



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 09 August 2023

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
09 AUGUST 2023

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/83863915367?pwd=ZFE2UIZ3NGo4U0tUd0x2TWWhQZHdsdz09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES:** None
- IV. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section.)*
 - A. Councilmembers
 - B. The Mayor and City Offices
 - i. Greenhouse Gas Inventory Report
 - ii. Environmental Commission –Air Quality Report
 - C. Council Committees
 - D. Public*
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Ordinance 23-14 – To Amend Title 6 of the Bloomington Municipal Code Entitled “Health and Sanitation”- Re: Updating and increasing fees for service and harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code.
 - B. Ordinance 23-15 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel”- Re: Amending 2.76.040 Entitled “Boundaries” to Expand the Service Area of the Bloomington Public Transportation Corporation

(over)

*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 five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 04 August 2023

VII. LEGISLATION FOR FIRST READINGS

- A. Ordinance 23-16** – To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals”
- Re: Updating and Harmonizing Chapters 01, 26, 40, 54 and 56 of Title 7 of the Bloomington Municipal Code

VIII. ADDITIONAL PUBLIC COMMENT *

(A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

*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 five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 04 August 2023



MEMO FROM COUNCIL OFFICE ON:

Ordinance 23-14 – To Amend Title 6 of the Bloomington Municipal Code Entitled "Health and Sanitation" – Re: Updating and increasing fees for service and harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code

Synopsis

This ordinance makes several changes to Title 6 of the BMC to bring the Title in line with changed local practice, to increase service fees, to clarify references, and to harmonize current practices with the City Code.

Relevant Materials

- [Ordinance 23-14](#)
- Staff Memo from Adam Wason, Director of Public Works
- Strikethrough document showing proposed amendments to Title 6
- Sanitation Division 2023 Budget Memo provided in August 2022

Update from the August 2 Regular Session

On August 2, discussion of the ordinance was postponed to the August 9 Regular Session to give councilmembers additional time to consider the ordinance.

Background

Public Works proposed adjustments to sanitation rates, among other changes to [Title 6](#) ("Health and Sanitation") of the Bloomington Municipal Code (BMC), in [Ordinance 23-11](#). That ordinance came forward to the Council for first reading on May 17, 2023, was considered in a committee of the whole meeting on June 7, 2023, and returned to the Council for second reading on June 14, 2023 with no committee recommendation. The ordinance failed by a vote of 3-5-0 on June 14, 2023. Council discussion of [Ordinance 23-11](#) is available at the following links: [June 7, 2023 Committee of the Whole meeting](#) and [June 14, 2023 Regular Session](#).

Public Works is now bringing forward [Ordinance 23-14](#), which is almost identical to [Ordinance 23-11](#) with the exception of the proposed rate increases for sanitation fees. Instead of providing for a range of rates as is currently included in local code and was proposed in [Ordinance 23-11](#), [Ordinance 23-14](#) incorporates fee schedules that increase on an annual basis through 2029. This change, from rate ranges to an annual fee schedule, is being proposed by Public Works in response to council discussions of [Ordinance 23-11](#).



Summary

Ordinance 23-14 amends Title 6 of the Bloomington Municipal Code to make several updates to [Chapter 6.04](#) of that title related to trash, recycling, and yard waste collection services, including the adjustment of fees for trash service. One change to [Chapter 6.05](#) is also included related to the hours during which commercial refuse collection should occur.

There are ten sections of the ordinance that make text changes to Title 6. The changes made by the ordinance, in brief, are listed below. All of the proposed changes are identical to what was proposed in Ordinance 23-11, with the exception of the rate adjustments in Section 6.

Section 1 clarifies that solid waste must be bagged and that trash cart lids must be completely closed for collection to occur.

Section 2 clarifies that recyclable items must be placed loosely (not bagged) in the cart and that recycling cart lids must be completely closed for collection to occur. The section also adds language to state that recyclable items should not be mixed with solid waste items, which can lead to a fine under [BMC 6.04.100](#). Finally, this section addresses the list of recyclable items prepared by the Public Works Department and approved by the Board of Public Works by removing styrofoam and referring to plastic containers rather than plastic bottles.

Section 3 removes a provision that references fall [leaf collection services](#), which the Public Works Department has announced will be discontinued in the fall of 2023.

Section 4 clarifies that large items may be set out for collection for an additional cost and makes updates to how and when customers should request that service.

Section 5 states that items infested with vermin will not be collected, that items with waste must be “completely” rather than “adequately” sealed before being placed in a refuse cart, and that collection shall only occur between 5:00 a.m. and 9:00 p.m. (currently 10:00 p.m.).

Section 6 includes adjustments to the service fees for disposal of solid waste. The current ranges for rates are based on cart size as follows:

- (i) Thirty-five gallon solid waste cart fee range: \$4.82—\$6.51.
- (ii) Sixty-four gallon solid waste cart fee range: \$8.60—\$11.61.
- (iii) Ninety-six gallon solid waste cart fee range: \$13.72—\$18.52.

The ordinance proposes to increase sanitation rates along a fee schedule instead of rate ranges that were subject to the determination of the board of public works. Fees will instead increase on an annual basis according to the fee schedule listed below. The proposed schedule of rate increases is as follows:



Thirty-five gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$6.51
Beginning January 1, 2024	\$8.75
Beginning January 1, 2025	\$9.80
Beginning January 1, 2026	\$10.85
Beginning January 1, 2027	\$11.90
Beginning January 1, 2028	\$12.95
Beginning January 1, 2029	\$14.00

Sixty-four gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$11.61
Beginning January 1, 2024	\$16.00
Beginning January 1, 2025	\$17.92
Beginning January 1, 2026	\$19.84
Beginning January 1, 2027	\$21.76
Beginning January 1, 2028	\$23.68
Beginning January 1, 2029	\$25.60

Ninety-six gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$18.52
Beginning January 1, 2024	\$24.00
Beginning January 1, 2025	\$26.88
Beginning January 1, 2026	\$29.76
Beginning January 1, 2027	\$32.64
Beginning January 1, 2028	\$35.52
Beginning January 1, 2029	\$38.40



Section 6 also includes adjustments to the service fees for additional pickup requests. Currently, the rates for large items and appliances are \$10.00 per item. The ordinance proposes to increase the rates to \$25.00 per large item pickup and \$35.00 per appliance pickup. This section additionally clarifies that residents are still responsible for the full rate of the pickup costs should they fail to place the items at curbside prior to collection time.

The increase in service fees would help cover increased expenses the City has seen to provide trash service. It would also reduce the amount of support out of the City's General Fund needed to provide trash service, which was mentioned as a goal for the Sanitation Division during the 2023 budget hearings conducted in August, 2022. The Sanitation Division's 2023 budget memo from last August is included in this packet for reference. This includes an organizational chart, a narrative memo with activity descriptions and goals, and expenditure sheets for both the Solid Waste Fund and General Fund showing actual expenditures (2019-2021) and budgeted expenditures (2022-2023).

Please note that state law ([IC 36-1-3-8](#)) requires that the City not impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.

Section 7 adds language to specify the form a notice of violation (NOV) may take related to violations of BMC 6.04 – either a notice from a neighborhood compliance officer or a notice of non-collection left on the cart. It also expands on the NOV appeals process and relevant deadlines.

Section 8 clarifies that when carts and containers are removed from the street or sidewalk, they should be removed in a manner that ensures the public right-of-way is passable.

Section 9 includes a revision to specify that the capital items to be funded out of the non-reverting capital replacement fund are items of the sanitation division.

Section 10 updates the hours during which commercial refuse collection should occur so that collection ends at 9:00 p.m. instead of 10:00 p.m.

Note that Public Works has indicated it intends to propose decreasing the fee for exchanging sanitation carts from \$50 to \$25 through the board of public works. Costs for the replacement of carts for other reasons are set forth in the rate structure set by the board of public works.

For more information on the rate models used by Public Works and the gradual reduction of general fund support to Sanitation, please consult Adam Wason's staff memo.



City of Bloomington Indiana

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Note: Both state law and the Council's [electronic meeting policy](#) provide that councilmembers may not participate in a meeting electronically if the Council is attempting to take final action to establish or increase a fee or penalty. When this ordinance appears on a meeting agenda for possible adoption, members should plan to attend the meeting in person.

Contact

Adam Wason, Public Works Director, wasona@bloomington.in.gov, 812-349-3410

Aleksandrina Pratt, Assistant City Attorney, aleksandrina.pratt@bloomington.in.gov, 812-349-3426

Michael Large, Special Projects/Operations manager, largem@bloomington.in.gov, 812-349-3410

ORDINANCE 23-14

TO AMEND TITLE 6 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "HEALTH AND SANITATION"- Re: Updating and increasing fees for service and harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code

WHEREAS, a review of Title 6 of the Bloomington Municipal Code (BMC), Chapter 6.04, entitled "Solid Waste, Recycling and Yard Waste Collection by the City" and Chapter 6.05, entitled "Commercial Refuse Hauling and Collection," indicates that there are several sections that require maintenance, and a review of such has determined that multiple sections should be updated and amended; and

WHEREAS, changes to local practice warrant an update to Title 6 to reflect current and best practices; and

WHEREAS, increased operational costs warrant an adjustment to service fees and fines;

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

SECTION 1. Section 6.04.030, entitled "Solid waste collection" shall be amended as follows:

Subsection (e) shall be amended by adding the words "be bagged and" in the first sentence and "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 the container. A cart that is over-filled with solid waste such that its lid does not rest flush with the container is not considered closed" as a third and fourth sentence" so that the subsection reads as follows:

(e) All solid waste, before being placed in said carts, shall be bagged and have drained from it all liquids. Solid waste must be free of vermin and pests, and said cart 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 the container. A cart that is over-filled 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 lids closed will not be collected.

SECTION 2. Section 6.04.040, entitled "Recycling collection," shall be amended as follows:

Subsection (a) shall be amended such that the first and second sentences will be the new subsection (a), the third sentence will be the new subsection (b), and the fourth and subsequent sentences will be the new subsection (c). The original subsection (b) will become the new subsection (d).

The new subsection (b) shall be amended by adding the words "loosely, and not bagged" in the first sentence and "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 subjected to fines in accordance with Section 6.04.100" as the second and third sentences so that the new subsection reads as follows:

(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 subjected to fines in accordance with Section 6.04.100.

The new subsection (c) shall be amended by inserting "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 the container. A cart that is over-filled with recycling such that its lid does not rest flush with the container is not considered closed" as third and fourth sentences so that the new subsection reads as follows:

(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. 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 the container. A cart that is over-filled 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.

The new subsection (d) shall be amended by deleting the word “Styrofoam” and replacing the word “bottles” with the word “containers” in the first sentence.

SECTION 3. Section 6.04.050, entitled “Yard waste collection,” shall be amended to delete subsection (c) in its entirety.

SECTION 4. Section 6.04.060, entitled “Large item collection,” shall be amended to add the words “for an additional cost, as stated in Section 6.04.090” at the end of the first sentence, to replace the word “call” with the word “contact” and the words “by 8:00 p.m. on the” with the words “during operating hours Monday through Thursday at least one business” in the third sentence, and delete the last sentence in its entirety so that the section reads as follows:

Large items, other than appliances, may be placed on the curb on the customer’s assigned collection day for an additional cost as stated in Section 6.04.090. The department of public works, upon approval by the board of public works, 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.

SECTION 5. Section 6.04.080, entitled “General collection practices and guidelines,” shall be amended as follows:

Subsection (c)(1) shall be amended by adding the words “the” and “option” to the last sentence of the subsection so that the sentence reads as follows: “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.”

Subsection (c)(2) shall be amended by replacing the word “cars” with the word “vehicles” in the last sentence.

Insert a new subsection (e) to read as follows: “Items that are infested with vermin, including but not limited to bedbugs, cockroaches, or rodents, will not be collected.”

Subsection (e) is renamed subsection (f), subsection (f) is renamed subsection (g), subsection (g) is renamed subsection (h), subsection (h) is renamed subsection (i), subsection (i) is renamed subsection (j), and subsection (j) is renamed subsection (k).

The new subsection (h), entitled “Disposal of Diapers, Animal Feces, and Cat Litter” shall be amended by replacing the word “adequately” with the word “completely.”

The new subsection (j) shall be amended by replacing the time of “10:00 p.m.” with “9:00 p.m.”

SECTION 6. Section 6.04.090, entitled “Fees and billing,” shall be amended as follows:

Subsection (1) shall be amended by deleting the words “beginning the month following the commencement of automated collection services by the city sanitation division” at the end of the sentence.

Subsection (1)(A) shall be amended by deleting the word “ranges” in the first sentence and by deleting the second and third sentences in their entirety, such that the subsection reads as follows:

The following fee schedule will apply based on the solid waste cart size chosen by customers.

Subsections (1)(A)(i)-(iii) shall be deleted in their entirety and shall be replaced by adding the following:

Schedule of Service Fees for Disposal of Solid Waste

(i) Thirty-five gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$6.51
Beginning January 1, 2024	\$8.75
Beginning January 1, 2025	\$9.80
Beginning January 1, 2026	\$10.85
Beginning January 1, 2027	\$11.90
Beginning January 1, 2028	\$12.95
Beginning January 1, 2029	\$14.00

(ii) Sixty-four gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$11.61
Beginning January 1, 2024	\$16.00
Beginning January 1, 2025	\$17.92
Beginning January 1, 2026	\$19.84
Beginning January 1, 2027	\$21.76
Beginning January 1, 2028	\$23.68
Beginning January 1, 2029	\$25.60

(iii) Ninety-six gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$18.52
Beginning January 1, 2024	\$24.00
Beginning January 1, 2025	\$26.88
Beginning January 1, 2026	\$29.76
Beginning January 1, 2027	\$32.64
Beginning January 1, 2028	\$35.52
Beginning January 1, 2029	\$38.40

Subsection (2)(C) shall be amended by replacing “\$10.00” with “\$25.00.”

Subsection (2)(D) shall be amended by replacing “\$10.00” with “\$35.00.”

Subsection (2)(E) shall be amended by inserting “(4.30)” in the first sentence and adding “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” as a second sentence so that the subsection reads as follows:

Additional pick up requests: one hundred twenty-five (125) percent of regular weekly solid waste charges based on four and three-tenths (4.30) 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.

