

Staff Report

To: Board of Public Works

From: Christopher J. Wheeler, Assistant City Attorney

Date: March 13, 2023

Re: Request to Abate property at 530 S. Washington St., Bloomington, IN

Attachments:

1. Notice(s) of Violation Issued on 8/11/2022, 8/25/2022, 9/7/2022, 10/7/2022.
2. Photograph(s) of the property
3. GIS Property Report Card
4. Order for Abatement (proposed)

Facts:

1. BMC § 6.06.020 makes it unlawful “for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to later remove, cover, or burn it.”
2. Bloomington Municipal Code § 6.06.050 makes it unlawful for “the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of eight inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.”
3. On 8/11/2022, 8/25/2022, 9/7/2022, 10/7/2022, a HAND Neighborhood Compliance Officer inspected the property located at 530 S. Washington St., Bloomington, IN 47401, (Hereinafter the “Property”) and issued Notices of Violation for deposit of garbage in violation of BMC § 6.06.020 and excessive growth in violation of BMC § 6.06.050 (Hereinafter the “NOV”).
4. The NOV were issued to Joseph Davis (Hereinafter the “Owner”) the owner of the Property which is in violation of BMC § 6.06.020 because of the impermissible presence of garbage, recyclable materials, yard waste and excessive overgrowth on the Property.
5. The violations for excessive growth were corrected.
6. The violations for garbage, recyclable materials and yard waste have not been corrected and the NOV were unsuccessfully appealed.
7. The NOV were properly issued to the Owner in accordance with BMC § 6.06.070(b).
8. The Notice of Request to Abate was served on the Owner of the Property by certified mail in accordance with BMC § 6.06.080(b).
9. The abatement order should be continuous.

Status of the Property and Reason for Abatement:

The Property remains out of compliance. Garbage, recyclable material and yard waste remains thrown, placed and scattered on the property. The property needs to be abated to eliminate the violation and public nuisance.

Staff Recommendation:

Staff recommends that the property be abated as soon as reasonably possible and that the order be continuous in nature.



**City of Bloomington
Housing and Neighborhood Development**

NOTICE OF REQUEST FOR ABATEMENT

To: Joseph Bradley Davis (“Property Owner”)

The City of Bloomington Housing and Neighborhood Development (“HAND”) Department has requested that the Board of Public Works issue an order to abate the ordinance violation(s) noted on the attached ticket(s) at the property located at **530 S Washington St**, Bloomington 47401, under parcel number **53-08-04-214-018.000-009** and whose legal description is **015-13650-00 Bowles Lot 10** (Hereinafter the “Property”).

If the Board of Public Works grants HAND’s request, then HAND or its third party contractor will enter into and onto the Property and abate the violation(s). The Property Owner shall be responsible for reimbursing the City for the abatement and all associated costs. If the Property Owner fails to reimburse the city for any and all costs associated with an abatement of his property, said costs shall be filed with the county auditor and placed on the tax duplicate for the property at issue; said costs being collected as taxes are collected.

If you do not immediately remedy the ongoing ordinance violations on your property, HAND will seek authorization for abatement of said violation(s) at the Board of Public Works meeting to be held at **5:30 P.M. Tuesday March 14, 2023 via ZOOM meetings and in person in the Council Chamber of City Hall, 401 N. Morton Street, Bloomington, Indiana 47404**. You must contact the Office of Public Works at **812-349-3410** or email at **public.works@bloomington.in.gov** for further information.

The Property Owner is entitled to present arguments and evidence in defense of this request for abatement.

Fines are not appealed at this meeting



Notice of Violation

**Housing & Neighborhood
Development Department (HAND)**
P.O. Box 100
401 N. Morton Street
Bloomington, IN 47402
www.bloomington.in.gov/hand/

Date 8/11/22 Time 4pm Address/location 530 S. Washington St 47401

Issued by: 207

BMC 6.04.110 Carts, containers and other articles to be picked up shall not be placed upon the street or sidewalk *so as to be visible* from the street more than twenty-four hours prior to the time when such solid waste, recycling or yard waste is to be collected. Carts and containers shall be removed from the street or sidewalk on the same day as the collection is made.

Fine Due: \$15.00 **Warning (No fine due at this time)** Ticket# _____

NOTE: *Immediate compliance required* in order to avoid additional violations/fines assessed at \$15.00/day per BMC 6.04.100(c).

BMC 6.06.020 It is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to remove, cover or burn it.

Fine Due: \$50 **\$100** **\$150** **Warning (No fine due at this time)** Ticket# 51715

NOTE: *Immediate compliance required* in order to avoid additional violations/fines assessed at ~~\$50.00, \$100, or \$150~~/day per BMC 6.06.070(c).

BMC 6.06.050 It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of 8 inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

Fine Due: \$50 **\$100** **\$150** **Warning (No fine due at this time)** Ticket# 51716

NOTE: *Immediate compliance required* in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

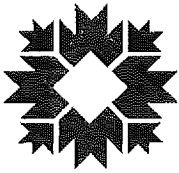
Comments: Properly dispose of all garbage and putrescent materials on property. Eradicate all japanese knot weed and poison ivy from property.

1. Fine must be paid within 2 weeks from date of issuance of the Notice of Violation (NOV) to avoid this matter being forwarded to the City's Legal Department for further enforcement action. This NOV must be returned with payment. **You may pay in person or mail payment to the address listed above. Please make check/money order payable to "The City of Bloomington."** All fines listed above may be contested in the Monroe County Circuit Courts.
2. Fines shall not attach to non-possessory residential rental property owner(s) for a period of seven (7) days provided HAND is presented with a true and exact copy of any and all leases in effect during the time period covered by the NOV (per occurrence), at which time said tenant(s) shall be held responsible for fines due. A non-possessory residential rental property owner is the owner of record, but one that is not a resident of said property. Property owner(s) shall otherwise be held responsible for fines if a lease is not presented in the time period indicated.
3. The City may seek action by its Board of Public Works or the Monroe County Circuit Courts in assessing fines, ordering remediation of the property (the City has the authority to bring the property into compliance itself or the City may hire a private third-party contractor to bring the property into compliance) and/or assessing costs associated with clean-up of the property, and pursuing any other remedies available by law, including but not limited to injunctive relief. If the City or their designee, with permission from the City of Bloomington Board of Public Works, enters the property and abates the violation the owner shall be responsible for reimbursing the City for the abatement and all associated cost.
4. This NOV may be appealed to the City's Board of Public Works, provided a written appeal is filed with the Board, via the City's Public Works Department, within seven days of the date of issuance of this NOV.

Owner Name Joseph Davis
 Address 530 S. Washington St
 City Bloomington State IN
 Zip Code 47401

Agent Name _____
 Address _____
 City _____ State _____
 Zip Code _____

BPW: _____ Mail Copies To: Resident: _____ Owner: Agent: _____



Notice of Violation

Housing & Neighborhood
Development Department (HAND)
P.O. Box 100
401 N. Morton Street
Bloomington, IN 47402
www.bloomington.in.gov/hand/

Date 8/25/22 Time 3:45 Address/location 530 S. Washington

Issued by: _____

BMC 6.04.110 Carts, containers and other articles to be picked up shall not be placed upon the street or sidewalk *so as to be visible* from the street more than twenty-four hours prior to the time when such solid waste, recycling or yard waste is to be collected. Carts and containers shall be removed from the street or sidewalk on the same day as the collection is made.

Fine Due: \$15.00 Warning (No fine due at this time) Ticket# _____

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$15.00/day per BMC 6.04.100(c).

BMC 6.06.020 It is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to remove, cover or burn it.

