked that one additional category be created in order to handle common situations they experience in their office. This new category would allow a "representative" of the owner or driver to file the appeal. A representative could include a spouse, a child, a parent, etc....



Section 1. Section 15.12.010 Schedule A shall be amended to delete the following:
Stop Intersections

By: kehrberg
9 Oct 14



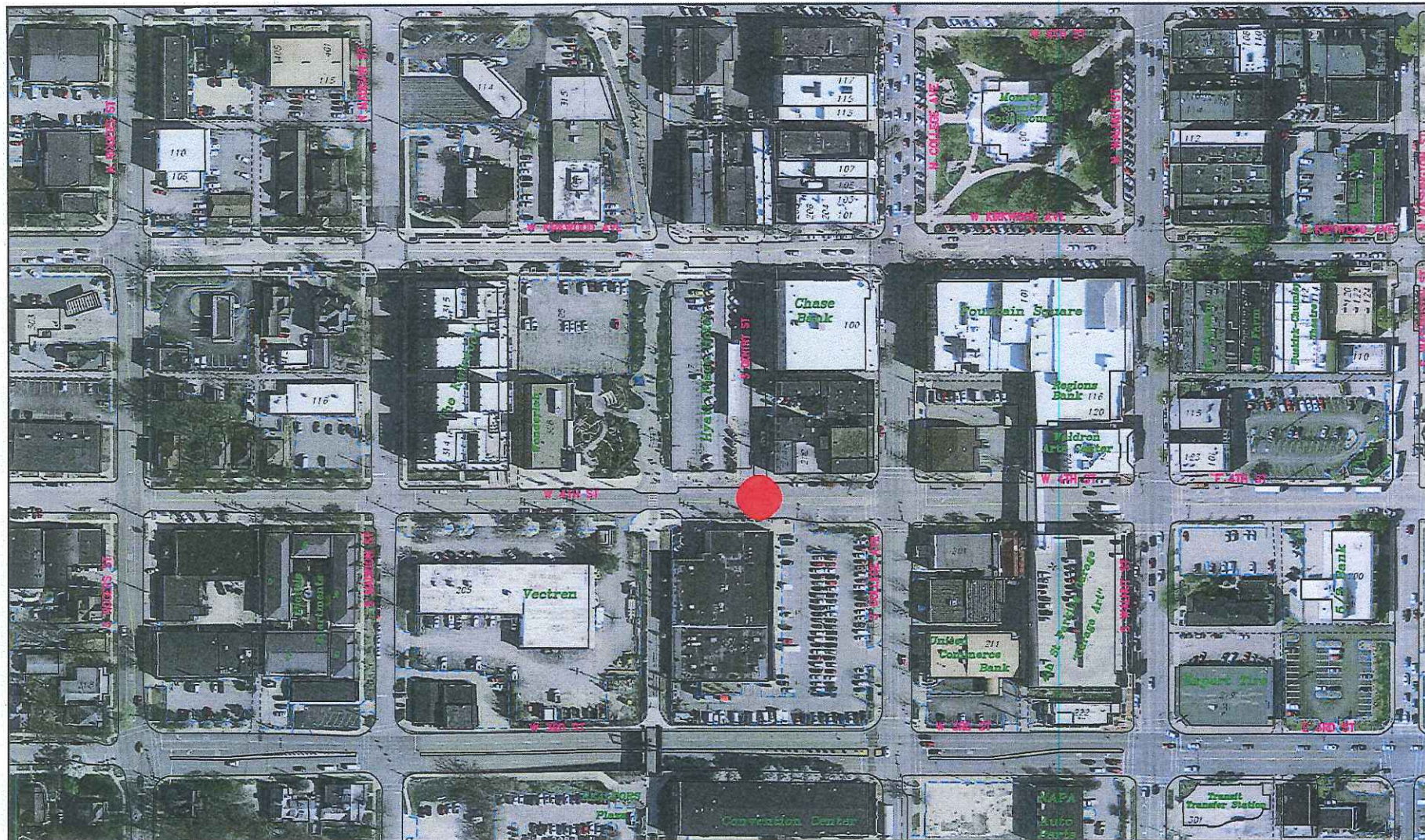
For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 300'



Section 2. Section 15.12.010 Schedule A shall be amended to add the following:
 Stop Intersections

