Common Council Regular Session Agenda
City of Bloomington, Indiana

December 2, 2026 at 6:30pm
Council Chambers #115, City Hall
401 N. Morton Street, Bloomington, IN 47404

The meeting may be accessed remotely[1].

1. **Roll Call**

2. **Agenda Summation**

3. **Minutes for Approval -** *None*

4. **Reports** *(A maximum of twenty minutes is set aside for each part of this section)*

   A. Councilmembers

   B. The Mayor, City Clerk, City Offices, and City Boards and Commissions

   C. Council Committees

   D. Public*

5. **Appointments to Boards and Commissions**

   A. Historic Preservation Commission (Approval of Mayoral Appointment) - Jon Calame – Seat M-9

6. **Legislation for First Readings**

   A. Ordinance 2026-40 - Amending Title 7 of the Bloomington Municipal Code updating many sections including but not limited to definitions, permit requirements, impoundment requirements, and fees and penalties
   Council Sponsor: CM Asare

   B. Ordinance 2026-42 - An Ordinance Annexing Certain Real Estate To the City of Bloomington, Monroe County, Indiana

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[1] https://bloomington.zoom.us/j/83840182347?pwd=S2pjhlr8KJZsWnFkakzFP5PbOZH6Gy.1
Meeting ID: 838 4018 2347 Passcode: 731891

Council Sponsor: CM Stosberg
** Note: First Reading and Statutory Public Hearing pursuant to IC § 36-4-3-5.1(e). Final passage vote will occur on December 16, 2026.*

C. Appropriation Ordinance 2026-05 - To Specially Appropriate From the General Fund, Parking Meter Fund, Economic Development Lit Fund, Public Safety Lit Fund, PSAP Lit Fund, Non-Reverting Telecom Fund, Alternative Transport Fund, Sanitation Fund Expenditures not Otherwise Appropriated

7. Legislation for Second Readings and Resolutions

A. Ordinance 2026-32 - To Amend the City of Bloomington Zoning Maps and Zone Property Currently in the Monroe County Jurisdiction to Mixed-Use Corridor (MC) in Anticipation of Voluntary Annexation
Council Sponsor: CM Stosberg
** Note: A motion will be made to postpone consideration of this ordinance to December 16, 2026.*

B. Ordinance 2026-33 – To Amend the City of Bloomington Zoning Maps and Zone Property Currently in the Monroe County Jurisdiction to Residential Multifamily (RM) in Anticipation of Voluntary Annexation
Council Sponsor: CM Stosberg
** Note: A motion will be made to postpone consideration of this ordinance to December 16, 2026.*

C. Ordinance 2026-38 - Amending Title 16 of the Bloomington Municipal Code to update the Residential Rental Unit and Lodging Establishment Inspection Program and add a new section on Short Term Rentals
Council Sponsor: CM Rollo

    i. Proposed Amendment 01 (CM Piedmont-Smith)

D. Ordinance 2026-39 - To Amend Title 10 Of The Bloomington Municipal Code Titled “Wastewater” Regarding Fats, Oils, And Grease
Council Sponsor: CM Flaherty

    i. Proposed Amendment 01 (CM Piedmont-Smith and CM Asare)

E. Ordinance 2026-41 - Amending Title 6 of the Bloomington Municipal Code to update fees and billing and define new requirements
Council Sponsor: CM Flaherty

F. Resolution 2026-25 – Adopting A Fiscal Plan For The Annexation of Property Contiguous To The City of Bloomington, Indiana
Council Sponsor: CM Stosberg

8. **Additional Public Comment*** *(A maximum of twenty-five minutes is set aside for this section)*

9. **Council Schedule**

10. **Adjournment**

Posted Date: November 25, 2026
Bloomington Common Council meetings can be watched on the following websites:

- Community Access Television Services[2] (CATS)
- City of Bloomington YouTube[3]

Materials for this meeting[4] are available on the Common Council's website.

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods but not both. Speakers are allowed up to three minutes.

The City of Bloomington is committed to providing equal access to information. If you encounter difficulties accessing packet materials, please contact the Bloomington Common Council office at council@bloomington.in.gov or (812) 349-3409. Please provide your name, contact information, and a description of the packet material with which you are having problems.

[2] https://catstv.net/
[3] https://www.youtube.com/@citybloomington
[4] https://bloomington.in.gov/council/meetings/2026

Interview Committee Recommendations

To: Members of the Common Council
From: Clerk Nicole Bolden
Date: 11/25/2026
Subject: Interview Committee Recommendations for Boards and Commissions

Mayoral Recommendations*:

- For the Historic Preservation Commission - to appoint Jon Calame to seat M-9.

Per Bloomington Municipal Code 2.16.010(c) - Appointments made by the mayor to the Historic Preservation Commission are subject to the approval of the Common Council.

Contact

Clerk Nicole Bolden, 812-349-3408, clerk@bloomington.in.gov

Jennifer Crossley, Deputy Clerk of Communications and Outreach, 812-349-3403, jennifer.crossley@bloomington.in.gov

Bloomington Common Council Ordinance 2026-40 - Amending Title 7 of the Bloomington Municipal Code updating many sections including but not limited to definitions, permit requirements, impoundment requirements, and fees and penalties

Preamble

Whereas, the City of Bloomington Animal Care and Control Department (“ACCD”) and the Bloomington Animal Control Commission (“ACC”) are tasked with enforcing Title 7 of the Bloomington Municipal Code;

Whereas, the ACCD and the ACC have proposed several substantive changes to Title 7 to better reflect and address the updated reality of animal situations occurring within the City of Bloomington;

Whereas, these updates include but are not limited to: definitions of potentially dangerous, dangerous, vicious, service animals, noncommercial kennel, commercial kennel, and chicken flock, exotic animal, and wild animal; requirements for kennel permits; requirements for intact animal and breeder permits; impoundment and bond requirements; requirements regarding rabies quarantines; and fees and penalties;

Whereas, additional substantive and editorial changes are proposed throughout Title 7, as indicated in this Ordinance and the attached redline document;

Whereas, the ACC has reviewed and approved these changes in several public meetings, the most recent being November 23, 2026.

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

Section 1: “7.01.010 Definition of terms” the following terms shall be amended to read as follows:

"Chicken flock" means one chicken or a group of two or more chickens which:

(1) Contains no more than five hens and no roosters; and
(2) Is issued a permit by the City of Bloomington Animal Care and Control Department; and
(3) Is not otherwise permitted by Section 20.03.030(g)(2)of the Bloomington Municipal Code as the same may be hereafter amended or replaced; and
(4) Reside in an area zoned estate residential (RE), single-dwelling residential (RS), residential core (RC), or those estate residential or single-dwelling residential portions of a planned unit development (PUD) as defined in Chapter 20.02 of the Bloomington Municipal Code, as the same may be hereafter amended or replaced.

"Commercial kennel" means any person engaged in the business of boarding (Class B), training for a fee (Class C) and/or grooming animals (Class D).

"Dangerous" means any animal while off of the property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal that:

(1) Causes an unprovoked single bite with at least one deep puncture more than half the canine tooth or multiple bites with a shallow puncture(s) and or bruising to a person; or
(2) Causes an unprovoked severe injury or injuries leading to the death of a domestic pet or domestic livestock, where the situation or injuries are particularly egregious.

If the circumstances or injuries are such that it is not clear if the designation should be “potentially dangerous,” “dangerous,” or “vicious,” the Animal Control Commission may consider the totality of the circumstances and use its discretion to determine which designation best fits the situation.

"Exotic animal" means an animal belonging to a species that is not native to the United States, or an animal that is a hybrid or cross between a domestic pet or livestock and an animal that is not native to the United States.

"Noncommercial kennel" means any person engaged in owning or harboring more than four altered dogs; more than six altered cats; or more than a total of ten altered dogs and cats combined. This section does not apply to dogs and/or cats fostered for the City of Bloomington Animal Care and Control Department or feral cats belonging to a managed colony.

"Potentially dangerous" means any animal while off of the property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal that:

(1) Causes injury to a person from a single unprovoked unjustified bite with no punctures deeper than ½ the canine tooth and with little to no bruising or abrasions; or
(2) Causes an unprovoked severe injury, or causes injuries leading to the death of a domestic pet or domestic livestock; or
(3) Attacks, without provocation, any person or domestic pet or livestock and is unable to be controlled or restrained.

If the circumstances or injuries are such that it is not clear if the designation should be “potentially dangerous” or “dangerous,” the Animal Control Commission may consider the totality of the circumstances and use its discretion to determine which designation best fits the situation.

"Service animals" means any dog or miniature horse individually trained to do work or perform tasks for people with disabilities.

"Vicious animal" means any animal which has bitten a person causing severe injury or causing wounds that are potentially dangerous to the person's health or life or that result in permanent scarring or disfiguring to a person. If the circumstances or injuries are such that it is not clear if the designation should be “dangerous” or “vicious,” the Animal Control Commission may consider the totality of the circumstances and use its discretion to determine which designation best fits the situation.

"Wild animals" means any animal not a domestic pet or livestock, with the exception of small, nonpoisonous aquatic or amphibious animals and birds of the order Psittaciformes, canaries, and finches.

Section 2: “7.21.005 General requirements” shall be amended to read as follows:

(a) No person shall own or harbor more than a total of nineteen (19) cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels.
(b) Service animals shall not be counted towards the nineteen (19) maximum noted in the above subsection (a).

Section 3: “7.22 Breeders” the title of the chapter shall be amended to read as follows:

7.22 Intact Animal and Breeder Permits

Section 4: “7.22.005 General requirements” shall be amended to read as follows:

(a) No person shall own or harbor more than a total of nineteen (19) cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels.
(b) A breeder who houses dogs or cats in a cage shall provide every dog or cat with a reasonable opportunity for exercise outside of a cage at least one time per day in accordance with Section 3.8 of the federal Animal Welfare Act. However, a breeder who permits a dog or cat access to a run that meets the requirements of Section 3.8 of the Animal Welfare Act at least one time per day has satisfied the exercise requirement. Further, a breeder is not required to provide the opportunity for exercise if exercise would endanger the dog or cat's life or health.

Section 5: In “7.26.020 Hearing on Declaration” shall be amended to read as follows:

(a) The hearing will be held at the next regularly scheduled meeting of the Animal Control Commission and shall be open to the public, provided the owner/guardian of the animal can be provided at least fourteen days advance notice of the hearing.

(b) The owner/guardian of the animal shall be served with written notice of the hearing and a copy of any complaints received by certified mail or in person. The notice shall include the following:
    (1) The date, time and location of the hearing;
    (2) A statement that the owner/guardian, or their legal counsel, may present evidence and testimony as to why the animal should not be declared potentially dangerous or vicious.
(c) The Animal Control Commission may consider all relevant evidence, including incident reports, affidavits of witnesses, and whether the incident reasonably indicates whether or not the animal in question is potentially dangerous and/or vicious in ordinary circumstances where the average person could not reasonably be expected to foresee and take measures to prevent injury.
(d) The Animal Control Commission may decide all issues for or against the owner/guardian of the animal even if the owner/guardian of the animal fails to appear at the hearing.
(e) A hearing under this Chapter may be held with regards to an animal that does not reside within City limits if the act creating probable cause occurred within City limits.
(f) The Animal Control Commission shall issue findings of fact to support its ruling.
(g) The findings of fact shall be given to the owner/guardian, or their legal counsel, by certified mail, return receipt requested, addressed to the owner/guardian's address, or their legal counsel's address. Immediately upon the mailing of the Animal Control Commission's findings of fact, the animal shall be classified as potentially dangerous, dangerous, or vicious. Concurrently, the director of the City of Bloomington Animal Care and Control Department shall notify the owner/guardian of the declaration in person or by phone.
(h) The Animal Control Commission, in rendering its decision and in issuing its findings of fact, has the authority to attach any and all reasonable conditions to its decision. To that end, the Commission may impose conditions on owners/guardians regarding the types of enclosures to be used, the types of restraint systems to be used, and other such things not outlined herein in order to ensure that both the animal and the public are safe.

Section 6: In “7.26.030 Potentially Dangerous” shall be amended to read as follows:

(a) The animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass.
(b) The animal must be implanted with a microchip.
(c) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six feet in length, and if it is under the control of an adult.
(d) For animals that do not reside within City limits, the animal must be restrained in a manner where an adult has full control of the animal. This includes, but is not limited to, a proper crate/carrier, a substantial leash no more than six feet in length, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.

Section 7: In “7.26.050 Dangerous” shall be amended to read as follows:

(a) The animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass. No secured enclosure may be used unless and until the City of Bloomington Animal Care and Control Department approves the enclosure.
(b) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six feet in length, and if it is under the control of an adult and wearing a muzzle.
(c) The animal must be altered by a licensed veterinarian within thirty days of such designation unless:
    (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
    (2) A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health; provided, however, that if the health condition of

the animal is of a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.

(d) The animal must be implanted with a microchip.

(e) Clearly visible warning signs shall be displayed on all entry points to the premises on which the animal is maintained warning that a dangerous animal is being harbored on such property.

(1) At least one of the signs shall be posted on the enclosure in which the animal is maintained.

(2) Signs must inform both children and adults of the presence of a dangerous animal on the property.

(f) For animals that do not reside within City limits:

(1) the animal must be restrained in a manner where an adult has full control of the animal. This could include, but is not limited to, a proper crate/carrier, a substantial leash no more than six feet in length, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.

(2) the animal must be restrained in a way that makes biting other animals or humans impossible. This could include, but is not limited to, muzzles, crates/carries, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.

Section 8: In "7.26.060 Vicious" shall be amended to read as follows:

(a) The animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass. No secured enclosure may be used unless and until the City of Bloomington Animal Care and Control Department approves the enclosure.

(b) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, of appropriate length, is muzzled, and if it is under the control of an adult.

(c) The animal must be altered by a licensed veterinarian within thirty days of such designation unless:

(1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or

(2) A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health; provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.

(d) The animal must be implanted with a microchip.

(e) Clearly visible warning signs shall be displayed on all entry points to the premises on which the animal is maintained warning that a potentially dangerous animal is being harbored on such property.

(1) At least one of the signs shall be posted on the enclosure in which the animal is maintained.

(2) Signs must inform both children and adults of the presence of a vicious animal on the property.

(f) The Animal Control Commission may require evaluation by an approved veterinary behaviorist.

(g) The Animal Control Commission may consider termination of ownership for the purpose of euthenasia pursuant to required Commission findings outlined in 7.26.080.

(h) For animals that do not reside within City limits:

(1) The animal must be restrained in a manner where an adult has full control of the animal. This could include, but is not limited to, a proper crate/carrier, a substantial leash no more than six feet in length, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.

(2) The animal must be restrained in a way that makes biting other animals or humans impossible. This could include, but is not limited to, muzzles, crates/carries, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.

(3) The Animal Control Commission may prohibit the animal from being within City limits, except for the purpose of seeking veterinary care or when the animal is contained within a vehicle while traveling through City limits.

Section 9: "7.26.070 Immediate threat" paragraph (b) shall be amended to read as follows:

(b) The owner/guardian of the animal shall be liable to the City of Bloomington for the costs and expenses of keeping the animal, if the animal is later declared by the Commission to be potentially dangerous, dangerous, or vicious.

Section 10: "7.26.090 Status change" shall be amended to read as follows:

If an animal designated potentially dangerous, dangerous, or vicious under this chapter dies, is sold, transferred or moved to a different location, the owner/guardian shall notify the City of Bloomington Animal Care and Control Department of the changed status and new location of the animal.

(a) The notice of status change must be done in writing; and
(b) Must be provided to the Department within two (2) business days of the change.

Section 11: "7.32.030 Notice of impoundment" shall be amended to read as follows:

(a) Stray animals shall be held for five (5) calendar days from the date of impoundment, not counting officially recognized holidays, before becoming the property of the City. During these five days, the animal's photo and description shall be posted on the City of Bloomington Animal Shelter's website. If the stray becomes the property of the City of Bloomington, the Animal Care and Control Department may euthanize, adopt out, transfer, or rehome the animal.
(b) If the owner/guardian/colony caretaker of an impounded animal can be identified, the director of Animal Care and Control Department or their designees shall immediately upon impoundment notify the owner/guardian/colony caretaker in-person or by telephone, mail, or email.
    (1) If identifiable owners/guardians/colony caretakers for animals have been notified and who do not collect their animals or connect with the Animal Shelter within (5) calendar days from the date of the first attempted notification, not counting officially recognized holidays, the animal shall become property of the City. Once the animal becomes the property of the City, the City Animal Care and Control Department may euthanize, adopt out, transfer, or rehome the animal.
    (2) If the Animal Care and Control Department staff is contacted by an identifiable owner within five days of impoundment, the owner shall have an additional five (5) calendar days from the date of contact, not counting officially recognized holidays, to either retrieve their animals or post bond required under 7.32.030(c). Failure to retrieve animals or post bond required herein may result in the animal becoming the property of the City of Bloomington. Once the animal becomes the property of the City, the City Animal Care and Control Department may euthanize, adopt out, transfer, or rehome the animal.
(c) The owner/guardian may post a five hundred fifty dollar ($550.00) bond, or a two thousand dollar ($2,000) bond if the animal is illegal under section 7.40, with the City controller prior to the expiration of the required holding day stray period to provide for the animal's care and keeping.
    (1) The bond must be valid for thirty (30) days.
    (2) The owner/guardian of a legal animal may renew a bond for an additional thirty days by posting a new bond in the amount of six hundred dollars ($600.00) prior to the expiration of the original bond, but may only do so once, unless permitted by due process. Owners may not post a second bond to hold animals described in section 7.40, unless required by due process, in which case the owner may post an additional $2,000 bond for an additional thirty days.
    (3) If a bond expires and is not renewed, the The City of Bloomington Animal Care and Control Department may then petition the Animal Control Commission for termination of ownership rights to the animal under 7.32.050.
(d) Any stray animals found as part of a litter of two (2) or more shall become the property of the cCity and may be placed for adoption or humanely euthanized if not claimed by the owner/guardian within three (3) days of impoundment.

(e) Any stray animal found with severe medical conditions and/or injuries shall be assessed by a veterinarian, whenever possible. Whenever possible, humane care will be provided in order to allow the animal to remain comfortable for the duration of the stray period. However, when an animal's injuries or illnesses are so severe such that the animal cannot be maintained in a comfortable fashion, the animal may be euthanized prior to the end of the five day stray period.
(f) Any medical expenses incurred while any animal, except a Feral cat as indicated via ear-tip or tattoo, is in the care of the City of Bloomington Animal Care and Control Department shall be the responsibility of the owner/guardian should the owner/guardian be identified.
(g) Animals that are the property of the City of Bloomington may be placed for adoption or humanely euthanized.

Section 12: "7.32.040 Impounded animals - Reclamation" shall be amended to read as follows:

A person may reclaim an animal in the custody of the City of Bloomington Animal Care and Control Department upon providing the following:

(1) Proof of ownership or the authority to act as the owner's agent;
(2) Identification, such as a driver's license;
(3) Payment of redemption fee and any other service/medical fees, as approved by the Director of Bloomington Animal Care and Control.

Section 13: "7.36.025 Cruelty, abuse, and neglect of animals" paragraph (b) shall be amended to read as follows:

(b) No person shall torture, beat, mutilate or neglect an animal in a manner that causes the animal injury, pain, or severe impacts to its health.

Section 14: "7.36.070 Abandonment" shall be amended to read as follows:

No owner/guardian/colony caretaker of an animal shall abandon the animal.

Section 15: "7.40.010 Keeping wild or exotic animals" shall be amended to read as follows:

No person shall keep or permit to be kept on their premises any wild or exotic animal for any purpose, whether temporarily or permanently, except for the purpose of seeking veterinary care or when the animal is contained within a vehicle while traveling through City limits. This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories, licensed wildlife rehabilitators, or a wildlife educator who is in possession of all necessary federal or state licenses, permits, and/or approvals.

Section 16: "7.40.020 Keeping prohibited reptiles" the first paragraph shall be amended to read as follows:

Regardless of "native" or "exotic animal" status or designation, no person shall keep or permit to be kept on their premises any reptile listed below for any purpose. This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories, licensed wildlife rehabilitators, or licensed educations.

Section 17: "7.40.030 Deer feeding" paragraphs (d) and (e) shall be amended to read as follows:

(d) Exceptions. This section does not apply to an animal control officer, veterinarian, peace officer, city employee, or federal or state wildlife official, all while acting within the scope of their official capacities., This section also does not apply to a property owner who is authorized by the Indiana Department of Natural Resources to treat, manage, capture, trap, hunt, or remove deer and who is acting within the scope of the person's authority.

(e) The following are excluded from prohibition in this section:

(1) Planted material growing in gardens or standing crops;
(2) Naturally growing matter, including but not limited to fruit and vegetables;
(3) Fruit or nuts that have fallen on the ground from trees;
(4) Stored crops, provided the stored crop is not intentionally made available to deer;
(5) Feed for livestock and/or the practice of raising crops and crop aftermath, including hay, alfalfa and grains, which is produced, harvested, stored, or fed to domestic livestock in accordance with normal agricultural practices;
(6) A lawn or garden;
(7) Bird feed, when off the ground, on an appropriate structure.

Section 18: "7.44.020 Animals biting persons" shall be removed.

Section 19: "7.44.030 Animals biting animals" the title and body of the section shall be amended to read as follows:

7.44.030 Animals biting animals or persons.

(a) If an animal has bitten a person or domestic pet, that animal shall be quarantined for a period of ten days to determine whether the animal has rabies. If the animal dies during this ten (10) day period, it shall, at the animal owner/guardian/colony caretaker's expense, be sent to the proper authorities to determine whether the animal was infected with rabies.
(b) The owner, guardian, or colony caretaker shall be responsible for the costs of impoundment and care during the observation period. The animal control officer shall determine the appropriate location of quarantine based on the animal's rabies vaccination status and applicable policies established by the State Board of Animal Health.
(c) Other animals which have bitten a person shall be handled in accordance with the current compendium for animal rabies control, with all expenses being the responsibility of the animal's owner/guardian/colony caretaker.

Section 20: "7.48.010 Adopted Animals" shall be amended to read as follows:

Any dog or cat adopted from the city of Bloomington animal shelter shall be spayed or neutered by a veterinarian prior to being taken to their new home. The City of Bloomington Animal Care and Control Department shall assume the cost of the spay or neuter operation. If a veterinarian should determine that the dog or cat is physically unable to undergo such an operation at the current time, the dog or cat is to be neutered or spayed as soon as the veterinarian determines it is able.

Section 21: "7.54 Fees" certain sections of chapter 7.54 listed below shall be amended to read as follows:

7.54.010 Surrender fees

(a) The fee charged to a resident of any county other than Monroe County who surrenders an animal(s) to the City of Bloomington Animal Shelter shall be as listed below.
(1) Dogs or cats over six months of age, forty-five dollars ($45.00).
(2) Litters of puppies or kittens with five or fewer animals, all of which are younger than six months of age, fifty dollars ($50.00).
(3) Litters of puppies or kittens with more than five animals, all of which are younger than six months of age, sixty dollars ($60.00).
(4) Animals other than dogs and cats, thirty dollars ($30.00).
(b) If an animal over six months of age is surrendered with a litter, both the adult fee and the litter fee shall be charged.
(c) Surrender fees may be waived at the discretion of the director of the Animal Care and Control Department, or their designee(s), provided the director believes waiver of the surrender fee is in the best interests of the animal(s) being surrendered.

7.54.030 Commercial animal establishment permit fees

(a) Fees for commercial animal establishment permits shall be as follows:
    (1) For each riding school or stable, one hundred dollars ($100.00).
    (2) For each auction, five hundred dollars ($500.00).
    (3) For each zoological park, five hundred dollars ($500.00).
    (4) For each circus animal exhibition–transient, one thousand dollars per day ($1,000.00 per day).
    (5) For each animal exhibition–permanent, five hundred dollars per year ($500.00 per year).
    (6) For each pet shop, two hundred and fifty dollars ($250.00).
    (7) For each nonmunicipal animal shelter/sanctuary, zero dollars ($0.00)regardless of for- or non-profit status.

(a) No fee shall be required of any municipal animal shelter, research laboratory, or government-operated zoological park.

7.54.040 Kennel permit fees

(a) The fee for noncommercial kennel permits shall be:
    (1) For five to eight (5-8) altered dogs: twenty-five dollars ($25.00);
    (2) For nine to twelve (9-12) altered dogs: fifty dollars ($50.00);
    (3) For thirteen to sixteen (13-16) altered dogs: seventy-five dollars ($75.00);
    (4) For seventeen to nineteen (17-19) altered dogs: one hundred dollars ($100.00);
    (5) For seven to eleven (7-11) altered cats: twenty-five dollars ($25.00);
    (6) For twelve to sixteen (12-16) altered cats: fifty dollars ($50.00); and
    (7) For seventeen to nineteen (17-)19 altered cats: seventy-five dollars ($75.00).

(b) The fee for commercial kennel permits shall be:
    (1) Class B, boarding:
        (A) For one to twenty-five (1-25) kennels: one hundred dollars ($100.00);
        (B) For twenty six to fifty (26-50) kennels: two hundred and fifty dollars ($250.00); and
        (C) Additional kennels in increments of twenty-five (25): two hundred dollars ($200.00) per increment of twenty-five (25).
    (2) Class C, training: seventy-five dollars ($75.00); and
    (3) Class D, grooming: fifty dollars ($50.00).

(c) No fee shall be required of any veterinary hospital or municipal animal shelter, research laboratory or government-operated zoological park.

(d) Persons whose establishments operate under more than one class, as defined by this chapter, shall be required to apply for a permit for each applicable.

7.54.050 Intact animal and litter permit fees

(a) Fees for intact animal permits shall be:
    (1) For one to two (1-2) unaltered animals: fifty dollars ($50.00);
    (2) For three to six (3-6) unaltered animals: one hundred dollars ($100.00);
    (3) For seven to ten (7-10) unaltered animals: one hundred and fifty dollars ($150.00);
    (4) For eleven to fourteen (11-14) unaltered animals: two hundred dollars ($200.00); and
    (5) For fifteen to nineteen (15-19) unaltered animals: two hundred and fifty dollars ($250.00).

(b) Fees for litter permits shall be:
    (1) First litter in a twelve-month period: one hundred dollars ($100.00); and
    (2) Additional litters: One hundred and fifty dollars ($150.00) per litter.

7.54.060 Impounded animal fees

An owner/guardian reclaiming an impounded animal under 7.32.030(a) or (b) shall pay a board fee as follows, in addition to a fee of seven dollars ($7.00) for vaccinations of reclaimed cats and dogs:

(a) Dog, impounded for one to five (1-5) days, ten dollars ($10.00) per day.
(b) Dog, impounded for six (6) or more days, twenty dollars ($20.00) per day.
(c) Cat or ferret, impounded for one to five days (1-5), five dollars ($5.00) per day.
(d) Cat or ferret, impounded for six (6) or more days, ten dollars ($10.00) per day.
(e) Horses, goats, pigs, poultry, ten dollars ($10.00) per day.

(f) Other animals, five dollars ($5.00) per day.

7.54.070 Rabies boarding fees

An owner/guardian reclaiming an impounded bite case animal, having been boarded at the City of Bloomington Animal Shelter, shall pay a board fee as follows:

(a) Dog, ten dollars ($10.00) per day.
(b) Cat or ferret, five dollars ($5.00) per day.

7.54.080 Adoption fees

(c) Domestic Pet or Livestock
    (1) Dogs and cats, fee not to exceed one hundred and twenty dollars ($120.00)
    (2) Rabbits and ferrets, fee not to exceed seventy-five dollars ($75.00)
    (3) Goats, pigs, horses, or other livestock, twenty dollars ($20.00)
(d) Birds
    (1) Parakeets/Finches, ten dollars ($10.00)
    (2) Lovebirds/Cockatiels, twenty dollars ($20.00)
(e) Reptiles, twenty dollars ($20.00).
(f) Small animals
    (1) Guinea Pigs, five dollars ($5.00)
    (2) Mice, two dollars ($2.00)
    (3) Rats, two dollars ($2.00)
    (4) Hamster/Gerbils, two dollars ($2.00)

Section 22: "7.56.030 Penalties" shall be amended to read as follows:

(a) Any first offense violation that is subject to Chapter 7.56 shall be subject to a civil penalty of not more than $2,500.00 for each such violation for a first violation, and any second or subsequent violation that is subject to Chapter 7.56 shall be subject to a civil penalty of not more than $7,500.00 for each such second or subsequent violation. These financial penalties are in addition to any and all other remedies available to the city, except where a lesser fine is specified herein.
(b) The following violations of this title shall be subject to the fines listed below.
    (1) Falsification of Application for a Commercial Animal Establishment Permit
        - Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.
    (2) Commercial Animal Establishment's Violation of Animal Care Standards in Section 7.16.040
        - Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.
    (3) Commercial Animal Establishment's Violation of Chapter 7.16
        - Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
    (4) Operation of a Commercial Animal Establishment without a Permit
        - $2,500.00 for the first offense. $5,000.00 for a second offense in a two year period. $7,500.00 for a third and all subsequent offenses in a two year period.
    (5) Falsification of Application for a Kennel Permit
        - Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.
    (6) Kennel Permittee's Violation of Animal Care Standards in Section 7.21.040; 7.21.050; or 7.21.057.
        - Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.
    (7) Kennel Permittee's Violation of Chapter 7.21

- Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(8) Operation of a Kennel without a Permit
- $2,500.00 for the first offense. $5,000.00 for a second offense in a two year period. $7,500.00 for a third and all subsequent offenses in a two year period.

(9) Falsification of Application for an Intact animal and Breeder Permit
- Triple the applicable permit fee for first offense. Second and subsequent offenses shall be double the fine associated with the most recent offense.

(10) Intact Animal and Breeder Permittee's Violation of Consumer Protection Requirements in Section 7.22.03
- Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(11) Intact Animal and Breeder Permittee's Violation of Consumer Protection Requirements in Section 7.22.035
- Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(12) Intact Animal and Breeder Permittee's Violation of Chapter 7.22
- Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(13) Failure to Restrain an Altered Animal
- $20.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(14) Failure to Restrain an Unaltered Animal
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense, unless the owner has the animal altered, in which case the fine shall be that which is associated with restraint on an altered animal.

(15) Allowing an animal to be a public nuisance
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(16) Giving animals as prizes
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(17) Poisoning animals
- $2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.

(18) Cruelty, abuse or neglect of an animal resulting in serious injury or death to the animal
- $2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.

(19) Torturing, beating, mutilating or neglecting an animal which result in injury or pain to the animal
- $1,500.00 for the first offense. $3,000.00 for a second offense in a two-year period. $6,000.00 for a third offense in a two-year period. $7,500.00 for a fourth and all subsequent offenses in a two-year period.

(20) Failure to report hitting a dog or cat with a motor vehicle
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(21) Using a device to induce an animal to perform

- $2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.

(22) Violations of General Animal Care Standards in Section 7.36.050
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(23) Violations of Provisions for Animals Used to Draw Vehicles in Section 7.36.060
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(24) Abandonment of Animal
- $2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.

(25) Wild Animal Violations in Chapter 7.40
- $500.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(26) Reptile Violations in Chapter 7.40
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(27) Failure to Vaccinate an Animal Against Rabies
- $200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(28) Failure to Quarantine an Animal in Accordance with Section 7.44.020
- $200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(29) Failure to restrain a female in heat
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(30) Failure to restrain a potentially dangerous, dangerous, or vicious animal.
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(31) Failure to post warning signs for a potentially dangerous, dangerous, or vicious animal.
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(32) Failure to notify City of Bloomington Animal Care and Control Department of a change in status for a potentially dangerous or vicious animal.
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(33) Failure to prevent a potentially dangerous, dangerous, or vicious animal from breeding.
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(34) Failure to alter a potentially dangerous, dangerous, or vicious animal in accordance with this Title.
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(35) Failure to comply with a provision of Chapter 7.26 not specifically addressed in this Table.

- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(36) Failure to comply with an Order of the Animal Control Commission.
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(37) Habitual offender.
- $200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(38) Sale of dog or cat by pet shop in violation of Section 7.16.070.
- $500.00

(39) Deer feeding violations in Chapter 7.40
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(c) Any of the above-described fines can be waived at the discretion of the director of the City of Bloomington Animal Care and Control Department, or their designees, or by the City's Legal Department.

Section 23: "7.56.060 Habitual offender" paragraph (g) shall be amended and paragraph (h) shall be added, as follows:

(g) In declaring an owner/guardian to be a habitual offender, the Animal Control Commission has the authority to take any action deemed appropriate including, but not limited to:take any or all of the following actions and issue the following orders:

(1) Fine the owner/guardian in accordance with Section 7.56.030(b);
(2) Prohibit the owner/guardian from acquiring any new animals for a period of time, said time period not to exceed three years.
(3) Void the owner/guardian's ownership of the relevant animal(s) and allow the City's Animal Care and Control Department to take possession and ownership of said animal(s), knowing the Department may euthanize or adopt the animal(s) as appropriate.
(4) Require the owner/guardian to take steps to rectify whatever problem(s) has caused their declaration of habitual offender. Examples may include building a fence if the animal is constantly at-large or buying and using a bark collar if the animal is constantly a public nuisance.
(5) Require the owner to attend a "responsible pet owner course" approved by the Commission.
(6) Impose requirements for reconsideration or removal of the "habitual offender" status.

(h) For an individual that does not reside within City limits, the Animal Control Commission may take only the following action:

(1) prohibit the animal from being within City limits, except for the purpose of seeking veterinary care or when the animal is contained within a vehicle while traveling through City limits.
(2) if the prior order prohibited the animal from being within City limits and the violation of said order is the basis for the potential Habitual Offender designation, the Commission may void the owner/guardian's ownership of the relevant animal(s) and allow the City's Animal Care and Control Department to take possession and ownership of said animal(s), knowing the Department may euthanize or adopt the animal(s) as appropriate.

Section 24: "7.32.070 Appeals" paragraph (c) shall be amended to read as follows:

(c) Appeals of any decision rendered by the Animal Control Commission may be appealed to the Monroe County Circuit Court, provided said appeal is filed with the circuit court within ten days of receipt of the Commission's written decision, order or findings.

(1) The owner shall be responsible for payment of all boarding costs and other fees as required to humanely and safely keep the dog during the pendency of any hearing or appeal procedure, including any investigative fees accrued by the Animal Shelter or Animal Care and Control Department.
(2) If the owner files a timely written appeal, the Animal Shelter may not humanely euthanize the animal while the appeal is pending, except to prevent unnecessary suffering as determined by a veterinarian.

Section 25: Technical and Grammatical Changes

Technical and grammatical changes have been made throughout chapters Title 7, as reflected in the attached redline document.

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, or 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.

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 this day of , 2026.

Signature of Common Council President Isak Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signed and approved by me on this day of , 2026.

Signature of Mayor Kerry Thomson

Synopsis: Ordinance 2026-40 amends Title 7 of the Bloomington Municipal Code with regards to definitions, permit requirements, impoundment requirements, fees, fines, and other updates.

Title 7
ANIMALS

Chapter 7.01 DEFINITIONS

7.01.010 Definition of terms.

"Abandoned" means any animal whose owner/guardian has knowingly, intentionally or recklessly left it unattended, without proper food, water or shelter, for twenty-four hours or more.

"Altered" means any animal which has been spayed or neutered.

"Animal" means any live, nonhuman vertebrate creature, domestic or wild.

"Animal exhibition, permanent" means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are perpetual in nature and in a stationary location.

"Animal exhibition, transient" means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are traveling shows of a temporary duration.

"Animal rescue organization" means a not-for-profit organization having tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code and a mission and practice of rescuing animals and placing them into permanent homes. Animal rescue organization does not include any person who:

(1) Breeds dogs or cats;
(2) In exchange for compensation of any kind, obtains dogs or cats from a person who breeds dogs or cats; or
(3) Facilitates the sale of dogs or cats obtained from a person who breeds dogs or cats.

"At large" means a stray animal or any animal whose owner/guardian knowingly, intentionally, or recklessly allows the animal to stray beyond premises owned, lawfully occupied or controlled by the owner/guardian unless under restraint. This section does not apply to dogs engaged in lawful hunting accompanied by the owner/guardian or custodian or to feral cats which belong to a managed colony.

"Auction" means any place or facility where domestic livestock are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter.

"Chicken" means Gallus gallus domesticus, a domestic bird typically kept on a farm. This definition does not include other fowl, such as, but not limited to, peacocks, turkeys or waterfowl.

"Chicken coop" means an enclosed structure for housing chickens that provides shelter from the elements.

"Chicken flock" means one chicken or a group of two or more chickens which:

(1) Contains no more than five hens and no roosters; and
(2) Is issued a permit by the City of Bloomington Animal Care and Control Department; and
(3) Is not otherwise permitted by Section 20.03.030(g)(2)~~5.093—SC-07 (Special conditions—Crops and pasturage, and accessory chicken flocks)~~ of the Bloomington Municipal Code as the same may be hereafter amended or replaced; and

(4) Reside in an area zoned estate residential (RE), single-dwelling residential (RS), residential core (RC), or those estate residential or single-dwelling residential portions of a planned unit development (PUD) as defined in Chapter 20.02 of the Bloomington Municipal Code, as the same may be hereafter amended or replaced.

"Chicken run" means an enclosed outside yard for keeping chickens.

"Circus" means a commercial variety show featuring animal acts for public entertainment.

"Colony" means one or more feral cats, whether unmanaged or managed.

"Colony caretaker" means a person who provides food, water and/or shelter for feral cats in a managed colony. Colony caretakers shall not be deemed to own or harbor said cats.

"Commercial animal establishment" means any pet shop, nonmunicipal animal shelter/sanctuary, auction, riding school or stable, zoological park, circus or animal exhibition.

"Commercial kennel" means any person engaged in the business of boarding (Class B), training for a fee (Class C) and/or grooming animals (Class D).

"Dangerous" means any animal while off of the property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal that:

(1) Causes an unprovoked~~unjustified~~ single bite with at least one deep puncture more than half the canine tooth or multiple bites with a shallow puncture(s) and or bruising to a person; or
(2) Causes an unprovoked ~~unjustified~~ severe injury or injuries leading to the death of a domestic pet or domestic livestock, where the situation or injuries are particularly egregious.

If the circumstances or injuries are such that it is not clear if the designation should be "potentially dangerous," "dangerous," or "vicious," the Animal Control Commission may consider the totality of the circumstances and use its discretion to determine which designation best fits the situation.

"Designee" means an organization or individual recognized by the City of Bloomington Animal Care and Control Department that uses the trap-neuter-return method for stabilizing and reducing the feral cat population.

"Domestic livestock" means any animal, other than a domestic pet, that is a member of one of the following species:

(1) Bison;
(2) Elk;
(3) Poultry;
(4) Cattle;
(5) Donkey;
(6) Horse;
(7) Goat;
(8) Llama;
(9) Mule;
(10) Ostrich;
(11) Pig; or
(12) Sheep.

"Domestic pet" means any animal that is a member of one of the following species:

(1) Dog (Canis familiaris);
(2) Cat (Felis cattus or Felis domesticus);
(3) Rabbit (Oryctolagus cuniculus);
(4) Mouse (Mus musculus);

(5) Rat (Rattus rattus);
(6) Reptile (Reptilis), as defined herein;
(7) Guinea pig (Cavis porcellus);
(8) Chinchilla (Chinchilla laniger);
(9) Hamster (Mesocricetus auratus);
(10) Gerbil (Gerbillus gerbillus);
(11) Ferret (Mustela putorius furo);
(12) Sugar glider (Petaurus brevicepts);
(13) African Pgymy Hedgehogs (Erinaceus europaeus); or
(14) Degu (Octodon Degus).

"Exotic animal" means an animal belonging to a species that is not native to the United States, or an animal that is a hybrid or cross between a domestic pet or livestock ~~animal~~ and an animal that is not native to the United States.

"Feral cat" means a cat that has lived its life with little or no human contact, is not socialized or is ear-tipped or tattooed.

"Harboring" means the actions of any person that permit any animal habitually to remain or lodge or to be fed within their home, store, enclosure, yard or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

"Intact animal permit" means the permit required by any person engaged in owning or harboring more than four dogs over the age of twelve months, any one of which is unaltered, and/or more than six cats over the age of twelve months, any one of which is unaltered.

"Litter permit" means the permit required by any person who intentionally or unintentionally causes or allows the breeding of a litter of dogs or cats in a twelve-month period. Exception: if the parent animal(s) are altered within fourteen weeks after giving birth or the parent animal(s) and the litter are relinquished to the City of Bloomington Animal Care and Control Department within fourteen weeks after birth of the litter, all permit requirements shall be waived.

"Managed colony" means a colony of feral cats that is registered with the City of Bloomington Animal Care and Control Department or its designee and is maintained by a colony caretaker using the trap-neuter-return method to stabilize and reduce the feral cat population.

"Municipal animal shelter" means any facility operated by a municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this title or of state law.

"Noncommercial kennel" means any person engaged in owning or harboring~~, with the exception of dogs and/or cats fostered for the City of Bloomington Animal Care and Control Department or feral cats belonging to a managed colony,~~ more than four altered dogs; more than six altered cats; or more than a total of ten altered dogs and cats combined. This section does not apply to dogs and/or cats fostered for the City of Bloomington Animal Care and Control Department or feral cats belonging to a managed colony.

"Nonmunicipal animal shelter/sanctuary" means any facility operated by a person or organization other than a municipality for the purpose of harboring and/or rehoming animals.

"Offer for sale" means to proffer, advertise, or display for the sale, trade, barter, lease, giving away, or any other transfer.

"Owner/guardian" means a person owning or harboring one or more animals for a period of longer than twenty-one days.

"Person" means any individual, firm, association, joint stock company, syndicate, partnership, corporation, or any other legal entity.

"Pet shop" means any retail establishment engaging in the purchase and sale of any species of animal.

"Potentially dangerous" means any animal while off of the property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal that:

(1) Causes injury to a person from a single unprovoked ~~unjustified~~ bite with no punctures deeper than ½ the canine tooth and with little to no bruising or abrasions; or
(2) Causes an unprovoked ~~unjustified~~ severe injury, or causes injuries leading to the death of a domestic pet or domestic livestock. ~~If the circumstances or injuries are egregious, the commission may determine that this animal is dangerous.~~ ; or
(3) Attacks, without provocation, any person or domestic pet or livestock and is unable to be controlled or restrained.

If the circumstances or injuries are such that it is not clear if the designation should be "potentially dangerous" or "dangerous," the Animal Control ~~c~~Commission may consider the totality of the circumstances and use its discretion to determine which designation best fits the situation.

~~If the circumstances or injuries are egregious, the commission may determine that this animal is dangerous.~~

"Public nuisance" means any animal that:

(1) Molest passersby or passing vehicles;
(2) Attack persons or other animals;
(3) Damage public property or private property;
(4) Bark, whine or howl in an excessive or continuous fashion;
(5) Defecate on public or private property, other than the owner/guardian's/harborer's/colony caretaker's property, unless the waste is immediately removed and disposed of in a sanitary manner by the animal's owner/guardian/harborer/colony caretaker; or
(6) Otherwise interferes with the free use and comfortable enjoyment of life or property.

"Reptile" means any air-breathing vertebrate of the class Reptilia.

"Research laboratory" means any animal research facility registered with the United States Department of Agriculture under authority of the Federal Laboratory Animal Welfare Act, 71 United States Code Section 2132 et seq.

"Restraint" means the securing of an animal by a leash or lead or confining it within the real property limits of property owned, lawfully occupied or controlled by its owner/guardian or keeper.

"Riding school or stable" means any place that is~~has~~ available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burro.

"Sell" means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer animals.

"Service animals~~dogs~~" means any dog or miniature horse individually trained to do work or perform tasks for people with disabilities ~~engaged in working or training to work for the assistance of hearing or sight impaired, or physically handicapped or disabled persons~~.

"Severe injury" means any physical injury to a human being or domestic pet or domestic livestock that results in multiple bites, broken bones, muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

"Stray" means any animal that does not appear, upon reasonable inquiry, to have an owner/guardian.

"Tether" means attaching a domestic pet to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. "Tether" does not include the use of a leash to walk a domestic pet.

"Trap-neuter-return" means a full management plan in which feral cats already living outdoors are humanely trapped, then evaluated, sterilized and ear-tipped or tattooed by veterinarians. Kittens under ten weeks old are adopted into good homes if they become socialized. Healthy adult cats too wild to be adopted are returned to their familiar habitat under the lifelong care of volunteers.

"Veterinary hospital" means any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

"Vicious animal" means any animal which has bitten a person causing severe injury or causing wounds that are potentially dangerous to the person's health or life or that result in permanent scarring or disfiguring to a person. If the circumstances or injuries are such that it is not clear if the designation should be “dangerous” or “vicious,” the Animal Control Commission may consider the totality of the circumstances and use its discretion to determine which designation best fits the situation.

"Wild animals" means any animal not a domestic pet or livestock~~animal~~, with the exception of small, nonpoisonous aquatic or amphibious animals and birds of the order Psittaciformes, canaries, and finches.

"Wildlife rehabilitator" means any person or persons that acquire the necessary state and federal permits to allow the rehabilitation of wildlife in their homes, on their property or in a professional facility, with the intent of releasing such animals according to state and federal guidelines.

"Zoological park" means any facility, other than a pet shop or kennel, displaying or exhibiting, without the predominant purpose of selling, one or more species of nondomesticated animals. The facility must be accredited by the American Zoological Association (AZA) or The Association of Sanctuaries (TAOS).

(Ord. 07-01 §§ 1—7, 2007; Ord. 06-21 § 1, 2006; Ord. 05-33 § 2, 2005: Ord. 99-39 §§ 1—14, 1999; Ord. 98-27 §§ 1, 2, 3, 1998; Ord. 85-23 § 1, 1985; Ord. 78-20 § 1, 1978: Ord. 76-14 § 1 (part), 1976).

(Ord. No. 09-19, §§ 1—3, 12-21-2009; Ord. No. 11-20, § 1, 12-21-2011; Ord. 15-04, §§ 1—14, 4-8-2015; Ord. No. 21-45, §§ 1—8, 12-3-2021; Ord. No. 23-16, §§ 1—4, 22, 8-16-2023)

Chapter 7.16 COMMERCIAL ANIMAL ESTABLISHMENT PERMITS

7.16.010 Permits—General.

No person shall operate a commercial animal establishment, or nonmunicipal animal shelter/sanctuary, except for the City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~, without first obtaining a permit in compliance with this chapter. Every facility regulated by this chapter shall be considered a separate enterprise and shall require an individual permit.

(Ord. 05-33 § 4 (part), 2005: Ord. 99-39 § 19, 1999; Ord. 77-74 § 2 (part), 1977).

(Ord. 15-04, § 15, 4-8-2015)

7.16.015 Applicability of state laws.

Every commercial animal establishment and nonmunicipal animal shelter/sanctuary that obtains a commercial animal establishment permit shall be subject to the state laws concerning animals as set out in Indiana Code, tit. 15.

(Ord. No. 2024-14, § 1, 6-12-2024)

7.16.020 Inspection of animals and premises authorized.

It shall be a condition to the issuance of any permit required by this chapter that:

(a) The director of animal care and control and staff animal control officers of the city and/or their designees shall be permitted to inspect the premises and all animals located thereon where such animals are harbored.
(b) All reports of such inspection shall be in writing and maintained by the director of animal care and control.
(c) The director of animal care and control, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein a commercial animal establishment is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
(d) If the owner or those in possession of a structure or premises wherein a commercial animal establishment is maintained (or believed to be maintained) refuse inspection of said establishment, the director of animal care and control, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the establishment is located in order to determine if the establishment is maintained in accordance with this title.

(Ord. 05-33 § 4 (part), 2005: Ord. 81-101 § 1 (part), 1981; Ord. 77-74 § 2 (part), 1977).

(Ord. 15-04, § 16, 4-8-2015)

7.16.030 Obtaining a permit.

Applicants must apply for permits required by this chapter with the City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~.

(a) The application must contain:
    (1) Information as to whether the applicant has been convicted of cruelty to animals or ever cited for or convicted of a local unit of government's animal control or care ordinances;
    (2) A statement that the applicant complies and will comply with all building and zoning code requirements promulgated by the State of Indiana, Monroe County, and/or the City of Bloomington; and
    (3) That the applicant authorizes the director of animal care and control and staff animal control officers or their designees to inspect the applicant's facilities and animals.
(b) The permit shall be issued when the applicant complies with the laws and regulations pertaining to the issuance of permits, and pays the fee required.
(c) If the applicant withholds or falsifies any information on the application, the permit shall not be issued, and any permit issued upon false or withheld information shall be revoked.
(d) No permit to operate a commercial animal establishment shall be issued to an applicant who has been convicted of cruelty to animals without review by the Aanimal Ccontrol Ccommission.

(Ord. 05-33 § 4 (part), 2005: Ord. 81-101 §§ 1 (part), 2 (part), 1981; Ord. 77-74 § 2 (part), 1977).

(Ord. 15-04, §§ 17—19, 4-8-2015)

7.16.040 Standards for commercial animal establishments.

In order to be eligible to obtain a permit, a commercial animal establishment must:

(a) Be operated in such a manner as not to constitute a nuisance;
(b) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;
(c) Keep all animals caged, within a secure enclosure or under the control of the owner/guardian or operator at all times;
(d) With respect to all animals kept on the premises, comply with all of the provisions of Chapter 7.36, animal care, of this title providing for the general care of animals;
(e) Not sell dogs and/or cats which are unweaned, less than eight weeks of age, or obviously diseased;
(f) If it is a pet shop that sells dogs, post the name and address of the breeder of all dogs for sale on the dog's kennel;
(g) If it is a pet shop, keep records of the name, address and telephone number of the breeder and seller of each animal for a period of two years after the date the animal is sold and make those records available for inspection by the City of Bloomington Animal Care and Control Department.
(h) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations.
(i) Be in compliance with all zoning laws.

(Ord. 05-33 § 4 (part), 2005: Ord. 77-74 § 2 (part), 1977).

(Ord. No. 09-19, §§ 4, 5, 12-21-2009; Ord. 15-04, § 20, 4-8-2015; Ord. No. 21-45, §§ 9, 10, 12-3-2021; Ord. No. 2024-14, § 2, 6-12-2024)

7.16.045 Consumer protection requirements.

(a) This section applies to the sale of dogs by pet shop permit holders.
(b) Pet shops that sell dogs shall provide a purchaser of a dog with a health record for the animal at the time of sale. The health record shall include the following:
    (1) The dog's breed. If the breed is unknown or mixed, the health record shall so indicate. If the dog is advertised or represented as registerable, the following information shall be provided: the breeder's name and address; the name and registration number of the dam and sire of the purchased dog's litter; and the name and address of the pedigree registry organization where the dam and sire are registered. Providing registration papers, if available, shall meet this requirement;
    (2) The dog's age and date of birth;
    (3) The dog's sex, color, and markings;
    (4) A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person, business, or entity who administered them, if known, up to the date of sale;
    (5) A record of any known disease, illness, or condition with which the dog is or has been afflicted at any point while in possession of the pet shop;
    (6) A record of any veterinary treatment or medication received by the dog;
    (7) The date, dosage, and type of any anti-parasitic medicine, if known, that was administered;

(8) Disclosure that the dog has been microchipped; and
(9) The name, address, and signature of the pet shop permit holder's representative.

(Ord. No. 2024-14, § 3, 6-12-2024)

7.16.050 Commercial animal establishment permit period.

The commercial animal establishment permit period shall begin on January 1st and shall run for one year. Applications must be made prior to the establishment of a commercial animal establishment.

(Ord. 05-33 § 4 (part), 2005: Ord. 99-39 § 20, 1999; Ord. 77-74 § 2 (part), 1977).

(Ord. 15-04, § 21, 4-8-2015)

7.16.060 Reclassification.

Any person who has a change in the category under which the commercial animal establishment permit was issued shall report the change to the City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~ and apply for the new permit required within thirty days. Appropriate changes, including pro rata credit for the previous permit, shall be made by the city.

(Ord. 05-33 § 4 (part), 2005: Ord. 99-39 § 23, 1999; Ord. 77-74 § 2 (part), 1977).

(Ord. 15-04, §§ 22, 23, 4-8-2015)

Editor's note(s)—Ord. 15-04, §§ 22, 23 adopted April 8, 2015, repealed §§ 7.16.060 and 7.16.080, which pertained to Fees and to Violations, respectively. See the Code Comparative Table for complete derivation. This section has been renumbered 7.16.060 as set out by said ordinance.

7.16.070 Sale of cats by pet shops prohibited.

(a) No pet shop shall sell cats or offer cats for sale.
(b) Each sale or offer for sale made in violation of subsection (a) of this section shall constitute a separate violation subject to the penalties set forth under Chapter 7.56.

(Ord. No. 21-45, § 14, 12-3-2021; Ord. No. 2024-14, § 4, 6-12-2024)

7.16.080 Display of shelter or rescue dogs and cats by host pet shops.

(a) A pet shop, offering space to a municipal animal shelter or to an animal rescue organization, as defined in Section 7.01.010, may display the animal shelter's or rescue organization's dogs and cats for adoption.
(b) No part of any fees associated with the display or adoption of dogs or cats from a municipal animal shelter or animal rescue organization, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any legal entity affiliated with or under common ownership with the host pet shop.
(c) The host pet shop shall not have any ownership interest in any of the dogs or cats from a municipal animal shelter or animal rescue organization displayed for adoption.

(Ord. No. 2024-14, § 5, 6-12-2024)

Chapter 7.21 KENNEL PERMITS*

7.21.005 General requirements.

(a) No person shall own or harbor more than a total of nineteen (19) cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. ~~A person owning or harboring more than a total of nineteen cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall:~~

~~(1) Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen or less; and ¶~~

~~(2) Complete the appropriate kennel permit application within sixty days of the ordinance's effective date.~~

(b) Service animals ~~dogs~~ shall not be counted towards the nineteen (19) maximum noted in the above subsection (a).

(Ord. No. 09-19, § 8, 12-21-2009; Ord. 15-04, § 24, 4-8-2015)

7.21.010 Kennel permits required.

(a) No person shall operate a commercial or noncommercial kennel or chicken flock without first obtaining a permit from the City of Bloomington Animal Care and Control Department in accordance with this chapter.
(b) No permit shall be issued unless the proposed operation is in compliance with all zoning laws.

(Ord. 07-01 § 8, 2007; Ord. 06-21 § 2, 2006; Ord. 05-33 § 5 (part), 2005).

7.21.020 Obtaining noncommercial kennel permits.

Applications for noncommercial kennel permits shall be made to the ~~c~~City of ~~B~~Bloomington ~~a~~Animal ~~c~~Care and ~~c~~Control ~~d~~Department.

(a) The application for a noncommercial kennel permit shall include:
    (1) The name, address, and telephone number of the applicant;
    (2) The description (species, breed, sex, age and coloration) of and proof of rabies vaccination for each animal to be housed in the kennel; and
    (3) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals or ever cited for or convicted of a local unit of government's animal control or care ordinances.
(b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
(c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the Animal Control Commission~~animal control commission~~.

(Ord. 05-33 § 5 (part), 2005).

(Ord. 15-04, § 25, 4-8-2015)

7.21.025 Obtaining commercial kennel permits.

Applications for commercial kennel permits shall be made to the ~~c~~City of Bloomington ~~a~~Animal ~~c~~Care and ~~c~~Control ~~d~~Department.

(a) The application for a commercial kennel permit shall include:
    (1) The name, address, and telephone number of the applicant;
    (2) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals or ever cited for or convicted of a local unit of government's animal control or care ordinances; and
    (3) A statement of the total capacity of the kennels used for the purposes of Class B, Class C and Class D commercial kennel permits.
(b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
(c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the Animal Control Commission~~animal control commission~~.

(Ord. 05-33 § 5 (part), 2005).

(Ord. No. 09-19, § 9, 12-21-2009; Ord. 15-04, § 26, 4-8-2015)

7.21.028 Obtaining a permit for chicken flocks.

Persons wishing to harbor a chicken flock shall obtain a permit.

(a) Permit.
    (1) Applications for a permit to harbor a chicken flock shall be made by the owner of the property to the City of Bloomington Animal Care and Control Department and shall include:
        (A) The name, address, and telephone number of the applicant;
        (B) The description (breed, sex, age and coloration) of each chicken in the chicken flock;
        (C) The address where the chicken flock is to be harbored, and the zoning district in which such address is located (which must be a district listed in part (e) of the definition of "chicken flock" in this title);
        (D) A statement indicating whether the applicant has ever been convicted of the offense of cruelty to animals or ever cited for or convicted of a local unit of government's animal control or care ordinances.
    (2) The permit to harbor a chicken flock shall not be transferable to another person or to another location; and
    (3) No applicant shall harbor more than one chicken flock within the city; and
    (4) If the applicant withholds or falsifies any information on the permit application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked; and
    (5) An application for a permit shall be made prior to the harboring of any chickens or the creation of any chicken flock; and
    (6) All permits shall be conditioned upon a passing inspection by director of animal care and control and staff animal control officers of the city and/or their designees and compliance with this chapter; and
    (7) Director of animal care and control and staff animal control officers may refuse to grant or renew a permit and may revoke a permit if applicant/harborer is unable to maintain their ~~his/her~~ flock so as to not create a nuisance, as evidenced by three (3) admitted or judicially-determined violations of this chapter within twelve (12) consecutive months.
(b) No person previously convicted of cruelty to animals shall be registered or issued a permit without prior review by the Animal Control Commission~~animal control commission~~.

(Ord. 06-21 § 3, 2006).

(Ord. No. 11-20, § 2, 12-21-2011; Ord. 15-04, §§ 27, 28, 4-8-2015)

7.21.030 Inspection.

It shall be a condition to the issuance of any permit required by this chapter that:

(a) The director of animal care and control and staff animal control officers of the city and/or their designees shall be permitted to inspect the structure and/or premises wherein a kennel is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.
(b) All reports of such inspections shall be in writing and maintained by the director of animal care and control.
(c) The director of animal care and control, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein a kennel is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
(d) If the owner or those in possession of a structure or premises wherein a kennel is maintained (or believed to be maintained) refuse inspection of said kennel, the director of animal care and control, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the kennel is located in order to determine if the kennel is maintained in accordance with this title.

(Ord. 07-01 § 11, 2007).

(Ord. 15-04, § 29, 4-8-2015)

7.21.040 Standards for noncommercial kennels.

All noncommercial kennels shall:

(a) Operate in such a manner as to not constitute a public nuisance; and
(b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides standards for the general care of animals.

(Ord. 05-33 § 5 (part), 2005).

7.21.050 Standards for commercial kennels.

All commercial kennels shall:

(a) Operate in such a manner as to not constitute a public nuisance;
(b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides for the general care of animals;
(c) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as to not endanger the health and well-being of other animals;
(d) Keep all animals caged within a secure enclosure or under the control of the owner/guardian or representative of the kennel at all times;
(e) Provide each animal sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure;
(f) Provide individual kennels for each animal being harbored for any portion of a twenty-four hour period, with the exception of yard or other play areas used for the purpose of dog day care. Kennels intended for single occupancy shall not house more than one animal, with the exception of animals that are normally housed together in a home environment.

(Ord. 05-33 § 5 (part), 2005).

7.21.057 Standards for maintaining chicken flocks.

(a) All harborers of chicken flocks shall:
    (1) Operate in such a manner so as to not constitute a public nuisance or disturb neighboring residents due to noise, odor or damage; and
    (2) Operate in a manner so as to not pose a threat to public health. Harborers shall isolate chickens which are sick or diseased so as to not endanger the health and well-being of other animals and humans. When necessary for the protection of the public health and safety, the director of animal care and control may require the specified animal be kept or confined in a secured enclosure. This provision is subordinate to any local, state or federal code governing the treatment of chickens in the event of a threat to human health; and
    (3) Comply with all of the provisions of Chapter 7.36 of this title regarding general animal care; and
    (4) Keep all chickens completely and securely enclosed and under the control of the harborer on the harborer's property at all times; and
    (5) Provide both a chicken coop and attached chicken run that afford a combined twelve square feet per chicken; and
    (6) Provide a chicken coop and attached chicken run that are clean, dry and odor-free; and
    (7) Provide a chicken coop that affords shelter from the elements; and
    (8) Provide a chicken coop and attached chicken run that, combined, provide adequate ventilation and adequate sun and shade and that are both impermeable to rodents, wild birds and predators, including dogs; and
    (9) Provide chickens with access to feed and clean water at all times, such feed and water shall be unavailable to rodents, wild birds and predators; and
    (10) Provide adequate safeguards to prevent unauthorized access to the chickens by members of the public; and
    (11) Keep the chicken coop, chicken run and surrounding area free from trash and accumulated droppings. The harborer shall dispose of chicken waste and uneaten feed in a timely manner and in accordance with the Bloomington Municipal Code.
(b) The chicken coop and chicken run shall:
    (1) Provide a sight fence or shrub screening of at least four feet in height around both coop and run if visible to occupants of neighboring lots; and
    (2) Be located at least twenty feet from any building not owned or occupied by the harborer, that is used or capable of being used for human habitation; and
    (3) Be located at least twelve feet from the property line of any neighboring lot.
(c) All chicken coops and chicken runs shall comply with the requirements for accessory structures outlined in Title 20 of the Bloomington Municipal Code as the same may be hereafter amended or replaced.