Fine Due: \$50 \$100 \$150 Warning (No fine due at this time) Ticket# _____

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

BMC 6.06.050 It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of 8 inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

Fine Due: \$50 \$100 \$150 Warning (No fine due at this time) Ticket# _____

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

Comments: Verbal warning issued. No progress.
Return 9/1/22 to check progress. Photos taken
and shared with Mike Arnold / JZ / JH

1. Fine must be paid within 2 weeks from date of issuance of the Notice of Violation (NOV) to avoid this matter being forwarded to the City's Legal Department for further enforcement action. This NOV must be returned with payment. You may pay in person or mail payment to the address listed above. Please make check/money order payable to "The City of Bloomington." All fines listed above may be contested in the Monroe County Circuit Courts.
2. Fines shall not attach to non-possessory residential rental property owner(s) for a period of seven (7) days provided HAND is presented with a true and exact copy of any and all leases in effect during the time period covered by the NOV (per occurrence), at which time said tenant(s) shall be held responsible for fines due. A non-possessory residential rental property owner is the owner of record, but one that is not a resident of said property. Property owner(s) shall otherwise be held responsible for fines if a lease is not presented in the time period indicated.
3. The City may seek action by its Board of Public Works or the Monroe County Circuit Courts in assessing fines, ordering remediation of the property (the City has the authority to bring the property into compliance itself or the City may hire a private third-party contractor to bring the property into compliance) and/or assessing costs associated with clean-up of the property, and pursuing any other remedies available by law, including but not limited to injunctive relief. If the City or their designee, with permission from the City of Bloomington Board of Public Works, enters the property and abates the violation the owner shall be responsible for reimbursing the City for the abatement and all associated cost.
4. This NOV may be appealed to the City's Board of Public Works, provided a written appeal is filed with the Board, via the City's Public Works Department, within seven days of the date of issuance of this NOV.

Owner Name _____
 Address _____
 City _____ State _____
 Zip Code _____

Agent Name _____
 Address _____
 City _____ State _____
 Zip Code _____

BPW: _____

Mail Copies To: Resident: _____ Owner: _____ Agent: _____



Notice of Violation

Housing & Neighborhood
 Development Department (HAND)
 P.O. Box 100
 401 N. Morton Street
 Bloomington, IN 47402
www.bloomington.in.gov/hand/

Date 9/7/22 Time 1035 Address/location 530 S. Washington St 47401

Issued by: 707

BMC 6.04.110 Carts, containers and other articles to be picked up shall not be placed upon the street or sidewalk *so as to be visible* from the street more than twenty-four hours prior to the time when such solid waste, recycling or yard waste is to be collected. Carts and containers shall be removed from the street or sidewalk on the same day as the collection is made.

Fine Due: \$15.00 Warning (No fine due at this time) Ticket# _____

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$15.00/day per BMC 6.04.100(c).

BMC 6.06.020 It is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to remove, cover or burn it.

Fine Due: \$50 \$100 \$150 Warning (No fine due at this time) Ticket# 52045

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

BMC 6.06.050 It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of 8 inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

Fine Due: \$50 \$100 \$150 Warning (No fine due at this time) Ticket# 52046

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

Comments: _____

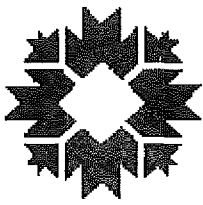
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2. Fines shall not attach to non-possessory residential rental property owner(s) for a period of seven (7) days provided HAND is presented with a true and exact copy of any and all leases in effect during the time period covered by the NOV (per occurrence), at which time said tenant(s) shall be held responsible for fines due. A non-possessory residential rental property owner is the owner of record, but one that is not a resident of said property. Property owner(s) shall otherwise be held responsible for fines if a lease is not presented in the time period indicated.
3. The City may seek action by its Board of Public Works or the Monroe County Circuit Courts in assessing fines, ordering remediation of the property (the City has the authority to bring the property into compliance itself or the City may hire a private third-party contractor to bring the property into compliance) and/or assessing costs associated with clean-up of the property, and pursuing any other remedies available by law, including but not limited to injunctive relief. If the City or their designee, with permission from the City of Bloomington Board of Public Works, enters the property and abates the violation the owner shall be responsible for reimbursing the City for the abatement and all associated cost.
4. This NOV may be appealed to the City's Board of Public Works, provided a written appeal is filed with the Board, via the City's Public Works Department, within seven days of the date of issuance of this NOV.

Owner Name Joseph Davis
 Address 530 S. Washington St
 City Bloomington State IN
 Zip Code 47401

Agent Name _____
 Address _____
 City _____ State _____
 Zip Code _____

BPW: _____

Mail Copies To: Resident: _____ Owner: Agent: _____



Notice of Violation

**Housing & Neighborhood
Development Department (HAND)**
P.O. Box 100
401 N. Morton Street
Bloomington, IN 47402
www.bloomington.in.gov/hand/

Date 10/7/22 Time 1:45 Address/location 530 S. Washington St 47401

Issued by: 207

BMC 6.04.110 Carts, containers and other articles to be picked up shall not be placed upon the street or sidewalk *so as to be visible* from the street more than twenty-four hours prior to the time when such solid waste, recycling or yard waste is to be collected. Carts and containers shall be removed from the street or sidewalk on the same day as the collection is made.

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Fine Due: \$50 \$100 \$150 Warning (No fine due at this time) Ticket# 62022-10-0085

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

BMC 6.06.050 It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of 8 inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

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NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

Comments: _____

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3. The City may seek action by its Board of Public Works or the Monroe County Circuit Courts in assessing fines, ordering remediation of the property (the City has the authority to bring the property into compliance itself or the City may hire a private third-party contractor to bring the property into compliance) and/or assessing costs associated with clean-up of the property, and pursuing any other remedies available by law, including but not limited to injunctive relief. If the City or their designee, with permission from the City of Bloomington Board of Public Works, enters the property and abates the violation the owner shall be responsible for reimbursing the City for the abatement and all associated cost.
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Owner Name Joseph Davis
 Address 530 S. Washington St
 City Bloomington State IN
 Zip Code 47401

Agent Name _____
 Address _____
 City _____ State _____
 Zip Code _____

BPW: _____

Mail Copies To: Resident: _____ Owner: Agent: _____

Monroe County, IN

530 S Washington ST, Bloomington, IN 47401-4638
53-08-04-214-018.000-009



Parcel Information

Parcel Number: 53-08-04-214-018.000-009
Alt Parcel Number: 015-13650-00
Property Address: 530 S Washington ST
Bloomington, IN 47401-4638
Neighborhood: 151 Trending 2006 - A
Property Class: 2 Family Dwell - Platted Lot
Owner Name: Davis, Joseph Bradley
Owner Address: 530 S Washington St
Bloomington, IN 47401
Legal Description: 015-13650-00 Bowles Lot 10

Taxing District

Township: PERRY TOWNSHIP
Corporation: MONROE COUNTY COMMUNITY

Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
9	0.148	



**City of Bloomington
Housing and Neighborhood Development**

NOTICE OF REQUEST FOR ABATEMENT

To: Joseph Bradley Davis (“Property Owner”)

The City of Bloomington Housing and Neighborhood Development (“HAND”) Department has requested that the Board of Public Works issue an order to abate the ordinance violation(s) noted on the attached ticket(s) at the property located at **530 S Washington St**, Bloomington 47401, under parcel number **53-08-04-214-018.000-009** and whose legal description is **015-13650-00 Bowles Lot 10** (Hereinafter the “Property”).

If the Board of Public Works grants HAND’s request, then HAND or its third party contractor will enter into and onto the Property and abate the violation(s). The Property Owner shall be responsible for reimbursing the City for the abatement and all associated costs. If the Property Owner fails to reimburse the city for any and all costs associated with an abatement of his property, said costs shall be filed with the county auditor and placed on the tax duplicate for the property at issue; said costs being collected as taxes are collected.

If you do not immediately remedy the ongoing ordinance violations on your property, HAND will seek authorization for abatement of said violation(s) at the Board of Public Works meeting to be held at **5:30 P.M. Tuesday March 14, 2023 via ZOOM meetings and in person in the Council Chamber of City Hall, 401 N. Morton Street, Bloomington, Indiana 47404**. You must contact the Office of Public Works at **812-349-3410** or email at **public.works@bloomington.in.gov** for further information.