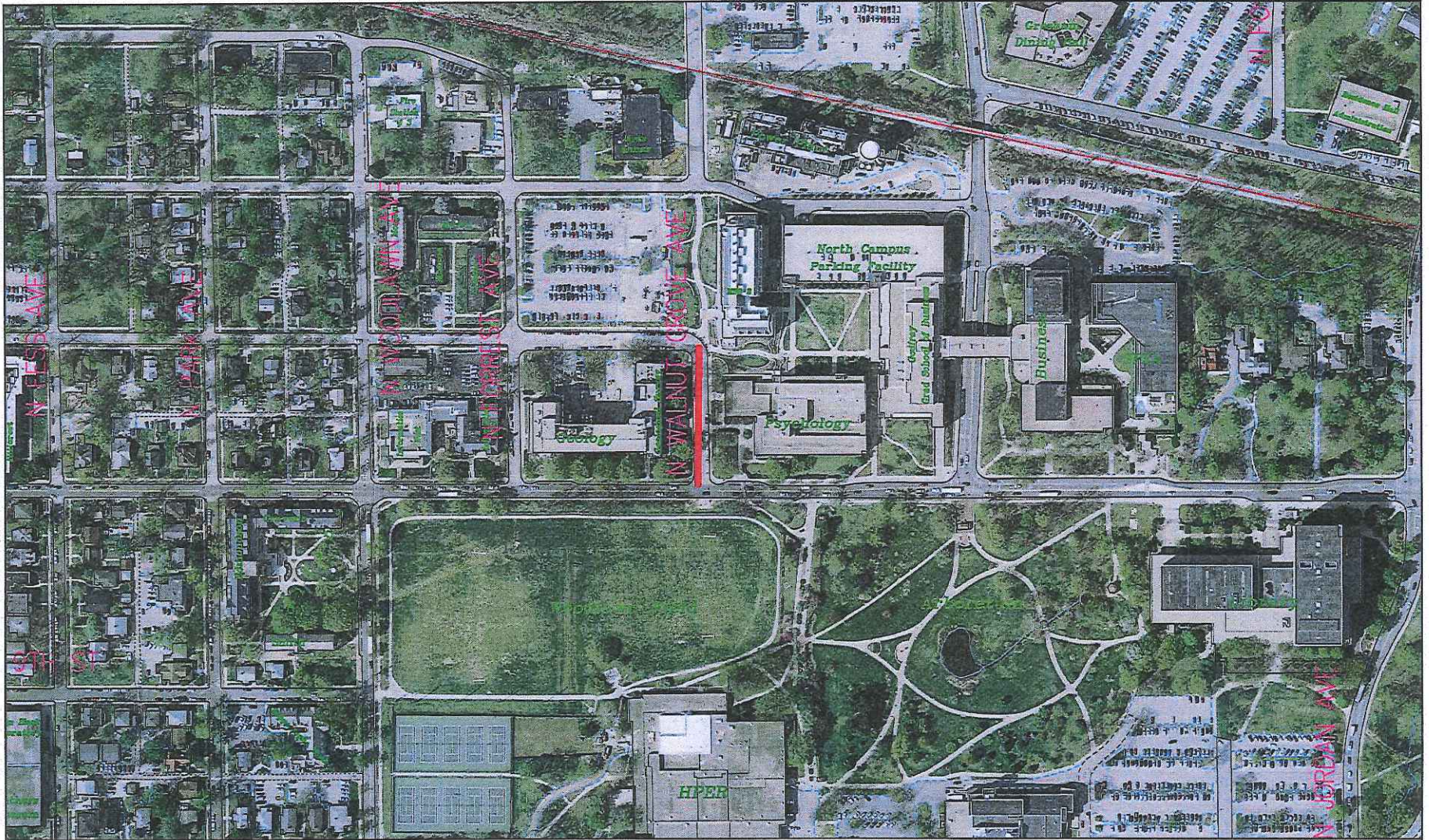
By: kehrberp
 9 Oct 14



For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation

Scale: 1" = 200'



Section 4. Section 15.16.010 Schedule E shall be amended to add the following:
 One-Way Streets

By: kehrberp
 9 Oct 14



For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation

Scale: 1" = 300'



Section 5. Section 15.20.020 Schedule H shall be amended to add the following:
Restricted Turns on Red at Signalized Intersections

By: kehrberg
9 Oct 14



For reference only; map information NOT warranted.

