

Passed 8-0 (Flaherty absent)

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA,

ORDINANCE NO. 2026-18

**ADOPTING GUIDELINES AND REQUIRING FORMAL WRITTEN COMMITMENTS AS A
CONDITION OF ELIGIBILITY FOR ON-PREMISES ALCOHOLIC BEVERAGE PERMITS
WITHIN ELIGIBLE STATUTORY DISTRICTS.**

Preamble

Whereas, Ind. Code chapter 7.1-3-20 regulates how the Indiana Alcohol and Tobacco Commission (“IATC”) issues alcoholic beverage permits throughout the State of Indiana; and

Whereas, Indiana law generally sets a maximum permit quota for each municipality based on population under Ind. Code 7.1-3-22, except under specific circumstances where the legislature has made additional permits available outside of the quota provisions; and

Whereas, the City currently has two existing districts that are subject to additional permits outside of the quota provisions—a historic district and a downtown redevelopment district; and

Whereas, Ind. Code 7.1-3-20-16(g) authorizes the IATC to issue up to fifteen (15) additional on-premises alcoholic beverage permits throughout the state, without regard to the quota provisions of I.C. 7.1-3-22, within, or not more than 1,500 feet from, a historic district containing a county courthouse, a historic opera house, and a historic jail or sheriff’s house (“Historic District Licenses”); and

Whereas, Bloomington has a qualifying historic district known as the Courthouse Square Historic District, which is depicted in the map attached and incorporated into this Ordinance as **Exhibit A**.

Whereas, Ind. Code 7.1-3-20-16.8(q) authorizes the IATC to issue two (2) additional on-premises alcoholic beverage permits, without regard to the quota provisions of I.C. 7.1-3-22, within a downtown redevelopment district or downtown economic revitalization area in the City of Bloomington, Indiana (“Downtown Licenses”); and

Whereas, Ind. Code 7.1-3-20-16.8(q) requires an applicant for one of the Downtown Licenses to be a proprietor, an owner or lessee, or both, of a restaurant located within the city’s downtown redevelopment district or downtown economic revitalization area; and

Whereas, the City of Bloomington Common Council authorized the Bloomington Redevelopment Commission to create the City’s Downtown Redevelopment District in Resolution 85-14 and to expand it in Resolutions 90-1 and 10-36, all of which were later incorporated into the Consolidated Tax Increment Financing District in 2015;

Whereas, the map attached as **Exhibit B** depicts the Downtown Expanded Redevelopment District area; and

Whereas, the Common Council desires to establish additional criteria and guidelines for applicants to receive their recommendation for a three-way permit (“Guidelines”), and those proposed Guidelines are attached to this Ordinance as **Exhibit C**; and

Whereas, Indiana Code 7.1-3-19-17 permits the City, by ordinance, to require permit applicants for a variety of special alcohol permit district licenses to enter into formal written commitments to ensure the establishment aligns with the local economic or development goals of the city; and

Whereas, the City desires to require any applicant for Historic District Licenses, Downtown Licenses, or any other permissible licenses and provisions found under Ind.

Code 7.1-3-19-17 ("District Permit Applicant"), to comply with requirements outlined above and enter into a formal written commitment; and

Whereas, a copy of the proposed formal written commitment for permit applicants is attached to this ordinance as **Exhibit D**.

Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:

Section 1. The Common Council recognizes that the City currently has two qualifying districts for non-quota alcohol permits under Ind. Code sections 7.1-3-20-16 ("Courthouse Square Historic District") and 7.1-3-20-16.8 ("Downtown Redevelopment District"), which are accurately depicted in maps attached and incorporated into this Ordinance as **Exhibit A** and **Exhibit B**. The City by and through the Common Council also has the ability under Indiana law to establish additional districts that may qualify for additional alcoholic beverage permits.

Section 2. The Common Council adopts the Guidelines attached and incorporated into this Ordinance as **Exhibit C** to protect the public interest and permit access and support for small, independent, and locally owned restaurants.

Section 3. Any District Permit Applicant located within the boundaries of a qualifying district as outlined in Ind. Code chapter 7.1-3-20 and that meet the City's Guidelines outlined in **Exhibit C** may be recommended by the Council to the IATC.

Section 4: Any District Permit Applicant is required to enter into a formal written commitment with the City as a condition of approval of an alcoholic beverage permit pursuant to Indiana Code 7.1-3-19-17, the form of which is attached to and incorporated into this Ordinance as **Exhibit D**. The Economic and Sustainable Development Department ("ESD") shall require each applicant to sign a formal written commitment that is substantially in the same form as the attached **Exhibit D**.