The Property Owner is entitled to present arguments and evidence in defense of this request for abatement.

Fines are not appealed at this meeting

COPY

To: City of Bloomington

From: Joseph Bradley Davis

Legal Department

RECEIVED

530 S. Washington St.

401 N. Morton St., Suite 220

MAR 06 2023

Bloomington, IN 47401

P.O. Box 100

*City of Bloomington
Legal Department
Bloomington, Indiana*

812-525-9706

Bloomington, IN 47402

balebuilder@gmail.com

Tort Claim for Damages with the City of Bloomington

My name is Joseph Bradley Davis. I am the owner/occupier of 530 S. Washington St., Bloomington IN 47401, under parcel number 53-08-214-018.000-009 and whose legal description is 015-13650-00 Bowles Lot 10 (hereinafter the "property"). I am filing on this day, **3-6-23**, a Tort Claim against the City of Bloomington, Department of Housing and Neighborhood Development (HAND), Department of Public Works, Board of Public Works (BPW), et al. for damages, and the right to maintain my building materials, and tools, on hand, in my continuing repair, and improvement, of my Homestead property.

Despite many attempts to clarify and understand an erroneous classification of my building materials, and tools, as garbage, I was fined on 9-7 and 10-7-2022. Both fine dates were appealed before the Board of Public Works without success. I was also notified on 3-1-2023 of a Request for Abatement that will go before the BPW on 3-14-2023.

According to BMC 6.06.010 'garbage' is defined as putrescible animal and vegetable wastes, resulting from handling, preparation, cooking and consumption of food; refuse; and rubbish. There is no definition in the Bloomington Municipal Code for 'construction materials', or 'construction tools'.

I have been damaged already with \$150 dollars in fines and face a subsequent abatement of my building materials, and tools, because the City of Bloomington has refused to correctly classify my said possessions as what they truly are, items typical to an active building site, which I am lawfully able to possess.

On 4-1-2022, I obtained an electrical building permit for the installation of a backyard renewable energy solar system. On 2-10-2023 I received a Certificate of Zoning Compliance (CZC) from the Planning & Transportation Department of the City. Further, under Indiana State Law Code 36-7-8-3(d) (The Indiana Log Cabin Rule) establishes the right to repair, and improve, one's homestead. It is obvious that said repairs, and improvements are only reasonably able to be performed if the materials, and tools, are at hand. I am being treated in a different, and biased way than other construction projects and sites, be it residential, or commercial.

Indiana Code 36-7-8-3. Establishment of building, heating, ventilating, electrical, plumbing and sanitation standards; ordinances

(a) The legislative body of a county having a county department of buildings or joint city-county building department may, by ordinance, adopt building, heating, ventilating, air conditioning, electrical, plumbing, and sanitation standards for unincorporated areas of the county. These standards take effect only on the legislative body's receipt of written approval from the fire prevention and building safety commission.

(b) An ordinance adopted under this section must be based on occupancy, and it applies to
(1) the construction, alteration, equipment, use, occupancy, location, and maintenance of buildings, structures, and appurtenances that are on land or over water and are:

(A) erected after the ordinance takes effect; and

(B) if expressly provided by the ordinance, existing when the ordinance takes effect;

(2) conversions of buildings and structures, or parts of them, from one occupancy classification to another; and

(3) the movement or demolition of buildings, structures, and equipment for the operation of buildings and structures.

(c) The rules of the fire prevention and building safety commission are the minimum standards upon which ordinances adopted under this section must be based.

(d) An ordinance adopted under this section does not apply to private homes that are built by individuals and used for their own occupancy. However, onsite sewage systems of a private home described in this subsection must comply with state laws and rules.

Notes of decision:

1. Mobile home owners did not build mobile homes in which they resided on their private property, and thus, did not come within statutory exception to building code requirements for private homes built by individuals and used for their own residence, absent any showing that owners performed any of construction work on homes. *Washington County Health Dept. v. White*, App.2007, 878 N.E.2d 224.

2. Term "private home," as used in statute exempting from building code requirements those "private homes" built by individuals and used for their own occupancy, is not limited to the physical structure used as a person's residence, but instead includes accessory structures which are located in proximity, incidental to and within the same site as the primary residence. *Noble County Bd. of Com'rs v. Fahlsing*, App.1999, 714 N.E.2d 1134.

3. Within ruling that person who completes substantial portion of construction of his own home is exempt from building code requirements, "substantial" is to be understood as meaning "of ample or considerable amount, quantity, or size," and it would be inconsistent with ordinary meaning of the term to construe "substantial portion" as referring to only half of the whole. *Robinson v. Monroe County*, App.1996, 663 N.E.2d 196.

4. When statutory exemption from building code requirements for persons building and residing in own homes operates to exempt individual from having to comply with building code requirements, any construction work performed by professional subcontractors or others paid by

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MAR 06 2023

City of Bloomington
Legal Department
Bloomington, Indiana

owner is not subject to exemption and said work must be performed in compliance with all applicable building code requirements. *Robinson v. Monroe County*, App.1995, 658 N.E.2d 647

5. Homeowners who did all of framing and roofing, finish and cabinet work, electrical work and plumbing on their home and hired independent contractors for remaining work came within statutory exemption from building code requirements for persons building and residing in own homes. *Robinson v. Monroe County*, App.1995, 658 N.E.2d 647

6. Meaning of statutory exemption from building code requirements for persons building and residing in own homes is to be considered in light of its only conceivable purpose: to relieve persons lacking skills to build homes complying with building code specifications and money to pay others to do so from obligation to comply with building code regulations interfering with their ability to build own home and thus pursue American dream. *Robinson v. Monroe County*, App.1995, 658 N.E.2d 647.

RECEIVED

MAR 06 2023

*City of Bloomington
Legal Department
Bloomington, Indiana*



Notice of Violation

Housing & Neighborhood Development Department (HAND)
P.O. Box 100
401 N. Morton Street
Bloomington, IN 47402
www.bloomington.in.gov/hand/

Date 8/11/22 Time 4pm Address/location 530 S. Washington St 47401

Issued by: ZOT

BMC 6.04.110 Carts, containers and other articles to be picked up shall not be placed upon the street or sidewalk *so as to be visible* from the street more than twenty-four hours prior to the time when such solid waste, recycling or yard waste is to be collected. Carts and containers shall be removed from the street or sidewalk on the same day as the collection is made.

Fine Due: \$15.00 Warning (No fine due at this time) Ticket# _____

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$15.00/day per BMC 6.04.100(c).

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Fine Due: \$50 \$100 \$150 Warning (No fine due at this time) Ticket# 51715

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

BMC 6.06.050 It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of 8 inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

Fine Due: \$50 \$100 \$150 Warning (No fine due at this time) Ticket# 51716

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

Comments: Properly dispose of all garbage and putrescent materials on property. Eradicate all Japanese knot weed and poison ivy from property.

1. Fine must be paid within 2 weeks from date of issuance of the Notice of Violation (NOV) to avoid this matter being forwarded to the City's Legal Department for further enforcement action. This NOV must be returned with payment. You may pay in person or mail payment to the address listed above. Please make check/money order payable to "The City of Bloomington." All fines listed above may be contested in the Monroe County Circuit Courts.
2. Fines shall not attach to non-possessory residential rental property owner(s) for a period of seven (7) days provided HAND is presented with a true and exact copy of any and all leases in effect during the time period covered by the NOV (per occurrence), at which time said tenant(s) shall be held responsible for fines due. A non-possessory residential rental property owner is the owner of record, but one that is not a resident of said property. Property owner(s) shall otherwise be held responsible for fines if a lease is not presented in the time period indicated.
3. The City may seek action by its Board of Public Works or the Monroe County Circuit Courts in assessing fines, ordering remediation of the property (the City has the authority to bring the property into compliance itself or the City may hire a private third-party contractor to bring the property into compliance) and/or assessing costs associated with clean-up of the property, and pursuing any other remedies available by law, including but not limited to injunctive relief. If the City or their designee, with permission from the City of Bloomington Board of Public Works, enters the property and abates the violation the owner shall be responsible for reimbursing the City for the abatement and all associated cost.
4. This NOV may be appealed to the City's Board of Public Works, provided a written appeal is filed with the Board, via the City's Public Works Department, within seven days of the date of issuance of this NOV.

