

ORDINANCE 19-17

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE
(BMC) ENTITLED "WASTEWATER"
- Re: Amending BMC 10.08.140 (Connection Fees) to
Allow Waiver of those Fees in Two Limited
Circumstances – To Promote Conversion of Septic to
Sewer and to Complement Certain City
Affordable Housing Programs**

- WHEREAS, Bloomington Municipal Code Title 10 sets forth uniform requirements for users of the publicly owned treatment works for the City of Bloomington's Wastewater and Stormwater utilities and enables the City to comply with all applicable state and federal laws, including the Clean Water Act and the General Pretreatment Regulations established by the United States Environmental Protection Agency under 40 CFR 403; and
- WHEREAS, the City of Bloomington, Indiana (the City) has constructed and has in operation a wastewater collection system for the purpose of collecting and treating wastewater and operates its pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and
- WHEREAS, Bloomington Municipal Code Title 10 at Section 10.08.140 establishes connection fees that shall be charged for each new connection to the wastewater system; and
- WHEREAS, Bloomington Municipal Code Title 10 at Section 10.04.050 obligates all wastewater sources located on property which is adjacent to an easement or public roadway in which a public sewer is located to connect to said public sewer; and
- WHEREAS, The City and surrounding Monroe County areas serviced by the CBU's wastewater system are still populated by a large number of private properties that utilize private septic systems; and
- WHEREAS, Poorly maintained and failing private septic systems are a threat to the City of Bloomington's ecosystem as these systems discharge untreated wastewater that contaminates surrounding surface and groundwaters. Such contamination is a contributing factor in the spread of hepatitis, dysentery and other diseases resulting from pathogens in drinking water, while also compromising the purity of lakes and streams. Additionally, flies and mosquitoes that are attracted to and breed in wet areas where sewage reaches the surface can also spread disease; and
- WHEREAS, The City wishes to establish an economic incentive to those who own septic systems to abandon their systems in favor of connection to the CBU wastewater system where available by providing a waiver of sewer connection fees; and
- WHEREAS, The City also promotes the creation of new affordable housing through several programs designed to reduce the cost of building affordable housing through tax abatements, grants and other funding; and
- WHEREAS, The City wishes to establish a waiver of sewer connection fees for certain affordable housing projects established by the City of Bloomington for certain single family residential dwellings under specific guidelines established through the City of Bloomington Housing and Neighborhood Development Department and the United States Department of Housing and Urban Development; and

WHEREAS, CBU staff recommends an amendment to Title 10 section 10.08.140 that establishes two limited circumstances under which the sewer connection fees may be waived at the discretion of the Director; and

WHEREAS, the proposed amendment to Title 10 section 10.08.140 has been duly considered by the Board and found satisfactory and is set forth below;

WHEREAS, the City of Bloomington Utilities Service Board has reviewed the proposed ordinance and recommends to the Council that it be adopted.

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

SECTION 1. Section 10.08.140, entitled "Connection Fees," shall be amended by adding the phrase "unless otherwise stated below" at the end of the first sentence of the section so that the sentence shall read as follows:

The connection fee is applicable to all utility customers within the wastewater system service area. The following fees shall be charged for each new connection to the wastewater system based upon the customer's water meter size unless otherwise stated below:

SECTION 2. Section 10.08.140, entitled "Connection Fees," shall be amended by adding the following additional language to the end the section to read as follows:

"The connection fee may be waived at the discretion of the Director for the following limited purposes:

- (a) Upon application for waiver by a department of the City of Bloomington for a single family residential dwelling affordable housing project as defined by HAND Department using low to moderate income guidelines as outlined by the US Department of Housing and Urban Development on real estate located within the city limits of the City of Bloomington; or
- (b) Upon application for waiver by an owner of real property which is adjacent to an easement or public roadway in which a public sewer is located, provided that the public sewer has the capacity to adequately accept the flow, for the purpose of abandoning an existing septic system or to otherwise protect the municipal separate stormwater sewer system (MS4).

SECTION 3. 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 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18 day of September, 2019.



DAVE ROLLO, President
Bloomington Common Council

ATTEST:



NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana,
upon this 19th day of September, 2019.



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 19th day of Sept.,
2019.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 19-17 amends Bloomington Municipal Code Section 10.08.140, entitled "Wastewater Connection Fees," to give the Director of the City of Bloomington Utilities Department the discretion to waive the connection fee for new sewer connections in two limited circumstances. The first is where the application for waiver is made by a department of the City of Bloomington for a single family residential dwelling affordable housing project as defined by HAND Department, using low to moderate income guidelines as outlined by the US Department of Housing and Urban Development, on real estate located within the city limits of the City of Bloomington. The second is where the application for waiver is made by an owner of real property which is located within the city limits of the City of Bloomington for the purpose of abandoning an existing septic system or to otherwise protect the municipal separate stormwater sewer system (MS4). These two exceptions to the connection fee promote continued creation of new affordable housing and the reduction of septic system use in the City of Bloomington, projects that both promote improved quality of life.

Note: This ordinance was amended at the Regular Session on 18 September 2019 with the adoption of Am 01, which clarified use of waivers (Section 2 – BMC 10.08.140[b]) and corrected the reference to the municipal code appearing in the subtitle.