Section 4: ESD shall receive and evaluate applications against the Guidelines and advise Council regarding whether to recommend the business for a District Permit to the IATC.

Section 5. Any new or renewal application for a District Permit approved by the ESD shall abide by the Guidelines set forth in this ordinance. In the event that an applicant is not in compliance with the Guidelines and their formal written commitment, ESD shall follow the process for revocation, denial or termination as set forth in Indiana Code.

Section 6. Severability. 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 7. Effective Date. This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Passed

Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the 2nd day of September, 2026.

A handwritten signature in black ink, appearing to read 'Isak Nti Asare', with a stylized flourish at the end.

Isak Nti Asare
President, City of Bloomington

Attestation of Bloomington City Clerk:



Nicole Bolden
Clerk, City of Bloomington

Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this 08
day of September, 2026:



Nicole Bolden
Clerk, City of Bloomington

Approval by Mayor

Signed and approved by me upon this 9 day of September, 2026:



Kerry Thomson
Mayor, City of Bloomington

Synopsis

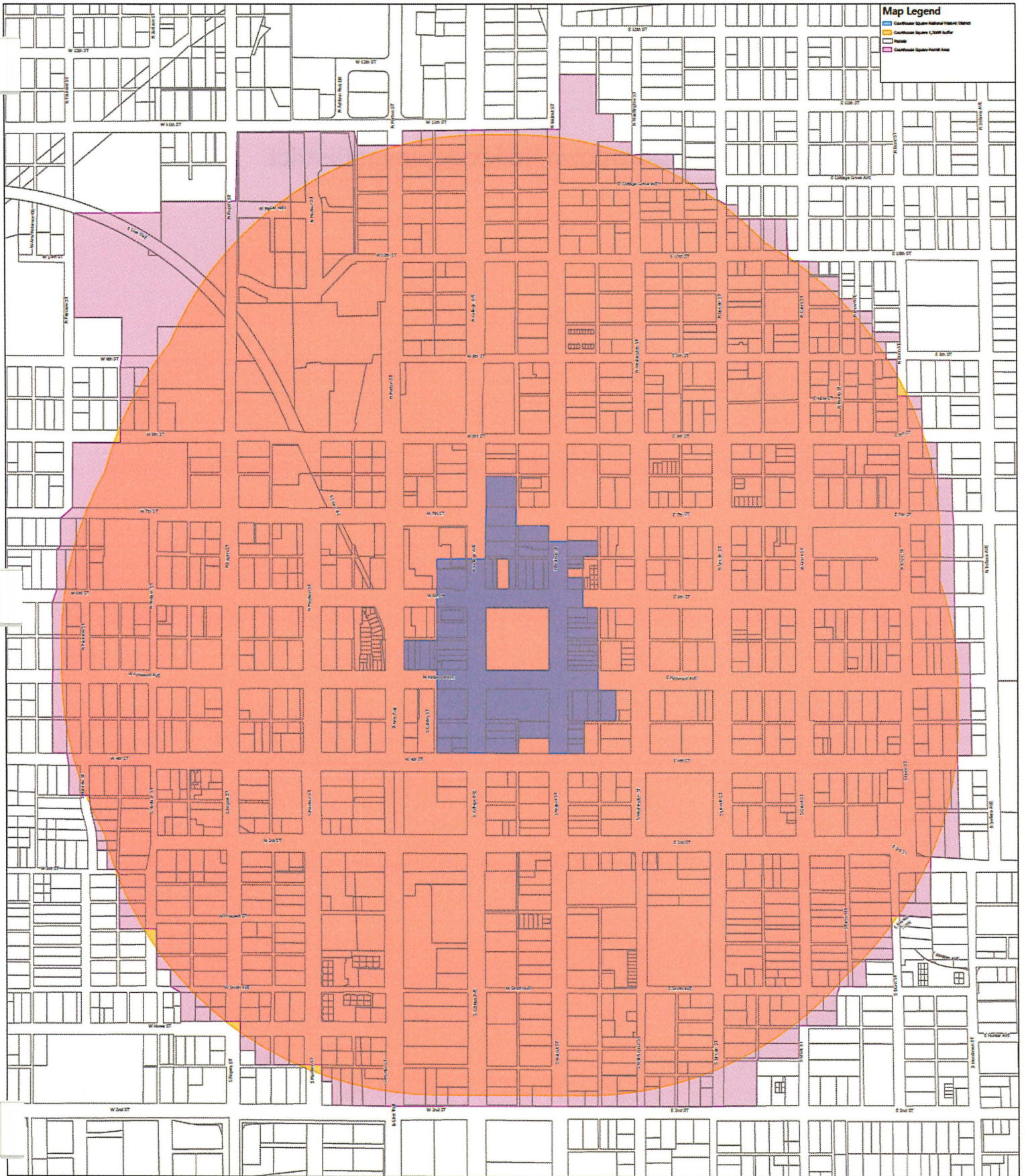
This Ordinance establishes guidelines for any applicant to eligible alcohol permit programs found in Ind. Code 7.1-3-20, including those eligible licenses within the City's existing Downtown Redevelopment District and Historic District. This Ordinance requires applicants to enter into a formal written commitment pursuant to Ind. Code 7.1-3-19-17 as a condition of eligibility.