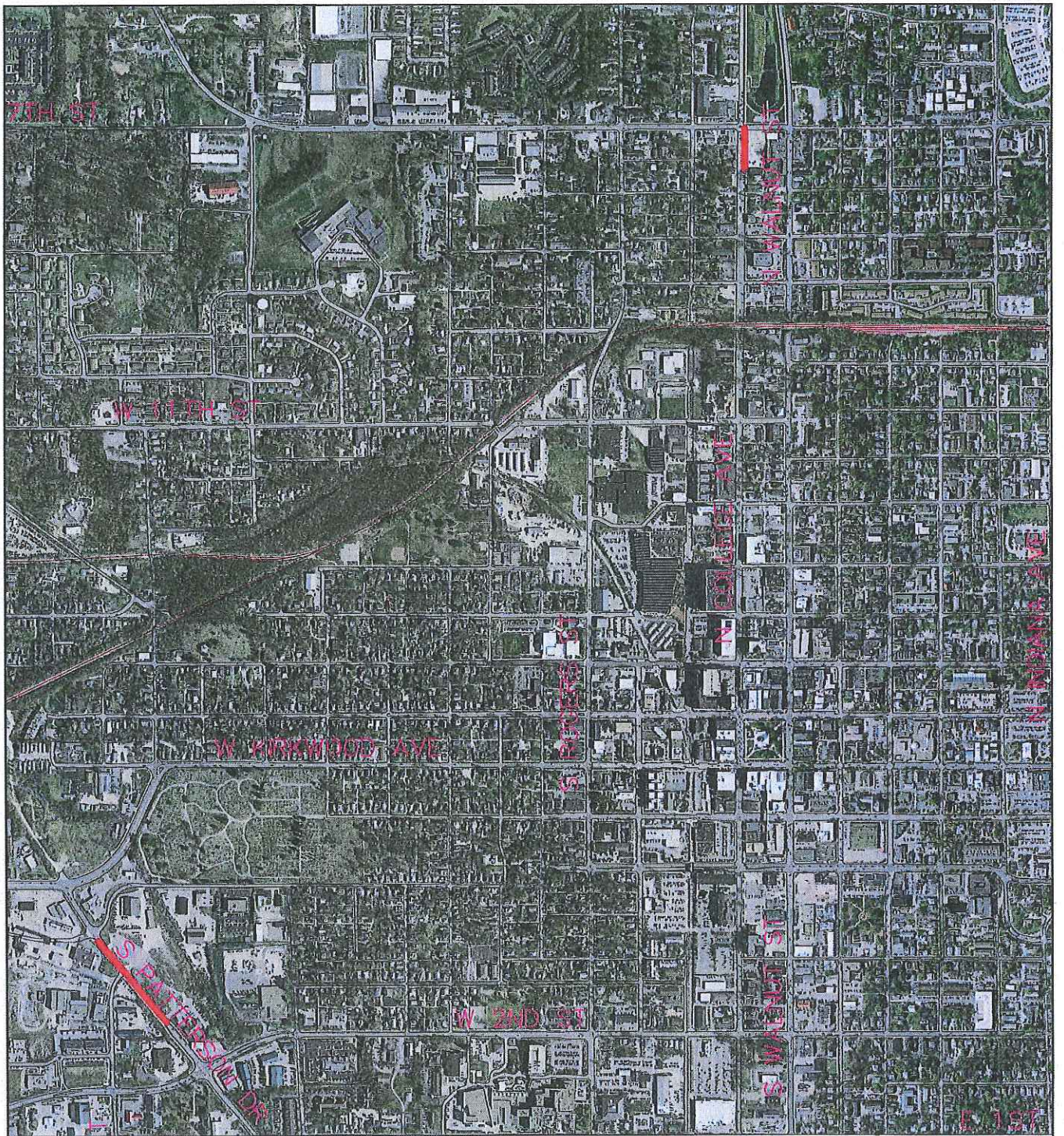


City of Bloomington
Planning & Transportation



Scale: 1" = 250'

#7




Section 7. Section 15.32.030 Schedule L shall be amended to add the following:
Angle Parking

By: kehrberp
9 Oct 14

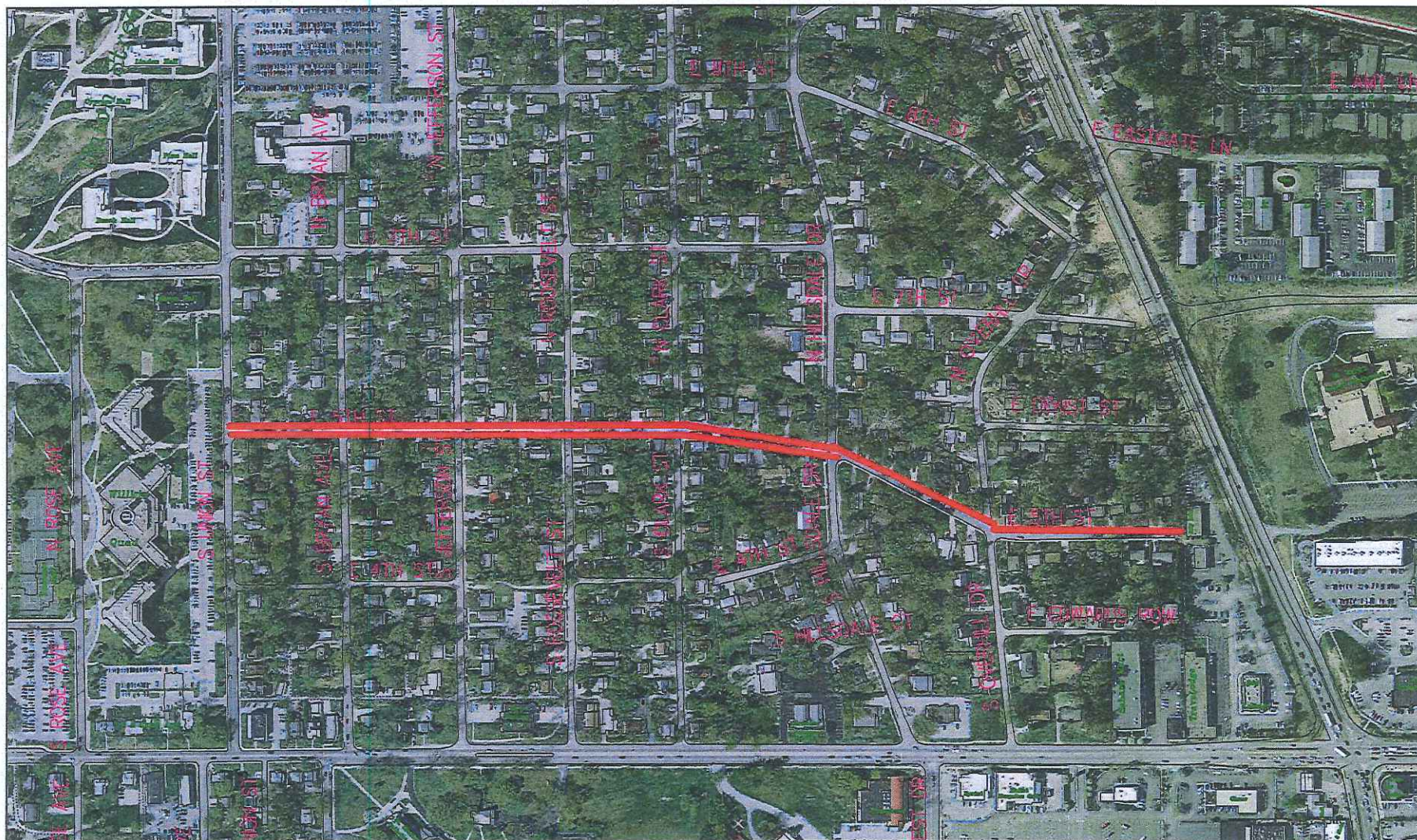


City of Bloomington
Planning & Transportation



Scale: 1" = 1000'

For reference only; map information NOT warranted.



