



City of Bloomington
Planning and Transportation Department

October 16, 2019

Judie Baker
1409 Getty's Creek Road
Bloomington, IN 47408

David Holdman
608 N. College Ave.
Bloomington, IN 47404

Re: **Notice of Violation and Fines for Violations of Title 20 of the Bloomington Municipal Code**
Property located at 523 W. 7th Street, Bloomington, Indiana
Failure to Obtain a Certificate of Zoning Compliance (CZC)

Dear Sir or Madam:

This letter serves as a Notice of Violation and Fines for a violation of 20.09.220 (Certificate of Zoning Compliance) of the Bloomington Municipal Code ("BMC") at 523 W. 7th Street ("Property"). Records show that you are the owner of this property and/or the applicant of a demolition permit for this property.

It has come to the attention of the City of Bloomington Planning and Transportation Department ("Department") that two structures located at 523 W. 7th Street were demolished on or about 9/26/2019. Pursuant to BMC Section 20.09.220, a Certificate of Zoning Compliance is required to be obtained prior to the demolition of any building, structure, or mobile home. You were not issued such a Certificate of Zoning Compliance.

Bloomington Municipal Code (BMC) **Section 20.09.220(b) [Certificate of Zoning Compliance]** provides as follows:

- (b) Certificate of Zoning Compliance Required: The City requires that a Certificate of Zoning Compliance (herein after "CZC") shall be obtained for any of the following actions. A single CZC may be issued for a combination of such actions, if they occur together. Any application for a CZC, permit or other approval for an action described in Division (5) of this Subsection shall be subject to the procedures outlined in *Section 20.09.230: Demolition and Demolition Delay*:
 - (1) Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure, or mobile home;

Bloomington Municipal Code (BMC) **Section 20.10.020 Penalties and Remedies for Violations**, subsection (d) provides:

- (d) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in Chapter 20.10: Enforcement and

Penalties. A violation continues to exist until corrected. Correction includes, but is not limited to:

- (1) Cessation of an unlawful practice;
- (2) Removal of a building, structure, or other improvement;
- (3) Faithful or otherwise-approved restoration or replacement of a building, structure, site or natural feature;
- (4) Any other remedy specified in this Unified Development Ordinance; and/or
- (5) Other remedy acceptable to the City.

Under BMC **Section 20.10.040 Penalty**, failure to obtain a CZC is a violation resulting in an initial five-hundred dollar (\$500) fine per structure per day. BMC Section 20.10.040(a) provides that the penalty for a first violation shall not exceed \$2,500 per day, and a second and any subsequent violation shall not exceed \$7,500 per day. BMC Section 20.10.040(b) then provides that second and subsequent violations of the same provision within three years of the first violation shall be fined at twice the previous fine. Demolition of a structure is an ongoing violation, and in this case constitutes a second violation as of 9/27/2019 and a subsequent violation every day thereafter that may be fined up to \$7,500 per day until corrected.

In accordance with these code provisions, therefore, your fine for the abovementioned violations is calculated below. Please note that although the code permits daily fines to continue until a violation is corrected, since a timeline for correction of a demolition is uncertain, we have determined to cap the fine at the value of the demolished improvements on the property as they were most recently assessed by the Monroe County Auditor.

Date	Daily Fine for Structures 1 and 2 (All Property Improvements)
9/26/2019	\$500
9/27/2019	\$1,000
9/28/2019	\$2,000
9/29/2019	\$4,000
9/30/2019	\$7,500
10/1/2019	\$7,500
10/2/2019	\$7,500
10/3/2019	\$7,500
10/4/2019	\$7,500
10/5/2019	\$7,500
10/6/2019	\$7,500
10/7/2019	\$7,500
10/8/2019	\$7,500
10/9/2019	\$7,500
10/10/2019	\$1,000
TOTAL	\$83,500

In accordance with UDO Chapter 20.10, Judie Baker and David Holdman are hereby assessed a civil penalty of \$83,500. Payment of the full amount of \$83,500 shall be made to City of Bloomington Planning and Transportation, 401 N. Morton St., Suite 130, Bloomington, IN 47404, no later than November 6, 2019.

You may appeal this Notice of Violation to the City of Bloomington Board of Zoning Appeals, provided that the appeal is in writing and is filed with the Board of Zoning Appeals no later than five (5) days from the date of this NOV. Fines levied for violation of this title may be contested in the Monroe County Circuit Court.

If the assessed fine is not paid by 11/6/2019, the City of Bloomington ("City") reserves the right to initiate suit against you in the Monroe County Circuit Court in order to reduce the fines to a judgment.

Sincerely,



Terri Porter, AICP
Director, Planning and Transportation

Cc: Scott Robinson, AICP
Jackie Scanlan, AICP
Philippa Guthrie, Corporation Counsel
Michael Rouker, City Attorney