



To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: October 29, 2004

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Annual Schedule (for action at Special Session on November 10th, 2004):

Draft Annual Schedule

- Memo from Daniel Sherman, Council Administrator/Attorney

Contact: Daniel Sherman at 349-3562 or shermamd@bloomington.in.gov

Legislation for Final Action (Listed in the Order They Appear on the Agenda):

App Ord 04-07 To Specially Appropriate from the General Fund, Sanitation Fund and Telecommunications Non-Reverting Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund – Animal Care and Control Department for Medical Supplies; Appropriating Funds from the Sanitation Fund for Landfill Fees; and Appropriating Funds from the Telecommunications Non-Reverting Fund for a Grant, to Hire a Consultant, to Install Fiber Optic Cable between the Animal Shelter and the Sanitation Building, and to Transfer Funds to the General Fund)

- *Please refer to the weekly packet distributed on October 15th for the October 20th, 2004 Regular Session to find copies of the legislation, summary, and background material.*

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov

Ord 04-33 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection ” to Establish a Historic District - Re: Hitching Posts at 416 East Fourth Street and 615 West Sixth Street (Bloomington Historic Preservation Commission, Petitioner)

- *Please refer to the weekly packet distributed on October 15th for the October 20th, 2004 Regular Session to find copies of the legislation, summary, and background material.*
- *Please note that the ordinance was revised after it was distributed in the packet, but before it was introduced at the Regular Session on October 20, 2004, in order to clarify that two maps of the hitching posts are on file in the Office of City Clerk for public inspection. This statement is*

required when documents are incorporated by reference into an ordinance.

Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Ord 04-30 To Vacate a Public Parcel - Re: A 12-Foot Wide Right-of-Way Between Dunn Street and Indiana Avenue Running North of Thirteenth Street for 132 Feet (PSI Energy, Inc, and a Wholly Owned Subsidiary Known as South Construction Company, Petitioners)

- *Please refer to the weekly packet distributed on October 15th for the October 20th, 2004 Regular Session to find copies of the legislation, summary, and background material.*
- *Please note that this ordinance was revised after it was distributed in the packet, but before it was introduced at the Regular Session on October 20, 2004. The change corrected an error in one of the signature lines.*

Contact: Lynne Friedmeyer at 349-3529 or friedmel@bloomington.in.gov

Ord 04-31 To Vacate a Public Parcel - Re: A 12-Foot Wide Improved Alley Running Between 307 and 317 East Second Street from East Second Street to the First Alley North of the Street (The Trustees of Indiana University, Petitioner)

- *Please refer to the weekly packet distributed on October 15th for the October 20th, 2004 Regular Session to find copies of the legislation, summary, and background material.*
- *Please note that the ordinance was revised after it was distributed in the packet, but before it was introduced at the Regular Session on October 20, 2004, in order to make a minor change in the title and correct one of the signature lines.*

Contact: Lynne Friedmeyer at 349-3529 or friedmel@bloomington.in.gov

Ord 04-32 To Amend the Bloomington Zoning Maps from PUD and RM7 to PUD and to Amend the Preliminary Plan for the Century Village 2 Planned Unit Development (PUD) - Re: 300 S. State Road 446 (Bill C. Brown, Petitioner)

Please refer to the weekly packet distributed on October 15th for the October 20th, 2004 Regular Session to find copies of the legislation, summary, and background material.

Contact: James Roach at 349-3527 or roachja@bloomington.in.gov

Legislation and Background Material for First Reading:

Ord 04-34 To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" (Amending Chapter 7.48 Entitled "Adopted Animals" in Order to Codify Adoption Fees and Increase Fees Related to a New Spay/Neuter Service Conducted by the Animal Shelter)

- *Memo from Julio Alonso, Director of Public Works; Chapter 7.48 of the BMC Entitled "Adopted Animals" with Changes Annotated*

Contact: Julio Alonso at 349-33516 or alonsoj@bloomington.in.gov

Ord 04-35 To Amend Title 12 Of the Bloomington Municipal Code Entitled "Streets, Sidewalks And Storm Sewers" and to Amend Title 2 Entitled "Administration And Personnel" (Modifying the Duties, Fines, and Citation and Collection Procedures Related to the Shoveling of Snow from Sidewalks within the City's Right-of-Way)

- Memo from Susie Johnson, Director of the HAND department; Chapters 12.04 (General Regulations for Streets, Sidewalks, and Storm Sewers) and 2.27 (Ordinance Violation Bureaus) with Changes Annotated

Contact: Susie Johnson at 349-3420 or johnsons@bloomington.in.gov

Minutes from Regular Session:

None

Memo

Five Items Ready for Final Action and Two Items Ready for Introduction at the Regular Session on Wednesday, November 3rd, 2004

There are five ordinances ready for final action and two ordinances ready to be introduced at next Wednesday's Regular Session. The five ordinances ready for final action were discussed at one of the two Committees of the Whole you have held over the last two weeks and can be found in the packet distributed on October 15th for the October 20th, 2004 Regular Session. The other two ordinances and materials can be found in this packet.