Section 9. Section 15.32.080 Schedule M shall be amended to add the following:
No Parking Zones

By: kehrberp
9 Oct 14



For reference only; map information NOT warranted.

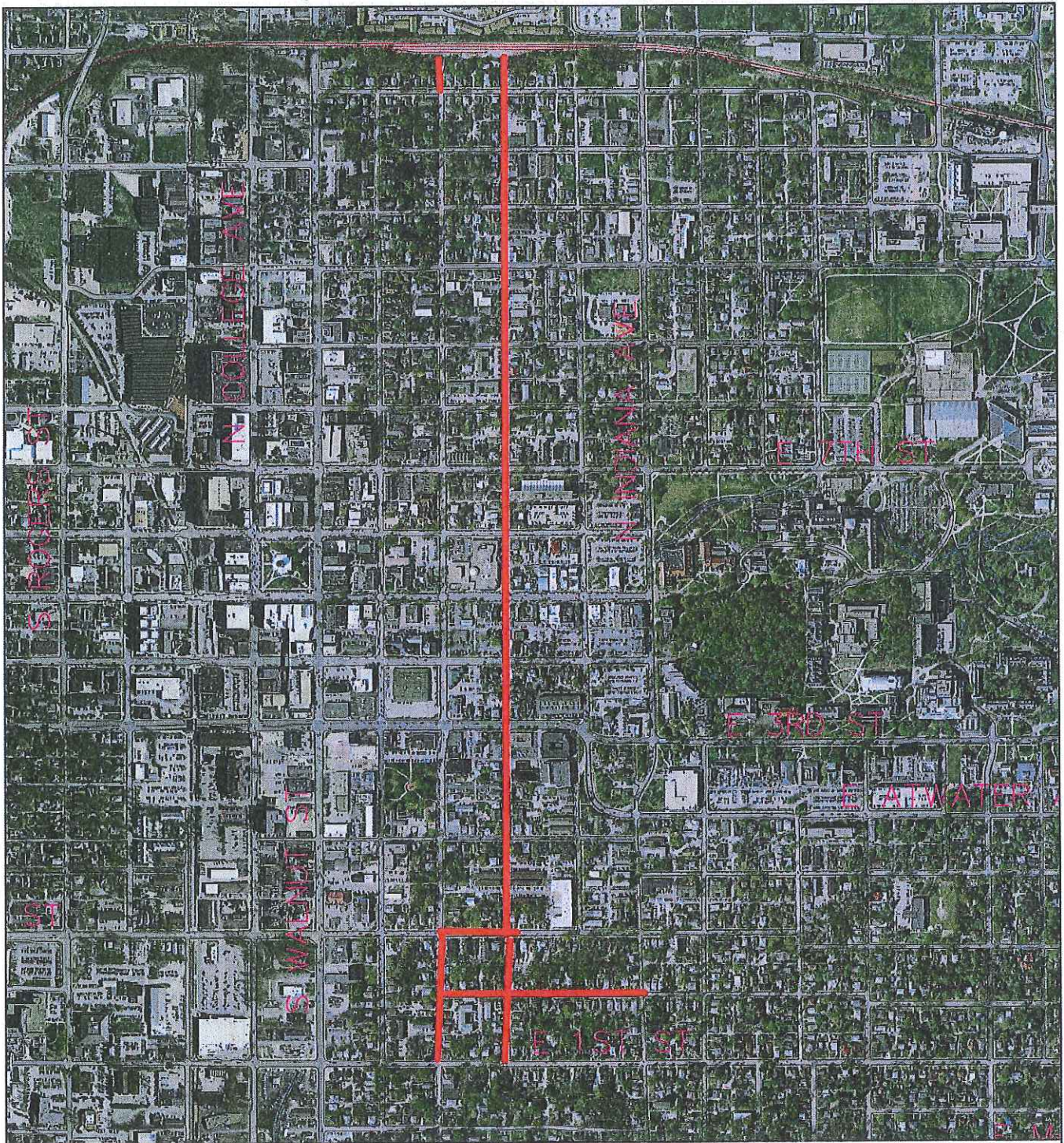


City of Bloomington
Planning & Transportation



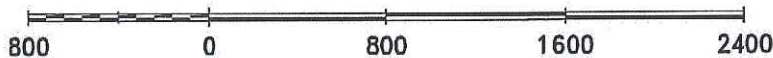
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#9



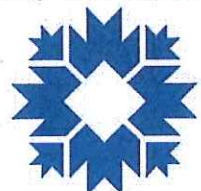
Section 9. Section 15.32.080 Schedule M shall be amended to add the following:
 No Parking Zones

By: kehrberg
 9 Oct 14

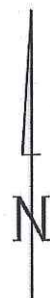


For reference only; map information NOT warranted.