Distributed to: Clerk, Council Attorney, Legal, Mayor, and Planning department.

Exhibit A
Map of Courthouse Square Historic District
with 1,500 Foot Fringe



Courthouse Square Historic District Permit Area DRAFT



Map Legend

- Courthouse Square National Historic District
- Courthouse Square C-2000 Buffer
- Courthouse Square Permit Area

July 28th, 2026

Produced 7/29/2026

This map was prepared by the City of Bloomington GIS, for use by the City and other interested parties. The information is provided as a draft and is not intended for use in any legal proceeding. The City of Bloomington is not responsible for any errors or omissions on this map.



Layout: Courthouse Square Permit Area Large
Project: Courthouse Square District Permit

Exhibit B
Map of Downtown Redevelopment District

Downtown Redevelopment District

Boundary

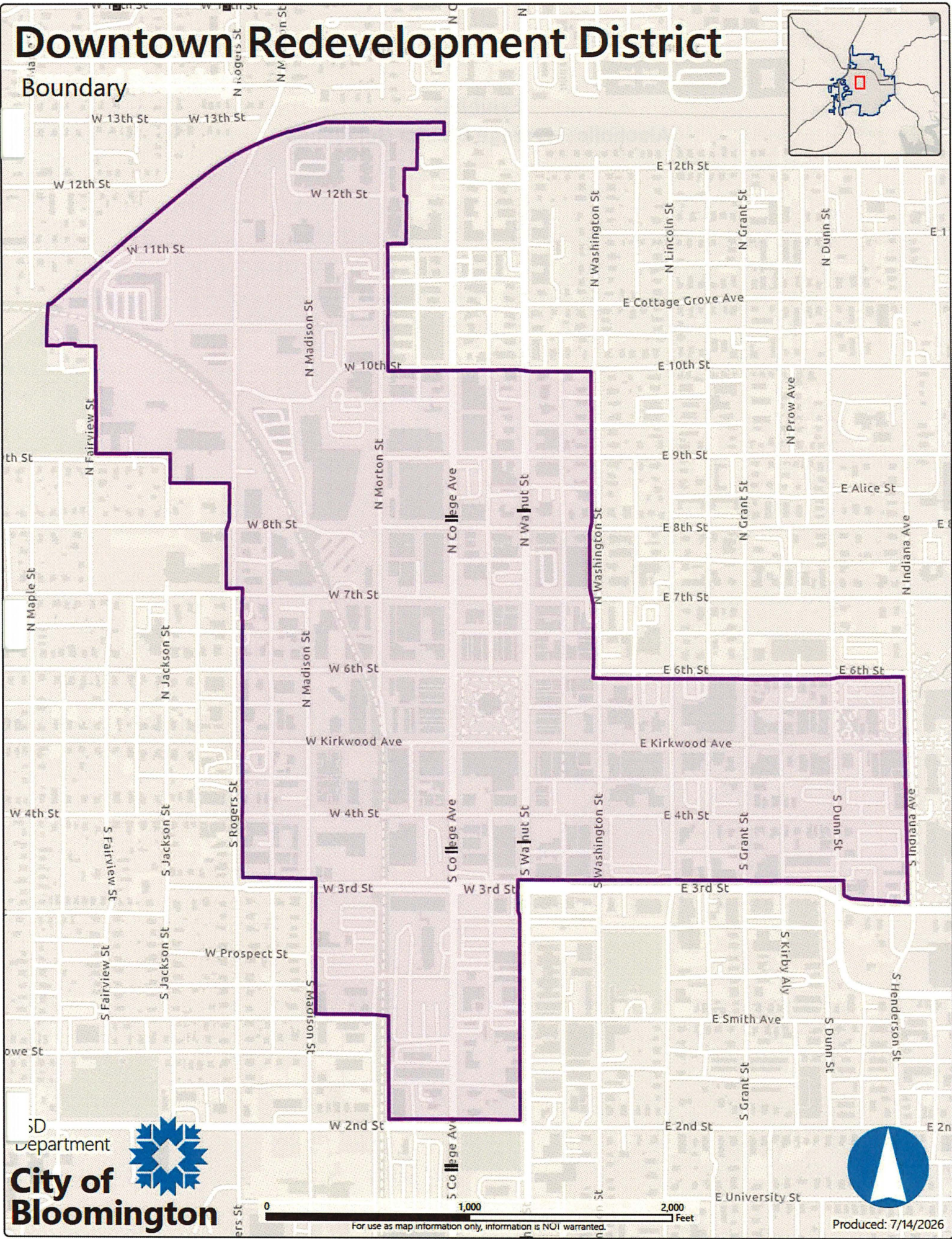
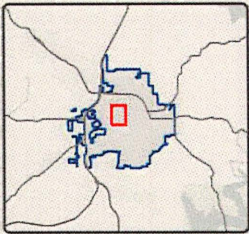