(Ord. 06-21 § 5, 2006).

(Ord. No. 11-20, § 3, 12-21-2011)

7.21.060 Kennel permit periods.

(a) Noncommercial kennel permits shall be valid for a period of one (1) year from the date of issuance. An application must be made within ten (10) days of the creation of a kennel.
(b) Commercial kennel permits shall be valid for one year beginning January 1st of each year. An application must be made prior to the creation of a kennel.
(c) Chicken flock permits shall be valid for a period of no more than one (1) year from the date of issuance.

(Ord. 07-01 § 13, 2007: Ord. 06-21 § 6, 2006; Ord. 05-33 § 5 (part), 2005).

(Ord. 15-04, §§ 30, 31, 4-8-2015)

7.21.070 Reclassification.

Any person or business who has a change in class under which the commercial and/or noncommercial kennel permit was issued shall report the change to the City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~ and apply for a new permit within thirty days of any such change.

(Ord. 15-04, §§ 32, 33, 4-8-2015; Ord. 05-33 § 5 (part), 2005).

Editor's note(s)—Ord. 15-04, §§ 32, 33 adopted April 8, 2015, repealed §§ 7.21.070 and 7.21.090, which pertained to Fees and to Violations, respectively. See the Code Comparative Table for complete derivation. This section has been renumbered 7.21.070 as set out by said ordinance.

Chapter 7.22 Intact Animal and Breeder Permits~~BREEDERS~~

7.22.005 General requirements.

(a) No person shall own or harbor more than a total of nineteen (19) cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. ~~A person owning or harboring more than a total of nineteen cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall: ¶~~

~~(1) Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen or less; and ¶~~

~~(2) Complete the appropriate kennel permit application within sixty days of the ordinance's effective date.~~

(b) A breeder who houses dogs or cats in a cage shall provide every dog or cat with a reasonable opportunity for exercise outside of a cage at least one time per day in accordance with Section 3.8 of the federal Animal Welfare Act. However, a breeder who permits a dog or cat access to a run that meets the requirements of Section 3.8 of the Animal Welfare Act at least one time per day has satisfied the exercise requirement. Further, a breeder is not required to provide the opportunity for exercise if exercise would endanger the dog or cat's life or health.

(Ord. No. 09-19, § 11, 12-21-2009)

7.22.010 Intact animal permit required.

(a) No person or business shall own or harbor more than four dogs and/or more than six cats twelve months or older, any one of which is unaltered, without obtaining a permit in compliance with this chapter.
(b) Permit holders that produce one or more litters in a twelve-month period shall comply with Section 7.22.020 of this title.

(Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 38, 1999).

(Ord. No. 09-19, § 12, 12-21-2009)

7.22.020 Litter permit required.

No person shall intentionally or unintentionally cause or allow the breeding of a litter of dogs or cats in a twelve-month period without obtaining a permit in compliance with this chapter.

(a) Permit holders shall:
    (1) Not allow the birthing of more than one litter per female dog or cat in a twelve-month period;
    (2) Not breed a female dog or cat that is less than eighteen months of age or older than eight years of age.
    (3) Keep records for a period of two years from the date of birth as to the birth of each litter of dogs or cats, as may be required by the City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~;
    (4) Keep records for a period of two years from the date of sale of the name, address and telephone number of each buyer or new owner/guardian of any dog or cat sold or transferred;
    (5) Furnish to each buyer or new owner/guardian of an animal the litter permit number in order that the new owner/guardian has proof and assurance that the animal was legally bred;
    (6) Furnish to each buyer or new owner/guardian of an animal the animal's vaccination, medication and treatment records;
    (7) Not sell, trade or give away puppies or kittens which are unweaned, less than eight weeks of age, with the exception of animals taken to the animal shelter;
    (8) Not offer for sale an animal with obvious signs of infection, disease or illness;
    (9) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations;
    (10) List the litter permit number on all public notices advertising the sale or free giveaway of litters of or individual puppies or kittens; and
    (11) Comply with all provisions of Chapter 7.36, Animal Care, of this title.

(b) Any owner/guardian or person having custody of a dog or cat which has been altered within fourteen weeks after giving birth to a litter or who relinquishes the adult dog or cat and the litter to the ~~c~~City of Bloomington ~~a~~Animal ~~c~~Care and ~~c~~Control ~~d~~Department within fourteen weeks of the birth date of the litter shall have all permit requirements waived.

(Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 39, 1999).

(Ord. No. 09-19, § 13, 12-21-2009)

7.22.030 Obtaining permits.

Applications for permits shall be made to the City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~.

(a) The application shall include:
    (1) The name, address and telephone number of the applicant;
    (2) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals or ever cited for or convicted of a local unit of government's animal control or care ordinances; and
    (3) Descriptions (species, breed, sex, age, coloration) of each animal under the permit.

(b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.

(c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the Animal Control Commission~~animal control commission~~.

(d) An owner/guardian must apply for a litter permit within twenty-one days of the birthing of a litter.

(Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 40, 1999).

(Ord. No. 09-19, §§ 14, 15, 12-21-2009; Ord. 15-04, § 34, 4-8-2015)

7.22.035 Consumer protection requirements.

(a) This section applies to the sale of dogs and cats by litter permit holders.
(b) Sellers shall provide a purchaser of a dog or cat with a health record for the animal at the time of sale. The health record shall include the following:
    (1) The animal's breed. If the breed is unknown or mixed, the health record shall so indicate. If the animal is advertised or represented as registerable, the following information shall be provided: the breeder's name and address; the name and registration number of the dam and sire of the purchased dog's litter; and the name and address of the pedigree registry organization where the dam and sire are registered. Providing registration papers, if available, shall meet this requirement;
    (2) The date of the animal's birth;
    (3) The animal's sex, color and markings;
    (4) A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person who administered them, if known, up to the date of sale; a record of any known disease, illness or condition with which the animal is or has been afflicted at the time of the sale; and a record of any veterinary treatment or medication received by the animal;
    (5) The date, dosage and type of any anti-parasitic medicine, if known, that was administered; and
    (6) The name, address and signature of the seller.

(Ord. No. 09-19, § 16, 12-21-2009)

7.22.040 Inspection.

It shall be a condition to the issuance of any permit required by this chapter that:

(a) The director of the ~~a~~Animal ~~c~~Care and ~~c~~Control Department and staff animal control officers of the ~~c~~City and/or their designees shall be permitted to inspect the structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.
(b) All reports of such inspections shall be in writing and maintained by the director of the ~~a~~Animal ~~c~~Care and ~~c~~Control Department.
(c) The director of the Animal Care and Control Department~~animal care and control~~, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures.
(d) If the owner or those in possession of a structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) refuse inspection of said establishment, the director of the Animal Care and Control Department~~animal care and control~~, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the establishment is located in order to determine if the establishment is maintained in accordance with this title.

(Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 41, 1999).

(Ord. 15-04, § 35, 4-8-2015)

7.22.050 Reclassification.

Any person or business who has a change in the category under which the permit was issued shall report the change to the City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~ and apply for a new permit within thirty days of any such change.

(Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 44, 1999).

(Ord. No. 09-19, § 22, 12-21-2009; Ord. 15-04, §§ 36—38, 4-8-2015)

Editor's note(s)—Ord. 15-04, §§ 36—38 adopted April 8, 2015, repealed §§ 7.22.050, 7.22.060 and 7.22.080, which pertained to Permit periods, Fees, and Violations, respectively. See the Code Comparative Table for complete derivation. Section 7.22.070 has been renumbered 7.22.050 as set out by said ordinance.

Chapter 7.23 FERAL CATS

7.23.010 General requirements.

(a) All feral cat colonies shall:
  (1) Operate in such a manner as to not constitute a public nuisance; and
  (2) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides standards for the general care of animals.

(b) Any person who provides food, water or shelter to a colony of feral cats shall be registered with the City of Bloomington Animal Care and Control Department or its designee.

(Ord. 07-01 § 15 (part), 2007).

(Ord. 15-04, § 39, 4-8-2015)

7.23.020 Managed feral cats.

(a) The City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~ or its designee, in order to encourage the stabilization and reduction of the feral cat population in the city of Bloomington, may:
  (1) Trap any feral cat in a humane manner;
  (2) Have the feral cat surgically sterilized and ear-tipped or tattooed by a licensed veterinarian;
  (3) Release the feral cat for adoption or other disposition in accordance with the law or to a colony caretaker who will maintain the feral cat as part of a managed colony of feral cats.

(b) The City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~ may impound feral cats in violation of this chapter and adopt, euthanize, transfer, or rehome~~dispose of~~ the feral cats in accordance with applicable law. Any feral cat impounded at the City of Bloomington ~~a~~Animal ~~s~~Shelter that bears an appropriate ear-tipping or tattoo indicating it belongs to a managed colony shall be returned to its managed colony, if said colony can be determined, unless illness or injury present an imminent danger to public health or safety. Seriously ill or injured feral cats with no reasonable prognosis for humane rehabilitation for survival outdoors may be humanely euthanized.

(Ord. 07-01 § 15 (part), 2007).

7.23.030 Colony caretaker responsibilities.

(a) Colony caretakers shall abide by standard trap-neuter-return guidelines devised by the City of Bloomington ~~A~~Animal Care and Control Department or its designee regarding the provision of food, water, shelter and veterinary care within the managed colony.

(b) A colony caretaker shall not have ever been convicted of animal cruelty or ever cited for or convicted of a local unit of government's animal control or care ordinances.

(c) A colony caretaker shall not allow a cat(s) which is part of their~~his/her~~ colony to become a public nuisance.

(Ord. 07-01 § 15 (part), 2007).

(Ord. 15-04, § 40, 4-8-2015)

Chapter 7.24 RESTRAINT[1]

7.24.010 General requirements.

All animals, except cats which have been neutered or spayed and are wearing identification or are ear-tipped or tattooed in the case of feral cats, shall be kept under restraint. However, altered cats not kept under restraint at all times are still subject to public nuisance laws cited in Chapter 7.28 of this title.

(Ord. 07-01 § 16, 2007).

7.24.020 Animals in heat.

Every female animal in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot come into contact with a male animal of the same species, except for planned breeding.

(Ord. 05-33 § 7 (part), 2005: Ord. 77-74 § 4 (part), 1977).

Chapter 7.26 POTENTIALLY DANGEROUS, DANGEROUS, AND VICIOUS ANIMALS[2]

7.26.010 Request for declaration.

(a) If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that an animal is potentially dangerous, dangerous, or vicious, the animal control officer shall request a hearing by the Aanimal Ccontrol Ccommission for the purpose of determining whether or not the animal in question should be declared potentially dangerous, dangerous, or vicious.

(b) The director of the City of Bloomington aAnimal cCare and cControl dDepartment can base probable cause to believe that an animal is potentially dangerous, dangerous, or vicious off of a complaint received from a member of the public, provided the complaint is sworn to and verified by the complainant; off of a bite report; or off of a police report.

(Ord. 15-04, § 43, 4-8-2015; Ord. No. 23-16, § 6, 8-16-2023)

7.26.020 Hearing on declaration.

(a) The hearing will be held at the next regularly scheduled meeting of the aAnimal cControl cCommission and shall be open to the public, provided the owner/guardian of the animal can be provided at least fourteen days advance notice of the hearing.

(b) The owner/guardian of the animal shall be served with written notice of the hearing and a copy of any complaints received by certified mail or in person. The notice shall include the following:

(1) The date, time and location of the hearing;

[1]Editor's note(s)—Ord. 15-04, §§ 41, 42 adopted April 8, 2015, repealed §§ 7.24.030, 7.24.040, which pertained to Vicious animals and to Violations, respectively. See the Code Comparative Table for complete derivation.

[2]Editor's note(s)—Ord. No. 23-16, adopted Aug. 16, 2023, amended the title of Ch. 7.26 to read as herein set out. The former Ch. 7.26 title pertained to potentially dangerous and vicious animals.

(2) A statement that the owner/guardian, or their legal counsel, may present evidence and testimony as to why the animal should not be declared potentially dangerous or vicious.

(c) The ~~a~~Animal ~~c~~Control ~~C~~Commission may consider all relevant evidence, including incident reports, affidavits of witnesses, and whether the incident reasonably indicates whether or not the animal in question is potentially dangerous and/or vicious in ordinary circumstances where the average person could not reasonably be expected to foresee and take measures to prevent injury.

(d) The ~~a~~Animal C~~c~~ontrol ~~C~~Commission may decide all issues for or against the owner/guardian of the animal even if the owner/guardian of the animal fails to appear at the hearing.

(e) A hearing under this Chapter may be held with regards to an animal that does not reside within City limits if the act creating probable cause occurred within City limits.

(f) The ~~c~~Animal Control Commission shall issue findings of fact to support its ruling.

(g) The findings of fact shall be given to the owner/guardian, or their legal counsel, by certified mail, return receipt requested, addressed to the owner/guardian's address, or their legal counsel's address. Immediately upon the mailing of the Animal Control C~~c~~ommission's findings of fact, the animal shall be classified as potentially dangerous, dangerous, or vicious. Concurrently, the director of the City of Bloomington Animal Care and Control Department shall notify the owner/guardian of the declaration in person or by phone.

(h) The Animal Control ~~c~~Commission, in rendering its decision and in issuing its findings of fact, has the authority to attach any and all reasonable conditions to its decision. To that end, the ~~c~~Commission may impose conditions on owners/guardians regarding the types of enclosures to be used, the types of restraint systems to be used, and other such things not outlined herein in order to ensure that ~~the~~ both the animal and the public are safe.

(Ord. 15-04, § 43, 4-8-2015; Ord. No. 23-16, §§ 7, 22, 8-16-2023)

7.26.030 Potentially dangerous.

(a) The animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass.

(b) The animal must be implanted with a microchip.

(c) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six feet in length, and if it is under~~it under~~ the control of an adult.

(d) For animals that do not reside within City limits, the animal must be restrained in a manner where an adult has full control of the animal. This includes, but is not limited to, a proper crate/carrier, a substantial leash no more than six feet in length, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.

(Ord. 15-04, § 43, 4-8-2015; Ord. No. 23-16, § 8, 8-16-2023)

7.26.040 Reserved.

Editor's note(s)—Ord. No. 23-16, adopted Aug. 16, 2023, repealed § 7.26.040, which pertained to potentially dangerous level 2 and derived from Ord. 15-04, § 43, adopted April 8, 2015.

7.26.050 Dangerous.

(a) The animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass. No secured enclosure may be used unless and until the City of Bloomington Animal Care and Control Department approves the enclosure.

(b) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six feet in length, and if it is under the control of an adult and wearing a muzzle.
(c) The animal must be altered by a licensed veterinarian within thirty days of such designation unless:
    (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
    (2) A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health; provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.
(d) The animal must be implanted with a microchip.
(e) Clearly visible warning signs shall be displayed on all entry points to the premises on which the animal is maintained warning that a dangerous animal is being harbored on such property.
    (1) At least one of the signs shall be posted on the enclosure in which the animal is maintained.
    (2) Signs must inform both children and adults of the presence of a dangerous animal on the property.
(f) For animals that do not reside within City limits:
    (1) the animal must be restrained in a manner where an adult has full control of the animal. This could include, but is not limited to, a proper crate/carrier, a substantial leash no more than six feet in length, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.
    (2) the animal must be restrained in a way that makes biting other animals or humans impossible. This could include, but is not limited to, muzzles, crates/carries, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.

(Ord. 15-04, § 43, 4-8-2015; Ord. No. 23-16, § 10, 8-16-2023)

Editor's note(s)—Ord. No. 23-16, adopted Aug. 16, 2023, amended the title of § 7.26.050 to read as herein set out. The former § 7.26.050 title pertained to potentially dangerous level 3.

7.26.060 Vicious.

(a) The animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass. No secured enclosure may be used unless and until the City of Bloomington Animal Care and Control Department approves the enclosure.
(b) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, of appropriate length, is muzzled, and if it is under ~~it under~~ the control of an adult.
(c) The animal must be altered by a licensed veterinarian within thirty days of such designation unless:
    (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
    (2) A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health; provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.
(d) The animal must be implanted with a microchip.
(e) Clearly visible warning signs shall be displayed on all entry points to the premises on which the animal is maintained warning that a potentially dangerous animal is being harbored on such property.
    (1) At least one of the signs shall be posted on the enclosure in which the animal is maintained.
    (2) Signs must inform both children and adults of the presence of a vicious animal on the property.
(f) The Animal Control Commission may require evaluation by an approved veterinary behaviorist.
(g) The Animal Control Commission may consider termination of ownership for the purpose of euthenasia pursuant to required Commission findings outlined in 7.26.080.
(h) For animals that do not reside within City limits:

(1) The animal must be restrained in a manner where an adult has full control of the animal. This could include, but is not limited to, a proper crate/carrier, a substantial leash no more than six feet in length, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.
(2) The animal must be restrained in a way that makes biting other animals or humans impossible. This could include, but is not limited to, muzzles, crates/carries, or any other restraint the Animal Control Commission deems necessary given the nature of the animal.
(3) The Animal Control Commission may prohibit the animal from being within City limits, except for the purpose of seeking veterinary care or when the animal is contained within a vehicle while traveling through City limits.

(Ord. 15-04, § 43, 4-8-2015; Ord. No. 23-16, § 11, 8-16-2023)

7.26.070 Immediate threat.

If it is determined by an animal control officer or a law enforcement officer that probable cause exists to believe an animal poses an immediate threat to public safety, then an animal control officer or law enforcement officer may seize and impound the animal pending the hearing described in this chapter.

(a) Any animal so seized shall be held until the Animal Control Commission~~animal control commission~~ renders a decision in accordance with this chapter.
(b) The owner/guardian of the animal shall be liable to the City of Bloomington for the costs and expenses of keeping the animal, if the animal is later declared by the C~~c~~ommission to be potentially dangerous, dangerous, or vicious.

(Ord. 15-04, § 43, 4-8-2015)

7.26.080 Euthanization.

If an animal is declared vicious in accordance with this chapter, the ~~a~~Animal ~~c~~Control ~~c~~Commission may order the animal humanely euthanized if the ~~c~~Commission finds that releasing the animal may create a significant threat to the public health, safety or welfare.

(Ord. 15-04, § 43, 4-8-2015)

7.26.090 Status change.

If an animal designated potentially dangerous, dangerous, or vicious under this chapter dies, is sold, transferred or moved to a different location, the owner/guardian shall notify the City of Bloomington Animal Care and Control Department of the changed status and new location of the animal.

(a) The notice of status change must be done in writing; and
(b) Must be provided to the Department within two (2) business days of the change.

(Ord. 15-04, § 43, 4-8-2015)

7.26.100 Reconsideration.

An owner/guardian may submit a request for reconsideration to the ~~a~~Animal ~~c~~Control ~~c~~Commission to have the designation of potentially dangerous removed from their animal.

(a) Owners/guardians of ~~[~~potentially dangerous animals~~]~~ may submit one request for reconsideration upon the expiration of one year from the date of designation, provided no further violations of this title have occurred.

(b) Owners/guardians of a ~~[~~dangerous animal~~]~~ or a vicious ~~[~~animal~~]~~ may submit one request for reconsideration upon the expiration of three years from the date of designation, provided no further violations of this title have occurred.

(Ord. 15-04, § 43, 4-8-2015; Ord. No. 23-16, § 22, 8-16-2023)

Chapter 7.28 NUISANCE

7.28.010 Public nuisance prohibited.

No owner/guardian/colony caretaker shall fail to exercise due care and control of their~~his or her~~ animals to prevent them from becoming a public nuisance.

(Ord. 07-01 § 17, 2007).

(Ord. 15-04, § 44, 4-8-2015)

Editor's note(s)—Ord. 15-04, § 45, adopted April 8, 2015, repealed § 7-28-020, which pertained to Violations. See the Code Comparative Table for complete derivation.

Chapter 7.32 IMPOUNDMENT

7.32.010 Animals to be impounded.

(a) At-large animals (with the exception of altered cats that are wearing identification or are ear-tipped or tattooed in the case of feral cats and are not a public nuisance), nuisance animals, animals suspected of being neglected, subjected to cruelty or abandoned, and animals which have bitten persons or other animals may be taken by law enforcement or animal control officers and impounded in the ~~c~~City of Bloomington ~~a~~Animal ~~s~~Shelter.

(b) In lieu of impounding an animal which is at large or a public nuisance according to this title, the law enforcement officer or animal control officer may issue to the known owner/guardian/colony caretaker of such animal a notice of ordinance violation and may return the animal to the owner/guardian/colony caretaker's property if the animal can be secured safely.

(Ord. 07-01 § 18, 2007).

7.32.020 Jurisdiction of animal care and control officer for impoundment.

The jurisdiction of animal care and control officers for purposes of enforcing this chapter shall include the Municipality of Bloomington itself.

(Ord. 05-33 § 9 (part), 2005: Ord. 81-101 § 1 (part), 1981; Ord. 77-74 § 5 (part), 1977).

(Ord. 15-04, § 46, 4-8-2015)

7.32.030 Notice of impoundment.

(a) Stray animals~~Animals whose owners/guardians/colony caretakers are not identifiable or cannot be notified after reasonable effort~~ shall be held for five (5) calendar days from the date of impoundment, not counting officially recognized holidays, before becoming the property of the C~~c~~ity. During these five days, the animal's photo and description shall be posted on the City of Bloomington Animal Shelter's website. If the

stray becomes the property of the City of Bloomington, the Animal Care and Control Department may euthanize, adopt out, transfer, or rehome the animal.

(b) If the owner/guardian/colony caretaker of an impounded animal can be identified, the director of ~~a~~Animal ~~c~~Care and ~~c~~Control Department or ~~his or her~~their designees shall immediately upon impoundment notify the owner/guardian/colony caretaker in-person or by telephone, ~~or~~ mail, or email.

(1) If identifiable owners/guardians/colony caretakers for ~~A~~animals ~~whose owners/guardians/colony caretakers~~ have been notified and ~~who~~ do not collect their animals or connect with the Animal Shelter within (5) calendar days from the date of the first attempted notification, not counting officially recognized holidays, the animal shall become property of the City. Once the animal becomes the property of the City, the City Animal Care and Control Department may euthanize, adopt out, transfer, or rehome the animal.

(2) If the Animal Care and Control Department staff is contacted by an identifiable owner within five days of impoundment, the owner shall have an additional five (5) calendar days from the date of contact, not counting officially recognized holidays, to either retrieve their animals or post bond required under 7.32.030(c). Failure to retrieve animals or post bond required herein may result in the animal becoming the property of the City of Bloomington. Once the animal becomes the property of the City, the City Animal Care and Control Department may euthanize, adopt out, transfer, or rehome the animal.

(c) The owner/guardian may ~~stray period shall also become the property of the city unless the owner/guardian of the animal~~ post~~s~~ a five hundred fifty dollar ($550.00) bond, or a two thousand dollar ($2,000) bond if the animal is illegal under section 7.40 ~~bond~~, with the ~~c~~City controller prior to the expiration of the required holding ~~ten five (105) day stray~~ period to provide for the animal's care and keeping.

(1) The bond must be valid for thirty (30) days.

(2) The owner/guardian of a legal animal may renew a bond for an additional thirty days by posting a new bond in the amount of six hundred dollars ($600.00) prior to the expiration of the original bond, but may only do so once, unless permitted by due process. Owners may not post a second bond to hold animals described in section 7.40, unless required by due process, in which case the owner may post an additional $2,000 bond for an additional thirty days.

(3) If a bond expires and is not renewed, the The City of Bloomington Animal Care and Control Department may then petition the Animal Control Commission for termination of ownership rights to the animal under 7.32.050. ~~animal becomes the property of the city~~.

(d) Any stray animals found as part of a litter of two (2) or more shall become the property of the ~~c~~City and may be placed for adoption or humanely euthanized if not claimed by the owner/guardian within three (3) days of impoundment.

(e) Any stray animal found with severe medical conditions and/or injuries shall be assessed by a veterinarian, whenever possible. Whenever possible, humane care will be provided in order to allow the animal to remain comfortable for the duration of the stray period. However, when an animal's injuries or illnesses are so severe such that the animal cannot be maintained in a comfortable fashion, the animal may be euthanized prior to the end of the five day stray period.

(f) Any medical expenses incurred while any animal, except a~~n~~ Feral cat as indicated via ear-tip~~ped~~ or tattoo~~ed cat~~, is in the care of the ~~c~~City of Bloomington Animal Care and Control Department shall be the responsibility of the owner/guardian should the owner/guardian be identified.

(g) Animals that are the property of the ~~c~~City of Bloomington may be placed for adoption or humanely euthanized.

(Ord. 07-01 § 19, 2007).

(Ord. 15-04, §§ 47, 48, 4-8-2015)

7.32.040 Impounded animals—Reclamation.

A person may reclaim an animal in the custody of the City of Bloomington Animal Care and Control Department upon providing the following:

(1) Proof of ownership or the authority to act as the owner's agent;
(2) Identification, such as a driver's license;
(3) Payment of redemption fee and any other service/medical fees, as approved by the Director of Bloomington Animal Care and Control.

(Ord. 05-33 § 9 (part), 2005: Ord. 99-39 § 1, 1999).

(Ord. 15-04, § 49, 4-8-2015)

Chapter 7.36 ANIMAL CARE

7.36.010 Giving animals as prizes.

(a) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.
(b) No person shall auction any live animal, except domestic livestock.

(Ord. 05-33 § 10 (part), 2005: Ord. 99-39 § 52, 1999; Ord. 81-101 § 11, 1981: Ord. 77-74 § 6 (part), 1977).

(Ord. 15-04, § 50, 4-8-2015)

7.36.020 Poisoning animals.

No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be likely to be eaten by any animal; provided, that it shall not be unlawful for a person to expose on theirhis or her own property common rat or mouse poison, unmixed or mixed only with vegetable substances.

(Ord. 05-33 § 10 (part), 2005: Ord. 99-39 § 53, 1999; Ord. 77-74 § 6 (part), 1977).

(Ord. 15-04, § 51, 4-8-2015)

7.36.025 Cruelty, abuse and neglect of animals.

(a) No person shall torture, beat, mutilate or neglect an animal resulting in serious injury or death to the animal.
(b) No person shall torture, beat, mutilate or neglect an animal in a manner that causes the animal resulting in injury ,or pain, or otherwise severely impacts to its health.animal health ofto the animal.

(Ord. 05-33 § 10 (part), 2005: Ord. 99-39 § 54, 1999).

(Ord. 15-04, § 52, 4-8-2015)

7.36.030 Motor vehicle accidents involving animals.

Any person, who, as the operator of a motor vehicle, strikes a dog or cat, shall at once report the accident to the appropriate law enforcement agency or the City of Bloomington Animal Care and Control Department.

(Ord. 05-33 § 10 (part), 2005: Ord. 99-39 § 55, 1999; Ord. 77-74 § 6 (part), 1977).

(Ord. 15-04, § 53, 4-8-2015)

7.36.040 Use of devices to induce performance.

No permanent or transient animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering.

(Ord. 05-33 § 10 (part), 2005: Ord. 99-39 § 56, 1999; Ord. 77-74 § 6 (part), 1977).

(Ord. 15-04, § 54, 4-8-2015)

7.36.050 General animal care.

(a) Every owner/guardian/colony caretaker of an animal within the ~~c~~City of Bloomington shall see that their~~his or her~~ animal:
    (1) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement;
    (2) Has proper and adequate food, water, shelter, and protection from the weather;
    (3) If kept in an enclosure, ensure that the enclosure is appropriate to their species and/or breed. Such enclosure is to be constructed in a manner to enable the animal to remain clean and dry, to prevent the animal's injury or escape, and to be able to be disinfected. However, no flooring may be used to house dogs or cats which would allow their feet or legs to fall through and all enclosures shall contain an area that allows the animal to be on a solid surface; and
    (4) If diseased or injured, receives care as necessary to prevent suffering and, if diseased, is segregated from other animals so as to prevent the transmission~~transmittal~~ of the disease to other animals.

(b) Any domestic pet or feral cat that is owned or harbored and habitually kept outside or repeatedly left outside unattended by an adult person for such periods of time as may cause suffering or endanger the health or well-being of the animal shall be provided with a structurally sound, moistureproof and windproof shelter large enough to keep the animal reasonably clean and dry and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces and standing water.

(c) If multiple animals are present in one location, each animal must have access to shelter and the owner/guardian/colony caretaker must meet all standards for each animal, as detailed in this section.

(d) The shelter must have bedding to provide insulation and protection against cold and dampness and promote the retention of body heat.

(e) Appropriate medical care and grooming of animals must be provided.

(f) No chain or tether shall weigh more than one-eighth of the animal's body weight.

(g) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.

(h) Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering an animal to a stationary object or cable run. A person may not wrap a chain or tether around an animal's neck. A chain or tether used to restrain an animal must, by design and placement, be unlikely to become entangled.

(i) It shall be unlawful for the owner/guardian/colony caretaker of any animal to keep or maintain the animal on a tether for a period of more than ten continuous hours and no more than twelve (12) hours in any twenty-four (24) hour period, or for any duration under conditions, which threaten the health, or well-being of the animal.

(j) Any chain or tether shall be of appropriate length configuration to:
    (1) Confine the animal to the owner/guardian/colony caretaker's property;
    (2) Prevent the animal from advancing to the edge of any public right-of-way;
    (3) Prevent the chain or tether from extending over an object or an edge that could result in injury or strangulation of the animal; and/or
    (4) Prevent the chain or tether from becoming entangled with other objects or animals.

(k) It shall be unlawful for the owner/guardian/colony caretaker of any animal to keep or maintain the animal on a tether under any of the following conditions:
    (1) At a vacant property; and/or
    (2) Between the hours of 11:00 p.m. and 6:00 a.m.

(l) It shall be unlawful for the owner/guardian/colony caretaker of any unaltered animal which is six (6) months of age or older to allow the animal to be tethered.

(m) A muzzle may not be worn continuously as a means for controlling barking.

(n) A person may not restrain an animal in a manner that does not allow the animal to have access to necessary shelter, water and food.

(o) A person may not restrain an animal in a manner that allows the animal to move outside property owned, lawfully occupied or controlled by the person.

(p) Any person who owns or harbors any intact female dog or cat shall, during the period that such animal is in heat or in estrus, ~~shall~~ keep such dog or cat in a secured area that prevents a male dog or cat from having access to such female, except for controlled breeding permitted by the owner/guardian/colony caretaker of the female. Additionally, the female dog or cat shall not be chained or tethered in a manner that prevents her from defending herself or from avoiding a mate.

(q) It shall be unlawful for any person to place or confine or allow any animal to be confined in such a manner that it must remain in a motor vehicle, trailer or pet carrier under such conditions for such periods of time as may cause suffering or endanger the health or well-being of the animal due to extreme temperatures or lack of food or water.

(r) No person shall intentionally or unintentionally cause or allow the breeding of more than one litter per female cat or dog in a twelve (12) month period.

(Ord. 07-01 § 20, 2007; Ord. 05-33 § 10 (part), 2005: Ord. 99-39 § 57, 1999; Ord. 81-101 § 12, 1981: Ord. 77-74 § 6 (part), 1977).

(Ord. No. 09-19, § 21, 12-21-2009; Ord. 15-04, §§ 55—57, 4-8-2015)

7.36.060 Specific animal care provisions for animals used for drawing vehicles.

(a) In addition to the provisions set out in Section 7.36.050, "General animal care," of this chapter, every owner/guardian of an animal used to draw a vehicle for hire within the city shall see that:
    (1) The animal has adequate flesh and muscle tones;
    (2) The hooves of the animal are properly trimmed and shod within every eight weeks of work. Acceptable horseshoes for this work are limited to Borium-studded type or polyurethane (plastic), studs optional. Records must be kept for twelve months by the owner/guardian of the dates and the name of the blacksmith who shod the animal;
    (3) The animal is groomed daily;
    (4) The animal is not over-ridden, driven, or kept, to result in overheating or exhaustion. Animals shall not be worked during the middle of the afternoon during hot days when livestock warnings are issued. Whenever possible during warm weather, the driver shall park in the shade. Animals

shall not be worked more than two (2) hours without being given a thirty (30) minute rest period. Maximum working period for any one animal shall be ten (10) hours out of every twenty-four (24) hours, and any five (5) out of seven (7) consecutive days;

(5) No animal may be whipped by a driver with more than a light touch by a light whip or in a manner that causes injury or suffering;

(6) The speed at which any animal is driven shall not exceed a trot;

(7) The animals shall not be left unattended on a street or public way;

(8) The harness, bridle, saddle, and any other equipment required or in use is properly fitted, in good working order, free of makeshift design, and used so as in no way causes pain or injury to the animal. Twisted wire snaffles, and spurs are not permitted.

(b) To protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a vehicle for hire, any animal control officer may issue an order that the animal is deemed unfit for work and order it removed from the vehicle and the city streets; such order may be appealed within forty-eight (48) hours to the Animal Control Commission~~animal control commission~~ which shall, upon hearing all evidences, confirm or deny the order of the animal control officer.

(Ord. 05-33 § 10 (part), 2005: Ord. 99-39 § 58, 1999; Ord. 83-53 § 2, 1983).

(Ord. 15-04, § 58, 4-8-2015)

7.36.070 Abandonment.

No owner/guardian/colony caretaker of an animal shall abandon the~~such~~ animal. ~~Persons who violate this section shall be subject to a fine of up to five hundred dollars for each offense.~~ ¶

(Ord. 07-01 § 21, 2007).

Chapter 7.40 WILD ANIMALS, EXOTIC ANIMALS, PROHIBITED REPTILES, AND DEER FEEDING[3]

7.40.010 Keeping wild or exotic animals.

No person shall keep or permit to be kept on their premises any wild or exotic animal for any purpose, whether temporarily or permanently, except for the purpose of seeking veterinary care or when the animal is contained within a vehicle while traveling through City limits. This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories, licensed wildlife rehabilitators, or a wildlife educator who is in possession of all necessary federal or state licenses, permits, and/or approvals.

(Ord. 15-04, § 59, 4-8-2015; Ord. No. 23-16, § 22, 8-16-2023)

7.40.020 Keeping prohibited reptiles.

Regardless of "native" or "exotic animal" status or designation, ~~N~~no person shall keep or permit to be kept on their premises any reptile ~~herein~~ listed below for any purpose. This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories, licensed wildlife rehabilitators, or licensed educations.

[3]Editor's note(s)—Ord. No. 23-16, adopted Aug. 16, 2023, amended the title of Ch. 7.40 to read as herein set out.

The former Ch. 7.40 title pertained to wild animals, exotic animals, and prohibited reptiles.

(a) Any reptile on the federal endangered or threatened species list or on the convention or international trade in endangered species list;
(b) Any venomous reptile, including front- or rear-fanged reptiles;
(c) Any python of a species which naturally exceeds twelve feet in length;
(d) All crocodilians, including alligators, caimans, and crocodiles;
(e) Monitor lizards;
(f) Anacondas;
(g) Any reptile of a species native to Indiana; or
(h) Any reptile protected by state or federal law.

(Ord. 15-04, § 59, 4-8-2015; Ord. No. 23-16, § 22, 8-16-2023)

7.40.030 Deer feeding.

(a) Deer Feeding Prohibited. Except as provided in subsection (d) below, a person commits an offense if the person intentionally feeds deer or makes food available for consumption by deer on private or public property within the corporate boundaries of the City of Bloomington.
(b) A person shall be presumed to have intentionally fed deer, or made food available for consumption by deer, if the person places food, or causes food to be placed, on the ground outdoors or on any outdoor platform that stands fewer than five feet above the ground.
(c) For the purpose of this section, the following shall constitute food: corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed and livestock feed.
(d) Exceptions. This section does not apply to an animal control officer, veterinarian, peace officer, city employee, or federal or state wildlife official, all while acting within the scope of their official capacities.; This section also does not apply to a ~~or~~ property owner who is authorized by the Indiana Department of Natural Resources to treat, manage, capture, trap, hunt, or remove deer and who is acting within the scope of the person's authority.
(e) The following are excluded from prohibition in this section:
    (1) Planted material growing in gardens or standing crops;
    (2) Naturally growing matter, including but not limited to fruit and vegetables;
    (3) Fruit or nuts that have fallen on the ground from trees;
    (4) Stored crops, provided the stored crop is not intentionally made available to deer;
    (5) Feed for livestock and/or the practice of raising crops and crop aftermath, including hay, alfalfa and grains, which is produced, harvested, stored, or fed to domestic livestock in accordance with normal agricultural practices;
    (6) A lawn or garden;
    (7) Bird feed, when off the ground, on an appropriate structure.~~ when hung off the ground~~
(f) Violations.
    (1) Any animal control officer may issue to any person in violation of this section a notice of ordinance violation.
    (2) Upon notice, it shall be the duty of each property owner to remove any and all food placed on the property in violation of this section. Failure to remove such food within twenty-four hours after written notice from the city, or otherwise continuing to feed deer after receiving notice from the city, shall constitute violation of this chapter.

(Ord. No. 23-16, § 13, 8-16-2023)

Chapter 7.42 RESERVED

Editor's note(s)—Ord. 15-04, § 60, adopted April 8, 2015, repealed Ch. 7.42, which pertained to Reptiles and derived from Ord. 85-23, § 2(part), 1985; Ord. 99-39, § 62, 1999; Ord. 05-33, § 12(part), 2005.

Chapter 7.44 RABIES*

7.44.010 Rabies vaccination required.

It is unlawful to own or harbor a dog, cat or ferret over the age of three months without a valid rabies vaccination. Feral cats are excluded from the rabies vaccination requirement.

(Ord. 07-01 § 22, 2007).

~~7.44.020 Animals biting persons.~~

~~If a dog, cat or ferret has bitten a person, the animal maybe impounded in the city of Bloomington animal shelter, veterinary hospital, or kennel approved by a city animal control officer, at the animal owner/guardian/colony caretaker's expense. This impoundment shall be for a period of ten days in order to determine whether or not the animal has rabies. If the animal dies during this ten (10) day period, it shall, at the animal owner/guardian/colony caretaker's expense, be sent to the proper authorities to determine whether or not it was rabid. Other animals which have bitten a person shall be handled in accordance with the current compendium for animal rabies control, with all expenses being the responsibility of the animal's owner/guardian/colony caretaker.~~ ¶

(Ord. 07-01 § 23, 2007; Ord. 05-33 § 13 (part), 2005).

(Ord. 15-04, § 61, 4-8-2015)

7.44.030 Animals biting animals or persons.

(a) If an animal has bitten a person or domestic pet, that animal shall be quarantined for a period of ten days to determine whether the animal has rabies. If the animal dies during this ten (10) day period, it shall, at the animal owner/guardian/colony caretaker's expense, be sent to the proper authorities to determine whether the animal was infected with rabies.~~If an animal has bitten another domestic pet, and the animal is current on its rabies vaccination, the animal need only be impounded at the discretion of a city animal control officer.~~

(b) The owner, guardian, or colony caretaker shall be responsible for the costs of impoundment and care during the observation period. The animal control officer shall determine the appropriate location of quarantine based on the animal's rabies vaccination status and applicable policies established by the State Board of Animal Health. .~~If an animal has bitten another domestic pet and the animal and is not current on its rabies vaccination, the animal shall be impoundedquarantined.~~

~~The animal may be impounded in the Ceity of Bloomington animal shelter, veterinary hospital, or kennel approved by a city animal control officer, at the animal owner/guardian's expense during the observation period. The conditions of the impound shall be the same as in Section 7.44.020 of this chapter.~~ ¶

~~The observation period quarantine shall be for a period of ten days in order to determine whether or not the animal has rabies. If the animal dies during this ten (10) day period, it shall, at the animal owner/guardian/colony caretaker's expense, be sent to the proper authorities to determine whether or not it was rabid.~~

(c) Other animals which have bitten a person shall be handled in accordance with the current compendium for animal rabies control, with all expenses being the responsibility of the animal's owner/guardian/colony caretaker.

(Ord. 05-33 § 13 (part), 2005)

(Ord. 15-04, § 62, 4-8-2015)

Editor's note(s)—Ord. 15-04, §§ 63, 64, adopted April 8, 2015, repealed §§ 7.44.050, 7.44.060, which pertained to Euthanization of stray animals and to Violations, respectively. Both sections derived from Ord. 05-33 § 13(part), 2005.

Chapter 7.48 ADOPTED ANIMALS[4]

7.48.010 Spaying and neutering of adopted animals.

Any dog~~,~~ or cat ~~, rabbit or ferret~~ adopted from the city of Bloomington animal shelter shall be spayed or neutered by a veterinarian prior to being taken to their ~~his or her~~ new home. The City of Bloomington Animal Care and Control Department~~city of Bloomington animal care and control department~~ shall assume the cost of the spay or neuter operation. If a veterinarian should determine that the dog or ~~,~~cat ~~, rabbit or ferret~~ is physically unable to undergo such an operation at the current time, the dog or~~,~~ cat~~, rabbit or ferret~~ is to be neutered or spayed as soon as the veterinarian determines it is able.

(Ord. 15-04, § 65, 4-8-2015)

Chapter 7.52 GENERAL PROVISIONS[5]

7.52.010 Conflicting ordinances.

All other ordinances of the City of Bloomington that are in conflict with this title are repealed to the extent of such conflict.

(Ord. 15-04, § 66, 4-8-2015)

7.52.020 Maximum fines.

No fine for a single violation of the provisions of this title shall exceed two thousand five hundred dollars ($2,500.00) pursuant to Indiana Code 36-1-3-8(a)(10)(B). Fines for second and subsequent offenses shall not exceed seven thousand five hundred dollars ($7,500.00) pursuant to Indiana Code 36-1-3-8(a)(10)(B).

(Ord. 15-04, § 66, 4-8-2015)

[4]Editor's note(s)—Ord. 15-04, § 65, adopted April 8, 2015, repealed the former Ch. 7.48, §§ 7.48.010—7.48.030, and enacted a new Ch. 7.48 as set out herein. The former Ch. 7.48 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

[5]Editor's note(s)—Ord. 15-04, § 66, April 8, 2015, repealed the former Ch. 7.52, §§ 7.52.010—7.52.060, and enacted a new Ch. 7.52 as set out herein. The former Ch. 7.52 pertained to similar subject matter and derived from Ord. 76-14 § 1(part), 1976; Ord. 77-62 § 11, 1977; Ord. 81-5 § 3, 1981; Ord. 81-101 § 1(part), 1981; Ord. 83-6 § 7, 1983; Ord. 05-33 § 15(part), 2005.

7.52.030 Severability clause.

If any part of this title shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this title.

(Ord. 15-04, § 66, 4-8-2015)

7.52.040 Animal shelter.

The physical facility known as the City of Bloomington Animal Shelter shall be under the administrative control of the dDepartment of pPublic wWorks and shall constitute a division of saidthe Ddepartment. The director of animal care and control and Animal Control Commissionanimal control commission shall retain all powers and duties conferred by this title for the detailed supervision of matters relating to animal control. It is the intent of this title that the Animal Control Commissionanimal control commission be an advisory body to formulate, adopt and implement policies, principles and standards for humane treatment and control of all animals in the city.

(Ord. 15-04, § 66, 4-8-2015)

7.52.050 Interference with animal control officer—Penalty.

Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes or interferes with any animal control officer while that officer is engaged in the execution of any duties required of animal control officers violates this title.

(Ord. 15-04, § 66, 4-8-2015)

Chapter 7.54 FEES[6]

7.54.010 Surrender fees.

(a) The fee charged to a resident of any county other than Monroe County who surrenders an animal(s) to the City of Bloomington Animal Shelter shall be as listed in the table below.
   (1) Dogs or cats over six months of age, forty-five dollars ($45.00).
   (2) Litters of puppies or kittens with five or fewer animals, all of which are younger than six months of age, fifty dollars ($50.00).
   (3) Litters of puppies or kittens with more than five animals, all of which are younger than six months of age, sixty dollars ($60.00).
   (4) Animals other than dogs and cats, thirty dollars ($30.00)¶

Dogs or cats over six months of age ¶	$4530.00 ¶
Litters of puppies or kittens with five or fewer animals, all of which are younger than six months of age ¶	$5035.00 ¶
Litters of puppies or kittens with more than five animals, all of which are younger than six months of age ¶	$6045.00 ¶
Animals other than dogs and cats ¶	$3010.00 ¶

(5)

[6]Editor's note(s)—Ord. 15-04, § 67, April 8, 2015, repealed the former Ch. 7.54, §§ 7.54.010, 7.54.020, and enacted a new Ch. 7.54 as set out herein. The former Ch. 7.54 pertained to Miscellaneous fees and derived from Ord. 10-16, §§ III, IV, 12-1-2010.

(b) If an animal over six months of age is surrendered with a litter, both the adult fee and the litter fee shall be charged.
(c) Surrender fees may be waived at the discretion of the director of the ~~a~~Animal ~~c~~Care and ~~c~~Control ~~d~~Department, or their~~his/her~~ designee(s), provided the director believes waiver of the surrender fee is in the best interests of the animal(s) being surrendered.

(Ord. 15-04, § 67, 4-8-2015; Ord. No. 23-16, §§ 14, 22, 8-16-2023)

7.54.020 Incinerator fee.

The fee to use the City of Bloomington Animal Shelter incinerator shall be $0.15 per pound. The Monroe County Highway Department is exempt from paying this fee.

(Ord. 15-04, § 67, 4-8-2015; Ord. No. 23-16, § 15, 8-16-2023)

7.54.030 Commercial animal establishment permit fees.

(a) Fees for commercial animal establishment permits shall be as follows:
(1) For each riding school or stable, one hundred dollars ($100.00).
(2) For each auction, five hundred dollars ($500.00).
(3) For each zoological park, five hundred dollars ($500.00).
(4) For each circus animal exhibition–transient, one thousand dollars per day ($1,000.00 per day).
(5) For each animal exhibition–permanent, five hundred dollars per year ($500.00 per year).
(6) For each pet shop, two hundred and fifty dollars ($250.00).
(7) For each nonmunicipal animal shelter/sanctuary, zero dollars ($0.00)regardless of for- or non-profit status. ¶

~~(1) For each riding school or stable ¶~~	~~$100.00 ¶~~
~~(2) For each auction ¶~~	~~$500.00 ¶~~
~~(3) For each zoological park ¶~~	~~$500.00 ¶~~
~~(4) For each circus or animal exhibition—transient ¶~~	~~$1,000.00 per day ¶~~
~~(5) For each animal exhibition—permanent ¶~~	~~$500.00 per year ¶~~
~~(6) For each pet shop ¶~~	~~$250.00 ¶~~
~~(7) For each nonmunicipal animal shelter/sanctuary ¶~~	~~$0.00 private/$0.00 nonprofit ¶~~

~~(8)~~

(b) No fee shall be required of any municipal animal shelter, research laboratory, or government-operated zoological park.

(Ord. 15-04, § 67, 4-8-2015; Ord. No. 21-45, §§ 12, 13, 12-3-2021)

7.54.040 Kennel permit fees.

(a) The fee for noncommercial kennel permits shall be:
(1) For five to eight (5-8)~~5—8~~ altered dogs: twenty-five dollars ($25.00);
(2) For nine to twelve (9-12)~~9—12~~ altered dogs: fifty dollars ($50.00);
(3) For thirteen to sixteen (13-16)~~13—16~~ altered dogs: seventy-five dollars ($75.00);
(4) For seventeen to nineteen (17-19)~~17—19~~ altered dogs: one hundred dollars ($100.00);
(5) For seven to eleven (7-11)~~7—11~~ altered cats: twenty-five dollars ($25.00);
(6) For twelve to sixteen (12-16)~~12—16~~ altered cats: fifty dollars ($50.00); and
(7) For seventeen to nineteen (17-19)~~17—19~~ altered cats: seventy-five dollars ($75.00).
(b) The fee for commercial kennel permits shall be:

(1) Class B, boarding:
(A) For one to twenty-five (1-25) ~~1—25~~ kennels: one hundred dollars ($100.00);
(B) For twenty six to fifty (26-50) ~~26—50~~ kennels: two hundred and fifty dollars ($250.00); and
(C) Additional kennels in increments of twenty-five (25): two hundred dollars ($200.00) per increment of twenty-five (25).
(2) Class C, training: seventy-five dollars ($75.00); and
(3) Class D, grooming: fifty dollars ($50.00).

(c) No fee shall be required of any veterinary hospital or municipal animal shelter, research laboratory or government-operated zoological park.

(d) Persons whose establishments operate under more than one class, as defined by this chapter, shall be required to apply for a permit for each applicable.

(Ord. 15-04, § 67, 4-8-2015)

7.54.050 Intact animal and litter permit fees.

(a) Fees for intact animal permits shall be:
(1) For one to two (1-2) ~~1—2~~ unaltered animals: fifty dollars ($50.00);
(2) For three to six (3-6) ~~3—6~~ unaltered animals: one hundred dollars ($100.00);
(3) For seven to ten (7-10) ~~7—10~~ unaltered animals: one hundred and fifty dollars ($150.00);
(4) For eleven to fourteen (11-14) ~~11—14~~ unaltered animals: two hundred dollars ($200.00); and
(5) For fifteen to nineteen (15-19) ~~15—19~~ unaltered animals: two hundred and fifty dollars ($250.00).

(b) Fees for litter permits shall be:
(1) First litter in a twelve-month period: one hundred dollars ($100.00); and
(2) Additional litters: One hundred and fifty dollars ($150.00) per ~~/~~litter.

(Ord. 15-04, § 67, 4-8-2015)

7.54.060 Impounded animal fees.

An owner/guardian reclaiming an impounded animal under 7.32.030(a) or (b) shall pay a board fee as follows, in addition to a fee of seven dollars ($7.00) for vaccinations of reclaimed cats and dogs:

(1) Dog, impounded for one to five (1-5) days, ten dollars ($10.00) per day.
(2) Dog, impounded for six (6) or more days, twenty dollars ($20.00) per day.
(3) Cat or ferret, impounded for one to five days (1-5), five dollars ($5.00) per day.
(4) Cat or ferret, impounded for six (6) or more days, ten dollars ($10.00) per day.
(5) Horses, goats, pigs, poultry, ten dollars ($10.00) per day.
(6) Other animals, five dollars ($5.00) per day.¶

~~(1) Dog, impounded for 1-5 days ¶~~	~~$10.00 per day ¶~~
~~(2) Dog, impounded for 6 or more days ¶~~	~~$20.00 per day ¶~~
~~(3) Cat or ferret, impounded for 1-5 days ¶~~	~~$5.00 per day ¶~~
~~(4) Cat or ferret, impounded for 6 or more days ¶~~	~~$10.00 per day ¶~~
~~(5) Horses, goats, pigs, poultry ¶~~	~~$10.00 per day ¶~~
~~(6) Other animals ¶~~	~~$5.00 per day ¶~~

~~(7)~~

(Ord. 15-04, § 67, 4-8-2015)

7.54.070 Rabies boarding fees.

An owner/guardian reclaiming an impounded bite case animal, having been boarded at the City of Bloomington Animal Shelter, shall pay a board fee as follows:

(1) Dog, ten dollars ($10.00) per day.
(2) Cat or ferret, five dollars ($5.00) per day.¶

~~(1) Dog ¶~~	~~$10.00 per day ¶~~
~~(2) Cat or ferret ¶~~	~~$5.00 per day ¶~~

~~(3)~~

(Ord. 15-04, § 67, 4-8-2015)

7.54.080 Adoption fees.

The fee to adopt any animal shall be as listed in the table found in this section. The adoption fee must be paid prior to the animal being taken to their new home, subject to 7.54.110.

(a) Domestic Pet or Livestock
    (1) Dogs and cats, fee not to exceed one hundred and twenty dollars ($120.00).
    (2) Rabbits and ferrets, fee not to exceed seventy-five dollars ($75.00).
    (3) Goats, pigs, horses, or other livestock, twenty dollars ($20.00).
(b) Birds
    (1) Parakeets/Finches, ten dollars ($10.00)
    (2) Lovebirds/Cockatiels, twenty dollars ($20.00)
(c) Reptiles, twenty dollars ($20.00)
(d) Small animals
    (1) Guinea Pigs, five dollars ($5.00)
    (2) Mice, two dollars ($2.00)
    (3) Rats, two dollars ($2.00)
    (4) Hamster/Gerbils, two dollars ($2.00)

~~Domestic Pet or Livestock~~Animals	
~~Dogs and cats~~	~~Fee not to exceed $120.00~~
~~Rabbits and ferrets~~	~~Fee not to exceed $75.00~~
~~Goats, pigs, horses, etc.~~	~~$20.00~~
~~Birds~~	
~~Parakeets/Finches~~	~~$10.00~~
~~Lovebirds/Cockatiels~~	~~$20.00~~
~~Reptiles~~	~~$20.00~~
~~Small Animals~~	
~~Guinea pigs~~	~~$5.00~~
~~Mice~~	~~$2.00~~
~~Rats~~	~~$2.00~~
~~Hamster/Gerbils~~	~~$2.00~~

(Ord. 15-04, § 67, 4-8-2015; Ord. No. 23-16, §§ 16, 22, 8-16-2023)

7.54.090 Dangerous and vicious animal monitoring fee.

The fee for monitoring any dangerous animal shall be $25.00 per calendar year. The fee for monitoring any vicious animal shall be $50.00 per calendar year.

(Ord. No. 23-16, § 17, 8-16-2023)

Editor's note(s)—Ord. No. 23-16, adopted Aug. 16, 2023, amended the title of § 7.54.090 to read as herein set out.

The former § 7.54.090 title pertained to potentially dangerous and vicious animals monitoring fee.

7.54.100 Prorating fees.

Applicants requiring any of the permits described in this chapter during the year shall pay a prorated fee for the remaining portion of the year.

(Ord. 15-04, § 67, 4-8-2015; Ord. No. 23-16, § 17, 8-16-2023)

7.54.110 Fee waiver.

(a) In order to help more companion animals find suitable homes, the director of the City of Bloomington Animal Care and Control Department has the discretion to raise, lower or waive the adoption fees described in Section 7.54.080 under the following circumstances:
    (1) Adoptions of animals which have incurred extraordinary expenses while under the shelter's care;
    (2) Adoptions of hard-to-adopt animals or of foster animals by foster parents;
    (3) Adoptions by breed rescue organizations or transfers to humane associations; or
    (4) Adoptions through special promotions or when the kennel is full.

(b) The Director of the City of Bloomington Animal Care and Control Department has the discretion to raise, lower or waive any of the permit fees described in this chapter should they deem such an action to be in the best interests of the city or its citizens.

(c) The director shall inform the ~~a~~Animal ~~c~~Control ~~c~~Commission of any such adjustments at their monthly meeting.

(Ord. 15-04, § 67, 4-8-2015; Ord. No. 23-16, § 18, 8-16-2023)

7.54.120 Disposition of funds.

All fees or moneys shall be paid to the City of Bloomington Controller, the City of Bloomington Legal Department, the City of Bloomington Animal Care and Control Department or agents designated by ~~the~~ either of the three (3) departments. Money so paid shall be transmitted to the City of Bloomington Controller and shall be used in carrying out the provisions of this title.

(Ord. 15-04, § 67, 4-8-2015)

Chapter 7.56 ENFORCEMENT, PENALTIES AND APPEALS

7.56.010 Authority.

The director of the City of Bloomington ~~a~~Animal ~~c~~Care and ~~c~~Control ~~d~~Department, or their designees, are the designated enforcement officials with full authority to investigate, conduct inspections, issue notices of violation, and secure remedies, including but not limited to fines and injunctive relief for any violation of this title.

(Ord. 15-04, § 68, 4-8-2015; Ord. No. 23-16, § 22, 8-16-2023)

7.56.020 Violations.

(a) For purposes of this title, a violation shall be defined as a violation or failure to comply with:
  (1) Any provision or requirement of this title; or
  (2) Any condition or requirement established or issued by the aAnimal eControl eCommission.

(b) Any violation, as defined in Section 7.56.020(a) above, shall be subject to the penalties provided in Chapter 7.56, and the eCity shall have recourse to any remedy available in law or equity.

(c) Each day that a violation continues shall be considered a separate violation for purposes of the penalties specified in Chapter 7.56. A violation continues to exist until corrected and verified by the director of the City of Bloomington aAnimal eCare and eControl dDepartment, or their designees. Correction includes, but is not limited to:
  (1) Cessation of an unlawful practice;
  (2) Remediation of a violation;
  (3) Payment of fees or fines: or
  (4) Other remedies acceptable to the eCity.

(d) For purposes of issuing penalties and fines in accordance with this chapter, the following persons shall be considered responsible parties, with liability for fines and responsibility for the remediation of the violation:
  (1) Owner of the animal(s);
  (2) Guardian of the animal(s): or
  (3) Keeper of the animal(s).

(e) Colony caretakers shall not be subject to penalties and fines under this chapter.

(f) The eCity of Bloomington lLegal dDepartment may institute appropriate action to impose and collect fines, fees and/or other penalties; to enforce or defend any action taken pursuant to this Title; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance of this Title.

(Ord. 15-04, § 68, 4-8-2015; Ord. No. 23-16, § 22, 8-16-2023)

7.56.030 Penalties.

(a) Any first offense violation that is subject to Chapter 7.56 shall be subject to a civil penalty of not more than $2,500.00 for each such violation for a first violation, and any second or subsequent violation that is subject to Chapter 7.56 shall be subject to a civil penalty of not more than $7,500.00 for each such second or subsequent violation. These financial penalties are in addition to any and all other remedies available to the city, except where a lesser fine is specified herein.

(b) The following violations of this title shall be subject to the fines listed ~~in the~~ below ~~table~~.
  (1) Falsification of Application for a Commercial Animal Establishment Permit
    - Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.
  (2) Commercial Animal Establishment's Violation of Animal Care Standards in Section 7.16.040
    - Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.
  (3) Commercial Animal Establishment's Violation of Chapter 7.16
    - Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
  (4) Operation of a Commercial Animal Establishment without a Permit
    - $2,500.00 for the first offense. $5,000.00 for a second offense in a two year period. $7,500.00 for a third and all subsequent offenses in a two year period.

(5) Falsification of Application for a Kennel Permit
- Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.

(6) Kennel Permittee's Violation of Animal Care Standards in Section 7.21.040; 7.21.050; or 7.21.057.
- Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.

(7) Kennel Permittee's Violation of Chapter 7.21
- Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(8) Operation of a Kennel without a Permit
- $2,500.00 for the first offense. $5,000.00 for a second offense in a two year period. $7,500.00 for a third and all subsequent offenses in a two year period.

(9) Falsification of Application for an Intact animal and Breeder Permit
- Triple the applicable permit fee for first offense. Second and subsequent offenses shall be double the fine associated with the most recent offense.

(10) Intact Animal and Breeder Permittee's Violation of Consumer Protection Requirements in Section 7.22.03
- Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(11) Intact Animal and Breeder Permittee's Violation of Consumer Protection Requirements in Section 7.22.035
- Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(12) Intact Animal and Breeder Permittee's Violation of Chapter 7.22
- Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(13) Failure to Restrain an Altered Animal
- $20.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(14) Failure to Restrain an Unaltered Animal
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense, unless the owner has the animal altered, in which case the fine shall be that which is associated with restraint on an altered animal.

(15) Allowing an animal to be a public nuisance
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(16) Giving animals as prizes
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(17) Poisoning animals
- $2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.

(18) Cruelty, abuse or neglect of an animal resulting in serious injury or death to the animal

- $2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.

(19) Torturing, beating, mutilating or neglecting an animal which result in injury or pain to the animal
- $1,500.00 for the first offense. $3,000.00 for a second offense in a two-year period. $6,000.00 for a third offense in a two-year period. $7,500.00 for a fourth and all subsequent offenses in a two-year period.