Owner Name Joseph Davis
 Address 530 S. Washington St
 City Bloomington State IN
 Zip Code 47401

Agent Name _____
 Address _____
 City _____ State _____
 Zip Code _____

RECEIVED
MAR 06 2023
City of Bloomington
Legal Department
Bloomington, Indiana

Mail Copies To: Resident: _____ Owner: Agent: _____



Notice of Violation

CITATION APPEAL
812-379-3410

Housing & Neighborhood
Development Department (HAND)
P.O. Box 100
401 N. Morton Street
Bloomington, IN 47402
www.bloomington.in.gov/hand/

Date 10/7/22 Time 1:45 Address/location 530 S. Washington St 47401

Issued by: 207

BMC 6.04.110 Carts, containers and other articles to be picked up shall not be placed upon the street or sidewalk *so as to be visible* from the street more than twenty-four hours prior to the time when such solid waste, recycling or yard waste is to be collected. Carts and containers shall be removed from the street or sidewalk on the same day as the collection is made.

Fine Due: \$15.00 Warning (No fine due at this time) Ticket# _____

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$15.00/day per BMC 6.04.100(c).

BMC 6.06.020 It is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to remove, cover or burn it.

Fine Due: \$50 \$100 \$150 Warning (No fine due at this time) Ticket# 62022-10-0085

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

BMC 6.06.050 It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of 8 inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

Fine Due: \$50 \$100 \$150 Warning (No fine due at this time) Ticket# _____

NOTE: Immediate compliance required in order to avoid additional violations/fines assessed at \$50.00, \$100, or \$150/day per BMC 6.06.070(c).

Comments: _____

1. Fine must be paid within 2 weeks from date of issuance of the Notice of Violation (NOV) to avoid this matter being forwarded to the City's Legal Department for further enforcement action. This NOV must be returned with payment. You may pay in person or mail payment to the address listed above. Please make check/money order payable to "The City of Bloomington." All fines listed above may be contested in the Monroe County Circuit Courts.
2. Fines shall not attach to non-possessory residential rental property owner(s) for a period of seven (7) days provided HAND is presented with a true and exact copy of any and all leases in effect during the time period covered by the NOV (per occurrence), at which time said tenant(s) shall be held responsible for fines due. A non-possessory residential rental property owner is the owner of record, but one that is not a resident of said property. Property owner(s) shall otherwise be held responsible for fines if a lease is not presented in the time period indicated.
3. The City may seek action by its Board of Public Works or the Monroe County Circuit Courts in assessing fines, ordering remediation of the property (the City has the authority to bring the property into compliance itself or the City may hire a private third-party contractor to bring the property into compliance) and/or assessing costs associated with clean-up of the property, and pursuing any other remedies available by law, including but not limited to injunctive relief. If the City or their designee, with permission from the City of Bloomington Board of Public Works, enters the property and abates the violation the owner shall be responsible for reimbursing the City for the abatement and all associated cost.
4. This NOV may be appealed to the City's Board of Public Works, provided a written appeal is filed with the Board, via the City's Public Works Department, within seven days of the date of issuance of this NOV.

Owner Name Joseph Davis
 Address 530 S. Washington St
 City Bloomington State IN
 Zip Code 47401

Agent Name _____
 Address _____
 City _____ State _____
 Zip Code _____

RECEIVED
 MAR 06 2023
 City of Bloomington
 Legal Department
 Bloomington, Indiana

BPW: _____

Mail Copies To: Resident: _____ Owner: Agent: _____



City of Bloomington
Housing and Neighborhood Development

NOTICE OF REQUEST FOR ABATEMENT

To: Joseph Bradley Davis ("Property Owner")

The City of Bloomington Housing and Neighborhood Development ("HAND") Department has requested that the Board of Public Works issue an order to abate the ordinance violation(s) noted on the attached ticket(s) at the property located at **530 S Washington St**, Bloomington 47401, under parcel number **53-08-04-214-018.000-009** and whose legal description is **015-13650-00 Bowles Lot 10** (Hereinafter the "Property").

If the Board of Public Works grants HAND's request, then HAND or its third party contractor will enter into and onto the Property and abate the violation(s). The Property Owner shall be responsible for reimbursing the City for the abatement and all associated costs. If the Property Owner fails to reimburse the city for any and all costs associated with an abatement of his property, said costs shall be filed with the county auditor and placed on the tax duplicate for the property at issue; said costs being collected as taxes are collected.

If you do not immediately remedy the ongoing ordinance violations on your property, HAND will seek authorization for abatement of said violation(s) at the Board of Public Works meeting to be held at **5:30 P.M. Tuesday March 14, 2023 via ZOOM meetings and in person in the Council Chamber of City Hall, 401 N. Morton Street, Bloomington, Indiana 47404**. You must contact the Office of Public Works at **812-349-3410** or email at **public.works@bloomington.in.gov** for further information.

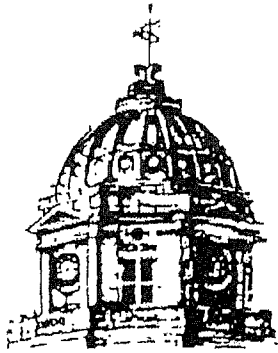
The Property Owner is entitled to present arguments and evidence in defense of this request for abatement.

Fines are not appealed at this meeting

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MAR 06 2023

*City of Bloomington
Legal Department
Bloomington, Indiana*



Monroe County Building Department
(812) 349-2580

Public Notice of
Electrical Permit
Permit #: R-22-342

Owner: DAVIS, JOSEPH BRADLEY
Applicant: Joe Davis
Location: 530 S Washington ST
Contractor:
Type of Work: Residential Electrical Permit
ISSUED ON: April 1, 2022
Permits expire 1 year from the date of issue.

Issued by Bobby LaRue, CBO
Monroe County / City of Bloomington
Building Commissioner

NOTICE:

This card is to be posted in a conspicuous place, visible from the public street and shall remain in place during the entire period of construction. Not having this Permit Notice posted is a violation of the Monroe County Building Ordinance and could result in a fine or assessment of re-inspection fees. Any changes in the scope of the work as submitted in the construction application and specifications must be approved by the Monroe County Building Department prior to the work being performed.