Exhibit C
Alcoholic Beverage District Guidelines

RULES, PROCEDURES, AND PUBLIC-INTEREST GUIDELINES FOR CITY-RECOMMENDED, CITY-CONTROLLED, OR CITY-INFLUENCED ALCOHOLIC BEVERAGE PERMITS

Indiana Code § 7.1-3-20 authorizes the issuance of certain alcoholic beverage permits for restaurants located in or associated with specified redevelopment, riverfront, historic, cultural, economic development, or other qualifying areas ("Eligible District"). The City of Bloomington ("City") recognizes that such permits are scarce public economic development tools and should be allocated, recommended, supported, conditioned, renewed, or objected to through a transparent, predictable, low-burden, public-interest-oriented process;

The City seeks to ensure that City-recommended alcoholic beverage permits support restaurants, locally rooted entrepreneurship, economic vitality, responsible alcohol service, public safety, workforce standards, neighborhood compatibility, quality of place, public input, and adopted City plans. To that end the City has established the following rules to protect the public interest but also to permit access and support for small, independent, and locally owned restaurants.

These Guidelines are intended to:

1. Separate the establishment of an eligible district from the later review of specific permit applicants;
2. Ensure that special alcoholic beverage permits serve public economic development purposes;
3. Provide pathways for local input before City support is provided;
4. Prioritize restaurant-oriented uses over alcohol-consumption-focused uses;
5. Support locally rooted businesses and neighborhood-compatible development;
6. Establish predictable and low-burden procedures for applicants;
7. Provide ongoing accountability after City support is given.

Covered Permits

These Guidelines apply to any City-Influenced District Permit ("District Permit"), meaning any alcoholic beverage permit for which Indiana Code provides the City of Bloomington, the Bloomington Common Council, or another City entity with authority and discretion to recommend, support, condition, object to, monitor, or otherwise participate in the permit process, including:

1. Permits associated with a municipal riverfront development project under Indiana Code § 7.1-3-20-16(d) and Indiana Code § 7.1-3-20-16.1;
2. Permits associated with a historic district or other qualifying district under Indiana Code § 7.1-3-20-16;
3. Permits authorized for the City of Bloomington under Indiana Code § 7.1-3-20-16.8;
4. Permits issued without regard to ordinary quota limitations and tied to economic development, redevelopment, downtown vitality, riverfront development, historic preservation, or similar public purposes; and
5. Any alcoholic beverage permits for which Indiana Code provides a role for municipal recommendation, approval, written commitment, objection, or other municipal action.

Minimum Eligibility Requirements

Unless Council expressly waives a requirement where waiver is legally permissible and in the public interest, an applicant seeking City support for a District Permit must satisfy the following minimum eligibility requirements:

1. **City Location.** The proposed permit premises must be located within the corporate boundaries of the City of Bloomington.
2. **Eligible District.** The proposed permit premises must be located within the Eligible District or geographic area required by the applicable Indiana Code provision.