Subsection (3) shall be amended by inserting the word “the” in the first sentence so that it reads as follows: “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.” The final sentence of subsection (3) shall remain in place and unaltered.

SECTION 7. Section 6.04.100, entitled “Enforcement procedures,” shall be amended as follows:

Subsection (a) shall be amended by adding “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” as the second sentence so that the subsection reads as follows:

(a) If the director of public works, sanitation division director, director of the housing and neighborhood development department, 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.

Subsection (b)(7) shall be amended by adding “appealed to the board of public works within seven days of the date of the NOV” and deleting “contested in the county circuit courts” so that the subsection reads as follows: “That the fine may be appealed to the board of public works within seven days of the date of the NOV.”

Subsection (c), entitled “Schedule of Fines” shall be amended by replacing “\$15.00” with “25.00” in the first sentence.

Subsection (d) shall be deleted in its entirety and replaced with “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.”

A new subsection (e) shall be added and shall read as follows: “All appeals shall be filed to the board of public works within seven days of the day of the NOV.”

A new subsection (f) shall be added and shall read as follows: “All appeals from the written findings of the board of public works shall be made to courts of competent jurisdiction within sixty (60) days.”

A new subsection (g) shall be added and shall read as follows: “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 board of public works.”

SECTION 8. Section 6.04.110, entitled “Removal of solid waste and recycling carts and yard waste containers,” shall be amended by adding “to ensure the public right-of-way is passable” to the end of the second sentence.

SECTION 9. Section 6.04.130, entitled “Capital recovery fund,” shall be amended by inserting the words “items of the sanitation division” in the second sentence so that the sentence reads as follows: “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.”

SECTION 10. Section 6.05.020, entitled “Collection practices,” shall be amended by replacing the words “five” and “ten” with the numbers “5:00” and “9:00” respectively, so that the section reads as follows: “Collection shall be made only during the hours of 5:00 a.m. and 9:00 p.m.”

SECTION 11. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 12. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law. The changes in this ordinance shall take effect on January 1, 2024.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUE SGAMBELLURI, 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 _____, 2023.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to Title 6 of the BMC to bring the Title in line with changed local practice, to increase service fees, to clarify references, and to harmonize current practices with the City Code.



**DEPARTMENT OF
PUBLIC WORKS •
SANITATION DIVISION**

**PROPOSAL TO
ADJUST SERVICE
FEES**

Memorandum

TO: Members of the City of Bloomington Common Council

FROM: Adam Wason, Director of Public Works
Rhea Carter, Sanitation Director
Michael Large, Special Projects and Operations Manager

Date: July 20, 2023

Re: City of Bloomington - Department of Public Works Sanitation Division
Ordinance 23-14 Updating Title 6 To Adjust Service Fees

Background

After discussion and consideration of Sanitation rate adjustments by the Common Council in June of 2023, the ordinance ultimately failed. In those discussions, it was noted that there was interest from the Council in considering a rate structure that did not have a higher per gallon charge for the larger cart sizes, and that the reduction of the general fund support to the Sanitation Division budget over a longer period of time may be preferred by a majority of Council members.

Rate Proposal

This proposal to adjust rates takes into consideration the points from those conversations, and attempts to produce a rate structure that also meets the revenue needs of the division in an ever changing solid waste management environment. The rates will not be set with a range for the Board of Public Works to set annual rates within. This proposal codifies the annual rate increases from 2024-2029, meaning that if market or operating conditions change beyond the projections and forecasting included in our model, we would need to come back to Council for any rate adjustments.

We are also proposing to reduce the cart exchange fee from \$50 to \$25. All other aspects of the ordinance previously discussed in June are still in place which includes increased rates for large item and appliance pickup, as well as for additional weekly pickups.

One clarification from previous discussions is that while we have roughly 13,500 accounts at any given time, the rate models are based on the number of revenue generating carts in circulation which hovers closer to 14,600. The point of clarification comes down to the fact that one address may have multiple units, and multiple carts that are on the same account. The models previously discussed in June, and currently under consideration in this proposal were based on the 14,600 cart numbers, but we were often discussing in the context of the number of accounts.

Below is the proposed fee structure that gradually reduces the general fund support to the Sanitation Division over a six year period from 2024-2029. The model reflects rates that take into consideration annual cost increases for the division at 3% per year. Additionally, this model takes into account monthly delinquency rates, as well as an anticipated shift of account holders continuing to choose the smaller cart sizes to reduce waste and household costs.

Constant cost per gallon across cart sizes		35 gallon	64 gallon	96 gallon	Total Annual Revenue
Year	GF Subsidy	Monthly Price	Monthly Price	Monthly Price	
2023	\$1,000,000	\$6.51	\$11.61	\$18.52	\$1,688,606.88
2024	\$1,000,000	\$8.75	\$16.00	\$24.00	\$2,272,824.00
2025	\$800,000	\$9.80	\$17.92	\$26.88	\$2,545,562.88
2026	\$600,000	\$10.85	\$19.84	\$29.76	\$2,818,301.76
2027	\$400,000	\$11.90	\$21.76	\$32.64	\$3,091,040.64
2028	\$200,000	\$12.95	\$23.68	\$35.52	\$3,363,779.52
2029	\$0	\$14.00	\$25.60	\$38.40	\$3,636,518.40

Amendments to Sections of Bloomington Municipal Code Title 6 (“Health and Sanitation”) proposed by Ordinance 23-14 shown in context (proposed additions are shown in **bold**, proposed deletions are show in ~~strikeout~~)

Section 1 of Ordinance 23-14

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 sanitation division in accordance with board of public works 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 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 board of public works.
- (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** 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 the container. A cart that is over-filled 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.

Section 2 of Ordinance 23-14

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 subjected 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. **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 the container. A cart that is over-filled 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)(b) The department of public works, upon approval by the board of public works, shall prepare and promulgate annually a list of what types of paper products, metal cans, glass containers, ~~Styrofoam~~ and plastic **containers** ~~bottles~~ 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 lids removed.

Section 3 of Ordinance 23-14

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.
- ~~(c) During the free leaf collection period in the fall of each year, residents may obtain biodegradable two-ply wet strength paper bags from their choice of local retail establishments. Those bags may be filled with leaves only and placed out for collection on the customer's assigned collection day. The bags may not contain trash or other refuse. Yard waste in plastic bags will not be collected.~~

Section 4 of Ordinance 23-14

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 department of public works, upon approval by the board of public works, 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** ~~call~~ the sanitation division **during operating hours Monday through Thursday at least one business** ~~by 8:00 p.m. on the day prior to their assigned collection day to request large item collection.~~ **Items such as clothesline poles and swing sets must be broken down before being placed at the curb.**

Section 5 of Ordinance 23-14

6.04.080 General collection 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 board of public works. 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 5:00 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** ~~cars~~ 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 department of public works 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) ~~(e)~~ 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) ~~(f)~~ Highly flammable, combustible, explosive or hazardous materials shall not be placed in refuse carts or dumpsters and shall not be collected by the department of public works as a part of regular collection. Such materials shall be disposed of as prescribed by state and local laws.
- (h) ~~(g)~~ 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** ~~adequately~~ sealed before being placed in a refuse cart.
- (i) ~~(h)~~ Collection shall not be made from alleyways.
- (j) ~~(i)~~ Collection shall be made only between the hours of 5:00 a.m. and **9:00 p.m.** ~~10:00 p.m.~~
- (k) ~~(j)~~ 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 board of public works 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.

Section 6 of Ordinance 23-14

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 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 ~~beginning the month following the commencement of automated collection services by the city sanitation division.~~
- (A) The following fee schedule ~~ranges~~ will apply based on the solid waste cart size chosen by customers. ~~The board of public works shall determine the final fee for each of the three solid waste cart sizes. At no time shall the individual cart size fees exceed the highest amount of the following ranges, without amendment of this chapter by the common council.~~
 - ~~(i) Thirty five gallon solid waste cart fee range: \$4.82 — \$6.51.~~
 - ~~(ii) Sixty four gallon solid waste cart fee range: \$8.60 — \$11.61.~~
 - ~~(iii) Ninety six gallon solid waste cart fee range: \$13.72 — \$18.52.~~

Schedule of Service Fees for Disposal of Solid Waste

(i) Thirty-five gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$6.51
Beginning January 1, 2024	\$8.75
Beginning January 1, 2025	\$9.80
Beginning January 1, 2026	\$10.85
Beginning January 1, 2027	\$11.90
Beginning January 1, 2028	\$12.95
Beginning January 1, 2029	\$14.00

(ii) Sixty-four gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$11.61
Beginning January 1, 2024	\$16.00
Beginning January 1, 2025	\$17.92
Beginning January 1, 2026	\$19.84
Beginning January 1, 2027	\$21.76
Beginning January 1, 2028	\$23.68
Beginning January 1, 2029	\$25.60

(iii) Ninety-six gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$18.52
Beginning January 1, 2024	\$24.00
Beginning January 1, 2025	\$26.88
Beginning January 1, 2026	\$29.76
Beginning January 1, 2027	\$32.64
Beginning January 1, 2028	\$35.52
Beginning January 1, 2029	\$38.40

(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 5:00 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: \$1.00 per approved container, bag or bundle.
- (C) Large items: ~~\$25.00~~ \$10.00 per approved large item.

- (D) Appliances: **\$35.00** ~~\$10.00~~ per approved appliance.
- (E) Additional pickup requests: one hundred twenty-five (125) percent of regular weekly solid waste charges based on four and three-tenths (**4.30**) 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.**
- (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 7 of Ordinance 23-14

6.04.100 Enforcement procedures.

- (a) If the director of public works, sanitation division director, director of the housing and neighborhood development department, 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 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 violation;
 - (6) That the fine is to be paid at the city controller's office;
 - (7) That the fine may be **appealed to the board of public works within seven days of the date of the NOV** ~~contested in the county circuit courts.~~
- (c) Schedule of Fines. The fine for any violation of Section 6.04.110 shall be **\$25.00** ~~\$15.00~~. 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.**

~~If the responsible party fails to remedy the violation cited in the NOV, the city legal department may bring suit in a court of competent jurisdiction to collect the accumulated fines, any other costs associated with remedy of the violation as are allowed by law, and obtain any other legal remedy available at law.~~
- (e) **All appeals shall be filed to the board of public works within seven days of the day of the NOV.**
- (f) **All appeals from the written findings of the board of public works shall be made to courts of competent jurisdiction within sixty (60) 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 board of public works.**

Section 8 of Ordinance 23-14

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.**

Section 9 of Ordinance 23-14

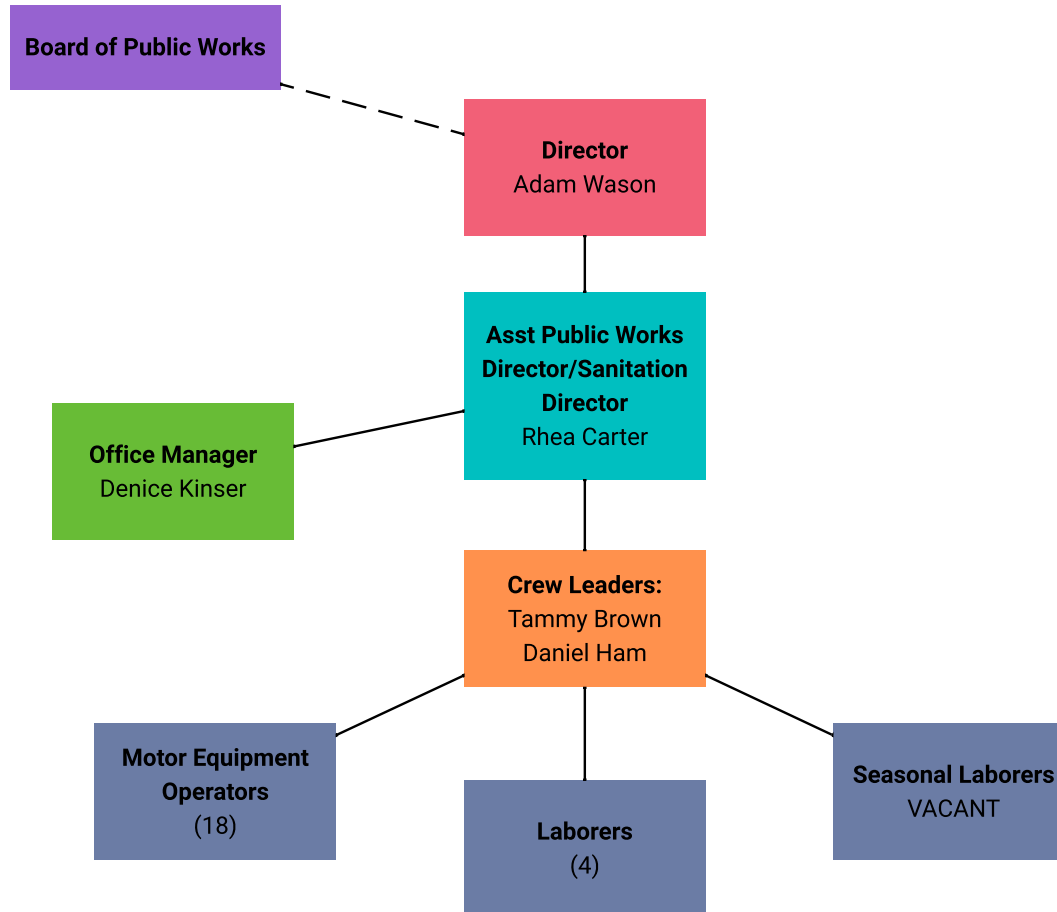
6.04.130 Capital recovery fund.

The revenue deposited into the non-reverting enterprise fund, which is intended for capital re-placement 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.

Section 10 of Ordinance 23-14

6.05.020 Collection practices.

Collection shall be made only during the hours of **5:00** ~~five~~ a.m. and **9:00** ~~ten~~ p.m.