This is an e-permit. To learn more, scan this barcode or visit monroecountyin.viewpointcloud.com/records/9663

City of Bloomington
Legal Department
Bloomington, Indiana

MAR 06 2023

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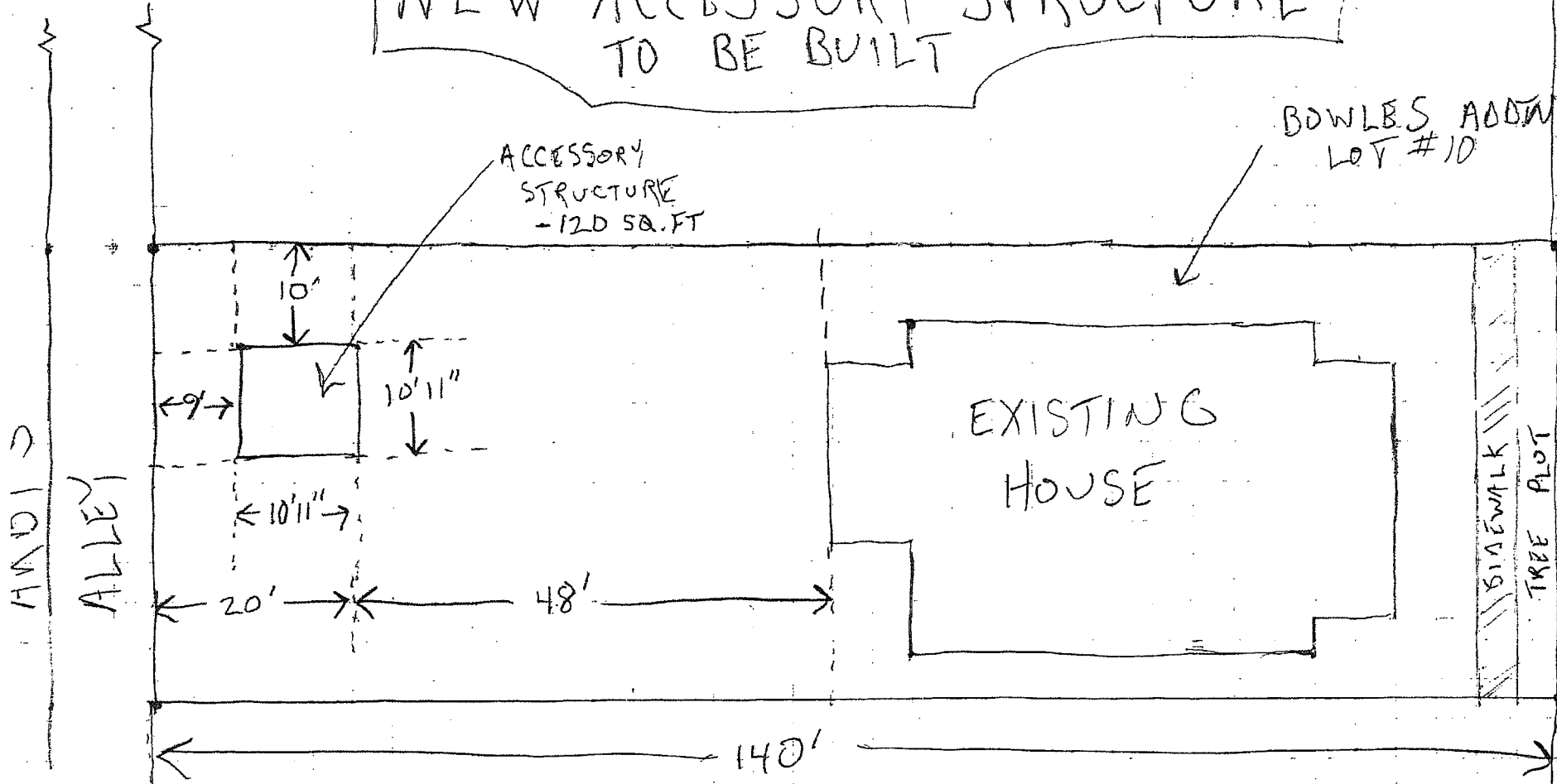
■ = 4' sq. ft

NEW ACCESSORY STRUCTURE
TO BE BUILT

BOWLES ADDN.
LOT #10

ACCESSORY
STRUCTURE
- 120 SQ. FT

EXISTING
HOUSE



ALLEY

BIKEWALK
TREE PLOT

WASHINGTON STREET

JOSEPH B. DAVIS
 - OWNER/BUILDER
 530 S. WASHINGTON ST.
 BLOOMINGTON, TN 47401
 812-525-9706
 hale.builder@gmail.com

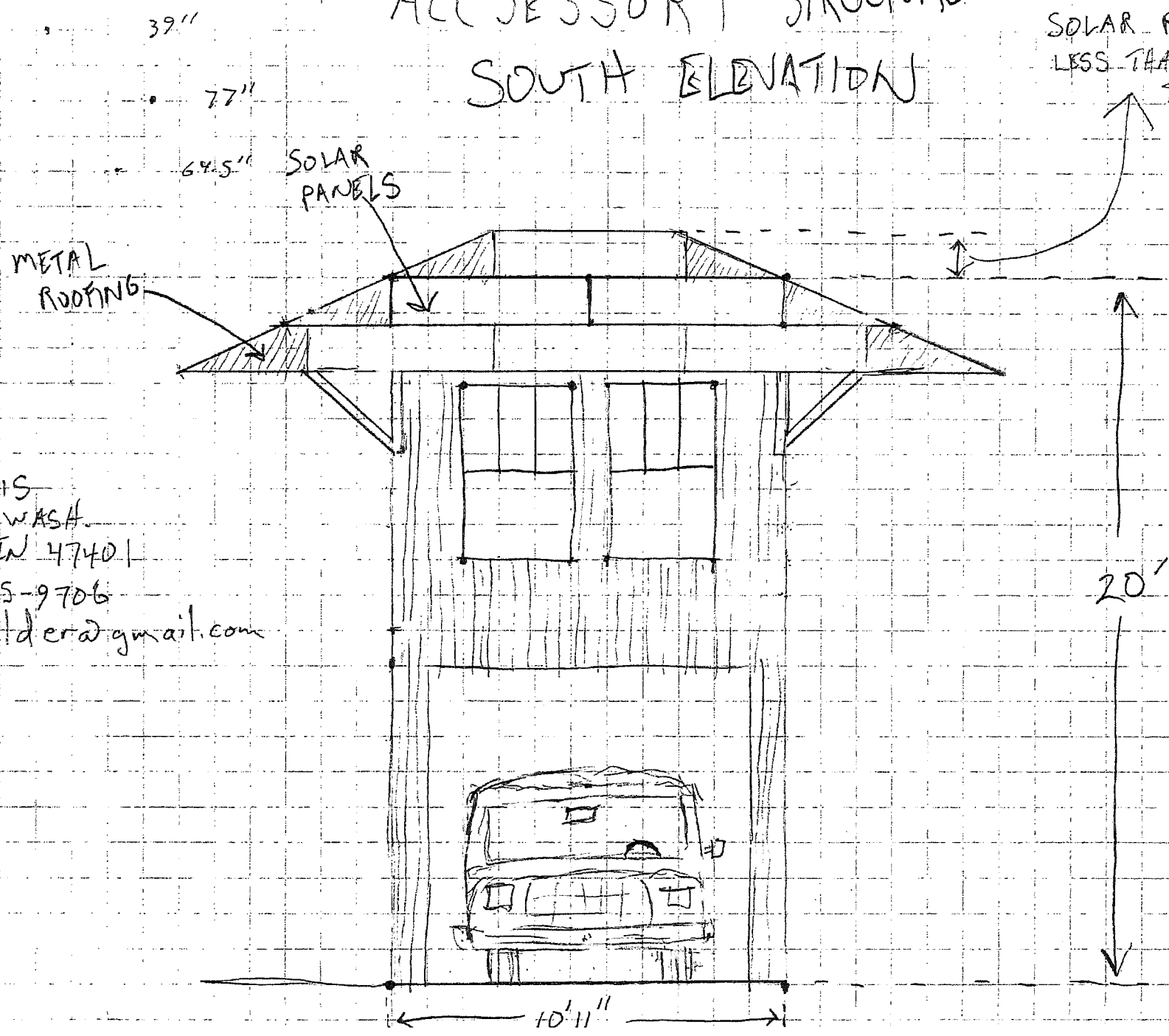
City of Bloomington
 Legal Department
 Bloomington, Indiana

MAR 06 2023

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1 OF 5

ACCESSORY STRUCTURE SOUTH ELEVATION



JOE DAVIS
530 S. WASH.
BLMFW, IN 47401
812-525-9706
balebuilder@gmail.com

SOLAR RACK
LESS THAN OR EQUAL
TO 36"