(20) Failure to report hitting a dog or cat with a motor vehicle
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(21) Using a device to induce an animal to perform
- $2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.

(22) Violations of General Animal Care Standards in Section 7.36.050
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(23) Violations of Provisions for Animals Used to Draw Vehicles in Section 7.36.060
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(24) Abandonment of Animal
- $2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.

(25) Wild Animal Violations in Chapter 7.40
- $500.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(26) Reptile Violations in Chapter 7.40
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(27) Failure to Vaccinate an Animal Against Rabies
- $200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(28) Failure to Quarantine an Animal in Accordance with Section 7.44.020
- $200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(29) Failure to restrain a female in heat
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(30) Failure to restrain a potentially dangerous, dangerous, or vicious animal.
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(31) Failure to post warning signs for a potentially dangerous, dangerous, or vicious animal.
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(32) Failure to notify City of Bloomington Animal Care and Control Department of a change in status for a potentially dangerous or vicious animal.
- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(33) Failure to prevent potentially a dangerous, dangerous, or vicious animal from breeding.
- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(34) Failure to alter a potentially dangerous, dangerous, or vicious animal in accordance with this Title.

- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(35) Failure to comply with a provision of Chapter 7.26 not specifically addressed in this Table.

- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(36) Failure to comply with an Order of the Animal Control Commission.

- $100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(37) Habitual offender.

- $200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(38) Sale of dog or cat by pet shop in violation of Section 7.16.070.

- $500.00

(39) Deer feeding violations in Chapter 7.40

- $50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

¶

~~Falsification of Application for a Commercial Animal Establishment Permit¶~~	~~Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Commercial Animal Establishment's Violation of Animal Care Standards in Section 7.16.040¶~~	~~Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Commercial Animal Establishment's Violation of Chapter 7.16¶~~	~~Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Operation of a Commercial Animal Establishment without a Permit¶~~	~~$2,500.00 for the first offense. $5,000.00 for a second offense in a two year period. $7,500.00 for a third and all subsequent offenses in a two year period.¶~~
~~Falsification of Application for a Kennel Permit¶~~	~~Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Kennel Permitee's Violation of Animal Care Standards in Section 7.21.040, 7.21.050, or 7.21.057.¶~~	~~Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.¶~~

~~Kennel Permitee's Violation of Chapter 7.21¶~~	~~Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Operation of a Kennel without a Permit¶~~	~~$2,500.00 for the first offense. $5,000.00 for a second offense in a two year period. $7,500.00 for a third and all subsequent offenses in a two year period.¶~~
~~Falsification of Application for a Breeder Permit¶~~	~~Triple the applicable permit fee for first offense. Second and subsequent offenses shall be double the fine associated with the most recent offense.¶~~
~~Breeder Permitee's Violation of Consumer Protection Requirements in Section 7.22.035¶~~	~~Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Breeder Permitee's Violation of Chapter 7.22¶~~	~~Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Breeding without a Permit¶~~	~~Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Failure to Restrain an Altered Animal¶~~	~~$20.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Failure to Restrain an Unaltered Animal¶~~	~~$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense, unless the owner has the animal altered, in which case the fine shall be that which is associated with restraint on an altered animal.¶~~
~~Allowing an animal to be a public nuisance¶~~	~~$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Giving animals as prizes¶~~	~~$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶~~
~~Poisoning animals¶~~	~~$2,500.00 for the first offense. $5,000.00 for a second offense in a two year period. $7,500.00 for a third and all subsequent offenses in a two year period.¶~~

Cruelty, abuse or neglect of an animal resulting in serious injury or death to the animal¶	$2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.¶
Torturing, beating, mutilating or neglecting an animal which result in injury or pain to the animal¶	$1,500.00 for the first offense. $3,000.00 for a second offense in a two-year period. $6,000.00 for a third offense in a two-year period. $7,500.00 for a fourth and all subsequent offenses in a two-year period.¶
Failure to report hitting a dog or cat with a motor vehicle¶	$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Using a device to induce an animal to perform¶	$2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.¶
Violations of General Animal Care Standards in Section 7.36.050¶	$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Violations of Provisions for Animals Used to Draw Vehicles in Section 7.36.060¶	$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Abandonment of Animal¶	$2,500.00 for the first offense. $5,000.00 for a second offense in a two-year period. $7,500.00 for a third and all subsequent offenses in a two-year period.¶
Wild Animal Violations in Chapter 7.40¶	$500.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Reptile Violations in Chapter 7.40¶	$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Failure to Vaccinate an Animal Against Rabies¶	$200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Failure to Quarantine an Animal in Accordance with Section 7.44.020¶	$200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Failure to restrain a female in heat¶	$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶

Failure to restrain a potentially dangerous or vicious animal.¶	$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Failure to post warning signs for a potentially dangerous or vicious animal.¶	$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Failure to notify City of Bloomington Animal Care and Control Department of a change in status for a potentially dangerous or vicious animal.¶	$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Failure to prevent potentially dangerous or vicious animal from breeding.¶	$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Failure to alter potentially dangerous or vicious animal in accordance with this Title.¶	$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Failure to comply with a provision of Chapter 7.26 not specifically addressed in this Table.¶	$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Failure to comply with an Order of the Animal Control Commission.¶	$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Habitual offender.¶	$200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶
Sale of cat by pet shop in violation of Section 7.16.070.¶	$500.00¶
Deer feeding violations in Chapter 7.40¶	$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.¶

(c) Any of the above-described fines can be waived at the discretion of the director of the City of Bloomington aAnimal eCare and eControl dDepartment, or their designees, or by the eCity's lLegal dDepartment.

(Ord. 15-04, § 68, 4-8-2015; Ord. No. 21-45, § 15, 12-3-2021; Ord. No. 23-16, §§ 19, 22, 8-16-2023)

7.56.040 Enforcement procedure.

(a) If the director of the eCity of Bloomington's aAnimal eCare and eControl dDepartment, or their designees, finds that any violation of this title is occurring, or has occurred, notice shall be given to the responsible

party. For purposes of issuing a notice, the following persons may be considered responsible parties, with liability for fines and responsibility for remediation of the violation:

(1) The owner of the animal;
(2) The guardian of the animal; and/or
(3) The keeper of the animal.

(b) The notice shall be in writing and shall be served on the responsible parties and shall be in accordance with all of the following:

(1) Include a description of the animal;
(2) Include a statement of the violation(s) and why the notice is being issued;
(3) Include any fines; and
(4) Inform the responsible party of their right to an appeal.

(c) The notice shall be deemed properly served if a copy thereof is:

(1) Delivered personally;
(2) Mailed via first-class mail, postage prepaid; or
(3) Posted on the responsible party's last known residence.

(d) In addition to issuing a notice and fines, the director of the City of Bloomington's Animal Care and Control Department~~city's animal care and control department~~, or their designee, may ask the Animal Control Commission~~animal control commission~~ to revoke any permits issued under this title.

(e) In addition to issuing a notice and fines, any animal which is found to be a stray or at-large animal for a second time within the same twelve-month period is required to be:

(1) Implanted with a microchip by the City of Bloomington Animal Care and Control Department at the owner/guardian's expense for the purpose of future identification; and
(2) Spayed or neutered by a licensed veterinarian at the owner/guardian's expense prior.
(3) If the animal has been impounded at the city animal shelter it shall be implanted with a microchip and spayed or neutered prior to being released to its owner/guardian.
(4) If the animal has not been impounded at the city animal shelter it shall be implanted with a microchip and spayed or neutered within thirty days of its owner/guardian receiving notice that such actions are required. Proof of the implantation and spaying or neutering shall be provided to the city shelter within the same thirty day period.

(Ord. 15-04, § 68, 4-8-2015; Ord. No. 23-16, § 22, 8-16-2023)

7.56.050 Revocation of permits.

(a) The director of the City of Bloomington's Animal Care and Control Department~~city's animal care and control department~~ may ask the ~~a~~Animal ~~c~~Control ~~c~~Commission to revoke any permit issued under this title if the permit holder is found to have violated this title or any other applicable law or ordinance, or ceases to possess the qualifications required for permitting hereunder, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under this title.

(b) The ~~a~~Animal ~~c~~Control commission shall schedule a hearing on the director's revocation request. The hearing shall not occur unless the permit holder has been given at least fourteen days advance notice of the hearing.

(c) The permit holder shall be entitled to appear at the hearing, with or without legal counsel, and shall be permitted to testify, present evidence, and present a defense.

(d) The ~~a~~Animal ~~c~~Control commission shall consider all evidence and upon conclusion of hearing said evidence, the C~~c~~ommission shall either revoke the permit or allow the permit to remain in place.

(e) The Animal Control C~~c~~ommission shall issue findings of fact to support its ruling.

(f) The findings of fact shall be given to the permit holder, or their legal counsel, by certified mail, return receipt requested, addressed to the permit holder's address, or their legal counsel's address. Immediately upon the mailing of the Animal Control C~~c~~ommission's findings of fact, the permit shall become null and

void. Concurrently, the director of the City of Bloomington's Animal Care and Control Department shall notify the permit holder of the revocation in person or by phone.

(Ord. 15-04, § 68, 4-8-2015; Ord. No. 23-16, § 22, 8-16-2023)

7.56.060 Habitual offender.

(a) The director of the City of Bloomington's Animal Care and Control Department~~city's animal care and control department~~ may ask the ~~a~~Animal ~~c~~Control ~~c~~Commission to declare an owner/guardian a habitual offender in two instances:
  (1) If the owner/guardian is found to have violated any provision(s) of this title on at least three separate occasions within the same twenty-four-month period of time; or
  (2) If the owner/guardian of an animal which has been declared potentially dangerous, dangerous, or vicious fails to comply with the terms and conditions required by this title and the A~~a~~nimal C~~c~~ontrol C~~c~~ommission for maintaining such an animal.

(b) The ~~a~~Animal ~~c~~Control ~~c~~Commission shall schedule a hearing on the director's request. The hearing shall not occur unless the permit holder has been given at least fourteen days advance notice of the hearing.

(c) The owner/guardian shall be entitled to appear at the hearing, with or without legal counsel, and shall be permitted to testify, present evidence, and present a defense.

(d) The A~~a~~nimal C~~c~~ontrol C~~c~~ommission shall consider all evidence and upon conclusion of hearing said evidence, the C~~c~~ommission shall either declare the owner/guardian a habitual offender or not make any such declaration.

(e) The Animal Control ~~c~~Commission shall issue findings of fact to support its ruling.

(f) The findings of fact shall be given to the owner/guardian, or their legal counsel, by certified mail, return receipt requested, addressed to the owner/guardian's address, or their legal counsel's address. Immediately upon the mailing of the ~~c~~Commission's findings of fact, the owner/guardian shall be declared to be a habitual offender. Concurrently, the director shall notify the owner/guardian of the declaration in person or by phone.

(g) In declaring an owner/guardian to be a habitual offender, the ~~a~~Animal ~~c~~Control ~~c~~Commission has the authority to take any action deemed appropriate including, but not limited to:~~take any or all of the following actions and issue the following orders~~:
  (1) Fine the owner/guardian in accordance with Section 7.56.030(b);
  (2) Prohibit the owner/guardian from acquiring any new animals for a period of time, said time period not to exceed three years.
  (3) Void the owner/guardian's ownership of the relevant animal(s) and allow the C~~c~~ity's ~~a~~Animal ~~c~~Care and ~~c~~Control ~~d~~Department to take possession and ownership of said animal(s), knowing the ~~d~~Department may euthanize or adopt the animal(s) as appropriate.
  (4) Require the owner/guardian to take steps to rectify whatever problem(s) has cause~~d~~s their declaration of habitual offender. Examples may include building a fence if the animal is constantly at-large or buying and using a bark collar if the animal is constantly a public nuisance.
  (5) Require the owner to attend a "responsible pet owner course" approved by the C~~c~~ommission.
  (6) Impose requirements for reconsideration or removal of the “habitual offender” status.

(h) For an individual that does not reside within City limits, the Animal Control Commission may take only the following action:
  (1) prohibit the animal from being within City limits, except for the purpose of seeking veterinary care or when the animal is contained within a vehicle while traveling through City limits.
  (2) if the prior order prohibited the animal from being within City limits and the violation of said order is the basis for the potential Habitual Offender designation, the Commission may void the owner/guardian's ownership of the relevant animal(s) and allow the City's Animal Care and Control Department to take possession and ownership of said animal(s), knowing the Department may euthanize or adopt the animal(s) as appropriate.

(Ord. 15-04, § 68, 4-8-2015; Ord. No. 23-16, §§ 20, 22, 8-16-2023)

7.56.070 Appeals.

(a) Any person directly affected by a decision of the director of the City of Bloomington's Animal Care and Control Department~~of animal care and control~~, or their designees, or any animal control officer, or by a notice issued under this title shall have the right to appeal to the ~~a~~Animal C~~c~~ontrol C~~c~~ommission.
    (1) All appeals shall be filed in writing.
    (2) All appeals shall be delivered to the city's animal shelter.
    (3) All appeals shall be filed within ten calendar days of the decision or notice being rendered.

(b) Fines levied for violations of this Title may not be appealed to the ~~a~~Animal ~~c~~Control ~~c~~Commission, they may only be challenged in the Monroe County Circuit Court, and that challenge must be filed within ten days of the fine being levied.

(c) Appeals of any decision rendered by the ~~a~~Animal ~~c~~Control ~~c~~Commission may be appealed to the Monroe County Circuit Court, provided said appeal is filed with the circuit court within ten~~sixty~~ days of receipt of the ~~c~~Commission's written decision, order or findings.
    (1) The owner shall be responsible for payment of all boarding costs and other fees as required to humanely and safely keep the dog during the pendency of any hearing or appeal procedure, including any investigative fees accrued by the Animal Shelter or Animal Care and Control Department.
    (2) If the owner files a timely written appeal, the Animal Shelter may not humanely euthanize the animal while the appeal is pending, except to prevent unnecessary suffering as determined by a veterinarian.

(Ord. 15-04, § 68, 4-8-2015; Ord. No. 23-16, §§ 21, 22, 8-16-2023)

Staff Memo

To: City of Bloomington Common Council

From: Virgil Sauder

Mtg Date: 7/13/26

Subject: Updates to Title 7 of the Municipal Code

Background

Over the past 12 months, the Animal Control Commission, the Animal Care and Control Division of Public Works, and the Legal department worked together to update sections to Title 7 of the Municipal Code. Updates to the ordinance language address some confusing language in the dangerous dog definitions that made processes for the Commissioners unclear, and to address hold times for appeals that were negatively impacting shelter functions. Fees related to surrenders outside of Monroe County have been increased. Editorial changes included in the proposed revision clarify definitions or processes regarding permits and rabies observations. All final substantive changes were approved by the Animal Control Commission at its July 13, 2026 and November 23, 2026 meeting.

Major Substantive Changes to Title 7

Potentially Dangerous, Dangerous, and Vicious Definitions

The revision includes updated definitions to clarify differences between “Potentially Dangerous,” “Dangerous,” and “Vicious” determinations the Animal Control Commission issues to certain dogs. At this time, these designations have strict definitions. The Commission has, on occasion, reviewed cases where the facts provided do not squarely fit into one of these designations and when the Commission feels certain pertinent information cannot be included in making a determination. The proposed language added provides some flexibility for the Commission to consider the “totality of the circumstances” when it is not clear on the facts that one designation absolutely applies.

Dog and Cat Limits in Chapter 7.21 and 7.22.005

The revision proposes removing language from kennel permits and Intact Animal and Breeder permit provisions that allowed permit holders to maintain more than a total of nineteen animals. There are currently no known individuals who maintain more than nineteen animals; therefore, no current residents will be impacted by this change.

Potentially Dangerous, Dangerous, and Vicious 7.26

With more animals visiting the City with their owners, we needed to address situations where those animals may present a safety concern for residents. Language was added to allow the City Animal Control Commission to declare animals Potentially Dangerous, Dangerous, and Vicious when the incidents occurred within the City limits but where the animal resides outside of the City. Specific restrictions can also be applied with each designation for when and if the animal visits the City.

Impoundment Notification and Removing Ownership 7.32.030

The revisions proposed strengthen the rights of pet owners and allows for more time to reclaim an animal once an owner is identified. Updated language to clarify hold requirements and allow owners time to redeem once notice is provided. The update gives owners 5 days from point of contact to redeem their animal instead of 5 days from the impoundment date. This change provides added time for owners needing to make arrangements to recover their animals while providing clear deadlines needed for shelter functions.

Language was added to define the process of removing ownership of an animal through the Animal Control Commission.

Keeping Wild or Exotic Animals 7.40.010

Language was added to clarify the prohibition of keeping wild or exotic animals. The suggestion would prohibit temporary situations as well as permanent unless the purpose is seeking veterinary care or with proper permits.

Rabies Observation Requirements 7.44

The updated changes allow more flexibility for the Animal Control Officers to determine locations for observation. Previous wording mandated observations be held at Animal Control. This will free up shelter space and time while still aligning with State Board of Health requirements for rabies observations.

Surrender Fees 7.54.010

Increased all out-of-county surrender fees. Each year between 12% and 16% of the shelter's intake comes from animals found or owned outside of Monroe County. The fees offset some of the costs while creating a pathway for animals to be surrendered to the shelter instead of abandoning them within the limits of the County.

Bloomington Common Council Ordinance Number 2026 - 42 - An Ordinance Annexing Certain Real Estate To the City of Bloomington, Monroe County, Indiana

Whereas, the City of Bloomington, Monroe County, Indiana (City), in accordance with Ind. Code §36-4-3-5.1, wishes to annex parcels 53-05-31-301-051.000-004, 53-05-31-301-047.000-004, 53-05-31-301-072.000-004, 53-05-31-301-017.000-004, and 53-05-31-301-012.000-004, located along West Third Street and South Johnson Avenues and consisting of approximately 6.23 acres located outside of but contiguous to the City, that area being more particularly described in the deeds that are attached, marked as Exhibit "A" and incorporated herein, and shown on the map which is attached, marked as Exhibit "B" and incorporated herein (the Annexation Territory); and

Whereas, in accordance with Ind. Code §36-4-3-5.1(e), on or around December 2, 2026, the Common Council held a duly noticed public hearing regarding the Annexation Territory; and

Whereas, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, that the petition requesting voluntary annexation is signed by 100% of the owners of the real estate located within the Annexation Territory; and

Whereas, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that that Annexation Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexation Territory coincides with the boundaries of the City; and

Whereas, on or around December 2, 2026, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council adopted a Written Fiscal Plan for the Annexation Territory; and

Whereas, the Common Council now desires to annex the Annexation Territory generally known as 2412 W. 3rd Street & 222 S. Johnson Avenue.

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

Section 1. Contiguity. The petition requesting voluntary annexation for the Annexation Territory, legally described in Exhibit "A", attached hereto and incorporated herein, and graphically depicted in Exhibit "B", attached hereto and incorporated herein, is signed by 100% of the owners of land within the Annexation Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City.

Section 2. Annexation Territory. The Annexation Territory containing approximately 6.23 acres more or less legally described in Exhibit "A", and graphically depicted in Exhibit "B", generally known as 2412 W. 3rd Street & 222 S. Johnson Avenue, is hereby annexed to and declared to be a part of the City of Bloomington, Indiana.

Section 3. Council District. The above-described real estate is hereby assigned to City

Council District 2 and shall become a part thereof immediately upon the effective date of this ordinance.

Section 4. Effective Date. This ordinance shall become effective as soon as allowed by law following adoption, execution, filing and publication as required by law.

Section 5. All ordinances or parts thereof in conflict herewith are hereby repealed.

Passed and Adopted by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2026.

_____
Isak Nti Asare, 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 _____ day of _____, 2026.

_____
Nicole Bolden, Clerk
City of Bloomington

Signed and Approved by me upon this _____ day of _____, 2026.

_____
Kerry Thomson, Mayor
City of Bloomington

Synopsis

This ordinance, pursuant to a voluntary annexation petition, annexes parcels 53-05-31-301-051.000-004, 53-05-31-301-047.000-004, 53-05-31-301-072.000-004, 53-05-31-301-017.000-004, and 53-05-31-301-012.000-004, located along West Third Street and South Johnson Avenues and consisting of approximately 6.23 acres located outside of but contiguous to the boundaries of the City of Bloomington, Indiana.

I affirm under penalties of perjury that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. */Christopher J. Wheeler/*

This instrument was prepared by Christopher J. Wheeler, Assistant City Attorney, City of Bloomington Legal Department, P. O. Box 100, Bloomington, Indiana 47402

PETITION FOR VOLUNTARY ANNEXATION INTO THE CITY OF BLOOMINGTON, INDIANA

Whereas, KNN Properties, LLC., the Ramila S. Patel Revocable Trust, and the Suresh C. Patel Revocable Trust (hereinafter the "Petitioners") are all of the owners of the property that makes up the annexation area; and

Whereas, KNN Properties, LLC owns a parcel of property located at the common street address of 222 S. Johnson Avenue, Bloomington, Indiana, 47404, under parcel number 53-05-31-301-051.000-004 which is more particularly described in the quit claim deed attached as Exhibit "A", and incorporated herein by reference; and

Whereas, the Ramila S. Patel Revocable Trust, and the Suresh C. Patel Revocable Trust own parcel number 53-05-31-301-047.000-004, containing Lots 62, 63, 64, 65, 66 and 67 in Maple Grove Baby Farms, with the shared common street address of 104 S. Johnson Avenue, Bloomington, Indiana, 47404, which is more particularly described in the Limited Liability Company Warranty Deed which is attached as Exhibit "B", and incorporated herein by reference; and

Whereas, the Ramila S. Patel Revocable Trust, and the Suresh C. Patel Revocable Trust own parcel number 53-05-31-301-072.000-004, containing parts of Lots 1, 2 in Maple Grove Baby Farms, which does not have a common street address, and is more particularly described in the Limited Liability Company Warranty Deed which is attached as Exhibit "C", and incorporated herein by reference; and

Whereas, the Ramila S. Patel Revocable Trust, and the Suresh C. Patel Revocable Trust own parcel number 53-05-31-301-017.000-004, containing parts of Lot 3 in Maple Grove Baby Farms, with the common street address of 2412 W. 3rd Street, Bloomington, Indiana, 47404, which is more particularly described in Exhibit "C"; and

Whereas, the Ramila S. Patel Revocable Trust, and the Suresh C. Patel Revocable Trust own parcel number 53-05-31-301-012.000-004, containing part of Lot 2 in Maple Grove Baby Farms, and which is more particularly described in Exhibit "C"; and

Whereas, the above identified parcel numbers comprise the entire annexation area (the Annexation Area or the Real Estate) which said Annexation Area is shown more particularly in the map attached as Exhibit "D", and incorporated herein by reference; and

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City of Bloomington
Clerk's Office

Whereas, the City of Bloomington has by ordinance defined the corporate boundaries of the City of Bloomington, Indiana; and

Whereas, at least one-eighth (⅛) of the aggregate external boundaries of the Real Estate coincide with the corporate boundaries of the City of Bloomington, Indiana.

NOW THEREFORE, the Petitioners, in support of this Petition for Annexation into the City of Bloomington, Indiana (the "Petition"), hereby state the following:

1. The Petitioners are 100% of the owners of the Real Estate that makes up the entire Annexation Area., as evidenced by the recorded deeds attached hereto, incorporated herein, and marked as Exhibits "A", "B" and "C".

2. At least one-eighth (⅛) of the aggregate external boundaries of the Real Estate coincide with the corporate boundaries of the City of Bloomington, Indiana.

3. The Petitioners voluntarily request that the City of Bloomington Common Council adopt an ordinance annexing the Real Estate into the City of Bloomington, Indiana.

4. The Petitioners voluntarily consent to annexation by the City of Bloomington as may otherwise be contemplated by I.C. § 36-4-3-5(b).

5. The Petitioners desire the City of Bloomington to take such additional action as may be appropriate to effectuate the intent of this Petition.

6. The Petitioners further recognize that the City of Bloomington's authority may be limited by and subject to certain statutory criteria and the City of Bloomington provides no promises, covenants, guarantees, or warranties that the Petitioners will receive annexation or other property interests Petitiones seek.

7. Sam Patel certifies that he is duly authorized and empowered to execute and deliver this Petition on behalf of the Suresh C. Patel Revocable Trust as evidenced by the attached Exhibit "E" which is incorporated herein by reference.

8. Rosie Patel certifies that she is duly authorized and empowered to execute and deliver this Petition on behalf of the Ramila S. Patel Revocable Trust as evidenced by the attached Exhibit "F" which is incorporated herein by reference.

9. Kevin and Natalie Nguyen certify that they are duly authorized and empowered to execute and deliver this Petition on behalf of KNN Properties, LLC as evidenced by the attached Exhibit "G", which is incorporated herein by reference.

IN WITNESS WHEREOF, this Petition has been executed and delivered by the Petitioners as of the 5th day of ~~October~~ November, 2026.

Sam Patel,
Trustee of the Suresh C. Patel Revocable Trust

Rosie Patel,
Trustee of the Ramila S. Patel Revocable Trust

Kevin Nguyen,
President and Member of KNN Properties, LLC

Natalie Nguyen,
Member of KNN Properties, LLC

DULY ENTERED
FOR TAXATION

OCT 23 2012

Auditor Monroe County, Indiana

2012017985 QC $22.00
10/24/2012 10:06:15A 4 PGS
Jim Fielder
Monroe County Recorder IN
Recorded as Presented

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, That:

Kevin D. Nguyen and Natalie S. Nguyen, husband and wife,

(Grantors), of **Monroe** County, in the State of **Indiana, CONVEYS AND QUIT CLAIMS** to

KNN Properties, LLC,

(Grantees), of **Monroe** County, in the State of **Indiana,** for the sum of $1.00 and other valuable consideration, the following described real estate in **Monroe** County, **Indiana**:

TRACT 1 - A part of Lot Number 1 in the Maple Grove Baby Farms Sub-division which is a part of the Southwest quarter of Section 31, a part of the Northwest quarter of Section 31, a part of the Southeast quarter of Section 31, and a part of the Northeast quarter of Section 31, Township 9 North, Range 1 West, in Monroe County, Indiana, bounded and described as follows, to-wit: Beginning at a point 520 feet South of the Northeast corner of said Lot 1, thence running West 132 feet; thence running South 120 feet, thence running East 132 feet, thence running North 120 feet and to the place of beginning. Containing in all .364 of an acre, more or less.

TRACT 2 - Part of Lot Number 2 in Maple Grove Baby Farms Sub-division to the City of Bloomington, Monroe County, Indiana, being a part of the Southwest quarter of Section 31, and a part of the Northwest quarter of Section 31, and a part of the Southeast quarter of Section 31, and a part of the Northeast quarter of Section 31, all in Township 9 North, Range 1 West, bounded and described as follows, to-wit: Beginning at a point in the East line of said Lot 655 feet South of the Northeast corner of said lot; running thence North 135 feet; thence West 132 feet; thence South 135 feet; thence East 132 feet to the place of beginning, containing in all .409 of an acre, more or less.

TRACT 3 - Part of Lot Number Two (2) in Maple Grove Baby Farms Subdivision to the City of Bloomington, Monroe County, Indiana, being a part of the Southwest quarter of Section Thirty-one (31), and a part of the Northwest quarter of Section Thirty-one (31), and a part of the Southeast quarter of Section Thirty-one (31), and a part of the Northeast quarter of Section Thirty-one (31), all in Township Nine (9) North, Range One (1) West, bounded and described as follows, to-wit: Beginning at a point in the East line of said lot Six Hundred Fifty-five (655) feet South of the Northeast

012-19310-00
+
013-53020-00

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corner of said lot: running thence South One Hundred Forty-five (145) feet and to the Southeast corner of said Lot; thence West over and along the South line of said Lot One Hundred Thirty-two (132) feet and to the Southwest corner of said lot; thence North One Hundred Forty-five (145) feet; thence East One Hundred Thirty-two (132) feet to the place of beginning.

EXCEPTING THEREFROM: A part of Lot 2 in Maple Grove Baby Farms Subdivision to the City of Bloomington, Indiana, the plat of which is recorded in Plat Book 3, page 10 (Plat Cabinet B, envelope 35), in the office of the Recorder of Monroe County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the southeast corner of said lot; thence North 88 degrees 56 minutes 00 seconds West 40.234 meters (132.00 feet) along the south line of said lot to the southwest corner of said lot; thence North 0 degrees 21 minutes 27 seconds East 6.845 meters (22.46 feet) along the west line of said lot; thence South 88 degrees 57 minutes 21 seconds East 40.233 meters (132.00 feet) to the east line of said lot; thence South 0 degrees 21 minutes 27 seconds West 6.861 meters (22.51 feet) along said east line to the point of beginning and containing 275.7 square meters (2,968 square feet), more or less, inclusive of the presently existing right-of-way which contains 183.9 square meters (1,980 square feet), more or less. The portion of the above-described real estate which is not already embraced within the presently existing right-of-way contains 91.8 square meters (988 square feet), more or less.

Tax ID: 53-05-31-301-051.000-004 & 53-

The address of the real estate described herein is: 2406 W. Third Street & 222 N. Johnson Avenue
Bloomington, IN 47404.

IN WITNESS WHEREOF, Grantors have executed this Deed this 22nd day of October, 2012.

Kevin D. Nguyen

Natalie S. Nguyen

STATE OF _____INDIANA)
)SS
COUNTY OF _____MONROE)

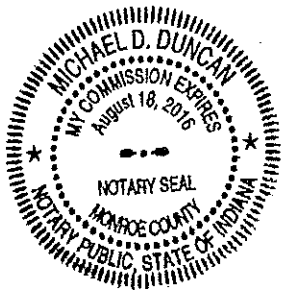
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Kevin D. Nguyen** who executed the foregoing Quit Claim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my Notarial Hand and Seal this 22nd day of, October, 2012

Michael D. Duncan
Notary Public

My commission expires:

Resident of



STATE OF INDIANA)
)SS
COUNTY OF MONROE)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Natalie S. Nguyen** who executed the foregoing Quit Claim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my Notarial Hand and Seal this 23rd day of, Oct. 2012

Michael D Duncan
Notary Public

My commission expires:

Resident of

MICHAEL D. DUNCAN
MY COMMISSION EXPIRES
August 18, 2016
NOTARY SEAL
MONROE COUNTY
NOTARY PUBLIC, STATE OF INDIANA

This instrument was prepared by: Vincent S. Taylor, Attorney at Law
I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Name: John Bethell

Send Tax Statements to: 4019 S. CRANE CT
BLOOMINGTON, IN 47403

MO-35392

DULY ENTERED
FOR TAXATION
Apr 27, 2026
Auditor Monroe County, Indiana

2026004940 TRUST $25.00
4/27/2026 11:31:29 AM 4 PGS
Amy Swain
Monroe County Recorder IN
Recorded as Presented

File Number: 59056

TRUSTEE'S DEED

THE REVOCABLE TRUST AGREEMENT OF RAMILA S. PATEL and THE REVOCABLE TRUST AGREEMENT OF SURESH C. PATEL, ("Grantor"), of Monroe County, in the State of Indiana, CONVEYS to CHRISTINA RAE ARNOLD and JOSEY TYLER WEBB and JESSE COOPER WEBB, as joint tenants with full right of survivorship ("Grantee"), of Monroe County, in the State of Indiana, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, the receipt of which is acknowledged, the following described real estate located in Monroe County, State of Indiana:

Part of Lot One (1) in Maple Grove Baby Farms Subdivision to the City of Bloomington, Monroe County, Indiana, being a part of the Southwest Quarter of Section Thirty-one (31), and a part of the Northwest Quarter of Section Thirty-one (31), and a part of the Southeast quarter of Section Thirty-one (31), and a part of the Northeast Quarter of Section Thirty-one (31), all in Township Nine (9) North, Range One (1) West, bounded and described as follows, to-wit: Beginning in the East line of said Lot at a point Two Hundred Sixty (260) feet South of the Northeast corner of said Lot; running thence South over and along the East line of said Lot Eighty (80) feet, thence West parallel with the North line of said Lot One Hundred Thirty-two (132) feet and to the West line thereof, thence North over and along the West line of said Lot Eighty (80) feet, thence East parallel with the North line of said Lot One Hundred Thirty-two (132) feet to the place of beginning.

Tax Parcel No.: 53-05-31-301-028.000-004
Auditor's Parcel No.: 012-25130-00

SUBJECT TO:

1. Real estate taxes and assessments for the year 2025 due and payable 2026, and all subsequent taxes and assessments.

2. Any and all covenants, conditions, restrictions, agreements, limitations, encumbrances and easements, if any, which are either observable or of record.

3. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records.

4. All covenants, conditions, restrictions, easements, and encumbrances as shown by the recorded plat of Maple Grove Baby Farms, recorded in Plat Cabinet B, Envelope 35, in the office of the Recorder of Monroe County, Indiana. NOTE: This exception omits any covenant, condition, or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C. §3604,

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B

unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. §3607, or (c) relates to a handicap, but does not discriminate against handicapped people.

5. All matters on the survey prepared by Todd M. Borgman, Indiana Registered Land Surveyor No. LS21200021, dated February 26, 2024, recorded as Instrument Number 2024002309, in the office of the Recorder of Monroe County, Indiana.

6. Temporary Highway Easement Grant in favor of City of Bloomington, Department of Public Works, recorded as Instrument Number 2008003571, in the office of the Recorder of Monroe County, Indiana.

7. Rights of Tenants, if any, under unrecorded leases, as to possession only.

NOTE: Balance of page left blank intentionally. Signatures and acknowledgments appear on following page(s).

In Witness Whereof, Grantor has executed this deed on this 24 day of April, 2026.

THE REVOCABLE TRUST AGREEMENT OF RAMILA S. PATEL

BY: Ramila S. Patel
RAMILA S. PATEL, Trustee

THE REVOCABLE TRUST AGREEMENT OF SURESH C. PATEL

BY: Suresh Patel
SURESH C. PATEL, Trustee

ANGELA BARI DENNY
NOTARY PUBLIC STATE OF INDIANA
MONROE COUNTY
COMMISSION NUMBER 703085
MY COMMISSION EXPIRES August 24, 2033
NOTARY SEAL

STATE OF Indiana)
) SS:
COUNTY OF Monroe)

Before me, Angela Bari Denny, a Notary Public in and for said County and State, this 24 day of April, 2026, personally appeared RAMILS S. PATEL, Trustee of THE REVOCABLE TRUST AGREEMENT OF RAMILA S. PATEL and SURESH C. PATEL, Trustee of THE REVOCABLE TRUST AGREEMENT OF SURESH C. PATEL, who executed the foregoing deed; and who, having been duly sworn, stated that any representations therein contained are true.

My Commission Expires:
8/24/2033

Angela Bari Denny
Angela Bari Denny, Notary Public
A resident of Monroe County, IN

Mailing addresses:

Per IC 32-21-2-3(e): Mailing address to which statements should be mailed under IC 6-1.1-22-8.1:

130 S. Johnson Ave Bloomington, IN 47404

The mailing address of the Grantee is same as above

_____ [must be a street address or rural route address]

This instrument was prepared by Morris H. Erickson, Attorney at Law, Bloomington, Indiana.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. - Morris H. Erickson

OK DW
Apr 04, 2025

DULY ENTERED
FOR TAXATION
4/4/2025
Auditor Monroe County, Indiana

2025003561 CORP WAR $25.00
4/4/2025 1:37:49 PM 4 PGS
Amy Swain
Monroe County Recorder IN
Recorded as Presented

File Number: 57713

LIMITED LIABILITY COMPANY WARRANTY DEED

SHREE AUM, LLC, an Indiana limited liability company ("Grantor"), organized and existing under the laws of the State of Indiana, CONVEYS AND WARRANTS to RAMILA S. PATEL, Trustee of THE REVOCABLE TRUST AGREEMENT OF RAMILA S. PATEL and SURESH C. PATEL, Trustee of THE REVOCABLE TRUST AGREEMENT OF SURESH C. PATEL ("Grantee"), of Monroe County, in the State of Indiana, for no monetary consideration and for estate planning purposes, the following described real estate located in Monroe County, State of Indiana:

A part of Lot Two (2) in Maple Grove Baby Farms Subdivision to the City of Bloomington, Monroe County, Indiana, being a part of the Southwest Quarter of Section Thirty-one (31), and a part of the Northwest Quarter of Section Thirty-one (31), and a part of the Southeast Quarter of Section Thirty-one (31), and a part of the Northeast Quarter of Section Thirty-one (31), all in Township Nine (9) North, Range One (1) West, bounded and described as follows, to-wit: Beginning in the East line of said Lot at a point One Hundred Sixty (160) feet South of the Northeast corner of said Lot, running thence South over and along the East line of said Lot One Hundred Eighty (180) feet, thence West parallel with the North line of said Lot One Hundred Thirty-two (132) feet and to the West line thereof, thence North over and along the West line of Lot One Hundred Eighty (180) feet; thence East parallel with the North line of said Lot One Hundred Thirty-two (132) feet to the place of beginning.

Part of Lot One (1) in Maple Grove Baby Farms Subdivision to the City of Bloomington, Monroe County, Indiana, being a part of the Southwest Quarter of Section Thirty-one (31), and a part of the Northwest Quarter of Section Thirty-one (31), and a part of the Southeast quarter of Section Thirty-one (31), and a part of the Northeast Quarter of Section Thirty-one (31), all in Township Nine (9) North, Range One (1) West, bounded and described as follows, to-wit: Beginning in the East line of said Lot at a point Two Hundred Sixty (260) feet South of the Northeast corner of said Lot; running thence South over and along the East line of said Lot Eighty (80) feet, thence West parallel with the North line of said Lot One Hundred Thirty-two (132) feet and to the West line thereof, thence North over and along the West line of said Lot Eighty (80) feet, thence East parallel with the North line of said Lot One Hundred Thirty-two (132) feet to the place of beginning.

Part of Lots One (1) and Two (2) in Maple Grove Baby Farms Subdivision to the City of Bloomington, Monroe County, Indiana, being a part of the Southwest quarter of Section Thirty-one (31), and a part of the Northwest quarter of Section Thirty-one (31), and a part of the Southeast quarter of Section Thirty-one (31), and a part of the Northeast quarter of Section Thirty-one (31), all in Township Nine (9) North, Range One (1) West, bounded and described as follows, to-wit: Beginning in the East line of said Lot One (1) at a point Three Hundred Forty (340) feet South of the Northeast corner of said Lot One (1); running thence South over and along the East line of said Lot One (1) for Twenty (20) feet; thence West parallel with the North line of said Lots One (1)

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and Two (2) for Two Hundred Sixty-four (264) feet and to the West line of said Lot Two (2); thence North over and along the West line of said Lot Two (2) for Twenty (20) feet; thence East parallel with the North line of said Lots One (1) and Two (2) for Two Hundred Sixty-four (264) feet and to the place of beginning.

Lot Number 3 in Maple Grove Baby Farm Sub-division an addition to the City of Bloomington, Indiana, as shown by the recorded plat thereof.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE TRANSFERRED TO CITY OF BLOOMINGTON, DEPARTMENT OF PUBLIC WORKS, by deed recorded as Instrument Number 2008003569, re-recorded as Instrument Number 2008003774, in the office of the Recorder of Monroe County, Indiana:

A part of Lot 3 in Maple Grove Baby Farms Subdivision to the City of Bloomington, Indiana, the plat of which is recorded in Plat Book 3, page 10 (Plat Cabinet B, Envelope 35), in the office of the Recorder of Monroe County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B" to Instrument Number 2008003774, described as follows: Beginning at the southeast corner of said lot; thence North 88 degrees 56 minutes 00 seconds West 40.234 meters (132.00 feet) along the south line of said lot to the southwest corner of said lot; thence North 0 degrees 21 minutes 27 seconds East 6.830 meters (22.41 feet) along the west line of said lot; thence South 88 degrees 57 minutes 21 seconds East 40.233 meters (132.00 feet) to the east line of said lot; thence South 0 degrees 21 minutes 27 seconds West 6.845 meters (22.46 feet) along said east line to the point of beginning and containing 275.1 square meters (2,961 square feet) more or less, inclusive of the presently existing right-of-way which contains 183.9 square meters (1,980 square feet) more or less. The portion of the above-described real estate which is not already embraced within the presently existing right-of-way contains 91.2 square meters (981 square feet), more or less.

Tax Parcel No.: 53-05-31-301-012.000-004, 53-05-31-301-028.000-004, 53-05-31-301-072.000-004, 53-05-31-301-017.000-004 and 53-05-31-301-006.000-005

Auditor's Parcel No.: 012-25140-00, 012-25130-00, 012-25150-00, 012-07670-00 and 013-53030-00

SUBJECT TO:

1. Real estate taxes and assessments for the year 2024 due and payable 2025, and all subsequent taxes and assessments.

2. Any and all covenants, conditions, restrictions, agreements, limitations, encumbrances and easements, if any, which are either observable or of record.

3. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records.

4. All covenants, conditions, restrictions, easements, and encumbrances as shown by the recorded plat of Maple Grove Baby Farms, recorded in Plat Cabinet B, Envelope 35, in the office of the Recorder of Monroe County, Indiana. NOTE: This clause omits any covenant, condition, or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C. §3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. §3607, or (c) relates to a handicap, but does not discriminate against handicapped people.

5. All matters on the survey prepared by Todd M. Borgman, Indiana Registered Land Surveyor No. LS21200021, dated February 26, 2024, recorded as Instrument Number 2024002309, in the office of the Recorder of Monroe County, Indiana.

6. Temporary Highway Easement Grant in favor of City of Bloomington, Department of Public Works, recorded as Instrument Number 2008003571, in the office of the Recorder of Monroe County, Indiana.

7. Rights of Tenants, if any, under unrecorded leases, as to possession only.

The undersigned person(s) executing this deed on behalf of the Grantor represent(s) that such person(s) is/are a duly elected Member of the Grantor; such person(s) has/have been fully empowered by proper resolution to execute and deliver this deed; Grantor has full capacity to convey the real estate described in this deed; and all necessary action(s) for making this conveyance has/have been taken and done.

NOTE: Balance of page left blank intentionally. Signatures and acknowledgements appear on following page(s).

In Witness Whereof, Grantor has executed this deed on this 4 day of April, 2025

SHREE AUM, LLC

BY: _____
SURESH C. PATEL, Member

BY: _____
RAMILA S. PATEL, Member

STATE OF IN)
) SS:
COUNTY OF Monroe)

Before me, Nina K. Walls, a Notary Public in and for said County and State, this 4 day of April, 2025, personally appeared Suresh C. Patel and Ramila S. Patel, Members of Shree Aum, LLC, who executed the foregoing deed; and who, having been duly sworn, stated that any representations therein contained are true.

My Commission Expires: 5/18/27

NINA K. WALLS
NOTARY SEAL
COMMISSION NUMBER NP0626550
MONROE COUNTY
NOTARY PUBLIC STATE OF INDIANA
MY COMMISSION EXPIRES MAY 18, 2027

_____
Nina K. Walls, Notary Public
A resident of Monroe County, IN

Mailing addresses:

Per IC 32-21-2-3(e): Mailing address to which statements should be mailed under IC 6-1.1-22-8.1:

100 The Woods Bedford IN 47421

The mailing address of the Grantee is Same as above

_____ [must be a street address or rural route address]

This instrument was prepared by Morris H. Erickson, Attorney at Law, Bloomington, Indiana.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. - Morris H. Erickson

N Johnson A
S Johnson AVE
W 3rd ST
R
(017)
2412 W. 3rd
(012)
130 S.
Johnson
(072)
No addres
(051)
222 S.
Johnson
(047) 101 S. Johnson
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EXHIBIT
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Memorandum On Fiscal Plan for Voluntary Annexation

To: City Council
From: Christopher J. Wheeler, Assistant City Attorney
Date:
Re: Fiscal Plan For Annexation Of The Following Parcels: 53-05-31-301-051.000-004, 53-05-31-301-047.000-004, 53-05-31-301-017.000-004, 53-05-31-301-072.000-004, and 53-05-31-301-012.000-004

Purpose:

This Memorandum shall serve as the official Fiscal Plan for the 100% voluntary annexation of parcels 53-05-31-301-051.000-004, 53-05-31-301-047.000-004, 53-05-31-301-017.000-004, 53-05-31-301-072.000-004, and 53-05-31-301-012.000-004 which are located off of 2412 W. 3rd Street and 222 S. Johnson Avenue (the "Property" or "Annexation Area") and are owned by KNN Properties, LLC., the Ramila S. Patel Revocable Trust, and the Suresh C. Patel Revocable Trust as required by Indiana Code 36-4-3-13(d).

KNN Properties, LLC intends to develop commercial space on parcel number 53-05-31-301-051.000-004.

The Ramila S. Patel Revocable Trust, and Suresh C. Patel Revocable Trust intend to develop residential housing on parcels 53-05-31-301-017.000-004, 53-05-31-301-072.000-004, and 53-05-31-301-012.000-004.

Statutory Requirements:

The Fiscal Plan must show the following, as required by I.C. 36-4-3-13(d):

1. "The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency."

a. Police Department:

Currently, the Monroe County Sheriff's Department is primarily responsible for law enforcement for the Annexation Area. Upon annexation, the Bloomington Police Department ("BPD") would be responsible for law enforcement of the Annexation Area. The BPD would be responsible for responding to any calls to the Annexation Area as part of its current operating budget. There are no additional direct costs to the BPD resulting from this annexation, as the BPD currently services the surrounding areas adjacent to the Property.

b. Fire Department:

Currently, the Monroe Fire Protection District is primarily responsible for fire service to the Property. However, Bloomington Fire Department ("BFD") does provide automatic aid for structure fires to the Annexation Area. Upon annexation, those roles would just switch. Also upon annexation BFD would be responsible for responding to any other calls from the Annexation Area (false alarms, medical issues, etc.). Deputy Fire Chief Max Litwin believes that any costs or budgetary impact would be nominal.

c. Public Works Department:

There are not likely to be any new public roads or sidewalks proposed as part of this annexation. The Public Works Department ("DPW") will be responsible for providing trash removal services at the Property as part of its current operating budget. Director Adam Wason believes that any costs or budgetary impact will be nominal.

d. Planning and Transportation:

The Monroe County Planning Department currently provides zoning and planning services to the Property. Upon annexation the Planning and Transportation Department will provide those services to the Property. Planning and Transportation has already assigned a zoning designation to the Property that is the same or similar to the zoning designation currently assigned by the County and will only take effect upon successful completion of this voluntary annexation. Director Lynn Coyne does not anticipate any additional costs or budgetary impact resulting from this annexation.

e. Parks and Recreation:

No new city parks are planned with this annexation. Residents of the Property will undoubtedly use city park facilities in the area. Director Tim Street believes that any costs or budgetary impact will be nominal.

f. Housing and Neighborhood Development:

The Housing and Neighborhood Development Department ("HAND") will provide neighborhood enforcement officer resources to the Annexation Area for enforcement of Bloomington Municipal Code Title 6 (snow removal, overgrowth and garbage). HAND already provides these services to the surrounding areas adjacent to the Annexation Area. HAND will also provide rental inspection services under Bloomington Municipal Code Title 16 in the event any rental properties are developed in the Annexation Area. Those services will be largely offset by collection of fees paid by the rental property owners. HAND does not anticipate any additional staff will need to be added in order to provide these services. Assuming an apartment complex with 300 new units as a potential high water mark, HAND would anticipate, between Title 6 and Title 16, an additional direct cost to the department of approximately $2,650.68/year. Director Anna Killion-Hanson breaks that down as follows:

300 Rental Units

Cycle: (3 inspectors x 3 days for Cycle) (3 inspectors x 2 days for Reinspections) Every 3 years
Complaints: (8 hours per year x 1 inspector) Per Year
Title 6: (30 min/week x 1 inspector) Per Year
Hourly Rate: ($35.82)

=$2650.68/year

g. Utilities:

The City of Bloomington Utilities Department has water and sewer infrastructure located on West Third Street that has the capacity to serve these properties and to accept new customers. Any extensions of water or sewer mains would be completed by the developer(s) of the Annexation Area at no cost to CBU. CBU Assistant Director-Engineering, Phil Peden, does not anticipate any additional costs or budgetary impact resulting from this annexation.

h. Administration, Controller, Legal, Engineering, Information Technology:

No additional costs to those departments will be incurred as a result of this annexation

2. "The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used."

Expenses for the Property can be paid from the General Fund as a part of general operating costs for the Police Department, Fire Department and Public Works Department. No specific earmark is needed.

Revenues would be received from the following sources: Property Taxes, Local Income Taxes (General, ED LIT, PS LIT, PSAP LIT), Gasoline and Excise Taxes, User Fees (water, sewer, parks, rental inspections and rental occupancy permits, parking, sanitation, etc.), and Food and Beverage Taxes where applicable.

3. "The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin."

Water and Sewer service (City of Bloomington): City of Bloomington Utilities already has sewer and water mains located in W. Third Street and the Annexation Area will connect to those mains. There may be a need for the property owners to extend mains up Johnson Avenue but those costs will be borne by the property owners under a main extension agreement in compliance with Indiana Utility Regulatory Commission Administrative Rules.

4. "That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of the annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density."

All such services would be provided to the property immediately upon the effective date of the annexation, which is 30 days following approval by City Council, and after the petition is recorded with the Monroe County Recorder's Office. The effective date of this annexation is anticipated to be approximately January 16, 2027.

5. "That services of a capital nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation and in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria."

All such services exist on the property or will be installed within three years of the annexation.

6. "This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation."

Below is a list of anticipated tax rates with one percent (1%) increase in rates (the results of 2025 Senate Enrolled Act 1 is that future tax rates are difficult to anticipate at this time) and categories affecting the parcel:

Entity	2026	2027	2028	2029	2030
County	0.3245	0.3277	0.3310	0.3343	0.3376
County Debt	0.0088	0.0089	0.0090	0.0091	0.0092
Township	0.0214	0.0216	0.0218	0.0220	0.0223
Township Debt	0.0000	0.0000	0.0000	0.0000	0.0000
School District	0.5594	0.5650	0.5707	0.5764	0.5821
School Debt	0.2148	0.2169	0.2191	0.2213	0.2235
City	0.0000	0.8507	0.8592	0.8678	0.8765
City Debt	0.0000	0.0000	0.0000	0.0000	0.0000
Library	0.0747	0.0754	0.0762	0.0769	0.0777
Library Debt	0.0054	0.0055	0.0056	0.0056	0.0057
Special	0.3064	0.0553	0.0559	0.0564	0.0570

7. "This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation."

Below is a list of anticipated property tax revenue to the City of Bloomington over the next 4 years, exclusive of deductions and with one percent (1%) increase in accessed value (the results of 2025 Senate Enrolled Act 1 is that future assessment values are difficult to anticipate at this time). There is a one year lag between the time taxes are assessed and collected by the City. There are currently no definitive dates for development of any or all of the development so none is assumed during the time period shown.

Entity	2026	2027	2028	2029	2030
City Revenue	$0	$0	$4,463.54	$4,553.35	$4,644.57

8. "This subdivision applies to a fiscal plan prepared after June 30, 2015. Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation."

This annexation will not affect other "political subdivisions" in the county not part of this annexation.

9. "This subdivision applies to a fiscal plan prepared after June 30, 2015. A list of all parcels of property in the annexation territory and the following information regarding each parcel:"

a. "The name of the owners of the parcels."
- **i.** KNN Properties, LLC., and
- **ii.** The Ramila S. Patel Revocable Trust, and Suresh C. Patel Revocable Trust

b. "The parcel identification number."
- **i.** 53-05-31-301-051.000-004,
- **ii.** 53-05-31-301-047.000-004,
- **iii.** 53-05-31-301-017.000-004,
- **iv.** 53-05-31-301-072.000-004, and
- **v.** 53-05-31-301-012.000-004.

c. "The most recent assessed value of the parcels."

Parcel Number	Valuation Date	Land Valuation	Improvements	Total Valuation
53-05-31-301-051.000-004	4/08/2026	70,200.00	0.00	70,200.00
53-05-31-301-047.000-004	06/17/2026	88,700.00	173,900.00	262,600.00

53-05-31-301-017.000-004	04/08/2026	82,400.00	0.00	82,400.00
53-05-31-301-072.000-004	04/08/2026	23,200.00	0.00	23,200.00
53-05-31-301-012.000-004	04/08/2026	58,000.00	12,900.00	70,900.00

Total assessed value of the parcels: $509,300.00

Bloomington Common Council Appropriation Ordinance 2026-05 TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, PARKING METER FUND, ECONOMIC DEVELOPMENT LIT FUND, PUBLIC SAFETY LIT FUND, PSAP LIT FUND, NON-REVERTING TELECOM FUND, ALTERNATIVE TRANSPORT FUND, SANITATION FUND EXPENDITURES NOT OTHERWISE APPROPRIATED

Appropriating Various Transfers of Funds within the General Fund, Parking Meter Fund, Economic Development LIT Fund, Public Safety LIT Fund, PSAP LIT Fund, Non-Reverting Telecom Fund, Alternative Transportation Fund, and Sanitation Fund

Preamble

Whereas, various Departments within the General Fund desire to transfer funds from Classifications 1, 3, and 4 (Personnel Services, Services and Charges, and Capital) to Classifications 1 and 3 (Personnel Services and Services and Charges) for expenditures not included in the adopted budgets; and

Whereas, various Departments within the Parking Meter Fund desire to release funds from Classifications 3 and 4 (Services and Charges and Capital) to Classifications 2 and 3 (Supplies and Charges and Capital) for expenditures not included in the adopted budgets; and

Whereas, various Departments within the Economic Development LIT Fund desire to release funds from Classifications 1 and 3 (Personnel Services and Services and Charges) to Classifications 2, 3 and 4 (Supplies, Services and Charges and Capital) for expenditures not included in the adopted budgets; and

Whereas, the Police Department desires to release funds from Classification 3 (Services and Charges) to Classification 2 (Supplies) in its Public Safety LIT Fund for expenditures not included in the adopted budgets; and

Whereas, the Police Department - Dispatch desires to transfer funds from Classification 1 (Personnel Services) to Classification 3 (Services and Charges) in its PSAP LIT Fund for expenditures not included in the adopted budget; and

Whereas, the Information Technology Services Department desires to transfer funds from Classification 3 (Services and Charges) to Classification 4 (Capital) in its Non-Reverting Telecom Fund for expenditures not included in the adopted budget; and

Whereas, the Public Works - Parking Department desires to transfer funds from Classification 3 (Services and Charges) to Classification 1 (Personnel Services) in its Alternative Transportation Fund for expenditures not included in the adopted budget; and

Whereas, the Public Works - Sanitation Department desires to transfer funds from Classification 3 (Services and Charges) to Classification 2 (Supplies) in its Sanitation Fund for expenditures not included in the adopted budget; and

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

Section 1: Appropriation

For the expenses of said Municipal Corporation the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund (F1101)	

General Fund – Animal Shelter

Classification – 1 Personnel Services	(25,000)
Classification – 3 Services and Charges	25,000
Total General Fund – Animal Shelter	-

General Fund – Common Council

Classification – 1 Personnel Services	(91,000)
Classification – 3 Services and Charges	91,000
Total General Fund – Common Council	-

General Fund – Facilities Maintenance

Classification – 3 Services and Charges	(25,000)
Classification – 4 Capital	25,000
Total General Fund – Facilities Maintenance	-

General Fund – Office of the Mayor

Classification – 1 Personnel Services	(50,000)
Classification – 3 Services and Charges	50,000
Total General Fund – OOTM	-

General Fund – Public Works Admin

Classification – 1 Personnel Services	18,000
Classification – 3 Services and Charges	(18,000)
Total General Fund – PWA	-

Grand Total General Fund (F1101)	**-**

Parking Meter Fund (F2207)

Parking Meter Fund – Parking

	Classification – 3 Services and Charges	60,000
	Classification – 4 Capital	(60,000)
	Total Parking Meter Fund – Parking	-
Parking Meter Fund – Street		
	Classification – 2 Supplies	50,000
	Classification – 3 Services and Charges	(50,000)
	Total Parking Meter Fund – Street	-
Grand Total Parking Meter Fund (F2207)		-
Economic Development LIT Fund (F2209)		
ED LIT Fund – Economic Sustainable Development		
	Classification – 1 Personnel Services	(55,400)
	Classification – 3 Services and Charges	55,400
	Total ED LIT Fund – ESD	-
ED LIT Fund – Controller		
	Classification – 1 Personnel Services	(70,000)
	Classification – 2 Supplies	2,000
	Classification – 3 Services and Charges	68,000
	Total ED LIT Fund – Controller	-
ED LIT Fund – PW-Facilities Maintenance		
	Classification – 3 Services and Charges	(227,855)
	Classification – 4 Capital	227,855
	Total ED LIT Fund – PW-Facilities Maintenance	-
Grand Total Economic Development LIT Fund (F2209)		-

Public Safety LIT Fund (2240) – Police		
	Classification – 2 Supplies	70,000
	Classification – 3 Services and Charges	(70,000)
	Total Public Safety LIT Fund – Police	-
Grand Total Public Safety LIT Fund (F2240)		-
PSAP LIT Fund (F2258) – Police, Dispatch		
	Classification – 1 Personnel Services	(24,100)
	Classification – 3 Services and Charges	24,100
	Total PSAP LIT Fund – Police, Dispatch	-
Grand Total PSAP LIT Fund (F2258)		-
Non-Reverting Telecom Fund (F2512) – Information Technology Services		
	Classification – 3 Services and Charges	(10,000)
	Classification – 4 Capital	10,000
	Total Non-Reverting Telecom Fund – ITS	-
Grand Total Non-Reverting Telecom Fund (F2512)		-
Alternative Transportation Fund (F2521) – Parking		
	Classification – 1 Personnel Services	9,000
	Classification – 3 Services and Charges	(9,000)
	Total Non-Reverting Telecom Fund – ITS	-
Grand Total Alternative Transportation Fund (F2521)		-

Sanitation Fund (F6604) – PW-Sanitation		
	Classification – 2 Supplies	17,000
	Classification – 3 Services and Charges	(17,000)
	Total Sanitation Fund – PW-Sanitation	-
Grand Total Sanitation Fund (F6604)		-
Grand Total All Funds		-

Section 2: Authorization and Ratification

Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

Section 3: 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, or 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 6: 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 day of , [Year].

Signature of Common Council President [Full Name]

Attestation of Bloomington City Clerk:

Signature of the Bloomington City Clerk [Full Name]

Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this day of , [Year].

Signature of Bloomington City Clerk [Full Name]

Approval by the Mayor:

Signed and approved by me on this day of , [Year].

Signature of Mayor Kerry Thomson

Synopsis:

This ordinance appropriates various transfers of funds within the General Fund, Economic Development LIT Fund, Parks & Recreation General Fund, Parking Meter Fund, Economic Development Fund, Public Safety LIT Fund, PSAP LIT Fund, Non-Reverting Telecom Fund, Alternative Transportation Fund, and Sanitation Fund.

Memorandum on Appropriations Ordinance 2026-05

To: Council Members
From: Geoff McKim, Controller
Date: November 18, 2026
Subject: Appropriation Ordinance 2026-05

Appropriation Ordinance 2026-05 is our comprehensive 2026 year-end appropriation. The total additional appropriation is zero. This year all appropriations are simple transfers between departments/categories, which have zero net impact on the total budget.

General Fund 1101 – Various

The majority of this ordinance transfers appropriations between departments and categories in order to cover changes between the initial budget prepared, and actual operational results. For 2026, the net effect on the actual appropriation from the General Fund is zero. There will be no impact on the fund balance or tax rates.

- **Public Works -- Animal Shelter** – the **Public Works Department** is requesting a transfer of $25,000 from Classification 1 – Personnel Services to Classification 3 – Services and Charges. The savings come from vacancies and staff transitions. The transfer will cover an increased cost in medical lines and allow donation funds to be reserved for neuter and animal control expenses in Classification 3. There is no fiscal impact due to this request.
- **Common Council** – the **Common Council Department** is requesting a transfer of $91,000 from Classification 1 – Personnel Services to Classification 3 – Services and Charges to cover contracted attorney expenses. The savings from Classification 1 – Personnel Services come from a 6 month vacancy gap. There is no fiscal impact due to this request.
- **Public Works -- Facilities Maintenance** – the **Public Works Department** is requesting a transfer of $25,000 from Classification 4 – Capital to Classification 3 – Services and Charges to cover the unanticipated building repair and maintenance activities in City Hall. The savings from Classification 4 – Capital comes from lower than estimated pricing for the WFHB roofing project. There is no fiscal impact due to this request.
- **Mayor** – the **Office of the Mayor** is requesting a transfer of $50,000 from Classification 1 – Personnel Services to Classification 3 – Services and Charges to cover the hiring of the planned Emergency Management Specialist. This expense was originally budgeted as an hourly under Personnel Services but ended up being a service agreement which is paid from Classification 3. There is no fiscal impact due to this request.
- **Public Works Administration** – the **Public Works Department** is requesting an $18,000 transfer from Classification 3 – Services and Charges to Classification 1 – Personnel Services to cover an employee compensation/paid-time off payout and salary grade adjustment. The savings from Classification 3 – Services and Charges comes

from less than anticipated project and maintenance expenses. There is no fiscal impact due to this request.