Memorandum

TO: Members of the City of Bloomington Common Council

FROM: Rhea Carter, Assistant Public Works Director/Sanitation Director
Adam Wason, Director of Public Works

Date: August 25, 2022

Why We Exist

Sanitation is a division of the Department of Public Works responsible for providing weekly collection and disposal of household solid waste. It also promotes community sustainability through weekly curbside recycling pick-up and seasonal biweekly yard waste from residences inside the corporate City limits.

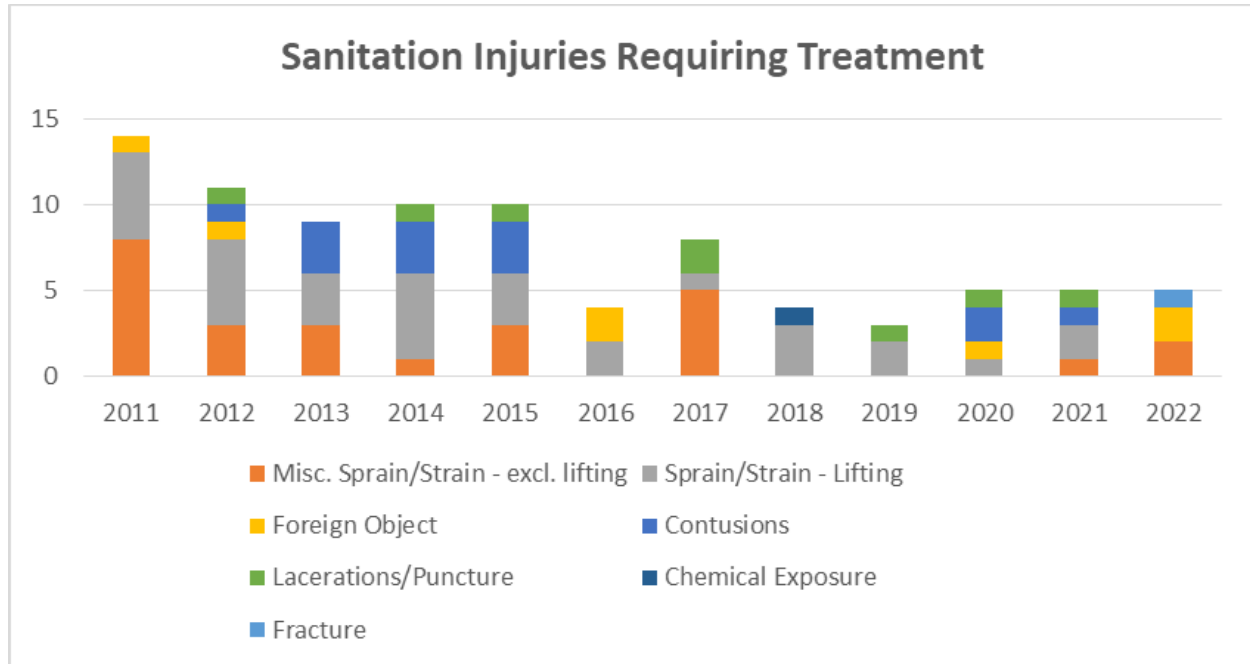
Sanitation also collects large items, such as furniture and appliances, from residences on a request basis. Additionally, Sanitation provides trash collection for City Hall, downtown containers, City parks, various City facilities and numerous special events in the community.

Background

The Sanitation Division has 24 full-time employees and 19 fleet vehicles. It serves an approximate population of 37,000 people in single-family homes, mobile homes and multi-family residential structures containing between 1 to 4 units, plus thousands more via containers that are located in City parks and throughout the downtown area.

Since the City modernized trash and recycling services in 2017, the Sanitation Division has experienced noticeable declines in employee injuries while on the job and related workers' compensation costs. Sanitation Division workers' compensation claims have dropped from over

\$125,000 in 2017 to approximately \$10,600 last year, and are at around \$10,100 so far in 2022. Additionally, the improved efficiencies of the modernized program continue to allow the Sanitation Division to keep an open FTE position unfilled for yet again in 2023, which helps to further reduce costs.



As an essential public health municipal function, Sanitation personnel have delivered critical trash, recycling and yard waste collection services throughout the entire COVID-19 pandemic. One major impact continued to be felt by Sanitation is the much higher than usual volume of both trash and recycling collection tonnages, as well as the associated landfill and materials collection costs, due to the large number of Bloomington residents still working from home either on a permanent or semi-regular basis.

2023 Budget Highlights

The Sanitation Division will continue to provide essential municipal services in 2023 through several new initiatives to increase efficiency, better utilize current resources and lower environmental impacts. Several areas to emphasize include the following initiatives:

- Begin a phased elimination of the City’s General Fund subsidy for sanitation services, which will come forward in a legislative package of rate changes to the council over the next few months
- Crews performing weekly preventative maintenance checks on all sanitation vehicles.
- Stressing the importance of “clean recycling” to the community.
- Providing targeted recycling information to the public via the ReCollect software system to prevent compromised recycling items from being sent to the landfill.

- Selling additional new yard waste containers using surplus containers as a means to further divert yard waste from entering the waste stream.
- Continuing educational outreach and information sharing efforts with community groups regarding City sanitation services.

Department of Public Works-Sanitation 2023 Budget Summary

Summary Budget Allocation	2019 Actual	2020 Actual	2021 Actual	2022 Budget	2023 Budget	Change (\$)	Change (%)
100 - Personnel Services	1,639,504	1,683,484	1,677,768	1,865,368	1,915,269	49,900	2.7%
200 - Supplies	134,227	105,667	138,642	172,049	284,072	112,023	65.1%
300 - Other Services	812,655	896,258	942,877	2,577,865	2,605,577	27,712	1.1%
400 - Capital Outlays	-	-	-	-	-	-	0.0%
Total	2,586,386	2,685,409	2,759,286	4,615,282	4,804,918	189,635	4.1%

2023 Activity Descriptions and Goals

Solid Waste Collection

Activity Description: Provide weekly collection and disposal of household trash. Collect large items and appliances from residences on a request basis.

Goals:

- Completely eliminate the City’s General Fund subsidy for sanitation services over the next 3 years.
- Utilize on-board vehicle software functionality in 2023 to document all noncompliance with sanitation collection requirements (overflowing carts, lids not being closed, trash not bagged, carts not placed at curb, etc.) and use this data to educate 100 residents to increase overall collection.
- Participate in at least 2 neighborhood large item and excess trash clean-up events sponsored through the Housing and Neighborhood Development Department by the end of Q3.
- Attend a minimum of 3 local homeowner and/or neighborhood association meetings in 2023.

City of Bloomington Solid Waste Collection Totals (tons)					
2017	2018	2019	2020	2021	YTD 2022
5,683.14	6,771	7,195	8,061	8,261	4,139

City of Bloomington Number of Appliances & Large Items Collected *** <i>(No Data Available for 2017)</i>					
Type	2018	2019	2020	2021	YTD 2022
Appliances	307	309	441	319	189
Large Items	2,020	3,786	4,584	3,254	1,555

Solid Waste Collection Budget Allocation	2022 Budget \$	2023 Budget \$	Staffing (FTE)	Population Served
100 - Personnel Services	782,506	777,599	10.15	37,000 single-family homes, mobile homes and multi-family housing (1-4 units).
200 - Supplies	68,820	113,629		
300 - Other Services	476,424	533,894		
400 - Capital Outlays	0	0		
Total	1,327,749	1,425,122		

Fund: General, Other

Recycling Collection

Activity Description: Provide weekly curbside collection of recyclable materials.

Goals:

- Maintain the City's current 35% recycling diversion rate through the end of 2023 to exceed the Environmental Protection Agency's (EPA) recorded national diversion rate (EPA rate is set at 32%).
- Partner with at least one Indiana University class to research and promote clean recycling practices to college students in 2023.

City of Bloomington Recycling Collection Totals (tons)					
2017	2018	2019	2020	2021	YTD 2022
2,939	3,415	3,155	3,882	3,630	1,279

Recycling Collection Budget Allocation	2022 Budget \$	2023 Budget \$	Staffing (FTE)	Population Served
100 - Personnel Services	719,273	746,955	9.75	37,000 single-family homes, mobile homes and multi-family housing (1-4 units).
200 - Supplies	68,820	113,629		
300 - Other Services	370,552	415,251		
400 - Capital Outlays	0	0		
Total	1,158,645	1,275,834		

Fund: General, Other

Yard Waste Collection

Activity Description: Provide biweekly curbside collection of yard waste. This collection keeps yard waste from entering the landfill and promotes sustainable and eco-friendly disposal practices in the community.

Goals:

- Complete yard waste collection service by December 31, 2023, with 800 tons or more of collected materials.
- Explore a partnership in 2023 with the Monroe County Solid Waste District to jointly purchase compost bins for sale to the community in order to reduce yard waste collection totals.
- Sell 100 additional yard waste carts to residents during 2023.

City of Bloomington Yard Waste Collection Totals (Truckload/Tonnage)					
2017	2018	2019	2020	2021	YTD 2022*
950	830	650	640	700	230

* Starting in 2022, yard waste collection totals changed from truckloads to tonnage in order to better reflect existing trash and recycling collection metrics.

Yard Waste Collection Budget Allocation	2022 Budget \$	2023 Budget \$	Staffing (FTE)	Population Served
100 - Personnel Services	158,082	168,544	2.20	37,000 single-family homes, mobile homes and multi-family housing (1-4 units).
200 - Supplies	25,807	42,611		
300 - Other Services	158,808	177,965		
400 - Capital Outlays	0	0		
Total	342,697	389,119		

Fund: General, Other

Municipal Collection

Activity Description: Remove trash from approximately 225 total containers from downtown sidewalks, City Hall, police and fire stations, the Utilities Service Center, the Public Safety Training Center, City buildings and downtown municipal-owned parking lots, and at City parks and trailheads.

Goals:

- Annually replace 50% of can liners in downtown trash containers.

Municipal Collection Budget Allocation	2022 Budget \$	2023 Budget \$	Staffing (FTE)	Population Served
100 - Personnel Services	205,507	222,171	2.90	85,000 people.
200 - Supplies	8,602	14,204		
300 - Other Services	52,936	59,322		
400 - Capital Outlays	0	0		
Total	267,045	295,696		

Fund: General, Other

Total Departmental Budget by Fund

Category	General Fund	Solid Waste	Total
1	0	1,915,269	1,915,269
2		284,072	284,072
3	1,419,146	1,186,431	2,605,577
4		0	0
Total	1,419,146	3,385,772	4,804,918

2023 Budget Request Highlights

The Sanitation Division's general fund budget request is \$4,804,918, which is an increase of \$189,635.

Category 1 – Personnel request is \$1,915,269, which is an increase of \$49,900.

Category 2 – Supplies request is \$284,072, which is an increase of \$112,023. This increase is due to higher fuel and oil costs.

Category 3 – Other Services & Charges request is \$2,605,577, which is an increase of \$27,712. This increase is the result of rising annual landfill collection and recycling processing fees and a slight increase to the South Central Community Action Program's qualified household assistance program in 2023.

Category 4 – Capital Outlays request is \$0, no change from 2022.

Conclusion

As a division of the Department of Public Works, Sanitation will continue to provide curbside collection of trash, large items/appliances, recycling, and yard waste to all single-family residences that are within the City limits, plus continue to provide trash removal from parks, downtown containers, City Hall, a number of City facilities, and numerous special events in the community.

CITY OF BLOOMINGTON

	Account Number	Account Description	2019 Actual Amount	2020 Actual Amount	2021 Actual Amount	2022 Adopted Budget	2023 Council	\$ +/-	% +/-
Fund: 730 - Solid Waste (S6401)									
<u>Expenditures</u>									
Department: 16 - Sanitation									
Personnel Services									
	51110	Salaries and Wages - Regular	990,019	1,021,566	1,011,933	1,141,499	1,182,452	40,953	3.59%
	51120	Salaries and Wages - Temporary	4,142	21,478	29,836	30,000	30,000	-	0.00%
	51130	Salaries and Wages- Overtime	63,808	51,819	49,205	70,011	70,011	-	0.00%
	51210	FICA	75,771	78,691	79,262	94,975	98,108	3,133	3.30%
	51220	PERF	148,914	153,081	150,682	172,034	177,848	5,814	3.38%
	51230	Health and Life Insurance	356,850	356,850	356,850	356,850	337,350	(19,500)	-5.46%
	51320	Other Personal Services -DC Match	-	-	-	-	19,500	19,500	N/A
Total: Personnel Services			1,639,504	1,683,484	1,677,768	1,865,368	1,915,269	49,900	2.68%
Supplies									
	52110	Office Supplies	272	-	158	400	400	-	0.00%
	52210	Institutional Supplies	203	-	-	540	540	-	0.00%
	52230	Garage and Motor Supplies	100	-	154	350	350	-	0.00%
	52240	Fuel and Oil	118,390	96,793	119,255	139,349	251,372	112,023	80.39%
	52310	Building Materials and Supplies	1,371	-	-	2,500	2,500	-	0.00%
	52420	Other Supplies	13,027	8,874	17,425	21,850	21,850	-	0.00%
	52430	Uniforms and Tools	863	-	1,650	7,060	7,060	-	0.00%
Total: Supplies			134,227	105,667	138,642	172,049	284,072	112,023	65.11%
Other Services and Charges									
	53130	Medical	355	323	470	1,000	1,000	-	0.00%
	53140	Exterminator Services	370	1,845	1,625	2,000	2,000	-	0.00%
	53150	Communications Contract	12,518	6,828	7,478	13,150	13,150	-	0.00%
	53160	Instruction	350	-	-	500	500	-	0.00%
	53210	Telephone	6,040	5,616	5,995	17,600	17,600	-	0.00%
	53220	Postage	607	3,771	-	3,600	4,100	500	13.89%
	53230	Travel	181	-	-	300	300	-	0.00%
	53240	Freight / Other	271	535	1,734	3,000	3,000	-	0.00%
	53310	Printing	12,576	11,580	2,178	17,000	17,000	-	0.00%
	53410	Liability / Casualty Premiums	24,674	38,045	43,294	51,456	51,456	-	0.00%
	53420	Worker's Comp & Risk	49,952	49,651	49,651	49,651	49,651	-	0.00%
	53510	Electrical Services	2,170	2,654	3,446	5,350	5,350	-	0.00%
	53530	Water and Sewer	1,796	2,058	1,988	1,500	2,000	500	33.33%
	53540	Natural Gas	1,848	2,510	2,878	2,500	3,000	500	20.00%
	53610	Building Repairs	6,919	1,738	10,822	7,000	97,500	90,500	1292.86%
	53620	Motor Repairs	260,170	299,196	350,687	359,640	375,324	15,684	4.36%
	53640	Hardware and Software Maintenance	10,000	-	359	5,000	5,000	-	0.00%
	53650	Other Repairs	8,391	-	-	10,500	10,500	-	0.00%
	53910	Dues and Subscriptions	150	-	-	200	200	-	0.00%
	53920	Laundry and Other Sanitation Services	2,097	1,931	1,549	4,950	4,950	-	0.00%
	53950	Landfill	401,933	460,780	455,815	480,972	500,000	19,028	3.96%
	53990	Other Services and Charges	9,286	7,198	2,908	21,850	22,850	1,000	4.58%
Total: Other Services and Charges			812,655	896,258	942,877	1,058,719	1,186,431	127,712	12.06%
Expenditures Grand Total:			\$ 2,586,386	\$ 2,685,409	\$ 2,759,286	\$ 3,096,136	\$ 3,385,772	\$ 289,635	9.35%