Notes on Two Items Ready for Final Action

There are two matters under the "Second Readings and Resolutions" part of the Regular Session agenda that I would like to bring to your attention.

First, items Three (**Ord 04-30**) and Four (**Ord 04-31**) are vacations of right-of-ways where the public comment portion of the meeting will serve as the statutorily-required legally-advertised public hearings on these petitions.

Second, the vacation of right-of-way for the Wiley House Museum (**Ord 04-31**) is being requested by Councilmember Banach's employer, the Indiana University Department of Real Estate. While he did not work on this request and does not expect to see a financial benefit or loss as a result of your decision next week (he is paid a salary), Jason has decided to sit out the deliberation on this matter. Next week he will disclose this potential conflict of interest and not participate in your deliberations.

Draft Annual Schedule for Consideration on November 10th

This packet contains a draft Council Schedule for 2005 and a memo explaining it. Please review the material and comment in the next week so that changes can be incorporated before it comes forward for a vote on November 10th.

Here are some of the meetings or deadlines that do not follow the usual first-four-Wednesdays-a-month schedule:

- Organizational and Committee of the Whole Meeting on Monday, January 3rd;
- Budget Retreat on Saturday, May 21st; Departmental Budget Hearings during the last two weeks of July; and a Special Session for Final Action on the Budget on September 14th;
- Fifth Wednesdays in March, June, August, and November (which affect deadlines for filing legislation); and
- The Fifth Wednesday in November will be used for a Committee of the Whole Meeting because the Council does not meet for a Committee of the Whole on the night before Thanksgiving.

Also note that we are scheduled to meet on Yom Kippur, October 12th because, unlike this year, there are no opportunities to reschedule it and keep within the Wednesday meeting schedule. This means that you may want to consider canceling or holding that Committee of the Whole the previous week – if the workload permits. Please refer to the memo for a link to a list of religious holidays in order see whether our schedule should account for any of them as well.

First Readings

Item One - Ord 04-34 - Amending Chapter 7.48 of the BMC Entitled “Adopted Animals” in Order to Codify the Practice of Spaying and Neutering Certain Animals Before They Leave the Shelter and the Raising of Fees to Cover This Practice

Ord 04-34 codifies the recent practice of spaying and neutering of dogs, cats, rabbits, and ferrets before they leave the Animal Shelter rather than requiring new pet owners to arrange for it to be done soon after the pets are taken home. It also codifies the adoption fees for all animals effective January 5, 2005 and increases those fees for animals which are spayed or neutered while in the care of the Shelter.

Codifying Spay/Neuter Services While Animals are Under the Care of the Shelter

For a long time the Animal Shelter has been concerned about the overpopulation of dogs and cats. Currently the code requires people who adopt dogs, cats, and ferrets from the Animal Shelter to arrange for veterinarians to spay or neuter them within a certain period of time after they leave the Shelter. That period varies depending on the age and condition of the animal and failure to comply with these regulations is a reason for the Animal Shelter to retrieve the animals without any obligation to provide a refund. However, the Animal Shelter has not had the resources to assure that these newly adopted pets have undergone these surgeries.

For this reason, the Shelter has looked at other ways to limit the reproduction of these animals and to find good homes for those taken in by the Shelter. These ways include; a new foster care program, partnering with local and national animal welfare organizations, and participating in off-site adoption events.

In addition, the Shelter has worked with the Monroe County Humane Association and Dr. Tess Peavey of Neuter Scooter since 2003 to provide surgeries at low cost before these animals leave the Shelter. This ordinance codifies this practice and adds rabbits to the list of animals which must be altered before being adopted.

Codifying Adoption Fees and Increasing Fees Related to the New Spay/Neuter Services

Currently adoption fees are established by the Animal Control Commission. This ordinance codifies existing adoption fees for domestic farm animals, birds, reptiles, and small animals, and increases fees for animals which will be spayed or neutered before leaving the Shelter. Those animals – dogs, cats, rabbits, and ferrets – can now be adopted for a fee of \$20 with \$15 applied to the cost of spaying or neutering them.

The new adoption fees would be as follows:

- dogs and cats under five years of age - \$75;
- dogs and cats over five years of age - \$55; and
- rabbits and ferrets - \$45.

This fee would cover the costs for:

- 1st round basic vaccinations and temporary cat carriers (both of which are already done);
- testing cats for feline leukemia and FIV, and dogs for heartworms;
- spaying/neutering the animals; and
- inserting of microchips.

Also, in order to help more companion animals find suitable homes, the ordinance allows the Director of the Animal Shelter to raise or lower the adoption fee under the following circumstances:

- adoptions of animals which have incurred extraordinary expenses while under the Shelter's care;
- adoptions of hard-to-adopt animals or of foster animals by foster parents;
- adoptions by breed rescue organizations or transfers to humane associations; or
- adoptions through special promotions or when the kennel is full.