Parking Meter Fund 2207 – Various

For 2026, the net effect on the actual appropriation from the Parking Meter Fund is zero. There will be no impact on the fund balance or tax rates.

- **Parking –** the **Public Works Department** is requesting a transfer of $60,000 from Classification 4 – Capital to Classification 3 – Services and Charges to cover a maintenance contract. The savings from Classification 4 – Capital come from funds allocated for a vehicle that was not purchased. There is no fiscal impact due to this request.
- **Street –** the **Public Works Department** is requesting a transfer of $50,000 from Classification 3 – Services and Charges to Classification 2 – Supplies to cover higher than anticipated fuel prices. The savings from Classification 3 – Services and Charges come from projects being covered by other funding sources. There is no fiscal impact due to this request.

Economic Development LIT Fund 2209 – Various

For 2026, the net effect on the actual appropriation from the Economic Development LIT Fund is zero. There will be no impact on the fund balance or tax rates.

- **ESD** – the **Economic and Sustainable Development Department** is requesting a transfer of $55,400 from Classification 1 – Personnel Services to Classification 3 – Services and Charges to cover unanticipated insurance claims that must be paid through ESD. The savings from Classification 1 – Personnel Services come from vacancies. There will be no fiscal impact due to this request.
- **OOTC** – the **Office of the Controller** is requesting a transfer of $70,000 from Classification 1 – Personnel Services to Classification 2 – Supplies in the amount of $2,000, and $68,000 to Classification 3 – Services and Charges. The savings come from vacancies. The transfers will cover new employee computer and applications costs in Classification 2 and higher than unanticipated consultant fees for AFR, financial planning and the filing of an extra audit in Classification 3. There will be no fiscal impact due to this request.
- **Public Works – Facilities Maintenance** – the **Public Works Department** is requesting a transfer of $227,855 from Classification 3 – Services and Charges to Classification 4 – Capital to purchase additional equipment for downtown safe maintenance operations and to fund the Showers West building cut-through project. The savings from Classification 3 – Services and Charges come from lower than anticipated Showers West expenses. There is no fiscal impact due to this request.

Public Safety LIT Fund 2240 - Police

The **Police Department** is requesting a transfer of $70,000 from Classification 3 – Services and Charges to Classification 2 – Supplies to cover higher than anticipated fuel costs. The savings from Classification 3 – Services and Charges comes from excess software funds and postponed projects. There is no fiscal impact due to this request.

PSAP LIT Fund 2258 - Police, Dispatch

The **Police Department, Dispatch** is requesting a transfer of $24,100 from Classification 1 – Personnel Services to Classification 3 – Services and Charges to cover an unexpected major generator repair (Dispatch). Savings come from vacancies within Classification 1. There is no fiscal impact due to this request.

Non-Reverting Telecom Fund 2512 - Information Technology Services

The Information Technology Services Department is requesting a transfer of $10,000 from Classification 3 – Services and Charges to Classification 4 – Capital to cover higher than anticipated computer replacement costs. There is no fiscal impact due to this request.

Alternative Transport Fund 2521 - Parking

The **Public Works Department, Parking** is requesting a transfer of $9,000 from Classification 3 – Services and Charges to Classification 1 – Personnel Services to cover salary deficits from staff retirements in 2026. The savings from Classification 3 – Services and Charges come from postponing the purchase of additional signage and GPS equipment. There is no fiscal impact due to this request.

Sanitation Fund 6604 - Sanitation

The **Public Works Department, Sanitation** is requesting a transfer of $17,000 from Classification 3 – Services and Charges to Classification 2 – Supplies to cover higher than anticipated diesel fuel costs. The savings from Classification 3 – Services and Charges come from anticipated savings on software expenses and postponing the parking lot sealing project. There is no fiscal impact due to this request.

Overall Fiscal Impact

The fiscal impact of the transfers within the General, Parking Meter, Economic Development LIT, Public Safety LIT, PSAP LIT, Non-Reverting Telecom, Alternative Transportation, and Sanitation funds have no effect on the cash balance of the fund.

Thank you for your consideration of this request. As always, we are happy to answer questions related to this request.

Bloomington Common Council Ordinance No. 2026-32 to Amend the City of Bloomington Zoning Maps and Zone Property Currently in the Monroe County Jurisdiction to Mixed-Use Corridor (MC) in Anticipation of Voluntary Annexation.

Whereas, Ordinance 20-06, repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, “Unified Development Ordinance”; and,

Whereas, the Petitioner, KNN Properties, LLC (Kevin D. Nguyen and Natalie S. Nguyen), is concurrently seeking voluntary annexation of properties located at and adjacent to 222 S. Johnson Ave, into the City of Bloomington and a newly annexed property requires the establishment of its zoning; and,

Whereas, the Plan Commission has considered this case, ZO2026-09-0014, and recommended that the petitioner be granted a Mixed-Use Corridor (MC) zoning for the property; and,

Whereas, the Plan Commission therefore requests that the Common Council consider this petition.

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

Section 1:

Through the authority of IC 36-7-4 and pursuant to Chapter 20.02 of the Bloomington Municipal Code, the zoning of the property described below shall be established as Mixed-Use Corridor (MC). The property is further described as follows:

> TRACT 1-A part of Lot Number 1 in the Maple Grove Baby Farms Sub-division which is a part of the Southwest' quarter of Section 31, a part of the Northwest quarter of Section 31, a part of the Southeast quarter of Section 31, and a part of the Northeast quarter of Section 31, Township 9 North, Range 1 West, in Monroe County, Indiana, bounded and described as follows, to-wit: Beginning at a point 520 feet South of the Northeast corner of said Lot 1, thence running West 132 feet; thence running South 120 feet, thence running East 132 feet, thence running North 120 feet and to the place of beginning. Containing in all .364 of an acre, more or less.

TRACT 2-Part of Lot Number 2 in Maple Grove Baby Farms Sub-division to the City of Bloomington, Monroe County, Indiana, being a part of the Southwest quarter of Section 31, and a part of the Northwest quarter of Section 31, and a part of the Southeast quarter of Section 31, and a part of the Northeast quarter of Section 31, all in Township 9 North, Range 1 West, bounded and described as follows, to-wit: Beginning at a point in the East line of said Lot 655 feet South of the Northeast corner of said lot; running thence North 135 feet; thence West 132 feet; thence South 135 feet; thence East 132 feet to the place of beginning, containing in all .409 of an acre, more or less.

Section 2: This rezoning shall be approved as attached hereto and made a part thereof.

Section 3: 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, or 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: 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 day of , 2026.

Signature of Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of Mayor Kerry Thomson

Synopsis:
This Ordinance would zone 0.77 acres to Mixed-Use Corridor (MC) in connection with a voluntary annexation.

Ordinance Certification

In accordance with IC 36-7-4-604, I hereby certify that the attached Ordinance 2026-32 is a true and complete copy of Plan Commission Case Number ZO2026-09-0014 which was given a favorable recommendation by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on October 12, 2026.

Type of Legislation: Zoning Map Amendment

Fiscal Impact Statement:

Will the legislation have a major impact on existing city appropriations, fiscal liability, or revenues?

If not, briefly explain why. If yes, briefly explain what the effect of city costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible.

The proposed legislation should not have any fiscal impact, as the approval of Ordinance 2026-33 only amends the City of Bloomington Zoning maps and does not directly impact existing resources, nor produce any savings, nor create any revenue impact. This ordinance is in accordance with Indiana Code 36-7-4-600.

Date: October 21, 2026

Lynn H. Coyne, JD

Signature of Plan Commission Secretary Lynn Coyne

Received by the Common Council Office on:

Date: October 21, 2026

Nicole Bolden

Signature of Bloomington City Clerk Nicole Bolden

Audit trail

Details

FILE NAME	Ordinance Certification 2026-32 - 10/21/26, 2:43 PM
STATUS	Signed
STATUS TIMESTAMP	2026/10/21 21:31:07 UTC

Activity

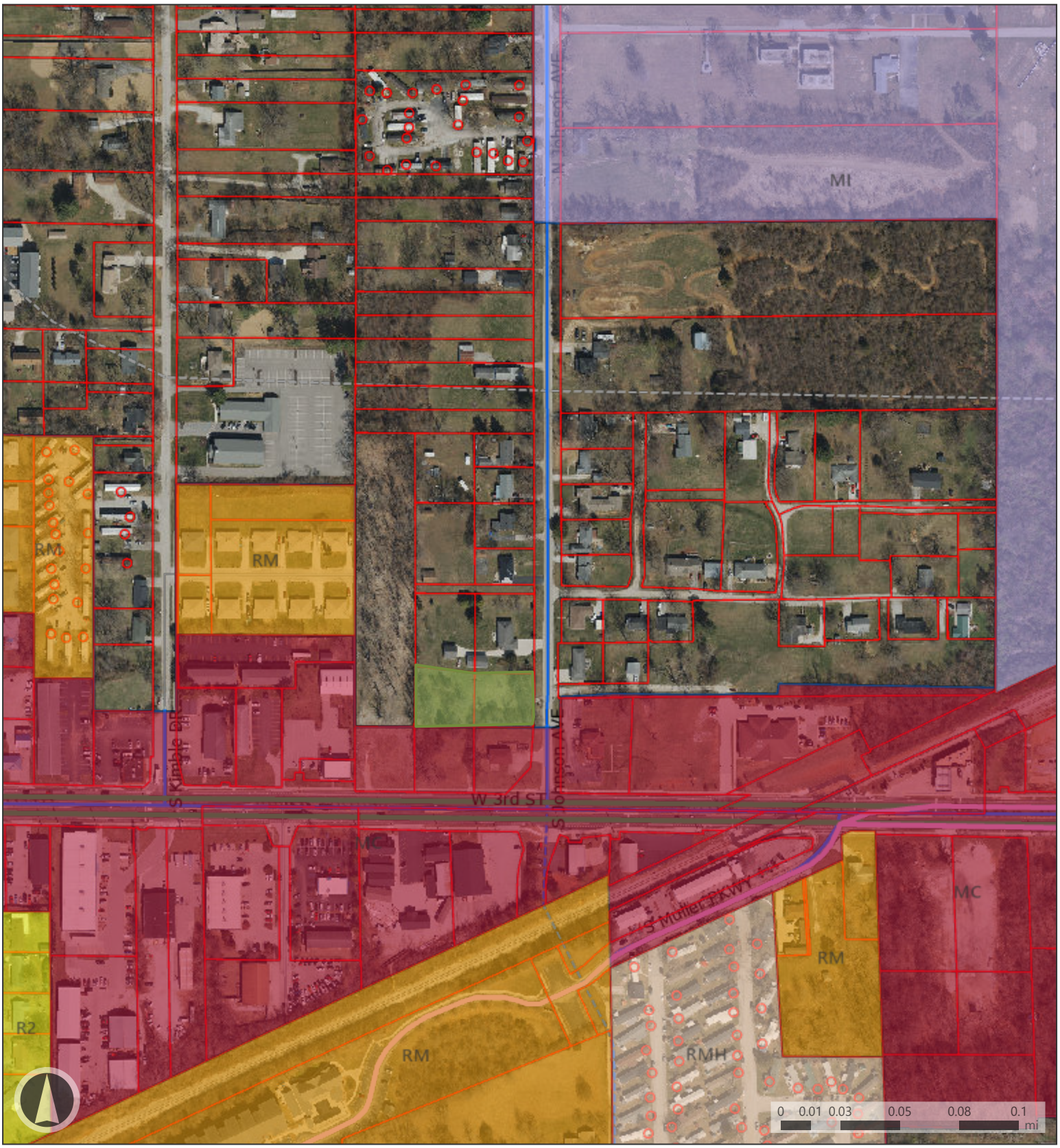
SENT	greulice@bloomington.in.gov **sent** a signature request to: • Nicole Bolden (boldenn@bloomington.in.gov) • Lynn H. Coyne, JD (lynn.coyne@bloomington.in.gov)	2026/10/21 18:43:19 UTC
SIGNED	**Signed** by Nicole Bolden (boldenn@bloomington.in.gov)	2026/10/21 21:31:07 UTC
SIGNED	**Signed** by Lynn H. Coyne, JD (lynn.coyne@bloomington.in.gov)	2026/10/21 18:47:54 UTC
COMPLETED	This document has been signed by all signers and is **complete**	2026/10/21 21:31:07 UTC

The email address indicated above for each signer may be associated with a Google account, and may either be the primary email address or secondary email address associated with that account.

City of Bloomington

222 S Johnson Avenue site map

Site location map showing petition site, parcels, and zoning



Map Legend

- Mixed-Use Corridor
- Mixed-Use Institutional
- Residential Medium Lot
- Residential Multifamily
- Manufactured/Mobile Home Park
- Parcels

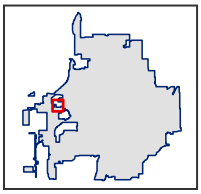
RouteID

- 3W
- 104

- City Maintained Streets

Street Typology

- General Urban



Created: 11/2/2026 *Map By:*

For use as map information only, information is NOT warranted.

To: Bloomington Common Council
From: Eric Greulich, Development Services Manager
Date: October 21, 2026
Re: Ordinance #2026-32; ZO2026-09-0014
Location: 222 S. Johnson Ave.

Staff Report

Petitioner/Owner:

KNN Properties, LLC (Kevin & Natalie Nguyen)
4019 S. Crane Court
Bloomington, IN 47403

Request

A recommendation for zoning for approximately 0.77 acres for a voluntary annexation request.

Background

- **Area**: 0.77 acres
- **Current Zoning**: Monroe County Zoning- Limited Business (LB)
- **Monroe County Urbanizing Plan designation**: Mixed-Residential
- **Existing Land Use**: Undeveloped
- **Surrounding Uses**:
    - North - Dwelling, single family
    - South - Vacant
    - East - Commercial uses/Dwelling, single family
    - West - Undeveloped/Commercial uses

Report

This 0.77 acre site includes two properties located at 222 S. Johnson Avenue. This site is currently undeveloped. The petitioner also owns two adjacent properties to the south that front on W. 3rd Street and is located within the City planning jurisdiction. Those properties are not part of this request. The property is currently in the Monroe County planning jurisdiction and is zoned Limited Business (LB) under the Monroe County Development Ordinance. Adjacent uses include single family residences to the north; undeveloped land immediately to the west with commercial uses further west; single

family residences and commercial uses to the east; and a vacant commercial building to the south. Surrounding zoning includes Mixed-Use Corridor (MC) for the properties to the south that are within the City Planning jurisdiction and the remaining surrounding land is within the Monroe County planning jurisdiction. The surrounding land within the Monroe County planning jurisdiction is zoned Residential 1 (RES) to the north, west, and east. This petition site was part of the former fringe area previously under City Planning jurisdiction and intended for annexation. At the time this property was in the City Planning jurisdiction it was zoned Commercial Arterial (CA).

The petitioner is requesting voluntary annexation to be incorporated into the City and if annexation is approved by the Common Council, then zoning for the property must also be assigned. Since this property shares a property line that is contiguous with the City municipal boundary to the south, the property does meet the requirements for voluntary annexation as outlined in Indiana Code 36-4-3-1.5. This petition is for a recommendation for the proposed zoning if the annexation is approved.

20.06.070(b)(3)(E)(i)(1) Zoning Map Amendment: The Plan Commission shall review the zoning map amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following specific approval criteria:

[a] The recommendations of the Comprehensive Plan;

ADOPTED FINDING: The Monroe County Urbanizing Area Plan (MCUAP) designates this property as “Mixed Residential” and also lies within the “N1 Urban Infill Neighborhood” subarea. The MCUAP states that Mixed Residential neighborhoods accommodate a wide array of both single family and attached housing types integrated into a cohesive neighborhood. These neighborhoods are intended to serve a growing market demand for new housing choices among the full spectrum of demographic groups. These neighborhoods are often located immediately adjacent to Mixed-Use Districts, providing a residential base to support nearby commercial activity within a walkable or transit-accessible distance. Commercial mixed use development may be appropriate along primary streets at the edges of these neighborhoods.

Adjacent land to the south (within the City) is designated as Regional Activity Center within the City's Comprehensive Plan. The Comprehensive Plan describes the Regional Activity Center area as a large regional commercial area that provides high intensity retail activity. The main purpose of the district is to provide semi-urban activity centers that complement, rather than compete with, the Downtown district. These areas have been identified as having good access to urban services and oriented around major thoroughfares and prominent intersections to provide convenient access.

These two designations by the County's plan and the City's plan provide a differing perspective toward possible zoning for this land. The County's designation of the property seems to evaluate this site only in the context of the surrounding properties to the north that are exclusively in the County's jurisdiction and likely anticipated this site being developed with surrounding land within the County. However, the immediate proximity of this site to properties within the City's jurisdiction with a higher intensity commercial zoning and Comprehensive Plan designation suggests that aligning the zoning for this site to match the adjacent properties that are zoned for higher intensity commercial uses might also be appropriate. The petitioner also owns the properties immediately to the south. As mentioned previously, when this property was within the City Planning jurisdiction it was zoned Commercial Arterial, which is similar to the current zoning district of Mixed-Use Corridor (MC). The Plan Commission found that the zoning for this property should match the zoning of the adjacent parcels to the south within the City and found that the Mixed-Use Corridor (MC) zoning would be appropriate.

[b] Current conditions and character of structures and uses in each zoning district;

ADOPTED FINDING: The surrounding structures and uses to the west, north, and east are single family residences. Adjacent properties to the south that span west and east along 3rd Street have all been developed with commercial uses.

[c] The most desirable use for which the land in each zoning district is adapted;

ADOPTED FINDING: The small size of the properties involved with this petition, in combination with the small size of the adjacent properties to the south within the City, present a challenge in developing them individually. Zoning this property to match the zoning of the properties to the south allows for a more unified development potential. Although the zoning of this property could be zoned to a strictly residential use, such as single or multi-family, the close proximity to 3rd Street makes it more ideal for commercial uses.

[d] The conservation of sensitive environmental features;

ADOPTED FINDING: There are no known sensitive environmental features on the property. There are portions of the site that might contain tree coverage that could be subject to the closed canopy preservation standards of the UDO.

[e] The conservation of property values throughout the jurisdiction; and

ADOPTED FINDING: Given the relatively small size of this site, the rezoning of this site to either residential or commercial, is not expected to negatively impact surrounding property values. If this site was zoned with a commercial designation, a buffer yard would be required along the north property line.

[f] Responsible development and growth.

ADOPTED FINDING: The zoning of this property to a single family residential district, while matching adjacent zoning to the north, would provide minimal housing or development potential. The zoning of this property to a commercial district would allow for the site to be developed in conjunction with the adjacent property to the south and allow for more diversity of land uses for a site that is adjacent to a heavy commercial corridor.

20.06.040(d)(6)(B) General Compliance Criteria

i. Compliance with this UDO
ii. Compliance with Other Applicable Regulations
iii. Compliance with Utility, Service, and Improvement Standards
iv. Compliance with Prior Approvals

ADOPTED FINDINGS: There has not been a potential site plan submitted to review. There are no other known approvals for this property. Any new development on the site would have to meet all requirements of the Unified Development Ordinance as well as any other applicable regulations.

20.06.040(d)(6)(D) Additional Criteria Applicable to Primary Plats and Zoning Map Amendments (Including PUDs)

i. Consistency with Comprehensive Plan and Other Applicable Plans
The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other adopted plans and policies.

ADOPTED FINDING: As discussed previously, the differing recommendations of the Monroe County Urbanizing Area Plan (MCUAP) and the City Comprehensive Plan offer different recommendations based on evaluation of land within the respective jurisdictions. The MCUAP recommends a low intensity, residential zoning. But this was likely evaluated strictly in context with land only in the County. The Comprehensive Plan designation for the land immediately to the south suggests a higher intensity commercial zoning is appropriate for this area. The immediate proximity of this site to properties within the City's jurisdiction with a higher intensity commercial zoning and Comprehensive Plan designation suggests that aligning the zoning for this site to match the adjacent properties that are zoned for higher intensity commercial uses might also be appropriate. The petitioner also owns the properties immediately to the south. As mentioned previously, when this property was within the City Planning jurisdiction it was zoned Commercial Arterial, which is similar to the current zoning district of Mixed-Use Corridor (MC).

ii. Consistent with Intergovernmental Agreements

The proposed use and development shall be consistent with any adopted intergovernmental agreements and shall comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this UDO.

ADOPTED FINDING: There are no known aspects of the interlocal agreement that addresses this proposed annexation.

iii. Minimization or Mitigation of Adverse Impacts

1. The proposed use and development shall be designed to minimize negative environmental impacts and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.
2. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
3. The proposed use and development shall not result in significant adverse fiscal impacts on the city.
4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required

ADOPTED FINDING: There has not been a site plan submitted to evaluate. There are trees present on the site that might be subject to the closed canopy and tree preservation standards. There are no known scenic or historical

features of significant importance on the site. No significant adverse fiscal impacts on the city have been identified.

iv. Adequacy of Road Systems

1. Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed use and development shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.
2. The proposed use and development shall neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

ADOPTED FINDING: The property is directly accessed by Johnson Avenue which is a Primary Collector and is also adjacent to 3rd Street which is classified as a Primary Arterial Road. There is a sidewalk along the entirety of the 3rd Street frontage, but no sidewalk along Johnson Avenue. Redevelopment of this site is not expected to draw significant amounts of traffic through residential streets since it is in immediate proximity to 3rd Street and would be accessed from Johnson Avenue.

v. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

ADOPTED FINDING: The site is located immediately adjacent to existing public roads and public infrastructure. Water and sewer service to this site is available through utility lines along 3rd Street or Johnson Avenue. No capacity problems have been identified from the existing utility lines along 3rd Street.

vi. Rational Phase Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

ADOPTED FINDING: No phasing plan has been presented with this petition.

Conclusion:

As stated, the differing recommendations of the Monroe County Urbanizing Area Plan (MCUAP) and the City Comprehensive Plan offer different recommendations based on evaluation of land within the respective jurisdictions. The MCUAP recommends a low intensity, residential zoning. But this was likely evaluated strictly in context with land only in the County. The Comprehensive Plan designation for the land immediately to the south suggests a higher intensity commercial zoning is appropriate for this area. The immediate proximity of this site to properties within the City's jurisdiction with a higher intensity commercial zoning and Comprehensive Plan designation suggests that aligning the zoning for this site to match the adjacent properties that are zoned for higher intensity commercial uses is appropriate. The petitioner also owns the properties immediately to the south. As mentioned previously, when this property was within the City Planning jurisdiction it was zoned Commercial Arterial, which is similar to the current zoning district of Mixed-Use Corridor (MC). The Plan Commission found that the zoning of this property would be most appropriate to match the zoning of the adjacent properties to the south within the City and therefore recommended that the properties should be zoned Mixed-Use Corridor (MC).

Recommendation:

The Plan Commission voted 5-0 to forward to the Common Council a recommendation that if the property is annexed, that the zoning shall be Mixed-Use Corridor (MC) per the adopted findings.

Bloomington Common Council Ordinance No. 2026-33 to Amend the City of Bloomington Zoning Maps and Zone Property Currently in the Monroe County Jurisdiction to Residential Multifamily (RM) in Anticipation of Voluntary Annexation.

Whereas, Ordinance 20-06, repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"; and,

Whereas, the Petitioner, Patel, Ramila S Revocable Trust; Patel, Suresh C Revocable Trust, is concurrently seeking voluntary annexation of properties located at and adjacent to 104 S. Johnson Ave, into the City of Bloomington and a newly annexed property requires the establishment of its zoning; and,

Whereas, the Plan Commission has considered this case, ZO2026-09-0015, and recommended that the petitioner, Patel, Ramila S Revocable Trust; Patel, Suresh C Revocable Trust, be granted a Residential Multifamily (RM) zoning for the property; and,

Whereas, the Plan Commission therefore requests that the Common Council consider this petition.

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

Section 1: Through the authority of IC 36-7-4 and pursuant to Chapter 20.02 of the Bloomington Municipal Code, the zoning of the property described below shall be established as Residential Multifamily (RM). The property is further described as follows:

A part of Lot Two (2) in Maple Grove Baby Farms Subdivision to the City of Bloomington, Monroe County, Indiana, being a part ot the Southwest Quarter of Section thirty-one (31), and a part of the Northwest Quarter of Section thirty-one (31), and a part of the Southeast Quarter of Section Thirty-one (31), and a part of the Northeast Quarter of Section Thirty-one (31), all in Township Nine (9) North, Range One (1) West, bounded and described as follows, to-wit: Beginning in the East line of said Lot at a point One Hundred Sixty (160) feet South of the Northeast comer of said Lot, running thence South over and along the East line of said Lot One Hundred Eighty (180) feet, thence West parallel with the North line of said Lot One Hundred Thirty-two (132) feet and to the West line thereof, thence North over and along the West line of Lot One Hundred Eighty (180) feet; thence East parallel with the North line of said Lot One Hundred Thirty-two (132) feet to the place of beginning.

ALSO, part of Lot One (1) in Maple Grove Baby Farms Subdivision to the City of Bloomington, Monroe County, Indiana, being a part of the Southwest Quarter of Section Thirty-one (31), and a part of the Northwest Quarter of Section Thirty-one (31), and a part of the Southeast quarter of Section Thirty-one (31), and a part of the Northeast Quarter of Section Thirty-one (31), all in Township Nine (9) North, Range One (1) West, bounded and described as follows, to-wit: Beginning in the East line of said Lot at a point Two Hundred Sixty (260) feet South of the Northeast corner of said Lot; running thence South over and along the East line of said Lot Eighty (80) feet, thence West parallel with the North line of said Lot One Hundred

Thirty-two (132) feet and to the West line thereof, thence North over and along the West line of said Lot Eighty (80) feet, thence East parallel with the North line of said Lot One Hundred Thirty-two (132) feet to the place of beginning.

ALSO, part of Lots One (1) and Two (2) in Maple Grove Baby Farms Subdivision to the City of Bloomington, Monroe County, Indiana, being a part of the Southwest quarter of Section Thirty-one (31), and a part of the Northwest quarter of Section Thirty-one (31), and a part of the Southeast quarter of Section Thirty-one (31), and a part of the Northeast quarter of Section Thirty-one (31), all in Township Nine (9) North, Range One (1) West, bounded and described as follows, to-wit: Beginning in the East line of said Lot One (1) at a point Three Hundred Forty (340) feet South of the Northeast comer of said Lot One (1); running thence South over and along the East line of said Lot One (1) for Twenty (20) feet; thence West parallel with the North line of said Lots One (1) and Two (2) for Two Hundred Sixty-four (264) feet and to the West line of said Lot Two (2); thence North over and along the West line of said Lot (2) for Twenty (20) feet; thence East parallel with the North line of said Lots One (1) and Two (2) for Two Hundred Sixty-four (264) feet and to the place of beginning.

ALSO, Lot Number 3 in Maple Grove Baby Farm Sub-division an addition to the City of Bloomington , Indiana, as shown by the recorded plat thereof.

ALSO, Lots Numbered Sixty-two (62), Sixty-three (63), Sixty-four (64), Sixty-five (65), Sixty-six (66) and Sixty-seven (67) in Maple Grove Baby Farm Subdivision an Addition to the City of Bloomington, Indiana, being a part of Section Thirty-one (31 }, Township Nine (9) North, Range One (1) West, as is shown by the recorded plat of said subdivision in the Recorder's Office of Monroe County, Indiana, said Lots being each Fifty-two (52) feet in width and Three Hundred Ninety-six (396) feet in length and lying in a manner to form a rectangle Three Hundred Ninety-six (396) feet by Three Hundred Twelve (312) feet.

Section 2: This rezoning shall be approved as attached hereto and made a part thereof.

Section 3: 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, or 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: 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 day of , 2026.

Signature of Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

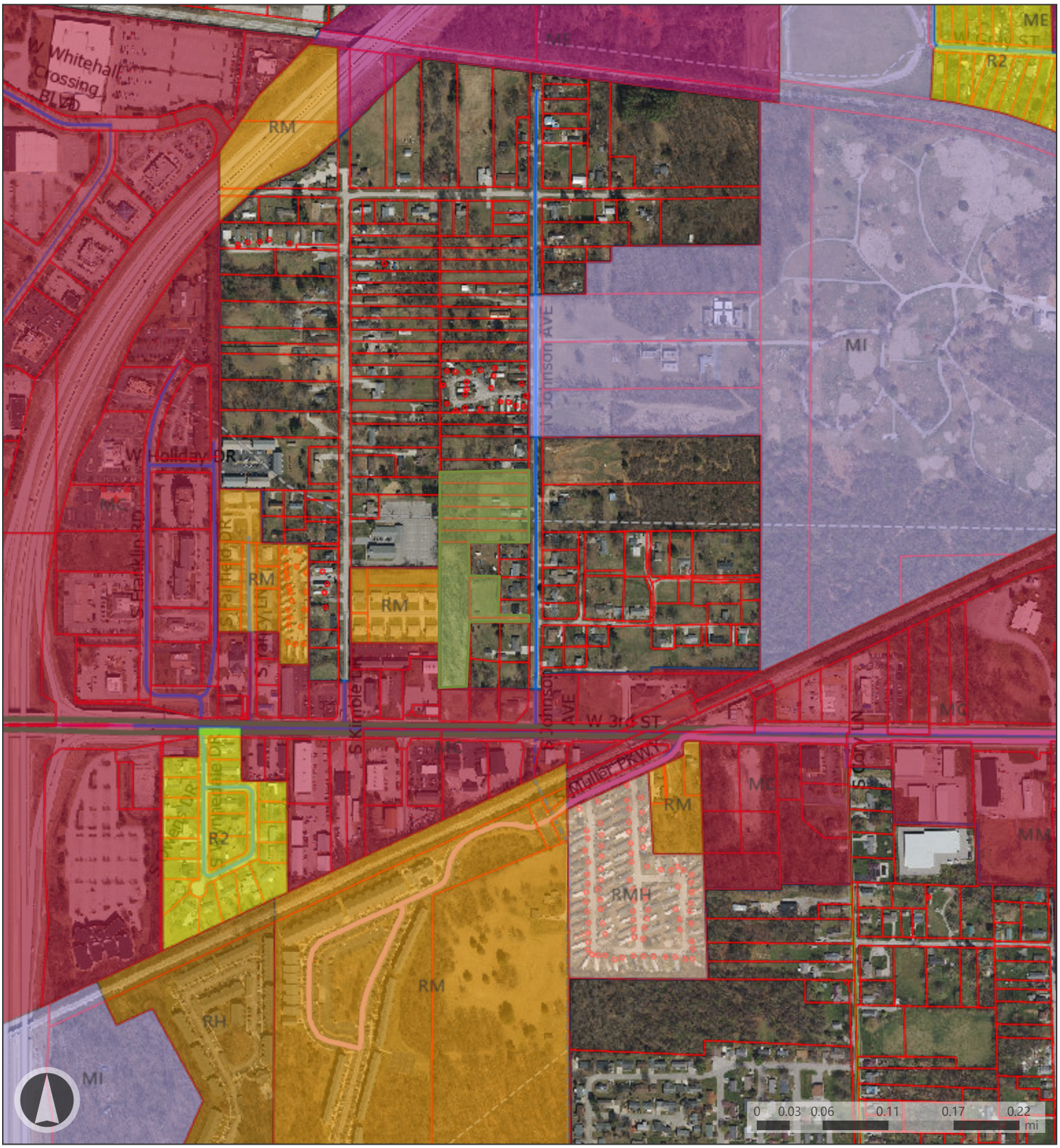
Signature of Mayor Kerry Thomson

Synopsis:
This Ordinance would zone 5.531 acres to Residential Multifamily (RM) in connection with a voluntary annexation.

City of Bloomington

104 S Johnson Avenue site map

Site location map showing petition site, parcels, and zoning



Map Legend

- Mixed-Use Corridor
- Mixed-Use Employment
- Mixed-Use Institutional
- Mixed-Use Medium-Scale
- Residential Medium Lot
- Residential High-Density Multifamily
- Residential Multifamily
- Manufactured/Mobile Home Park
- 115 Parcels

RouteID

- 3W
- 14

Created: 11/2/2026 *Map By:*

For use as map information only, information is NOT warranted.

To: Bloomington Common Council
From: Eric Greulich, Development Services Manager
Date: October 21, 2026
Re: Ordinance #2026-33; ZO2026-09-0015
Location: 104 S. Johnson Ave.

Staff Report

Petitioner/Owner:

Patel, Ramila S Revocable Trust; Patel, Suresh C Revocable Trust
100 The Woods
Bedford, IN 47421

Request

A recommendation for zoning for approximately 5.531 acres as part of a voluntary annexation request.

Background

- **Area**: 5.531 acres
- **Current Zoning**: Monroe County Zoning- Residential 1 (RES)
- **Monroe County Urbanizing Plan designation**: Mixed-Residential
- **Existing Land Use**: Dwelling, single family/Undeveloped
- **Surrounding Uses**:
    - North - Dwelling, single family
    - South - Dwelling, single family
    - East - Dwelling, single family
    - West - Dwelling, single family/Place of Worship

Report

This 5.531 acre site includes nine properties located at and adjacent to 104 S. Johnson Avenue. The site includes 6 lots that have been developed with one single family dwelling unit and 3 lots that have not been developed. The petitioner also owns an adjacent property to the south that fronts on W. 3rd Street and is located within the City planning jurisdiction, however that property is not part of this request. Adjacent uses include single family residences to the north and east, multi-family dwelling units and a church to the west, and single family dwelling units to the south. Surrounding zoning

includes portions of the adjacent land to the west within the City and zoned Mixed-Use Corridor (MC) and Residential Multifamily (RM) with portions adjacent to land within the Monroe County planning jurisdiction and zoned Residential 1 (RES), and all remaining properties to the north, east, and south are within the Monroe County planning jurisdiction and zoned Residential 1 (RES). This petition site was part of the former fringe area previously under City Planning jurisdiction and intended for annexation. At the time this area was in the City Planning jurisdiction it was zoned Residential Single Family (RS).

The petitioner is requesting voluntary annexation to be incorporated into the City and if annexation is approved by the Common Council, then zoning for the property must also be assigned. Since this property shares a property line that is contiguous with the City municipal boundary to the south and west, the property does meet the requirements for voluntary annexation as outlined in Indiana Code 36-4-3-1.5. This petition is for a recommendation for the proposed zoning if the annexation is approved.

20.06.070(b)(3)(E)(i)(1) Zoning Map Amendment: The Plan Commission shall review the zoning map amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following specific approval criteria:

[a] The recommendations of the Comprehensive Plan;

ADOPTED FINDING: The Monroe County Urbanizing Area Plan (MCUAP) designates this property as “Mixed Residential” and also lies within the “N1 Urban Infill Neighborhood” subarea. The MCUAP states that Mixed Residential neighborhoods accommodate a wide array of both single family and attached housing types integrated into a cohesive neighborhood. It also states that the N1 district is intended to promote compact mixed residential infill development, as described in the Mixed Residential land use type designated in the Urbanizing Area Plan. These neighborhoods are intended to serve a growing market demand for new housing choices among the full spectrum of demographic groups. Residential buildings should be compatible in height and scale, but with varied architectural character. These neighborhoods are often located immediately adjacent to Mixed-Use Districts, providing a residential base to support nearby commercial activity within a walkable or transit-accessible distance.

Adjacent land to the south and west (within the City) are designated as Regional Activity Center within the City's Comprehensive Plan. The Comprehensive Plan describes the Regional Activity Center area as a large regional commercial area that provides high intensity retail activity. The main purpose of the district is to provide semi-urban activity centers that complement, rather than compete with, the Downtown district. These areas have been identified as having good access to urban services and oriented around major thoroughfares and prominent intersections to provide convenient access.

The City and County's plans both support a mixture of housing types and density within this area to support adjacent commercial uses. Development within areas currently served by public utilities and with access to transit services is also encouraged. There are existing public utilities along Johnson Avenue and along 3rd Street, with Bloomington Transit service along 3rd Street to the south. The properties included in this annexation are very long in depth and difficult to develop individually. Providing a zoning district that accommodates a wide range of residential uses and allows for a diversity of possible housing is important towards accomplishing the goals of the adopted plans. The location of these properties in close proximity to goods and services, and major city thoroughfares (3rd Street and I-69), provides an opportunity for greater use of land. Although a single family zoning designation would match adjacent uses and current zoning of the County, the Plan Commission found that this location is an ideal location for increased density and housing types that would be allowed with a multifamily residential district.

[b] Current conditions and character of structures and uses in each zoning district;

ADOPTED FINDING: The surrounding structures and uses to the north, east, and south are single family residences. Adjacent properties to the west contain a church and a multi-family development. The lots in this area are very narrow in width (~50' wide) and very long (~400' long), which makes them challenging to develop individually. Typical lots in this area are a half-acre in size and single family zoning to only allow one dwelling unit per lot results in a substantial under-utilization of land for housing. Providing a zoning district that allows for more than one unit per lot in this area given the shape and layout of lots is appropriate.

[c] The most desirable use for which the land in each zoning district is adapted;

ADOPTED FINDING: As discussed, this location in close proximity to major thoroughfares and commercial uses, is an ideal location for a diversity of

housing types and density. The shape of the lots in this area makes development with individual lots for single family dwellings very challenging and also results in a substantial under-utilization of land.

[d] The conservation of sensitive environmental features;

ADOPTED FINDING: There are no known sensitive environmental features on the property. There are portions of the site that might contain tree coverage that could be subject to the closed canopy preservation standards of the UDO.

[e] The conservation of property values throughout the jurisdiction; and

ADOPTED FINDING: The zoning of this land for either single family or multifamily zoning district is not expected to affect adjacent property values.

[f] Responsible development and growth.

ADOPTED FINDING: The zoning of this property to a single family residential district, while matching adjacent zoning to the north, would provide minimal housing or development potential. The Plan Commission found that the zoning of this property to a multi-family district would allow for the site to be developed in a unified manner and allow for more diversity of land uses for a site that is adjacent to a heavy commercial corridor.

20.06.040(d)(6)(B) General Compliance Criteria

i. Compliance with this UDO
ii. Compliance with Other Applicable Regulations
iii. Compliance with Utility, Service, and Improvement Standards
iv. Compliance with Prior Approvals

ADOPTED FINDINGS: There has not been a potential site plan submitted to review. There are no other known approvals for this property. Any new development on the site would have to meet all requirements of the Unified Development Ordinance as well as any other applicable regulations.

20.06.040(d)(6)(D) Additional Criteria Applicable to Primary Plats and Zoning Map Amendments (Including PUDs)

i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other adopted plans and policies.

ADOPTED FINDING: As discussed previously, the City and County's plans both support a mixture of housing types and density within this area to support adjacent commercial uses. Development within areas currently served by public utilities and with access to transit services is also encouraged. There are existing public utilities along Johnson Avenue and along 3rd Street, with Bloomington Transit service along 3rd Street to the south. The properties included in this annexation are very long in depth and difficult to develop individually. Providing a zoning district that accommodates a wide range of residential uses and allows for a diversity of possible housing is important towards accomplishing the goals of the adopted plans. The location of these properties in close proximity to goods and services, and major city thoroughfares (3rd Street and I-69), provides an opportunity for greater use of land. Although a single family zoning designation would match adjacent uses and current zoning of the County, this location is also an ideal location for increased density and housing types that would be allowed with a multifamily residential district.

ii. Consistent with Intergovernmental Agreements

The proposed use and development shall be consistent with any adopted intergovernmental agreements and shall comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this UDO.

ADOPTED FINDING: There are no known aspects of the interlocal agreement that addresses this proposed annexation.

iii. Minimization or Mitigation of Adverse Impacts

1. The proposed use and development shall be designed to minimize negative environmental impacts and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.
2. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
3. The proposed use and development shall not result in significant adverse fiscal impacts on the city.
4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required

ADOPTED FINDING: There has not been a site plan submitted to evaluate. There are trees present on the site that might be subject to the closed canopy and tree preservation standards. There are no known scenic or historical features of significant importance on the site. No significant adverse fiscal impacts on the city have been identified. Any site plan brought forward would be subject to the standards of the City's Unified Development Ordinance.

iv. Adequacy of Road Systems

1. Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed use and development shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.
2. The proposed use and development shall neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

ADOPTED FINDING: The property is directly accessed by Johnson Avenue which is a Primary Collector and is also adjacent to 3rd Street which is classified as a Primary Arterial Road. There is a sidewalk along the entirety of the 3rd Street frontage, but no sidewalk along Johnson Avenue. Redevelopment of this site is not expected to draw significant amounts of traffic through residential streets since it is in close proximity to 3rd Street and would be accessed from Johnson Avenue which is classified with a Neighborhood Connector typology.

v. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

ADOPTED FINDING: The site is located immediately adjacent to existing public roads and public infrastructure. Water and sewer service to this site is available through utility lines along 3rd Street or Johnson Avenue. The City of Bloomington Utilities has identified that the sewer line along this property is likely to need upgrading for any additional capacity needs.

vi. Rational Phase Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

ADOPTED FINDING: No phasing plan has been presented with this petition.

Conclusion:

As stated previously, the City and County's plans both support a mixture of housing types and density within this area to support adjacent commercial uses. Development within areas currently served by public utilities and with access to transit services is also encouraged. There are existing public utilities along Johnson Avenue and along 3rd Street, with Bloomington Transit service along 3rd Street to the south. The properties included in this annexation are very long in depth and difficult to develop individually. Providing a zoning district that accommodates a wide range of residential uses and allows for a diversity of possible housing is important towards accomplishing the goals of the adopted plans and meeting the housing needs of the community. The location of these properties in close proximity to goods and services, and major city thoroughfares (3rd Street and I-69), provides an opportunity for housing in an appropriately served area. The Plan Commission found that this location is an ideal location for increased density and housing types that would be allowed with a multifamily residential district and recommends the Residential Multifamily (RM) zoning district be utilized.

Recommendation:

The Plan Commission voted 5-0 to forward to the Common Council a recommendation that if the property is annexed, that the zoning shall be Residential Multifamily (RM) per the adopted findings.

Ordinance Certification

In accordance with IC 36-7-4-604, I hereby certify that the attached Ordinance 2026-33 is a true and complete copy of Plan Commission Case Number ZO2026-09-0015 which was given a favorable recommendation by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on October 12, 2026.

Type of Legislation: Zoning Map Amendment

Fiscal Impact Statement:

Will the legislation have a major impact on existing city appropriations, fiscal liability, or revenues?

If not, briefly explain why. If yes, briefly explain what the effect of city costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible.

The proposed legislation should not have any fiscal impact, as the approval of Ordinance 2026-33 only amends the City of Bloomington Zoning maps and does not directly impact existing resources, nor produce any savings, nor create any revenue impact. This ordinance is in accordance with Indiana Code 36-7-4-600.

Date: October 21, 2026

Lynn H. Coyne, JD

Signature of Plan Commission Secretary Lynn Coyne

Received by the Common Council Office on:

Date: October 21, 2026

Nicole Bolden

Signature of Bloomington City Clerk Nicole Bolden

Audit trail

Details

FILE NAME	Ordinance Certification 2026-33 - 10/21/26, 2:46 PM
STATUS	Signed
STATUS TIMESTAMP	2026/10/21 21:30:24 UTC

Activity

SENT	greulice@bloomington.in.gov **sent** a signature request to: • Nicole Bolden (boldenn@bloomington.in.gov) • Lynn H. Coyne, JD (lynn.coyne@bloomington.in.gov)	2026/10/21 18:46:50 UTC
SIGNED	**Signed** by Nicole Bolden (boldenn@bloomington.in.gov)	2026/10/21 21:30:24 UTC
SIGNED	**Signed** by Lynn H. Coyne, JD (lynn.coyne@bloomington.in.gov)	2026/10/21 18:56:01 UTC
COMPLETED	This document has been signed by all signers and is **complete**	2026/10/21 21:30:24 UTC

The email address indicated above for each signer may be associated with a Google account, and may either be the primary email address or secondary email address associated with that account.

Bloomington Common Council Ordinance 2026-38 - Amending Title 16 of the Bloomington Municipal Code to update the Residential Rental Unit and Lodging Establishment Inspection Program and add a new section on Short Term Rentals

Preamble

Whereas, on May 20, 2026, the Common Council passed Resolution 2026-06, directing HAND to develop long-term affordable housing solutions; and

Whereas, the state legislature, in Indiana Code § 36-7-9-4.5, provided legislative findings on the burden of vacant homes place on the state and municipalities; and

Whereas, the state legislature passed Indiana Code § 32-31-1-20, which prohibits municipalities from imposing on the relationship between a landlord and a tenant; and

Whereas, the state legislature has allowed for municipalities to regulate certain aspects of the short-term rental process in Indiana Code § 36-1-24.

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

Section 1. Chapter 16.01, entitled “Ordinance Foundation” of Title 16 “Residential Rental Unit and Ledging Establishment Inspection Program” shall be amended to read as follows:

16.01.010 - Title.

This title shall be known, cited and referenced to as the "Residential Rental Unit & Lodging Establishment Inspection Program" title.

16.01.020 - Authority.

This title is adopted by the City pursuant to its authority under the laws of the state, the Bloomington Municipal Code (BMC), and all other applicable authorities and provisions of state statutory and common law.

16.01.030 - Purpose.

This title is adopted for the following purposes:

(a) To ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises used as a residential rental unit.
(b) To protect the character and stability of the City, particularly its residential neighborhoods and its downtown.
(c) To assist in the elimination of blight, to promote maintenance of property, and to thereby ensure public health, safety, and welfare.
(d) To regulate and license the commercial business of letting rental properties to ensure the stability of approximately sixty percent (60%) of the City's housing stock.

16.01.040 - Jurisdiction.

This residential rental unit and lodging establishment inspection program title shall apply to all residential rental units and lodging establishments located within the corporate boundaries of the City.

16.01.050 - Severability.

If a section, subsection, sentence, clause, or phrase of this title is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title.

16.01.060 - Applicability.

(a) The owner, and/or their agent or designee, shall be responsible for compliance with this title.
(b) If any provisions in this title can be construed to be in conflict with provisions of the City of Bloomington Unified Development Ordinance, the more restrictive provision shall apply.
(c) Repairs, maintenance work, alterations, or installations which are caused directly or indirectly by the enforcement of this title shall be executed and installed in a workmanlike manner, and installed in accordance with the manufacturer's installation instructions and all state codes.
(d) The provisions of this title which apply to the exterior portions of residential rental units may not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when the following has occurred:

(1) The City historic preservation commission fails to issue the building or structure a certificate of appropriateness;

(2) The director judges the building or structure to be safe; and

(3) The director judges noncompliance with this title to be in the public's interest of health, safety and welfare.

(e) Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, within a residential rental unit or lodging establishment, or for the public safety, health and general welfare, not specifically covered by this title shall be determined by the director.
(f) On reasonable belief that a component or feature of a residential rental unit or lodging establishment may present a danger to the health, safety, or welfare of the occupant, the director may require documentation from a licensed person, firm, or person with equivalent knowledge or skills, to render a determination on strength, stability, or proper operation within a residential rental unit or lodging establishment.

16.01.070 - Housing and neighborhood development department (HAND).

(a) The HAND department shall be responsible for the enforcement of this title.
(b) An official or employee connected with the enforcement of this title, except one whose only connection is that of a member of the board of housing quality appeals as established in title 2, shall not be engaged in, or connected in any way with, the furnishing of labor, materials, or appliances for the maintenance of a residential rental unit or a lodging establishment unless that person is the owner of the residential rental unit or a lodging establishment, or has filed a uniform conflict of interest statement pursuant to Indiana Code Section 35-44-1-3; nor shall such officer or employee engage in any work that conflicts with their official duties or with the interests of the City.

16.01.080 - Director.

(a) The director shall enforce the provisions of this title.
(b) The director shall have authority as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this title; and, to secure the intent thereof. Such rules shall not have the effect of waiving requirements specifically provided for in this title or the Indiana Code, or of violating accepted engineering methods involving public safety.

Section 2. Chapter 16.02, entitled “Definitions” of Title 16 “Residential Rental Unit and Ledging Establishment Inspection Program” shall be amended to read as follows:

16.02.010 - General.

The definitions contained in this chapter shall be observed and applied in the interpretation of all chapters in this title, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include

the plural the plural the singular; and words used in the masculine gender shall include the feminine.

16.02.020 - Defined words.

All terms contained within this title shall have the meanings set forth in the Indiana Building Code, unless specifically defined herein below. Where terms are not defined in the Indiana Building Code or below, but are defined in any of the codes noted in Section 16.04.020(a) of this title, such terms shall have the meanings ascribed to them as in those other codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

16.02.021 - Accessory structure.

"Accessory structure" means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and which is customarily incidental to the primary building or structure or the primary use of the land.

16.02.022 - Carbon monoxide detector.

"Carbon monoxide detector" means a device that detects carbon monoxide and that produces a distinct, audible alarm and is listed by a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

16.02.023 - Complaint inspection

"Complaint inspection" means an inspection of a residential rental unit prior to the expiration of a rental permit and as the result of the HAND Department receiving a written request that indicates there is a violation of title 16 at the stated residential rental unit submitted by any resident of the City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, or the owner or the owner's agent.

16.02.024 - Condominium.

"Condominium" means a single real-estate unit, located in or attached to other real-estate units, which is individually owned and deeded.

16.02.025 - Cycle Inspection.

"Cycle inspection" means an inspection of a residential rental unit that occurs prior to the issuance of either the first rental permit granted for said unit or an inspection of a residential rental unit that occurs prior to the expiration of an already granted rental permit.

16.02.026 - Director.

"Director" means the director of the Housing and Neighborhood Development Department or their designee(s).

16.02.027 - Dwelling unit.

"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

16.02.028 - Equipment.

"Equipment" means a moveable or fixed unit of furnishings, instruments, machine or apparatus or set of articles which generally meets all of the following requirements:

(1) It retains its original shape and appearance with use;
(2) It is nonexpendable; that is if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it within an entirely new unit;

(3) It represents a substantial investment of money (two hundred fifty dollars or more for budget purposes); and
(4) It does not lose its identity through incorporation into a different or more complex unit or substance.

16.02.029 - Exterior property.

"Exterior property" means the open space on the premises and on adjoining property under the control of the owners or operators of such premises, provided said open space is made available to the occupants of the residential rental unit or lodging establishment.

16.02.030 - Family.

"Family" has the same definition as found in Bloomington Municipal Code's Unified Development Ordinance.

16.02.031 - Fuel.

"Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion."

16.02.032 - Garbage.

"Garbage" has the same definition as found in Title 6 of the Bloomington Municipal Code.

16.02.033 - HAND department or HAND.

"HAND department" or "HAND" means the housing and neighborhood development department.

16.02.034 - Infestation.

"Infestation" means the presence, within or contiguous to, a structure or premises of pests.

16.02.035 - Inoperable Vehicle.

"Inoperable vehicle" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, abandoned, in a state of disrepair, or incapable of being moved under its own power.

16.02.036 - Let for occupancy or let.

"Let for occupancy" or "let" means to permit, provide or offer possession or occupancy of a dwelling unit, building, premise or structure by a person who is not the legal owner of record thereof, not a legal dependent of the legal owner of record, or not a beneficiary of a trust if the legal owner of record is a trust, pursuant to a written or unwritten lease, agreement or license, or pursuant to an unrecorded agreement of contract for the sale of land.

16.02.037 - Lodging establishment.

"Lodging establishment" means any hotel, motel, resort, vacation cabin rental, camping cabin, or bed and breakfast.

16.02.038 - Multi-family dwelling.

"Multi-family dwelling" means any building, or group of buildings, or portion thereof containing two or more individual dwelling units where each unit is provided with an individual entrance to the outdoors or to a common hallway and in which the number of families in residence does not exceed the number of dwelling units provided. The term "multi-family dwelling" shall not include condominiums.

16.02.039 - Occupant.

"Occupant" means any person entitled to occupy a lodging establishment to the exclusion of others.

16.02.040 - Off-Cycle inspection.

"Off-cycle inspection" means an inspection of a residential rental unit prior to the expiration of a rental permit that is initiated because the director believes he has probable cause to believe the condition of the residential rental unit or premises is in such a state of deterioration or is in violation of this title.

16.02.041 - Organization.

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

16.02.042 - Owner.

"Owner" means any person, agent, or organization having a legal interest in a residential rental unit or lodging establishment; or recorded in the official records of the state, county or municipality as holding title to the residential rental unit or a lodging establishment; or otherwise having control of the residential rental unit or lodging establishment, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of the residential rental unit or lodging establishment by a court. For the purposes of this title, a person with a lease hold interest or an unrecorded contract for sale shall not be considered an owner.

16.02.043 - Owner occupied short-term rental property.

“Owner occupied short-term rental property” means property that is the owner’s primary residence and is offered to the public as a short-term rental.

16.02.044 Pest.

"Pest" means insects, rats, bed bugs, snakes, raccoons, squirrels, vermin or other similarly situated insects, reptiles or animals.

16.02.045 - Premises.

"Premises" means a lot, plot or parcel of land including the buildings or structures thereon.

16.02.046 - Residential rental unit.

"Residential rental unit" means any dwelling unit, rooming house, or rooming unit occupied by a person(s) other than the owner and/or their legal dependent, but it does not include the following arrangements unless the arrangements are created to avoid application of this title:

(1) Occupancy in a residential rental unit owned by Indiana University;
(2) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of said organization, provided the structure itself is owned by a nonprofit organization generally associated with the fraternal or social organization;
(3) Occupancy by the purchaser of a dwelling unit under a contract of sale, provided the contract for sale is properly recorded with the county;
(4) Occupancy in a lodging establishment or short-term rental, except as provided for elsewhere in this title;
(5) Occupancy in a rectory or parsonage by a person(s) generally assumed to occupy such a dwelling;
(6) Occupancy in a residential care facility or group home, provided said facility or home is licensed and inspected by the state;
(7) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with said tenant; and
(8) Cooperative housing arrangements.

16.02.047 - Rooming house/single-room occupancy.

"Rooming house/single-room occupancy" means a building, other than a dwelling unit, where lodging, with or without meals is provided for compensation; or a building designed as a

single-family dwelling that is occupied by more than one (1) family (as defined herein), but not a lodging establishment, fraternity or sorority house, residential care facility, or rectory.

16.02.048 - Rubbish.

"Rubbish" has the same definition as found in Title 6 of the Bloomington Municipal Code.

16.02.049 - Short-term rental.

“Short-term rental” means the rental of:

(1) A single family home;
(2) A dwelling unit in a single family home;
(3) A dwelling unit in a two-family or multifamily dwelling; or
(4) A dwelling unit in a condominium, cooperative, or time share;

for terms of less than thirty (30) days at a time through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single family residential use. The term does not include property that is used for any nonresidential use.

16.02.050 - Short-term rental platform.

“Short-term rental platform” means an entity that provides a platform through which unaffiliated parties offer to rent a short-term rental to an occupant, and collects consideration for the rental from the occupant.

16.02.051 - Single-family detached home.

"Single-family detached home" means a single building per lot containing a single residential dwelling unit designed for and occupied by one family which is completely separate from any other building.

16.02.052 - Smoke detector.

"Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

16.02.053 - Tenancy agreement.

"Tenancy agreement" means all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a residential rental unit and the adjoining premises.

16.02.054 - Tenant.

"Tenant" means any person entitled to occupy a residential rental unit under a tenancy agreement to the exclusion of others.

16.02.055 - Workmanlike.

"Workmanlike" means executed in a skilled or competent manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Section 3. Chapter 16.03 entitled “Administration of Residential Rental Units” of Title 16 “Residential Rental Unit and Ledging Establishment Inspection Program” shall be amended to read as follows:

16.03.010 - Compliance required.

No person shall occupy or allow the occupancy of a residential rental unit within the City unless in accordance with the provisions of this title.

16.03.020 - Registration of residential rental units.

(a) No owner of a residential rental unit shall allow such unit to be occupied without first registering the residential rental unit with the HAND department.
(b) Such registration shall be affected by furnishing the HAND department, upon a form furnished by the department, the following information:
    (1) Name of owner(s);
    (2) Street address of owner(s), said address shall be acceptable for service of process;
    (3) Phone number of owner(s);
    (4) Email address of owner(s);
    (5) Name, street address, phone number and email address of agent, if any, authorized to act on behalf of the owner(s) in regards to the residential rental unit, including service of process. Any owner(s) who does not reside in Indiana shall designate an in-state agent.
    (6) The registration form shall be signed by the owner(s) and not the owner's agent
(c) Whenever an owner(s) or agent changes his contact information (mailing address, phone number or email address) it shall be his responsibility to provide the HAND department with an updated registration form. All updated registration forms shall be signed by the owner and not the owner's agent.
(d) Whenever ownership of the residential rental unit changes, the new owner shall re-register the unit with the HAND department.

16.03.025 - Occupancy affidavit.

(a) No owner of a residential rental unit containing four (4) or less dwelling units per building shall let for occupancy or let any such dwelling unit without first completing and maintaining a fully executed occupancy affidavit for said dwelling unit on the form so provided by the HAND department.
(b) For each dwelling unit, each occupancy affidavit shall include the name of each occupant. The owner or agent shall execute the occupancy affidavit based upon personal knowledge and only after reasonable inquiry with respect to the information contained therein. Each tenant shall also sign the occupancy affidavit and affirm that information contained therein is true and accurate.
(c) For each dwelling unit, the owner or agent shall complete an updated occupancy affidavit and each tenant shall sign the same, as set forth above, within fifteen calendar days from the date of any change in the occupancy in the dwelling unit. The owner of the residential rental unit shall retain completed occupancy affidavits until the date of any further change in the occupancy in the dwelling unit. The owner of a residential rental unit shall produce and permit inspection of an occupancy affidavit during any HAND inspection, or upon request by the City.
(d) For residential rental properties containing more than four dwelling units, the requirement to complete and maintain a fully executed occupancy affidavit is waived unless a complaint is made about occupancy concerning the residential rental unit.
(e) Any residential rental unit that is subject to this section but has received from the board of housing quality appeals a variance from having to obtain a rental permit under this title must still fully comply with this section of this title.

16.03.030 - Rental permits.

(a) No owner of a residential rental unit shall allow such unit to be occupied without first obtaining a valid rental permit or temporary rental permit from the HAND department.
(b) No rental permit shall be issued by the HAND department until the residential rental unit and premises have been inspected pursuant to Section 16.03.040 and all provisions of the Bloomington Municipal Code have been met.
(c) All rental permits shall contain the following information:
    (1) Name of the owner(s);
    (2) Name of the agent;
    (3) Occupant load;
    (4) Number of bedrooms;

(5) Expiration date of the permit;
(6) Variances; and
(7) Notes.

(d) All residential rental units shall display a current rental permit in an accessible location inside said unit.

(e) Rental permits shall be issued for three, four, or five-year periods, as determined by this subsection:

(1) Three-year Permit. An owner shall apply to receive a three-year rental permit following the process outlined below:

(A) The owner must have registered the residential rental unit with the HAND department in accordance with Section 16.03.020, or if already registered, ensure the HAND department has the most updated registration form on file;

(B) The owner must schedule a cycle inspection prior to the expiration of the residential rental unit's current rental permit;

(C) If a residential rental unit has had a cycle inspection by the HAND department, and said department has issued a cycle inspection report noting violations of this title, the owner must have the residential rental unit reinspected and found in compliance with this title within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report citing the violations was mailed to the owner or within the time that may be granted by the board of housing quality appeals; and

(D) The owner must satisfy all outstanding fee assessments issued under this title within thirty (30) days from the date of billing.

(2) Four-year Permit. An owner shall be eligible to receive a four-year rental permit should they follow the process outlined below:

(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either

(B) The residential rental unit previously had a three-year rental permit and the cycle inspection uncovered no violations of this title, or all violations of this title cited on a cycle inspection report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report was mailed to the owner or within the time that may be granted by the board of housing quality appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing; or

(C) The residential rental unit is newly registered and the cycle Inspection uncovers no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within sixty days after the report was mailed to the owner, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.