CITY OF BLOOMINGTON

	Account Number	Account Description	2019 Actual Amount	2020 Actual Amount	2021 Actual Amount	2022 Adopted Budget	2023 Council	\$ +/-	% +/-
Fund: 101 - General Fund (S0101)									
<u>Expenditures</u>									
Department: 16 - Sanitation									
Other Services and Charges									
	539010	Inter-Fund Transfers	985,625	1,009,620	978,492	1,519,146	1,419,146	(100,000)	-6.58%
Total: Other Services and Charges			985,625	1,009,620	978,492	1,519,146	1,419,146	(100,000)	-6.58%
Expenditures Grand Total:			\$ 985,625	\$ 1,009,620	\$ 978,492	\$ 1,519,146	\$ 1,419,146	\$ (100,000)	-6.58%



MEMO FROM COUNCIL OFFICE ON:

Ordinance 23-15 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending 2.76.040 Entitled “Boundaries” to Expand the Service Area of the Bloomington Public Transportation Corporation

Synopsis

This ordinance is sponsored by Councilmember Volan. It would authorize Bloomington Transit to expand services within the boundaries of Monroe County through appropriate interlocal agreement(s) that specify exact areas and funding mechanisms for those services.

Relevant Materials

- Ordinance 23-15
- Memo from Bloomington Transit Board of Directors to Common Council dated July 20, 2023
- Bloomington Transit Board of Directors Resolution 23-14
- Letter from Bloomington Transit Board of Directors to Mayor dated June 5, 2023
- Bloomington Transit Full System Map
- Selected pages from Transform BT – Strategic Plan for Bloomington Transit

Summary

Ordinance 23-15 would approve of Bloomington Transit expanding its services outside of the city limits to serve locations within Monroe County. Indiana Code [36-9-4-29.4](#) provides that a public transportation corporation may provide regularly scheduled passenger service or demand responsive service outside of the system’s operational boundaries if the following conditions are met:

- (1) The legislative body approves of any expansion of service outside the municipality's corporate boundaries.
- (2) The expanded service is reasonably required to do any of the following:
 - (A) Enhance employment opportunities in the new service area or the existing service area.
 - (B) Serve persons who are elderly, persons with a disability, or other persons who are in need of public transportation.
- (3) With certain exceptions, the expanded service does not extend beyond the boundary of the county in which the corporation is located.



On July 18, 2023, Bloomington Transit’s Board of Directors unanimously adopted a resolution (included in this packet) requesting that the Common Council consider extending the service area for Bloomington Transit throughout the county. The Board of Directors found that such an expansion of service would enhance education and employment opportunities and would also serve persons who are in need of public transportation, including the elderly and persons with a disability. The Board of Directors set forth additional reasons supporting a service area expansion in both a memo to the Council and a letter to Mayor Hamilton, both of which are included herein.

At its January 2023 meeting, Bloomington Transit’s Board of Directors approved of a strategic plan, ***Transform BT***, intended to guide decision-making of Bloomington Transit over the next 5-7 years. The full strategic plan is available at Bloomington Transit’s website: <https://bloomingtontransit.com/transformbt/>.

The strategic plan sets out various goals and related objectives that are relevant to this ordinance:

Goal 1: Serving customers

Objectives:

- Make service more dependable, convenient, and useful.
- Expand service area and work with partners to make our service more effective.

Goal 2: Innovation

Objective:

- Adopt innovative practices that make BPTC more efficient and effective.

Goal 5: Community and Equity

Objectives:

- Align service and fees with the needs of people who rely on transit.
- Support the region’s economic development.

The strategic plan also includes a number of initiatives, which are then supported by several strategies. Of note here is:

Initiative 1: Partnerships and Engagement

Strategy 1.1: Remove barriers to allow Bloomington Transit to provide service throughout Monroe County.

Bloomington Municipal Code [2.76.040](#) currently provides that the boundaries of the Bloomington Public Transportation Corporation shall be coterminous with the boundaries of the city of Bloomington. Existing Bloomington Transit routes are shown on the Full System Map, which is included in this packet. Ordinance 23-15 would add the following new sentence to this section of code:



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Pursuant to Indiana Code 36-9-4-29.4, the Bloomington Public Transportation Corporation is authorized to expand its services outside the city's corporate boundaries provided that the expanded services do not extend beyond the boundaries of the county of Monroe.

If a service area expansion is approved, Bloomington Transit's Board of Directors would still, under Indiana Code [36-9-4-35.1](#), determine all rates, routings, and hours and standards of service, subject to regulation by the state.

The ordinance recognizes and sets forth the expectation that an extension of services outside of city limits would need to be supported through funding sources other than city funds or tax revenues already generated from city residents. Funding arrangements would need to be determined through interlocal agreements between the relevant entities and Bloomington Transit's Board of Directors.

The ordinance sets forth an expectation that such agreements would address the specific areas of extended transit services and the funding mechanisms for those services, which should reflect the overall cost to city residents of funding the Bloomington Public Transportation Corporation. Because of this, there is no anticipated impact to city revenues, expenditures, or debt obligations directly tied to the passage of this ordinance.

Contact

Councilmember Stephen Volan, volans@bloomington.in.gov, 812-349-3409

John Connell, General Manager of Bloomington Transit,
john.connell@bloomingtontransit.com, 812-3325688

ORDINANCE 23-15

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
ADMINISTRATION AND PERSONNEL” - Re: Amending 2.76.040 Entitled “Boundaries” to
Expand the Service Area of the Bloomington Public Transportation Corporation**

- WHEREAS, in 1982, the Bloomington Common Council (“Council”) adopted Ordinance 82-41, thereby creating the Bloomington Public Transportation Corporation, specifying the number of directors for the corporation, and setting forth the boundaries of the corporation, all of which is codified in Bloomington Municipal Code (“BMC”) Chapter 2.76; and
- WHEREAS, BMC 2.76.040, entitled “Boundaries”, provides that the boundaries of the Bloomington Public Transportation Corporation shall be coterminous with the boundaries of the city of Bloomington; and
- WHEREAS, Indiana Code § 36-9-4-35.1 states that the board of directors of a public transportation corporation may determine, among other things, the rates, routings, and hours and standards of service for the transportation system; and
- WHEREAS, Indiana Code 36-9-4-29.4 provides that a public transportation corporation may provide regularly scheduled passenger service to specifically designated locations outside the system’s operational boundaries if certain conditions are met, including:
- (1) The legislative body of the municipality approves any expansion of the service outside the municipality's corporate boundaries.
 - (2) The expanded service is reasonably required to do any of the following:
 - (A) Enhance employment opportunities in the new service area or the existing service area.
 - (B) Serve persons who are elderly, persons with a disability, or other persons who are in need of public transportation.
 - (3) With certain exceptions, the expanded service does not extend beyond the boundary of the county in which the corporation is located; and
- WHEREAS, on July 18, 2023, the Bloomington Public Transportation Corporation Board of Directors adopted its Resolution 23-14 to express support for the extension of Bloomington Transit services outside the city boundaries and extending throughout Monroe County; and
- WHEREAS, city and county residents would benefit if the public transportation services of the Bloomington Public Transportation Corporation were extended beyond the city limits of Bloomington, Indiana to the boundaries of Monroe County; and
- WHEREAS, such an extension of service would increase participation in public transit, would accordingly reduce demand for private car transportation and reduce the greater community's carbon footprint, would enhance employment opportunities in the new service area and existing service area, would serve persons who are in need of public transportation, including the elderly and persons with a disability, and would provide a blueprint for greater regional cooperation in public transit provision;
- WHEREAS, the Council expects that Bloomington Transit and the city administration will pursue any needed interlocal cooperation agreements with Monroe County or other entities necessary to finance the service expansion contemplated by Bloomington Transit; and
- NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The Bloomington Common Council approves of the Bloomington Public Transportation Corporation expanding its services outside the corporate boundaries of the city of Bloomington provided that the expanded service does not extend beyond the boundary of Monroe County.

SECTION 2. Bloomington Municipal Code Section 2.76.040, entitled "Boundaries" shall be amended by inserting "Pursuant to Indiana Code 36-9-4-29.4, the Bloomington Public Transportation Corporation is authorized to expand its services outside the city's corporate boundaries provided that the expanded services do not extend beyond the boundaries of the county of Monroe" as the last sentence so that the revised section reads as follows:

That the boundaries of the Bloomington Public Transportation Corporation shall be coterminous with the boundaries of the city of Bloomington. A map showing such boundaries shall be prepared and certified by the transportation and traffic engineer and shall be available for public inspection in his or her office. Pursuant to Indiana Code 36-9-4-29.4, the Bloomington Public Transportation Corporation is authorized to expand its services outside the city's corporate boundaries provided that the expanded services do not extend beyond the boundaries of the county of Monroe.

SECTION 3. Any expansion of services outside of the city limits shall be funded through sources of revenue other than city funds or tax revenues already paid by city residents to the Bloomington Public Transportation Corporation, and any resulting interlocal agreements shall be equitable in relation to the level of support city residents already provide to the Bloomington Public Transportation Corporation.

SECTION 4. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5: This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUE SGAMBELLURI, 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 _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Volan. It would authorize Bloomington Transit to expand services within the boundaries of Monroe County through appropriate interlocal agreement(s) that specify exact areas and equitable funding mechanisms for those services.



Bloomington Public Transportation Corporation

130 West Grimes Lane, Bloomington, Indiana 47403
812.332.5688 Fax 812.332.3660



TO: Bloomington City Council
FROM: Board of Directors of the Bloomington Public Transit Corporation
DATE: July 20, 2023
RE: Transit Service Area Expansion

On July 18, 2023, the Board of Directors of the Bloomington Public Transit Corporation (BPTC) unanimously passed Resolution 23-14, attached hereto, expressing the board's support for expanding the service area for Bloomington Transit.

The reasons the board strongly believes the service area expansion is necessary are listed below:

- Stakeholder meetings were held as part of the development of BPTC's Strategic Plan, *Transform BT*, in which we received significant community input that described the existing service area as inadequate to meet the mobility needs of our customers, employers and educational institutions. City residents voiced frustration of not being able to reach desired destinations outside city limits.
- Adopting a regional approach to public transit will better position BPTC to align with goals within the City of Bloomington's Climate Action Plan. BPTC could explore additional regional innovative mobility options and potentially leverage additional federal funding for climate reduction programs.
- The BPTC is poised to invest approximately \$450,000 of LIT funds to explore the feasibility of a high frequency east/west route. Significant amounts of the corridor identified for the study purposes include areas that BPTC cannot currently serve. The feasibility study could potentially recommend a bus rapid transit (BRT) corridor that includes areas outside the existing service area. Prior to committing funding for the study, the board believes it needs to have the legal capacity to potentially serve all areas within the study area corridor.
- The most recent Census Map has redefined the urbanized area which now includes areas which may be ripe for private developer funded transit services that BPTC cannot currently serve.
- The redefined urban area is used to calculate the federal formula funding levels for the BPTC. Accordingly, BPTC should have the ability to serve, at a minimum, the entire urbanized area which contributes to federal formula funding.
- In 2024, the revised urbanized area will prevent Rural Transit from providing services to existing customers in the new urban area. These individuals, many of whom are elderly or disabled, will be left without service in 2024. BPTC, is prepared to meet the needs of those individuals if adequate funding is made available. Negotiations for funding needs to begin now as 2024 budgets are being prepared.

In September of 2022, The City Council unanimously passed resolution 22-16, expressing support for expanding BPTC's service area. Furthermore, this council was instrumental in establishing a LIT funding commitment to enhance and strengthen public transit services. BPTC believes this Council, which has consistently demonstrated support and a visionary approach for transit service improvements, can begin the journey to "Transform BT" by approving service area expansion.

Thank you for your continued support of the BPTC.

RESOLUTION 23-14

**A RESOLUTION EXPRESSING SUPPORT FOR THE EXTENSION OF
BLOOMINGTON TRANSIT SERVICES OUTSIDE THE CITY BOUNDARIES AND
EXTENDING THROUGHOUT MONROE COUNTY**

WHEREAS, Indiana Code § 36-9-4-35.1 states that the board of directors of a public transportation corporation may determine, among other things, the rates, routings, and hours and standards of service for the transportation system; and

WHEREAS, Indiana Code § 36-9-4-29.4 provides a mechanism for the expansion of service outside the operational boundaries of a public transportation corporation; and

WHEREAS, city and county residents would benefit if the public transportation services of the Bloomington Public Transportation Corporation were extended beyond the city limits of Bloomington, Indiana to the boundaries of Monroe County; and

WHEREAS, such an extension of service would increase participation in public transit, would accordingly reduce demand for private car transportation and reduce the greater community's carbon footprint, would enhance employment opportunities in the new service area and existing service area, would serve persons who are in need of public transportation, including the elderly and persons with a disability, and would provide a blueprint for greater regional cooperation in public transit provision; and

WHEREAS, BPTC understands that an agreement would need to occur with Monroe County concerning the financing for the expansion of such services.