Future Appropriation Ordinance

The memo indicates that the fees should cover the costs of these services without discouraging the adoption of animals. This conclusion is based a number of facts. First, the new Pets Alive Spay / Neuter Clinic (scheduled to open in January of 2005) will also provide low-cost services for these animals. Second, other veterinarians in the community have expressed willingness to perform these services for the Shelter at reduced fees. And third, adopters have been informally paying this amount for animals which have been fixed while under care of the Shelter and with the assistance of the Monroe County Humane Association.

The Public Works estimates that the cost for providing spay and neuter services in 2005 will be about \$130,000. It will seek an additional appropriation for this amount early in the year and expects to fully recover these costs through the new fees.

**Item Two – Ord 04-35 –Amending
Chapter 12.04 (General Regulations Regarding Sidewalks) and
Chapter 2.27 (Ordinance Violations Bureau)
in Order to Modify the Duty to Remove Ice and Snow from the Sidewalks,
Establish a Flat Fine, Authorize Various Departments to Issue Citations, and
Empower the HAND department to Collect Them.**

Ord 04-35 comes forward as a result of a mayoral initiative last spring to explore ways to improve the performance of property owners in removing ice and snow from the sidewalks next to the streets. According to the memo from Susie Johnson, Director of the HAND department, he asked her to convene a “snowbusters” group to look into the matter. It was comprised of representatives from the neighborhoods, Common Council (Steve Volan), elderly, businesses (including the Bloomington Downtown Commission and Chamber of Commerce), volunteer organizations,

Bicycle and Pedestrian Safety Commission, and Indiana University Student Organizations and Services.

The “Snowbusters” group eventually recommended that the following steps be taken:

- governmental agencies should lead the way by complying with the regulations;
- neighborhood associations should help bring volunteers together with elderly property owners who are unable to shovel their own sidewalks;
- volunteers should be trained and provided with equipment;
- the City should make property owners aware of their obligations through an aggressive campaign involving press announcements, its web page, and direct mail to landlords; and
- the City should enforce the snow removal provisions by citation and fines.

Code Changes

Changes in the local code were required in order implement the last recommendation and the following paragraphs briefly describe and explain the reasons for the changes.

Duty to Shovel 36 Inch Wide Path 24-Hours After Snowfall. Our code (BMC 12.04.070) currently requires owners of the property abutting sidewalks within the City’s right-of-ways to remove, or have removed, all the snow and ice from the full paved width of the sidewalk within 24 hours after the snow has stopped falling or the ice has stopped accumulating. This ordinance would now require owners at that time to remove all snow and ice to “allow safe and reasonable travel on the sidewalk” and at a minimum clear width of 36 inches. By narrowing the width of the required path through the snow, this ordinance addresses concerns of property owners with sidewalks that extend to the street and with nowhere to place the shoveled snow, while still complying with ADA standards.

Establishing a Flat \$50 Fine, Authorizing Officers in Various Departments to Cite Violations, and Empowering HAND to Collect Fines. Our code (BMC 12.04.080) currently imposes escalating fines for violators of the snow-removal provision. The current fines run from a maximum of \$25 for a first offense, \$100 for a second offense, and \$1,000 for a third offense that occurring within the same 12-month period. The proposed ordinance establishes a flat \$50 fine for each offense and authorizes officers in the Engineering, Fire, Housing and Neighborhood Development (HAND), Parking Enforcement, Planning, and Police departments to issue the citations. Since the maximum fine is below \$100, statute allows these fines to be collected by one of the City’s ordinance violations bureaus and this ordinance

empowers the HAND department to serve in that capacity. These changes, on the whole, will improve the enforcement of these provisions by making the citation and collection procedures more efficient.

Happy Birthday Chris Gaal!

SHOWERS BUILDING, 401 N. MORTON

II. AGENDA SUMMATION

IV. REPORTS FROM:

- ## V. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. Appropriation Ordinance 04-07 To Specially Appropriate from the General Fund, Sanitation Fund and Telecommunications Non-Reverting Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund – Animal Care and Control Department for Medical Supplies; Appropriating Funds from the Sanitation Fund for Landfill Fees; and Appropriating Funds from the Telecommunications Non-Reverting Fund for a Grant, to Hire a Consultant, to Install Fiber Optic Cable between the Animal Shelter and the Sanitation Building, and to Transfer Funds to the General Fund).

2. Ordinance 04-33 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection ” to Establish a Historic District - Re: Hitching Posts at 416 East Fourth Street and 615 West Sixth Street (Bloomington Historic Preservation Commission, Petitioner).

3. * Ordinance 04-30 To Vacate a Public Parcel - Re: A 12-Foot Wide Right-of-Way Between Dunn Street and Indiana Avenue Running North of Thirteenth Street for 132 Feet (PSI Energy, Inc, and a Wholly Owned Subsidiary Known as South Construction Company, Petitioners).