(3) Five-Year Permit. An owner shall be eligible to receive a five-year rental permit should they follow the process outlined below:

(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either

(B) The residential rental unit is new construction and the cycle inspection uncovers no violations of Chapters 16.07, 16.08 and 17.16 of the Bloomington Municipal Code; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; and the HAND Department has issued an rental permit prior to the residential rental unit being occupied; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; or

(C) The residential rental unit's prior rental permit had been a four-year permit, and the Cycle Inspection uncovered no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report was mailed to the owner or within the time that may be granted by the Board of Housing Quality Appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.

16.03.040 - Inspections.

(a) Each residential rental unit and premises located within the City shall be scheduled to receive a cycle inspection conducted by the HAND department at least sixty days prior to the expiration of its rental permit to establish compliance with this title. Properties scheduled to be inspected more than six months prior to the expiration of the current rental permit shall receive a new rental permit with an expiration date of when compliance was achieved as a result of the most recent cycle inspection.

(b) Each newly constructed residential rental unit and premises located within the City shall receive a cycle inspection conducted by the HAND department prior to said unit being occupied, but after all construction on the units to be occupied have been completed. Limited Saturday cycle inspection scheduling is available on a first come first serve basis for newly constructed residential rental units and premises from June 1st through August 31st of each year, or at the discretion of the director and availability of HAND staff.

(c) Off-cycle or complaint inspections of a residential rental unit may be conducted at the discretion of the director upon the following:

(1) Receipt of a written request of any resident of the City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent provided the request indicates that there is some violation of this title at the stated residential rental unit; or

(2) The director has probable cause to believe the residential rental unit is in violation of this title.

(d) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection, unless the director has probable cause to believe the condition of the residential rental unit or its premises is in such a state of deterioration or violation of this title that a complete off-cycle inspection is required to effectuate the purposes of this title, in which a case a complete new cycle inspection of the entire residential rental unit and premises shall be performed.

(e) It shall be the responsibility of the owner of each residential rental unit to schedule all required inspections and reinspections required by this title. Failure to schedule may be treated as a failed inspection.

(f) The owner shall notify the tenant(s) of all scheduled inspections and reinspections of a residential rental unit. Failure to notify the tenant(s) may be treated as a failed inspection.

(g) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If a tenant or owner refuses entry for an inspection under this title, the HAND department may treat the visit as a failed inspection, and shall not inspect the residential rental unit without first obtaining a warrant in accordance with the laws of the state.

(h) The owner, an employee of the owner, or the unit's tenant shall remain with the HAND department employee conducting the inspection or reinspection at all times said employee is inside of a residential rental unit.

(i) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the

tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

16.03.050 - Fees.

(a) All fees for any inspection conducted under this title shall be established by the board of public works, in accordance with the directives of 16.30.050(b), and are subject to an annual review by said board.

(b) The board of public works shall establish reasonable and appropriate fees for inspections conducted under this title in accordance with the following:

(1) There shall be one fee for both the cycle inspection and a first re-inspection.

(2) Increased inspection fees may be assessed for each subsequent re-inspection.

(3) There shall be no fee for the initial and first re-inspection for a complaint inspection.

(4) Fees shall be established for the following:

(A) Single-family detached homes;

(B) Rooming houses;

(C) Condominiums;

(D) Multi-family dwellings; and

(E) Lodging establishments.

(5) In recognition of the importance of ensuring affordable housing, the board of public works shall ensure that the city continues to subsidize the inspection of certain types of low-income housing units by providing the following discounts to any inspection fees said board establishes:

(A) Public housing units owned and operated by the city housing authority shall be provided free inspections and shall not be assessed a fee;

(B) Section 8 dwelling units, low income tax credit dwelling units, HAND department subsidized dwelling units and dwelling units that have a monthly rent in accordance with the United States Department of Housing and Urban Development's low rent rates shall receive a thirty percent discount on any fee. A copy of the lease showing the unit's rental rate shall be provided in order to receive the discounted fee. A copy of the HUD Low Rent Rates is available on HAND's website; said rates are updated annually.

(6) There shall be a twenty-five (25%) percent fee reduction for any residential rental unit that has no violations on the initial cycle inspection. If the required documentation is not provided to the HAND inspector during the inspection, an owner will have until 5:00 p.m. on the day of the inspection to provide HAND with the required documentation in order to still receive the twenty-five (25%) percent fee reduction.

(7) In recognition of the additional burden vacant properties place on City enforcement officers as outlined in I.C. § 36-7-9-4.5, an annual vacancy fee of $500 shall be charged to the owner if a single-family detached home remains vacant after one (1) calendar year, and the fee shall increase by twenty-five percent (25%) each year it remains vacant, not to exceed $2,500. Appeals regarding good-faith attempts to fill the units shall follow the appeals process outlined in Section 16.10.050. The amount of the fee shall be rounded up to the nearest dollar for convenience in calculation.

(c) Effective July 1, 2027, the fees for inspections shall be as follows:

Single-family detached homes	$105.00
Rooming houses - each building	$80.00
+ each bathroom	$30.00
Condominiums	$105.00

Multi-family dwellings - each building	$80.00
+ each unit	$30.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$150.00

(d) Effective January 1, 2028, the fees for inspections shall be as follows:

Single-family detached homes	$115.00
Rooming houses - each building	$80.00
+ each bathroom	$40.00
Condominiums	$115.00
Multi-family dwellings - each building	$80.00
+ each unit	$40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$175.00

(e) Effective January 1, 2029, the fees for inspections shall be as follows:

Single-family detached homes	$125.00
Rooming houses - each building	$90.00
+ each bathroom	$40.00
Condominiums	$125.00
Multi-family dwellings - each building	$90.00
+ each unit	$40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$200.00

(f) Annual updates of the fees, beginning on January 1, 2030, shall be determined by the board of public works. The board of public works may only increase a fee if the cost of administering and enforcing the provisions of this title are not offset by the amount of fees generated by this title. Additionally, at no time may the board of public works increase a fee by more than ten percent (10%); if HAND feels as though a fee increase of greater than ten percent is required, said fee increase shall require approval by the City common council. All fee increases shall be reasonably related to the cost of administering and enforcing the provisions of this title.

(g) The fee for Saturday inspections under Section 16.03.040(b) shall be assessed at one and one half (1.5) times the regular weekday rate for inspections.

Section 4. Chapter 16.04 entitled "Property Maintenance" of Title 16 "Residential Rental Unit and Ledging Establishment Inspection Program" shall be amended to read as follows:

16.04.010 - Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for the maintenance of residential rental units and their premises.

16.04.020 - Codes.

(a) Pursuant to Indiana Code Section 36-7-2-9, the City is legally responsible for ensuring compliance with the state building laws and fire safety laws. Pursuant to this mandate, the following codes, as amended, are hereby incorporated into this chapter by reference and made a part thereof, two copies of which are on file in the office of the clerk for the legislative body for public inspection:

(1) Indiana Building Code;
(2) Indiana Residential Code;
(3) Indiana Fire Code;
(4) Indiana Mechanical Code;
(5) Indiana Electrical Code;
(6) Indiana Plumbing Code;
(7) Indiana Fuel Gas Code;
(8) Indiana Energy Code; and
(9) Indiana Accessibility Code.

(b) All residential rental units and accessory structures thereof shall be maintained in compliance with the provisions of those codes noted in Section 16.04.020(a). Compliance shall be in accordance with those codes in effect at the time the residential rental unit or accessory structure thereof was built or remodeled.

16.04.030 - Responsibility.

The owner of a residential rental unit shall maintain the unit and its premises in compliance with the requirements of this chapter, except as otherwise provided for in this title. A person shall not occupy or permit another person to occupy a residential rental unit, or its premises, which are not in a sanitary and safe condition, and which do not comply with the requirements of this title. The tenant of a residential rental unit is responsible for keeping the unit in a clean, sanitary, and safe condition.

16.04.040 - Exterior property areas.

(a) All exterior portions of a residential rental unit shall be maintained in a clean, safe, and sanitary condition. The tenant of a residential rental unit shall keep that part of the exterior unit and premises, which such tenant occupies or controls, in a clean, safe, and sanitary condition.
(b) All residential rental unit premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any residential rental unit located thereon. Exception: Approved retention areas and reservoirs.
(c) All sidewalks, walkways, stairs, driveways, private streets, parking spaces and similar areas shall be maintained in a proper state of repair, and maintained free from hazardous conditions.
(d) All residential rental unit premises shall be maintained in accordance with Title 6 of the Bloomington Municipal Code.
(e) All residential rental unit premises which contain trees shall maintain the trees in good health so that they pose no danger to persons or property.
(f) Furniture not generally intended to be used for outdoor purposes (typically upholstered furniture), shall not be permitted to be stored on the exterior premises of residential rental units, this includes both screened-in porches and non-screened porches.
(g) All gates shall be maintained in a structurally sound manner, be in good repair, and be maintained in accordance with this title.
(h) No inoperable vehicle shall be parked, kept or stored on the premises of any residential rental unit, and no vehicle shall at any time be kept or stored on the premises of any residential rental unit if it is in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles or motor cycles is prohibited unless conducted inside of an approved spray booth.

16.04.050 - Exterior structure.

(a) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.
(b) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health safety or welfare.

(c) Exterior wood surfaces on residential rental units and their accessory structures, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
(d) All metal surfaces subject to rust or corrosion on a residential rental unit or its accessory structures shall be coated to inhibit such corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
(e) Peeling, flaking and chipped paint on the exterior of a residential rental unit or its accessory structures shall be eliminated and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.
(f) Exterior surfaces on residential rental units and their accessory structures shall be maintained free of mold.
(g) If a residential rental unit is damaged, mutilated or defaced by marking, carving or graffiti, the owner of said unit shall restore the surface to an approved state of maintenance and repair.

16.04.060 - Interior structure.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.
(b) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health, safety or welfare.
(c) All equipment contained within the interior of a residential rental unit and its accessory structures shall be maintained in good repair, in accordance with its manufacturer's guidelines and in accordance with this title.
(d) Tenants of a residential rental unit shall keep that part of the unit which they occupy or control in a clean and sanitary condition.
(e) Every owner of a rooming house, a two or more dwelling unit or a dwelling unit with a nonresidential occupancy, shall maintain the shared public areas in a clean and sanitary condition and in accordance with this title.
(f) Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.

16.04.070 - Duct systems.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

16.04.080 - Rubbish and garbage.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be free from any accumulation of rubbish or garbage.
(b) Every tenant of a residential rental unit shall dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in approved containers.
(c) The owner of every residential rental unit shall supply the unit with an approved leak proof, covered, outside garbage container in accordance with Title 6 of the Bloomington Municipal Code.

16.04.090 - Extermination/pest control.

(a) All residential rental units, their accessory structures and exterior premises shall be kept free from pests. All residential rental units or accessory structures thereof in which pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination proper precautions shall be taken to prevent reinfestation.

(b) The owner of any residential rental unit shall be responsible for extermination within the unit, its accessory structures or on the exterior premises for extermination of pests prior to letting the unit.
(c) The tenant of a single-family detached home shall be responsible for extermination of pests after occupying the premises for thirty days unless the infestation is caused by defects in the premises—in which case the owner shall be responsible for extermination of pests.
(d) The owner of a structure containing two or more dwelling units, a multiple occupancy or a rooming house shall be responsible for extermination of pests.
(e) Regardless of whose responsibility it is to exterminate any pests, if the presence of pests is determined to be the result of actions taken, or not taken, by any tenant, said tenant shall be liable for fines in accordance with Chapter 16.09 of this title.
(f) This Section pertains only to whose responsibility it is to eradicate the pests; it does not pertain to, regulate, or discuss which party to the lease is to ultimately pay for the pest eradication.

16.04.100 - Display of address.

All residential rental units shall conspicuously display the unit's address number on the front of the unit.

Section 5. Chapter 16.05 entitled “Lodging Establishments” of Title 16 “Residential Rental Unit and Ledging Establishment Inspection Program” shall be amended to read as follows:

16.05.010 - Compliance with local and state laws.

(a) Any owner of a lodging establishment shall at all times comply with all sanitary laws and regulations of the City, county, and the state.
(b) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with the codes noted in Section 16.04.020(a).
(c) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with this chapter.

16.05.020 - Inspections of lodging establishments.

(a) Inspectors of the HAND department shall have the right to inspect a lodging establishment:
    (1) Upon the director receiving a request or complaint from any resident of the city, any governmental agency or employee, or the lodging establishment’s occupant, the occupant’s legal representative, the owner, or the owner’s agent provided the request indicates that there is some violation of this title at the state lodging establishment; or
    (2) The director has probable cause to believe the lodging establishment is in violation of this title.
(b) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection.
(c) The owner shall notify the occupant(s) of all scheduled inspections and re-inspections of a lodging establishment.
(d) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If an occupant or owner refuses entry for an inspection under this title, the HAND department shall not inspect the lodging establishment without first obtaining a warrant in accordance with the laws of the state.
(e) The owner or an employee of the owner shall remain with the HAND department employee conducting the inspection or re-inspection at all times said employee is inside of a lodging establishment.

(f) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

16.05.030 - Compliance with title.

No person or organization shall operate a lodging establishment, or occupy or let to another for occupancy, any portion of a lodging establishment if said establishment is not maintained in accordance with this title.

Section 6. Chapter 16.06 entitled "Short-Term Rentals" of Title 16 "Residential Rental Unit and Ledging Establishment Inspection Program" shall be inserted after Chapter 16.05.030 and shall read as follows:

16.06.010 - Compliance with local and state laws.

Any owner of a short-term rental shall at all times comply with all sanitary laws and regulations of the City, county, and the state.

16.06.020 - Permits; application requirements.

(a) To obtain a short-term rental permit, the owner must provide the following information for each property:
    (1) The owner's name, street address, mailing address, electronic mail address (if applicable), and telephone number. If the owner is a corporation, partnership, or other legal entity, the application must require the:
        (A) owner's state of incorporation or organization; and
        (B) names, residence addresses, and telephone numbers of the owner's principal officers or partners.
    (2) If a property manager is used, the property manager's name, street address, mailing address, electronic mail address (if applicable), and telephone number.
    (3) A short description of how each of the owner's short-term rentals on the property are marketed or advertised, including the following:
        (A) The advertised occupancy limits of each short-term rental.
        (B) Whether the short-term rental is:
            (i) a single family home;
            (ii) a dwelling unit in a single family home;
            (iii) a dwelling unit in a two-family or multifamily dwelling; or
            (iv) a dwelling unit in a condominium, cooperative, or time share.
        (C) A permit application must be made by an owner. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.
(b) Subject to Section 16.06.050, if an owner submits a permit application under this section that meets the requirements set forth, the City shall issue a permit to the owner within thirty (30) days of receipt of the application.
(c) If an owner sells all or part of a permitted property, the permit may not be transferred to the new owner. The new owner must submit an application for a new permit.
(d) Owners may request an inspection with HAND. Such inspection shall be on a first-come, first-serve basis, and will be at a discounted rate determined by HAND.

16.06.030 - Duty to update permit information.

If any information provided by an owner in the permit application changes, the owner shall provide updated information to the unit in writing within thirty (30) business days.

16.06.040 - Expiration; permit fees.

(a) A permit expires one (1) year after the date the permit is issued.
(b) The cost of the permit is one hundred fifty dollars ($150), for each of the following:
    (1) An initial permit issued to an owner for the permitted property.
    (2) The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.
(c) The owner shall provide notice in writing within thirty (30) business days of the permit expiration of their intent to renew their permit. Such notice shall include any updates to permit information, or confirmation that the permit information has not changed, and the address of the short-term rental.

16.06.050 - Revocation of a permit; notice and hearing.

(a) If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the City may revoke the permit for that permitted property for a period of not more than one (1) year after the date the permit is revoked.
(b) If the City revokes the permit, the owner has the opportunity to appeal to the board of housing quality appeals as outlined in Section 16.10.050 of this title.
(c) An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked by the City. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to the use of the short-term rental or any other outstanding ordinance violations of Bloomington Municipal Code.

16.06.060 - Unregistered short-term rentals.

(a) An owner shall not rent a short-term rental without obtaining a valid permit from the City.
(b) Each short-term rental transaction that the short-term rental provider completes without a short-term rental permit constitutes a separate violation of this section.

16.06.070 - Restrictions on short-term rental usage; enforcement.

(a) The following uses are prohibited from being used as short-term rentals:
    (1) To house sex offenders;
    (2) To operate a structured sober living home;
    (3) To manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity;
    (4) To operate an adult entertainment establishment (as defined in I.C. § 12-7-2-1.8).
(b) Any housing exempted that is from the requirements of this title under Section 16.02.046(1) or (2) is prohibited from registering as a short-term rental.
(c) Any violations of this chapter shall be subject to enforcement under Chapter 16.10.

Section 7. Chapter 16.10, entitled "Enforcement, Penalties, Appeals and Variances" of Title 16 "Residential Rental Unit and Ledging Establishment Inspection Program" shall be amended to read as follows:

16.10.010 - Authority.

The director, and their designees, are the designated enforcement officials with full authority to investigate, conduct inspections, accept registration forms, issue rental permits, issue reports, and secure remedies, including but not limited to fines and injunctive relief for any violation of this title.

16.10.020 - Penalties and remedies for violations.

(a) For purposes of this title, a violation shall be defined as a violation or failure to comply with:

(1) Any provision or requirement of this title;
(2) Any condition, requirement or commitment established with the approval of a variance issued by the board of housing and quality appeals or the state fire prevention and building safety commission; or
(3) The required elements of the submission on the basis of which any rental permit has been rendered hereunder.

(b) Any violation, as defined in Section 16.10.020(a) above, shall be subject to the penalties and remedies provided in Chapter 16.10, and the City shall have recourse to any remedy available in law or equity.

(c) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in Chapter 16.10. A violation continues to exist until corrected and verified by the director or their designees. Correction includes, but is not limited to:
(1) Cessation of an unlawful practice;
(2) Remediation of a violation;
(3) Payment of fees or fines;
(4) Vacancy of a residential rental unit;
(5) Vacancy of a lodging establishment;
(6) Temporary or permanent revocation of rental permit(s); and/or
(7) Any other remedy acceptable to the City.

(d) For purposes of issuing penalties and fines in accordance with this chapter, the following persons shall be considered responsible parties, with liability for fines and responsibility for the remediation of the violation:
(1) Property owner;
(2) Any person with a possessory interest in the property; and/or
(3) Any person who has caused the violation.

(e) Remediation of a violation of this title shall be made or accomplished in accordance with the procedures and provisions with the codes listed in Section 16.04.020(a).

(f) The City legal department may institute appropriate action to impose and collect fines, fees, and/or other penalties; to enforce or defend any action taken pursuant to this Title; and to prevent, enjoin, abate, remove, or correct any violation of, or noncompliance with, this Title.

(g) In addition to all other penalties and remedies provided for herein, it shall be a violation of this title for any person to remove batteries from, or in any way render inoperable, a carbon monoxide detector or smoke detector, except as part of a process to inspect, maintain, repair, or replace the detector or alarm or to replace the batteries in the detector or alarm.

(h) The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

16.10.030 - Penalty.

(a) Any violation that is subject to Chapter 16.10 shall be subject to a civil penalty of not more than $2,500.00 for each such violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(b) The following violations of this title shall be subject to the fines listed in the table below.

Registration form violation if not supplied within the compliance period provided for on a unit's inspection report	$25.00 flat fine
Failure to provide required documentation if not supplied within the compliance period provided for on a unit's inspection report	$100.00 per unit
Violation of any of the codes listed in Section 16.04.020	$100.00
Making a smoke detector or carbon monoxide detector inoperable	$100.00

Failing to appear for a scheduled inspection	$50.00 flat fine
Failure to timely maintain and/or knowing, intentional, reckless, or negligent completion of an incorrect occupancy affidavit	Flat fine not to exceed $500.00

16.10.040 - Enforcement procedure.

(a) If the director finds that any violation of this title is occurring, or has occurred, notice shall be given to the responsible party. For purposes of this title only, a cycle inspection report, remaining violations report or complaint inspection report is considered notice of a violation. For purposes of issuing a notice, the following persons may be considered responsible parties, with liability for fines and responsibility for remediation of the violation:
    (1) The owner of the residential rental unit;
    (2) Persons with any possessory interest in the residential rental unit;
    (3) Any person who, whether as property manager, agent, owner, lessee, tenant, or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue;
    (4) The owner of the lodging establishment; and/or
    (5) Persons with any possessory interest in the lodging establishment.

(b) The notice shall be in writing and shall be served on all of the responsible parties and shall include the following:
    (1) A description of the residential rental unit or lodging establishment sufficient for identification;
    (2) A statement of the violation(s) and why the notice is being issued;
    (3) A correction order allowing a reasonable time to make repairs and improvements required to bring the residential rental unit or accessory structures or lodging establishment into compliance with the provisions of this title; and
    (4) Informing the owner of the residential rental unit, lodging establishment, or short-term rental of their right to an appeal;

(c) The notice shall be deemed properly served if a copy thereof is:
    (1) Delivered personally;
    (2) Sent by certified or first-class mail addressed to the last known address of the responsible party;
    (3) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the residential rental unit or lodging establishment affected by such notice; or
    (4) If the owner so designates on his registration form as being appropriate, sent by email.

(d) At the end of the time period specified in the notice described in subsection (b) above, any residential rental unit or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the unit's owner after such owner has affected those corrections required by the City as a result of any previous inspection. If reinspection is not requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the residential rental unit and its premises shall not be issued a rental permit.

(e) At the end of the time period specified in the notice described in subsection (b) above, any lodging establishment or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the establishment's owner after such owner has affected those corrections required by the City as a result of any previous inspection. If reinspection is not requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the lodging establishment and its premises shall be the subject to the penalties of this chapter.

(f) Fines for all violations of this title, except for the violation of allowing a residential rental unit to be occupied without having first been inspected and permitted by the City in accordance with this title, shall only accrue from the date the timeline in the first inspection report expires.
(g) In addition to issuing a notice, the director may utilize and/or seek through legal proceedings one or more of the following remedies:
    (1) Revoke or withhold issuance of a rental permit; and/or
    (2) Any and all penalties and remedies listed in Section 16.10.020.

16.10.050 - Appeals.

(a) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a residential rental unit or short-term rental, shall have the right to appeal to the board of housing and quality appeals.
(b) An appeal filed with the board of housing and quality appeals shall be in the manner prescribed in Title 2 of the Bloomington Municipal Code and the established rules and procedures of the board.
(c) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a lodging establishment, shall have the right to file an appeal to the appropriate state governing body.
(d) Fines levied for violations of this title may be challenged in the Monroe County Circuit Court.

16.10.060 - Variances.

(a) Any person found to be in violation of any provision of this title, except for a violation of the codes listed in Section 16.04.020, may file for a variance with the board of housing and quality appeals.
(b) Any person found to be in violation of any provision of the codes listed in Section 16.04.020 may file for a variance with the appropriate state governing body.

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, or 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.

Effective Date

This Ordinance shall be in full force and effect on July 1, 2027 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 this day of , 2026.

Signature of Common Council President Isak Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signed and approved by me on this day of , 2026.

Signature of Mayor Kerry Thomson

Synopsis:

This ordinance amending Title 16 includes the following substantive changes: (1) the addition of Chapter 16.06 Short Term Rentals, per Indiana Code § 36-1-24; (2) an update to the fee schedule in Section 16.03.07 Fees; (3) inclusion of a vacancy fee for single-family detached homes; (4) removal of sections and references in accordance with Indiana Code § 32-31-1-20; and (5) grammatical, quality of life, and spelling corrections.There are no changes in HAND's inspections or in the evaluation criteria. The recommended implementation date is July 1, 2027.

Amendment

Ordinance: 2026-38
Amendment #: 01
Submitted by: Council Member Piedmont-Smith
Date: Nov. 23, 2026

Ordinance 2026-38 shall be amended as indicated in Attachment A.

Synopsis: This amendment, sponsored by Council Member Piedmont-Smith, corrects typographical errors, changes gender-specific language to gender-neutral language, and replaces any mention of “rooming house” with “single room occupancy” per recent Title 20 changes.

Attachment A (Am. 01 to Ord. 2026-38)

Section 1. Chapter 16.01, entitled "Ordinance Foundation" of Title 16 "Residential Rental Unit and ~~Ledging~~ Lodging Establishment Inspection Program" shall be amended to read as follows:

16.01.010 - Title.

This title shall be known, cited and referenced to as the "Residential Rental Unit & Lodging Establishment Inspection Program" title.

16.01.020 - Authority.

This title is adopted by the City pursuant to its authority under the laws of the state, the Bloomington Municipal Code (BMC), and all other applicable authorities and provisions of state statutory and common law.

16.01.30 - Purpose.

This title is adopted for the following purposes:

(a) To ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises used as a residential rental unit.
(b) To protect the character and stability of the City, particularly its residential neighborhoods and its downtown.
(c) To assist in the elimination of blight, to promote maintenance of property, and to thereby ensure public health, safety, and welfare.
(d) To regulate and license the commercial business of letting rental properties to ensure the stability of ~~approximately sixty percent (60%) of~~ the City's housing stock.

16.01.040 - Jurisdiction.

This residential rental unit and lodging establishment inspection program title shall apply to all residential rental units and lodging establishments located within the corporate boundaries of the City.

16.01.050 - Severability.

If a section, subsection, sentence, clause, or phrase of this title is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title.¶

~~16.01.60~~ - Applicability.

(a) The owner, and/or their agent or designee, shall be responsible for compliance with this title.
(b) If any provisions in this title can be construed to be in conflict with provisions of the City of Bloomington Unified Development Ordinance, the more restrictive provision shall apply.
(c) Repairs, maintenance work, alterations, or installations which are caused directly or indirectly by the enforcement of this title shall be executed and installed in a workmanlike manner, and installed in accordance with the manufacturer's installation instructions and all state codes.
(d) The provisions of this title which apply to the exterior portions of residential rental units may not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when the following has occurred:

(1) The City historic preservation commission fails to issue the building or structure a certificate of appropriateness;

(2) The director judges the building or structure to be safe; and

(3) The director judges noncompliance with this title to be in the public's interest of health, safety and welfare.

(e) Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, within a residential rental unit or lodging establishment, or for the public safety, health and general welfare, not specifically covered by this title shall be determined by the director of the Housing and Neighborhood Development Department (HAND).
(f) On reasonable belief that a component or feature of a residential rental unit or lodging

establishment may present a danger to the health, safety, or welfare of the occupant, the director may require documentation from a licensed person, firm, or person with equivalent knowledge or skills, to render a determination on strength, stability, or proper operation within a residential rental unit or lodging establishment.

16.01.70 - Housing and Nneighborhood Ddevelopment (HAND) department ~~(HAND)~~.

(a) The HAND department shall be responsible for the enforcement of this title.
(b) An official or employee connected with the enforcement of this title, except one whose only connection is that of a member of the Bboard of Hhousing Aquality Aappeals as established in Ttitle 2, shall not be engaged in, or connected in any way with, the furnishing of labor, materials, or appliances for the maintenance of a residential rental unit or a lodging establishment unless that person is the owner of the residential rental unit or ~~a~~ lodging establishment, or has filed a uniform conflict of interest statement pursuant to Indiana Code Section 35-44-1-3; nor shall such officer or employee engage in any work that conflicts with their official duties or with the interests of the City.

16.01.80 ~~-~~ Director of HAND.

(a) The director shall enforce the provisions of this title.
(b) The director shall have authority as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this title; and, to secure the intent thereof. Such rules shall not have the effect of waiving requirements specifically provided for in this title or the Indiana Code, or of violating accepted engineering methods involving public safety.

Section 2. Chapter 16.02, entitled “Definitions” of Title 16 “Residential Rental Unit and Ledging Establishment Inspection Program” shall be amended to read as follows:

16.02.010 - General.

The definitions contained in this chapter shall be observed and applied in the interpretation of all chapters in this title, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular.~~; and words used in the masculine gender shall include the feminine.~~

16.02.20 - Defined words.

All terms contained within this title shall have the meanings set forth in the Indiana Building Code, unless specifically defined herein below. Where terms are not defined in the Indiana Building Code or below, but are defined in any of the codes noted in Section 16.04.020(a) of this title, such terms shall have the meanings ascribed to them as in those other codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

16.02.21 - Accessory structure.

"Accessory structure" means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and which is customarily incidental to the primary building or structure or the primary use of the land.

16.02.22 - Carbon monoxide detector.

"Carbon monoxide detector" means a device that detects carbon monoxide and that produces a distinct, audible alarm and is listed by a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

16.02.23 - Complaint inspection

"Complaint inspection" means an inspection of a residential rental unit prior to the expiration of a rental permit and as the result of the HAND Department receiving a written request that indicates there is a violation of Ttitle 16 at the stated residential rental unit submitted by any resident of the City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, or the owner or the owner's agent.

16.02.24 - Condominium.

"Condominium" means a single real-estate unit, located in or attached to other real-estate units, which is individually owned and deeded.

16.02.25 - Cycle Inspection.

"Cycle inspection" means an inspection of a residential rental unit that occurs prior to the issuance of either the first rental permit granted for said unit or an inspection of a residential rental unit that occurs prior to the expiration of an already granted rental permit.

16.02.26 - Director.

"Director" means the director of the Housing and Neighborhood Development Department or their designee(s).

16.02.27 - Dwelling unit.

"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

16.02.28 - Equipment.

"Equipment" means a moveable or fixed unit of furnishings, instruments, machine or apparatus or set of articles which generally meets all of the following requirements:

(1) It retains its original shape and appearance with use;
(2) It is nonexpendable; that is if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it within an entirely new unit;
(3) It represents a substantial investment of money (two hundred fifty dollars or more for budget purposes); and
(4) It does not lose its identity through incorporation into a different or more complex unit or substance.

16.02.29 - Exterior property.

"Exterior property" means the open space on the premises and on adjoining property under the control of the owners or operators of such premises, provided said open space is made available to the occupants of the residential rental unit or lodging establishment.

16.02.30 - Family.

"Family" has the same definition as found in Bloomington Municipal Code’s Unified Development Ordinance (Title 20).

16.02.31 - Fuel.

"Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion."

16.02.32 - Garbage.

"Garbage" has the same definition as found in Title 6 of the Bloomington Municipal Code.

16.02.33 - HAND department or HAND.

"HAND department” or “HAND" means the Hhousing and Nneighborhood Ddevelopment department.

16.02.34 - Infestation.

"Infestation" means the presence, within or contiguous to, a structure or premises of pests.

16.02.35 - Inoperable Vehicle.

"Inoperable vehicle" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, abandoned, in a state of disrepair, or incapable of being moved under its own power.

16.02.36 - Let for occupancy or let.

"Let for occupancy” or “let" means to permit, provide or offer possession or occupancy of a dwelling unit, building, premise or structure by a person who is not the legal owner of record

thereof, not a legal dependent of the legal owner of record, or not a beneficiary of a trust if the legal owner of record is a trust, pursuant to a written or unwritten lease, agreement or license, or pursuant to an unrecorded agreement of contract for the sale of land.

16.02.37 - Lodging establishment.

"Lodging establishment" means any hotel, motel, resort, vacation cabin rental, camping cabin, or bed and breakfast.

16.02.38 - Multi-family dwelling.

"Multi-family dwelling" means any building, or group of buildings, or portion thereof containing two or more individual dwelling units where each unit is provided with an individual entrance to the outdoors or to a common hallway and in which the number of families in residence does not exceed the number of dwelling units provided. The term "multi-family dwelling" shall not include condominiums.

16.02.39 - Occupant.

"Occupant" means any person entitled to occupy a lodging establishment to the exclusion of others.

16.02.40 - Off-Cycle inspection.

"Off-cycle inspection" means an inspection of a residential rental unit prior to the expiration of a rental permit that is initiated because the director ~~believes he~~ has probable cause to believe the condition of the residential rental unit or premises is in such a state of deterioration or is in violation of this title.

16.02.41 - Organization.

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

16.02.42 - Owner.

"Owner" means any person, agent, or organization having a legal interest in a residential rental unit or lodging establishment; or recorded in the official records of the state, county or municipality as holding title to the residential rental unit or ~~a~~ lodging establishment; or otherwise having control of the residential rental unit or lodging establishment, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of the residential rental unit or lodging establishment by a court. For the purposes of this title, a person with a lease hold interest or an unrecorded contract for sale shall not be considered an owner.

16.02.43 - Owner occupied short-term rental property.

“Owner occupied short-term rental property” means property that is the owner’s primary residence and is offered to the public as a short-term rental.

16.02.44 Pest.

"Pest" means insects, rats, bed bugs, snakes, raccoons, squirrels, vermin or other similarly situated insects, reptiles or animals.

16.02.45 - Premises.

"Premises" means a lot, plot or parcel of land including the buildings or structures thereon.

16.02.46 - Residential rental unit.

"Residential rental unit" means any dwelling unit, rooming house, or rooming unit occupied by a person(s) other than the owner and/or their legal dependent, but it does not include the following arrangements unless the arrangements are created to avoid application of this title:

(1) Occupancy in a residential rental unit owned by Indiana University;
(2) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of said organization, provided the structure itself is owned by a nonprofit organization generally associated with the fraternal or social organization;
(3) Occupancy by the purchaser of a dwelling unit under a contract of sale, provided the contract for sale is properly recorded with the

county;
(4) Occupancy in a lodging establishment or short-term rental, except as provided for elsewhere in this title;
(5) Occupancy in a rectory or parsonage by a person(s) generally assumed to occupy such a dwelling;
(6) Occupancy in a residential care facility or group home, provided said facility or home is licensed and inspected by the state;
(7) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with said tenant; and
(8) Cooperative housing arrangements.

16.02.47 - ~~Rooming house/S~~single ~~-~~room occupancy.

"Single room occupancy" means a residential building where individuals rent individual bedrooms and share common facilities such as kitchen, bathrooms, and common area that is occupied by a group of persons, for periods of thirty days or longer, that do not meet the definition of "family," ~~"Rooming house/single-room occupancy" means a building, other than a dwelling unit, where lodging, with or without meals is provided for compensation; or a building designed as a single-family dwelling that is occupied by more than one (1) family (as defined herein),~~ but not a lodging establishment, fraternity or sorority house, residential care facility, or rectory.

16.02.48 - Rubbish.

"Rubbish" has the same definition as found in Title 6 of the Bloomington Municipal Code.

16.02.49 - Short-term rental.

“Short-term rental” means the rental of:

(1) A single-~~-~~family home;
(2) A dwelling unit in a single-~~-~~family home;
(3) A dwelling unit in a two-family or multifamily dwelling; or
(4) A dwelling unit in a condominium, cooperative, or time share;

for terms of less than thirty (30) days at a time through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single-~~-~~family residential use. The term does not include property that is used for any nonresidential use.

16.02.50 - Short-term rental platform.

“Short-term rental platform” means an entity that provides a platform through which unaffiliated parties offer to rent a short-term rental to an occupant, and collects consideration for the rental from the occupant.

16.02.51 - Single-family detached home.

"Single-family detached home" means a single building per lot containing a single residential dwelling unit designed for and occupied by one family which is completely separate from any other building.

16.02.52 - Smoke detector.

"Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

16.02.53 - Tenancy agreement.

"Tenancy agreement" means all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a residential rental unit and the adjoining premises.

16.02.54 - Tenant.

"Tenant" means any person entitled to occupy a residential rental unit under a tenancy agreement to the exclusion of others.

16.02.55 - Workmanlike.

"Workmanlike" means executed in a skilled or competent manner; e.g., generally plumb,

level, square, in line, undamaged, and without marring adjacent work.

Section 3. Chapter 16.03 entitled "Administration of Residential Rental Units" of Title 16 "Residential Rental Unit and Lodging~~Ledging~~ Establishment Inspection Program" shall be amended to read as follows:

16.03.010 - Compliance required.

No person shall occupy or allow the occupancy of a residential rental unit within the City unless in accordance with the provisions of this title.

16.03.20 - Registration of residential rental units.

(a) No owner of a residential rental unit shall allow such unit to be occupied without first registering the residential rental unit with the HAND department.
(b) Such registration shall be affected by furnishing the HAND department, upon a form furnished by the department, the following information:
    (1) Name of owner(s);
    (2) Street address of owner(s), said address shall be acceptable for service of process;
    (3) Phone number of owner(s);
    (4) Email address of owner(s);
    (5) Name, street address, phone number and email address of agent, if any, authorized to act on behalf of the owner(s) in regards to the residential rental unit, including service of process. Any owner(s) who does not reside in Indiana shall designate an in-state agent.
    (6) The registration form shall be signed by the owner(s) and not the owner's agent
(c) Whenever an owner(s) or agent changes their~~his~~ contact information (mailing address, phone number or email address) it shall be their~~his~~ responsibility to provide the HAND department with an updated registration form. All updated registration forms shall be signed by the owner and not the owner's agent.
(d) Whenever ownership of the residential rental unit changes, the new owner shall re-register the unit with the HAND department.

16.03.25 - Occupancy affidavit.

(a) No owner of a residential rental unit containing four (4) or fewer~~less~~ dwelling units per building shall let for occupancy or let any such dwelling unit without first
completing and maintaining a fully executed occupancy affidavit for said dwelling unit on the form so provided by the HAND department.
(b) For each dwelling unit, each occupancy affidavit shall include the name of each occupant. The owner or agent shall execute the occupancy affidavit based upon personal knowledge and only after reasonable inquiry with respect to the information contained therein. Each tenant shall also sign the occupancy affidavit and affirm that information contained therein is true and accurate.
(c) For each dwelling unit, the owner or agent shall complete an updated occupancy affidavit and each tenant shall sign the same, as set forth above, within fifteen
calendar days from the date of any change in the occupancy in the dwelling unit.
The owner of the residential rental unit shall retain completed occupancy affidavits until the date of any further change in the occupancy in the dwelling unit. The owner of a residential rental unit shall produce and permit inspection of an occupancy affidavit during any HAND inspection, or upon request by the City.
(d) For residential rental properties containing more than four dwelling units, the requirement to complete and maintain a fully executed occupancy affidavit is waived unless a complaint is made about occupancy concerning the residential rental unit.
(e) Any residential rental unit that is subject to this section but has received from the B~~b~~oard of H~~h~~ousing Q~~q~~uality A~~a~~ppeals a variance from having to obtain a rental permit under this title must still fully comply with this section of this title.

16.03.30 - Rental permits.

(a) No owner of a residential rental unit shall allow such unit to be occupied without first obtaining a valid rental permit or temporary rental permit from the HAND department.
(b) No rental permit shall be issued by the HAND department until the residential rental unit and premises have been inspected pursuant to Section 16.03.040 and all provisions of the Bloomington Municipal Code have been met.

(c) All rental permits shall contain the following information:
(1) Name of the owner(s);
(2) Name of the agent;
(3) Occupant load;
(4) Number of bedrooms;
(5) Expiration date of the permit;
(6) Variances; and
(7) Notes.

(d) All residential rental units shall display a current rental permit in an accessible location inside said unit.

(e) Rental permits shall be issued for three, four, or five-year periods, as determined by this subsection:
(1) Three-year Permit. An owner shall apply to receive a three-year rental permit following the process outlined below:
(A) The owner must have registered the residential rental unit with the HAND department in accordance with Section 16.03.020, or if already registered, ensure the HAND department has the most updated registration form on file;
(B) The owner must schedule a cycle inspection prior to the expiration of the residential rental unit's current rental permit;
(C) If a residential rental unit has had a cycle inspection by the HAND department, and said department has issued a cycle inspection report noting violations of this title, the owner must have the
residential rental unit reinspected and found in compliance with this title within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report citing the violations was mailed to the owner or within the time that may be granted by the board of housing quality appeals; and
(D) The owner must satisfy all outstanding fee assessments issued under this title within thirty (30) days from the date of billing.
(2) Four-year Permit. An owner shall be eligible to receive a four-year rental permit should they follow the process outlined below:
(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either
(B) The residential rental unit previously had a three-year rental permit and the cycle inspection uncovered no violations of this title, or all violations of this title cited on a cycle inspection report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report was mailed to the owner or within the time that may be granted by the board of housing quality appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing; or
(C) The residential rental unit is newly registered and the cycle Inspection uncovers no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within sixty days after the report was mailed to the owner, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.
(3) Five-Year Permit. An owner shall be eligible to receive a five-year rental permit should they follow the process outlined below:
(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either
(B) The residential rental unit is new construction and the cycle inspection uncovers no violations of Chapters 16.07, 16.08 and 17.16 of the Bloomington Municipal Code; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; and the HAND Department has issued a ~~an~~ rental permit prior to the residential rental unit being occupied; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; or
(C) The residential rental unit's prior rental permit had been a four-year

permit, and the Cycle Inspection uncovered no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report was mailed to the owner or within the time that may be granted by the Board of Housing Quality Appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.

16.03.40 - Inspections.

(a) Each residential rental unit and premises located within the City shall be scheduled to receive a cycle inspection conducted by the HAND department at least sixty days prior to the expiration of its rental permit to establish compliance with this title. Properties scheduled to be inspected more than six months prior to the expiration of the current rental permit shall receive a new rental permit with an expiration date of when compliance was achieved as a result of the most recent cycle inspection.

(b) Each newly constructed residential rental unit and premises located within the City shall receive a cycle inspection conducted by the HAND department prior to said unit being occupied, but after all construction on the units to be occupied have been completed. Limited Saturday cycle inspection scheduling is available on a first come first serve basis for newly constructed residential rental units and premises from June 1st through August 31st of each year, or at the discretion of the director and availability of HAND staff.

(c) Off-cycle or complaint inspections of a residential rental unit may be conducted at the discretion of the director upon the following:

(1) Receipt of a written request of any resident of the City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent provided the request indicates that there is some violation of this title at the stated residential rental unit; or

(2) The director has probable cause to believe the residential rental unit is in violation of this title.

(d) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection, unless the director has probable cause to believe the condition of the residential rental unit or its premises is in such a state of deterioration or violation of this title that a complete off-cycle inspection is required to effectuate the purposes of this title, in which a case a complete new cycle inspection of the entire residential rental unit and premises shall be performed.

(e) It shall be the responsibility of the owner of each residential rental unit to schedule all required inspections and reinspections required by this title. Failure to schedule may be treated as a failed inspection.

(f) The owner shall notify the tenant(s) of all scheduled inspections and reinspections of a residential rental unit. Failure to notify the tenant(s) may be treated as a failed inspection.

(g) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If a tenant or owner refuses entry for an inspection under this title, the HAND department may treat the visit as a failed inspection, and shall not inspect the residential rental unit without first obtaining a warrant in accordance with the laws of the state.

(h) The owner, an employee of the owner, or the unit's tenant shall remain with the HAND department employee conducting the inspection or reinspection at all times said employee is inside of a residential rental unit.

(i) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

16.03.50 - Fees.

(a) All fees for any inspection conducted under this title shall be established by the board of public works, in accordance with the directives of 16.30.050(b), and are subject to an annual review by said board.

(b) The board of public works shall establish reasonable and appropriate fees for inspections conducted under this title in accordance with the following:

(1) There shall be one fee for both the cycle inspection and a first re-inspection.

(2) Increased inspection fees may be assessed for each subsequent re-inspection.
(3) There shall be no fee for the initial and first re-inspection for a complaint inspection.
(4) Fees shall be established for the following:
(A) Single-family detached homes;
(B) ~~Rooming houses~~Single Room Occupancy buildings;
(C) Condominiums;
(D) Multi-family dwellings; and
(E) Lodging establishments.
(5) In recognition of the importance of ensuring affordable housing, the board of public works shall ensure that the city continues to subsidize the inspection of certain types of low-income housing units by providing the following discounts to any inspection fees said board establishes:
(A) Public housing units owned and operated by the city housing authority shall be provided free inspections and shall not be assessed a fee;
(B) Section 8 dwelling units, low-income tax credit dwelling units, HAND department subsidized dwelling units and dwelling units that have a monthly rent in accordance with the United States Department of Housing and Urban Development's low rent rates shall receive a thirty percent discount on any fee. A copy of the lease showing the unit's rental rate shall be provided in order to receive the discounted fee. A copy of the HUD Low Rent Rates is available on HAND's website; said rates are updated annually.
(6) There shall be a twenty-five (25%) percent fee reduction for any residential rental unit that has no violations on the initial cycle inspection. If the required documentation is not provided to the HAND inspector during the inspection, an owner will have until 5:00 p.m. on the day of the inspection to provide HAND with the required documentation in order to still receive the twenty-five (25%) percent fee reduction.
(7) In recognition of the additional burden vacant properties place on City enforcement officers as outlined in I.C. § 36-7-9-4.5, an annual vacancy fee of $500 shall be charged to the owner if a single-family detached home remains vacant after one (1) calendar year, and the fee shall increase by twenty-five percent (25%) each year it remains vacant, not to exceed $2,500. Appeals regarding good-faith attempts to fill the units shall follow the appeals process outlined in Section 16.10.050. The amount of the fee shall be rounded up to the nearest dollar for convenience in calculation.

(c) Effective July 1, 2027, the fees for inspections shall be as follows:

Single-family detached homes	$105.00
~~Rooming houses~~Single Room Occupancy - each building	$80.00
+ each bathroom	$30.00
Condominiums	$105.00
Multi-family dwellings - each building	$80.00
+ each unit	$30.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$150.00

(d) Effective January 1, 2028, the fees for inspections shall be as follows:

Single-family detached homes	$115.00
~~Rooming houses~~Single Room Occupancy - each building	$80.00
+ each bathroom	$40.00
Condominiums	$115.00
Multi-family dwellings - each building	$80.00

+ each unit	$40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$175.00

(e) Effective January 1, 2029, the fees for inspections shall be as follows:

Single-family detached homes	$125.00
~~Rooming houses~~Single Room Occupancy - each building	$90.00
+ each bathroom	$40.00
Condominiums	$125.00
Multi-family dwellings - each building	$90.00
+ each unit	$40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$200.00

(f) Annual updates of the fees, beginning on January 1, 2030, shall be determined by the board of public works. The board of public works may only increase a fee if the cost of administering and enforcing the provisions of this title are not offset by the amount of fees generated by this title. Additionally, at no time may the board of public works increase a fee by more than ten percent (10%); if HAND feels as though a fee increase of greater than ten percent is required, said fee increase shall require approval by the City common council. All fee increases shall be reasonably related to the cost of administering and enforcing the provisions of this title.

(g) The fee for Saturday inspections under Section 16.03.040(b) shall be assessed at one and one half (1.5) times the regular weekday rate for inspections.

Section 4. Chapter 16.04 entitled "Property Maintenance" of Title 16 "Residential Rental Unit and ~~Ledging~~ Lodging Establishment Inspection Program" shall be amended to read as follows:

16.04.010 - Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for the maintenance of residential rental units and their premises.

16.04.20 - Codes.

(a) Pursuant to Indiana Code Section 36-7-2-9, the City is legally responsible for ensuring compliance with the state building laws and fire safety laws. Pursuant to this mandate, the following codes, as amended, are hereby incorporated into this chapter by reference and made a part thereof, two copies of which are on file in the office of the clerk for the legislative body for public inspection:

(1) Indiana Building Code;

(2) Indiana Residential Code;

(3) Indiana Fire Code;

(4) Indiana Mechanical Code;

(5) Indiana Electrical Code;

(6) Indiana Plumbing Code;

(7) Indiana Fuel Gas Code;

(8) Indiana Energy Code; and

(9) Indiana Accessibility Code.

(b) All residential rental units and accessory structures thereof shall be maintained in compliance with the provisions of those codes noted in Section 16.04.020(a). Compliance shall be in accordance with those codes in effect at the time the residential rental unit or accessory structure thereof was built or remodeled.

16.04.030 - Responsibility.

The owner of a residential rental unit shall maintain the unit and its premises in

compliance with the requirements of this chapter, except as otherwise provided for in this title. A person shall not occupy or permit another person to occupy a residential rental unit, or its premises, which are not in a sanitary and safe condition, and which do not comply with the requirements of this title. The tenant of a residential rental unit is responsible for keeping the unit in a clean, sanitary, and safe condition.

16.04.40 - Exterior property areas.

(a) All exterior portions of a residential rental unit shall be maintained in a clean, safe, and sanitary condition. The tenant of a residential rental unit shall keep that part of the exterior unit and premises, which such tenant occupies or controls, in a clean, safe, and sanitary condition.
(b) All residential rental unit premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any residential rental unit located thereon. Exception: Approved retention areas and reservoirs.
(c) All sidewalks, walkways, stairs, driveways, private streets, parking spaces and similar areas shall be maintained in a proper state of repair, and maintained free from hazardous conditions.
(d) All residential rental unit premises shall be maintained in accordance with Title 6 of the Bloomington Municipal Code.
(e) All residential rental unit premises which contain trees shall maintain the trees in good health so that they pose no danger to persons or property.
(f) Furniture not generally intended to be used for outdoor purposes (typically upholstered furniture), shall not be permitted to be stored on the exterior premises of residential rental units, this includes both screened-in porches and non-screened porches.
(g) All gates shall be maintained in a structurally sound manner, be in good repair, and be maintained in accordance with this title.
(h) No inoperable vehicle shall be parked, kept or stored on the premises of any residential rental unit, and no vehicle shall at any time be kept or stored on the premises of any residential rental unit if it is in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles or motor cycles is prohibited unless conducted inside of an approved spray booth.

16.04.50 - Exterior structure.

(a) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.
(b) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health safety or welfare.
(c) Exterior wood surfaces on residential rental units and their accessory structures, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
(d) All metal surfaces subject to rust or corrosion on a residential rental unit or its accessory structures shall be coated to inhibit such corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
(e) Peeling, flaking and chipped paint on the exterior of a residential rental unit or its accessory structures shall be eliminated and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.
(f) Exterior surfaces on residential rental units and their accessory structures shall be maintained free of mold.
(g) If a residential rental unit is damaged, mutilated or defaced by marking, carving or graffiti, the owner of said unit shall restore the surface to an approved state of maintenance and repair.

16.04.60 - Interior structure.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.
(b) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health, safety or welfare.
(c) All equipment contained within the interior of a residential rental unit and its accessory structures shall be maintained in good repair, in accordance with its manufacturer's guidelines and in accordance with this title.

(d) Tenants of a residential rental unit shall keep that part of the unit which they occupy or control in a clean and sanitary condition.
(e) Every owner of a rooming house, a two or more dwelling unit or a dwelling unit with a nonresidential occupancy, shall maintain the shared public areas in a clean and sanitary condition and in accordance with this title.
(f) Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.

16.04.070 - Duct systems.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

16.04.80 - Rubbish and garbage.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be free from any accumulation of rubbish or garbage.
(b) Every tenant of a residential rental unit shall dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in approved containers.
(c) The owner of every residential rental unit shall supply the unit with an approved leak proof, covered, outside garbage container in accordance with Title 6 of the Bloomington Municipal Code.

16.04.90 - Extermination/pest control.

(a) All residential rental units, their accessory structures and exterior premises shall be kept free from pests. All residential rental units or accessory structures thereof in which pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination proper precautions shall be taken to prevent reinfestation.
(b) The owner of any residential rental unit shall be responsible for extermination within the unit, its accessory structures or on the exterior premises for extermination of pests prior to letting the unit.
(c) The tenant of a single-family detached home shall be responsible for extermination of pests after occupying the premises for thirty days unless the infestation is caused by defects in the premises—in which case the owner shall be responsible for extermination of pests.
(d) The owner of a structure containing two or more dwelling units, a multiple occupancy or a ~~rooming house~~single room occupancy shall be responsible for extermination of pests.
(e) Regardless of whose responsibility it is to exterminate any pests, if the presence of pests is determined to be the result of actions taken, or not taken, by any tenant, said tenant shall be liable for fines in accordance with Chapter 16.09 of this title.
(f) This Section pertains only to whose responsibility it is to eradicate the pests; it does not pertain to, regulate, or discuss which party to the lease is to ultimately pay for the pest eradication.

16.04.100 - Display of address.

All residential rental units shall conspicuously display the unit's address number on the front of the unit.

Section 5. Chapter 16.05 entitled “Lodging Establishments” of Title 16 “Residential Rental Unit and ~~Ledging~~ Lodging Establishment Inspection Program” shall be amended to read as follows:

16.05.10 - Compliance with local and state laws.

(a) Any owner of a lodging establishment shall at all times comply with all sanitary laws and regulations of the City, county, and the state.
(b) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with the codes noted in Section 16.04.020(a).
(c) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with this chapter.

16.05.20 - Inspections of lodging establishments.

(a) Inspectors of the HAND department shall have the right to inspect a lodging

establishment:

(1) Upon the director receiving a request or complaint from any resident of the city, any governmental agency or employee, or the lodging establishment's occupant, the occupant's legal representative, the owner, or the owner's agent provided the request indicates that there is some violation of this title at the state lodging establishment; or

(2) The director has probable cause to believe the lodging establishment is in violation of this title.

(b) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection.

(c) The owner shall notify the occupant(s) of all scheduled inspections and re-inspections of a lodging establishment.

(d) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If an occupant or owner refuses entry for an inspection under this title, the HAND department shall not inspect the lodging establishment without first obtaining a warrant in accordance with the laws of the state.

(e) The owner or an employee of the owner shall remain with the HAND department employee conducting the inspection or re-inspection at all times said employee is inside of a lodging establishment.

(f) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

16.05.030 - Compliance with title.

No person or organization shall operate a lodging establishment, or occupy or let to another for occupancy, any portion of a lodging establishment if said establishment is not maintained in accordance with this title.

Section 6. Chapter 16.06 entitled "Short-Term Rentals" of Title 16 "Residential Rental Unit and ~~Ledging~~ Lodging Establishment Inspection Program" shall be inserted after Chapter 16.05.030 and shall read as follows:

16.06.010 - Compliance with local and state laws.

Any owner of a short-term rental shall at all times comply with all sanitary laws and regulations of the City, county, and the state.

16.06.20 - Permits; application requirements.

(a) To obtain a short-term rental permit, the owner must provide the following information for each property:

(1) The owner's name, street address, mailing address, electronic mail address (if applicable), and telephone number. If the owner is a corporation, partnership, or other legal entity, the application must require the:

(A) owner's state of incorporation or organization; and

(B) names, residence addresses, and telephone numbers of the owner's principal officers or partners.

(2) If a property manager is used, the property manager's name, street address, mailing address, electronic mail address (if applicable), and telephone number.

(3) A short description of how each of the owner's short-term rentals on the property are marketed or advertised, including the following:

(A) The advertised occupancy limits of each short-term rental.

(B) Whether the short-term rental is:

(i) a single family home;

(ii) a dwelling unit in a single family home;

(iii) a dwelling unit in a two-family or multifamily dwelling; or

(iv) a dwelling unit in a condominium, cooperative, or time share.

(C) A permit application must be made by an owner. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.

(b) Subject to Section 16.06.050, if an owner submits a permit application under this section that meets the requirements set forth, the City shall issue a permit to the owner within thirty (30) days of receipt of the application.

(c) If an owner sells all or part of a permitted property, the permit may not be transferred to the new owner. The new owner must submit an application for a new permit.

(d) Owners may request an inspection with HAND. Such inspection shall be on a first-come, first-serve basis, and will be at a discounted rate determined by HAND.

16.06.030 - Duty to update permit information.

If any information provided by an owner in the permit application changes, the owner shall provide updated information to the unit in writing within thirty (30) business days.

16.06.40 - Expiration; permit fees.

(a) A permit expires one (1) year after the date the permit is issued.

(b) The cost of the permit is one hundred fifty dollars ($150), for each of the following:

(1) An initial permit issued to an owner for the permitted property.

(2) The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.

(c) The owner shall provide notice in writing within thirty (30) business days of the permit expiration of their intent to renew their permit. Such notice shall include any updates to permit information, or confirmation that the permit information has not changed, and the address of the short-term rental.

16.06.50 - Revocation of a permit; notice and hearing.

(a) If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the City may revoke the permit for that permitted property for a period of not more than one (1) year after the date the permit is revoked.

(b) If the City revokes the permit, the owner has the opportunity to appeal to the Bboard of Hhousing Qquality Aappeals as outlined in Section 16.10.050 of this title.

(c) An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked by the City. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to the use of the short-term rental or any other outstanding ordinance violations of Bloomington Municipal Code.

16.06.60 - Unregistered short-term rentals.

(a) An owner shall not rent a short-term rental without obtaining a valid permit from the City.

(b) Each short-term rental transaction that the short-term rental provider completes without a short-term rental permit constitutes a separate violation of this section.

16.06.70 - Restrictions on short-term rental usage; enforcement.

(a) Short-term rentals may not be used for the following purposes: ~~The following uses are prohibited from being used as short-term rentals:~~

(1) To house sex offenders;

(2) To operate a structured sober living home;

(3) To manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity;

(4) To operate an adult entertainment establishment (as defined in I.C. § 12-7-2-1.8).

(b) Any housing that is exempted ~~that is~~ from the requirements of this title under Section 16.02.046(1) or (2) is prohibited from registering as a short-term rental.

(c) Any violations of this chapter shall be subject to enforcement under Chapter 16.10.

Section 7. Chapter 16.10, entitled "Enforcement, Penalties, Appeals and Variances" of Title 16 "Residential Rental Unit and ~~Ledging~~ Lodging Establishment Inspection Program" shall be amended to read as follows:

16.10.010 - Authority.

The director, and their designees, are the designated enforcement officials with full authority to investigate, conduct inspections, accept registration forms, issue rental permits, issue reports, and secure remedies, including but not limited to fines and injunctive relief for any violation of this title.

16.10.20 - Penalties and remedies for violations.

(a) For purposes of this title, a violation shall be defined as a violation or failure to comply with:
  (1) Any provision or requirement of this title;
  (2) Any condition, requirement or commitment established with the approval of a variance issued by the Bboard of Hhousing and Qquality Aappeals or the state fire prevention and building safety commission; or
  (3) The required elements of the submission on the basis of which any rental permit has been rendered hereunder.

(b) Any violation, as defined in Section 16.10.020(a) above, shall be subject to the penalties and remedies provided in Chapter 16.10, and the City shall have recourse to any remedy available in law or equity.

(c) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in Chapter 16.10. A violation
continues to exist until corrected and verified by the director or their designees. Correction includes, but is not limited to:
  (1) Cessation of an unlawful practice;
  (2) Remediation of a violation;
  (3) Payment of fees or fines;
  (4) Vacancy of a residential rental unit;
  (5) Vacancy of a lodging establishment;
  (6) Temporary or permanent revocation of rental permit(s); and/or
  (7) Any other remedy acceptable to the City.

(d) For purposes of issuing penalties and fines in accordance with this chapter, the following persons shall be considered responsible parties, with liability for fines and responsibility for the remediation of the violation:
  (1) Property owner;
  (2) Any person with a possessory interest in the property; and/or
  (3) Any person who has caused the violation.

(e) Remediation of a violation of this title shall be made or accomplished in accordance with the procedures and provisions with the codes listed in Section 16.04.020(a).

(f) The City legal department may institute appropriate action to impose and collect fines, fees, and/or other penalties; to enforce or defend any action taken pursuant to this Title; and to prevent, enjoin, abate, remove, or correct any violation of, or noncompliance with, this Title.

(g) In addition to all other penalties and remedies provided for herein, it shall be a violation of this title for any person to remove batteries from, or in any way render inoperable, a carbon monoxide detector or smoke detector, except as part of a process to inspect, maintain, repair, or replace the detector or alarm or to replace the batteries in the detector or alarm.

(h) The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

16.10.30 - Penalty.

(a) Any violation that is subject to Chapter 16.10 shall be subject to a civil penalty of not more than $2,500.00 for each such violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(b) The following violations of this title shall be subject to the fines listed in the table below.

Registration form violation if not supplied within the compliance period provided for on a unit's inspection report	$25.00 flat fine

Failure to provide required documentation if not supplied within the compliance period provided for on a unit's inspection report	$100.00 per unit
Violation of any of the codes listed in Section 16.04.020	$100.00
Making a smoke detector or carbon monoxide detector inoperable	$100.00
Failing to appear for a scheduled inspection	$50.00 flat fine
Failure to timely maintain and/or knowing, intentional, reckless, or negligent completion of an incorrect occupancy affidavit	Flat fine not to exceed $500.00

16.10.40 - Enforcement procedure.