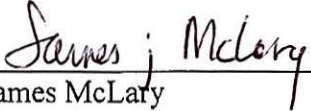
NOW, THEREFORE, BE IT RESOLVED BY THE BPTC BOARD OF DIRECTORS, THAT:

SECTION 1. The Bloomington Public Transportation Corporation hereby endorses and requests the Bloomington Common Council consider through the introduction of an ordinance, extending the BPTC service area to match the boundary of the County of Monroe.

SECTION 2. Such expansion of service will enhance education and employment opportunities outside Bloomington city limits and within Monroe County. Such expansion would also serve persons who are in need of public transportation outside of Bloomington city limits but within Monroe County, including the elderly and persons with a disability.

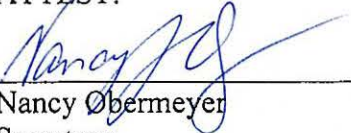
SECTION 3. It is understood that an Interlocal Cooperation Agreement with Monroe County and perhaps other interlocal agreements will be necessary in order to finance the service expansion contemplated by this Resolution.

APPROVE:



James McLary
Chair

ATTEST:



Nancy Obermeyer
Secretary

Distributed to: Clerk, Council, Legal, Mayor, Bloomington Transit, Planning & Transportation



Bloomington Public Transportation Corporation

130 West Grimes Lane, Bloomington, Indiana 47403

812.332.5688 Fax 812.332.3660



Mayor John Hamilton
401 N Morton St
Suite 210
Bloomington IN 47404

June 05, 2023

Dear Mayor Hamilton,

I am writing to inform you of the unanimous opinion of the Board of Directors of the Bloomington Public Transportation Corporation (BPTC) the time has come for BPTC to expand its service area. The reasons the board strongly believes the service area expansion is necessary are listed below:

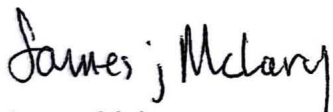
- Stakeholder meetings held as part of the development of BPTC's Strategic Plan, *Transform BT*, yielded community input identifying the existing service area as inadequate to meet the mobility needs of our customers, employers and educational institutions. City residents voiced frustration of not being able to reach desired destinations outside city limits.
- Adopting a regional approach to public transit will better position BPTC to align with the goals of the City of Bloomington's Climate Action Plan. BPTC could explore additional regional innovative mobility options and potentially leverage additional federal funding for climate reduction programs.
- The BPTC is poised to invest approximately \$450,000 of LIT funds to explore the feasibility of a high frequency east/west route. Significant areas of the corridor identified for the study purposes include areas that BPTC cannot currently serve. The feasibility study could potentially recommend a bus rapid transit (BRT) corridor that includes areas outside the existing service area. Prior to committing funding for the study, the board believes it would be prudent to have the legal capacity to potentially serve all areas within the study area corridor.
- The most recent Census Map has redefined the urbanized area which now includes areas which may be ripe for private developer funded transit service contracts that BPTC cannot currently undertake.
- The redefined urban area is used to calculate the federal formula funding levels for the BPTC. Accordingly, BPTC should have the ability to serve, at a minimum, the entire urbanized area used for federal formula funding calculations.

- In 2024, the revised urbanized will prevent Rural Transit from providing services to existing customers in the newly revised urban area. These customers, a majority of which are elderly or disabled, will be left without service in 2024. BPTC, is prepared to meet the needs of those individuals if adequate funding is made available. Negotiations for funding obligations need to begin now as 2024 budgets are being prepared.
- In September of 2022, The City Council unanimously passed resolution 22-16, expressing support for expanding BPTC's service area. BPTC believes it should capitalize on the existing political support for service area expansion.

The Board of Directors acknowledge any expansion of services outside the City limits may require financial support from partner agencies such as, other units of government, private developers, and or major employers. Accordingly, negotiating terms for financial support for expanded services outside the city will prove impossible for BPTC without first having the legal authority to actually operate the service.

I would welcome an opportunity to discuss the matter in greater detail with you and develop a plan for BPTC to move forward. Would you be willing to solicit a sponsor of an Ordinance reestablishing BPTC's service area throughout Monroe County for City Council's consideration?

Sincerely,



James McLary

Chair

Bloomington Public Transportation Corporation

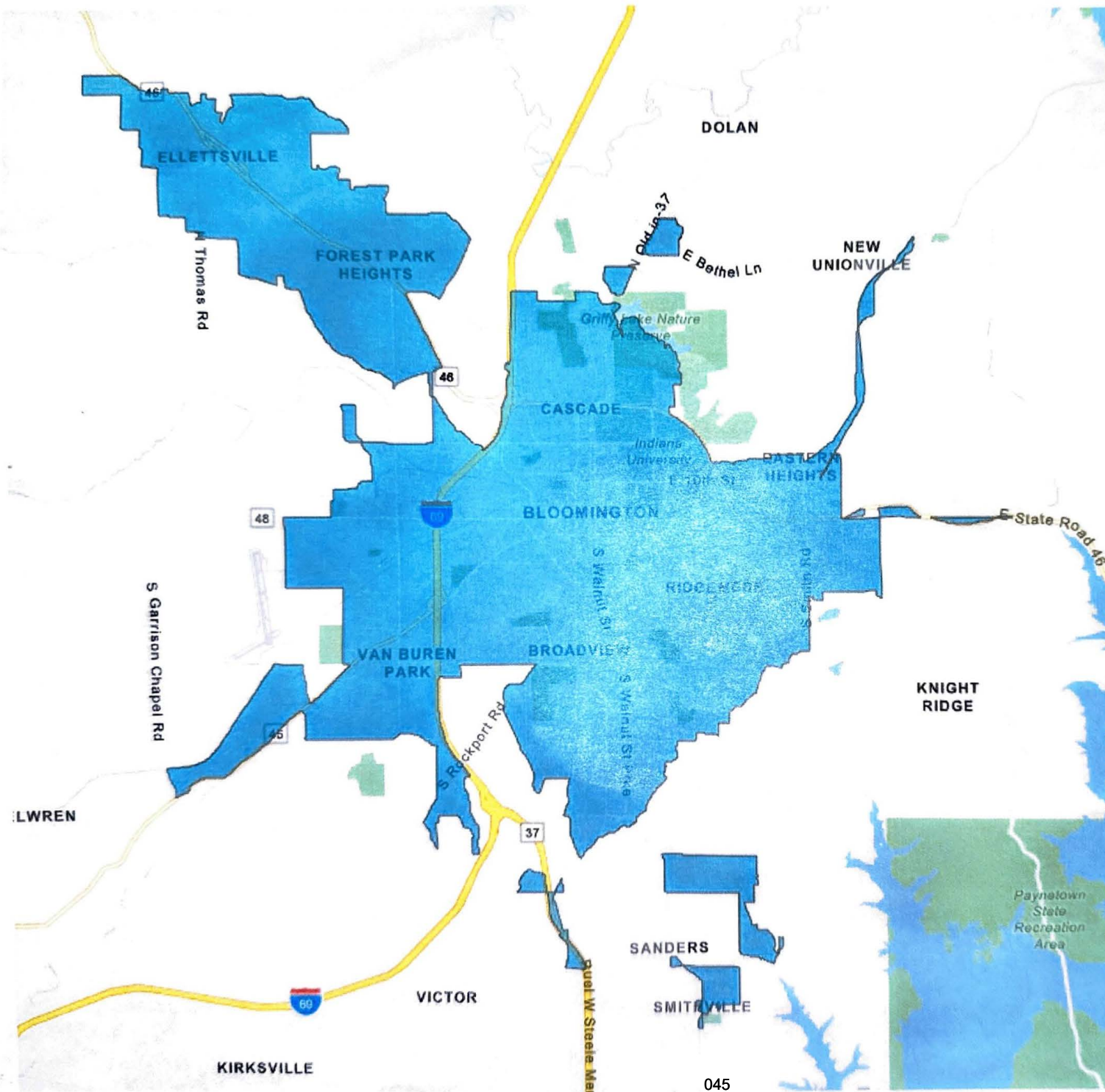
CC: Kent McDaniel

Doug Horn

Nancy Obermeyer

Marilyn Hartman

John Connell



MAP LEGEND

Map Symbols Key

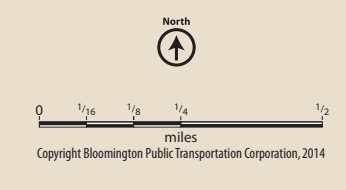
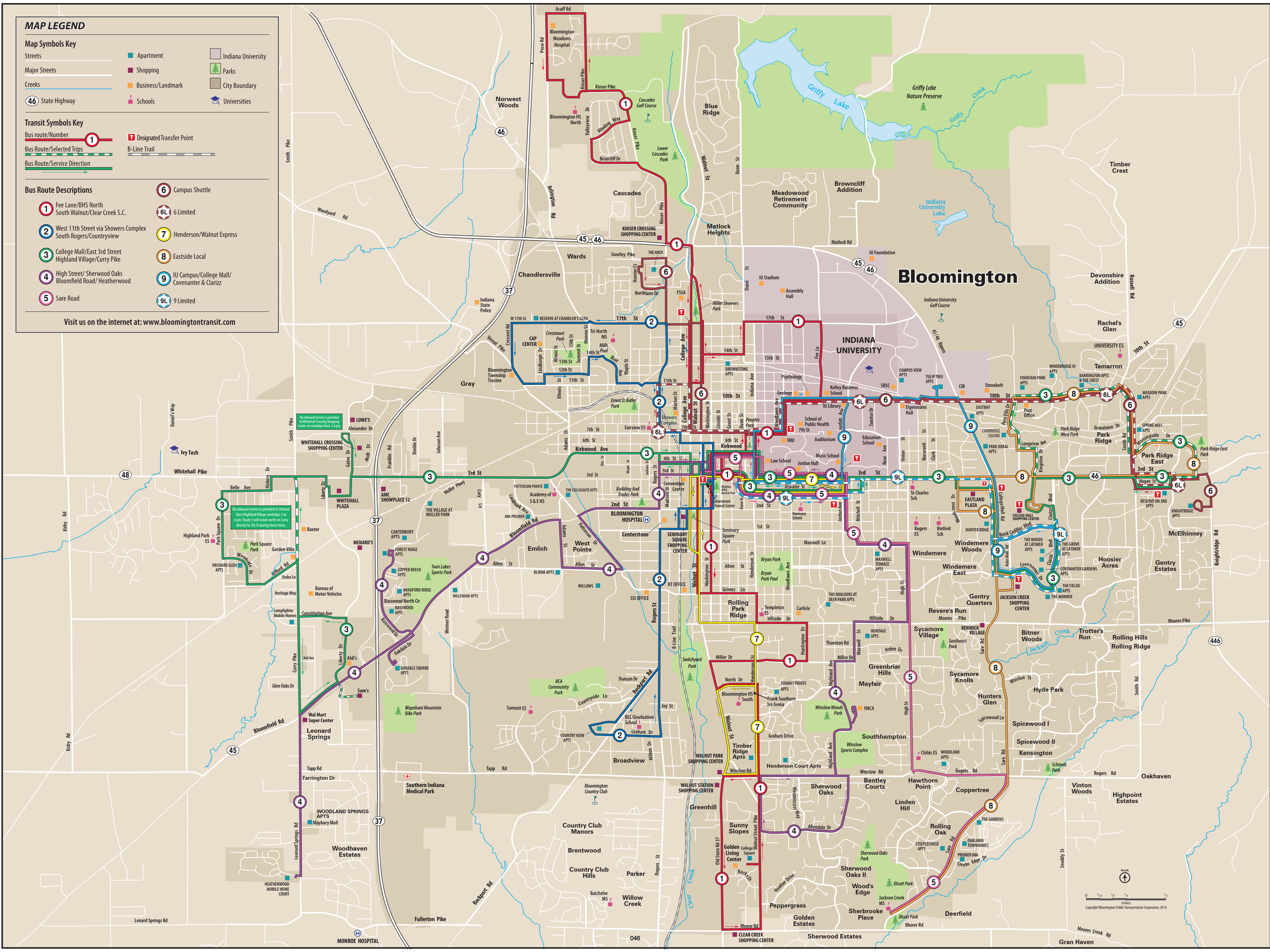
Streets	Apartment	Indiana University
Major Streets	Shopping	Parks
Creeks	Business/Landmark	City Boundary
46 State Highway	Schools	Universities

Transit Symbols Key

Bus route/Number	Designated Transfer Point
Bus Route/Selected Trips	B-Line Trail
Bus Route/Service Direction	

- Bus Route Descriptions**
- 1 Fee Lane/BHS North South Walnut/Clear Creek S.C.
 - 2 West 11th Street via Showers Complex South Rogers/Countryview
 - 3 College Mall/East 3rd Street Highland Village/Curry Pike
 - 4 High Street/ Sherwood Oaks Bloomfield Road/ Heatherwood
 - 5 Sare Road
 - 6 Campus Shuttle
 - 6L 6 Limited
 - 7 Henderson/Walnut Express
 - 8 Eastside Local
 - 9 IU Campus/College Mall/ Covenanter & Clarizz
 - 9L 9 Limited