4. * Ordinance 04-31 To Vacate a Public Parcel - Re: A 12-Foot Wide Improved Alley Running Between 307 and 317 East Second Street from East Second Street to the First Alley North of the Street (The Trustees of Indiana University, Petitioner).

5. Ordinance 04-32 To Amend the Bloomington Zoning Maps from PUD and RM7 to PUD and to Amend the Preliminary Plan for the Century Village 2 Planned Unit Development (PUD) - Re: 300 S. State Road 446 (Bill C. Brown, Petitioner).

VII. LEGISLATION FOR FIRST READING

1. Ordinance 04-34 To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” (Amending Chapter 7.40 Entitled “Adopted Animals” in Order to Codify Adoption Fees and Increase Fees Related to a New Spay/Neuter Service Conducted by the Animal Shelter)

2. Ordinance 04-35 To Amend Title 12 of the Bloomington Municipal Code Entitled "Streets, Sidewalks And Storm Sewers" and To Amend Title 2 Entitled "Administration And Personnel" (Modifying the Duties, Fines, and Citation and Collection Procedures Related to the Shoveling of Snow from Sidewalks within the City's Right-of-Way)

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes).

IX. ADJOURNMENT

** Note: Public comment on this item shall serve as the legally-advertised public hearing on this legislation.*

City of
Bloomington
Indiana



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Post Office Box 100
Bloomington, Indiana 47402

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

To: Council Members
From: Council Office
Re: Calendar for the Week of
November 1, 2004 – November 6, 2004
Date: October 29, 2004

Monday, November 1, 2004

5:00 pm Redevelopment Commission, McCloskey
5:00 pm Utilities Service Board – 501 N. Morton, Conference Room 100B
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room

Tuesday, November 2, 2004

City Holiday: Election Day – Offices Closed.

Wednesday, November 3, 2004

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
5:30 pm Board of Public Works, Council Chambers
7:30 pm Common Council – Regular Session, Council Chambers

Thursday, November 4, 2004

3:30 pm Bloomington Historic Preservation Commission, McCloskey
4:00 pm Bloomington Digital Underground Advisory Committee, Hooker Room
5:30 pm Commission on the Status of Women, McCloskey
5:30 pm Council for Community Access, Kelly

Friday, November 5, 2004

There are no meetings scheduled for today.

Happy Birthday, Chris Gaal!

Saturday, November 6, 2004

9:00 am Bloomington Community Farmers' Market, Showers Common

**Draft COMMON COUNCIL
MEETING SCHEDULE AND LEGISLATION DEADLINES FOR THE YEAR 2005
(Subject to Revision by Common Council)**

<u>DEADLINE FOR ORDINANCES: E-MAILED TO CCL BY NOON</u>	<u>DEADLINE FOR RESOLUTIONS: E-MAILED TO CCL BY NOON</u>	<u>REGULAR SESSION 1st READING FOR ORDS.</u>	<u>COMMITTEE DISCUSSION</u>	<u>REGULAR SESSION FINAL ACTION</u>
Mon. Dec. 20 (2004)	Mon. Dec. 20 (2004)	¹ Jan. 3	¹ Jan. 3	Jan. 19
Mon. Jan. 10	Fri. Jan. 14	Jan. 19	Jan. 26	Feb. 2
Mon. Jan. 24	Mon. Jan. 31	Feb. 2	Feb. 9	Feb. 16
Mon. Feb. 7	Mon. Feb. 14	Feb. 16	Feb. 23	Mar. 2
Mon. Feb. 21	Mon. Feb. 28	Mar. 2	Mar. 9	Mar. 16
Mon. Mar. 7	Mon. Mar. 14	Mar. 16	Mar. 23	² Apr. 6
Mon. Mar. 21	Wed. Mar. 30	² Apr. 6	Apr. 13	Apr. 20
Mon. Apr. 11	Mon. Apr. 18	Apr. 20	Apr. 27	May 4
Mon. Apr. 25	Mon. May 2	May 4	May 11	³ May 18
Mon. May 9	Mon. May 16	May 18	May 25	June 1
Mon. May 23	Fri. May 27	June 1	June 8	June 15
Mon. June 6	Mon. June 13	June 15	June 22	² July 6
Mon. June 20	Wed. June 29	² July 6	July 13	³ July 20
Wed. July 6	Wed. July 13	³ July 20	³ July 27	⁴ Aug. 3
AUGUST RECESS				
Wed. Aug. 24	Wed. Aug. 24	⁵ Sep. 7	⁵ Sep. 14	Sep. 21
Mon. Sep. 12	Mon. Sep. 19	Sep. 21	Sep. 28	Oct. 5
Mon. Sep. 26	Mon. Oct. 3	Oct. 5	Oct. 12	Oct. 19
Fri. Oct. 7	Mon. Oct. 17	Oct. 19	Oct. 26	Nov. 2
Mon. Oct. 24	Mon. Oct. 31	Nov. 2	Nov. 9	Nov. 16
Fri. Nov. 4	Mon. Nov. 14	Nov. 16	⁶ Nov. 30	Dec. 7
Mon. Nov. 21	Wed. Nov. 30	Dec. 7	Dec. 14	⁴ Dec. 21
YEAR END RECESS				
2005: Mon. Dec. 19 (2005)	Mon. Dec. 19 (2005)	¹ Tue. Jan. 3 (2006)	¹ Tue. Jan. 3 (2006)	Wed. Jan. 18 (2006)

Deadlines for Legislation: The deadline for submitting legislation and all accompanying materials, including a summary memo, is noon on the date listed. For information on the manner for submitting these materials, please inquire with the Council Office.