3. **Statutory Use Requirement.** The applicant must satisfy any restaurant, food-service, or other use requirement imposed by the Indiana Code provision governing the applicable District Permit. The City does not impose an additional minimum percentage of food sales except where required by applicable Indiana Code or binding Indiana Alcohol and Tobacco Commission requirements.
4. **Proprietor Requirement.** The applicant must be the proprietor, as owner or lessee, or both, of the Restaurant and proposed permit premises where required by applicable Indiana Code.
5. **Entity Qualification.** If the applicant is an entity, the applicant must be lawfully organized and authorized to do business in Indiana to the extent required by applicable law.
6. **Local Ownership.** More than fifty percent (50%) of the ownership interests in the applicant must be owned by one or more individuals whose primary home address is located in Monroe County, Indiana, unless Council determines that a different ownership structure substantially advances the public purposes of these Guidelines.
7. **No Existing Three-Way Permit for Proposed Premises.** The applicant may not hold or use an existing three-way alcoholic beverage permit for the proposed permit premises unless the applicant transfers the existing permit, places the existing permit in escrow, or otherwise resolves the existing permit in accordance with Indiana Alcohol and Tobacco Commission requirements and applicable Indiana Code before receiving City support for a District Permit.
8. **Hours of Operation.** The applicant shall disclose its proposed hours of operation. ESD and/or Council may consider proposed hours as part of its public-interest review and may impose reasonable operating-hour conditions in the Written Agreement when necessary to address public safety, neighborhood compatibility, or other identified public-interest concerns.
9. **City Good Standing.** The business must be in good standing with all applicable departments of the City of Bloomington, as verified by City staff.
10. **External Good Standing.** The business must provide evidence of good standing, as applicable, with the Monroe County Health Department, the Indiana Department of Revenue, and the Indiana Secretary of State.
11. **Insurance.** The business must submit proof of compliance with all applicable local, state, and federal insurance requirements.
12. **Application Compliance.** The business must comply with all application procedures required by the City and the Indiana Alcohol and Tobacco Commission.
13. **Written Agreement.** The business must execute a Written Agreement with the city of Bloomington before the City transmits a favorable recommendation, approval, support letter, or other supporting action to the Indiana Alcohol and Tobacco Commission.
14. **Continuing Compliance.** The business must remain in compliance with these Guidelines, applicable Indiana Code, applicable local ordinances, Indiana Alcohol and Tobacco Commission requirements, any applicable Written Agreement and its Formal Written Commitment throughout the period in which it seeks issuance, renewal, or operation of a District Permit.

Application Process

The application for District Permits will be available online via the City's Enterprise Licensing Platform and may require:

1. Applicant name and contact information;
2. Ownership and management information;
3. Proposed permit premises;
4. Proof of ownership, lease, or site control;
5. Description of business;
6. Proposed menu;
7. Proposed hours of operation;
8. Responsible alcohol service plan;
9. Economic vitality statement;
10. Ownership certification;
11. Good-standing certifications;
12. Insurance documentation;
13. Signed acknowledgment of these Guidelines; and

14. Willingness to execute a Written Agreement.

The City and the Bloomington Common Council may require additional materials when necessary to evaluate eligibility, public impact, or compliance.

Pre-Application Review

An applicant may request a preliminary review by the Economic and Sustainable Development Department (“ESD”) staff of whether the project meets eligibility criteria. A preliminary evaluation by ESD staff does not constitute a recommendation to Council or to the Indiana Alcohol and Tobacco Commission, reserve or guarantee a District Permit, create a property right, or bind the Common Council with respect to a future applicant. Before a staff recommendation is transmitted to Council, the District Permit Applicant must satisfy applicable Indiana Code, these Guidelines, and the Written Agreement.

Public Input and Public Presentation

The City may require Applicants to make a public presentation before the Common Council or a committee of Council before Council takes final action on a recommendation, approval, support letter, Formal Written Commitment, or other City action related to a District Permit.

Council may receive written public comment before acting on an application.

A public presentation may include:

1. The proposed business concept;
2. The proposed premises;
3. Ownership and management structure;
4. Menu and service model;
5. Expected hours of operation;
6. Responsible alcohol service plan;
7. Anticipated public benefits;
8. Compliance with the City’s eligibility requirements;
9. Consistency with permit-cycle preferences;
10. Any requested exception, waiver, or special condition.