City of Bloomington
Legal Department
Bloomington, Indiana

MAR 06 2023

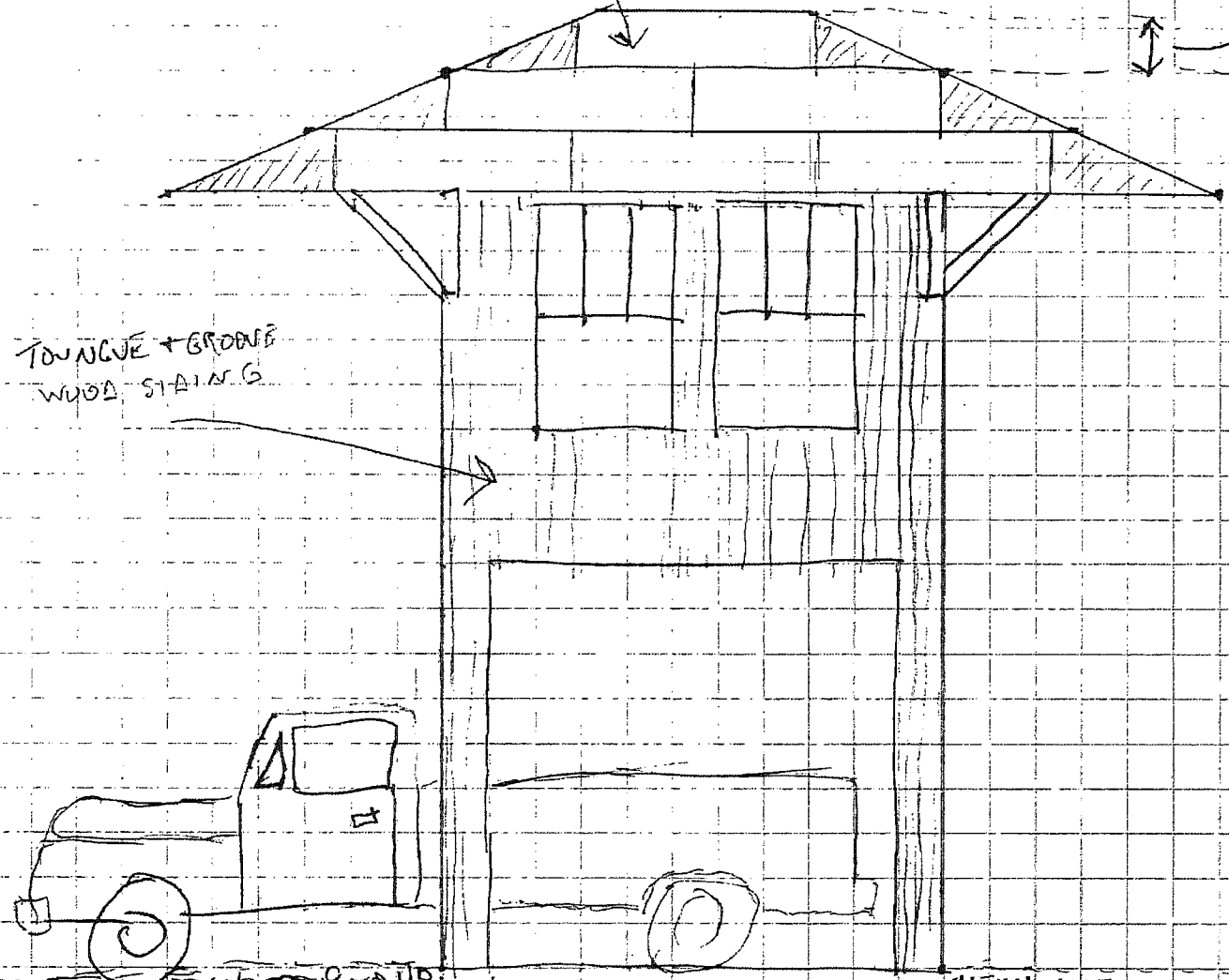
RECEIVED

EAST
ELEVATION

SOLAR RACK
LESS THAN OR EQUAL
TO 36" IN HEIGHT

SOLAR
PANELS

TONGUE + GROOVE
WOOD STAINING



20'

10' 11"

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City of Bloomington
Legal Department
Bloomington, Indiana

3 OF 5

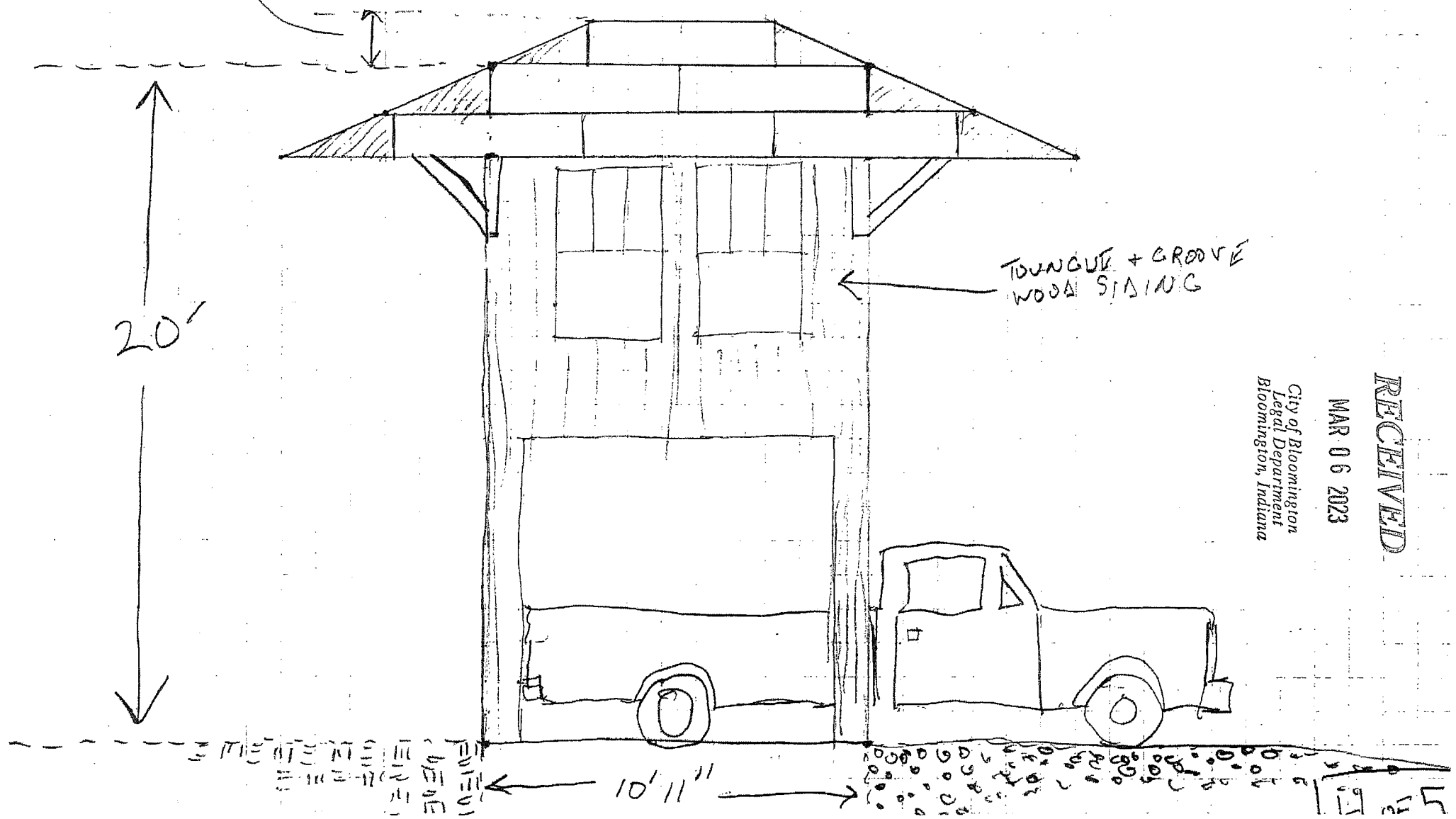
SOLAR RACK
LESS THAN OR EQUAL
TO 36" IN HEIGHT

WEST
ELEVATION

20'