Unless otherwise indicated, the Council meets on the first four Wednesdays of the month in the Council Chambers of the Showers Center, 401 North Morton, at 7:30 p.m. The following footnotes explain some of the exceptions to that schedule:

- 1
- There will be an annual Organizational Meeting on this date when the Council elects officers and gives legislation first reading. The meeting is held on the first Monday in January, except when it is a legal holiday, in which case the meeting is held on the first Tuesday. (IC 36-4-6-8; BMC 2.04.050(d)) This meeting will be immediately followed by a Committee of the Whole.
- 2
- There will be two weeks between the Committee of the Whole and the Regular Session due to the occurrence of a fifth Wednesday in these months.
- 3
- There will be a Council Budget Retreat in the Cascades Golf Course Club House (3550 N. Kinser Pike) at 9:00 a.m. on Saturday, May 21st and departmental budget hearings in the Council Chambers at 7:00 p.m. on Monday, July 18th, Tuesday, July 19th, Thursday, July 21st, Monday, July 25th, and Tuesday, July 26th, 2004. A Special Session may be held after the departmental hearing on Monday, July 25th in order to take action on at least one of the budget related legislation.
- 4
- Since the Council will have a brief recess after first meeting in August and the second Regular Session in December, no legislation will be introduced for first reading at these meetings. (BMC 2.04.060 (e) & (g))
- 5
- The Council will consider the City Budget for 2006 as well as routine legislation during the first legislative cycle in September. The public hearing on the City Budget will be held during the Committee of the Whole that will be held immediately after the Regular Session on Wednesday, September 7th and final adoption is scheduled for a Special Session on Wednesday, September 14th.
- 6
- There will not be a Committee of the Whole meeting on the fourth Wednesday of November, which is the night before the Thanksgiving Holiday (BMC 2.04.050(f)). However, given the fifth Wednesday in November this year, that meeting will be held on that evening.



**City of Bloomington
Office of the Common Council**

To: Council Members
From: Council Office
Re: Approving the Annual Schedule for Year 2005 on November 10th
Date: October 29, 2004

Contents

Memo with Highlights of Meeting and Scheduling Issues
Proposed Annual Schedule for 2005

Memo

The Council should set its schedule for next year by mid-November so that our calendar can be finished before our Intern, Jenny Stavros-Turner, leaves for winter vacation. The Council typically meets on the first four Wednesdays of the month, with Regular Sessions being held on the first and third Wednesday and Committees of the Whole being held on the second and fourth Wednesday.

Explanation of the Schedule Sheet. The Annual Schedule presents these meetings in legislative cycles which appear as 21 rows with 5 columns. The rows indicate the 21 legislative cycles next year. Legislative cycles begin with a Regular Session, are followed by a Committee of the Whole, and end with another Regular Session. The 5 columns indicate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
Deadline for Filing Ordinances	Deadline for Filing Resolutions	Regular Session When Ordinances are Introduced	Committee of the Whole When Ordinances and Newly Introduced Resolutions are Discussed	Regular Session When Ordinances and Resolutions are Ready for Final Action

Deadlines. The deadline for legislation generally falls 10 days before the meeting when legislation is scheduled to be introduced. This is typically the Monday of the week before that meeting (or, in other words, the Monday of the week the Council packet for that meeting goes out). However, on months with 5th Wednesdays, the deadline is often set at least two weeks before the meeting the legislation is scheduled to be introduced. This conforms to our local code and allows time for staff to take time off from work.

Explanation of the Footnotes. The footnotes in the Annual Schedule indicate those occasions when the Council does not meet on a Wednesday or does not follow the usual four-Wednesdays-a-month routine.

Religious Holidays. Please note that this calendar schedules a Committee of the Whole on Yom Kippur (October 12th). You may want to cancel or hold that meeting the week before if the workload permits. There may be other religious holidays you may want to observe and for that reason a copy of the IU "Five-Year Religious Holidays Calendar" is available in the Council Office or can be found on the web at http://www.indiana.edu/~deanfac/rel_hol_cal.html.

Please review it and be prepared to vote on the schedule on November 10th.