(a) If the director finds that any violation of this title is occurring, or has occurred, notice shall be given to the responsible party. For purposes of this title only, a cycle inspection report, remaining violations report or complaint inspection report is considered notice of a violation. For purposes of issuing a notice, the following persons may be considered responsible parties, with liability for fines and responsibility for remediation of the violation:

(1) The owner of the residential rental unit;

(2) Persons with any possessory interest in the residential rental unit;

(3) Any person ~~who~~, whether as property manager, agent, owner, lessee, tenant, or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue;

(4) The owner of the lodging establishment; and/or

(5) Persons with any possessory interest in the lodging establishment.

(b) The notice shall be in writing and shall be served on all of the responsible parties and shall include the following:

(1) A description of the residential rental unit or lodging establishment sufficient for identification;

(2) A statement of the violation(s) and why the notice is being issued;

(3) A correction order allowing a reasonable time to make repairs and improvements required to bring the residential rental unit or accessory structures or lodging establishment into compliance with the provisions of this title; and

(4) Informing the owner of the residential rental unit, lodging establishment, or short-term rental of their right to an appeal;

(c) The notice shall be deemed properly served if a copy thereof is:

(1) Delivered personally;

(2) Sent by certified or first-class mail addressed to the last known address of the responsible party;

(3) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the residential rental unit or lodging establishment affected by such notice; or

(4) If the owner so designates on his registration form as being appropriate, sent by email.

(d) At the end of the time period specified in the notice described in subsection (b) above, any residential rental unit or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the unit's owner after such owner has ~~affected~~ effected those corrections required by the City as a result of any previous inspection. If reinspection is not requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the residential rental unit and its premises shall not be issued a rental permit.

(e) At the end of the time period specified in the notice described in subsection (b) above, any lodging establishment or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the establishment's owner after such owner has ~~affected~~ effected those corrections required by the City as a result of any previous inspection. If reinspection is not

requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the lodging establishment and its premises shall be the subject to the penalties of this chapter.

(f) Fines for all violations of this title, except for the violation of allowing a residential rental unit to be occupied without having first been inspected and permitted by the City in accordance with this title, shall only accrue from the date the timeline in the first inspection report expires.

(g) In addition to issuing a notice, the director may utilize and/or seek through legal proceedings one or more of the following remedies:

(1) Revoke or withhold issuance of a rental permit; and/or

(2) Any and all penalties and remedies listed in Section 16.10.020.

16.10.50 - Appeals.

(a) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a residential rental unit or short-term rental, shall have the right to appeal to the Bboard of Hhousing ~~and~~ Qquality Aappeals.

(b) An appeal filed with the Bboard of Hhousing ~~and~~ Qquality Aappeals shall be in the manner prescribed in Title 2 of the Bloomington Municipal Code and the established rules and procedures of the board.

(c) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a lodging establishment, shall have the right to file an appeal to the appropriate state governing body.

(d) Fines levied for violations of this title may be challenged in the Monroe County Circuit Court.

16.10.60 - Variances.

(a) Any person found to be in violation of any provision of this title, except for a violation of the codes listed in Section 16.04.020, may file for a variance with the Bboard of Hhousing ~~and~~ Qquality Aappeals.

(b) Any person found to be in violation of any provision of the codes listed in Section 16.04.020 may file for a variance with the appropriate state governing body.

Title 16
RESIDENTIAL RENTAL UNIT AND LODGING ESTABLISHMENT INSPECTION PROGRAM[1]

Chapters:

[1]Editor's note(s)—Ord. No. 12-27, § 1, adopted Nov. 14, 2012, repealed and re-enacted Title 16 in its entirety to read as herein set out. Former Title 16 pertained to housing inspection and derived from Ord. No. 78-56, § 1 (part), 1978; Ord. No. 78-86, § 8, 1978; Ord. No. 79-17, § 1 (part), 1979; Ord. No. 79-19, § 1 (part), 1979; Ord. No. 81-97, § 1, 1981; Ord. No. 86-19, §§ 16, 19, 1986; Ord. No. 88-40, § 1, 1988; Ord. No. 90-51, § 2, 1990; Ord. No. 93-41, §§ 12, 13, 1993; Ord. No. 97-06, §§ 37—45, 1997; Ord. No. 98-09, §§ 2—4, 1998; Ord. No. 03-08, §§ 1 (part), 2, 2003; Ord. No. 03-25, §§ 9—11, 2003.

Chapter 16.01 ORDINANCE FOUNDATION

Sections:

16.01.010 - Title.

This title shall be known, cited and referenced to as the "Residential Rental Unit & Lodging Establishment Inspection Program" title.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.020 - Authority.

This title is adopted by the Ccity pursuant to its authority under the laws of the state, the Bloomington Municipal Code (BMC), and all other applicable authorities and provisions of state statutory and common law.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.030 - Purpose.

This title is adopted for the following purposes:

(a) To ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises used as a residential rental unit.

(b) To protect the character and stability of the ~~city~~City, particularly its residential neighborhoods and its downtown.

(c) To assist in the elimination of blight, to promote maintenance of property, and to thereby ensure public health, safety, and welfare.

(d) To regulate and license the commercial business of letting rental properties to ensure the stability of approximately sixty percent (60%) of the ~~city's~~ City's housing stock.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.040~~.~~ - Jurisdiction.

This residential rental unit and lodging establishment inspection program title shall apply to all residential rental units and lodging establishments located within the corporate boundaries of the ~~c~~City.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.050 - Severability.

If a section, subsection, sentence, clause, or phrase of this title is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.060 - Applicability.

(a) The owner, and/or their agent or designee, shall be responsible for compliance with this title.

(b) If any provisions in this title can be construed to be in conflict with provisions of the City of Bloomington Unified Development Ordinance, the more restrictive provision shall apply.

(c) Repairs, maintenance work, alterations, or installations which are caused directly or indirectly by the enforcement of this title shall be executed and installed in a workmanlike manner, and installed in accordance with the manufacturer's installation instructions and all state codes.

(d) The provisions of this title which apply to the exterior portions of residential rental units may not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when the following has occurred:

(1) The ~~city~~City historic preservation commission fails to issue the building or structure a certificate of appropriateness;

(2) The director judges the building or structure to be safe; and

(3) The director judges noncompliance with this title to be in the public's interest of health, safety and welfare.

(e) Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, within a residential rental unit or lodging establishment, or for the public safety, health and general welfare, not specifically covered by this title~~;~~ shall be determined by the director.

(f) On reasonable belief that a component or feature of a residential rental unit or lodging establishment may present a danger to the health, safety, or welfare of the occupant, the director may require documentation from a licensed person~~, or~~ firm, or ~~a~~ person with ~~particular~~ equivalent knowledge or skills, to render a determination on strength, stability, or proper operation within a residential rental unit or lodging establishment.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.070 - Housing and neighborhood development department (HAND).

(a) The HAND department shall be responsible for the enforcement of this title.

(b) An official or employee connected with the enforcement of this title, except one whose only connection is that of a member of the board of housing quality appeals as established in title 2, shall not be engaged in, or ~~directly or indirectly~~ connected in any way with, the furnishing of labor, materials, or appliances for the maintenance of a residential rental unit or a lodging establishment unless that person is the owner of the residential rental unit or a lodging establishment, or has filed a uniform conflict of interest statement pursuant to Indiana Code Section 35-44-1-3; nor shall such officer or employee engage in any work that conflicts with their official duties or with the interests of the ~~C~~city.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.080 - Director.

(a) The director shall enforce the provisions of this title.

(b) The director shall have authority as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this title; and, to secure the intent thereof. Such rules shall not have the effect of waiving requirements specifically provided for in this title or the Indiana Code, or of violating accepted engineering methods involving public safety.

(Ord. No. 12-27, § 1, 11-14-2012)

Chapter 16.02 DEFINITIONS

Sections:

16.02.010 - General.

The definitions contained in this chapter shall be observed and applied in the interpretation of all chapters in this title, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural the plural the singular; and words used in the masculine gender shall include the feminine.

(Ord. No. 12-27, § 1, 11-14-2012)

16.02.020 - Defined words.

All terms contained within this title shall have the meanings set forth in the Indiana Building Code, unless specifically defined herein below. Where terms are not defined in the Indiana Building Code or below, but are defined in any of the codes noted in Section 16.04.020(a) of this title, such terms shall have the meanings ascribed to them as in those other codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

16.02.021 - Accessory structure.

"Accessory structure" means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and which is customarily incidental to the primary building or structure or the primary use of the land.

16.02.022 - Carbon monoxide detector.

"Carbon monoxide detector" means a device that detects carbon monoxide and that produces a distinct, audible alarm and is listed by a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

16.02.023 - Complaint inspection

"Complaint inspection" means an inspection of a residential rental unit prior to the expiration of an ~~occupancy~~rental permit and as the result of the HAND Department receiving a written request that indicates there is a violation of title 16 at the stated residential rental unit submitted by any resident of the ~~city~~City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, or the owner or the owner's agent.

16.02.024 - Condominium.

"Condominium" means a single real-estate unit, located in or attached to other real-estate units, which is individually owned and deeded.

16.02.025 - Cycle Inspection.

"Cycle inspection" means an inspection of a residential rental unit that occurs prior to the issuance of either the first ~~occupancy~~rental permit granted for said unit or an inspection of a residential rental unit that occurs prior to the expiration of an already granted ~~occupancy~~rental permit.

16.02.026 - Director.

"Director" means the director of the Housing and Neighborhood Development Department or their~~his~~ designee(s).

16.02.027 - Dwelling unit.

"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

16.02.028 - Equipment.

"Equipment" means a moveable or fixed unit of furnishings, instruments, machine or apparatus or set of articles which generally meets all of the following requirements:

(1) It retains its original shape and appearance with use;

(2) It is nonexpendable; that is if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it within an entirely new unit;

(3) It represents a substantial investment of money (two hundred fifty dollars or more for budget purposes); and

(4) It does not lose its identity through incorporation into a different or more complex unit or substance.

16.02.029 - Exterior property.

"Exterior property" means the open space on the premises and on adjoining property under the control of the owners or operators of such premises, provided said open space is made available to the occupants of the residential rental unit or lodging establishment.

16.02.030 - Family.

"Family" has the same definition as found in Bloomington Municipal Code's Unified Development Ordinance. ~~Section 20.11.020.~~

16.02.031 - Fuel.

"Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion."

16.02.032 - Garbage.

"Garbage" has the same definition as found in Title 6 of the Bloomington Municipal Code. ~~Section 6.04.010.~~

16.02.033 - HAND department or HAND.

"HAND department" or "HAND" means the housing and neighborhood development department.

16.02.034 - Infestation.

"Infestation" means the presence, within or contiguous to, a structure or premises of pests.

16.02.035 - Inoperable Vehicle.

"Inoperable vehicle" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, abandoned, in a state of disrepair, or incapable of being moved under its own power.

16.02.036 - Let for occupancy or let.

"Let for occupancy" or "let" means to permit, provide or offer possession or occupancy of a dwelling unit, building, premise or structure by a person who is not the legal owner of record thereof, not a legal dependent of the legal owner of record, or not a beneficiary of a trust if the legal owner of record is a trust, pursuant to a written or unwritten lease, agreement or license, or pursuant to an unrecorded agreement of contract for the sale of land.

16.02.037 - Lodging establishment.

"Lodging establishment" means any hotel, motel, resort, vacation cabin rental, camping cabin, or bed and breakfast.

16.02.038 - Multi-family dwelling.

"Multi-family dwelling" means any building, or group of buildings, or portion thereof containing two or more individual dwelling units where each unit is provided with an individual entrance to the outdoors or to a common hallway and in which the number of families in residence does not exceed the number of dwelling units provided. The term "multi-family dwelling" shall not include condominiums.

16.02.039 - Occupant.

"Occupant" means any person entitled to occupy a lodging establishment to the exclusion of others.

16.02.040 - Off-Cycle inspection.

"Off-cycle inspection" means an inspection of a residential rental unit prior to the expiration of a~~n occupancy~~rental permit that is initiated because the director believes he has probable cause to believe the condition of the residential rental unit or premises is in such a state of deterioration or is in violation of this title.

16.02.041 - Organization.

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

16.02.042 - Owner.

"Owner" means any person, agent, or organization having a legal interest in a residential rental unit or lodging establishment; or recorded in the official records of the state, county or municipality as holding title to the residential rental unit or a lodging establishment; or otherwise having control of the residential rental unit or lodging establishment, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of the residential rental unit or lodging establishment by a court. For the purposes of this title, a person with a lease hold interest or an unrecorded contract for sale shall not be considered an owner.

16.02.043 - Owner occupied short-term rental property.

"Owner occupied short-term rental property" means property that is the owner's primary residence and is offered to the public as a short-term rental.

16.02.044 Pest.

"Pest" means insects, rats, bed bugs, snakes, raccoons, squirrels, vermin or other similarly situated insects, reptiles or animals.

16.02.045 - Premises.

"Premises" means a lot, plot or parcel of land including the buildings or structures thereon.

16.02.046 - Residential rental unit.

"Residential rental unit" means any dwelling unit, rooming house, or rooming unit occupied by a person(s) other than the owner and/or their legal dependent, but it does not include the following arrangements unless the arrangements are created to avoid application of this title:

(1) Occupancy in a residential rental unit owned by Indiana University;

(2) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of said organization, provided the structure itself is owned by a nonprofit organization generally associated with the fraternal or social organization;

(3) Occupancy by the purchaser of a dwelling unit under a contract of sale, provided the contract for sale is properly recorded with the county;

(4) Occupancy in a lodging establishment or short-term rental, except as provided for elsewhere in this title;

(5) Occupancy in a rectory or parsonage by a person(s) generally assumed to occupy such a dwelling;

(6) Occupancy in a residential care facility or group home, provided said facility or home is licensed and inspected by the state;

~~(7) Owners who reside in a dwelling unit but who wish to lease to individuals or a family while they are absent from the city for short periods of time, not to exceed one year, and who intend to return to their dwelling unit at the expiration of the lease period; and~~

(~~7~~8) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with said tenant; and

(8) Cooperative housing arrangements.

16.02.047 - Rooming house/single-room occupancy.

~~A "residential rental unit" also includes cooperative housing arrangements. ¶~~

"Rooming house/single-room occupancy" means a building, other than a dwelling unit, where lodging, with or without meals is provided for compensation; or a building designed as a single-family dwelling that is occupied by more than one (1) family (as defined herein), but not a lodging establishment, fraternity or sorority house, residential care facility, or rectory.

16.02.048 - Rubbish.

"Rubbish" has the same definition as found in Title 6 of the Bloomington Municipal Code ~~Section 6.04.010~~.

16.02.049 - Short-term rental.

"Short-term rental" means the rental of:

A single family home;

A dwelling unit in a single family home;

A dwelling unit in a two-family or multifamily dwelling; or

A dwelling unit in a condominium, cooperative, or time share;

for terms of less than thirty (30) days at a time through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single family residential use. The term does not include property that is used for any nonresidential use.

16.02.050 - Short-term rental platform.

"Short-term rental platform" means an entity that provides a platform through which unaffiliated parties offer to rent a short-term rental to an occupant, and collects consideration for the rental from the occupant.

16.02.051 - Single-family detached home.

"Single-family detached home" means a single building per lot containing a single residential dwelling unit designed for and occupied by one family which is completely separate from any other building.

16.02.052 - Smoke detector.

"Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

16.02.053 - Tenancy agreement.

"Tenancy agreement" means all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a residential rental unit and the adjoining premises.

16.02.054 - Tenant.

"Tenant" means any person entitled to occupy a residential rental unit under a tenancy agreement to the exclusion of others.

16.02.055 - Workmanlike.

"Workmanlike" means executed in a skilled or competent manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

(Ord. No. 12-27, § 1, 11-14-2012)

Chapter 16.03 ADMINISTRATION OF RESIDENTIAL RENTAL UNITS

Sections:

16.03.010 - Compliance required.

No person shall occupy or allow the occupancy of a residential rental unit within the ~~city~~City unless in accordance with the provisions of this title.

(Ord. No. 12-27, § 1, 11-14-2012)

16.03.020 - Registration of residential rental units.

(a) No owner of a residential rental unit shall allow such unit to be occupied ~~by a tenant~~ without first registering the residential rental unit with the HAND department.

(b) Such registration shall be affected by furnishing the HAND department, upon a form furnished by the department, the following information:

(1) Name of owner(s);

(2) Street address of owner(s), said address shall be acceptable for service of process;

(3) Phone number of owner(s);

(4) Email address of owner(s);

(5) Name, street address, phone number and email address of agent, if any, authorized to act on behalf of the owner(s) in regards to the residential rental unit, including service of process. Any owner(s) who does not reside in Indiana shall designate an in-state agent.

(6) The registration form shall be signed by the owner(s) and not the owner's agent.

(c) Whenever an owner(s) or agent changes his contact information (mailing address, phone number or email address) it shall be his responsibility to provide the HAND department with an updated registration form. All updated registration forms shall be signed by the owner and not the owner's agent.

(d) Whenever ownership of the residential rental unit changes, the new owner shall re-register the unit with the HAND department.

(Ord. No. 12-27, § 1, 11-14-2012)

16.03.025 - Occupancy affidavit.

(a) No owner of a residential rental unit containing ~~up to~~ four (4) or less dwelling units per building shall let for occupancy or let any such dwelling unit without first completing and maintaining a fully executed occupancy affidavit for said dwelling unit on the form so provided by the HAND department.

(b) For each dwelling unit, each occupancy affidavit shall include the name of each occupant. The owner or agent shall execute the occupancy affidavit based upon personal knowledge and only after reasonable inquiry with respect to the information contained therein. Each tenant shall also sign the occupancy affidavit and affirm that information contained therein is true and accurate.

(c) For each dwelling unit, the owner or agent shall complete an updated occupancy affidavit and each tenant shall sign the same, as set forth above, within fifteen calendar days from the date of any change in the occupancy in the dwelling unit. The owner of the residential rental unit shall retain completed occupancy affidavits until the date of any further change in the occupancy in the dwelling unit. The owner of a residential rental unit shall produce and permit inspection of an occupancy affidavit during any HAND inspection, or upon request by the ~~city~~City.

(d) For residential rental properties containing more than four dwelling units, the requirement to complete and maintain a fully executed occupancy affidavit is waived unless a complaint is made about occupancy concerning the residential rental unit.

(e) Any residential rental unit that is subject to this section but has received from the board of housing quality appeals a variance from having to obtain an ~~occupancy~~ rental permit under this title must still fully comply with this section of this title.

(Ord. No. 21-30, § I, 6-16-2021)

16.03.030 - ~~Occupancy~~ Rental permits.

(a) No owner of a residential rental unit shall allow such unit to be occupied ~~by a tenant~~ without first obtaining a valid ~~occupancy~~rental permit or temporary ~~occupancy~~rental permit from the HAND department.

(b) No ~~occupancy~~rental permit shall be issued by the HAND department until the residential rental unit and premises have been inspected pursuant to Section 16.03.040 and all provisions of the Bloomington Municipal Code have been met.

(c) All ~~occupancy~~rental permits shall contain the following information:

(1) Name of the owner(s);

(2) Name of the agent;

(3) Occupant load;

(4) Number of bedrooms;

(5) Expiration date of the permit;

(6) Variances; and

(7) Notes.

(d) All residential rental units shall display a current ~~occupancy~~rental permit in an accessible location inside said unit.

(e) ~~Occupancy~~Rental permits shall be issued for three, four, or five ~~-~~ year periods, as determined by this subsection:

(1) Three-year Permit. An owner ~~residential rental unit~~ shall apply to receive a three-year ~~occupancy~~rental permit ~~if the criteria listed below apply~~following the process outlined below:

(A) The owner must have registered the residential rental unit with the HAND department in accordance with Section 16.03.020, or if already registered, ensure the HAND department has the most updated registration form on file;

(~~A~~B) ~~If t~~The owner ~~fails to~~ must schedule a cycle inspection prior to the expiration of the residential rental unit's current ~~occupancy~~rental permit; ~~or~~

(~~B~~C) If a residential rental unit has had a cycle inspection by the HAND department, and said department has issued a cycle inspection report noting violations of this title, ~~and~~ the owner ~~fails to~~must have the residential rental unit reinspected and found in compliance with this title within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report citing the violations was mailed to the owner or within the time that may be granted by the board of housing quality appeals; ~~or~~ and

(~~C~~D) ~~If t~~The owner ~~fails to~~must satisfy all outstanding fee assessments issued under this title within thirty (30) days from the date of billing.

(2) Four-year Permit. An owner ~~residential rental unit~~ shall be eligible to receive a four-year ~~occupancy~~rental permit should they follow the process outlined below~~if the criteria listed below apply~~:

(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either

(~~A~~B) The residential rental unit previously had a three-year ~~occupancy~~rental permit and the cycle inspection uncovered no violations of this title, or all violations of this title cited on a cycle inspection report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, ~~sixty days~~ after the report was mailed to the owner or within the time that may be granted by the board of housing quality appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing; or

(~~B~~C) The residential rental unit is newly registered and the cycle Inspection uncovers no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within sixty days after the report was mailed to the owner, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.

(3) Five-year Permit. An owner ~~residential rental unit~~ shall be eligible to receive a five-year ~~occupancy~~rental permit should they follow the process outlined below~~if the criteria listed below apply~~:

(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either

(~~A~~B) The residential rental unit is new construction and the cycle inspection uncovers no violations of Chapters 16.07, 16.08 and 17.16 of the Bloomington Municipal Code; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; and the HAND Department has issued an ~~occupancy~~rental permit prior to the residential rental unit being occupied; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; or

(~~B~~C) The residential rental unit's prior ~~occupancy~~rental permit had been a four-year permit, and the Cycle Inspection uncovered no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, ~~sixty days of~~ after the report was mailed to the owner or within the time that may be granted by the Board of Housing Quality Appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.

(Ord. No. 12-27, § 1, 11-14-2012)

16.03.040 - Inspections.

(a) Each residential rental unit and premises located within the ~~city~~City shall be scheduled to receive a cycle inspection conducted by the HAND department at least sixty days prior to the expiration of its ~~occupancy~~rental permit to establish compliance with this title. Properties scheduled to be inspected more than six months prior to the expiration of the current ~~occupancy~~rental permit shall receive a new ~~occupancy~~rental permit with an expiration date of when compliance was achieved as a result of the most recent cycle inspection.

(b) Each newly constructed residential rental unit and premises located within the ~~city~~City shall receive a cycle inspection conducted by the HAND department ~~immediately~~ prior to said unit being occupied, but after all construction on the units to be occupied have been completed. Limited Saturday cycle inspection scheduling is available on a first come first serve basis for newly constructed residential rental units and premises from ~~July~~ June 1st through August 31st ~~September 30th~~ of each year, or at the discretion of the director and availability of HAND staff.

(c) Off-cycle or complaint inspections of a residential rental unit may be conducted at the discretion of the director upon the following:

(1) Receipt of a written request of any resident of the ~~city~~City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent provided the request indicates that there is some violation of this title at the stated residential rental unit; or

(2) The director has probable cause to believe the residential rental unit is in violation of this title.

(d) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection, unless the director has probable cause to believe the condition of the residential rental unit or its premises is in such a state of deterioration or violation of this title that a complete off-cycle inspection is required to effectuate the purposes of this title, in which a case a complete new cycle inspection of the entire residential rental unit and premises shall be performed.

(e) It shall be the responsibility of the owner of each residential rental unit to schedule all required inspections and reinspections required by this title. Failure to schedule may be treated as a failed inspection.

(f) The owner shall notify the tenant(s) of all scheduled inspections and reinspections of a residential rental unit. Failure to notify the tenant(s) may be treated as a failed inspection.

(g) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If a tenant or owner refuses entry for an inspection under this title, the HAND department may treat the visit as a failed inspection, and shall not inspect the residential rental unit without first obtaining a warrant in accordance with the laws of the state.

(h) The owner, an employee of the owner, or the unit's tenant shall remain with the HAND department employee conducting the inspection or reinspection at all times said employee is inside of a residential rental unit.

(i) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

(Ord. No. 12-27, § 1, 11-14-2012; Ord. 15-13, § 1, 7-1-2015)

~~16.03.050 Inventory and damage lists.¶~~

~~(a) The owner of a residential rental unit shall contact the tenants and arrange a joint inspection of the unit and premises to occur within ten days of the tenant's occupancy of the unit. The owner shall at that time jointly complete an inventory and damage list, and this shall be signed by the owner and at least one tenant. Duplicate copies of the inventory and damage list shall be retained by all parties.¶~~

~~(b) The owner of a residential rental unit shall contact the tenant and arrange a joint inspection of the unit and premises to occur at the end of the tenant's occupancy and prior to the occupancy of the next tenant. Any damages to the unit shall be noted on the inventory and damage list, and the list shall thereupon signed by all parties.¶~~

~~(c) The owner shall have a duty to initiate joint inspections; however, both the owner and the tenant shall have an affirmative duty to make a good-faith effort in scheduling joint inspections.¶~~

~~(1) In the event the owner is unable to schedule a joint inspection with the tenant when contacting the tenant via telephone, email, personal message or personal contact, the owner may show compliance with this Section by producing the following: a copy of a letter or email to the tenant stating the time and place of the joint inspection; and, a normal business record showing that this letter was mailed to the tenant by first class mail (or if by email sent with a read receipt feature) at least two days prior to the date of the scheduled inspection.¶~~

~~(2) If the owner cannot arrange a joint inspection pursuant to the above procedures, the owner shall complete the inspection, noting on a signed and dated inspection report those damages which exceed normal wear and tear.¶~~

~~(d) The owner shall retain copies of all inspection reports for a minimum of the present lease period and the two subsequent lease periods for the residential rental unit, or for a period of four years, whichever is less.¶~~

~~(e) The owner shall allow the HAND Department to review a copy of the inventory and damage list in accordance with the provisions of this section upon the department's request.¶~~

~~(Ord. No. 12-27, § 1, 11-14-2012)¶~~

~~16.03.060 Disclosure.¶~~

~~(a) The owner of a residential rental unit shall disclose to each tenant, in writing, at or before the commencement of tenancy the name and usual address of each person who is:¶~~

~~(1) Authorized to manage the residential rental unit and premises; and ¶~~

~~(2) An owner of the unit and premises, or his agent, who is authorized to act on behalf of the owner for the purpose of service of process and for the purpose of receiving all notices and demands. ¶~~

~~(b) The information required by Section 16.30.060(a) shall be kept current. ¶~~

~~(c) The owner of a residential rental unit shall provide to each tenant, at or before the commencement of tenancy, a summary of the tenants' and owners' rights and responsibilities, in such form as shall be prescribed by the director. The owner shall ensure that the summary contains the legally permitted occupancy load for said residential rental unit prior to the tenants signing said summary. The owner shall sign the summary, obtain the signatures of all tenants on the summary and provide a copy of that summary to the HAND department, upon the department's request. ¶~~

~~(d) The HAND department shall furnish, upon request, to each registered owner or registered agent of a residential rental unit subject to this title a copy of this title. ¶~~

~~(Ord. No. 12-27, § 1, 11-14-2012)¶~~

16.03~~.080~~050 - Fees.¶

(a) All fees for any inspection conducted under this title shall be established by the board of public works, in accordance with the directives of 16.30.~~080~~050(b), and are subject to an annual review by said board.

(b) The board of public works shall establish reasonable and appropriate fees for inspections conducted under this title in accordance with the following:

(1) There shall be one fee for both the cycle inspection and a first re-inspection.

(2) Increased inspection fees may be assessed for each subsequent re-inspection.

(3) There shall be no fee for the initial and first re-inspection for a complaint inspection.

(4) Fees shall be established for the following:

(A) Single-family detached homes;

(B) Rooming houses;

(C) Condominiums;

(D) Multi-family dwellings; and

(E) Lodging establishments.

(5) In recognition of the importance of ensuring affordable housing, the board of public works shall ensure that the ~~city~~City continues to subsidize the inspection of certain types of low-income housing units by providing the following discounts to any inspection fees said board establishes:

(A) Public housing units owned and operated by the ~~city~~City housing authority shall be provided free inspections and shall not be assessed a fee;

(B) Section 8 dwelling units, low income tax credit dwelling units, HAND department subsidized dwelling units and dwelling units that have a monthly rent in accordance with the United States Department of Housing and Urban Development's low rent rates shall receive a thirty percent discount on any fee. A copy of the lease showing the unit's rental rate shall be provided in order to receive the discounted fee. A copy of the HUD Low Rent Rates is available on HAND's website; said rates are updated annually.

(6) There shall be a twenty-five (25%) percent fee reduction for any residential rental unit that has no violations on the initial cycle inspection. If the required documentation is not provided to the HAND inspector during the inspection, an owner will have until 5:00 p.m. on the day of the inspection to provide HAND with the required documentation in order to still receive the twenty-five percent (25%) fee reduction.

(7) In recognition of the additional burden vacant properties place on City enforcement officers as outlined in I.C. § 36-7-9-4.5, an annual vacancy fee of $500 shall be charged to the owner if a single-family detached home remains vacant after one (1) calendar year, and the fee shall increase by twenty-five percent (25%) each year it remains vacant, not to exceed $2,500. Appeals regarding good-faith attempts to fill the units shall follow the appeals process outlined in Section 16.10.050. The amount of the fee shall be rounded up to the nearest dollar for convenience in calculation.

(c) Effective ~~January~~ July 1, ~~2013~~2027, the fees for inspections shall be as follows:

Single-family detached homes	$~~75~~105.00
Rooming houses - each building	$~~60~~80.00
+ each bathroom	$~~15~~30.00
Condominiums	$~~75~~105.00
Multi-family dwellings - each building	$~~60~~80.00
+ each unit	$~~15~~30.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$~~65~~150.00

(d) Effective January 1, ~~2014~~2028, the fees for inspections shall be as follows:

Single-family detached homes	$~~85~~115.00
Rooming houses - each building	$~~60~~80.00
+ each bathroom	$~~25~~40.00
Condominiums	$~~85~~115.00
Multi-family dwellings - each building	$~~60~~80.00
+ each unit	$~~25~~40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$~~70~~175.00

(e) Effective January 1, ~~2015~~2029, the fees for inspections shall be as follows:

Single-family detached homes	$~~95~~125.00
Rooming houses - each building	$~~70~~90.00
+ each bathroom	$~~25~~40.00
Condominiums	$~~95~~125.00
Multi-family dwellings - each building	$~~70~~90.00
+ each unit	$~~25~~40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$~~70~~200.00

(f) Annual updates of the fees, beginning on January 1, ~~2015~~2030, shall be determined by the board of public works. The board of public works may only increase a fee if the cost of administering and enforcing the provisions of this title are not offset by the amount of fees generated by this title. Additionally, at no time

may the board of public works increase a fee by more than ten percent (10%); if HAND feels as though a fee increase of greater than ten percent is required, said fee increase shall require approval by the ~~city~~City common council. All fee increases shall be reasonably related to the cost of administering and enforcing the provisions of this title.

(g) The fee for Saturday inspections under Section 16.03.040 (b) shall be assessed at one and one-half (1.5) times the regular weekday rate for inspections.

(Ord. No. 12-27, § 1, 11-14-2012; Ord. 15-13, § 2, 7-1-2015)

Chapter 16.04 PROPERTY MAINTENANCE

Sections:

16.04.010 - Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for the maintenance of residential rental units and their premises.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.020 - Codes.

(a) Pursuant to Indiana Code Section 36-7-2-9, the ~~city~~City is legally responsible for ensuring compliance with the state building laws ~~that are adopted in the rules of the Indiana Fire Prevention and Building Safety Commission~~. Pursuant to this mandate, the following codes, as amended, are hereby incorporated into this chapter by reference and made a part thereof, two copies of which are on file in the office of the clerk for the legislative body for public inspection:

(1) Indiana Building Code;

(2) Indiana Residential Code;

(3) Indiana Fire Code;

(4) Indiana Mechanical Code;

(5) Indiana Electrical Code;

(6) Indiana Plumbing Code;

(7) Indiana Fuel Gas Code;

(8) Indiana Energy Code; and

(9) Indiana Accessibility Code.

(b) All residential rental units and accessory structures thereof shall be maintained in compliance with the provisions of those codes noted in ~~[~~Section~~]~~ 16.04.020(a). Compliance shall be in accordance with those codes in effect at the time the residential rental unit or accessory structure thereof was built or remodeled.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.030 - Responsibility.

The owner of a residential rental unit shall maintain the unit and its premises in compliance with the requirements of this chapter, except as otherwise provided for in this title. A person shall not occupy or permit

another person to occupy a residential rental unit, or its premises, which are not in a sanitary and safe condition, and which do not comply with the requirements of this title. The tenant of a residential rental unit is responsible for keeping the unit in a clean, sanitary, and safe condition.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.040 - Exterior property areas.

(a) All exterior portions of a residential rental unit shall be maintained in a clean, safe, and sanitary condition. The tenant of a residential rental unit shall keep that part of the exterior unit and premises, which such tenant occupies or controls, in a clean, safe, and sanitary condition.

(b) All residential rental unit premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any residential rental unit located thereon. Exception: Approved retention areas and reservoirs.

(c) All sidewalks, walkways, stairs, driveways, private streets, parking spaces and similar areas shall be maintained in a proper state of repair, and maintained free from hazardous conditions.

(d) All residential rental unit premises shall be maintained in accordance with Title 6 of the Bloomington Municipal Code.

(e) All residential rental unit premises which contain trees shall maintain the trees in good health so that they pose no danger to persons or property.

(f) Furniture not generally intended to be used for outdoor purposes (typically upholstered furniture), shall not be permitted to be stored on the exterior premises of residential rental units, this includes both screened-in porches and non-screened porches.

(g) All gates shall be maintained in a structurally sound manner, be in good repair, and be maintained in accordance with this title.

(h) No inoperable vehicle shall be parked, kept or stored on the premises of any residential rental unit, and no vehicle shall at any time be kept or stored on the premises of any residential rental unit if it is in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles or motor cycles is prohibited unless conducted inside of an approved spray booth.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.050 - Exterior structure.

(a) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.

(b) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health safety or welfare.

(c) Exterior wood surfaces on residential rental units and their accessory structures, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

(d) All metal surfaces subject to rust or corrosion on a residential rental unit or its accessory structures shall be coated to inhibit such corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

(e) Peeling, flaking and chipped paint on the exterior of a residential rental unit or its accessory structures shall be eliminated and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.

(f) Exterior surfaces on residential rental units and their accessory structures shall be maintained free of mold.

(g) If a residential rental unit is damaged, mutilated or defaced by marking, carving or graffiti, the owner of said unit shall restore the surface to an approved state of maintenance and repair.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.060 - Interior structure.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.

(b) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health, safety or welfare.

(c) All equipment contained within the interior of a residential rental unit and its accessory structures shall be maintained in good repair, in accordance with its manufacturer's guidelines and in accordance with this title.

(d) Tenants of a residential rental unit shall keep that part of the unit which they occupy or control in a clean and sanitary condition.

(e) Every owner of a rooming house, a two or more dwelling unit or a dwelling unit with a nonresidential occupancy, shall maintain the shared public areas in a clean and sanitary condition and in accordance with this title.

(f) Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.070 - Duct systems.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.080 - Rubbish and garbage.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be free from any accumulation of rubbish or garbage.

(b) Every tenant of a residential rental unit shall dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in approved containers.

(c) The owner of every residential rental unit shall supply the unit with an approved leak proof, covered, outside garbage container in accordance with Title 6 of the Bloomington Municipal Code.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.090 - Extermination/pest control.

(a) All residential rental units, their accessory structures and exterior premises shall be kept free from pests. All residential rental units or accessory structures thereof in which pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination proper precautions shall be taken to prevent reinfestation.

(b) The owner of any residential rental unit shall be responsible for extermination within the unit, its accessory structures or on the exterior premises for extermination of pests prior to letting the unit.

(c) The tenant of a single-family detached home shall be responsible for extermination of pests after occupying the premises for thirty days unless the infestation is caused by defects in the premises—in which case the owner shall be responsible for extermination of pests.

(d) The owner of a structure containing two or more dwelling units, a multiple occupancy or a rooming house shall be responsible for extermination of pests.

(e) Regardless of whose responsibility it is to exterminate any pests, if the presence of pests is determined to be the result of actions taken, or not taken, by any tenant, said tenant shall be liable for fines in accordance with Chapter 16.09 of this title.

(f) This Section pertains only to whose responsibility it is to eradicate the pests; it does not pertain to, regulate, or discuss which party to the lease is to ultimately pay for the pest eradication.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.100 - Display of address.

All residential rental units shall conspicuously display the unit's address number on the front of the unit.

(Ord. No. 12-27, § 1, 11-14-2012)¶

¶

Chapter 16.05 LODGING ESTABLISHMENTS

Sections:

16.05.010 - Compliance with local and state laws.

(a) Any owner of a lodging establishment shall at all times comply with all sanitary laws and regulations of the ~~city~~City, ~~the~~ county, and the state.

(b) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with the codes noted in ~~[~~Section~]~~ 16.04.020(a).

(c) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with this chapter.

(Ord. No. 12-27, § 1, 11-14-2012)

16.05.020 - Inspections of lodging establishments.

(a) Inspectors of the HAND department shall have the right to inspect a lodging establishment:

(1) Upon the director receiving a ~~written and signed~~ request or complaint ~~of~~from any resident of the ~~city~~City, any governmental agency or employee, or the lodging establishment's occupant, the occupant's legal representative, the owner, or the owner's agent provided the request indicates that there is some violation of this title at the stated lodging establishment; or

(2) The director has probable cause to believe the lodging establishment is in violation of this title.

(b) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection.

(c) The owner shall notify the occupant(s) of all scheduled inspections and re-inspections of a lodging establishment.

(d) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If an occupant or owner refuses entry for an inspection under this title, the HAND department shall not inspect the lodging establishment without first obtaining a warrant in accordance with the laws of the state.

(e) The owner or an employee of the owner shall remain with the HAND department employee conducting the inspection or re-inspection at all times said employee is inside of a lodging establishment.

(f) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

(Ord. No. 12-27, § 1, 11-14-2012)

16.05.030 - Compliance with title.

No person or organization shall operate a lodging establishment, or occupy or let to another for occupancy, any portion of a lodging establishment if said establishment is not maintained in accordance with this title.

(Ord. No. 12-27, § 1, 11-14-2012)

Chapter 16.06 SHORT-TERM RENTALS

Sections:

16.06.010 - Compliance with local and state laws.

Any owner of a short-term rental shall at all times comply with all sanitary laws and regulations of the City, county, and the state.

16.06.020 - Permits; application requirements.

(a) To obtain a short-term rental permit, the owner must provide the following information for each property:

(1) The owner’s name, street address, mailing address, electronic mail address (if applicable), and telephone number. If the owner is a corporation, partnership, or other legal entity, the application must require the:

(A) owner’s state of incorporation or organization; and

(B) names, residence addresses, and telephone numbers of the owner's principal officers or partners.

(2) If a property manager is used, the property manager's name, street address, mailing address, electronic mail address (if applicable), and telephone number.

(3) A short description of how each of the owner's short-term rentals on the property are marketed or advertised, including the following:

(A) The advertised occupancy limits of each short-term rental.

(B) Whether the short-term rental is:

(i) a single family home;

(ii) a dwelling unit in a single family home;

(iii) a dwelling unit in a two-family or multifamily dwelling; or

(iv) a dwelling unit in a condominium, cooperative, or time share.

(C) A permit application must be made by an owner. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.

(b) Subject to Section 16.06.050, if an owner submits a permit application under this section that meets the requirements set forth, the City shall issue a permit to the owner within thirty (30) days of receipt of the application.

(c) If an owner sells all or part of a permitted property, the permit may not be transferred to the new owner. The new owner must submit an application for a new permit.

(d) Owners may request an inspection with HAND. Such inspection shall be on a first-come, first-serve basis, and will be at a discounted rate determined by HAND.

16.06.030 - Duty to update permit information.

If any information provided by an owner in the permit application changes, the owner shall provide updated information to the unit in writing within thirty (30) business days.

16.06.040 - Expiration; permit fees.

(a) A permit expires one (1) year after the date the permit is issued.

(b) The cost of the permit is one hundred fifty dollars ($150), for each of the following:

(1) An initial permit issued to an owner for the permitted property.

(2) The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.

(c) The owner shall provide notice in writing within thirty (30) business days of the permit expiration of their intent to renew their permit. Such notice shall include any updates to permit information, or confirmation that the permit information has not changed, and the address of the short-term rental.

16.06.050 - Revocation of a permit; notice and hearing.

(a) If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the City may revoke the permit for that permitted property for a period of not more than one (1) year after the date the permit is revoked.

(b) If the City revokes the permit, the owner has the opportunity to appeal to the board of housing quality appeals as outlined in Section 16.10.050 of this title.

(c) An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked by the City. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to the use of the short-term rental or any other outstanding ordinance violations of Bloomington Municipal Code.

16.06.060 - Unregistered short-term rentals.

(a) An owner shall not rent a short-term rental without obtaining a valid permit from the City.

(b) Each short-term rental transaction that the short-term rental provider completes without a short-term rental permit constitutes a separate violation of this section.

16.06.070 - Restrictions on short-term rental usage; enforcement.

(a) The following uses are prohibited from being used as short-term rentals:

(1) To house sex offenders;

(2) To operate a structured sober living home;

(3) To manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity;

(4) To operate an adult entertainment establishment (as defined in I.C. § 12-7-2-1.8).

(b) Any housing exempted that is from the requirements of this title under Section 16.02.046(1) or (2) is prohibited from registering as a short-term rental.

(c) Any violations of this chapter shall be subject to enforcement under Chapter 16.10.

Chapter 16.10 ENFORCEMENT, PENALTIES, APPEALS AND VARIANCES

Sections:

16.10.010 - Authority.

The director, and ~~his~~ their designees, are the designated enforcement officials with full authority to investigate, conduct inspections, accept registration forms, issue ~~occupancy~~rental permits, issue reports, and secure remedies, including but not limited to fines and injunctive relief for any violation of this title.

(Ord. No. 12-27, § 1, 11-14-2012)

16.10.020 - Penalties and remedies for violations.

(a) For purposes of this title, a violation shall be defined as a violation or failure to comply with:

(1) Any provision or requirement of this title;

(2) Any condition, requirement or commitment established with the approval of a variance issued by the board of housing and quality appeals or the state fire prevention and building safety commission; or

(3) The required elements of the submission on the basis of which any ~~occupancy~~rental permit has been rendered hereunder.

(b) Any violation, as defined in Section 16.10.020(a) above, shall be subject to the penalties and remedies provided in Chapter 16.10, and the ~~city~~City shall have recourse to any remedy available in law or equity.

(c) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in Chapter 16.10. A violation continues to exist until corrected and verified by the director or ~~his~~ their designees. Correction includes, but is not limited to:

(1) Cessation of an unlawful practice;

(2) Remediation of a violation;

(3) Payment of fees or fines;

(4) Vacancy of a residential rental unit;

(5) Vacancy of a lodging establishment;

(6) Temporary or permanent revocation of rental permit(s); and/or

(~~6~~7) ~~Other~~ Any other remedy acceptable to the ~~c~~City.

(d) For purposes of issuing penalties and fines in accordance with this chapter, the following persons shall be considered responsible parties, with liability for fines and responsibility for the remediation of the violation:

(1) Property owner;

(2) Any person with a possessory interest in the property; and/or

(3) Any person who has caused the violation.

(e) Remediation of a violation of this title shall be made or accomplished in accordance with the procedures and provisions with the codes listed in ~~[~~Section~~]~~ 16.04.020(a).

(f) The ~~city~~ City legal department may institute appropriate action to impose and collect fines, fees, and/or other penalties; to enforce or defend any action taken pursuant to ~~Section 16.10.050(e)~~this Title; and to prevent, enjoin, abate, remove, or correct any violation of, or noncompliance with, this ~~title~~Title.

~~(g) In addition to all other penalties and remedies provided for herein, it shall be a violation of this title for any owner to bring or threaten to bring an action for possession of the tenant's residential rental unit for the purpose of retaliating against a tenant for requesting an inspection as provided for in this title. ¶~~

~~(h) In addition to all other penalties and remedies provided for herein, it shall be a violation of this title for any owner to bring or threaten to bring an action for possession of the occupant's lodging establishment for the purpose of retaliating against an occupant for requesting an inspection as provided for in this title. ¶~~

(~~i~~g) In addition to all other penalties and remedies provided for herein, it shall be a violation of this title for any person to remove batteries from, or in any way render inoperable, a carbon monoxide detector or smoke

detector, except as part of a process to inspect, maintain, repair, or replace the detector or alarm or to replace the batteries in the detector or alarm.

(~~j~~h) The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

(Ord. No. 12-27, § 1, 11-14-2012)

16.10.030 - Penalty.

(a) Any violation that is subject to Chapter 16.10 shall be subject to a civil penalty of not more than $2,500.00 for each such violation, in addition to any and all other remedies available to the ~~city~~City, except where a lesser fine is specified herein.

(b) The following violations of this title shall be subject to the fines listed in the table below.

Registration form violation if not supplied within the compliance period provided for on a unit's inspection report	$25.00 flat fine
Failure to provide required documentation if not supplied within the compliance period provided for on a unit's inspection report	$100.00 per unit
~~Failure to supply signed tenant and owner rights and responsibility form ¶~~	~~$25.00 flat fine assessed if not supplied within the compliance period provided by HAND ¶~~
~~Failure to supply signed inventory and damage list ¶~~	~~$25.00 flat fine assessed if not supplied within the compliance period provided by HAND ¶~~
Violation of any of the codes listed in Section 16.04.020	$100.00
Making a smoke detector or carbon monoxide detector inoperable	$100.00
Failing to appear for a scheduled inspection	$50.00 flat fine
Failure to timely maintain and/or knowing, intentional, reckless, or negligent completion of an incorrect occupancy affidavit	Flat fine not to exceed $500.00

(Ord. No. 12-27, § 1, 11-14-2012; Ord. No. 21-30, § II, 6-16-2021)

16.10.040 - Enforcement procedure.

(a) If the director finds that any violation of this title is occurring, or has occurred, notice shall be given to the responsible party. For purposes of this title only, a cycle inspection report, remaining violations report or complaint inspection report is considered notice of a violation. For purposes of issuing a notice, the following persons may be considered responsible parties, with liability for fines and responsibility for remediation of the violation:

(1) The owner of the residential rental unit;

(2) Persons with any possessory interest in the residential rental unit;

(3) Any person who, whether as property manager, agent, owner, lessee, tenant, or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue;

(4) The owner of the lodging establishment; and/or

(5) Persons with any possessory interest in the lodging establishment.

(b) The notice shall be in writing and shall be served on all of the responsible parties and shall ~~be in accordance with all of~~include the following:

(1) ~~Include a~~A description of the residential rental unit or lodging establishment sufficient for identification;

(2) ~~Include a~~A statement of the violation(s) and why the notice is being issued;

(3) ~~Include a~~A correction order allowing a reasonable time to make repairs and improvements required to bring the residential rental unit or accessory structures or lodging establishment into compliance with the provisions of this title; and

(4) Informing the owner of the residential rental unit, ~~or~~ lodging establishment, or short-term rental of ~~his~~ their right to an appeal;

(c) The notice shall be deemed properly served if a copy thereof is:

(1) Delivered personally;

(2) Sent by certified or first-class mail addressed to the last known address of the responsible party;

(3) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the residential rental unit or lodging establishment affected by such notice; or

(4) If the owner so designates on his registration form as being appropriate, sent by email.

(d) At the end of the time period specified in the notice described in subsection (b) above, any residential rental unit or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the unit's owner after such owner has affected those corrections required by the ~~city~~City as a result of any previous inspection. If reinspection is not requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the residential rental unit and its premises shall not be issued a~~n occupancy~~rental permit.

(e) At the end of the time period specified in the notice described in subsection (b) above, any lodging establishment or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the establishment's owner after such owner has affected those corrections required by the ~~city~~City as a result of any previous inspection. If reinspection is not requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the lodging establishment and its premises shall be the subject to the penalties of this chapter.

(f) Fines for all violations of this title, except for the violation of allowing a residential rental unit to be occupied without having first been inspected and permitted by the ~~city~~City in accordance with this title, shall only accrue from the date the timeline in the first inspection report expires.

(g) In addition to issuing a notice, the director may utilize and/or seek through legal proceedings one or more of the following remedies:

(1) Revoke or withhold issuance of a~~n occupancy~~rental permit; and/or

(2) Any and all penalties and remedies listed in Section 16.~~09~~10.020.

(Ord. No. 12-27, § 1, 11-14-2012)

16.10.050 - Appeals.

(a) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a residential rental unit or short-term rental, shall have the right to appeal to the board of housing and quality appeals.

(b) An appeal filed with the board of housing and quality appeals shall be in the manner prescribed in ~~Section 2.19.030~~Title 2 of the Bloomington Municipal Code and the established rules and procedures of the board.

(c) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a lodging establishment, shall have the right to file an appeal to the appropriate state governing body.~~fire prevention and building safety commission.~~

(d) Fines levied for violations of this title may be challenged in the Monroe County Circuit Court.

(Ord. No. 12-27, § 1, 11-14-2012)

16.10.060 - Variances.

(a) Any person found to be in violation of any provision of this title, except for a violation of the codes listed in ~~[~~Section~~]~~ 16.04.020, may file for a variance with the board of housing and quality appeals.

(b) Any person found to be in violation of any provision of the codes listed in ~~[~~Section~~]~~ 16.04.020 may file for a variance with the appropriate state governing body.~~ fire prevention and building safety commission.~~

(Ord. No. 12-27, § 1, 11-14-2012)

Memorandum on Update to Title 16 – Residential Rental Unit and Lodging Establishment Inspection Program

To: Common Council of Bloomington, Indiana
From: Taylor Brown, Assistant City Attorney
Date: 11/18/2026
Subject: Ordinance 2026-38: Update to Title 16 – Residential Rental Unit and Lodging Establishment Inspection Program
Staff Contact: Taylor Brown; taylor.brown@bloomington.in.gov; (812) 349-3555

CC: Kerry Thomson, Mayor
Gretchen Knapp, Deputy Mayor
Nicole Bolden, City Clerk
Geoff McKim, City Controller
Margie Rice, Corporation Counsel
Anna Killion-Hanson, Director of Housing and Neighborhood Development

Introduction

The last full update for Title 16 was in 2012. In the subsequent fourteen years, there have been some changes in state code that necessitate updates to Title 16. This update includes the following changes:

1. Adding an owner's agent/designee as responsible for compliance with the title. (16.01.060(a))
2. Substituting "equivalent" instead of "particular" when describing those permitted to perform repairs. (16.01.060(f))
3. Changes "directly or indirectly" to "in any way" when discussing conflicts of interest for employees. (16.01.070(b))
4. Addition of code numbers for each defined word. (16.02.020)
5. Change of "occupancy permit" to "rental permit" to avoid confusion with the county building department. (Throughout)
6. Changing the specific section citation to a more general "Unified Development Ordinance" for the definition of family. (16.02.030)
7. Addition of definition of owner occupied short-term rental property. (16.02.043)
8. Addition of short-term rental to residential rental unit exceptions. (16.02.046)
9. Addition of short-term rental definition. (16.02.049)
10. Addition of short-term rental platform definition (16.02.050)
11. Change "up to four" to "four or less" for ease of understanding when describing occupancy affidavits. (16.03.025(a))

12. Changes grammar to be in the positive rather than negative tense, requires the rental unit to have up-to-date information on file with HAND, and enumerates fourteen days to correct life and safety violations and sixty days for all other violations. (16.03.030)
13. Clarifies the timeline for newly constructed units to be inspected; allows inspections at other times during the year at HAND's discretion. (16.03.040(b))
14. Specifies a failure to appear for an inspection, failure to notify tenants of inspection, or if entry is refused at a scheduled time, then HAND may treat the visit as a failed inspection for purposes of enforcement. (16.03.040(e)-(g))
15. Removal of Sections 16.03.050 (Inventory and damages list) and 16.03.060 (Disclosure) in accordance with Indiana Code § 32-31-1-20.
16. Inclusion of a vacancy fee for single-family detached homes. (16.03.050(b)(7))
17. Updates to the fee schedule. (16.03.050(c)-(f))
18. Removal of reference to "Indiana Fire Prevention and Building Safety Commission" and changed to "state" due to the removal of the commission. (16.04.020(a), 16.10.050(c), and 16.10.060(b))
19. Removal of the requirement for a complaint regarding a lodging establishment to be written and signed. (16.05.020(a)(1))
20. Addition of Short-Term Rental Chapter per Indiana Code § 36-1-24. (16.06.010-16.06.070)
21. Specifically enumerates a temporary or permanent revocation of a rental permit as a permitted penalty. (16.10.020(c)(6))
22. Removal of penalties relating to inventory and damages lists and disclosures in accordance with Indiana Code § 32-31-1-20. (16.10.020(g)-(h))
23. Removal of fines relating to inventory and damages lists and disclosures in accordance with Indiana Code § 32-31-1-20. (16.10.030(b))
24. Updates to notice and appeal requirements to include short-term rentals. (16.10.040(b)(4) and 16.10.050(a))
25. Various grammatical and punctuation corrections. (Throughout)

The full update has been presented to the Board of Housing Quality Appeals (hereinafter "BHQA"), and received their endorsement at their October 20, 2026 meeting. There are no changes in the inspections or in the evaluation criteria. The recommended implementation date is July 1, 2027. This allows for the Housing and Neighborhood Development Department (hereinafter "HAND") time to send out notification in newsletters, announcements in meetings, etc. Additionally, in the event there is any need for clarification, edits, or feedback, this gives enough time to come back to the Common Council to make the necessary changes before full implementation.

Background/Justification for Action

Short-Term Rentals

On May 20, 2026, the Common Council passed Resolution 2026-06, directing HAND to develop long-term affordable housing solutions. As part of that effort, one of the significant challenges is the prevalence of short-term rentals occupying single-family detached homes. At last evaluation, there were approximately 705 short-term rentals in the City. Of those, eighty percent are single-family detached homes, and only forty-four percent of those were occupied. The first step in finding long-term solutions is gathering empirical information.

The state legislature has limited what local legislatures may do in terms of banning short-term rentals, but has allowed for municipalities to regulate certain aspects of the short-term rental process in Indiana Code § 36-1-24. For instance, municipalities can regulate the areas in which short-term rentals are permitted. Before effective policy can be enacted, the first step is to find out where the short-term rentals are located. Only once we have the full picture can we effectively determine the impact of short-term rentals on long-term affordable housing solutions in Bloomington.

This legislation requires owners of short-term rentals to register with HAND, and pay a one-time fee of $150. The permits are for one-year terms, and there is no fee for renewal. In the event the short-term rental receives three or more citations for ordinance violations in a calendar year, the permit can be revoked for a maximum of one year, or longer if fines remain unpaid. The enforcement structure will follow the same format as other Title 16 appeals processes, in which any appeals will go to the BHQA. Ordinance violations for noise, trash, etc. will still be heard at the Board of Public Works (BPW). The only appealable matters are the loss of a permit, which is in very specific circumstances. There are also restrictions on short-term rental usage to house sex offenders, operate structured sober living homes, business involving liquor, pornography, obscenity, or adult entertainment establishment. Additionally, properties owned by IU cannot be registered as short-term rentals.

Update to the Fee Schedule

The fee schedule has been the same since 2015, with one ten percent increase by the Board of Public Works in 2019. The current fee schedule has been rounded up to the nearest five-dollar increment, but will not change for 2027 with one exception. There will be two additional updates in 2028 and 2029, following the same increase rate as 2012.

Inspection Fee Category	Current Fee	New Fee (2027)	2028	2029
Single-Family Detached Homes	$105	$105	$115	$125

Rooming Houses - Each Building	$77	$80	$80	$90
+ Each Bathroom	$28	$30	$40	$40
Condominiums	$105	$105	$115	$125
Multi-Family Dwellings - Each Building	$77	$80	$80	$90
+ Each Unit	$28	$30	$40	$40
Lodging Establishments	Complaint Only	Complaint Only	Complaint Only	Complaint Only
2nd and Subsequent Reinspection Fee	$77	$150	$175	$200

The one significant change to the fee schedule is in secondary and subsequent inspections. Certain property owners and landlords have taken advantage of the low fee for secondary inspection, preferring to schedule multiple inspections instead of making costly repairs. The increased fee will help deter these bad actors, compensate for the staff time, and assist in responsible unsafe building fund usage.

Vacancy Fee for Single-Family Detached Homes

The state legislature, in Indiana Code § 36-7-9-4.5, provided legislative findings on the burden that vacant homes place on the state and municipalities. Recognizing that burden, a $500 fee is recommended for single-family detached homes that are vacant continuously for periods of one year, with a twenty-five percent increase for every year it remains vacant, not to exceed $2,500. To ensure there is no additional burden placed on home owners attempting to sell or rent, the BHQA will hear appeals to provide extensions based on extenuating circumstances.

Removal of Certain References and Other Updates

In 2021, the state legislature passed Indiana Code § 32-31-1-20, which prohibits municipalities from imposing regulations on the relationship between a landlord and a tenant. These updates to Title 16 reflect those changes.

There are various other updates, such as the removal of the Indiana Fire Prevention and Building Safety Commission, and adding specific code headings to the definitions section. There are also various grammatical, formatting, and spelling corrections.

Fiscal Impact Statement

The one-time registration fee for short term rentals will have a significant impact on revenues in 2027. There are approximately 705 short term rental units currently in the City. With a $150 one-time fee for registration set by the state, that is approximately $105,750.00 in revenue in the next fiscal year. Because there is no fee for renewal, this is a one-time revenue impact.

Conclusion

This ordinance amending Title 16 is scheduled for first reading on November 18, 2026. The BHQA has provided their endorsement of this Title 16 update at their October 20, 2026 meeting. There are no changes in HAND's inspections or in the evaluation criteria. The recommended implementation date is July 1, 2027.

November 20, 2026

The Honorable Kerry Thomson
Mayor, City of Bloomington
Honorable Members of the Bloomington Common Council

401 N. Morton Street
Bloomington, Indiana 47404

Re: Proposed Amendments to Title 16, Residential Rental Unit and Lodging Establishment Inspection Program

Dear Mayor Thomson and Honorable Members of the Bloomington Common Council:

On behalf of the Indiana Apartment Association (IAA), I would like to express our appreciation for the City's efforts to ensure safe and habitable rental housing throughout Bloomington.

IAA is the leading association of rental housing owners, managers, and developers in Indiana, representing more than 300,000 multi-family homes statewide, including 10,890 units in Bloomington. IAA has worked extensively with municipalities across Indiana on the development and implementation of rental registration and inspection programs.

Drawing on this experience, we have reviewed the proposed amendments to Title 16 and have one provision that warrants further consideration: how the inspection requirement applies to newly constructed rental units. We offer the following comments in the hope of working with the City toward our shared goal of safe and habitable rental housing.

Section 16.03.040(b). Inspection of Newly Constructed Units

Section 16.03.040(b) requires each newly constructed residential rental unit to receive a cycle inspection from the Housing and Neighborhood Development Department (HAND) before the unit is occupied. The proposed amendment adds that the inspection takes place "after all construction on the units to be occupied have been completed." Under Sections 16.03.010 and 16.03.030, a unit may not be occupied until HAND has issued a rental permit, and a permit cannot be issued until the inspection has been completed.

IAA is concerned that the phrase "all construction on the units to be occupied" is not defined. New apartment communities are commonly built and delivered in phases, with buildings completed one at a time while other buildings, amenities, and site work continue. It is unclear whether completed units can be inspected and occupied while construction continues elsewhere on the property, or whether the inspection must wait until the entire project is finished. If the provision is read the second way, finished buildings would sit empty and unleasable, and the owner and prospective residents would bear the cost of the delay, even though those units are ready for occupancy.

This is a particular concern for property owners rehabilitating properties through the Low Income Housing Tax Credit (LIHTC) program. Our members have shared that these projects are often completed in phases, with individual floors being rehabilitated and affordable units leased to low income residents as they become ready for occupancy. Requiring property owners to wait until the entire building is rehabilitated, rather than allowing occupancy on a floor by floor basis, would significantly disrupt this process. This would prevent otherwise completed and habitable units from being occupied, delay critical rental income, and potentially jeopardize the financial feasibility of rehabilitation projects. At a time when the need for affordable housing continues to grow, requiring completed units to sit vacant while work continues elsewhere in the building would unnecessarily delay housing opportunities for some of Indiana's most vulnerable residents.

IAA respectfully requests that Section 16.03.040(b) be amended to clarify that a building or unit may be eligible for inspection, and a rental permit issued, once the individual unit is habitable.