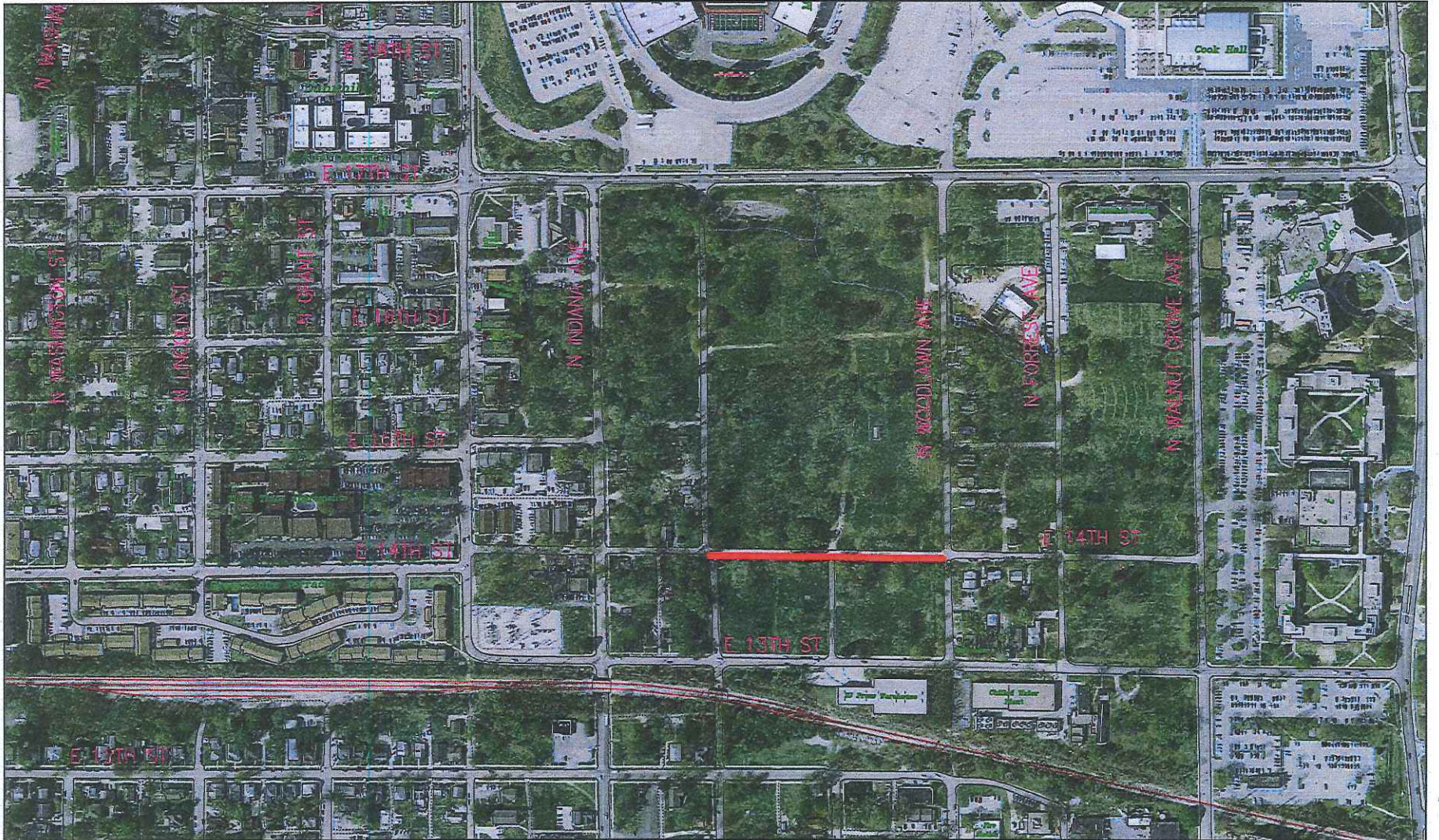
City of Bloomington
 Planning & Transportation



Scale: 1" = 800'



#10



Section 9. Section 15.32.080 Schedule M shall be amended to add the following:
No Parking Zones

By: kehrberg
9 Oct 14



For reference only; map information NOT warranted.