Proposed Annual Schedule - Highlights and Issues

January

Monday, January 6th Organizational Meeting and Committee of the Whole

Wednesday, January 12th No Meeting (See above)

March

Wednesday, March 30th No Meeting - Fifth Wednesday

May

Saturday, May 21st Budget Retreat at Cascades clubhouse

June

Wednesday, June 29th No Meeting - Fifth Wednesday (Independence Day Holiday falls on the following Monday, July 4th)

July

Wednesday, July 6th The Council will meet on the first Wednesday in July (which falls two days after July 4th)

Monday, July 18th Start of Departmental Budget Hearings
(Through)

Tuesday, July 26th End of Departmental Budget Hearings

August

Wednesday, August 3rd August Recess begins after Regular Session

September

Wednesday, September 7th August Recess ends with Regular Session immediately followed by Committee of the Whole to discuss 2006 Budget

Wednesday, September 14th Council will hold Special Session to take action on 2006 budget immediately followed by Committee of the Whole

October

Wednesday, October 12th Falls on the Yom Kippur. *The Council may want to consider holding this meeting after the previous Regular Session or canceling the meeting if the workload permits.*

November

Wednesday, November 23rd 4th Wednesday – No Meeting - Night Before Thanksgiving

Wednesday, November 30th 5th Wednesday – To be used for the Committee of the Whole during the second legislative cycle in November.

December

Wednesday, December 21st Last meeting of the year

ORDINANCE 04-34

**TO AMEND TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “ANIMALS”**

**(Amending Chapter 7.48 Entitled “Adopted Animals” in Order to Codify Adoption Fees
and Increase Fees Related to a New Spay/Neuter Service Conducted by the Animal Shelter)**

WHEREAS, Title 7 of the Bloomington Municipal Code sets forth provisions regarding adoption of animals through the Animal Care and Control Department for the City of Bloomington; and

WHEREAS, the only effective way to reduce the animal overpopulation problem is to spay or neuter our companion animals; 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 do everything it can to reduce animal overpopulation;

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

SECTION I. Section 7.48.020 regarding “Violations” shall be renumbered to 7.48.030.

SECTION II. Section 7.48.010 regarding “Spaying and neutering of adopted animals” shall be renumbered to 7.48.020 and shall be amended by replacing it with the following:

7.48.020 Spaying and neutering of adopted animals.

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

SECTION III. Section 7.48.010 regarding “Adoption Fees” shall be added as follows:

7.48.010 Adoption Fees

(a) The fee to adopt any animal shall be as listed in the table below. 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	\$ 75.00
Dogs and Cats over 5 years of age	\$ 55.00
Rabbits and Ferrets	\$ 45.00
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
Hamsters/Gerbils	\$ 2.00

(b) In order to help more companion animals find suitable homes, the Director of Animal Care and Control has the discretion to raise or lower the adoption fees 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.

The Director shall inform the Animal Control Commission of any such adjustments at their monthly meeting.

Section IV. The foregoing changes to Sections 7.48.010, 7.48.020, and 7.48.030 shall be reflected in the table of contents for Chapter 7.48 of the Bloomington Municipal Code.

Section V. After this ordinance has been passed by the Common Council and approved by the Mayor of the City of Bloomington, it shall go into full force and effect on January 1, 2005.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2004.

MICHAEL DIEKHOF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2004.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance codifies adoption fees for all animals and increases those fees for dogs, cats, rabbits and ferrets. The adoption fees would increase to \$45 for rabbits and ferrets, to \$55.00 for dogs and cats over the age of five, and to \$75.00 for dogs and cats under the age of five. The ordinance also mandates that all dogs, cats, rabbits and ferrets will be spayed or neutered at the City's cost, before going to their new homes. The increase in adoption fees is intended to cover the cost of the spay/neuter operation.

MEMORANDUM

To: Members of the Common Council
From: Julio Alonso, Director of Public Works
Date: October 20, 2004
Re: Ordinance 04-34

This ordinance amends Title 7 to require that all dogs, cats, rabbits and ferrets adopted from the Bloomington Animal Shelter are spayed or neutered before being sent to their new home. The ordinance currently requires all animals to be spayed or neutered within a certain time frame, but we have not had the resources in the past to follow up on whether that is actually happening in all cases. This ordinance will ensure that the City of Bloomington does not contribute to the pet overpopulation problem by “fixing” the animals before they go home.

We plan to fund the surgeries by increasing adoption fees for dogs, cats, rabbits and ferrets. Current adoption fees are \$20 with \$15 being returned to the human companion once the animal is spayed or neutered. Adoption fees are not currently codified; this ordinance codifies them for all critters.

The new fees, proposed to become effective on January 1, 2005, are \$75 for cats and dogs under five years of age, \$55 for dogs and cats over five years old, and \$45 for rabbits and ferrets. The increased adoption fee is only intended to generate revenue to enable us to provide the following services to each animal prior to adoption:

- 1st round of basic vaccinations (we already do this)
- Feline Leukemia and FIV testing for cats
- Heartworm testing for dogs
- Microchip insertion
- Spay/Neuter surgery
- Temporary cat carrier (we already do this)

The recommended fees have been established after much consideration, including a survey of local veterinary clinics that indicated a willingness to provide lower cost surgeries to the shelter. We are confident that these fees will cover both the cost of the surgery and the cost of the other services listed above, but are low enough not to discourage shelter adoptions.