Council may use a streamlined public process for applications that clearly satisfy the eligibility requirements, present no material compliance concerns, and align with the City’s stated preferences.

Evaluation Criteria

After determining whether an applicant satisfies the minimum eligibility requirements, the City may evaluate the application using public-interest criteria, including but not limited to:

1. Contribution to the beauty and vitality of downtown, riverfront, or district;
2. *Local ownership and local entrepreneurship*;
3. Activation of vacant, underused, or strategically important properties;
4. Public safety impacts;
5. Accessibility and walkability;
6. Consistency with adopted City plans;
7. Workforce practices;
8. Responsible alcohol service;
9. Likelihood of year-round operation;
10. Ability to draw residents and visitors to the district; and
11. Consistency with permit-cycle preferences adopted or published by Council and/or city offices.

The City may weigh these criteria as it determines appropriate for the permit type, district, application cycle, and public purpose.

Non-transferability and Anti-Speculation

A District Permit shall not be transferred, sold, assigned, relocated, pledged, monetized, or otherwise conveyed except to the extent expressly allowed by Indiana Code and approved in writing by the City.

The City shall not support the transfer, sale, assignment, relocation, or other conveyance of a District Permit unless the City determines that the action is lawful, consistent with Indiana Code, consistent with the applicable Written Agreement, and consistent with the public purposes of these Guidelines.

The City may require documentation showing that the value of a District Permit is not being sold, capitalized, or transferred as part of a business sale or ownership transaction, except to the extent permitted by Indiana Code.

Notice of Material Changes

A Permit Holder shall provide written notice to the City before making any Material Change, or within a reasonable time if advance notice is impracticable.

For purposes of these Guidelines, 'Material Change' means a change that could reasonably affect the Permit Holder's statutory eligibility, the basis on which Council provided its recommendation, or a material commitment contained in the Written Agreement. Material Changes include a change in controlling ownership; a proposed transfer, assignment, relocation, pledge, or other conveyance of the District Permit; relocation of the permit premises; a substantial change in the business concept or service model; a substantial change in operating hours where hours are a condition of the Written Agreement; cessation of operations; or a change that causes the Permit Holder to cease satisfying a specific eligibility requirement or condition of the Written Agreement. Routine menu changes, pricing changes, changes in non-controlling management personnel, minor interior renovations, and temporary or seasonal operating adjustments consistent with the Written Agreement are not Material Changes standing alone.

A Material Change made without required notice or approval may constitute grounds for Council to withdraw support, object to renewal, object to transfer, notify the Indiana Alcohol and Tobacco Commission of noncompliance, or pursue any other lawful remedy.

Annual Compliance Affidavit

Each Permit Holder operating under a District Permit for which the City has provided a recommendation, approval, Written Agreement, Formal Written Commitment, or other required municipal action shall submit an annual compliance affidavit on a form approved by the City.

The affidavit shall certify, at minimum, that the business:

1. Remains in operation in a manner that satisfies the statutory use requirements applicable to the District Permit;
2. Remains located at the approved permit premises;
3. Remains in good standing with applicable public agencies;
4. Maintains required insurance;
5. Has not transferred or attempted to transfer the District Permit except as allowed by Indiana Code and approved by Council;
6. Has provided notice of any Material Change;
7. Has complied with applicable wage requirements;
8. Has complied with applicable operating-day and operating-hour requirements;
9. Has complied with its Written Agreement;

10. Continues to satisfy the public-purpose commitments made in its application.

The City may request reasonable supporting documentation if the affidavit is incomplete, if staff identifies a compliance concern, or if Council receives credible information suggesting noncompliance.

Cessation of Operations

If business operations cease at the permit premises for more than six consecutive months, the District Permit shall be handled in accordance with applicable Indiana Code.

Where applicable Indiana Code provides that a District Permit reverts to the Indiana Alcohol and Tobacco Commission after business operations cease for more than six months, the City may notify the Indiana Alcohol and Tobacco Commission of the cessation of operations and request action consistent with Indiana Code.

Council may recognize good-cause circumstances when deciding whether to withdraw support, object to renewal, or notify the Indiana Alcohol and Tobacco Commission, including casualty, fire, flood, construction, major repairs, health department closure, force majeure, or other circumstances beyond the Permit Holder's reasonable control.