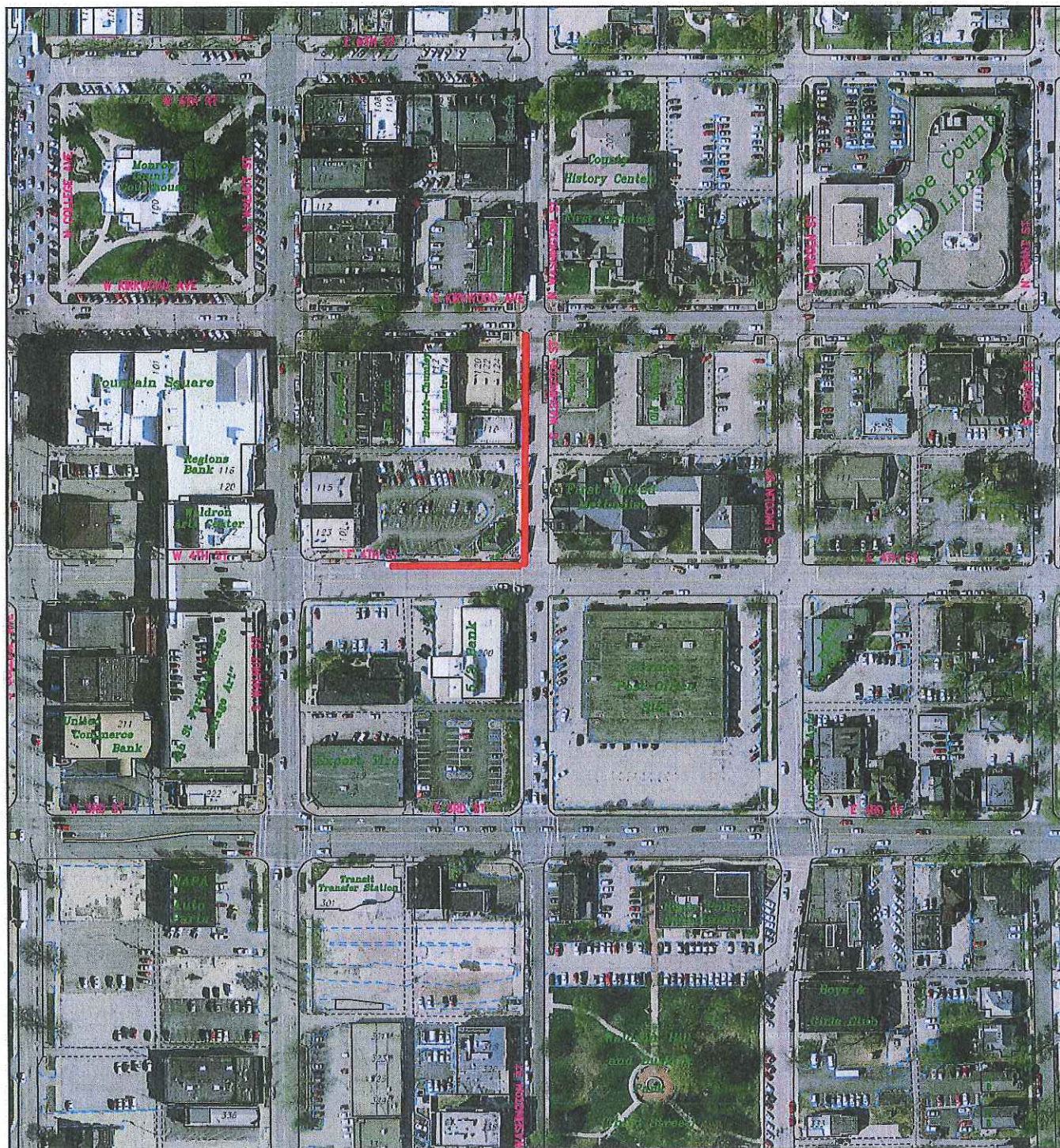


City of Bloomington
Planning & Transportation



Scale: 1" = 400'

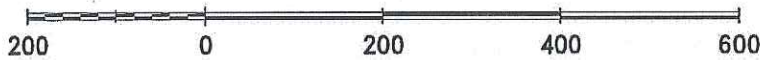
#11



Section 10. Section 15.32.110 Schedule P shall be amended to delete the following:
 Bus Zones

City of Bloomington
 Planning & Transportation

By: kehrberp
 9 Oct 14



Scale: 1" = 200'

For reference only; map information NOT warranted.



Section 11. Section 15.32.110 Schedule P shall be amended to add the following:
 Bus Zones

By: kehrberg
 9 Oct 14



For reference only; map information NOT warranted.



City of Bloomington
 Planning & Transportation



Scale: 1" = 400'

ORDINANCE 14-23

TO AMEND TITLE 17 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, “CONSTRUCTION REGULATIONS”

Re: Repealing and Replacing Chapter 17.16, “Unsafe Building Law”

WHEREAS, Chapter 17.16, entitled "Unsafe Building Law," has not been substantively updated since 1987; and

WHEREAS, Indiana Code § 36-7-9-3 requires local units of government that wish to adopt an Unsafe Building Law ordinance to do so in accordance with the provisions of Indiana Code § 36-7-9 *et seq.*; and

WHEREAS, Indiana Code § 36-7-9 *et seq.* has been updated and modified numerous times since 1987, making changes to the City's Unsafe Building Law necessary and appropriate; and

WHEREAS, the Indiana Fire Prevention and Building Safety Commission is required by Indiana Code §§ 22-13-2-5 and 36-7-8-3 to review any Unsafe Building Law ordinance adopted by a local unit of government; and

WHEREAS, the Indiana Fire Prevention and Building Safety Commission has supplied local units of government with a sample Unsafe Building Law ordinance.

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

SECTION 1. Chapter 17.16, entitled "Unsafe Building Law" shall be repealed in its entirety and replaced with the following:

Chapter 17.16 UNSAFE BUILDING LAW

Sections:

17.16.010 Title and Scope.

17.16.020 Adoption of the Unsafe Building Law.

17.16.030 Appointment of Housing and Neighborhood Development to Administer Ordinance.

17.16.040 Appointment of Board of Public Works as Hearing Authority.

17.16.050 Construction.

17.16.060 Uniform Standards for Sealing an Unsafe Building.

17.16.070 Penalty for Violation.

17.16.010 Title and Scope.

In accordance with Indiana Code § 36-7-9 *et seq.*, this Chapter is established and shall be known as the Unsafe Building Law of the City of Bloomington, Indiana. The regulations of this Chapter shall apply throughout the corporate limits of the City of Bloomington, Indiana.