TONGUE + GROOVE
WOOD SIDING

10' 11"



City of Bloomington
Legal Department
Bloomington, Indiana

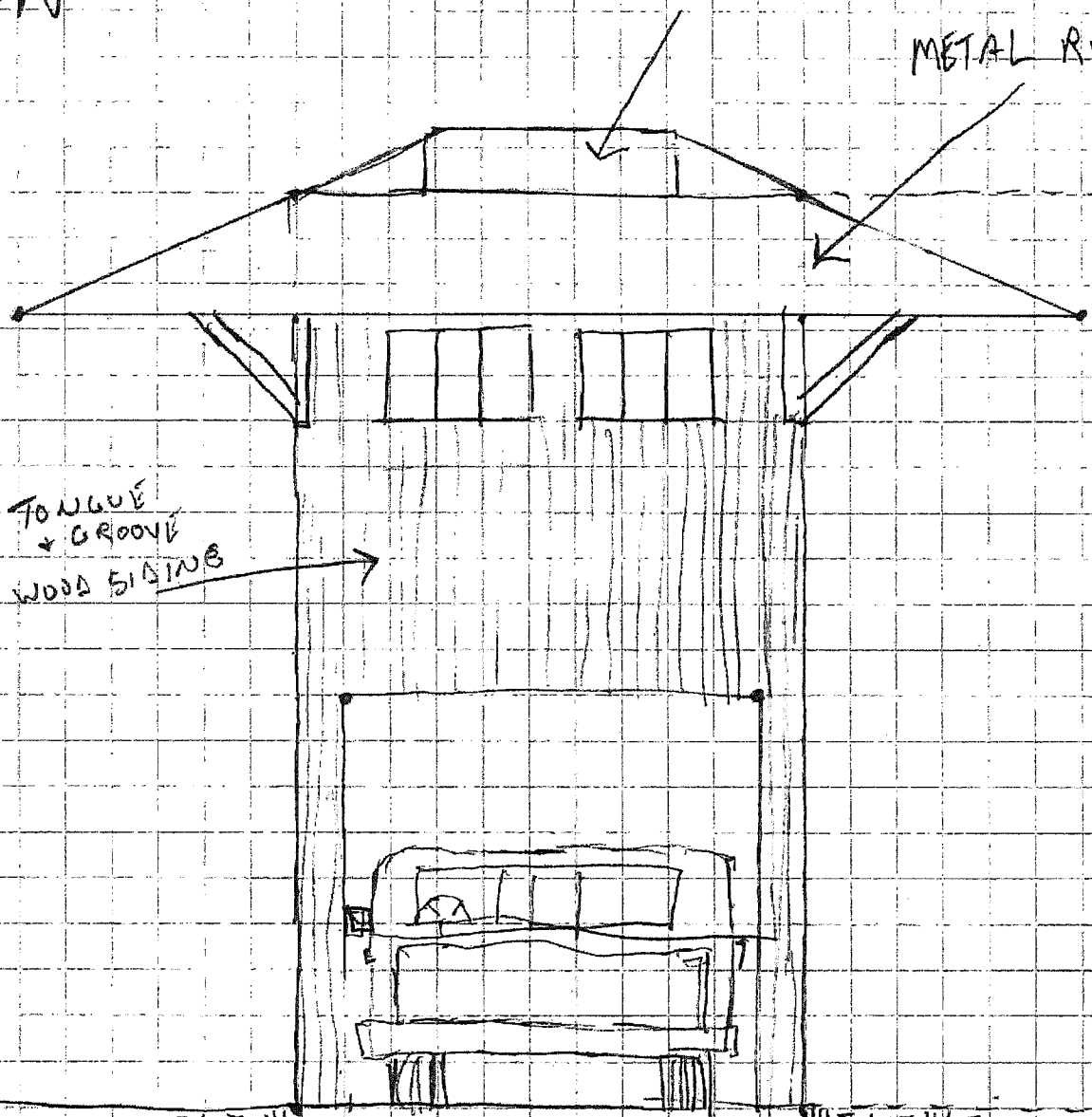
MAR 06 2023

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NORTH
ELEVATION

SOLAR RACK
LESS THAN OR EQUAL
TO 36" IN HEIGHT

METAL ROOFING



TONGUE
& GROOVE
WOOD SIDING

20'

10' 11"

City of Bloomington
Legal Department
Bloomington, Indiana

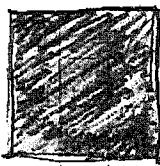
MAR 06 2023

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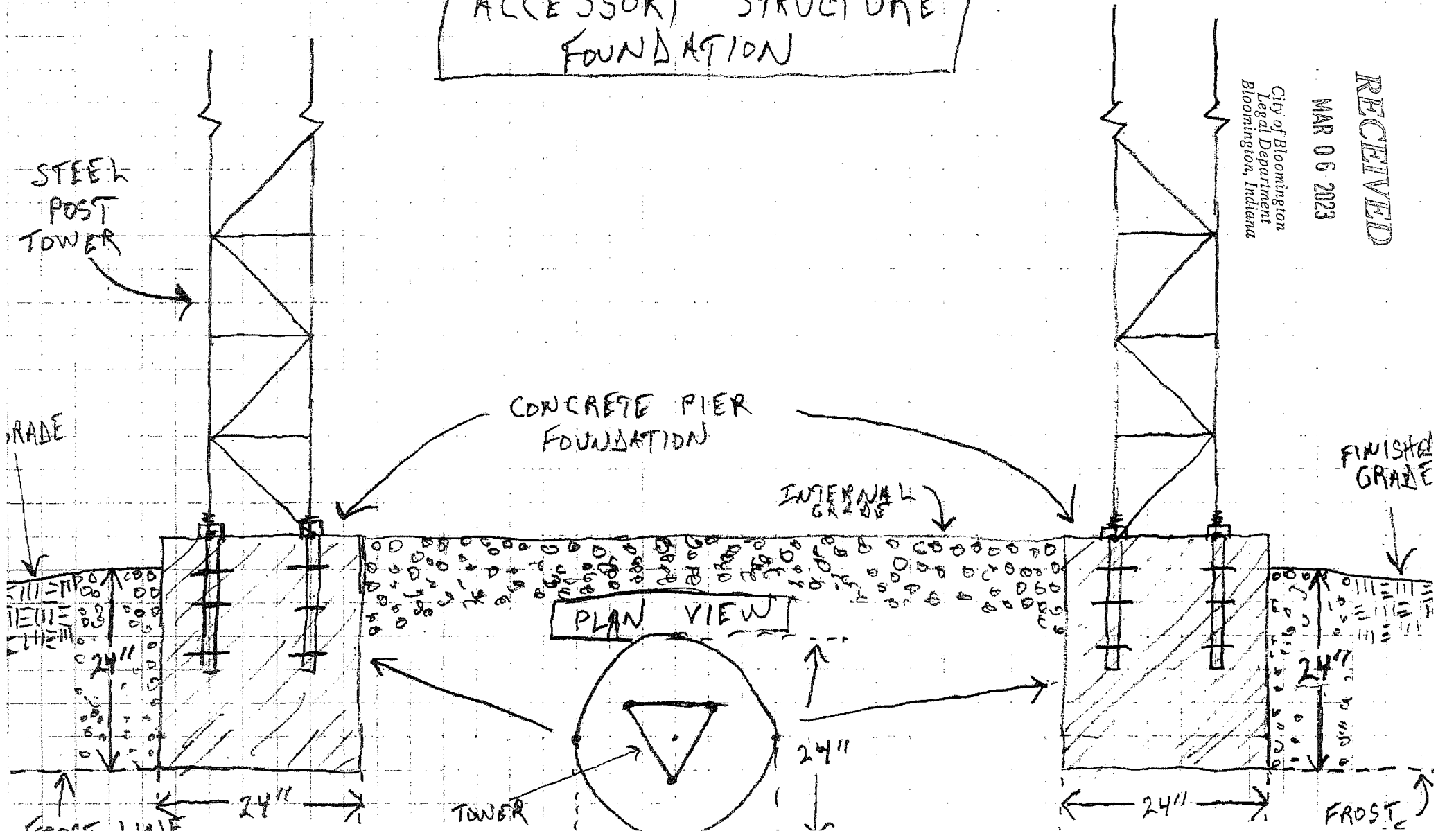
5 of 5

JOSEPH D. DAVIS
530 S. WASH ST.
BLOOMINGTON, IN 47401
812-525-9706
balebuilder@gmail.com

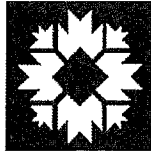
1 OF 1

 = 1 sq.ft.