IAA shares the City's commitment to safe and habitable rental housing for Bloomington residents. We believe this clarification would let the City keep its inspection program for new construction while avoiding unnecessary delays. Thank you for your time and consideration. We welcome the opportunity to discuss this concern further as Bloomington continues its review of the proposed amendments.

Sincerely,



Brian Spaulding, J.D.
President
Indiana Apartment Association

BLOOMINGTON COMMON COUNCIL ORDINANCE NUMBER 2026-39 - TO AMEND TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE TITLED "WASTEWATER" REGARDING FATS, OILS, AND GREASE

Preamble

Whereas, the City of Bloomington (the "City"), has previously established and constructed and now owns and operates, through its Utility Service Board (the "Board") a sewage works utility system for the City and its inhabitants, in accordance with the provisions of Indiana Code 36-9-23, as amended, which is administered through the City of Bloomington Utilities Department ("CBU"); and

Whereas, CBU operates a pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and

Whereas, as part of that pretreatment program, the City has enacted under Bloomington Municipal Code Title 10 at Chapter 10.17 a fats, oils, and grease ("FOG") program which is intended to minimize the introduction of fats, oils, and grease into the wastewater collection system; and

Whereas, Chapter 10.17 requires all food service establishments to properly size, install and maintain FOG retention devices and establishes appropriate administrative and inspection requirements of the food service establishments; and

Whereas, the General Assembly recently passed House Enrolled Act 1348, introducing new legislation at I.C. 8-1-46.1 for the statewide regulation of fats, oils, and grease which necessitates certain amendments to the CBU's FOG program; and

Whereas, on November 2, 2026, the Board considered the proposed amendments to Title 10 of the Bloomington Municipal Code, determined that the amendments are appropriate and necessary, and adopted a resolution recommending that the Common Council adopt this ordinance in substantially the same form. A copy of the resolution is attached as Exhibit "A"; and

Whereas, the proposed amendments to Title 10 of the Bloomington Municipal Code have been duly considered by the Common Council of the City of Bloomington.

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

Section 1: Section 10.17.020 shall be amended by adding the following additional definitional language within the alphabetical ordering of that section as follows:

"Fats, Oils, and Grease or 'FOG'" means any organic substance derived from animal or

vegetable sources that may:

(a) Solidify;
(b) Congeal; or
(c) Become viscous at ambient temperatures;

and can obstruct, accumulate, or interfere in a wastewater collection or a sewer system.

"Gravity grease trap" means a watertight device typically located indoors and installed above ground or recessed in the floor, typically constructed of stainless steel or high density plastic, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

“Grease control equipment” refers to the necessary combination of: 1) grease interceptors; 2) hydromechanical grease interceptors; 3) hydromechanical grease traps; and 4) grease traps; to prevent fats, oils, grease, and food solids from being discharged into a sewer system.

“Properly sized” refers to the sizing and configuration of grease control equipment to handle flow and FOG production in accordance with:

(a) good engineering practice;
(b) state plumbing codes;
(c) manufacturer specifications;

sufficient to prevent fats, oils, and grease from entering a sewer system or a nonresidential onsite sewage system in quantities that cause blockages, interference, or maintenance problems.

“Regulated entity” refers to all commercial establishments that discharge fats, oils, or grease into the city’s sewer system and all food service establishments.

“Sewer system” has the meaning set forth in Indiana Code 36-9-22.5-3.

Section 2: Section 10.17.020 shall be further amended by deleting the following definitional term:

"Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oils, and grease, or FOG, shall be deemed as grease by definition.

Section 3: Section 10.17.020 shall be further amended to have the following definitional terms read as follows:

"Food service establishment" or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes and includes new and newly remodeled food service establishments. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the director.

"Grease hauler or transporter" means a person or company regulated and permitted by the Indiana Department of Environmental Management and that engages in the collection,

transport, or disposal of material removed from a grease trap or grease interceptor. The hauler is responsible for ensuring that all federal, state, and local regulations are followed regarding waste transport and disposal.

"Grease interceptor" means a watertight device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Grease trap" means a watertight device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Hydromechanical grease interceptor" means a watertight device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

Section 4: Delete and replace Section 10.17.030 in its entirety to read as follows:

10.17.030 - Applicability.

This chapter shall apply to all food service establishments and to all commercial

establishments that discharge fats, oils, or grease into the city's sewer system.

Section 5: Add the following new Section 10.17.051:

10.17.051 - Regulated entity responsibilities.

In addition to any other responsibilities set forth in this chapter, all regulated entities shall do the following:

(a) install, operate, and maintain grease control equipment designed to prevent fats, oils, and grease from entering the wastewater system or a nonresidential onsite sewage system.
(b) Ensure that grease control equipment is properly sized and maintained in compliance with applicable Indiana State Code.
(c) Maintain for two (2) years records that include the date of each haul, the volume of FOG removed, and the grease hauler's name.

Section 6: Delete and replace Section 10.17.060 in its entirety to read as follows:

10.17.060 - Installation requirements for new food service establishments.

All new FSEs that discharge wastewater into the city sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed

access to the manhole covers for maintenance and inspection activities.

Section 7: Delete and replace Section 10.17.070 in its entirety to read as follows:

10.17.070 - Installation requirements for newly remodeled food service establishments.

Newly remodeled FSEs that discharge into the city sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 8: Delete and replace Section 10.17.080 in its entirety to read as follows:

10.17.080 - Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the city's sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 9: Delete and replace Section 10.17.090 in its entirety to read as follows:

10.17.090 - Installation requirements for commercial establishments.

All commercial establishments that discharge fats, oils, or grease wastewater into the city’s sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 10: Delete and replace Section 10.17.100 in its entirety to read as follows:

10.17.100 - Installation requirements for food service establishments causing or contributing to a sanitary sewer overflow.

All FSEs causing or contributing to a sanitary sewer overflow into a building, on a private lateral, sewer main, or the POTW shall own and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 11: Delete and replace Section 10.17.110 in its entirety to read as follows:

10.17.110 - Design criteria for grease control equipment.

(a) Domestic wastewater shall not be discharged into a grease retention device.
(b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.
(c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.
(d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.
(e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred fifty gallons.
(f) All grease control equipment shall be sized for total flow rate and grease holding capacity.
    (1) Total Flow Rate shall be the sum of the two minute drain time in gallons per minute for all fixtures discharging to the grease control device.
    (2) Grease Holding Capacity shall be calculated using the following formula: Grease Holding Capacity = (Sizing Coefficient x Grease Production Value x Cleanout Frequency)
        (a) Where:
            i) Sizing Coefficient = ((Number of Seats x 4) + (Number of Meals Served Per Day) + ([Sq. Ft of Facility x 0.6)/14] x 4))/3.
            ii) Grease Production Value = Lbs of Grease per Meal determined as follows:

Category	Grease Production Values
Low A	0.005 lbs/meal (no flatware)
Low B	0.0065 lbs/meal (with flatware)

Category	Grease Production Values
Medium A	0.025 lbs/meal (no flatware)
Medium B	0.0325 lbs/meal (with flatware)
High A	0.035 lbs/meal (no flatware)
High B	0.0455 lbs/meal (with flatware)

1) Low: Serves food prepared offsite or food that requires minimal preparation and/or warming; sandwich shop, convenience store (no kitchen), hotel breakfast bar, frozen yogurt, coffee shop, take & bake pizza, bar (limited food service), cafeteria (no prep), grocery meat department, sushi (no grill).
2) Medium: Serves foods from a limited menu and/or with a limited amount of onsite preparation; pizza, ice cream parlor, fast food hamburger (pre-cooked), caterer, Greek, Japanese, Vietnamese (pho), grocery store (no fryer), cafeteria (limited prep), low category restaurants with fryer.
3) High: Serves a full menu of food prepared onsite; American traditional, hamburger (with grill), BBQ, Mexican, Italian, steak/seafood house, hibachi, buffet, fast food fried chicken, bakery/donut shop (with fryer), Chinese, Indian, grocery store (with fryer), cafeteria (full prep), medium category restaurants with fryer.

(g) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.
(h) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.
(i) Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.
(j) When required according to 10.17.111, a sampling port shall be installed in the grease waste drainline downstream from all kitchen fixtures. Domestic wastewater shall not discharge to the sampling port. Sampling ports shall be installed to allow for unobstructed access for sampling by CBU.
(k) Garbage disposals are prohibited in all FSEs.
(l) All grease control equipment shall be designed or approved by a licensed professional engineer under I.C. 25-31 or a professional architect under I.C. 25-4.

Section 12: Add the following new Section 10.17.111.

10.17.111 - Exemptions.

A regulated entity that demonstrates through operational characteristics, inspection, and sampling that the regulated entity does not generate fats, oils, or grease in quantities requiring interception:

(a) is exempt from the requirements of Section 10.17.051; and
(b) is not required to install grease control equipment; but
(c) is required to install a sampling port that meets design criteria listed in Section 10.17.110(j).

If a regulated entity's characteristics change and the regulated entity begins to generate fats, oils, or grease in quantities requiring interception, the regulated entity shall install grease control equipment pursuant to this Chapter.

Section 13: Add the following new Section 10.17.112.

10.17.112 - Design Review.

(a) Before construction or a major renovation of a regulated entity, the owner of the regulated entity or the owner's agent shall submit the proposed grease control equipment design to the applicable regulating authority for review before installation.
(b) Upon receiving the grease control equipment design described in subsection (a), the regulating authority shall review the proposed design and provide:
(1) a written approval;
(2) a written denial; or
(3) modification recommendations;

based on performance standards under this chapter within sixty (60) days.

Section 14: Add the following new section 10.17.116.

10.17.116 - Grease Hauler Responsibilities.

A grease hauler shall do the following:

(a) Take before and after time stamped photographs of each service of a regulated entity.
(b) Maintain the time stamped photographs and share the time stamped photographs with the Indiana department of environmental management and regulating authority if requested by the Indiana department of environmental management or regulating authority.
(c) Maintain records showing that the total volume of FOG pumped from a regulated entity matches the total disposed of by the grease hauler.
(d) Provide documentation or an invoice to a regulated entity after service is completed with the following information:
(1) The date of the haul.
(2) The volume of FOG removed.
(3) The grease hauler’s name.

Section 15: Delete and replace Section 10.17.120 in its entirety to read as follows:

10.17.120 - Best management practices.

The following best management practices or BMPs shall be implemented and adhered to by all regulated entities:

(a) Installation, maintenance and operation. All regulated entities shall install, maintain and operate all properly sized grease control equipment in compliance with the best practices that meet applicable state plumbing codes, manufacturer specifications, equipment performance standards, and CBU sizing formulas.
(b) Pumping. All grease control equipment shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
(c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
(d) FOG control devices shall be pumped out completely at least as frequently as determined using CBU’s sizing formula. Gravity Grease Interceptors and Gravity Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
(e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumpouts must be submitted to the city's FOG software within fourteen days of the date of grease interceptor maintenance. The report shall include date, volume of waste removed, hauler name, and disposal site.
(f) Hydromechanical Grease Interceptors and Grease Trap Maintenance. Hydromechanical Grease Interceptors and Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when the unit has accumulated waste, both floatable and settleable, equal to or exceeding the manufacturer's specifications.
(g) Grease Trap and Hydromechanical Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site.
(h) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site. The report must be submitted within fourteen days of the date of grease trap maintenance.
(i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.

Section 16: Add the following new Section 10.17.125.

10.17.125 - Variances.

FSEs that believe their device should be serviced less frequently than as determined using

CBU's sizing formulas may submit a written request for a variance. The following conditions must be met before CBU will consider a variance in maintenance frequency:

(a) The FSE shall demonstrate 12 months of compliance with BMC 10.17.120 prior to their variance request.
(b) CBU must perform a physical inspection of the grease retention device at the end of their 1st adjusted maintenance period.
(c) The FSE shall demonstrate that the device effluent complies with BMC 10.12.020 at the end of the adjusted maintenance period. Including, but not limited to, sampling for pH and Oil & Grease content.

If the above listed conditions are met, then CBU may grant a maintenance variance of not more than twice the time-frame specified in BMC 10.17.120.

Variances may be revoked at any time if the FSE fails to maintain their device or report maintenance in a timely manner.

Variances are non-transferrable.

Section 17: Delete and replace Section 10.17.140 in its entirety to read as follows:

10.17.140 - Retrofitting and replacement of grease control equipment.
Whenever a regulated entity's FOG discharge exceeds the allowable concentration at least two (2) times within a thirty (30 day period, the regulated entity shall retrofit or replace grease control equipment in accordance with this chapter.

Section 18: Add the following new Section 10.17.150.

10.17.150 - Location of grease control equipment.
Where installation of an exterior grease interceptor is impractical due to available space, the structure or other site constraints, the regulated entity may elect to comply with this chapter using alternative grease control equipment or maintenance protocols approved by CBU.

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, or 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.

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 day of , 2026.

Signature of the Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of the Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of the Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of the Mayor Kerry Thomson

Synopsis:
This ordinance amends Title 10 of the Bloomington Municipal Code at Chapter 10.17 to bring the City's FOG program into compliance with recently enacted House Enrolled Act 1348, which established new legislation at I.C. 8-1-46.1 for the regulation of fats, oils, and grease.

Proposed Amendment

Ordinance #: 2026-39

Amendment #: Am. 01

Submitted by: Cm. Piedmont-Smith and Cm. Asare

Date: December 2, 2026

Proposed Amendment:

1. Section [6] of Ordinance 2026-39 is amended to make the following changes (text in **bold red** = added language; text in red and strikethrough = deletion):

   10.17.060 - Installation requirements ~~for new food service establishments~~.

   All ~~new~~ FSEs **and commercial establishments** that discharge ~~wastewater~~ **fats, oils, or grease** into the city sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

   (a) Blockages;
   (b) overflows; or
   (c) interference;

   in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

2. Section [7] of Ordinance 2026-39 is amended to make the following changes: Delete 10.17.070 in its entirety.

3. Section [8] of Ordinance 2026-39 is amended to make the following changes: Delete 10.17.080 in its entirety.

4. Section [9] of Ordinance 2026-39 is amended to make the following changes: Delete 10.17.090 in its entirety.

5. Section [10] of Ordinance 2026-39 is amended to make the following changes: Delete 10.17.100 in its entirety.

6. Section [11] of Ordinance 2026-39 is amended to make the following changes:

10.17.110(f)(2)(a)(i) Sizing Coefficient = ((Number of Seats x 4) + (Number of Meals Served Per Day) + ~~([~~**[(**Sq. Ft of Facility x 0.6)/14] x 4~~)~~)/3.

7. Section [12] of Ordinance 2026-39 is amended to make the following changes:

   10.17.111 - Exemptions.

   A regulated entity that demonstrates through operational characteristics, inspection, and sampling that the regulated entity does not generate fats, oils, or grease in quantities requiring interception:

   (a) is exempt from the requirements of Section 10.17.051; and
   (b) is not required to install grease control equipment; but
   (c) is required to install a sampling port that meets design criteria listed in Section 10.17.110(j).

   If a regulated entity's characteristics change and the regulated entity begins to generate fats, oils, or grease in quantities requiring interception, the regulated entity shall install grease control equipment pursuant to this Chapter.

   Regulated entities shall maintain all records supporting their exempt status for a period of two years following CBU's determination that they are exempt.

8. Section [13] of Ordinance 2026-39 is amended to make the following changes:

   10.17.112 - Design Review.

   (a) Before construction or a major renovation of a regulated entity, the owner of the regulated entity or the owner's agent shall submit the proposed grease control equipment design to the applicable regulating authority for review before installation.

   (b) Upon receiving the grease control equipment design described in subsection (a), the regulating authority shall, within sixty (60) days, review the proposed design and provide:

      (1) a written approval;
      (2) a written denial; or
      (3) **written** modification recommendations;

      ~~based on performance standards under this chapter within sixty (60) days.~~

9. Section [15] of Ordinance 2026-39 is amended to make the following changes:

10.17.120(e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. ~~Grease hauler pumpouts must be submitted to the city's FOG software within fourteen days of the date of grease interceptor maintenance.~~ **Within fourteen days of the date of grease interceptor maintenance, reports of grease-hauler pumpouts must be submitted electronically via CBU's third-party online portal or as otherwise required by CBU.** The report shall include date, volume of waste removed, hauler name, and disposal site.

10. Section [16] of Ordinance 2026-39 is amended to make the following changes:

10.17.125 - Variances.

FSEs that believe their device should be serviced less frequently than as determined using CBU's sizing formulas may submit a written request for a variance. The following conditions must be met before CBU will consider a variance in maintenance frequency:

(a) The FSE shall demonstrate 12 months of compliance with BMC 10.17.120 prior to their variance request.

(b) CBU must perform a physical inspection of the grease retention device at the end of their 1st adjusted maintenance period.

(c) The FSE shall demonstrate that the device effluent complies with BMC 10.12.020 at the end of the adjusted maintenance period. **Such demonstrations shall** ~~i~~includ**e**~~ing~~, but not **be** limited to, sampling for pH and Oil & Grease content.

If the above listed conditions are met, then CBU may grant a maintenance variance of not more than twice the **cleanout frequency used in the basis of design for a grease control device** ~~time-frame~~ specified in BMC 10.17.~~120~~ **110(f)(2)**.

Variances may be revoked at any time if the FSE fails to maintain their device or report maintenance in a timely manner.

Variances are non-transferrable.

11. Section [17] of Ordinance 2026-39 is amended to make the following changes:

10.17.140 - Retrofitting and replacement of grease control equipment.

Whenever a regulated entity's FOG discharge exceeds the allowable concentration at least two (2) times within a thirty (30**)** day period, the regulated entity shall retrofit or replace grease control equipment in accordance with this chapter.

Synopsis:

Consolidates sections 10.17.060, 070, 080, 090, and 100.

Corrects a few typographical errors and cleans up some language for clarity in the other sections.

12/2/2026 Regular Session Action: Pending

UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON
RESOLUTION 2026-19
TO RECOMMEND AMENDMENTS TO TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE TITLED "WASTEWATER" AT CHAPTER 10.17 - FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGERS

Whereas, the City of Bloomington (the "City"), has previously established and constructed and now owns and operates, through its Utility Service Board (the "Board") a sewage works utility system for the City and its inhabitants, in accordance with the provisions of Indiana Code 36-9-23, as amended, which is administered through the City of Bloomington Utilities Department ("CBU"); and

Whereas, CBU operates a pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and

Whereas, as part of that pretreatment program, the City has enacted under Bloomington Municipal Code Title 10 at Chapter 10.17 a fats, oils, and grease ("FOG") program which is intended to minimize the introduction of fats, oils, and grease into the wastewater collection system; and

Whereas, Chapter 10.17 requires all food service establishments to properly size, install and maintain FOG retention devices and establishes appropriate administrative and inspection requirements of the food service establishments; and

Whereas, the General Assembly recently passed House Enrolled Act 1348, introducing new legislation at I.C. 8-1-46.1 for the regulation of fats, oils, and grease which necessitates certain amendments to CBU's FOG program; and

Whereas, CBU staff recommends amendments to Chapter 10.17 that will bring CBU's FOG program into compliance with House Enrolled Act 1348 and a copy of the proposed ordinance containing those amendments is attached hereto, marked as **Exhibit "A"** and incorporated herein; and

Whereas, the Board has duly considered the proposed ordinance amending Chapter 10.17 and finds that the amendments are appropriate and necessary; and

Whereas, the Board now desires to recommend to the Common Council of the City of Bloomington ("Common Council") the adoption of the proposed ordinance.

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Now, therefore, be it resolved by the Utilities Service Board of the City of Bloomington, Indiana, as follows:

1. The Board approves this Resolution and requests that the Common Council adopt the proposed ordinance, in substantially the form attached hereto as Exhibit “A”.
2. This Resolution shall be in full force and effect upon its adoption by the Board.

Passed and Adopted on the _____ day of _____, 2026.

Signed by:
Kirk White
0DAD16ADB35049F...

Kirk White, chair
Utility Service Board

ATTEST:

DocuSigned by:
Phil Peden
E50D8806C7F1460...

Katherine Zaiger, Director
City of Bloomington Utilities Department

Exhibit “A”

BLOOMINGTON COMMON COUNCIL ORDINANCE NUMBER 2026-XX - TO AMEND TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE TITLED “WASTEWATER” REGARDING FATS, OILS, AND GREASE

Preamble
Whereas, the City of Bloomington (the “City”), has previously established and constructed and now owns and operates, through its Utility Service Board (the “Board”) a sewage works utility system for the City and its inhabitants, in accordance with the provisions of Indiana Code 36-9-23, as amended, which is administered through the City of Bloomington Utilities Department (“CBU”); and

Whereas, CBU operates a pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and

Whereas, as part of that pretreatment program, the City has enacted under Bloomington Municipal Code Title 10 at Chapter 10.17 a fats, oils, and grease (“FOG”) program which is intended to minimize the introduction of fats, oils, and grease into the wastewater collection system; and

Whereas, Chapter 10.17 requires all food service establishments to properly size, install and maintain FOG retention devices and establishes appropriate administrative and inspection requirements of the food service establishments; and

Whereas, the General Assembly recently passed House Enrolled Act 1348, introducing new legislation at I.C. 8-1-46.1 for the statewide regulation of fats, oils, and grease which necessitates certain amendments to the CBU’s FOG program; and

Whereas, on November 2, 2026, the Board considered the proposed amendments to Title 10 of the Bloomington Municipal Code, determined that the amendments are appropriate and necessary, and adopted a resolution recommending that the Common Council adopt this ordinance in substantially the same form. A copy of the resolution is attached as Exhibit “A”; and

Whereas, the proposed amendments to Title 10 of the Bloomington Municipal Code have been duly considered by the Common Council of the City of Bloomington.

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

Section 1: Section 10.17.020 shall be amended by adding the following additional definitional language within the alphabetical ordering of that section as follows:

“Fats, Oils, and Grease or ‘FOG’” means any organic substance derived from animal or vegetable sources that may:

(a) Solidify;
(b) Congeal; or
(c) Become viscous at ambient temperatures;

and can obstruct, accumulate, or interfere in a wastewater collection or a sewer system.”

"Gravity grease trap" means a watertight device typically located indoors and installed above ground or recessed in the floor, typically constructed of stainless steel or high density plastic, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

“Grease control equipment” refers to the necessary combination of: 1) grease interceptors; 2) hydromechanical grease interceptors; 3) hydromechanical grease traps; and 4) grease traps; to prevent fats, oils, grease, and food solids from being discharged into a sewer system.”

“Properly sized” refers to the sizing and configuration of grease control equipment to handle flow and FOG production in accordance with:

(a) good engineering practice;
(b) state plumbing codes;
(c) manufacturer specifications;

sufficient to prevent fats, oils, and grease from entering a sewer system or a nonresidential onsite sewage system in quantities that cause blockages, interference, or maintenance problems.”

“Regulated entity” refers to all commercial establishments that discharge fats, oils, or grease into the city’s sewer system and all food service establishments.”

“Sewer system” has the meaning set forth in Indiana Code 36-9-22.5-3.”

Section 2: Section 10.17.020 shall be further amended by deleting the following definitional term:

"Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oils, and grease, or FOG, shall be deemed as grease by definition.

Section 3: Section 10.17.020 shall be further amended to have the following definitional terms read as follows:

"Food service establishment" or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes and includes new and newly remodeled food service establishments. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the director.

"Grease hauler or transporter" means a person or company regulated and permitted by the Indiana Department of Environmental Management and that engages in the collection, transport, or disposal of material removed from a grease trap or grease interceptor. The hauler is responsible for ensuring that all federal, state, and local regulations are followed regarding waste transport and disposal.

"Grease interceptor" means a watertight device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Grease trap" means a watertight device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Hydromechanical grease interceptor" means a watertight device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

Section 4: Delete and replace Section 10.17.030 in its entirety to read as follows:

10.17.030 - Applicability.

This chapter shall apply to all food service establishments and to all commercial establishments that discharge fats, oils, or grease into the city’s sewer system.

Section 5: Add the following new Section 10.17.051:

10.17.051 - Regulated entity responsibilities.

In addition to any other responsibilities set forth in this chapter, all regulated entities shall

do the following:

(a) install, operate, and maintain grease control equipment designed to prevent fats, oils, and grease from entering the wastewater system or a nonresidential onsite sewage system.
(b) Ensure that grease control equipment is properly sized and maintained in compliance with applicable Indiana State Code.
(c) Maintain for two (2) years records that include the date of each haul, the volume of FOG removed, and the grease hauler's name.

Section 6: Delete and replace Section 10.17.060 in its entirety to read as follows:

10.17.060 - Installation requirements for new food service establishments.

All new FSEs that discharge wastewater into the city sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 7: Delete and replace Section 10.17.070 in its entirety to read as follows:

10.17.070 - Installation requirements for newly remodeled food service establishments.

Newly remodeled FSEs that discharge into the city sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 8: Delete and replace Section 10.17.080 in its entirety to read as follows:

10.17.080 - Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the city's sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 9: Delete and replace Section 10.17.090 in its entirety to read as follows:

10.17.090 - Installation requirements for commercial establishments.

All commercial establishments that discharge fats, oils, or grease wastewater into the city's sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.
Section 10: Delete and replace Section 10.17.100 in its entirety to read as follows:

10.17.100 - Installation requirements for food service establishments causing or contributing to a sanitary sewer overflow.

All FSEs causing or contributing to a sanitary sewer overflow into a building, on a private lateral, sewer main, or the POTW shall own and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 11: Delete and replace Section 10.17.110 in its entirety to read as follows:

10.17.110 - Design criteria for grease control equipment.

(a) Domestic wastewater shall not be discharged into a grease retention device.
(b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.
(c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.
(d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.
(e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred fifty gallons.
(f) All grease control equipment shall be sized for total flow rate and grease holding capacity.
    (1) Total Flow Rate shall be the sum of the two minute drain time in gallons per minute for all fixtures discharging to the grease control device.
    (2) Grease Holding Capacity shall be calculated using the following formula: Grease Holding Capacity = (Sizing Coefficient x Grease Production Value x Cleanout Frequency)
        (a) Where:
            i) Sizing Coefficient = ((Number of Seats x 4) + (Number of Meals Served Per Day) + ([Sq. Ft of Facility x 0.6)/14] x 4))/3
            ii) Grease Production Value = Lbs of Grease per Meal determined as follows:

Category	Grease Production Values
Low A	0.005 lbs/meal (no flatware)
Low B	0.0065 lbs/meal (with flatware)
Medium A	0.025 lbs/meal (no flatware)
Medium B	0.0325 lbs/meal (with flatware)
High A	0.035 lbs/meal (no flatware)
High B	0.0455 lbs/meal (with flatware)

1) Low: Serves food prepared offsite or food that requires minimal preparation and/or warming; sandwich shop, convenience store (no kitchen), hotel breakfast bar, frozen yogurt, coffee shop, take & bake pizza, bar (limited food service), cafeteria (no prep), grocery meat

department, sushi (no grill).

2) Medium: Serves foods from a limited menu and/or with a limited amount of onsite preparation; pizza, ice cream parlor, fast food hamburger (pre-cooked), caterer, Greek, Japanese, Vietnamese (pho), grocery store (no fryer), cafeteria (limited prep), low category restaurants with fryer.

3) High: Serves a full menu of food prepared onsite; American traditional, hamburger (with grill), BBQ, Mexican, Italian, steak/seafood house, hibachi, buffet, fast food fried chicken, bakery/donut shop (with fryer), Chinese, Indian, grocery store (with fryer), cafeteria (full prep), medium category restaurants with fryer.

(g) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.
(h) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.
(i) Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.
(j) When required according to 10.17.111, a sampling port shall be installed in the grease waste drainline downstream from all kitchen fixtures. Domestic wastewater shall not discharge to the sampling port. Sampling ports shall be installed to allow for unobstructed access for sampling by CBU.
(k) Garbage disposals are prohibited in all FSEs.
(l) All grease control equipment shall be designed or approved by a licensed professional engineer under I.C. 25-31 or a professional architect under I.C. 25-4.

Section 12: Add the following new Section 10.17.111.

10.17.111 - Exemptions.

A regulated entity that demonstrates through operational characteristics, inspection, and sampling that the regulated entity does not generate fats, oils, or grease in quantities requiring interception:

(a) is exempt from the requirements of Section 10.17.051; and
(b) is not required to install grease control equipment; but
(c) is required to install a sampling port that meets design criteria listed in Section 10.17.110(j).

If a regulated entity's characteristics change and the regulated entity begins to generate fats, oils, or grease in quantities requiring interception, the regulated entity shall install grease control equipment pursuant to this Chapter.

Section 13: Add the following new Section 10.17.112

10.17.112 - Design Review.

(a) Before construction or a major renovation of a regulated entity, the owner of the regulated entity or the owner's agent shall submit the proposed grease control equipment design to the applicable regulating authority for review before installation.

(b) Upon receiving the grease control equipment design described in subsection (a), the regulating authority shall review the proposed design and provide:

(1) a written approval;
(2) a written denial; or
(3) modification recommendations;

based on performance standards under this chapter within sixty (60) days.

Section 14: Add the following new section 10.17.116

10.17.116 - Grease Hauler Responsibilities.

A grease hauler shall do the following:

(a) Take before and after time stamped photographs of each service of a regulated entity.
(b) Maintain the time stamped photographs and share the time stamped photographs with the Indiana department of environmental management and regulating authority if requested by the Indiana department of environmental management or regulating authority.
(c) Maintain records showing that the total volume of FOG pumped from a regulated entity matches the total disposed of by the grease hauler.
(d) Provide documentation or an invoice to a regulated entity after service is completed with the following information:
(1) The date of the haul.
(2) The volume of FOG removed.
(3) The grease hauler’s name.

Section 15: Delete and replace Section 10.17.120 in its entirety to read as follows:

10.17.120 - Best management practices.

The following best management practices or BMPs shall be implemented and adhered to by all regulated entities:

(a) Installation, maintenance and operation. All regulated entities shall install, maintain and operate all properly sized grease control equipment in compliance with the best practices that meet applicable state plumbing codes, manufacturer specifications, equipment performance standards, and CBU sizing formulas.
(b) Pumping. All grease control equipment shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
(c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
(d) FOG control devices shall be pumped out completely at least as frequently as determined using CBU’s sizing formula. Gravity Grease Interceptors and Gravity Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
(e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumpouts must be submitted to the city's FOG software within fourteen days of the date of grease interceptor maintenance. The report shall include date, volume of waste removed, hauler name, and disposal site.
(f) Hydromechanical Grease Interceptors and Grease Trap Maintenance. Hydromechanical Grease Interceptors and Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when the unit has accumulated waste, both floatable and settleable, equal to or exceeding the manufacturer's specifications.
(g) Grease Trap and Hydromechanical Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site.
(h) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site. The report must be submitted within fourteen days of the date of grease trap maintenance.
(i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve,

purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.

Section 16: Add the following new Section 10.17.125

10.17.125 - Variances.
FSEs that believe their device should be serviced less frequently than as determined using CBU's sizing formulas may submit a written request for a variance. The following conditions must be met before CBU will consider a variance in maintenance frequency:

(a) The FSE shall demonstrate 12 months of compliance with BMC 10.17.120 prior to their variance request.

(b) CBU must perform a physical inspection of the grease retention device at the end of their 1st adjusted maintenance period.

(c) The FSE shall demonstrate that the device effluent complies with BMC 10.12.020 at the end of the adjusted maintenance period. Including, but not limited to, sampling for pH and Oil & Grease content.

If the above listed conditions are met, then CBU may grant a maintenance variance of not more than twice the time-frame specified in BMC 10.17.120.

Variances may be revoked at any time if the FSE fails to maintain their device or report maintenance in a timely manner.

Variances are non-transferrable.

Section 17: Delete and replace Section 10.17.140 in its entirety to read as follows:

10.17.140 - Retrofitting and replacement of grease control equipment.
Whenever a regulated entity's FOG discharge exceeds the allowable concentration at least two (2) times within a thirty (30 day period, the regulated entity shall retrofit or replace grease control equipment in accordance with this chapter.

Section 18: Add the following new Section 10.17.150

10.17.150: Location of grease control equipment.
Where installation of an exterior grease interceptor is impractical due to available space, the structure or other site constraints, the regulated entity may elect to comply with this chapter using alternative grease control equipment or maintenance protocols approved

by CBU.

Section 19: 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, or 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 20: 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 day of , 2026.

Signature of the Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of the Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of the Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of the Mayor Kerry Thomson

Synopsis:
This ordinance amends Title 10 of the Bloomington Municipal Code at Chapter 10.17 to bring the City's FOG program into compliance with recently enacted House Enrolled Act 1348, which established new legislation at I.C. 8-1-46.1 for the regulation of fats, oils, and grease.

Memorandum on Ordinance 2026-39

To: Bloomington Common Council
From: Steven Standford, Pretreatment Program Coordinator
Christopher J. Wheeler, Assistant City Attorney
Date: 11/18/2026
Subject: Ordinance 2026-39: Amendments to Title 10 of the Bloomington Municipal Code

Introduction

The CBU Pretreatment Group recommends updates to Title 10 of the Bloomington Municipal Code at chapter 17 to bring local regulation of fats, oils, and grease, or “FOG” into compliance with recently enacted state legislation.

The City of Bloomington has had a FOG ordinance in place since 2012. Chapter 10.17 of the Bloomington Municipal Code regulates the discharge of FOG into the City’s sanitary sewer system.

The State recently passed House Enrolled Act 1348 (HEA 1348) which enacted a new statute (I.C. 8-1-46.1) which took effect on July 1, 2026, and establishes a uniform statewide framework for regulating the discharge of FOG that cause or contribute to blockages, overflows, or interference in sewer systems.

Certain sections of Chapter 10.17 are now in conflict with state code and CBU desires to eliminate those conflicts through these proposed amendments to Chapter 10.17.

BACKGROUND INFORMATION AND PURPOSE

The City of Bloomington Utilities (CBU) has historically sought to control discharges of FOG from food service establishments (FSEs) as provided for in Chapter 10.17 of the Bloomington Municipal Code. Like many of its peer wastewater utilities across the state, CBU tailored the requirements of its Chapter 10.17 to meet conditions specific to the City’s FSEs and the publicly owned treatment works (POTW). IC 8-1-46.1 is stated by the legislature to establish a statewide system for grease control equipment that is presumably more uniform than the locality-specific system of ordinances currently in place.

IC 8-1-46.1 requires "regulated entities" (FSEs in the language of Chapter 10.17) to install and maintain properly sized grease control equipment, with exceptions for those who can demonstrate they don't generate significant FOG. It also sets rules for how much "regulating authorities" (entities such as CBU) can charge for FOG programs, how they evaluate compliance, and it prevents blanket mandates on specific equipment types or sizes where existing equipment is adequate. Furthermore, this new statute creates a process for "septage haulers" (companies collecting and transporting waste from septic tanks and similar units) to resolve disputes with wastewater treatment plants regarding the acceptance of septage, requiring plants that have accepted septage since January 1, 2023, to continue doing so under certain conditions, unless it would violate permits or operational capabilities.

RECOMMENDED ORDINANCE AMENDMENTS

CBU recommends the following changes to Chapter 10.17 to not only reconcile the City's local FOG program with the new statewide regulatory system but to also ensure that the POTW remains protected from the harmful effects of FOG discharges.

The primary changes recommended by this ordinance are as follows:

- Adoption of definitions included in the new state standard,
- Adoption of the State's requirement that all grease control equipment shall be designed or approved by a professional engineer or architect,
- Adoption of a grease control device sizing equation,
- Adoption of a procedure by which an FSE can justify a maintenance interval variance request or demonstrate that they don't need to control FOG discharges, and
- Adoption of a time limitation (60 days) for reviewing utility construction applications.

CBU's recommended changes also eliminate the City's blanket grease control device mandate on all commercial facilities located in zones that permit FSE operations, and eliminates fixed pump out frequencies in favor of pump out frequencies determined by using a defined device sizing equation.

Insomuch as CBU already accepts septage from Monroe County and surrounding counties, no septage-related changes to the sewer use ordinance are proposed at this time. CBU's recommended amendments relating to FOG control are provided in both the redlined text of the current ordinance, and are cross referenced by section in the attached Amendment Summary Table.

FISCAL IMPACT

CBU notes that the amendments recommended herein are driven entirely by the State's new mandates codified at IC 8-1-46.1. As such, the resulting fiscal impacts that may be visited upon CBU and/or the City are non-discretionary. CBU has nevertheless considered the fiscal impacts of the recommended amendments and lists the following findings in the approximate order of cost certainty:

1. A developer of a new commercial property located in an area where zoning allows FSE shall no longer be required to install a grease control device simply because a tenant space could be leased to an FSE operator. Under this example, a developer with no intention to lease space for use as an FSE stands to avoid an expense on the order of $15,000 for the installation of a 250-gallon hydromechanical grease interceptor or $25,000 to $30,000 for a 1,000-gallon gravity grease interceptor.
2. CBU anticipates that developers and FSE operators may tend to seek approval for smaller grease control devices in lieu of more capital-intensive grease interceptors. Installation of a smaller grease control device such as a hydromechanical or gravity grease trap typically costs $5,000 to $7,500, saving

an FSE operator 50 to 66 percent of the cost for a large grease interceptor. However, such savings might be partly offset by the State's new requirement that grease control equipment be designed or approved by a licensed professional engineer or architect.

3. Smaller grease control devices such as hydromechanical or gravity grease traps typically require more frequent pump outs than large grease interceptors, and can be self-cleaned by an operator rather than subscribing for a grease hauler to less frequently remove a large volume of solids and liquids. A downside of smaller control devices, in CBU's direct experience, is that FSE operators more often stretch their pump out or cleaning intervals, or forego device maintenance entirely in the absence of a subscription-based pump out service. CBU anticipates that this shift towards smaller devices will lead to a net increase in FOG discharges to the sewage collection system, thereby increasing CBU's costs for maintaining unobstructed flow in the City's sewer system. CBU's Pretreatment Group estimates that each additional cleaning of an obstructed sewer branch line is at a cost ranging from $250 to $2,500, depending on the size, length, and severity of a grease-related sewer blockage. If a new sewer jet/vac truck and crew is found necessary for increased grease-related sewer maintenance, CBU estimates that its annual operating costs could increase by $200,000 to $250,000.

If there are questions or comments, please reach out to Steven Stanford at 812-349-3946, steven.stanford@bloomington.in.gov, or Christopher J. Wheeler, 812-349-3549, wheelech@bloomington.in.gov.

Chapter 10.17 FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGERS

Sections:

10.17.010 Purpose and intent.

The purpose of this chapter is to minimize the introduction of fats, oils, and grease (FOG) into the city's wastewater collection system. The main components of the chapter are proper sizing, installation, and maintenance of grease traps and grease interceptors. The administrative and inspection requirements of the food service establishments are written herein as well.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 17, 2-20-2019)

10.17.020 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

"Automatic grease removal device" means a mechanical device that automatically separates grease from wastewater into a container and is usually set on a timer.

"Best management practice" or "BMP" means management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in Sections 40 Code of Federal Regulations (CFR) 403.5(a)(1) and (b).

"City" or "CBU" means the City of Bloomington, Indiana acting through its utilities service board.

"Director" means the director of the utility or any duly authorized representative acting on his behalf.

"Domestic wastewater" means wastewater from sanitary fixtures such as toilets and urinals.

"Fats, Oils, and Grease or 'FOG'" means any organic substance derived from animal or vegetable sources that may:

(1) Solidify;
(2) Congeal; or
(3) Become viscous at ambient temperatures;
and can obstruct, accumulate, or interfere in a wastewater collection or sewer system.

"Food service establishment" or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes **and includes new and newly remodeled food service establishments**. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the director.

"Garbage disposal" means a device that shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer.

"Gravity grease interceptor" means a device typically located outdoors and underground, typically constructed of concrete, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

~~**"Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oils, and grease, or FOG, shall be deemed as grease by definition.**~~

"Grease control equipment" refers to the necessary combination of: 1) grease interceptors; 2) hydromechanical grease interceptors; 3) hydromechanical grease traps; and 4) grease traps; to prevent fats, oils, grease, and food solids from being discharged into a sewer system.

"Grease hauler or transporter" means ~~one who transfers grease waste from the site of a user to an approved site for disposal and treatment~~ **a person or company regulated and permitted by the Indiana Department of Environmental Management and that engages in the collection, transport, or disposal of material removed from a grease trap or grease interceptor**. The hauler is responsible for ~~assuring~~ **ensuring** that all federal, state, and local regulations are followed regarding waste transport and disposal.

"Grease interceptor" means a **watertight** device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Grease retention device" means a device so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer. Grease retention devices include both gravity and hydromechanical grease interceptors, grease traps, and alternative grease retention devices.

"Grease trap" means a **watertight** device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Hydromechanical grease interceptor" means a **watertight** device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

"Hydromechanical grease trap" means a device usually located under or in close proximity to sinks and uses a flow control mechanism to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"New FSE" means a food service establishment that is opening for the first time, opening in a new location, or opening under new ownership or a new name.

"Newly remodeled FSE" means an FSE that is repairing, replacing, rearranging or installing:

(1) Any kitchen plumbing system;

(2) Any kitchen appliances, fixtures or units that attach to the plumbing system; and/or

(3) Any sanitary sewer lateral.

"Properly sized" refers to the sizing and configuration of grease control equipment to handle flow and FOG production in accordance with:
(a) good engineering practice;
(b) state plumbing codes;
(c) manufacturer specifications;
sufficient to prevent fats, oils, and grease from entering a sewer system or a nonresidential onsite sewage system in quantities that cause blockages, interference, or maintenance problems.

"Regulated entity" refers to all commercial establishments that discharge fats, oils, or grease into the city's sewer system and all food service establishments.

"Sewer system" has the meaning set forth in Indiana Code 36-9-22.5-3.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 17, 18, 2-20-2019; Ord. No. 20-27, §§ I, II, 11-4-2020; Ord. No. 2025-23, § III, 7-30-2025)

10.17.030 Applicability.

This chapter shall apply to all food service establishments and to ~~new~~ all commercial establishments ~~being constructed in an area zoned for food service establishments~~ that discharge fats, oils, or grease into the city's sewer system.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 19, 2-20-2019)

10.17.040 Responsibility for administration.

The city shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor of the authorized enforcement agency to persons or entities acting in the beneficial interest of, or in the employ of the agency.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.050 Ultimate responsibility.

The standards set forth in this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.051 Regulated Entity Responsibility.

In addition to any other responsibilities set forth in this chapter, all regulated entities shall do the following:

(a) install, operate, and maintain grease control equipment designed to prevent fats, oils, and grease from entering the wastewater system or a nonresidential onsite sewage system.

(b) Ensure that grease control equipment is properly sized and maintained in compliance with applicable Indiana State Code.

(c) Maintain for two (2) years records that include the date of each haul, the volume of FOG removed, and the grease hauler's name.

10.17.060 Installation requirements for new food service establishments.

All new FSEs that discharge wastewater into the city sanitary sewer system shall be required to install ~~an approved, properly operated, and maintained grease interceptor. All interceptor units shall be of the type and capacity approved by the city~~ and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) blockages;

(b) overflows; or

(c) interference;

in a sewer system. Grease ~~interceptors~~ control equipment shall be located so as to provide ~~easy~~ unobstructed access to the manhole covers for maintenance and inspection activities.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 20, 2-20-2019)

10.17.070 Installation requirements for newly remodeled food service establishments.

Newly remodeled FSEs that discharge into the city sanitary sewer system ~~are required to~~ shall install ~~an approved, properly operated, and maintained grease interceptor~~ and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) blockages;

(b) overflows; or

(c) interference;

in a sewer system. Grease ~~interceptors~~ control equipment shall be located so as to provide ~~easy~~ unobstructed access to the manhole covers for maintenance and inspection activities. ~~All interceptor units shall be installed outdoors of the FSE's building unless the user can demonstrate to the city that an outdoor interceptor would not be feasible.~~

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.080 Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the city's sanitary sewer system ~~are required to~~ shall install ~~an approved, properly maintained grease trap unless specifically exempted by the city~~ and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) blockages;

(b) overflows; or

(c) interference;

in a sewer system. ~~All grease trap units shall be of the type and capacity approved by the director~~ Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 2025-23, § IV, 7-30-2025)

10.17.090 Installation requirements for ~~new~~ commercial establishments.

All ~~proposed new~~ commercial establishments ~~located within an area zoned for food service establishments~~ that discharge fats, oils, or grease wastewater into the city's sanitary sewer system shall ~~be required to~~ install ~~an approved, properly operated, and maintained grease interceptor~~ and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) blockages;

(b) overflows; or

(c) interference;

in a sewer system. ~~All interceptor units shall be of the type and capacity approved by the city.~~ Grease ~~interceptors~~ control equipment shall be located so as to provide ~~easy~~ unobstructed access to the manhole covers for maintenance and inspection activities.

(Ord. No. 19-05, § 21, 2-20-2019)

Editor's note(s)—Ord. No. 19-05, § 21, adopted Feb. 20, 2019 added a new § 10.17.090 and renumbered former § 10.17.090 as 10.17.110.

10.17.100 Installation requirements for food service establishments causing or contributing to a sanitary sewer overflow.

All FSEs causing or contributing to a sanitary sewer overflow into a building, on a private lateral, sewer main, or the POTW ~~must install an approved, properly operated, and maintained grease interceptor~~ **shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:**

(1) blockages;
(2) overflows; or
(3) interference;

in a sewer system. Grease ~~interceptors~~ control equipment shall be located so as to provide ~~easy~~ unobstructed access to the manhole covers for maintenance and inspection activities. ~~All interceptor units shall be installed outdoors of the FSE's building unless the user can demonstrate to the city that an outdoor interceptor would not be feasible.~~

(Ord. No. 19-05, § 22, 2-20-2019)

Editor's note(s)—Ord. No. 19-05, § 22, adopted Feb. 20, 2019 added a new § 10.17.100 and renumbered former § 10.17.100 as 10.17.120.

10.17.110 Design criteria.

(a) Domestic wastewater shall not be discharged into a grease retention device.

(b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.

(c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.

(d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.

(e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred fifty gallons.

(f) ~~All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer~~. All grease control equipment shall be sized for total flow rate and grease holding capacity.

(1) Total Flow Rate shall be the sum of the two minute drain time in gallons per minute for all fixtures discharging to the grease control device.

(2) Grease Holding Capacity shall be calculated using the following formula: Grease Holding Capacity = (Sizing Coefficient x Grease Production Value x Cleanout Frequency)

(a) Where:

(i) Sizing Coefficient = ((Number of Seats x 4) + (Number of Meals Served Per Day) + ([Sq. Ft of Facility x 0.6)/14] x 4))/3

(ii) Grease Production Value = Lbs of Grease per Meal determined as follows:

Category	Grease Production Values
Low A	0.005 lbs/meal (no flatware)
Low B	0.0065 lbs/meal (with flatware)
Medium A	0.025 lbs/meal (no flatware)
Medium B	0.0325 lbs/meal (with flatware)
High A	0.035 lbs/meal (no flatware)
High B	0.0455 lbs/meal (with flatware)

1) Low: Serves food prepared offsite or food that requires minimal preparation and/or warming; sandwich shop, convenience store (no kitchen), hotel breakfast bar, frozen yogurt, coffee shop, take & bake pizza, bar (limited food service), cafeteria (no prep), grocery meat department, sushi (no grill).

2) Medium: Serves foods from a limited menu and/or with a limited amount of onsite preparation; pizza, ice cream parlor, fast food hamburger (pre-cooked), caterer, Greek, Japanese, Vietnamese (pho), grocery store (no fryer), cafeteria (limited prep), low category restaurants with fryer.

3) High: Serves a full menu of food prepared onsite; American traditional, hamburger (with grill), BBQ, Mexican, Italian, steak/seafood house, hibachi, buffet, fast food fried chicken, bakery/donut shop (with fryer), Chinese, Indian, grocery store (with fryer), cafeteria (full prep), medium category restaurants with fryer.

(g) ~~Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.~~ All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.

(h) ~~Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.~~ Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.

(i) ~~Garbage disposals are prohibited in all FSEs.~~ Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(j) ~~Hydromechanical grease interceptors shall be of the type and capacity approved by CBU. The minimum capacity for a hydromechanical grease interceptor is two hundred fifty gallons.~~ When required under 10.17.111, a sampling port shall be installed in the grease waste drainline downstream from all kitchen fixtures. Domestic wastewater shall not discharge to the sampling port. Sampling ports shall be installed to allow for unobstructed access for sampling by CBU.

(k) Garbage disposals are prohibited in all FSEs.

(l) All grease control equipment shall be designed or approved by a licensed professional engineer under I.C. 25-31 or a professional architect under I.C. 25-4.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 21, 23, 2-20-2019; Ord. No. 20-27, § III, 11-4-2020; Ord. No. 2025-23, §§ V—VII, 7-30-2025)

Editor's note(s)—See note at § 10.17.090.

Editor's note(s)—Ord. No. 19-05, § 23, adopted Feb. 20, 2019 renumbered former § 10.17.110 as 10.17.130.

10.17.111 Exemptions.

A regulated entity that demonstrates through operational characteristics, inspection, and sampling that the regulated entity does not generate fats, oils, or grease in quantities requiring interception:

(a) is exempt from the requirements of this chapter; and

(b) is not required to install grease control equipment; but

(c) is required to install a sampling port that meets design criteria listed in 10.17.110 (i)

If a regulated entity's characteristics change and the regulated entity begins to generate fats, oils, or grease in quantities requiring interception, the regulated entity shall install grease control equipment pursuant to this Chapter.

10.17.112. Design Review.

(a) Before construction or a major renovation of a regulated entity, the owner of the regulated entity or the owner's agent shall submit the proposed grease control equipment design to the applicable regulating authority for review before installation.

(b) Upon receiving the grease control equipment design described in subsection (a), the regulating authority shall review the proposed design and provide:

(1) a written approval;

(2) a written denial; or

(3) modification recommendations;

based on performance standards under this chapter within sixty (60) days.

10.17.115 Grease hauling permits.

Any and all grease haulers shall apply for and receive a grease hauling permit from CBU prior to hauling any and all fats, oils and grease content, including floating materials, wastewater and bottom sludges and solids from any and all grease retention devices.

(1) A grease hauling permit for grease waste hauling may be obtained by:

(A) Submitting an application on a form provided by CBU; and

(B) Completing a mandatory operator training course provided by CBU.

(2) Along with the application, the applicant shall submit a copy of the IDEM registration license receipt issued to each vehicle that the applicant wants registered under the permit.

(3) The grease hauling permit shall identify the person permitted to haul grease waste, the vehicles the grease hauler may use to haul grease waste, and the expiration date.

(4) A copy of the permit shall be kept with each grease hauling vehicle at all times.

(5) Grease hauling permits are not transferrable.

(6) Grease hauling permits expire two years from issuance. Grease hauling permits may be renewed for an additional two-year period by following CBU renewal policies.

(7) Grease hauling permits do not authorize any person from hauling any materials that are hazardous in nature.

(8) The director may revoke any permit.

(Ord. No. 20-27, § IV, 11-4-2020)

10.17.120 Best management practices.

The following best management practices or BMPs shall be implemented and adhered to by all ~~FSEs~~ regulated entities:

~~(1)~~(a) Installation, maintenance and operation. All ~~new and existing FSEs are required to~~ regulated entities shall install, maintain and operate ~~a grease retention device~~ all properly sized grease control equipment in compliance with the best practices that meet applicable state plumbing codes, manufacturer specifications, equipment performance standards, and CBU sizing formulas.

~~(2)~~(b) Pumping. All grease ~~retention devices~~ control equipment shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.

~~(3)~~(c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.

~~(4)~~(d) FOG control devices shall be pumped out completely at least as frequently as determined using CBU's sizing formula. Gravity Grease Interceptors and Gravity Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when ~~Maintenance Frequency. Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if~~ the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.

~~(5)~~(e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumpouts must be submitted to the city's FOG software within fourteen days of the date of grease interceptor maintenance. The report shall include date, volume of waste removed, hauler name, and disposal site.

~~(6)~~(f) Hydromechanical Grease Interceptors and ~~Gravity Grease Interceptor~~ Grease Trap Maintenance Frequency. Hydromechanical Grease Interceptors and ~~Gravity Grease Interceptor~~ Grease Traps shall be considered full to their grease holding capacity and shall ~~must~~ be pumped out when ~~completely a minimum of once every ninety days or more frequently if~~ the unit has accumulated waste, both floatable and settleable, equal to or exceeding the manufacturer's specifications.

~~(7)~~ ~~**Grease Trap and Hydromechanical Grease Trap Maintenance Frequency. Grease traps and hydromechanical grease traps must be pumped/cleaned out completely a minimum of once every thirty days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty five percent of its wetted depth, as measured from the static water level to the interior tank bottom**~~.

~~(8)~~(g) Grease Trap and Hydromechanical Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site.

~~(9)~~(h) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site. The report must be submitted within fourteen days of the date of grease trap maintenance.

~~(10)~~(i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.

~~(11) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed of as solid waste.~~

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 22, 24, 2-20-2019; Ord. No. 20-27, § V, 11-4-2020; Ord. No. 2025-23, § VIII, 7-30-2025)

Editor's note(s)—See note at § 10.17.100.

Editor's note(s)—Ord. No. 19-05, § 24, adopted Feb. 20, 2019 repealed former § 10.17.120 which pertained to enforcement of food service establishment wastewater discharger regulations, and derived from Ord. No. 12-28, adopted Dec. 19, 2012.

10.17.125 Variances.

FSEs that believe their device should be serviced less frequently than as determined using CBU's sizing formulas may submit a written request for a variance. The following conditions must be met before CBU will consider a variance in maintenance frequency:

(a) The FSE shall demonstrate 12 months of compliance with BMC 10.17.120 prior to their variance request.

(b) CBU must perform a physical inspection of the grease retention device at the end of their 1st adjusted maintenance period.

(c) The FSE shall demonstrate that the device effluent complies with BMC 10.12.020 at the end of the adjusted maintenance period. Including, but not limited to, sampling for pH and Oil & Grease content.

If the above listed conditions are met, then CBU may grant a maintenance variance of not more than twice the time-frame specified in BMC 10.17.120.

Variances may be revoked at any time if the FSE fails to maintain their device or report maintenance in a timely manner.

Variances are non-transferrable.

10.17.130 Inspections.

Authorized personnel of the city, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 23, 25, 2-20-2019)

Editor's note(s)—See note at § 10.17.110.

10.17.140 ~~Exemptions.~~ Retrofitting and replacement of grease control equipment.

~~Exemptions shall be made at the director's discretion for FSEs.~~ Whenever a regulated entity's FOG discharge exceeds the allowable concentration at least two (2) times within a thirty (30 day period, the regulated entity shall retrofit or replace grease control equipment in accordance with this chapter.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 26, 2-20-2019)

Editor's note(s)—Ord. No. 19-05, § 26, adopted Feb. 20, 2019 renumbered former § 10.17.130 as 10.17.140.

10.17.150 Location of grease control equipment.

Where installation of an exterior grease interceptor is impractical due to available space, the structure or other site constraints, the regulated entity may elect to comply with this chapter using alternative grease control equipment or maintenance protocols approved by CBU.

Bloomington Common Council Ordinance 2026-41 - Amending Title 6 of the Bloomington Municipal Code to update fees and billing and define new requirements

Preamble

Whereas, the City of Bloomington Public Works Department is responsible for managing the Sanitation Division, which oversees solid waste, recycling, and yard waste collection;

Whereas, Ordinance 6.04.090 was last updated in 2023, and the City's expenditures related to solid waste, recycling, and yard waste collection have since increased;

Whereas, certain City Council members have indicated an interest in eliminating financial support from the City's General Fund to offset shortfalls between solid waste cart revenues, service fee income, and overall operating expenses;

Whereas, in order to address increased costs of solid waste, recycling, and yard waste collection and to address the interests of Council, fees associated with sanitation services outlined in Ordinance 6.04.090 must be increased;

Whereas, due to this new approach, it is operationally beneficial to allow the Board of Public Works to approve changes in the amounts outlined in chapter 6.04 as long as the proposed change does not exceed 10% of the amount listed in this ordinance;

Whereas, the Public Works Department has identified other minor changes to the General Collection Practices and Guidelines and other sections that would help Sanitation Division staff run a more efficient and effective operation, including requiring access to containers during periods of snow and ice, imposing responsibility for the cost of acquiring new containers, and clarifying timelines to refer to "calendar" days;

Whereas, further minor technical and grammatical changes have been made throughout, as indicated on the attached redline document; and

Whereas, the Sanitation Division of the Public Works Department believe these changes will improve collection efficiency and safety, ensure residents are properly equipped to receive City sanitation services, clarify landlord and developer responsibilities, and reduce collection delays during winter weather.

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

Section 1: "6.04.020 - Collection supervised by the Board of Public Works and Department of Public Works" shall be amended to read as follows:

All solid waste, recyclables, and yard waste accumulated in the city that meet the requirements of this chapter shall be collected, conveyed and disposed of by the city under the supervision of the Board of Public Works and the Department of Public Works. The Board of Public Works shall have the authority to make regulations concerning the days of collection, type and location of carts and containers, and such other matters pertaining to the collection, conveyance and disposal as it finds necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions of this chapter.

Ordinance 6.04.090 sets the fees for collection of solid waste and other services as provided by the Sanitation Division for the years 2027, 2028, and 2029. The Board of Public Works may adjust those rates and fees on an annual basis and within 10% of the annual fees and rates as outlined herein.

Yard waste, recyclables and other solid waste must be separated from one another when placed at the curb for collection. It is a violation of this chapter to mix these items,

subject to fines as set forth in Section 6.04.100 of this chapter. The sanitation division will not collect these items if they are mixed together.

Section 2: "6.04.080 - General collection practices and guidelines" shall be amended to add the following sections:

(l) During periods of snow, ice or other winter weather conditions, a clear path is maintained from public right-of-way or designated collection. Waste and recycling containers are not placed on or behind snowbanks.

(m) The owner or landlord of a residential rental property shall be responsible for ensuring that all City-issued waste and recycling containers are present and accounted for when a new tenant takes possession of the property. The owner or landlord shall be charged at full cost of replacement for unaccounted-for waste or recycling containers.

(n) New residential developments that are eligible to receive City of Bloomington sanitation services shall be responsible for fully purchasing and providing all City-issued trash and recycling carts for each address or unit within the development prior to full acceptance for City of Bloomington sanitation services to begin.

Section 3: "6.04.090 - Fees and billing" shall be amended to read as follows:

Service fees for the disposal of solid waste shall be prepared, billed and collected by the City of Bloomington Utilities Department (CBU) as agreed to by the utilities service board and the board of public works.

(1) The service fees for all users shall be prepared and billed monthly in accordance with the established billing procedures of CBU.

(A) The following fee schedule will apply based on the solid waste cart size chosen by customers:

Schedule of Service Fees for Disposal of Solid Waste. Fees listed below shall increase 16.7% on January 1, 2028, and 11% on January 1, 2029.

(i) Thirty-five gallon solid waste cart fee schedule:

$10.72 Beginning January 1, 2027

(ii) Sixty-four gallon solid waste cart fee schedule:

$19.40 beginning January 1, 2027

(iii) Ninety-six gallon solid waste cart fee schedule:

$29.10 beginning January 1, 2027

(2) The monthly bill will also include service fees for the disposal of additionally requested solid waste carts, yard waste, large items, appliances, and additional pickup requests (including pickups requested due to not having carts properly placed for pickup by five a.m.). Additional fees will not be charged if the sanitation division changes the collection day due to inclement weather or holidays. The following fees will apply:

(A) Additional carts will cost the full amount of the solid waste cart fee set forth in the fee schedule approved by the board of public works.

(B) Yard waste: $2.00 per approved container, bag or bundle.

(C) Large items: $30.00 per approved large item.

(D) Appliances: $40.00 per approved appliance.

(E) Cart Exchanges: 30.00 per cart.

(F) Additional pickup requests: $3.23 per week for 35 Gallon; $5.91 per week for 64 Gallon; and $8.86 per week for 96 Gallon. In the event a resident schedules an additional pick-up and fails to place the cart at the curbside prior to the collection time, said resident will still be charged the full rate for the additional pick-up.

(G) New cart delivery shall be subject to a $75 fee per container, for solid waste and recycling carts that are required for any new address added as part of residential developments accepted for City services.

(3) The fees for solid waste collection and disposal services provided to single-family residential dwellings shall be billed directly to the customer of record with CBU. In the event that the single-family residential dwelling of four units or fewer is not a current customer of CBU, or receives billings through a master meter, the customer shall receive a monthly bill for solid waste disposal services only.

(4) Bills shall be paid in accordance with the policies and procedures set forth by CBU and the Board of Public Works.