17.16.020 Adoption of the Unsafe Building Law

(a) Indiana Code § 36-7-9 *et seq.* is hereby incorporated by reference in this Chapter as the Unsafe Building Law of the City of Bloomington, Indiana; the definition of “substantial property interest” found in Indiana Code § 36-7-9-2 is explicitly incorporated by reference.

(b) Any rules of the Indiana Fire Prevention and Building Safety Commission as set out in the Articles of Title 675 of the Indiana Administrative Code herein listed are also hereby incorporated by reference in this Chapter as the Unsafe Building Law of the City of Bloomington, Indiana:

- (1) Article 13 - Building Codes;
- (2) Article 14 - Indiana Residential Code;
- (3) Article 16 - Indiana Plumbing Code;
- (4) Article 17 - Indiana Electrical Code;
- (5) Article 18 - Indiana Mechanical Code;
- (6) Article 19 - Indiana Energy Conservation Code;
- (7) Article 20 - Indiana Swimming Pool Code;
- (8) Article 21 - Safety Codes for Elevators, Escalators, Manlifts & Hoists;
- (9) Article 22 - Indiana Fire Code;
- (10) Article 25 - Indiana Fuel Gas Code; and
- (11) Article 28 - NFPA Standards.

17.16.030 Appointment of Housing and Neighborhood Development to Administer Ordinance.

Pursuant to Indiana Code § 36-7-9-2 the Housing and Neighborhood Development Department shall be the executive department authorized to administer this Chapter, and any employee of said Department is authorized to take action to enforce the provisions of this Chapter.

17.16.040 Appointment of Board of Public Works as Hearing Authority.

Pursuant to Indiana Code § 36-7-9-2 the Board of Public Works Indiana shall be the hearing authority for this Chapter.

17.16.050 Construction.

Any reference to a State statute shall mean the statute as amended from time to time and any reference to an administrative rule of the Indiana Fire Prevention and Building Safety Commission shall mean the rule as amended from time to time. Additionally, this also includes any similar statutory provisions or similar rule provision that may supersede predecessor provisions relating to the same or similar subject matter.

17.16.060 Uniform Standards for Sealing an Unsafe Building.

Pursuant to Indiana Code §§ 36-7-9-5(a)(2) and 36-7-9-5(a)(8), this Section hereby establishes a uniform standard for sealing an unsafe building against intrusion by unauthorized persons when such an order is issued by the Housing and Neighborhood Development Department or the Board of Public of Works:

- (a) All openings of a building shall be closed.
- (b) Openings that are more than one (1) square foot in area and located less than twenty (20) feet above the ground or that are accessible from a part of the building such as a fire escape or other means of access shall be secured by the following means:
 - (1) Plywood or oriented strand board, covered with a weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building and cut to the inside dimension of the exterior of the opening, shall be placed in all openings in such a way that no portion of the plywood or oriented strand board extends outside the existing frame.
 - (A) The plywood or oriented strand board shall be placed against any existing exterior window slide trim or a furring strip.
 - (B) If there is no slide trim or furring strip, an equivalent block shall be installed.
 - (C) The slide trim, furring strip or block shall be sufficient to prevent the plywood or oriented strand board from being pushed inward.
 - (D) The plywood or oriented strand board shall be affixed to the exterior frame by use of two and three-quarters-inch or longer ring nails spaced a maximum of eight (8) inches apart.
 - (2) Where the inside dimension of the opening exceeds twenty-six (26) square feet in area, additional exterior support shall be provided by placing continuous pieces of nominal two-inch by four-inch framing grade lumber on the outside of the plywood or oriented strand board in such a manner that every carriage bolt used in the opening passes through and joins such a piece of nominal two-inch by four-inch lumber, the plywood or oriented strand board and the interior brace.
 - (A) The round head of the bolt shall be on the outside of such pieces of nominal two-inch by four-inch lumber that gives exterior support.
 - (B) The pieces of nominal two-inch by four-inch framing grade lumber shall be covered with a weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building.
 - (3) In case of a ground level door the following method of securing shall be used:
 - (A) The door shall be placed in good repair including, but not limited to, closing any openings in the door, repairing hinges on the door and providing for an adequate closure to the opening; and
 - (B) The door shall be locked by the use of not less than two (2) hasp locks and padlocks to be located equidistant from the top and bottom casing and each other.
 - (C) If no door exists, or if it is impractical to repair the existing door, the opening shall be secured in the manner described in this subsection, substituting, however, a piece of plywood or oriented strand board for the door. The plywood or oriented strand board shall be covered with a

weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building.

- (c) Any opening that is less than one (1) square foot in area or that is both more than twenty (20) feet above the ground and not accessible from a part of the building shall be covered so as to prevent the entry of birds, rats or other animals and shall be made weather tight. The covering shall be painted in color similar to the exterior of the building.
- (d) The materials used to secure the openings of a building pursuant to these standards shall meet the following specifications:
 - (1) Plywood or oriented strand board: no less than one-half-inch exterior grade;
 - (2) Braces: no less than nominal two-inch by four-inch framing grade lumber; and
 - (3) Bolts: no less than three-eighths-inch carriage bolts.
- (e) The Housing and Neighborhood Development Department or Board of Public Works may allow the use of other materials and methods of securing openings, including the use of existing doors, if it is shown that, as related to the particular circumstances, the objectives of these standards would be met by the use of such materials and methods.