ACCESSORY STRUCTURE
FOUNDATION



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MAR 06 2023
City of Bloomington
Legal Department
Bloomington, Indiana



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MAR 06 2023

**City of Bloomington
Planning and Transportation Department
Certificate of Zoning Compliance**

*City of Bloomington
Legal Department
Bloomington, Indiana*

Application #:	C23-053 / CZC-2023-0099	Property Address:	530 South Washington Street
Date Received:	2/3/2023	Date Issued:	2/10/2023
Zoning District:	R4	Proposed Use:	Dwelling, single-family (Detached) Accessory structure

The attached plans have been reviewed for compliance with applicable provisions of Title 20, Bloomington Unified Development Ordinance, and conformance with the terms of any approvals which have been granted under authority of the Ordinance. The Planning and Transportation Department finds the plans to be in compliance. The following terms and conditions apply:

- This permit authorizes the proposed Accessory Structure New Construction as shown on the Certificate of Zoning Compliance application only; no other construction is permitted.
- Occupancy of each dwelling unit is limited to not more than 3 unrelated adults, or as defined by the definition of "Family." [BMC 20.07.10 (Family)]
- This permit does not allow for work in a city right-of-way. An excavation permit is required for any work done within a public right-of-way. No structures or site features may encroach on drainage easement without prior permission from CBU
- Gutters and downspouts are required. [BMC 20.04.070(d)(3)(F)]
- Siding material must extend from roofline to within six (6) inches of finished grade. [BMC 20.04.070(d)(3)(C)]
- The exterior finish and façade of the detached garage must conform to "Development Standards & Incentives; Residential" in the Bloomington Unified Development Ordinance. [BMC 20.04.070(d)(3)]
- The accessory structure can be no taller than 20' as measured from the average finished grade surface of the structure exposed above the ground surface to the highest point of the roof. [BMC 20.02.020 (d)(2)(F) & 20.04.020(f)(1)(B)]
- The cumulative area of the footprints of all enclosed accessory structures in the R4 district shall not exceed: 400 square feet. [BMC 20.03.030(g)(1)(E)]
- No more than 2 accessory structures are permitted on a parcel. [BMC 20.03.030(g)(1)(E)]
- Any future construction activities must first receive a subsequent building permit.

This Certificate of Zoning Compliance pertains only to the attached plans and the specific use proposed, exactly as submitted and reviewed. This Certificate does not constitute the issuance of any additional required permits nor exempt the property from compliance with any requirements of other governmental entities.

Gabriel Holbrow, AICP
Zoning Planner
City of Bloomington
Planning and Transportation Department



NOTICE OF TORT CLAIM FOR PROPERTY DAMAGE AND/OR PERSONAL INJURY

State Form 54668 (R / 7-17)
Special Investigations Division

OFFICE OF ATTORNEY GENERAL
ATTN: Tort Claim Investigations
Government Center South, 5th floor
302 W. Washington Street
Indianapolis, IN 46204
Telephone: (317) 232-6350

INSTRUCTIONS: Anyone who has a claim for personal injury or property damage against the State of Indiana must either use this form to file a claim or make the claim in writing as prescribed in IC 34-13-3. Immunities are listed on the back of this form.
If applicable, include copies of accident/incident report, vehicle registration, paid receipts for repair or two (2) estimates for repair, medical reports, photographs and any additional documentation in reference to this matter.
Each person who had a loss should file a separate form.
Sign and date this form.
State statute requires the claim be delivered in person or be sent via **Certified** or **Registered** mail to the address in the upper right corner above.
Do not delay making your claim. Indiana law gives you two-hundred seventy (270) days after the loss to make a claim and it must comply with IC 34-13-3.
Keep a copy of your claim form, receipts, bills and certified/registered mail receipt.
If your claim is properly filed, the Office of the Attorney General will investigate it and will notify you in writing within ninety (90) days of receipt if your claim is approved. A claim is denied if not approved within ninety (90) days.
8. The filing of this claim is part of a legal process. If you have any questions about the right way to file a claim, please contact an attorney of your choice. The state's attorneys are not authorized by law to assist you with filing this claim. For your information a list of actions, or conditions, resulting in non-liability pursuant to IC 34-13-3 are shown on the back of this form.
Please be advised that this form is not intended for use for claims against political subdivisions, which have some different requirements, including only one hundred eighty (180) days after the loss to make a claim.

RECEIVED

MAR 06 2023

City of Bloomington
Losses Department
Bloomington, Indiana

CLAIMANT INFORMATION

Name JOSEPH BRADLEY DAVIS	Home Telephone 812-525-9706	Work Telephone -	Cellular Telephone -
Address at Time of Loss (number and street, city, state, and ZIP code) 530 S. WASHINGTON ST. BLOOMINGTON, IN 47401	E-mail Address balebuilder@gmail.com		
Current Address (if different from above)	Driver License Number 8914-00-1081	Issuing State INDIANA	
	Vehicle License Plate Number (if involved)	Issuing State	

LOSS INFORMATION

Date of Loss (m/d/yy) 9-7-22	Time of Loss <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Dollar Amount of Loss \$15000	State Agency Involved CITY OF BLOOMINGTON	State Vehicle Commission (if known)
Exact Location of Loss (include town, street and nearest crossroad) 530 S. WASHINGTON, BLOOMINGTON, IN 47401			Loss County MONROE	

Names / Addresses of All Persons Involved (if known)
**CITY OF BLOOMINGTON; DEPARTMENT OF HOUSING + NEIGHBORHOOD DEVELOPMENT;
DEPT. OF PUBLIC WORKS; BOARD OF PUBLIC WORKS; ET AL.**

Alleged Negligence
PLEASE SEE ATTACHED LETTER TO THE CITY OF BLOOMINGTON AND ITS ENCLOSURES

Explanation of what happened (Use additional sheets if necessary.)
PLEASE SEE ATTACHED LETTER TO THE CITY OF BLOOMINGTON, AND ITS ENCLOSURES.

CITY HALL, P.O. BOX 101
401 N. MORTON ST.
BLOOMINGTON, IN
47401
812-349-3400

Please read: I swear and affirm under the penalties for perjury that the foregoing information is true and correct to the best of my knowledge and belief.

Joseph Bradley Davis
Claimant's Signature

3-6-23
Date (m/d/yy)

RECEIVED

MAR 06 2023

City of Bloomington
Legal Department
Bloomington, Indiana

CERTIFICATE OF SERVICE

I hereby swear or affirm that I sent a full copy of this document to the opposing party on this date of 3-6-2023, as follows:

City of Bloomington,
Housing and Neighborhood Development,
Department of Public Works, Board of Public Works, et al.
City Hall
401 North Morton St., Suite 220
P.O. Box 100
Bloomington, IN 47404
812-349-3400

City Representative receiving service:

Name: _____;

Signature: _____.

Respectfully submitted by:

Joseph Bradley Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