Visit us on the internet at: www.bloomingtontransit.com

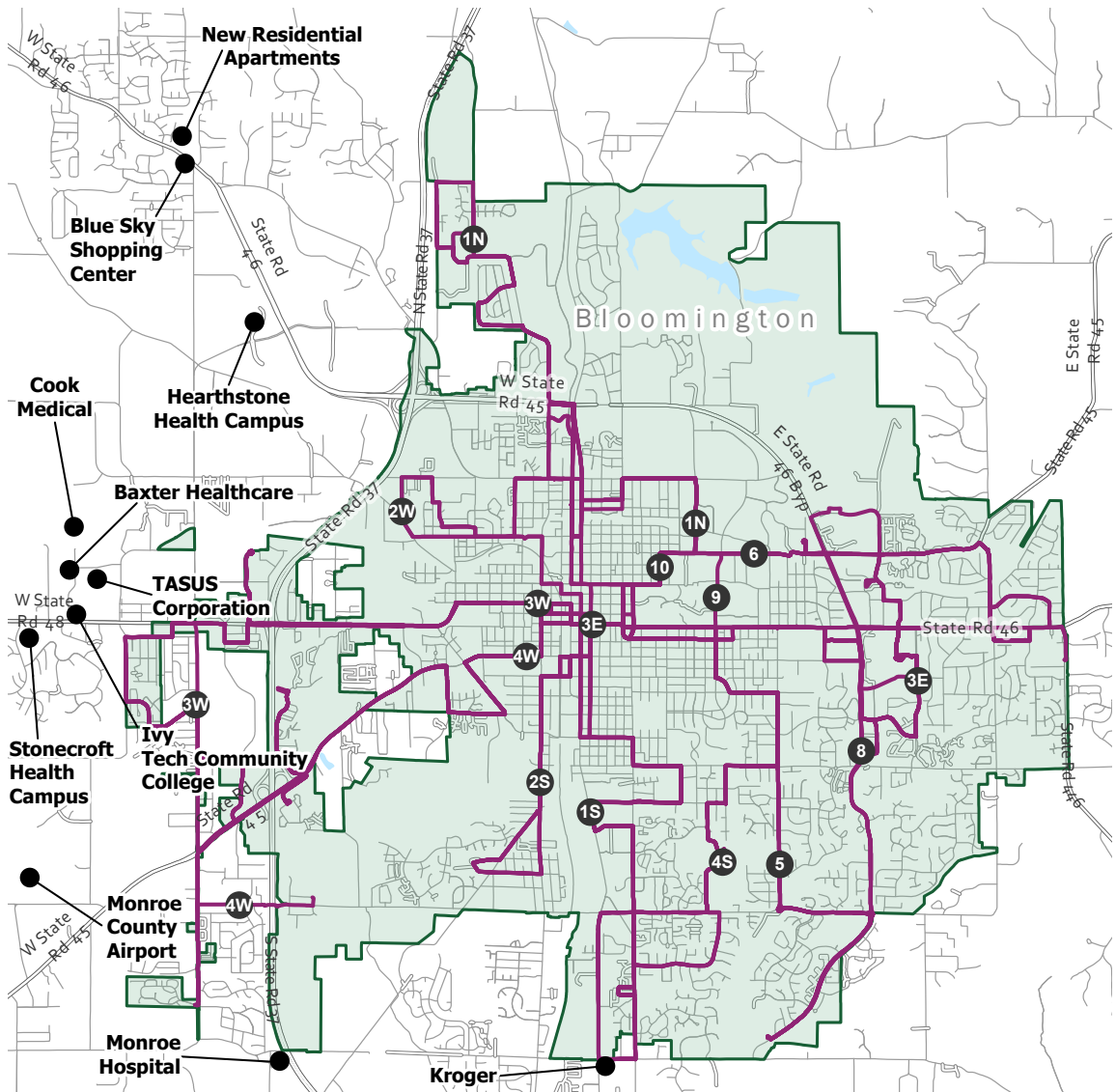


Branching Out to Expand Service

Since BPTC began providing service in 1984, Bloomington has grown and developed considerably, both within the City limits and, increasingly, outside them. Today, major educational institutions such as Ivy Tech, medical destinations like Cook Medical and Baxter Healthcare, and commercial areas like Park 48 lie outside the City boundaries.

While development has spread beyond Bloomington’s boundaries, our operations remain restricted within the City limits per the 1982 ordinance that created that agency. In recent years, the City of Bloomington has worked toward annexing some nearby areas, which would automatically expand the area eligible for BPTC service. However, there is uncertainty about whether some areas with high transit suitability and need will be annexed by the City in the coming years. Meeting our customers’ travel needs means having the ability to serve destinations outside the City limits, both in the short and long term.

Important Destinations Outside Bloomington City Limits



Goals and Objectives

To realize our mission and vision, we set five overarching goals. Each goal is comprised of two or three objectives. Progress toward each objective can be measured by the key performance indicators presented in the [Performance Monitoring](#) section.



GOAL 1: SERVING CUSTOMERS

Attract and retain customers by providing safe, reliable, high-value, and convenient transportation services.

Objectives

- A. Make service more dependable, convenient, and useful.
- B. Expand service area and work with partners to make our service more effective.
- C. Improve the customer experience.



GOAL 2: INNOVATION

Continually innovate to promote mobility management solutions for the public.

Objectives

- A. Proactively pursue technologies to enhance the customer experience.
- B. Adopt innovative practices that make BPTC more efficient and effective.

GOAL 3: FINANCE AND MANAGEMENT

Operate in a responsible manner that maintains the organization's long-term financial strength and creates effective governance.

Objectives

- A. Use public resources responsibly.
- B. Maintain the long-term financial health of BPTC.
- C. Ensure long-term operational and organizational effectiveness.



GOAL 4: EMPLOYEES

Be an employer of choice by providing a career-based work environment based on a culture of respect, professional and personal growth, and integrity.

Objectives

- A. Invest in employees' well-being and advancement to retain employees
- B. Improve employees' day-to-day work experience
- C. Streamline and advance hiring, onboarding, and training processes



GOAL 5: COMMUNITY AND EQUITY

Contribute to the economic, social, and environmental vitality of the community by equitably providing service to all members of the community.

Objectives

- A. Align service and fees with the needs of people who rely on transit.
- B. Support the region's economic development.
- C. Reduce pollution resulting from BPTC operations.



These goal icons will appear below strategies which support each goal.

INITIATIVE 1:

Partnerships and Engagement

1

The strategies under this initiative relate to our relationships with partners including the City and County government and agencies, Indiana University, the Bloomington-Monroe County Metropolitan Planning Organization, and other entities whose activities are related to mobility.

STRATEGY 1.1

Remove barriers to allow BPTC to provide service throughout Monroe County

GOALS



While the City of Bloomington has grown and developed, our operations remain limited to within the City's boundary. The impact of this constraint is clear: customers, stakeholders, and various studies have repeatedly emphasized the importance providing access to educational institutions (e.g., Ivy Tech); job centers (e.g., Park 48); and shopping centers outside the City limits.

Expanding BPTC's service area would:

- ▶ Provide customers with access to these key destinations (Ivy Tech, Park 48) today.
- ▶ Service other key destinations where growth may occur in the future.
- ▶ Support increased operational integration with Rural Transit (which would be accompanied by a funding partnership per Tactic 1.1.3).
- ▶ Allow BPTC to develop an East-West Rapid Transit Corridor that meets the needs of our community ([Strategy 4.7](#)).

TACTIC 1

Review steps necessary for service expansion and dedicated funding implications

BPTC will work with partners to identify options for the legislative changes necessary to operate outside the City. Staff will identify any necessary changes to governance, cost allocation, and program operations. BPTC can implement service outside the City boundary in phases. Limited expansion can occur without a comprehensive cost-sharing agreement between the City and Monroe County.

TACTIC 2

Develop political and community support for expansion

We will support the legislative process by mobilizing our network of supportive partners. We will work with them to identify actions we can take to further this strategy.

TACTIC 3

Develop partnerships to negotiate and implement cost-sharing framework for expanded service

BPTC will explore opportunities for funding with partners like Monroe County, employers, and educational institutions whose residents, employees, and customers would benefit from service expansion. A stronger external partnership program would provide external stakeholders an opportunity to shape BPTC service and support the expansion of transit service for their constituents.

STRATEGY 4.7

Study and implement East-West Rapid Transit Corridor

GOALS



The \$3.8 million of local income tax funding allocated to BPTC in May 2022 included \$1.6 million for the creation of a new East-West Rapid Transit Corridor. Such a route could feature elements of Bus Rapid Transit (BRT), including designated right-of-way along portions of the route and off-board fare payment. While the initial planning of the new route can begin immediately, it is important that BPTC have authorization to operate beyond the Bloomington City limits before proceeding with costly design and environmental review processes ([Strategy 1.1](#)).

TACTIC 1

Issue Feasibility RFP for BRT

BPTC will issue an RFP in early 2023 to begin exploring the potential costs and ridership of a new East-West transit corridor. The resulting study will help us determine what destinations to serve and provide initial cost estimates. The study's findings will be used to support efforts to authorize service outside the City ([Tactic 1.1.2](#)).

TACTIC 2

Design and environmental review for BRT

Before the East-West corridor can be implemented, we will complete design and engineering, as well as any necessary environmental reviews. As part of this step, BPTC will complete the necessary alternatives evaluation for the corridor, conduct public engagement, and initiate any necessary land procurement.

TACTIC 3

Final design and implementation of BRT

In addition to the construction of stations and protected guideways, BPTC will develop a service launch plan to ensure that the East-West Rapid Transit Corridor operates effectively from day one. BPTC will train operators on the new route and new procedures associated with any bus priority elements of the route. The agency will also create a name and brand for the new service, develop marketing materials, and update the agency's trip planning and bus tracking services.





MEMO FROM COUNCIL OFFICE ON:

Ordinance 23-16 - To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals"- Re: Updating and Harmonizing Chapters 01, 26, 40, 54 and 56 of Title 7 of the Bloomington Municipal Code

Synopsis

This ordinance makes several changes to Title 7 of the BMC to reflect current and best practices, update the dangerous animal definitions, add a deer feeding ban, increase the amount of certain fees, and add additional time to the appeals process.

Relevant Materials

- Ordinance 23-16
- Staff Memo from Virgil Sauder, Director of Animal Care and Control
- Strikethrough version of Title 7 showing proposed changes in context
- Pages from 2012 Report of the Joint City-County Deer Task Force recommending a deer feeding ban

Summary

Ordinance 23-16 is the result of a review of Bloomington Municipal Code (BMC) Title 7, entitled "Animals", which is accessible online [here](#). The ordinance is a product of both staff in the Animal Care and Control Division of Public Works and the Animal Care and Control Commission (ACC), who have determined that changes and updates to the title are necessary. The ACC approved the proposed changes contained in the ordinance and recommended them to the Common Council by a vote of 6-0 on June 12, 2023.

First, the ordinance would make changes to defined terms within the chapter to reflect different classifications for animals posing some threat. The terms "Potentially dangerous, Level 1", "Potentially dangerous, Level 2", and "Potentially dangerous, Level 3" would be deleted. The new terms "Potentially Dangerous" and "Dangerous" would be added, and the term "Vicious" would be revised. These newly-defined designations could be applied to an animal depending on injuries caused by the animal, the severity of the injuries, and whether the situation or injuries were particularly egregious.

Next, the ordinance adds a microchipping requirement for potentially dangerous animals, which would mirror the same requirement for dangerous and vicious animals.

Next, the ordinance would add requirements related to animals classified as "Dangerous" by both (1) requiring that such animals be muzzled when off of the owner/guardian's property and (2) requiring warning signs to be displayed at the property where the animal is located.



Next, the ordinance would provide the ACC with the ability to require an evaluation by an approved Veterinary Behaviorist for animals classified as “Vicious”.

Next, the ordinance adds a new section to the municipal code to prohibit deer feeding within the city. The ordinance provides that a person commits an offense by intentionally feeding deer or making food available for consumption by deer within the city. For purposes of this regulation, food would include corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed and livestock feed. The ordinance excludes certain individuals and officials acting within the scope of their authority. It also excludes certain edible materials from the prohibition, including standing crops, plant materials growing in gardens, naturally growing matter, fruits or nuts fallen from trees, stored crops, livestock feed, lawns or gardens, and bird feed.

For some historical context, councilmembers and members of the public may wish to review a [2012 report and recommendations](#) issued by a [Joint City of Bloomington-Monroe County Deer Task Force](#), a group that was formed to study deer in urban and suburban areas and charged with developing recommendations to mitigate issues of human-deer interaction and the ecological impact of deer.

One resulting recommendation from this report was to prohibit the feeding of deer within city limits. Relevant pages from the report are included in this packet. [Ordinance 23-16](#) proposes adding a new section (07.40.030) to city code that largely mirrors suggested language from the 2012 recommendations. The Deer Task Force acknowledged that anti-feeding regulations would be difficult to enforce but believed that regulations would have deterrent and educational value. The Task Force recommended that such a ban be accompanied by public awareness efforts.

The ordinance would also add accompanying fines for deer feeding violations, starting at \$50 and doubling for each subsequent offense within twelve months of the first offense.

Next, the ordinance increases surrender fees (for non-Monroe County residents) and adoption fees. It also adds a monitoring fee of \$50 for vicious animals. The staff memo provided by Virgil Sauder indicates that these increases are meant to better reflect the costs to the city for providing services and care to the animals.

Next, the ordinance would provide the ACC with the added ability to require individuals declared “habitual offenders” to attend a responsible pet owner course approved by the commission. Local code currently allows the ACC to declare a pet owner/guardian a habitual offender if:



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

(1) the owner/guardian is found to have violated any provision(s) of Bloomington Municipal Code Title 7 on at least three (3) separate occasions within the same twenty-four (24) month period of time; or

(2) the owner/guardian of an animal which has been declared potentially dangerous or vicious fails to comply with the terms and conditions required by Title 7 and the animal control commission for maintaining such an animal.

Finally, the ordinance would clarify that an individual appealing a decision of the ACC has 60 days (rather than 10 days) to file the appeal with the Monroe County Circuit Court after the ACC's written decision, order, or findings.

Contact

Virgil Sauder, sauderv@bloomington.in.gov, (812) 349-3492

ORDINANCE 23-16

TO AMEND TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ANIMALS"- Re: Updating and Harmonizing Chapters 01, 26, 40, 54 and 56 of Title 7 of the Bloomington Municipal Code

WHEREAS, Title 7 of the Bloomington Municipal Code (BMC) sets forth provisions regarding the care and control of animals through the Animal Care and Control Division of the Public Works Department for the City of Bloomington; and

WHEREAS, staff for the Animal Care and Control Division, in conjunction with the Animal Care and Control Commission have reviewed the current Title 7 regulations and determined that there are several sections that require maintenance and should be updated and amended; and

WHEREAS, it is in the best interest of the community as a whole and of the animals who reside here for the City of Bloomington to update Title 7 to reflect current and best practices, to prohibit deer feeding, and to increase certain fees to reflect increased operational costs; and

WHEREAS, the Animal Care and Control Commission unanimously supported this ordinance at its meeting on June 12, 2023;

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

SECTION 1. Section 7.01.010, entitled "Definition of terms," shall be amended by adding a new defined term, "Dangerous", in its respective alphabetical position, which shall read as follows:

"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 unjustified single bite with at least one deep puncture to a person; or
- (2) Causes an unjustified severe injury or injuries leading to the death of a domestic pet or domestic livestock, where the situation or injuries are particularly egregious.