The shelter has partnered with the MCHA and Dr. Tess Peavy of the Neuter Scooter since the end of 2003 to provide low cost surgeries. Dr. Peavy performs the surgeries at a low cost. The MCHA pays Dr. Peavy out of their Shelter Fund. When the animal is adopted, shelter staff asks the adopter to make a donation to the MCHA shelter fund to reimburse that fund for the surgery expense. To date, no adopters have expressed concern about a combination of fees and donations ranging from \$45 to \$75. This has enabled about 75% of the adopted animals to be altered before going home and illustrates that the public is willing to pay a higher adoption fee for an altered animal. Through continued collaboration with Dr. Peavy and the Pets Alive clinic scheduled to open in January, we are confident that we can reach 100% and cover all associated costs.

We plan to come to you early in 2005 with an appropriation ordinance to fund the up-front costs of this program. We anticipate 2005 adoptions to generate about \$130,000 in revenue, with expenses just about matching that. We'll have more information regarding projections when we come to you with the appropriation ordinance.

Please call me or Laurie if you have any questions or would like more information.

~~strike~~ – proposed deletion
bold – proposed addition
► -- relevant section

**TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “ANIMALS”**

AS AMENDED BY ORDINANCE 04-34

Section 1 of Ord 04-34 moves “Violations” from Section 7.48.020 to Section 7.48.030.

Section 2 of Ord 04-34 moves “Spaying and neutering of adopted animals” from Section 7.48.010 to Section 7.48.020 and changes the spay/neuter requirement.

Section 3 of Ord 04-34 adds a new section “Adoption fees” as Section 7.48.010.

**Chapter 7.48
ADOPTED ANIMALS**

► **Sections:**

7.48.010 Adoption fees.

~~7.48.010 Spaying and neutering of adopted animals.~~

~~7.48.020 Violations.~~

7.48.020 Spaying and Neutering of Adopted Animals.

7.48.030 Violations.

► **7.48.010 Adoption Fees**

(a) The fee to adopt any animal shall be as listed in the table below. 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	\$ 75.00
Dogs and Cats over 5 years of age	\$ 55.00
Rabbits and Ferrets	\$ 45.00
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
Hamsters/Gerbils	\$ 2.00

(b) In order to help more companion animals find suitable homes, the Director of Animal Care and Control has the discretion to raise or lower the adoption fees 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.

The Director shall inform the Animal Control Commission of any such adjustments at their monthly meeting.

► **7.48.020 Spaying and neutering of adopted animals. (Formerly Section 7.48.010)**

Any dog, cat, **rabbit** or ferret adopted from the city animal shelter ~~must~~ **shall** be spayed or neutered by a veterinarian **prior to being taken to his or her new home**. ~~If the dog, cat or ferret is an adult, such operation shall be performed within one month of adoption. If the dog, cat or ferret is young, it shall be neutered by a veterinarian by the age of eight months if male, or spayed by the age of six months if it is female. Any dog, cat or ferret not so neutered or spayed within those time periods may be reclaimed by the senior animal control officer without refund to the adopter, except if a veterinarian should determine that the dog, cat or ferret is physically unable to undergo such an operation within the time limitations, in which case the dog, cat or ferret is to be neutered or spayed as soon as the veterinarian determines it is able.~~ **The Bloomington Animal Care and Control Department shall assume the cost of the spay or neuter operation. If a veterinarian should determine that the dog, cat, rabbit or ferret is physically unable to undergo such an operation at the current time, the dog, cat, rabbit or ferret is to be neutered or spayed as soon as the veterinarian determines it is able.**

7.48.030 Violations. (Formerly Section 7.48.020)

(a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in sub-section (b) may, at the discretion of the animal owner, be paid to the authorized agency within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.

(b) Persons who violate any provision of this section shall be subject to a fine of two hundred dollars for each offense. (Ord. 99 § 64, 1999; Ord. 81-101 § 3 (part), 1981; Ord. 77-74 § 7 (part), 1977).

ORDINANCE 04-35

**TO AMEND TITLE 12 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED "STREETS, SIDEWALKS AND STORM SEWERS"
AND TO AMEND TITLE 2 ENTITLED "ADMINISTRATION AND PERSONNEL"
(Modifying the Duties, Fines, and Citation and Collection Procedures Related to the Shoveling
of Snow from Sidewalks within the City's Right-of-Way)**

WHEREAS, accumulation of snow and ice on sidewalks poses a safety threat to the community;
and

WHEREAS, the City of Bloomington wants to encourage the timely removal of snow and ice from
sidewalks;

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

SECTION 1. Section 12.04.070 Snow and ice removal-Duty of abutting property owner, shall be
amended by deleting the first sentence of that section and replacing it with the following:

It shall be the duty of every owner of any premises abutting a sidewalk in the city to
remove, or cause to be removed, all snow and ice from the sidewalk to allow safe and
reasonable travel on said sidewalk and at a minimum the clear width shall be 36 inches,
within twenty-four hours after snow or ice has ceased to fall or in any way accumulate.