(5) Late fees of three percent of the unpaid balance will be assessed to any account holder that fails to pay the amount due within twenty days of billing. This is modeled from the late fee procedures used by CBU. Partial payments shall be allocated in accordance with the interdepartmental agreement between the City of Bloomington and CBU.

(6) In the event a customer of the CBU requests to shut down the water meter to his/her residential premises, CBU shall also contemporaneously discontinue the billing of service fees for the collection performed at the residential premises in accordance with this chapter. In the event that service is discontinued, it is the responsibility of the account holder to notify the sanitation division for removal of the solid waste and recycling carts. If the account holder fails to do so, a replacement fee in accordance with the fee schedule approved by the Board of Public Works will be applied to the account holder's final CBU bill.

Section 4: In “6.04.100(a) - Enforcement procedures” the second paragraph shall be amended to read as follows:

Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven days following issuance of the NOV, provided that the violation is remedied, or that the nonpossessory property owner(s) presents to HAND, within seven calendar days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.

Section 5: “6.04.100(b)(7) - Enforcement procedures” shall be amended to read as follows:

That the fine may be appealed to the Board of Public Works within seven calendar days of the date of the NOV.

Section 6: “6.04.100(c) - Enforcement procedures” shall be amended to read as follows:

The fine for all violations of this chapter shall be $50.00. Nonpossessory property owners shall not be subject to fines for the seven-day period after issuance of the NOV, provided that the provisions outlined in subsection (a) of this section are met. Each day that a violation continues shall constitute a separate violation.

Section 7: "6.04.100(e) - Enforcement procedures" shall be amended to read as follows:

All appeals shall be filed to the Board of Public Works within seven calendar days of the day of the NOV.

Section 8: Technical and Grammatical Changes.

Technical and grammatical changes have been made throughout chapters 6.04, 6.05, and 6.06, as reflected in the attached redline document.

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, or 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.

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 this day of , 2026.

Signature of Common Council President Isak Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signed and approved by me on this day of , 2026.

Signature of Mayor Kerry Thomson

Synopsis: Ordinance 2026-41 amends Title 6 of the Bloomington Municipal Code with regards to the costs and specifications of specific services provided by the Sanitation Division of the Public Works Department.

Title 6 - HEALTH AND SANITATION

Chapter 6.04 - SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION BY THE CITY[1]

Footnotes:

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Editor's note— *Ord. No. 17-06, § 1, adopted March 22, 2017, repealed the former Ch. 6.04, §§ 6.04.010—6.04.080, and enacted a new Ch. 6.04 as set out herein. The former Ch. 6.04 pertained to similar subject matter and derived from Ord. 79-1 § 2(part), adopted in 1979; Ord. 84-33 § 2(a)—(d), adopted in 1984; Ord. 87-46 § 1, adopted in 1987; Ord. 90-10 §§ 2—9, 12, 13, adopted in 1990; Ord. 91-62 § 1, adopted in 1991; Ord. 93-13 §§ 1—6, 8, adopted in 1993; Ord. 00-18 § 4, adopted in 2000; Ord. 02-40 §§ 1—4, 6—8, adopted in 2002; and Ord. 04-23 §§ 1—12, adopted in 2004.*

6.04.010 - Definitions.

As used in this chapter, the following terms have the following meanings unless otherwise designated:

"Appliances" includes refrigerators, stoves, washers and dryers and similar items. Construction materials, tires, automobile parts, and electronics such as televisions, home entertainment equipment**,** and computer equipment are not included and will not be collected.

"Ashes" means the residue of combustion of such fuels as wood, coal, coke, charcoal and similar materials.

"City-approved container" means a watertight thirty-five gallon or less container or two-ply biodegradable wet strength paper bag for the placement of yard waste collection by the city.

"City-owned or city-approved cart" means those city-owned or city-approved carts which the city purchases and provides to the owners or occupants of residential premises for the placement of solid waste and recycling collection by the city.

"Combustible waste" means all waste substances capable of burning, including garbage, paper, rags, excelsior, wood, grass, leaves and similar materials. At no time will the city collect propane, butane or other combustible or pressurized gas carts.

"Garbage" means all putrescible animal solid, vegetable solid and semisolid wastes resulting from processing, handling, preparation, cooking, serving or consumption of food or food materials.

"Hazardous waste" means a solid waste or a combination of solid wastes that because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. This may include but is not limited to automobile fluids, gasses, oils, all batteries, paints, solvents, stains or other items considered hazardous to humans or the environment.
"Noncombustible waste" means all waste substances incapable of burning, including tin cans, tin ware and other metallic substances, bottles, glassware, earthenware, ashes and similar materials and, also, discarded articles, the greater part of which is incapable of burning, such as roofing material, electric batteries, etc.
"Owner" means and includes the record titleholder or any person residing in or occupying any residential premises, and as between such parties the duties, responsibilities, liabilities and obligations imposed in this chapter shall be joint and severable.
"Putrescible waste" means waste that is subject to organic decomposition.
"Recycling" means a process by which materials that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or resale.
"Refuse" means all putrescible and non-putrescible solid wastes, including animal wastes, garbage, solid waste, ashes, dead animals, abandoned vehicles as defined in Section 15.04.020 of the Bloomington Municipal Code.
"Residential premises" means and includes single-family dwellings and any multiple-family dwelling up to and including four separate living units or family quarters per parcel.
"Responsible party" means person or persons held accountable for any violation of this chapter.
"Solid waste" means any garbage, refuse, other discarded material including solid, liquid, semisolid or contained gaseous material.
"Yard waste" means all vegetative matter including grass, weeds, leaves, brush, tree trimmings, hedge clippings and garden waste.
(Ord. No. 17-06, § 1, 3-22-2017)

6.04.020 - Collection supervised by the ~~þ~~**B**oard of ~~þ~~**P**ublic ~~ẅ~~**W**orks and ~~đ~~**D**epartment of ~~þ~~**P**ublic ~~ẅ~~**W**orks.

All solid waste, recyclables, and yard waste accumulated in the city that meet the requirements of this chapter shall be collected, conveyed and disposed of by the city under the supervision of the ~~þ~~**B**oard of ~~þ~~**P**ublic ~~ẅ~~**W**orks and the ~~đ~~**D**epartment of ~~þ~~**P**ublic ~~ẅ~~**W**orks. The ~~þ~~**B**oard **of Public Works** shall have the authority to make regulations concerning the days of collection, type and location of carts and containers, and such other matters pertaining to the collection, conveyance and disposal as it finds necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions of this chapter.
Ordinance 6.04.090 sets the fees for collection of solid waste and other services as provided by the Sanitation Division for the years 2027, 2028, and 2029. The Board of Public Works may adjust those rates and fees on an annual basis and within 10% of the annual fees and rates as outlined herein.
Yard waste, recyclables and other solid waste must be separated from one another when placed at the curb for collection. It is a violation of this chapter to mix these items, subject to

fines as set forth in Section 6.04.100 of this chapter. The sanitation division will not collect these items if they are mixed together.
(Ord. No. 17-06, § 1, 3-22-2017)

6.04.030 - Solid waste collection.

(a) Solid waste carts shall be provided by the City of Bloomington. Said carts shall be maintained in good and sanitary condition, with no ragged or sharp edges or any other defect that could hamper or injure the person collecting the contents thereof.
(b) Solid waste will only be collected from the cart provided by the city on the customer's assigned collection day unless the owner or occupant arranges for an additional pickup on another day with the ~~s~~**S**anitation ~~d~~**D**ivision in accordance with ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks policies . Items outside of the cart will not be collected. Residents shall choose a cart they deem appropriate for their needs from the following sizes: thirty-five gallon, sixty-four gallon, or ninety-six gallon.
(c) It will be the responsibility of the resident to notify the sanitation division should a cart become damaged and unusable. The cost of replacing a damaged cart not due to normal wear and tear **will**~~may~~ be the responsibility of the resident, subject to the discretion of the sanitation division director. The replacement cost will be set forth in the rate structure set by the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.
(d) Solid waste scattered by animals or weather shall be removed promptly by the owner or occupant of the premises or be subject to fines in Section 6.04.100.
(e) All solid waste, before being placed in said carts, shall be bagged and shall have drained from it all liquids. Solid waste must be free of vermin and pests, and said cart lid must be closed and facing the street for collection. In order for a cart to be considered closed, its lid must be completely flush with the container so that there is no gap between the lid and container. A cart that is overfilled with solid waste such that its lid does not rest flush with the container is not considered closed. Carts not placed appropriately at the curb or without the lids closed will not be collected.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 1, 8-9-2023)

6.04.040 - Recycling collection.

(a) Recycling collection is provided to recipients of solid waste collection. Collection occurs every week on the customer's assigned collection day.
(b) Recyclable items must be placed loosely, and not bagged, into the recycling cart provided by the City of Bloomington. Solid waste items should never be placed in recycling carts. Failure to comply with these provisions will result in non-collection of the recycling container and the owner or occupant of the premises will be subject~~ed~~ to fines in accordance with Section 6.04.100.
(c) Residents shall choose a cart they deem appropriate for their needs from the following sizes: sixty-four gallon, or ninety-six gallon. The lid must be closed with the cart facing the street for collection to occur. Carts not placed appropriately at the curb or without the lids closed will not be collected. A cart that is ~~over-filled~~**overfilled** with recycling such that its lid

does not rest flush with the container is not considered closed. Carts not placed appropriately at the curb or without the lids closed will not be collected.
(d) The ~~đ~~**D**epartment of ~~þ~~**P**ublic ~~ẇ~~**W**orks, upon approval by the ~~ƀ~~**B**oard of ~~þ~~**P**ublic ~~ẇ~~**W**orks, shall prepare and promulgate annually a list of what types of paper products, metal cans, glass containers, and plastic containers are recyclable. The list may change from time to time as the recycling market adjusts to shifting demands and technologies. All paper products must be clean and dry. All metal cans, glass containers and plastic containers must be clean, rinsed out and ~~with the~~ **have their** lids removed.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 2, 8-9-2023)

6.04.050 - Yard waste collection.

(a) All grass, weeds, leaves**,** and other similar yard and garden materials shall be placed in appropriate watertight thirty-five**-**gallon or less container or two-ply biodegradable wet strength paper bag with each weighing less than forty pounds separate from solid waste and recycling and shall not be mixed with any other substances. Said container shall be maintained in good and sanitary condition, with no ragged or sharp edges or any other defect that could hamper or injure the person collecting the contents thereof. Yard waste will be collected weekly on the customer's assigned collection day.
(b) Brush, tree trimmings, hedge clippings and similar materials shall be cut to a length not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 3, 8-9-2023)

6.04.060 - Large item collection.

Large items, other than appliances, may be placed at the curb on the customer's assigned collection day for an additional cost as stated in Section 6.04.090. The ~~đ~~**D**epartment of ~~þ~~**P**ublic ~~ẇ~~**W**orks, upon approval by the ~~ƀ~~**B**oard of ~~þ~~**P**ublic ~~ẇ~~**W**orks, shall prepare and promulgate annually a list of what types of items are considered large items. For the purposes of route optimization, customers are required to contact the sanitation division during operating hours Monday through Thursday at least one business day prior to their assigned collection day to request large item collection.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 4, 8-9-2023)

6.04.070 - Appliance collection.

(a) Appliances as defined in Section 6.04.010 will be collected weekly on Fridays. For the purposes of route optimization, customers are required to call the sanitation division by 12:00 noon on Thursdays. Appliances may be placed at the curb no more than twenty-four hours before the day of collection.
(b) Any appliance containing engine oil and/or gasoline shall be drained of these substances prior to placement at the curb for collection.
(Ord. No. 17-06, § 1, 3-22-2017)

6.04.080 - General collection **requirements** ~~practices~~ and guidelines.

(a) Collection of solid waste, recycling, yard waste, large items and appliances shall be made at least once each week or more often as may be ordered by the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks. Collection schedules shall be established and published by the board.
(b) Collection shall be made from all places of residence within the city limits except for the following:
(1) Buildings containing more than four residential units;
(2) Residences located above or in the same structure as a business or businesses;
(3) Residential units located on private streets.
However, collection may be provided to the above-listed residences if specifically authorized in writing by the director of public works. Before authorizing such collection, the director of public works may require terms and conditions to protect the city and residents. The director of public works may revoke such authorization in writing at his or her discretion.
(c) Collection shall be made from curbs or, where there are no curbs, the property line immediately adjacent to the public thoroughfare. In order to be collected, all carts, yard waste, and other items must be placed adjacent to the curbs, facing the street and suitable for automated collection.
(1) All residents except those approved for special assistance for a person with a disability, illness or infirmity shall place their solid waste and recycling carts and yard waste containers at curbside or at the edge of the street no later than five a.m. on the day of collection. Any resident requesting to be an assisted stop shall contact the sanitation division to receive the necessary paperwork and instructions in order to be approved to receive the assisted service option.
(2) The cart or container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Carts and containers are to be at least four feet from any tree, pole, mailbox, fire hydrant, etc., and at least ten feet away from any vehicles parked in the street.
(3) The cart is not to be painted, abused, mutilated, altered or modified in any manner.
(d) Paints, stains and similar materials still in their liquid form shall not be placed in refuse carts or dumpsters and shall not be collected by the ~~d~~**D**epartment of ~~p~~**P**ublic ~~w~~**W**orks as a part of regular collection.
(e) Items that are infested with vermin, including but not limited to bedbugs, cockroaches, or rodents, will not be collected.
(f) No person shall remove or attempt to remove materials from any refuse cart or dumpster belonging to another person or business. All materials placed in a refuse cart or dumpster shall be the property of the city.
(g) Highly flammable, combustible, explosive or hazardous materials shall not be placed in refuse carts or dumpsters and shall not be collected by the ~~d~~**D**epartment of ~~p~~**P**ublic ~~w~~**W**orks as a part of regular collection. Such materials shall be disposed of as prescribed by state and local laws.
(h) Disposal of Diapers, Animal Feces, and Cat Litter. All diapers, animal feces, cat litter and similar wastes shall be placed in durable plastic bags completely sealed before being placed in a refuse cart.
(i) Collection shall not be made from alleyways.

(j) Collection shall be made only between the hours of five a.m. and nine p.m.
(k) It shall be a violation of this chapter for any unauthorized commercial enterprise to collect, obtain, possess, pick up or cause to be collected, obtained, possessed or picked up any refuse, solid waste, garbage or yard waste from places of residence on routes within the city limits that are served by the city sanitation division. Occasional removal of bulk trash associated with construction, moving, or seasonal cleaning does not require authorization other than for approval of placement of dumpsters within the right-of-way. The ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks shall determine such authorization. Any and each such violation hereof from one or more locations shall constitute a separate and distinct violation of this chapter.
(l) During periods of snow, ice or other winter weather conditions, a clear path is maintained from public right-of-way or designated collection. Waste and recycling containers are not placed on or behind snowbanks.
(m) The owner or landlord of a residential rental property shall be responsible for ensuring that all City-issued waste and recycling containers are present and accounted for when a new tenant takes possession of the property. The owner or landlord shall be charged at full cost of replacement for unaccounted-for waste or recycling containers.
(n) New residential developments that are eligible to receive City of Bloomington sanitation services shall be responsible for fully purchasing and providing all City-issued trash and recycling carts for each address or unit within the development prior to full acceptance for City of Bloomington sanitation services to begin.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 5, 8-9-2023)

6.04.090 - Fees and billing.

Service fees for the disposal of solid waste shall be prepared, billed and collected by the City of Bloomington Utilities Department (CBU) as agreed to by the ~~u~~**U**tilities ~~s~~**S**ervice ~~b~~**B**oard and the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.
(1) The service fees for all users shall be prepared and billed monthly in accordance with the established billing procedures of CBU.
(A) The following fee schedule will apply based on the solid waste cart size chosen by customers:

Schedule of Service Fees for Disposal of Solid Waste. Fees listed below shall **be $10.72 beginning January 1, ~~in~~** 2027, **shall increase** 16.7% **on January 1,~~in~~** 2028, and **shall increase** 11% **on January 1,~~in~~** 2029 ~~on January 1st, beginning January 1, 2027~~.

(i) Thirty-five gallon solid waste cart fee schedule: **$10.72 beginning January 1, 2027.**

~~Year~~	~~Fee~~
~~Prior to January 1, 2026~~	~~$9.38~~
~~Beginning January 1, 2027~~	~~$10.72~~

(ii) Sixty-four gallon solid waste cart fee schedule: **$19.40 beginning January 1, 2027**

~~Year~~	~~Fee~~
~~Prior to January 1, 2026~~	~~$16.97~~
~~Beginning January 1, 2027~~	~~$19.40~~

(iii) Ninety-six gallon solid waste cart fee schedule: **$29.10 beginning January 1, 2027**

~~Year~~	~~Fee~~
~~Prior to January 1, 2026~~	~~$25.46~~
~~Beginning January 1, 2024~~	~~$29.10~~

(2) The monthly bill will also include service fees for the disposal of additionally requested solid waste carts, yard waste, large items, appliances, and additional pickup requests (including pickups requested due to not having carts properly placed for pickup by five a.m.). Additional fees will not be charged if the sanitation division changes the collection day due to inclement weather or holidays. The following fees will apply:
(A) Additional carts will cost the full amount of the solid waste cart fee set forth in the fee schedule approved by the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.
(B) Yard waste: $~~1~~**2**.00 per approved container, bag or bundle.
(C) Large items: $~~25~~**30**.00 per approved large item.
(D) Appliances: $~~35~~**40**.00 per approved appliance.
(E) Cart Exchanges: $30.00 per cart.
(**F** ~~E~~) Additional pickup requests: one hundred twenty-five percent of regular weekly solid waste charges based on four and three-tenths weeks on average per month, per year. In the event a resident schedules an additional pick-up and fails to place the cart at the curbside prior to the collection time, said resident will still be charged the full rate for the additional pick-up.
(G) New cart delivery shall be subject to a $75 fee per container, for solid waste and recycling carts that are required for any new address added as part of residential developments accepted for City services.
(3) The fees for solid waste collection and disposal services provided to single-family residential dwellings shall be billed directly to customer of record with CBU. In the event that the single-family residential dwelling of four units or fewer is not a current customer of CBU, or receives billings through a master meter, the customer shall receive a monthly bill for solid waste disposal services only.
(4) Bills shall be paid in accordance with the policies and procedures set forth by CBU and the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.

(5) Late fees of three percent of the unpaid balance will be assessed to any account holder that fails to pay the amount due within twenty days of billing. This is modeled from the late fee procedures used by CBU. Partial payments shall be allocated in accordance with the interdepartmental agreement between the City of Bloomington and CBU.
(6) In the event a customer of the CBU requests to shut down the water meter to his/her residential premises, CBU shall also contemporaneously discontinue the billing of service fees for the collection performed at the residential premises in accordance with this chapter. In the event that service is discontinued, it is the responsibility of the account holder to notify the sanitation division for removal of the solid waste and recycling carts. If the account holder fails to do so, a replacement fee in accordance with the fee schedule approved by the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks will be applied to the account holder's final CBU bill.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 21-40, § 1, 10-6-2021; Ord. No. 23-14, § 6, 8-9-2023)

6.04.100 - Enforcement procedures.

(a) If the director of ~~p~~**P**ublic ~~w~~**W**orks, ~~s~~**S**anitation ~~d~~**D**ivision director, director of the ~~h~~**H**ousing and ~~n~~**N**eighborhood ~~d~~**D**evelopment ~~d~~**D**epartment, the assistant director, any neighborhood compliance officer, or any other designee of the directors (collectively referred to as "staff") determines that there exists a violation of this chapter, that person shall issue a notice of violation (NOV) to the responsible party. The NOV may be in the form of a citation from the neighborhood compliance officer or a notice of non-collection that is left on the cart by sanitation division staff. For purposes of issuing an NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: persons with any possessory interest in the property; property owner(s); and/or any persons who have caused the violation.
Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven days following issuance of the NOV, provided that the violation is remedied, or that the nonpossessory property owner(s) presents to HAND, within seven **calendar** days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.
(b) The NOV shall be in writing and shall be served on one or more of the responsible parties in one or more of the following manners: delivery in person; by first-class mail; and/or by placement in a conspicuous place on the property where a violation occurs. The notice shall state:
(1) The location of the violation;
(2) The nature of the violation;
(3) The period of correction (if any);
(4) The fine assessed for the violation;
(5) Additional remedies the city may seek for **the** violation;
(6) That the fine is to be paid at the city controller's office;
(7) That the fine may be appealed to the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks within seven **calendar** days of the date of the NOV.
(c) Schedule of Fines. ~~The fine for any violation of Section 6.04.110 shall be $25.00.~~ The fine for all ~~other~~ violations of this chapter shall be $50.00. Nonpossessory property owners

shall not be subject to fines for the seven-day period after issuance of the NOV, provided that the provisions outlined in subsection (a) of this section are met. Each day that a violation continues shall constitute a separate violation.
(d) Any person issued a written NOV of this chapter shall pay the total amount of the penalty to the City of Bloomington within seven days of such notice, unless such notice is appealed in conformity with this chapter.
(e) All appeals shall be filed to the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks within seven **calendar** days of the day of the NOV.
(f) All appeals from the written findings of the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks shall be made to courts of competent jurisdiction within sixty days.
(g) Upon failure to appeal an adverse finding or failure to comply with a written order or assessed penalty, the city legal department shall be empowered to take all appropriate action necessary to enforce the written findings of the enforcement officer or of the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 7, 8-9-2023)

6.04.110 - Removal of solid waste and recycling carts and yard waste containers.

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 to ensure the public right-of-way is passable.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 8, 8-9-2023)

6.04.120 - Enterprise fund.

The revenue generated by the sanitation services performed at residential premises in accordance with this chapter shall be deposited in the non-reverting enterprise fund. This fund was established for the purpose of accounting and paying for the costs of services performed by the sanitation division. When necessary, the common council may approve additional operating transfers into this fund.
(Ord. No. 17-06, § 1, 3-22-2017)

6.04.130 - Capital recovery fund.

The revenue deposited into the non-reverting enterprise fund, which is intended for capital ~~re-placement~~ **replacement** of vehicles, equipment and other capital-related expenses, shall be transferred by the controller into a non-reverting capital replacement fund. This fund shall be established for the purpose of paying for the costs of capital equipment purchases necessary to replace capital items of the sanitation division on schedules outlined by industry standards.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 9, 8-9-2023)

Chapter 6.05 - COMMERCIAL REFUSE HAULING AND COLLECTION

6.05.010 - Refuse containers.

All establishments and institutions which are served by commercial refuse collection services shall keep their containers covered and sanitary at all times.
(Ord. 79-1 § 3 (part), 1979).

6.05.020 - Collection practices.

Collection shall be made only during the hours of 5:00 a.m. and 9:00 p.m.
(Ord. 79-1 § 3 (part), 1979).
(Ord. No. 23-14, § 10, 8-9-2023)

6.05.030 - Violations.

Any person, firm, or corporation who violates any of the provisions of this chapter shall be subject to a fine of not less than ten dollars and not more than one hundred dollars for each violation. Each day that a violation continues shall constitute a separate violation.
(Ord. 79-1 § 3 (part), 1979).

Chapter 6.06 - GARBAGE AND WEEDS

6.06.010 - Definitions.

As used in this chapter, the following terms have the following meanings unless otherwise designated:
"Board" means the City of Bloomington ~~þ~~**B**oard of ~~þ~~**P**ublic ~~ẅ~~**W**orks.
"Garbage" means putrescible animal and vegetable wastes, resulting from handling, preparation, cooking and consumption of food; refuse; and rubbish.
"HAND" means the City of Bloomington's housing and neighborhood development department.
"Owner" means a person holding legal title to real property within the City of Bloomington.
"Person" means an individual, partnership, corporation, trust, or any commercial association or venture, however defined.
"Putrescible" means substances which are subject to organic decomposition.
"Recyclable materials" means those materials designated by the board or its designee as those which may be collected for recycling purposes. Such materials may include, but may not be limited to, aluminum products, clean glass containers, bimetal containers, newspapers, magazines and periodicals, and plastic containers. What constitutes "recyclable materials" may change depending on what the board or its designee is able to dispose of through their recycling efforts.

"Refuse" means all putrescible and nonputrescible solid wastes, including animal wastes, garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes.
"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, construction debris, and similar materials.
"Weed" means any plant or vegetation classified as a detrimental plant, invasive plant or noxious weed by either the state under authority of IC 15, entitled Agriculture and Animals, or the United States government in accordance with 7 USC 7701. The term shall also include the vegetation listed in Section 20.05.059 of the Bloomington Municipal Code.
"Yard waste" means grass, weeds, leaves, brush, tree trimmings, hedge clippings, and other yard and garden materials.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.020 - Deposit of garbage.

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 later remove, cover, or burn it. This provision shall not restrict the filling of low lands within the city with brick, stone, sand, gravel, cold ashes, or dirt after the appropriate permit has been obtained from the city engineering department.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.030 - Use of city garbage containers.

It is unlawful for any person to deposit any household or commercial garbage, recyclable materials or yard waste in any receptacle maintained on a sidewalk or at any other public location by the city for disposal of refuse by pedestrians.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.040 - Use of private garbage containers.

It is unlawful for any person to deposit garbage, recyclable materials or yard waste in a receptacle or dumpster unless said person has permission from the owner of the receptacle or dumpster to use it for garbage, recyclable materials or yard waste disposal.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.050 - Excessive growth.

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 eight inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.060 - Inspections.

It shall be the duty of the police department or HAND to make a careful inspection of any lots, grounds and tracts of land situated within the corporate limits of the city for the purpose of determining whether there is a violation of this chapter.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.070 - Enforcement procedures.

(a)
If the director of HAND, the assistant director, any neighborhood compliance officer, or any other designee of the director (collectively referred to as "staff") determines that there is a violation of this chapter, that person shall issue a notice of violation (NOV) to the responsible party. For purposes of issuing a NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: persons with any possessory interest in the property; property owner(s); and/or any persons who have caused the violation.

Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven **calendar** days following issuance of the NOV, provided that the nonpossessory property owner(s) presents to HAND, within seven days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.

(b) The NOV shall be in writing and shall be served on one or more of the responsible parties in one or more of the following manners: delivery in person; by first-class mail; and/or by placement in a conspicuous place on the property where a violation occurs. The notice shall state:
(1) The location of the violation;
(2) The nature of the violation;
(3) The period of correction (if any);
(4) The fine assessed for the violation;
(5) Additional remedies the city may seek for **the** violation (including abatement of the violation by HAND or by a private contractor hired by HAND);
(6) That the fine is to be paid at HAND;
(7) That the fine may be contested in the Monroe County Circuit Court~~s~~;
(8) That the NOV may be appealed to the board, provided the appeal is in writing and filed with the board no later than seven days from the date of the NOV.
(c) Schedule of Fines. The initial penalty or fine for all violations of this chapter shall be fifty dollars. A second violation of this chapter in any twelve-month period shall be subject to a penalty or fine of one hundred dollars. A third and all subsequent violations of this chapter in any twelve-month period shall be subject to a penalty or fine of one hundred fifty dollars. The twelve-month period described above shall begin on August 1 of each year and end on July 31 of the following year.
(d) If the responsible party fails to pay any accumulated fines, the city's legal department may collect said fines in any manner authorized by law.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.080 - Failure to remedy.

(a) HAND may file a request with the board for the abatement of any property still in violation of a NOV after the correction period in the NOV has expired.
(b) The property owner who is the subject of an abatement request by HAND shall be notified of the request; said notice shall state the following:
(1) The location of the violation;
(2) The nature of the violation;
(3) A statement that abatement of the violation is being sought;
(4) A statement that the abatement may be provided by the city or by a private third-party contractor hired by the city to perform the abatement;
(5) A statement that the property owner will be liable for any and all costs associated with the city, and/or the city's contractor, abating the property;
(6) A statement that 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;
(7) The date, time and location of the board's hearing; and
(8) A statement indicating that the property owner is entitled to appear at said hearing and is entitled to present arguments and evidence in his defense at said hearing.

The abatement notice described in the above subsection (b) shall be in writing and shall be served on the property owner via certified mail, return receipt requested. If the abatement notice is returned as undeliverable the notice shall be given by personally delivering a copy of the abatement notice to the property owner; leaving a copy of the abatement notice at the usual place of abode of the property owner; sending by first-class mail a copy of the abatement notice to the last known address of the property owner; or by serving the agent of the property owner.

(c) At the abatement hearing the board shall hear evidence from all parties and render its decision in writing.
(d) All appeals from the board's decision on an abatement request shall be made to courts of competent jurisdiction within ten days.
(e) If an initial notice of abatement was provided in accordance with this Section, and Section 6.06.070 was first followed, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail. A continuous abatement notice serves as notice to the property owner that each subsequent violation of this chapter during the same twelve-month period for which the initial NOV was provided may be abated by the city or its private third-party contractors.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.090 - Cost of removal by city.

If the landowner fails to remedy a violation under this chapter, the controller shall make a certified statement of the actual cost incurred by the city for any abatement conducted by the city or its private third-party contractor. The statement shall be served on the property owner by certified mail, return receipt requested. The property owner shall pay the amount in the statement to the city legal department within ten days after receiving it. If the landowner should fail to pay within the ten-day period, a certified copy of the statement of costs shall be filed in the office of the county auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work. The amount shall be collected and disbursed to the general fund of the city.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.100 - Vehicles hauling garbage.

(a) It is unlawful to transport garbage, recyclable material, yard waste, stone or other materials that are likely to fall from a vehicle unless such materials are covered and secured so as to prevent their deposit on public and private property.
(b) Any materials falling from a vehicle shall be promptly removed by the person responsible for their deposit. If such person neglects or refuses to remove the materials, the city shall cause such materials to be removed at the expense of the person responsible, who shall be liable to pay the city the cost of the removal.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.110 - Violations.

Violations of the provisions of this chapter are declared a public nuisance. e**E**ach day that a violation continues shall constitute a separate violation.
(Ord. No. 12-23, § 1, 10-3-2012)

Staff Memo

To: Members of the Common Council

From: Adam Wason, Director of Public Works; Joe VanDeventer, Deputy Director of Public Works; Lazarus Sears, Director of Sanitation

Date: October 23, 2026

Re: Proposed Ordinance Updates including Sanitation Rate Changes for 2027–2029

In response to interest from the City Council, staff have been reviewing the effects of eliminating the annual General Fund financial support to the Public Works Department's Sanitation Division.

This funding traditionally has been used to offset the shortfall between solid waste cart revenues, service fee income, and overall operating expenses. No longer utilizing funding from the General Fund would require that both solid waste cart revenue and service fee income increase to fill this now substantial operating funding gap.

Additionally other ordinance updates are being proposed for operational reasons that are outlined at the end of this memo.

Factors Considered

Sanitation currently provides weekly curbside solid waste and recycling collection. Using a volume based pay-as-you-throw model, residents pay for solid waste based on container size and have three size options (summarized in the "Phased Approach" section). Additional fees are collected for large items, appliances and for yard waste pickup during the spring and summer months (also summarized under "Phased Approach"). There is currently no fee for recycling, replacement containers, the seasonal fall bagged leaf pickup and holiday tree disposal.

Expenses

- Labor costs and annual increases required by collective bargaining agreements
- Annual capital replacement cycle for trucks, vehicles and solid waste/recycling containers
- Unpredictable fuel, oil, parts, casualty insurance and workers' compensation insurance premium costs
- Utility expenses for the Sanitation facility: power, natural gas, telecommunications and water/sewer
- Solid waste and recycling collection transfer costs (performed by a third-party vendor).This covers the costs of transporting all the collected recycling materials from a transfer facility in Bloomington to the Indianapolis MRF (Material Recovery Facility) and the collected solid waste to a landfill near Terre Haute.

- Planned and unplanned building expenses, infrastructure upkeep, and needed repairs (i.e., HVAC replacement and emergency building repairs)

Other Services Currently Supported by Solid Waste Fees

Revenue is currently generated by monthly solid waste fees, but Sanitation performs many other services for the community. If the goal is for Sanitation to be self-sustaining on solid waste fees only, the City should consider how subsidizing, discontinuing, and/or charging for these services will impact resident satisfaction, public health, climate goals, and overall costs to residents.

- Weekly curbside recycling collection and processing are expensive operations for the City to undertake, but residents are not specifically charged for this service. Private solid waste services do charge for recycling and typically offer biweekly pickup only.
- Free citywide leaf collection is provided for 3 months each year in order to keep the stormwater drainage system clear.
- Large gatherings, celebrations, and events downtown produce high volumes of solid waste. Sanitation is responsible for post-event clean up and absorbs the full cost of this service.
- Sanitation also bears the operational costs of providing solid waste and recycling services to all City parks, trailheads, fire stations, Police Headquarters, City Hall, parking garages, municipal surface lots and downtown street containers.
- Sanitation seasonally collects a high volume of holiday trees at no extra cost to residents.
- Any solid waste or recycling containers that are stolen, damaged or go missing must be replaced or fixed by Sanitation, which currently bears the entire cost (over 100 are missing so far this year).
- All new single family residential developments built inside City limits must be serviced by Sanitation, adding additional costs and expenses.

Expense v Revenue Projections, Shortfalls, and Impacts 2027–2029

This section shows the gap between projected expenses and revenues from proposed rate increases, and summarizes the impact of proposed phased reduction in General Fund financial support over 3 years. Details on user rates contained in these projections follow in a separate section.

Core Assumptions

- The City will continue to collect recycling weekly without a separate fee, and to offer smaller container sizes to encourage recycling and composting.

- The General Fund would be billed to support community solid waste services such as downtown event cleanups, collection of street and parks solid waste, and solid waste services to City buildings, starting in 2027 at $200,000 and increasing 3% each year for inflation.

- Rate increases would be phased in over 3 years as follows, with a pricing glideslope proposed for a gradual implementation of the program. This phasing would also allow for evaluation of program costs and an opportunity to course correct if expenses significantly exceed initial estimates:
    - 11% increase in 2027
    - 16.7% increase in 2028
    - 11% increase in 2029
    - Additional increases suggested for yard waste, large items, and cart replacement

- The General Fund subsidy would then be phased out over 3 years as follows:
    - Cut $600K in 2027
    - Cut $600K in 2028
    - Cut $400K in 2029

- Another option would be to completely eliminate the entire $1.6 million General Fund subsidy next year with no gradual phasing option.

Projected Expenses

A capital replacement recovery amount of $850,000 is included each year for the purchase of trucks and equipment. Phased replacement of older trucks and containers is essential for seamless municipal solid waste and recycling operations. (The average life of a sanitation truck is approximately 7–10 years.) This capital replacement recovery amount would increase to $875,000 in 2029 to keep pace with the anticipated rising costs for trucks and equipment.

Expense Type	2027 Projected Cost	2028 Projected Cost	2029 Projected Cost
Sanitation budget	$4,066,605	$4,127,604	$4,189,518
Annual capital replacement	$850,000	$850,000	$875,000
TOTAL EXPENSE	**$4,916,605**	**$4,977,604**	**$5,064,518**

Projected Revenue

An annual $200,000 billing support charge to the General Fund is being proposed to help defray the costs of delivering solid waste and recycling services to municipal facilities and parks. This would increase 3% each year to keep pace with costs and inflation.

Revenue Source	2027 (No Rate Change)	2027 Proposed (11%)	2028 (No Rate Change)	2028 Proposed (16.7%)	2029 (No Rate Change)	2029 Proposed (11%)
Fees collected	$2,430,700	$4,037,852	$2,503,621	$4,712,211	$2,578,730	$5,230,905
General Fund billing for facilities and community cleanups	$0.00	$200,000	$0.00	$206,000	$0.00	$212,180
General Fund subsidy	$1,600,000	$1,000,000	$1,600,000	$400,000	$1,600,000	$0.00
TOTAL REVENUE	**$4,030,700**	**$5,237,852**	**$4,103,621**	**$5,318,211**	**$4,178,730**	**$5,443,085**

Projected Deficit/Surplus with New Rates

Expense/Revenue Item	2027	2028	2029
Projected Expenses	($4,916,605)	($4,977,604)	($5,064,518)
Projected Revenue With Rate Increases	$4,037,852	$4,712,211	$5,230,905
Proposed GF Billing for Facilities & Community Cleanups	$200,000	$206,000	$212,180
Proposed GF Subsidy	$1,000,000	$400,000	$0
PROPOSED DEFICIT/SURPLUS	**$321,247**	**$340,607**	**$378,567**
Deficit with No Rate Changes	*($885,905)*	*($873,983)*	*($885,789)*

Phased Approach

As a reminder, staff suggest an incremental phasing out of General Fund financial support (currently $1.6 million in the 2027 proposed budget) as follows:

- Cut $600K in 2027
- Cut $600K in 2028
- Cut $400K in 2029

Gradual increase in solid waste container pricing over 3 years would result in a new sanitation collection rate structure. This rate would be utilized to cover both solid waste and recycling services combined.

Current Sanitation Rate Structure

For comparison purposes, here are the current 2026 sanitation rates, as well as the 2027 sanitation rates that incorporate the required automatic 3% annual increase. Without any legislative changes, these are the rates that will go into effect on January 1, 2027.

Container Sizes	2026 Monthly Rate	2027 Default Monthly Rate (3% Increase)	2027 Yearly Rate
35 gallon	$9.38	$9.66	$115.92
64 gallon	$16.97	$17.48	$209.76
96 gallon	$25.46	$26.22	$314.64

Proposed New Sanitation Collection Rate Structure for 2027–2029

The projections below are to incorporate changes over the next 3 years. Several assumptions have been made, including that the number of carts in the inventory will stay at or near the same as 2026 levels. If this data point fluctuates towards more residents choosing the smallest cart sizes, revenues will begin to lag behind these models.

Our volume based pay as you throw model encourages residents to recycle by basing monthly rates on the size of the solid waste cart. By offering weekly recycling and this pay as you throw model, recycling volumes remain high, while also keeping landfill costs down, through higher diversion rates. We should also note that private services typically only offer 96-gallon containers, but the majority of Bloomington residents choose smaller containers: a benefit that allows users to control their solid waste volume through recycling and composting.

Given market uncertainties, staff will review the financial position of the Sanitation Division throughout the year, and as part of the annual budget process to keep the Common Council updated on the progress of eliminating the General Fund support. Such changes could include large spikes in costs associated with fuel and oil, vehicle maintenance, new vehicle costs, insurance premiums, building repairs, utilities and others that affect the Sanitation Division's operational budget. Any major increases could have substantial financial impacts on the operating budget and as a result, rates would potentially need to be increased to stay on par with these new unplanned or unforeseen expenses. As part of these ordinance updates staff proposes that the Board of Public Works be given the authority to review and set all annual solid waste rates in Title 6 within 10% of the proposed amounts in 2028, and 2029.

2027 Proposed Rates

Container Sizes	2027 Default New Monthly Rate	2027 Proposed Monthly Rate (11% increase from Default rate)	2027 Proposed Yearly Cost	Total Carts in Inventory	Total Proposed Annual Revenue from Carts
35 gallon	$9.66	$10.72	$128.64	1,155	$148,579
64 gallon	$17.48	$19.40	$232.80	7,255	$1,688,964
96 gallon	$26.22	$29.10	$349.20	6,301	$2,200,309
TOTAL REVENUE					**$4,037,852**

2028 Proposed Rates

Container Sizes	2028 Proposed Monthly Rate (16.7% increase from proposed 2027)	Proposed 2028 Yearly Cost	Total Carts in Inventory	Total Proposed Annual Revenue from Carts
35 gallon	$12.51	$150.12	1,155	$173,389
64 gallon	$22.64	$271.68	7,255	$1,971,038
96 gallon	$33.96	$407.52	6,301	$2,567,784

Container Sizes	2028 Proposed Monthly Rate (16.7% increase from proposed 2027)	Proposed 2028 Yearly Cost	Total Carts in Inventory	Total Proposed Annual Revenue from Carts
TOTAL REVENUE				**$4,712,211**

2029 Proposed Rates

Container Sizes	2029 Proposed Monthly Rate (11% increase from proposed 2028)	Proposed 2029 Yearly Cost	Total Carts in Inventory (2027 Inventory)	Total Proposed Annual Revenue from Carts
35 gallon	$13.89	$166.68	1,155	$192,515
64 gallon	$25.13	$301.56	7,255	$2,187,818
96 gallon	$37.70	$452.40	6,301	$2,850,572
TOTAL REVENUE				**$5,230,905**

Potential 2027 Rates with Both Full General Fund Support Elimination and No General Fund Billing for Municipal Services Included (for illustrative purposes only)

Container Sizes	2027 Potential Monthly Rate (38.7% Increase)	Potential 2027 Yearly Cost	2027 Total Carts in Inventory	Total Annual Revenue from Carts
35 gallon	$13.40	$160.80	1,155	$185,724
64 gallon	$24.24	$290.88	7,255	$2,110,334
96 gallon	$36.37	$436.44	6,301	$2,750,008
TOTAL REVENUE				$5,046,066

Yard Waste, Large Items, Appliances, Extra Pickups, New Cart Delivery, and Cart Exchanges

Service fees for large items and appliances have not been raised since 2023; yard waste rates have been unchanged since 2017. In addition to the new Sanitation Collection rate structure, these fees would also need to be adjusted to meet the new expense requirements from eliminating General Fund financial support.

- Staff propose changes for 2027, with new rates as follows: $2 for yard waste, $30 for large items, $40 for appliances, $75 for new cart delivery, and $30 for cart exchanges. This will allow for better cost recovery as prices for Sanitation services continue to increase.
- Prices for extra weekly pickups, per size, would also be adjusted to fully recover costs of additional pickups.
- As with the annual rates, these service fees should be reviewed annually and adjusted, as needed. As part of these ordinance updates staff proposes that the Board of Public Works be given the authority to review and set service fees in Title 6 within 10% of the proposed amounts in 2028, and 2029.
- Because collection volume is unpredictable and varies considerably each year, the revenue collected would be used exclusively to provide a financial cushion for any major unforeseen cost fluctuations that occur in the future.
- The chart below shows totals from the last full year of collection (2025) and how these amounts would potentially change under a new rate structure.
- It should be noted that yard waste, large items, appliance collection and cart exchange usage varies widely each year, making it difficult to accurately project revenue, but these 2025 collection totals help to illustrate the potential impact of a fee increase.
- Increased revenue in these items would be in addition to the increased revenue shown in earlier revenue projection charts in this memo.

Service	Current Rate	Number of Items Collected in 2025	Total 2025 Revenue	Proposed 2027 Rate	Projected 2027 Revenue
Yard Waste	$1.00	45,353	$45,353	$2.00	$90,706
Large Items	$25.00	1,484	$37,100	$30.00	$44,520
Appliances	$35.00	184	$6,440	$40.00	$7,360
Cart	$25.00	252	$6,300	$30.00	$7,560

Service	Current Rate	Number of Items Collected in 2025	Total 2025 Revenue	Proposed 2027 Rate	Projected 2027 Revenue
Exchanges					
Cart 35 gallon Extra Pickup	$2.54	413	$1,049	$3.23	$1,334
Cart 64 gallon Extra Pickup	$4.65	1,409	$6,552	$5.91	$8,327
Cart 96 gallon Extra Pickup	$6.98	273	$1,906	$8.86	$2,419
Grand Total			**$104,700**		**$162,226**

Current Recycling Program Expenses

Weekly curbside single-stream recycling services are currently provided to eligible Bloomington residents, who have the option of choosing a container from three separate sizes (35, 64 or 96 gallons). Residents do not receive an itemized bill for recycling services and are not billed specifically for these services.

Recycling Processing

The City of Bloomington switched to single stream recycling as part of the 2017 Sanitation Modernization Program. The reason for the program was to make operations more efficient, safer for workers and make it easier for residents to recycle. After collection, recyclables are consolidated and loaded into transfer trailers for transport to Republic Service's MRF (Material Recovery Facility). At the MRF, the mixed recyclables are unloaded onto a conveyor belt where they are separated. After the material is separated, it is then compressed into large bales.

However, the full costs of providing this program are completely absorbed by the Sanitation Division's annual budget. Because these are weekly, curbside collections, these costs are not inconsequential. Full operational costs include recycling transfer fees as well as personnel, fuel, vehicle maintenance, insurance, equipment, cart purchases, building and utility costs, etc.

For cost estimation purposes, staff looked to the 2025 collection tonnage totals to offer a reasonable benchmark. This would show a summary for the last full year of collection, from which a more focused idea of recycling service provision could be made.

Type of Service Provided	2025 Tonnage Total	Overall % of Tonnage Collected
Solid waste	7,914.81	73.2%
Recycling	2,126.33	19.7%
Yard Waste	770	7.1%

Recycling constitutes 19.7% of the overall tonnage of items collected by the Sanitation Division. As such, staff took 19.7% and applied it to the total 2026 Sanitation Division budget. This would allow a better specific monetary amount to be extracted that would highlight the true costs of providing the residential recycling program.

The total approved 2026 Sanitation Division budget (including the General Fund subsidy) is $5,591,068. Applying the 19.7% for recycling tonnage, this amounts to the recycling program's most recent annual operating cost being $1,101,440.

An additional $425,000 should also be included to cover the capital costs associated with purchasing a truck for recycling collection operations, as well for new recycling containers and lid replacements. Including the capital costs, this would be a total of $1,526,440.

If yard waste was added to the recycling percentage, which it could reasonably be considered as being since it diverts items from entering the waste stream (yard waste is sent to a private compost facility), then the percentage of recycling tonnage would increase to 26.8%. This would make the recycling program annual operating cost $1,498,406. Adding in the capital expense of $425,000, this would make an overall total of $1,923,406.

Solid Waste and Recycling Program Private Market Comparisons

Staff researched the recycling program options of 2 large private haulers, and 1 local hauler that are available to single-family residents in areas outside of the Bloomington corporate limits. This can shed light on both cost comparisons and service differences in recycling collection programs between private haulers and the City of Bloomington Sanitation Division.

Some notable highlights of pricing structures of the the private haulers include the following observations:

- Recycling collection is provided to customers only on an every other week basis, as compared to the City's recycling service that is provided on a weekly basis.
- Container size is generally limited to the largest 96-gallon container only, with only one provider offering two container sizing options (64 and 96 gallon containers).

- Billing is conducted quarterly, and price ranges between $25 and $31 (between $100 to $124 annually).
- Fuel surcharges and administrative recovery fees are assessed on each quarterly invoice - these billing amounts are variable based on fuel and other costs that change frequently. For the bills examined, these currently ranged between $25 and $57 (between $100 and $228).
- Unlike the City, private haulers do not offer either a small 35-gallon solid waste or recycling container size. Having a smaller 35-gallon solid waste container size through the City of Bloomington Sanitation Division helps residents save costs on solid waste services and encourages greater recycling. Approximately 43% of residents currently utilize the small solid waste and recycling container sizes.
- Regarding the larger 96 gallon solid waste containers, City rates are on par with private hauler rates ($25.46 per month for City service and between $18-$27.27 monthly for private service). Additionally, the City also provides weekly recycling collection instead of bi-weekly collection and does not charge for a fuel surcharge or environmental recovery fee.

Additional Ordinance Updates Requested for Consideration

Staff initiated a review of the Title 6 Health and Sanitation Ordinance as part of a periodic assessment of City of Bloomington sanitation services. It has now been nearly a decade since Title 6 was last formally changed and there are several elements that would benefit from an update to meet current operating conditions.

These proposed changes are meant to improve collection efficiency, maintain safe working conditions for Sanitation Division employees, establish clear responsibilities for waste and recycling container replacement, and ensure new residential developments are properly equipped to receive City of Bloomington sanitation services.

Additionally, these changes will help reduce collection delays during winter weather, clarify landlord responsibilities for missing containers, and ensure developers provide the necessary carts before sanitation services begin. Establishing these requirements will promote consistency, improve operational efficiency, and help prevent unnecessary costs to the City and its residents.

Summary of all proposed ordinance changes:

1. Section 6.04.080 - Winter Weather Collection Access: Require property owners or occupants to maintain a clear, unobstructed path to waste and recycling containers during snow, ice, and other winter weather conditions. Containers may not be placed on or behind snowbanks or in locations that prevent safe collection.

2. Section 6.04.080 - Residential Rental Property Container Accountability: Require property owners or landlords to ensure all City-issued waste and recycling containers are present when a new tenant takes possession of a rental property. Landlords will be responsible for the full replacement cost of any missing or unaccounted-for containers.

3. Section 6.04.080 - New Residential Development Cart Requirements: Require developers of new residential developments eligible for City sanitation services to purchase and provide all required City-approved waste and recycling carts for each residential address or dwelling unit before sanitation services begin. The 2027 rate for this will be set at $75 per container delivered ($150 for solid waste and recycle containers per new address added).

4. Section 6.04.080 - New Residential Development Cart Requirements: Changed title from General collection ‘practices’ to General collection ‘requirements’.

5. Section 6.04.090 - Revised Fees and Billing: With the cut of $600,000 from the General Fund subsidy to the Sanitation Division that was approved in the 2027 budget, there will be a gap between projected expenses and revenue. As a result, a new rate structure will need to be implemented and phased in over a 3 year period.

6. Sections 6.06.100 and 6.06.070 - Enforcement Procedures: Change to appeal submission deadline to Board from 7 days to 7 ‘calendar’ days.

These proposed amendments establish clear expectations for property owners, landlords, and developers while supporting the City’s sanitation operations. The changes are intended to improve employee safety, ensure reliable collection services, protect City resources, and establish consistent requirements for residential waste and recycling collection. Revising the sanitation rate structure will provide a solution needed to close the funding gap between operating expenses and a reduction in the annual subsidy amount that is received from the General Fund.

Bloomington Common Council Resolution Number 2026-25 - Adopting A Fiscal Plan For The Annexation of Property Contiguous To The City of Bloomington, Indiana

Whereas, the City of Bloomington, Monroe County, Indiana (City), in accordance with Indiana Code §36-4-3-5.1, wishes to annex multiple parcels of property located along W. 3rd Street and S. Johnson Avenue Bloomington, Indiana, with an area consisting of approximately 6.23 acres which is located outside of but contiguous to the City, that area being more particularly described in the deeds which are attached hereto, marked as Exhibit "A", and incorporated herein, and further depicted in the geographical map attached hereto, marked as Exhibit "B", and incorporated herein (the Annexed Territory);

Whereas, in accordance with Indiana Code §36-4-3-5.1(e), on December 2, 2026, the Common Council held a duly noticed public hearing regarding the Annexed Territory; and,

Whereas, in accordance with Indiana Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council now desires to adopt a Written Fiscal Plan for the Annexed Territory.

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

Section 1. The Common Council hereby adopts the Fiscal Plan for the Annexed Area, which is attached hereto, marked as Exhibit "C", and incorporated herein. This Fiscal Plan is to be adopted prior to the adoption of the annexation ordinance for the Annexation Area.

Section 2. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and its publication, as provided by law. All provisions or parts thereof in conflict herewith are hereby repealed.

So Resolved by the Common Council of the City of Bloomington, Monroe County, Indiana, on this ___ day of _____ .

_____
Isak Nti Asare, 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 ____ day of _____, 2026.

Nicole Bolden, Clerk
City of Bloomington

Signed and Approved by me upon this ____ day of _____, 2026.

Kerry Thomson, Mayor
City of Bloomington

Synopsis:

This Resolution approves a Fiscal Plan as required prior to a voluntary annexation into the City of Bloomington. This Fiscal Plan is for the property located at W. 3rd Street and S. Johnson Avenue, Bloomington, Indiana

I affirm under penalties of perjury that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. */Christopher J. Wheeler/*

This instrument prepared by Christopher J. Wheeler, Assistant City Attorney, City of Bloomington Legal Department, P. O. Box 100, Bloomington, Indiana 47402

Memorandum On Fiscal Plan for Voluntary Annexation

To: City Council
From: Christopher J. Wheeler, Assistant City Attorney
Date:
Re: Fiscal Plan For Annexation Of The Following Parcels: 53-05-31-301-051.000-004, 53-05-31-301-047.000-004, 53-05-31-301-017.000-004, 53-05-31-301-072.000-004, and 53-05-31-301-012.000-004

Purpose:

This Memorandum shall serve as the official Fiscal Plan for the 100% voluntary annexation of parcels 53-05-31-301-051.000-004, 53-05-31-301-047.000-004, 53-05-31-301-017.000-004, 53-05-31-301-072.000-004, and 53-05-31-301-012.000-004 which are located off of 2412 W. 3rd Street and 222 S. Johnson Avenue (the "Property" or "Annexation Area") and are owned by KNN Properties, LLC., the Ramila S. Patel Revocable Trust, and the Suresh C. Patel Revocable Trust as required by Indiana Code 36-4-3-13(d).

KNN Properties, LLC intends to develop commercial space on parcel number 53-05-31-301-051.000-004.

The Ramila S. Patel Revocable Trust, and Suresh C. Patel Revocable Trust intend to develop residential housing on parcels 53-05-31-301-017.000-004, 53-05-31-301-072.000-004, and 53-05-31-301-012.000-004.

Statutory Requirements:

The Fiscal Plan must show the following, as required by I.C. 36-4-3-13(d):

1. "The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency."

a. Police Department:

Currently, the Monroe County Sheriff's Department is primarily responsible for law enforcement for the Annexation Area. Upon annexation, the Bloomington Police Department ("BPD") would be responsible for law enforcement of the Annexation Area. The BPD would be responsible for responding to any calls to the Annexation Area as part of its current operating budget. There are no additional direct costs to the BPD resulting from this annexation, as the BPD currently services the surrounding areas adjacent to the Property.

b. Fire Department:

Currently, the Monroe Fire Protection District is primarily responsible for fire service to the Property. However, Bloomington Fire Department ("BFD") does provide automatic aid for structure fires to the Annexation Area. Upon annexation, those roles would just switch. Also upon annexation BFD would be responsible for responding to any other calls from the Annexation Area (false alarms, medical issues, etc.). Deputy Fire Chief Max Litwin believes that any costs or budgetary impact would be nominal.

c. Public Works Department:

There are not likely to be any new public roads or sidewalks proposed as part of this annexation. The Public Works Department ("DPW") will be responsible for providing trash removal services at the Property as part of its current operating budget. Director Adam Wason believes that any costs or budgetary impact will be nominal.

d. Planning and Transportation:

The Monroe County Planning Department currently provides zoning and planning services to the Property. Upon annexation the Planning and Transportation Department will provide those services to the Property. Planning and Transportation has already assigned a zoning designation to the Property that is the same or similar to the zoning designation currently assigned by the County and will only take effect upon successful completion of this voluntary annexation. Director Lynn Coyne does not anticipate any additional costs or budgetary impact resulting from this annexation.

e. Parks and Recreation:

No new city parks are planned with this annexation. Residents of the Property will undoubtedly use city park facilities in the area. Director Tim Street believes that any costs or budgetary impact will be nominal.

f. Housing and Neighborhood Development:

The Housing and Neighborhood Development Department ("HAND") will provide neighborhood enforcement officer resources to the Annexation Area for enforcement of Bloomington Municipal Code Title 6 (snow removal, overgrowth and garbage). HAND already provides these services to the surrounding areas adjacent to the Annexation Area. HAND will also provide rental inspection services under Bloomington Municipal Code Title 16 in the event any rental properties are developed in the Annexation Area. Those services will be largely offset by collection of fees paid by the rental property owners. HAND does not anticipate any additional staff will need to be added in order to provide these services. Assuming an apartment complex with 300 new units as a potential high water mark, HAND would anticipate, between Title 6 and Title 16, an additional direct cost to the department of approximately $2,650.68/year. Director Anna Killion-Hanson breaks that down as follows:

300 Rental Units

Cycle: (3 inspectors x 3 days for Cycle) (3 inspectors x 2 days for Reinspections) Every 3 years
Complaints: (8 hours per year x 1 inspector) Per Year
Title 6: (30 min/week x 1 inspector) Per Year
Hourly Rate: ($35.82)

=$2650.68/year

g. Utilities:

The City of Bloomington Utilities Department has water and sewer infrastructure located on West Third Street that has the capacity to serve these properties and to accept new customers. Any extensions of water or sewer mains would be completed by the developer(s) of the Annexation Area at no cost to CBU. CBU Assistant Director-Engineering, Phil Peden, does not anticipate any additional costs or budgetary impact resulting from this annexation.

h. Administration, Controller, Legal, Engineering, Information Technology:

No additional costs to those departments will be incurred as a result of this annexation

2. "The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used."

Expenses for the Property can be paid from the General Fund as a part of general operating costs for the Police Department, Fire Department and Public Works Department. No specific earmark is needed.

Revenues would be received from the following sources: Property Taxes, Local Income Taxes (General, ED LIT, PS LIT, PSAP LIT), Gasoline and Excise Taxes, User Fees (water, sewer, parks, rental inspections and rental occupancy permits, parking, sanitation, etc.), and Food and Beverage Taxes where applicable.

3. "The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin."

Water and Sewer service (City of Bloomington): City of Bloomington Utilities already has sewer and water mains located in W. Third Street and the Annexation Area will connect to those mains. There may be a need for the property owners to extend mains up Johnson Avenue but those costs will be borne by the property owners under a main extension agreement in compliance with Indiana Utility Regulatory Commission Administrative Rules.

4. "That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of the annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density."

All such services would be provided to the property immediately upon the effective date of the annexation, which is 30 days following approval by City Council, and after the petition is recorded with the Monroe County Recorder's Office. The effective date of this annexation is anticipated to be approximately January 16, 2027.

5. "That services of a capital nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation and in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria."

All such services exist on the property or will be installed within three years of the annexation.

6. "This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation."

Below is a list of anticipated tax rates with one percent (1%) increase in rates (the results of 2025 Senate Enrolled Act 1 is that future tax rates are difficult to anticipate at this time) and categories affecting the parcel:

Entity	2026	2027	2028	2029	2030
County	0.3245	0.3277	0.3310	0.3343	0.3376
County Debt	0.0088	0.0089	0.0090	0.0091	0.0092
Township	0.0214	0.0216	0.0218	0.0220	0.0223
Township Debt	0.0000	0.0000	0.0000	0.0000	0.0000
School District	0.5594	0.5650	0.5707	0.5764	0.5821
School Debt	0.2148	0.2169	0.2191	0.2213	0.2235
City	0.0000	0.8507	0.8592	0.8678	0.8765
City Debt	0.0000	0.0000	0.0000	0.0000	0.0000
Library	0.0747	0.0754	0.0762	0.0769	0.0777
Library Debt	0.0054	0.0055	0.0056	0.0056	0.0057
Special	0.3064	0.0553	0.0559	0.0564	0.0570

7. "This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation."

Below is a list of anticipated property tax revenue to the City of Bloomington over the next 4 years, exclusive of deductions and with one percent (1%) increase in accessed value (the results of 2025 Senate Enrolled Act 1 is that future assessment values are difficult to anticipate at this time). There is a one year lag between the time taxes are assessed and collected by the City. There are currently no definitive dates for development of any or all of the development so none is assumed during the time period shown.

Entity	2026	2027	2028	2029	2030
City Revenue	$0	$0	$4,463.54	$4,553.35	$4,644.57

8. "This subdivision applies to a fiscal plan prepared after June 30, 2015. Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation."

This annexation will not affect other "political subdivisions" in the county not part of this annexation.

9. "This subdivision applies to a fiscal plan prepared after June 30, 2015. A list of all parcels of property in the annexation territory and the following information regarding each parcel:"

a. "The name of the owners of the parcels."
- **i.** KNN Properties, LLC., and
- **ii.** The Ramila S. Patel Revocable Trust, and Suresh C. Patel Revocable Trust

b. "The parcel identification number."
- **i.** 53-05-31-301-051.000-004,
- **ii.** 53-05-31-301-047.000-004,
- **iii.** 53-05-31-301-017.000-004,
- **iv.** 53-05-31-301-072.000-004, and
- **v.** 53-05-31-301-012.000-004.

c. "The most recent assessed value of the parcels."

Parcel Number	Valuation Date	Land Valuation	Improvements	Total Valuation
53-05-31-301-051.000-004	4/08/2026	70,200.00	0.00	70,200.00
53-05-31-301-047.000-004	06/17/2026	88,700.00	173,900.00	262,600.00

53-05-31-301-017.000-004	04/08/2026	82,400.00	0.00	82,400.00
53-05-31-301-072.000-004	04/08/2026	23,200.00	0.00	23,200.00
53-05-31-301-012.000-004	04/08/2026	58,000.00	12,900.00	70,900.00

Total assessed value of the parcels: $509,300.00