SECTION 2. Section 7.01.010, entitled "Definition of terms," shall be amended by deleting the terms and respective definitions for "Potentially dangerous, Level 1"; "Potentially dangerous, Level 2"; and "Potentially dangerous, Level 3".

SECTION 3. Section 7.01.010, entitled "Definition of terms," shall be amended by adding a new defined term, "Potentially dangerous", in its respective alphabetical position, which shall read as follows:

"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 unjustified bite with no punctures deeper than ½ the canine tooth and with little to no bruising or abrasions; or
- (2) Causes an 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."

SECTION 4. Section 7.01.010, entitled "Definition of terms," shall be amended by deleting the definition for the term "Vicious animal" in its entirety and replacing it with the following:

"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.

SECTION 5. Chapter 7.26, entitled “Potentially Dangerous and Vicious Animals,” shall have its title amended by adding the word “dangerous” set off by commas after the term “potentially dangerous” so that the title for the Chapter reads: “Potentially Dangerous, Dangerous, and Vicious Animals”, which shall be listed as such in the Table of Contents for Title 7.

SECTION 6. Section 07.26.010, entitled “Request for declaration,” shall be amended by adding the word “dangerous” set off by commas after each instance of the words “potentially dangerous” in both Subsection (a) and Subsection (b) so that the subsections read:

(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 animal control commission 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 animal care and control department 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.

SECTION 7. Section 7.26.020, entitled “Hearing on declaration,” shall be amended by adding the word “dangerous” set off by commas in the last sentence after the words “potentially dangerous” in Subsection (f) so that the subsection reads:

The findings of fact shall be given to the owner/guardian, or his or her legal counsel, by certified mail, return receipt requested, addressed to the owner/guardian's address, or his or her legal counsel's address. Immediately upon the mailing of the commission's findings of fact, the animal shall be classified as potentially dangerous, dangerous, or vicious. Concurrently, the director shall notify the owner/guardian of the declaration in person or by phone.

SECTION 8. Section 7.26.030, entitled “Potentially dangerous, Level 1,” shall be amended as follows:

The title shall be amended to delete the comma and the words “Level 1” so that it reads: “Potentially dangerous”, and the table of contents for the Chapter shall be updated accordingly.

Subsection (b) shall be deleted in its entirety and replaced with the following: “The animal must be implanted with a microchip.”

SECTION 9. Section 7.26.040, entitled “Potentially dangerous, Level 2,” shall be deleted in its entirety, and the table of contents for the Chapter shall be updated accordingly.

SECTION 10. Section 7.26.050, entitled “Potentially dangerous, Level 3,” shall be amended as follows:

The title for the section shall be deleted in its entirety and replaced with “Dangerous”, and the table of contents for the Chapter shall be updated accordingly.

Subsection (b) shall be deleted in its entirety with all remaining subsections being re-lettered accordingly.

Subsection (c) shall be re-lettered as subsection (b) and shall be amended by adding the words “and wearing a muzzle” at the end of the sentence so that it reads:

The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six (6) feet in length, and if it is under the control of an adult and wearing a muzzle.”

Subsection (f) shall be re-lettered as subsection (e) and shall be amended by removing the word “potentially” so that it reads:

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.

The new subsection (e)(2) shall be amended by removing the word “potentially” so that it reads:

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

SECTION 11. Section 7.26.060, entitled “Vicious,” shall be amended as follows:

Subsection (b) shall be deleted in its entirety with all remaining subsections being re-lettered accordingly.

The new subsection (e)(2) shall be amended by replacing the words “potentially dangerous” with “vicious” so that it reads:

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

A new subsection (f) shall be added that reads:

The commission may require evaluation by an approved Veterinary Behaviorist.

SECTION 12. Chapter 7.40, entitled “Wild Animals, Exotic Animals, and Prohibited Reptiles,” shall have its title amended by removing the word “and” that occurs before “prohibited” and by adding the words “and Deer Feeding” at the end of the title so that the title reads: “Wild Animals, Exotic Animals, Prohibited Reptiles and Deer Feeding”, which shall be listed as such in the Table of Contents for Title 7.

SECTION 13. A new section, 7.40.030, entitled “Deer feeding,” shall be added to Chapter 7.40, which shall be listed as such in the Table of Contents for the chapter and shall read as follows:

Section 7.40.030 Deer Feeding

- (a) Deer feeding prohibited. Except as provided 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, federal or state wildlife official, 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.
- (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 24 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.

SECTION 14. Section 7.54.010, entitled “Surrender fees,” shall be amended as follows:

Subsection (a) shall be amended to replace the word “and” with “or” in the phrase “Dogs and cats over six months of age,” to replace “\$20.00” with “\$30.00,” to replace “\$25.00” with “\$35.00,” and to replace “\$35.00” with “\$45.00.”

Subsection (b) shall be amended to replace “twenty-dollar” with “thirty-dollar” and to replace “(\$20.00)” with “(\$30.00).”

SECTION 15. Section 7.54.020, entitled “Incinerator fee,” shall be amended to add “(\$0.15)” after the word cents so that the sentence reads as follows: “The fee to use the City of Bloomington Animal Shelter incinerator shall be fifteen cents (\$0.15) per pound. The Monroe County Highway Department is exempt from paying this fee.”

SECTION 16. Section 7.54.080, entitled “Adoption fees,” shall be amended to remove “under 5 years of age” from “Dogs and cats under 5 years of age,” to add the words “Fee not to exceed” before “\$75.00,” to replace the same “\$75.00” with “\$120.00”, to remove the row “Dogs and cats over 5 years of age” and its respective fee listing, to add the words “Fee to not exceed” before “\$45.00,” and to replace the same “\$45.00” with “\$75.00.”

SECTION 17. Section 7.54.090, entitled “Potentially dangerous and vicious animal monitoring fee,” shall be amended as follows:

The title shall be amended to replace “Potentially dangerous” with “Dangerous” so that it reads: “Dangerous and vicious animal monitoring fee”, and the table of contents for the Chapter shall be updated accordingly.

The words “Level 3 potentially” shall be deleted, the words “dog or vicious dog” shall be replaced with “animal,” and the sentence “The fee for monitoring any vicious animal shall be fifty (\$50.00) per calendar year.” shall be added to the end so that the section reads as follows:

The fee for monitoring any dangerous animal shall be twenty-five dollars (\$25.00) per calendar year. The fee for monitoring any vicious animal shall be fifty (\$50.00) per calendar year.

SECTION 18. Section 7.54.110, entitled “Fee waiver,” shall be amended by deleting the word “shall” and replacing it with the word “should” in subsection (b).

SECTION 19. Section 7.56.030, entitled “Penalties,” shall be amended as follows:

Subsection (b) shall be amended to replace every instance of “most prior” with “most recent,” to replace “7.20” with “7.40” in “Reptile Violations in Chapter 7.20,” and to add the violation of “Deer Feeding Violations in Chapter 7.40” with the respective column fee reading: “\$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.”

SECTION 20. Section 7.56.060, entitled “Habitual offender,” shall be amended as follows:

Subsection (a)(2) shall be amended by adding the word “dangerous” set off by commas after the words “potentially dangerous” so that the subsection reads:

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 animal control commission for maintaining such an animal.

A new subsection (g)(5) shall be added, which shall read as follows:

- (5) Require the owner to attend a “responsible pet owner course” approved by the commission.

SECTION 21. Section 7.56.070, entitled “Appeals,” shall be amended by replacing “ten (10)” with “sixty (60)” in subsection (c).

SECTION 22. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 23. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law. The changes in this ordinance shall take effect on September 1, 2023.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUE SGAMBELLURI, 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 _____, 2023.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to Title 7 of the BMC to reflect current and best practices, update the dangerous animal definitions, add a deer feeding ban, increase the amount of certain fees, and add additional time to the appeals process.

MEMO

To: Bloomington Common Council
From: Virgil Sauder, Director of Animal Care and Control
Date: 7/28/23
Re: Animal Control Commission's Recommended Updates to Title 7 of the Municipal Code

The City of Bloomington Animal Control Commission (ACC) is recommending changes to the Municipal Code. The changes update the dangerous animal ordinance, add a deer feeding ban, increase the amount of some fees, and update the appeals section. The updates to the dangerous animal ordinance are intended to make regulations easier to understand and reflect current understanding of canine behavior. The added feeding ban adds language recommended by the Deer Task Force in 2012 and supported by Council and the ACC as a first step in addressing deer conflicts. The increased fees for adoptions and surrender fees are intended to offset the increase in costs. The update to the appeals sections conforms to state law.

Summary of Major Changes by Section

7.01.010 Definitions:

Change from "Potentially Dangerous Levels 1,2,3" and "Vicious" to "Potentially dangerous", "Dangerous", and "Vicious" - this streamlines the process to make it more accessible to individuals. Also, it gives the Animal Control Commission some flexibility between adjacent levels based on the situation, such as in the case of a dog severely injuring another large dog being a higher level than a dog severely injuring or killing a chicken.

7.26 Potentially Dangerous, Dangerous, and Vicious

Changing requirements for Potentially Dangerous Levels 1, 2, 3 and Vicious to Potentially Dangerous, Dangerous, and Vicious. Requiring a microchip for any declaration to assist in future identification of an offending dog. Requiring muzzling in public for Dangerous and Vicious Dogs.

7.40.030 Deer Feeding ban

Added language to prohibit the feeding of deer.

7.54.010 Surrender Fees

Increasing fees to surrender animals from outside of Monroe County due to increased cost of care.

7.54.080 Adoption Fees

Changing set fees to a “not to exceed amount” for cats, dogs and rabbits to allow for increases based on rising medical costs needed to prepare animals for spay/neuter. Fee changes will continue to be reviewed by the Animal Control Commission. These fees were originally set to cover the following: cost of spay/neuter, microchip, intake vaccines and wormer. At that time the services cost \$75. The current shelter cost for these services is \$95 per cat and \$130 per dog.

7.56.060 Habitual Offender

Providing the Animal Control Commission the added ability to require individuals declared Habitual Offenders to take a responsible pet owner course.

7.56.070 Appeals

Changes the timeframe for an appeal of a decision by the Animal Control Commission to the Monroe County Circuit Court.

Amendments proposed via Ordinance 23-16 to
Bloomington Municipal Code Title 7 (“Animals”) shown in context
(proposed additions are shown in **bold**, proposed deletions are shown in ~~strikeout~~)

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:

- (a) Contains no more than five hens and no roosters; and
- (b) Is issued a permit by the City of Bloomington Animal Care and Control Department; and
- (c) Is not otherwise permitted by Section 20.05.093—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

- (d) 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, training for a fee and/or grooming animals.

"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 unjustified single bite with at least one deep puncture to a person; or**
- (2) Causes an unjustified severe injury or injuries leading to the death of a domestic pet or domestic livestock, where the situation or injuries are particularly egregious.**

"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 catus or Felis domesticus);

- (3) Rabbit (*Oryctolagus cuniculus*);
- (4) Mouse (*Mus musculus*);
- (5) Rat (*Rattus rattus*);
- (6) Reptile (*Reptilis*), as defined herein;
- (7) Guinea pig (*Cavia porcellus*);
- (8) Chinchilla (*Chinchilla laniger*);
- (9) Hamster (*Mesocricetus auratus*);
- (10) Gerbil (*Gerbillus gerbillus*);
- (11) Ferret (*Mustela putorius furo*);
- (12) Sugar glider (*Petaurus breviceps*);
- (13) African Pygmy 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 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 his or her 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.

"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, ~~Level 1~~" means any **animal while off of the property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal that:**

- (1) ~~Animal which, when unprovoked, on two separate occasions within the prior thirty-six month period, engages in or displays any behavior that requires a defensive action by any person to prevent bodily injury to the person or the person's own animal, when the person or the animal are off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal~~

Causes injury to a person from a single unjustified bite with no punctures deeper than ½ the canine tooth and with little to no bruising or abrasions; or

- (2) ~~Animal which, when unprovoked, and when off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, causes injury to a domestic pet, domestic livestock or to a person that results in any of the following injuries: injury which results in bruising or abrasions; or injury that results in less than four punctures wounds~~

Causes an 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.

~~"Potentially dangerous, Level 2" means any an animal which has been declared a Level 1 potentially dangerous animal and within thirty-six months of said declaration, when off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, causes injury to a domestic pet, domestic livestock or to a person that results in any of the following injuries: injury which results in bruising or abrasions; or injury that results in less than four punctures wounds. A Level 2 potentially dangerous animal is also an animal which causes severe injury or death to a domestic pet or to domestic livestock.~~

~~"Potentially dangerous, Level 3" means any animal which has been declared a Level 1, or Level 2 potentially dangerous animal and continues, when off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, and when unprovoked, to cause injuries to persons, domestic pets or domestic livestock within thirty-six months of the original declaration. A Level 3 potentially dangerous animal is also an animal which, when off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, and when unprovoked, causes a severe injury to a person or injures a person in that the injury results in four or more puncture wounds.~~

"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/harbinger's/colony caretaker's property, unless the waste is immediately removed and disposed of in a sanitary manner by the animal's owner/guardian/harbinger/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 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 dogs" means any dog 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** ~~when unprovoked, in an aggressive manner has bitten or attacked a person, domestic pet or domestic livestock at least three times in the prior thirty-six month period. A vicious animal is also an 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.

"Wild animals" means any animal not a domestic 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)

Chapter 7.26 POTENTIALLY DANGEROUS, **DANGEROUS**, AND VICIOUS ANIMALS

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 animal control commission 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 animal care and control department 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)

7.26.020 Hearing on declaration.

- (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 (14) 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 his or her 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) The commission shall issue findings of fact to support its ruling.
- (f) The findings of fact shall be given to the owner/guardian, or his or her legal counsel, by certified mail, return receipt requested, addressed to the owner/guardian's address, or his or her legal counsel's address. Immediately upon the mailing of the commission's findings of fact, the animal shall be classified as potentially dangerous, **dangerous**, or vicious. Concurrently, the director shall notify the owner/guardian of the declaration in person or by phone.
- (g) The 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 in order to ensure that the both the animal and the public are safe.