City Objection or Withdrawal of Support

The City may withdraw support, object to renewal, object to transfer, object to relocation, notify the Indiana Alcohol and Tobacco Commission of noncompliance, or pursue any other lawful remedy if a Permit Holder:

1. Materially changes the business concept without required notice or approval;
2. Ceases to satisfy the statutory use requirements applicable to the District Permit;
3. Ceases operations for more than six consecutive months;
4. Violates its Written Agreement or Formal Written Commitment;
5. Violates applicable Indiana Code;
6. Violates applicable local ordinances;
7. Violates Indiana Alcohol and Tobacco Commission requirements;
8. Creates persistent nuisance conditions;
9. Fails to maintain good standing;
10. Fails to maintain required insurance;
11. Misrepresents material facts to the City or to the Indiana Alcohol and Tobacco Commission;
12. Attempts to transfer, sell, assign, relocate, monetize, or otherwise convey the District Permit contrary to Indiana Code or these Guidelines.

Communications during Application Period

To protect fairness and transparency, applicants, owners, representatives, agents, employees, or persons acting on behalf of applicants shall direct substantive communications through a designated City contact or through the public meeting process.

The City may disregard or treat as a negative factor any attempt to circumvent published application procedures or communication rules.

Nothing in this section shall prohibit public comment, legally protected petitioning activity, or communications required by law.

Over-Subscription and Competitive Cycles

If more eligible applicants seek City support than there are available District Permits, the City may conduct a competitive review.

In a competitive review, the City may consider the Evaluation Criteria, any adopted and published permit-cycle preferences, public input, staff analysis, and any other lawful public-interest factor.

The City may recommend one applicant, multiple applicants, no applicants, or fewer applicants than the number of District Permits available.

Periodic Review

These Guidelines shall be reviewed by the Common Council not less than once every two years.

Council may conduct an earlier review after the first District Permit application cycle under these Guidelines, after establishment of any municipal riverfront development project, or upon request of Council members.

The review may include consideration of:

1. Permit utilization;
2. Compliance history;
3. Economic development outcomes;
4. Geographic distribution;
5. Applicant diversity;
6. Public safety impacts;
7. Neighborhood impacts;
8. Administrative burden;
9. Legal developments;
10. Whether these Guidelines continue to advance the City's public purposes.

The Common Council may amend, replace, suspend, or repeal these Guidelines by resolution or ordinance.

Relationship to Indiana Code and ATC Authority

The Indiana Alcohol and Tobacco Commission retains authority over the issuance, renewal, transfer, suspension, and revocation of alcoholic beverage permits as provided by Indiana Code.

If any provision of these Guidelines conflicts with Indiana Code or binding Indiana Alcohol and Tobacco Commission requirements, Indiana Code and binding Indiana Alcohol and Tobacco Commission requirements shall control.

Exhibit D
Written Commitment Form

FORMAL WRITTEN COMMITMENT

between
[BUSINESS NAME]
and the
CITY OF BLOOMINGTON, INDIANA
for a
District Alcohol Permit

This Formal Written Commitment ("Agreement") is between the City of Bloomington, Indiana ("City"), and [Business Name] ("Business") and arises out of the following circumstances:

- A. Ind. Code chapter 7.1-3-20, allows the Indiana Alcohol and Tobacco Commission ("IATC") to issue alcoholic beverage permits outside of the state's quota system for certain established districts ("District Permit").
- B. The Common Council in Ordinance 2026-18, and pursuant to Indiana Code 7.1-3-19-17, requires District Permit applicants to enter into this Agreement as a condition of approval to ensure the applicant aligns with the public welfare and goals of the city.
- C. Council has set additional requirements for applicants seeking the City's recommendation to the IATC to issue or renew a District Permit, which are attached hereto as Exhibit A ('Guidelines').
- D. The Business meets all eligibility requirements under Indiana law and the Guidelines for a District Permit.

NOW, therefore, in consideration of the above, the Parties agree as follows:

- 1. The Recitals above are incorporated into this Agreement, by reference.
- 2. Business's Responsibilities:
 - a. The Business satisfies any restaurant, food-service, proprietor, or other use requirement imposed by the Indiana Code provision governing the applicable District Permit..
 - b. The Business complies with the "Eligibility Criteria" listed in the Guidelines, attached hereto and incorporated as **Exhibit A**.
 - c. The Business shall certify its compliance in accordance with the Eligibility Criteria and maintain compliance with and eligibility under the Guidelines while applying for, seeking the renewal of, or operating with a District Permit.
 - d. If the Business ceases operations for six months, the District Permit reverts to the IATC.
- 3. City's Responsibilities:
 - a. The Department of Economic and Sustainable Development ("ESD") on behalf of the City shall administer the application and renewal process for

permit applicants. This includes, but is not limited to, creating and reviewing applications and processes, collecting necessary documents from the Business, and making recommendations regarding the Business's approval or renewal to Council.