17.16.070 Penalty for Violation.

Violations of this Chapter shall be addressed as established in Indiana Code § 36-7-9 *et seq.* as it may be amended from time to time.

SECTION II. If any section, 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 III. This ordinance shall be in full force and effect from and after the date on which all of the following has occurred:

- (a) The Common Council has passed this ordinance;
- (b) The Mayor has approved this ordinance; and
- (c) The Indiana Fire Prevention and Building Safety Commission has approved this ordinance as required by Indiana Code §§ 36-7-8-3 and 22-13-2-5.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

DARRYL NEHER, 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 _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The City's Unsafe Building Law has not been substantively updated since 1987. As provided by the Indiana Code, this ordinance incorporates by reference the State of Indiana's Unsafe Building Law. As the State has updated and modified its Unsafe Building Law several times since 1987, it is necessary and appropriate for the City to adjust local code to reflect State law. This revision to the City's Unsafe Building Law requires approval by the Indiana Fire Prevention and Building Safety Commission. This ordinance is modeled on a template Unsafe Building Law provided by the Commission.

MEMO:

To: City of Bloomington Common Council

Cc: Mark Kruzan, Mayor

From: Patty Mulvihill, Assistant City Attorney

Lisa Abbott, Director of Housing & Neighborhood Development Department

Date: September 8, 2014

Re: Proposed Revision to Unsafe Building Law (Chapter 17.16)

City staff recommends revising and updating the City's Unsafe Building Law, which is found in Chapter 17.16 of the Bloomington Municipal Code. This particular Chapter of the municipal code has not been substantively updated in approximately twenty years.

The City obtains its authority to regulate and control unsafe buildings in its jurisdiction via the State of Indiana's Unsafe Building Law, which is located specifically in Ind. Code Chapter 36-7-9. When a city wishes to utilize the State's Unsafe Building Law it must do so in accordance with Ind. Code Chapter 36-7-9. There are some differences between the City's code and the State's code; for example, the State code requires the City to establish, via ordinance, a uniform standard for sealing unsafe buildings from intrusion by unauthorized persons, the City's local code does not have any such standard in place.

Because local units of governments who wish to regulate unsafe buildings in their jurisdictions must follow and comply with the State's Unsafe Building Law the Indiana Fire Prevention and Building Safety Commission has put together a model ordinance for municipalities to utilize as a guide. In drafting the proposal for this body to review City staff utilized the model ordinance and had the attorney who represents the Indiana Fire Prevention and Building Safety Commission review and give her approval of the draft document.

The proposal before the Common Council repeals the current Chapter 17.16 in its entirety and replaces it with a whole new chapter. The new chapter contains only seven sections.

- Section 1 provides the name of the Chapter - Unsafe Building Law of the City of Bloomington, Indiana.
- Section 2 adopts and incorporates the State of Indiana's Unsafe Building Law (Ind. Code 36-7-9 *et seq.*) and any applicable rules adopted by the Indiana Fire Prevention and Building Safety Commission.
- Section 3 appoints HAND as the executive department for the City authorized to enforce the Unsafe Building Law.
- Section 4 appoints the Board of Public Works as the hearing authority for the Unsafe Building Law.
- Section 5 makes it clear that if the State's Unsafe Building Law or any rules of the Indiana Fire Prevention and Safety Commission are amended that those amendments will also be incorporated into the City's Unsafe Building Law.
- Section 6 establishes a uniform standard for how individuals are to seal unsafe buildings to prevent unauthorized entries.
- Section 7 notes that the penalties described in the State's Unsafe Building Law are applicable in Bloomington.

In the Council Chambers of the Showers City Hall on Tuesday, September 23, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
September 23, 2014

Roll Call: Rollo, Ruff, Sandberg, Granger, Sturbaum, Neher, Spechler, Volan, Mayer
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

LEGISLATION FOR FIRST
READING

Appropriation Ordinance 14-02 An Ordinance for Appropriations and Tax Rates (Establishing 2015 Civil City Budget for the City of Bloomington)

Appropriation Ordinance 14-02

Appropriation Ordinance 14-03 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service, and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana, for the Year 2015

Appropriation Ordinance 14-03

Appropriation Ordinance 14-04 Appropriations and Tax Rates for Bloomington Transportation Corporation for 2015

Appropriation Ordinance 14-04

Appropriation Ordinance 14-05 To Specially Appropriate Cumulative Capital Development Funds for Purposes of Completing Capital Parks-Related Projects (To Increase Appropriations in the Cumulative Capital Development Fund)

Appropriation Ordinance 14-05

Ordinance 14-18 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2015

Ordinance 14-18

Ordinance 14-19 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2015

Ordinance 14-19

Ordinance 14-20 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2015

Ordinance 14-20

Ordinance 14-21 Petition to Appeal for an Increase to the Maximum Levy (A Request for Permission from the Department of Local Government Finance to Impose an Excess Levy as a Result of a Revenue Shortfall)

Ordinance 14-21

Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Friday, October 3, 2014.

COUNCIL SCHEDULE

The meeting was adjourned at 7:40 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington