

ORDINANCE 16-43

**TO AMEND TITLE 2
OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “ADMINISTRATION AND PERSONNEL”**

(Amending Chapter 2.26 (Controller’s Department) to Add Section 2.26.110 Authorizing a Fee Schedule for the Private Rental of City Facilities)

WHEREAS, The City of Bloomington (“City”) has established a City of Bloomington Facility Use Policy (“Policy”), attached here as Exhibit A; and

WHEREAS, The Policy governs use of rooms and indoor and outdoor spaces in or near the City Hall portion of the Showers Building by non-City government partners, non-profits; community groups, and private citizens; and

WHEREAS, Reservation and use of such rooms and spaces will be free to most users, and prioritized by type of event and user, with the Common Council and City Departments having ultimate first priority for reservation of any and all rooms and spaces and with the City reserving the right to cancel a reservation by an outside group at any time where the Common Council or a City Department is unable to secure a meeting location in a City facility; and

WHEREAS, In the event a private/for-profit organization, or an individual representing such an organization, enters into an agreement with the City of Bloomington to rent a City facility or space for an event open to the public, the City believes it is appropriate to charge such parties rental fees that contribute to the cost of maintaining the rooms and spaces for the continued benefit of the public; and

WHEREAS, Indiana Home Rule Act § 36-1-3-8(a)(6) allows the City to impose service charges or user fees which are reasonably related to reasonable and just rates and charges for the services provided;

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

SECTION 1. Chapter 2.26 of the Bloomington Municipal Code, “Controller’s Department,” shall be amended to add Section 2.26.110 Fees for Private Rental of City Facilities, which shall be reflected in the Chapter’s table of contents and shall read as follows:

2.26.110 Fees for Private Rental of City Facilities

In accordance with the City of Bloomington Facility Use Policy, as it may hereinafter be amended in a manner consistent with granting the Common Council and City departments highest priority for use, the following fee schedule applies to all private/for-profit “Renters” of the below-listed City facilities. A “Renter” is a private/for-profit organization, or an individual representing such an organization, that enters into an agreement with the City of Bloomington to rent a City-owned facility or space for an event that is open to the public.

Indoor Facility Rental Fee Schedule

	Mon-Fri 8:00 AM- 5:00 PM First Hour	Each Additional Hour	Kitchen Fee	8 Hour Rental With Kitchen	8 Hour Rental Without Kitchen	Additional Refundable Damage Deposit	Set up/ Tear Down
Room/Space							
McCloskey	\$20	\$5	\$20	\$75	\$55	\$100	-----
Kelly	\$10	\$5	\$20	\$51	\$31	\$100	-----
Hooker	\$20	\$5	\$20	\$75	\$55	\$100	-----
Dunlap	\$10	\$5	\$20	\$51	\$31	\$100	-----
Atrium	\$50	\$5	\$20	\$100	\$75	\$100	\$100
Council Chambers	\$50	\$5	\$20	\$100	\$75	\$100	\$100

Outdoor Facility Rental Fee Schedule

Space	Daily Flat Fee	Additional Refundable Damage Deposit	Set up/Tear Down
City Hall Plaza	\$200	\$100	\$100
Showers Common	\$400	\$250	\$100
Plaza oneA	\$100	\$100	-----

Other Applicable Fees

The following additional fees may be assessed depending on the event:

Technical Support Fee	\$25/hour
After Hours Building Supervisor Fee	\$30/hour
Vendor fee	\$50/vendor (certain events only)
Event Holdover fee	\$100 (flat fee if event lasts 30 minutes or more beyond scheduled end time)

SECTION 3. If any section, sentence, chapter or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any other section, sentence, chapter, provision or application 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, with approval of the Mayor, and after any required publication, waiting and/or notice periods under Indiana law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 7th day of December, 2016.



 ANDY RUFF, President
 Bloomington Common Council

ATTEST:



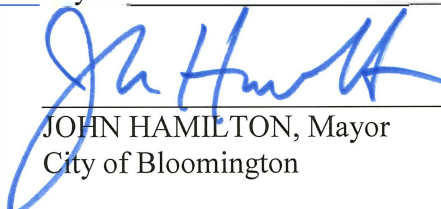
 NICOLE BOLDEN, Clerk
 City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 9 day of December, 2016.



 JOHN HAMILTON, Clerk *NICOLE BOLDEN*
 City of Bloomington

SIGNED and APPROVED by me upon this 9th day of December, 2016.



 JOHN HAMILTON, Mayor
 City of Bloomington

SYNOPSIS

The City has established the City of Bloomington Facility Use Policy (“Policy”) for managing the use of rooms and spaces in City facilities by non-City organizations and individuals. The new Policy provides that City employees and Departments have first priority for use of City facilities. After that, reservation and temporary use of spaces in City facilities is free to non-profit and government entities. This ordinance seeks to permit the City to charge reasonable rent to private/for-profit “Renters” desiring to hold events open to the public in City rooms or spaces. Under the Policy, Renters have last priority for use of City spaces. Rental fees would help support the cost of such events for city staff and the cost of maintaining City facilities for the benefit of all.

EXHIBIT A

CITY OF BLOOMINGTON FACILITY USE POLICY

CITY OF BLOOMINGTON FACILITY USE POLICY

The City of Bloomington owns many buildings, structures and spaces that belong to all City residents. We welcome the citizens and friends of our community to our public facilities and spaces for gatherings, meetings and other opportunities for communal interaction. This policy is designed to make access to city-owned or managed facilities as easy and efficient as possible, while at the same time allowing the City administration to preserve, protect and maintain the City's assets for future generations. We hope to see you in our gathering spaces soon!

A. DEFINITIONS

User(s) – Any group, entity or individual that reserves a City of Bloomington facility or space for meetings or events that are open to the public.

Renter(s) – A private/for-profit organization, or an individual representing such an organization, that enters into an agreement with the City of Bloomington to rent a City-owned facility or space for an event open to the public.

B. POLICY

1. General Policy Statement

The City of Bloomington's policy is to open its buildings and spaces to the community as much as possible, so long as such use is consistent with responsible stewardship, maintenance and preservation of the City's precious public assets. Reservation and temporary use of spaces in City facilities is free to non-profit and government entities. In order to help support the cost of maintaining its facilities for the benefit of all, the City charges reasonable rent to Renters for use of its spaces. Rental and related fees are set forth in Section E of this policy.

Reservation requests will be prioritized in accordance with type of event and category of User as set forth in Section B.2 and B.3. Events will also be evaluated by the City for their level of risk. The City of Bloomington reserves the right to deny use or rental requests for any lawful reason e.g., because the request poses undue risks, conflicts with or would disrupt other events or city business, or does not further this Policy's purposes of fostering community engagement and interaction. Decisions to deny requests may be appealed to the Board of Public Works. Anyone wishing to file an appeal must contact the City of Bloomington's Department of Public Works Customer Service Representative at (812) 349-3410, or email the Representative at hoseav@bloomington.in.gov.

The City of Bloomington does not discriminate on the basis of race, gender, gender identity, color, ancestry, national origin, religion, disability, age, marital status, sexual orientation or any other legally-protected classification. Use of City facilities by any group does not constitute the City's endorsement of that group or its goals or policies.

2. Eligibility

- A. **City Hall Plaza, Plaza oneA and Showers Common.** Users producing an event that is not-for-profit and open to the public may apply to use Showers Common, Plaza oneA or City Hall Plaza.
- B. **City Hall Meeting Rooms.** Groups and organizations may request to reserve City Hall meeting rooms. Reservations will be granted pending room availability.

3. Priority of Use

Priority use of these facilities shall be determined in the order below, with A being the highest priority:

- A. **City Government.** Common Council, City of Bloomington departments, City of Bloomington boards and commissions, City programs and services.
- B. **City Government Partners.** Individuals or non-profit groups acting on behalf of or in partnership with City of Bloomington departments, boards and commissions, programs and services.
- C. **Non-City Governmental.** Neighboring jurisdictions, regional entities, state and federal agencies.
- D. **City Residents, and Local Non-Profit Organizations.** City residents, civic and neighborhood associations, non-profit organizations.
- E. **Non-City Residents, Other Non-Profit Organizations.** Residents and civic and non-profit groups of other jurisdictions.
- F. **Private/For Profit Organizations.**

Use of Showers Complex facilities for private business meetings and private social functions is normally not permitted; however, exceptions may be granted if approved in writing by the Mayor or his designee. The City Clerk or Mayor may conduct wedding ceremonies, at their discretion, provided they do not conflict with any existing events on the City of Bloomington Event Calendar.

4. Showers Building Requirements

- A. **Showers Building Meeting Rooms.** Occupancy limits for Showers Building meeting rooms are necessarily reduced if use of space includes tables, chairs, serving tables, decorations, musicians and equipment. (See occupancy limit chart on page 6.) Please notify the City at the time of application if these items are to be used.

Users are responsible for configuring table and chair set-up and must return the room to its original seating configuration after the meeting. Renters asking for set up and tear down assistance from the City will be charged a fee.

Additional chairs and tables are available, but the total number of chairs and tables may not exceed the occupancy limit for each room. If additional chairs or tables are needed, they must be requested in advance. With pre-approval from the City, the User may bring in its own tables and chairs provided that the number does not affect the occupancy limit for each room.

B. Council Chambers. Some equipment in the Council Chambers requires the assistance of an Audio/Visual technician, who will be chosen by the City of Bloomington. Groups wishing to use such equipment must inform the City of this fourteen (14) days in advance of the event.

C. Kitchen Use. A kitchen is available next to the Council Chambers on the first floor. No food is allowed inside the Council Chambers, but food may be served in the conference rooms and City Hall Atrium.

D. City Hall Decorations. Items such as flowers, plants, balloons, ribbons, garlands, cords, etc., may be used as decorations. The use of glitter, confetti and rice is prohibited, as is the use of candles or any other item with an open flame. No tape except masking tape, and no staples, tacks or other hardware may be used on any surfaces.

5. Facility Supervision and Security

Events held inside City Hall after 5:00 pm on weekdays or during weekends may require security or the presence of a building supervisor. As soon as the reservation for the event is approved, the User must provide the City with contact information, including a cell phone number, for a representative of the User's organization. Depending on the type of event, the City will advise the User on whether security is necessary.

The User is responsible for providing any necessary security. The User may hire off-duty officers of the Bloomington Police Department. The use of a private security company is also permissible with City approval. The City in its discretion may require the presence of one or more uniformed BPD or Sheriff's officers to supplement any private security.

6. Parking

The User's event coordinator is responsible for informing event participants of parking options.

Two (2) parking garages are located within three (3) blocks of the Showers Complex: the garage at 7th and Walnut Streets and the garage at 7th and Morton Streets. Other than the five (5) City Hall visitor spots on the south side of the entrance to Showers Common, the

parking lot at Showers Common is for City Hall employees only from 5:00 am to 5:00 pm Monday through Friday. Metered parking is available in streets near the Showers Complex from 5:00 am to 9:00 pm Monday through Saturday. Metered parking is free after 9:00 pm and on Sundays. On Saturdays during the Farmers' Market season, some Morton Street parking may be reserved, and the Showers Common parking lot is unavailable until 3:00 pm. No vehicles may be parked on the City Hall Plaza at any time.

Parking validation tickets for the 7th and Morton garage may be purchased by the User to distribute to event attendees. Tickets are \$0.50 each for an hour of validated parking, and can be purchased in sets of \$20 for a total of 40 parking hours per set. The City of Bloomington can assist with making these arrangements.

7. Restrooms

City Hall restroom facilities are available during City Hall business hours or for events that take place inside City Hall. Events that utilize Showers Common or Showers Plaza will not have access to City Hall facilities and must provide the appropriate number of Port-o-lets (1 per 500 attendees, including hand-washing services). The delivery and pick-up time of the port-o-lets and their locations must be approved by the City. The City of Bloomington requires at least one of the secured port-o-lets to be handicap accessible.

8. Electricity/Water

Users of outside spaces are responsible for supplying appropriate electricity (including generators and hook-ups) and access to water for their events.

9. Food, Beverage and Merchandise Sales and Service

Users supplying food must comply with applicable Indiana State laws and regulations. A Food Permit may be required if food/refreshments are served. The User must contact the Monroe County Board of Health (812-349-2543) at least thirty (30) days prior to the event to determine what is required.

There will be no vendors of any kind allowed to sell food, services or merchandise in or around City Hall during the hours of the Farmers' Market (Saturdays April-November from 8:00 am-1:00 pm), except those engaged by the City. Sales by outside vendors may commence once the Farmers' Market is completed for the day.

Users are responsible for adhering to all laws pertaining to alcohol sales and distribution. Alcohol is **not** permitted inside City Hall, but may be allowed in Showers Common. The sale of alcoholic beverages requires an alcohol permit, licensed distributors and adequate security. Permit fees are the responsibility of the User. Users must provide the City with proof that they have obtained a valid alcohol permit.

10. Certificates of Insurance

Users holding certain events to which the public is invited may be required to have a Certificate of Insurance naming the City of Bloomington as an additional insured, unless the City of Bloomington approves the event without it, in writing. The Certificate of Insurance must accompany the application.

If insurance is required, the insurance provided shall be General Liability Insurance with a minimum combined single limit of one million dollars (\$1,000,000) for each occurrence and two million dollars (\$2,000,000) aggregate. The policy shall stipulate that the insurance will operate as primary insurance and that no insurance of the City's will be called upon to contribute to a loss arising out of or resulting from the rental or use of the premises.

In exchange for the City's agreement to permit use or rental of City facilities or premises, the City will ask all Users who are holding events (as opposed to simply using a meeting room) to agree to release, hold harmless, and indemnify the City of Bloomington and its officers, employees, agents, and assigns from any and all claims, causes of action, suits, proceedings, or demands ("Claims") that may relate to or arise from the use of the City's facilities or premises and the event.

11. Clean-Up of Showers Common and City Plaza

Users are responsible for all trash removal, including securing additional receptacles as needed from the City, and hauling all trash from City facilities to appropriate trash or recycling facilities. Failure to comply may result in forfeiture of all or part of the damage deposit.

The City of Bloomington encourages all groups using Showers Complex facilities to engage in environmentally healthy event planning practices, such as providing recycling options for event attendees. Recycling receptacles are available in City Hall hallways, but Users must supply recycling receptacles for events in Showers Plaza or Showers Common.

C. FACILITY DESCRIPTIONS

1. City Hall Meeting Rooms and Spaces

The City of Bloomington City Hall offers five meeting rooms: Council Chambers, Dunlap Conference Room, Kelly Conference Room, Hooker Conference Room and McCloskey Conference Room. The number of chairs and maximum occupancy of each room is listed in the table below. All Second Floor Meeting Rooms are handicap accessible via the elevator across from the Council Chambers.

Meeting Rooms are available Monday through Friday from 8:00 a.m. to 10:00 p.m. and from 8:00 am to 8:00 pm on Saturday and Sunday. However, the use of meeting rooms

on weekdays during normal business hours will be restricted for the use of City Departments at the City's discretion.

Meeting Room	Floor	Tables	Chairs	Occupancy (Max)
Council Chambers	1 st /2 nd	10	93/57	176/60
Dunlap Conference Room	2 nd	1	10	11
Kelly Conference Room	1 st	1	8	14
Hooker Conference Room	2 nd	2	20	26
McCloskey Conference Room	1 st	2	20	38
City Hall Atrium	1 st	10	-	294

Other capacity restrictions may apply based on room configuration.

The Council Chambers is ideal for meetings and other events that require a presentation or audience. Seating on the main level will accommodate 93 people. Seating in the balcony, accessible from the second floor of City Hall, will accommodate 60 additional people. The Chambers is equipped with microphones and projectors which can generate images from a document camera, video tape, DVD player, television tuner or computer. (See Reservation Procedures 3. B. for additional information.) If not already reserved, the Council Chambers is available Monday through Friday from 8:00 a.m. to 10:00 p.m. and from 8:00 am to 8:00 pm on Saturday and Sunday, except when the City Council or City boards and commissions are in session.

The City Hall Atrium provides a large open space for gatherings. Chairs and tables may be requested. Audio/Visual equipment is not available in the City Hall Atrium. The Atrium is available Monday through Friday from 8:00 a.m. to 10:00 p.m. and from 8:00 am to 8:00 pm on Saturday and Sunday. However, the Atrium is unavailable for rental during the Farmers' Market (Saturdays, April-November from 8 am to 3 pm). The Atrium is also frequently used as a gallery space. All art exhibits must be coordinated through, and approved in advance by, the City of Bloomington's Assistant Economic Development Director for the Arts. Application information is available at www.bloomington.in.gov/bead.

2. City Hall Outdoor Spaces

In addition to the indoor facilities, City Hall has three outdoor spaces that are seasonably available for rent: The Showers Common, City Hall Plaza and Plaza oneA. These areas are more suitable for large groups, fairs, or other public events.

The Showers Common is a (45,000 ft²; 250x 250) parking lot with several awnings providing shade. Showers Common is available seasonally Monday through Friday from 6:00 pm to 11:00 pm. On Saturday and Sunday, Showers Common is available from 8:00 am to 11:00 pm, except on Farmers' Market Saturdays (April-November), when it is available from 3 pm to 8 pm.

The City Hall Plaza is a brick plaza located at the entrance to City Hall, bordered by Showers Common and an open green space (6,000 ft²; 80x80). No vehicles are allowed on City Hall Plaza. When not reserved under these policies, the Plaza is available for

extemporaneous use by City of Bloomington residents and visitors, whether individual or group, public or private, not-for-profit or for-profit, as long as all applicable city, state and federal laws are obeyed. City Hall Plaza is available seasonally Monday through Sunday from 8:00 am to 11:00 pm, except on Farmers' Market Saturdays (April-November) when it is available from 3:00 pm to 8:00 pm.

Note: A noise permit may be required for events at Showers Common or City Hall Plaza. Contact the City for additional information.

Plaza oneA is a small plaza located on the B-Line Trail and intended as a space for free-speech gatherings, music and art performances. When not reserved under this policy, the plaza is available for extemporaneous use by City of Bloomington residents and visitors, whether individual or group, public or private, not-for-profit or for-profit, as long as all applicable city, state and federal laws are obeyed. Plaza oneA is reserved exclusively for City use on Farmers' Market Saturdays (April-November) from 6 am to 1 pm. Otherwise, Plaza oneA is generally available for reservation and public use during the open hours of the B-Line Trail, which are 5:00 am to 11:00 pm.

D. RESERVATION PROCEDURES

1. Date Reservation and Event Confirmation Procedures

Anyone interested in reserving City facilities may come in person to the City Hall, call the Public Works Customer Service Representative at (812) 349-3410 or e-mail the Representative at hoseav@bloomington.in.gov, Monday through Friday from 8:00 am to 5:00 pm to check on availability.

Upon request for a reservation, the City will place a courtesy hold on the date, pending receipt of the completed use application (available online at www.bloomington.in.gov) Courtesy holds are valid for fifteen (15) days, and the City may release them **without notice** when the holding period expires. Whenever possible, reservations should be confirmed sixty (60) or more days prior to the event. An event date is confirmed when the City receives a signed agreement.

For events or meetings in City Hall, at least thirty (30) minutes free time must be scheduled between successive meetings. Any extra time needed for set-up or clean up must be included in the User's total time requested.

2. Reservation Request Timeline

Showers Common, City Hall Plaza, Plaza oneA or the City Hall Atrium:
Reservation requests for Showers Common, City Hall Plaza or the City Hall Atrium will be accepted as early as the first business day of the year in which the event will take place. Whenever possible, reservations should be made at least sixty (60) days in advance of the event date.

City Hall Meeting Rooms:

City Hall Meeting Rooms may be reserved well in advance, but dates cannot be guaranteed in order to allow for priority use by the City government. The City reserves the right to cancel a reservation by an outside group at any time up to the date and time of reserved use if a City Department is unable to secure a meeting location in a city facility. In such event, if there is more than one outside group reserving a room, cancellations will be made in the order of most recent reservation.

3. Cancellations

The City of Bloomington will honor event cancellations necessitated by inclement weather or any other reason.

Users of the City Council Chambers should be aware that the needs of the Common Council will take precedence over any other use **at any time**. Should an event in the Council Chambers be pre-empted by the need for the Common Council to use the Chambers, any damage deposits will be refunded.

E. RENTAL FEE SCHEDULE

Rental fees apply to for-profit Renters only. The City reserves the right to change fee amounts at any time.

1. Indoor Facility Rental Fee Schedule

	Mon-Fri 8:00 AM- 5:00 PM First Hour	Each Additional Hour	Kitchen Fee	8 Hour Rental With Kitchen	8 Hour Rental Without Kitchen	Additional Refundable Damage Deposit	Set up /Tear Down
Room/Space							
McCloskey	\$20	\$5	\$20	\$75	\$55	\$100	
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Atrium	\$50	\$5	\$20	\$100	\$75	\$100	\$100
Council Chambers	\$50	\$5	\$20	\$100	\$75	\$100	\$100

2. Outdoor Facility Rental Fee Schedule

Space	Daily Flat Fee	Additional Refundable Damage Deposit	Set up/ Tear Down
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3. Other Applicable Fees

The following additional fees may be assessed depending on the event:

Technical Support Fee	\$25/hour
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Vendor fee	\$50/vendor (certain events only)
Event Holdover fee	\$100 (flat fee if event lasts 30 minutes or more beyond end time)

F. MISCELLANEOUS

1. All applicable state and federal laws (including occupancy limits), as they may be amended, are hereby incorporated as part of this policy.
2. Users may collect normal dues from members at events held in City Hall but may not solicit donations or sell merchandise without written approval of the City of Bloomington.
3. No User equipment or other items may be stored at City Hall. The City of Bloomington assumes no responsibility for property brought to or left at City Hall and Showers Complex facilities.
4. Smoking is prohibited anywhere inside City Hall. Ashtrays are provided outside the building at both entrances and may not be moved due to City ordinance. Smoking is also prohibited at any outdoor event where food is served or sold.
5. Misuse of City facilities, including leaving rooms in a disorderly condition, failing to use rooms when reserved or exceeding the time period for which the room is reserved, may bar a group from future use of City Hall facilities. In addition, all or a portion of the damage deposit charged to a Renter may be forfeited and any damage in excess of the deposit will be charged to the Renter and payable within two (2) weeks of notice of the charge.
6. No City-owned property may be removed from City facilities or premises without the express consent and approval of the City of Bloomington.

7. No City-owned property located inside City Hall or Showers Complex facilities may be utilized for events occurring outside such facilities except with the express permission of the City.

August 2016