- b. In the event the Business is not compliant with the Guidelines, ESD shall initiate the process outlined under the "Enforcement" section of the Guidelines.
 - c. Upon review of the Business's application, documentation, and ESD's recommendation, the Bloomington Common Council shall either approve or deny this Agreement. Should Council approve this Agreement, it will provide a letter to the ATC recommending the Business for a District Permit.
 - d. Council may, upon recommendation from ESD, adopt a recommendation to either not renew or to revoke the Business's District Permit and send such recommendation to the ATC.
4. Recommending a Business to receive a District Permit or renewal is discretionary on the part of the City. The Business has no right to a recommendation or a District Permit, and no right to a recommendation for a District Permit based on any timelines. Thus, the City is not liable under any circumstances for the Business's failure to be granted a recommendation, a District Permit, or a renewal of a District Permit.
5. The Business understands that neither the Council nor ESD can guarantee the Business will receive a District Permit or renewal of such from the ATC; the City may only make recommendations to the ATC.
6. In the event the Business's alcohol permit is denied, revoked, not renewed, terminated, or ended for any reason, this Agreement shall automatically terminate. Furthermore, the Business shall not be entitled to a refund or compensation from Council, ESD, or the City of Bloomington.
7. Permits are not transferable, not portable within or without the district, and any renewal is subject to compliance with the terms of the City's ordinances, the Guidelines, and this Agreement. The permits shall not be pledged as collateral or subject to any lien, judgment, property settlement agreement, or third-party claim.
8. The Business shall defend, indemnify, and hold harmless the Common Council, ESD, and City of Bloomington, and the officers, agents and employees of such from any and all claims, demands, damages, losses, liabilities, costs, and expenses or other liability including cybercrime perpetrated by or attributable to the Business, its employees, the Business's employees or agents (regardless of whether committed with or without the Business's knowledge or consent) arising out of or related to this Agreement, or occasioned by the reckless or negligent performance of any provision thereof, including, but not limited to, any reckless or negligent act or failure to act or any misconduct on the part of the Business or its agents or employees, or any independent contractors directly responsible to it (collectively "Claims").

9. Any notice required by this Agreement shall be made in writing to the individuals/addresses specified below:

City of Bloomington

- A. City of Bloomington Common Council
401 N Morton St., Suite 110
Bloomington, IN 47404
- B. City of Bloomington Legal Department
401 N Morton St., Suite 220
Bloomington, IN 47404
- C. City of Bloomington Economic and Sustainable Development Department
401 N Morton St., Suite 150
Bloomington, IN 47404

BUSINESS

[Business Address]

Copy to: [Business Register Agent or Attorney]

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of the Council, ESD, or the City of Bloomington and the Business.

10. This Agreement shall be governed by the laws of the State of Indiana. Venue of any disputes arising under this Agreement shall be in the Monroe Circuit Court, Monroe County, Indiana.
11. Neither the City, ESD, Council, nor the Business may assign any rights or duties under this Agreement without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement.
12. The Business shall comply with City of Bloomington Ordinance 2.23.100, et seq., and all other federal, state and local laws and regulations governing non-discrimination, including but not limited to employment. The Business understands that the City of Bloomington prohibits its employees from engaging in harassment or discrimination of any kind. If the Business believes that a City employee engaged in such conduct towards the Business and/or any of its employees, the Business or its employees may file a complaint with ESD, and/or with the City of Bloomington Human Resources department. The City takes all complaints of harassment and discrimination seriously and will take appropriate disciplinary action if it finds that any City employee engaged in such prohibited conduct. Any breach of this section is a material breach and will be cause for termination of this Agreement.
13. This Agreement has been duly authorized, executed and delivered by the Parties and is the legal, valid and binding obligation of the Parties, enforceable in accordance with its terms and conditions. The undersigned signatories for each Party represent that the undersigned signatories have been and are duly authorized to execute this Agreement for and on behalf of their respective Party.

City of Bloomington Common Council

_____, Council President Date

City of Bloomington Economic and Sustainable
Development Department

_____, Director Date

[BUSINESS NAME]

Signature Date

Printed Name, Title