(Ord. 15-04, § 43, 4-8-2015)

7.26.030 Potentially dangerous, ~~Level 1.~~

- (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) ~~Invisible fences are not permitted enclosures.~~ **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 (6) feet in length, and if it under the control of an adult.

(Ord. 15-04, § 43, 4-8-2015)

7.26.040 Potentially dangerous, ~~Level 2.~~

- ~~(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) Invisible fences are not permitted enclosures.~~
- ~~(c) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six (6) feet in length, and if it under the control of an adult.~~
- ~~(d) The animal must be altered by a licensed veterinarian within thirty (30) 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;~~
 - ~~(3) The commission renders a specific finding of fact that alteration of the animal is not required.~~
- ~~(e) The animal must be implanted with a microchip.~~

(Ord. 15-04, § 43, 4-8-2015)

7.26.050 Potentially ~~d~~Dangerous, ~~Level 3.~~

- (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) Invisible fences are not permitted enclosures.~~
- ~~(b)(c)~~ The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six (6) feet in length, and if it **is** under the control of an adult **and wearing a muzzle.**
- ~~(c)(d)~~ The animal must be altered by a licensed veterinarian within thirty (30) 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)(e)~~ The animal must be implanted with a microchip.

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~~(e)~~(f) 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 (1) 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 ~~potentially~~ dangerous animal on the property.

(Ord. 15-04, § 43, 4-8-2015)

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) Invisible fences are not permitted enclosures.~~

~~(b)~~(c) 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 under the control of an adult.

~~(c)~~(d) The animal must be altered by a licensed veterinarian within thirty (30) 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)~~(e) The animal must be implanted with a microchip.

~~(e)~~(f) 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 (1) 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 ~~potentially dangerous~~ **vicious** animal on the property.

(f) The commission may require evaluation by an approved Veterinary Behaviorist.

(Ord. 15-04, § 43, 4-8-2015)

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 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 commission to be potentially 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 animal control commission may order the animal humanely euthanized if the 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 under this chapter dies, 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.

- (1) The notice of status change must be done in writing; and
- (2) 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 animal control commission to have the designation of potentially dangerous removed from his or her animal.

- (a) Owners/guardians of level 1 or 2 potentially dangerous dogs may submit one request for reconsideration upon the expiration of one (1) year from the date of designation, provided no further violations of this title have occurred.
- (b) Owners/guardians of a level 3 potentially dangerous dogs or a vicious dog may submit one (1) request for reconsideration upon the expiration of three (3) years from the date of designation, provided no further violations of this title have occurred.

(Ord. 15-04, § 43, 4-8-2015)

Chapter 7.40 WILD ANIMALS, EXOTIC ANIMALS, ~~AND~~ PROHIBITED REPTILES AND DEER FEEDING¹

7.40.010 Keeping wild or exotic animals.

No person shall keep or permit to be kept on his or her premises any wild or exotic animal for any purpose. This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories,

¹Editor's note(s)—Ord. 15-04, § 59, adopted April 8, 2015, amended Ch. 7.40 in its entirety to read as herein set out. Former Ch. 7.40, §§ 7.40.010—7.40.030, pertained to Wild animals. See the Code Comparative Table for complete derivation.

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)

7.40.020 Keeping prohibited reptiles.

No person shall keep or permit to be kept on his or her premises any reptile herein listed for any purpose. This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories, licensed wildlife rehabilitators, or licensed educators.

- (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;
- € Any python of a species which naturally exceeds twelve (12) feet in length;
- (d) All crocodylians, including alligators, caimans, and crocodiles;
- € 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)

7.40.030 Deer feeding.

- (a) Deer feeding prohibited. Except as provided 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, federal or state wildlife official, 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.
- (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 24 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.

Chapter 7.54 FEES²

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.

Dogs and or cats over six months of age	\$230.00
Litters of puppies or kittens with five or fewer animals, all of which are younger than six months of age	\$235.00
Litters of puppies or kittens with more than five animals, all of which are younger than six months of age	\$345.00
Animals other than dogs and cats	\$10.00

- (b) If an animal over six months of age is surrendered with a litter, both the ~~twenty~~**thirty**-dollar (~~\$230.00~~) 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 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)

²Editor'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.

7.54.020 Incinerator fee.

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

(Ord. 15-04, § 67, 4-8-2015)

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	\$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

(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) 5—8 altered dogs: \$25.00;
- (2) 9—12 altered dogs: \$50.00;
- (3) 13—16 altered dogs: \$75.00;
- (4) 17—19 altered dogs: \$100.00;
- (5) 7—11 altered cats: \$25.00;
- (6) 12—16 altered cats: \$50.00; and
- (7) 17—19 altered cats: \$75.00.

(b) The fee for commercial kennel permits shall be:

- (1) Class B, boarding:
 - (A) 1—25 kennels: \$100.00;
 - (B) 26—50 kennels: \$250.00; and€ Additional kennels in increments of 25: \$200.00 per increment of twenty-five (25).
- (2) Class C, training: \$75.00; and
- (3) Class D, grooming: \$50.00.

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- (e) 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) 1—2 unaltered animals: \$50.00;
 - (2) 3—6 unaltered animals: \$100.00;
 - (3) 7—10 unaltered animals: \$150.00;
 - (4) 11—14 unaltered animals: \$200.00; and
 - (5) 15—19 unaltered animals: \$250.00.
- (b) Fees for litter permits shall be:
 - (1) First litter in a twelve-month period: \$100.00; and
 - (2) Additional litters: \$150.00/litter.

(Ord. 15-04, § 67, 4-8-2015)

7.54.060 Impounded animal fees.

An owner/guardian reclaiming an impounded animal 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 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

(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	\$10.00 per day
(2) Cat or ferret	\$5.00 per day

(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 his or her new home.

Domestic Animals	
Dogs and cats under 5 years of age	Fee not to exceed \$75120.00
Dogs and cats over 5 years of age	\$55.00
Rabbits and ferrets	Fee not to exceed \$475.00
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)

7.54.090 ~~Potentially d~~Dangerous and vicious animal monitoring fee.

The fee for monitoring any ~~Level 3 potentially dangerous dog animal or vicious dog~~ shall be twenty-five dollars (\$25.00) per calendar year.

The fee for monitoring any vicious animal shall be fifty (\$50.00) per calendar year.

(Ord. 15-04, § 67, 4-8-2015)

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)

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 ~~shall~~ **should** he or she deem such an action to be in the best interests of the city or its citizens.
 - (c) The director shall inform the animal control commission of any such adjustments at their monthly meeting.
- (Ord. 15-04, § 67, 4-8-2015)

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 animal care and control department, or his or her 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)

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 animal control commission.
- (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 city 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 animal care and control department, or his or her 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 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) Owner of animal;
 - (2) Guardian of animal: or
 - (3) Keeper of animal.
- (e) Colony caretakers shall not be subject to penalties and fines under this chapter.
- (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 of this Title.
- (Ord. 15-04, § 68, 4-8-2015)

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 two thousand five hundred dollars (\$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 seven thousand five hundred dollars (\$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.

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 prior 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 prior 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 prior 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 prior recent offense.
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 prior recent offense.

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 prior 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 prior recent offense.
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 prior recent offense.
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 prior 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 prior 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 prior 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 prior 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 prior 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 prior 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 prior 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 prior 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 prior 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 prior recent offense.
Reptile Violations in Chapter 7.- 240	\$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 prior recent offense.
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.
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 prior 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 prior 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 prior 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 prior 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 prior 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 prior 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 prior 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 prior 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 prior 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 prior 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 prior recent offense.
Sale of dog or cat by pet shop in violation of Section 7.16.070.	\$500.00

- (c) Any of the above-described fines can be waived at the discretion of the director of the animal care and control department, or his or her designees, or by the city's legal department.

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

7.56.040 Enforcement procedure.

- (a) If the director of the city's animal care and control department, or his or her 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:

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- (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 his or her 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's animal care and control department, or his or her designee, may ask the 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 (12) 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 (30) 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 (30) day period.

(Ord. 15-04, § 68, 4-8-2015)

7.56.050 Revocation of permits.

- (a) The director of the city's animal care and control department may ask the animal control 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 animal 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 (14) 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 animal control commission shall consider all evidence and upon conclusion of hearing said evidence, the commission shall either revoke the permit or allow the permit to remain in place.
- (e) The commission shall issue findings of fact to support its ruling.
- (f) The findings of fact shall be given to the permit holder, or his or her legal counsel, by certified mail, return receipt requested, addressed to the permit holder's address, or his or her legal counsel's address.

Immediately upon the mailing of the commission's findings of fact, the permit shall be come null and void. Concurrently, the director shall notify the permit holder of the revocation in person or by phone.

(Ord. 15-04, § 68, 4-8-2015)

7.56.060 Habitual offender.

- (a) The director of the city's animal care and control department may ask the animal control commission to declare an owner/guardian a habitual offender in two (2) instances:
 - (1) If the owner/guardian is found to have violated any provision(s) of this title on at least three (3) separate occasions within the same twenty-four (24) 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 animal control commission for maintaining such an animal.
- (b) The animal control 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 (14) 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 animal control commission shall consider all evidence and upon conclusion of hearing said evidence, the commission shall either declare the owner/guardian a habitual offender or not make any such declaration.
- (e) The commission shall issue findings of fact to support its ruling.
- (f) The findings of fact shall be given to the owner/guardian, or his or her legal counsel, by certified mail, return receipt requested, addressed to the owner/guardian's address, or his or her legal counsel's address. Immediately upon the mailing of the 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 animal control commission has the authority 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 (3) 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 causes his or her 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.**

(Ord. 15-04, § 68, 4-8-2015)

7.56.070 Appeals.

- (a) Any person directly affected by a decision of the director of animal care and control, or his or her designees, or any animal control officer, or by a notice issued under this title shall have the right to appeal to the animal control commission.
 - (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 (10) calendar days of the decision or notice being rendered.
- (b) Fines levied for violations of this Title may not be appealed to the animal control commission, they may only be challenged in the Monroe County Circuit Court, and that challenge must be filed within ten (10) days of the fine being levied.
- (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 (10)~~ **sixty (60)** days of receipt of the Commission's written decision, order or findings.

(Ord. 15-04, § 68, 4-8-2015)

Selected pages from 2012 Final
Report of the Joint City of
Bloomington-Monroe County
Deer Task Force

Full report available at:

<https://bloomington.in.gov/boards/deertaskforce>

RECOMMENDATIONS

Based on the Task Force's survey, we know that some areas of the community have reached social carrying capacity while others have not. The goal of the Task Force was to come up with an integrated, multi-pronged approach that addresses the social and geographic differences. Because resident concern is localized, because the urban deer herd is likely to grow in the absence any limiting factors, and because resident concerns are unlikely to be resolved using only non-lethal means, the Task Force recommends both non-lethal and site-specific lethal strategies for neighborhoods.

1. FEEDING BAN (CITY)

Many residents feed deer with the best of intentions. Some may be concerned that deer do not have enough to eat, especially in the winter. Others might enjoy seeing deer up close. However, supplemental feeding is actually *not* in the best interest of the deer.

Supplemental feeding may:

- Increase the reproductive capacity of a herd;
- Increase deer-vehicle collisions. Most deer feeding is conducted near homes, which places deer in close proximity to well-travelled roads;
- Concentrate deer and increase nose-to-nose contact, thereby possibly spreading disease;
- Cause increased landscape damage. Deer are browsers and will heavily graze areas surrounding feeding stations;
- Cause deer to lose their fear of humans. Deer using a feeding site can become acclimated to, and no longer fearful of, humans. A fear of humans is in the best interest of deer. Increased acclimation will create more conflict between humans and deer and between humans and other humans;
- When placing feed on the ground for deer, residents will likely attract other critters, such as raccoons and mice. White-footed mice are reservoirs of Lyme disease;
- In the winter, deer typically eat and move less to conserve energy. Feeding sites may cause deer to travel further to reach the site than they would for natural forage. Feeding sites situated in residential areas mean that deer are more likely to be chased by neighborhood dogs. Even if they are not injured, provoking deer to run through deep snow and frigid temperatures causes them to waste a lot of energy they cannot afford to lose.

The IDNR makes it clear that deer in Monroe County are not starving and that local winters are not severe enough to warrant supplemental feeding. If a resident sees a deer with its ribs showing, it is most likely a doe nursing her young in the spring and summer. Such weight loss is normal and temporary.

Because intentional feeding of the deer just exacerbates concerns with deer as “nuisance” animals and because it is not good for deer, the practice should be prohibited within the city limits. It is commonly acknowledged that anti-feeding ordinances are difficult to

enforce; enforcement occurs most usually upon complaint. However, such a ban does have deterrent and educational value. The ban should be accompanied by public awareness efforts (See “Education and Outreach” Chapter). Language for a City of Bloomington ban might look something like the following:

7.29 DEER FEEDING

7.29.010 Deer Feeding Prohibited

- (a) Except as provided in 7.29.020 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.

7.29.020 Exceptions

- (a) This chapter does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or State wildlife official, 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.
- (b) The following material are excluded from the prohibitions of this chapter:
 - (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) The normal feeding of livestock and/or the practice of raising crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices;
 - (6) The cultivation of a lawn or garden; and
 - (7) The feeding of birds.

7.29.030 Violations

- (a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation.
- (b) 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 ordinance. Failure to remove such food within 24 hours after written notice from the City, or otherwise continuing to feed deer after receiving notice from the City, shall constitute a violation of this ordinance.
- (c) Persons who violate any provision of this chapter shall be subject to a fine of fifty dollars for the first offense, with the fine of each subsequent offense of this chapter increasing by an increment of fifty dollars.

Measurement

Measuring the efficacy of a feeding ban will be difficult. However, complaints about deer feeding, reduced damage to vegetation and neighborhood complaints about deer in general might be indicators.