SECTION 2. Section 12.04.080 Snow and ice removal-Failure to remove, shall be amended by
deleting the first sentence of subsection (a) and replacing it with the following:

(a) If the owner of any premises abutting a sidewalk fails to remove or cause to be removed
snow and ice as required in Section 12.04.070, the owner shall be issued a notice of ordinance
violation and shall be fined in the amount of fifty dollars. Said notice of ordinance violation
may be issued by the following City of Bloomington departments: Engineering, Fire,
Housing and Neighborhood, Parking Enforcement, Planning and Police.

SECTION 3. Section 2.27.010 Appointment of administrator of bureau and designation of agents
for collection of civil penalties, shall be amended by adding the phrase "and Section 12.04.080, Snow
and ice removal-Failure to remove" to the following subsection:

(d) Housing and Neighborhood development

SECTION 4. Severability. If any section, sentence or provision of this ordinance, or the application
thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any
of the other sections, sentences, provisions, or applications of this ordinance which can be given
effect without the invalid section, sentence, 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 on and after its passage by the Common
Council of the City of Bloomington and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County,
Indiana, upon this ____ day of _____, 2004.

MICHAEL DIEKHOF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance encourages timely removal of snow and ice from sidewalks and establishes efficient collection of fines for violations.

Memo

To: Common Council

From: Susie Johnson

CC: Mark Kruzan, Mayor

Date: October 28, 2004

Re: Amendment to Title 12 Regarding Snow Removal

Removal of snow from public sidewalks has long been a problem in Bloomington. The City receives numerous complaints annually about sidewalks that remain covered with snow, which is then trampled down resulting in *ice*-covered sidewalks. Mayor Kruzan asked me to take a fresh look at this problem and see what type of resolution I could come up with.

Last spring I asked community members to come together to brainstorm ideas about how to better deal with this problem. We pulled together a group called "Snowbusters." The group was quite broadly based. It included individual neighborhood representatives, a City Council member, representation from the Area 10 Agency on Aging, Council Of Neighborhood Associations (CONA,) Bloomington Volunteer Network, Bloomington Chamber of Commerce, Bike & Pedestrian Commission, Indiana University Student Organizations & Services, Bloomington Downtown Commission, an Eastside business owner and several City staff. What resulted from this meeting was a comprehensive approach to dealing with this community problem.

Among the approaches we intend to implement:

- City, County, State and Federal offices must lead by example and have all of their walks cleared and in full compliance with the code.
- Neighborhood Associations (NA's) should be the information clearinghouse for volunteers to connect with the elderly and disabled in their individual neighborhoods. NA's should have a list of private snow removal "contractors"; this could be youth in the neighborhood that will clear sidewalks for a reasonable fee. CONA indicated that they could use their CAPE grant to assist NA's develop these lists and resources.

- Volunteers will need access to shovels, spuds (a tool used to chop ice), ice melt and instructions on the proper use of these tools. Individual NA's could acquire these tools through the existing Small and Simple Grant administered through HAND.
- The City should undertake an aggressive awareness-building campaign. This should include direct mail to all landlords, public service announcements in all media, and information on the City web site about the Code requirements plus information on how to contact the individual NA's.

Finally, the group agreed that enforcement and fines would be necessary, thus this ordinance amending to Title 12 of the Bloomington Municipal Code.

The Code as it stands requires owners to clear the sidewalk adjacent to their property to its *fully-paved width* within 24 hours of the snow or ice ceasing to fall. We have heard repeatedly from property owners that do not have tree plots between their sidewalk and the street that they have no place to put the snow they clear off the sidewalk and that if they could simply clear a walking path down the center of the sidewalk the job would be much more manageable.

This ordinance addresses this concern and will in the process enhance the likelihood of compliance with the Code's provisions. That is the Snowbusters' goal.

ADA standards state the minimum clear width for a wheelchair to maneuver is 36 inches. Therefore we are proposing with this ordinance that the Code be amended to provide that sidewalks have, at a minimum, *a path of no less than 36 inches wide* free from ice and snow "within twenty-four hours after snow or ice has ceased to fall or in any way accumulate."

We have also added this violation to the Ordinance Violation Bureau as described in the Code. This will make violation of this revised standard for snow clearance a *ticketable* offense. We propose the fine for failure to remove snow and or ice from a sidewalk to be \$50.

We believe these changes in policy and ordinance will help solve this problem.

~~strike~~ – proposed deletion
bold – proposed addition
► -- relevant section

**TITLE 12 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “STREETS, SIDEWALKS AND STORM SEWERS”
and
TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “ADMINISTRATION AND PERSONNEL”**

AS AMENDED BY ORDINANCE 04-35

CHAPTER 12 “STREETS, SIDEWALKS AND STORM SEWERS”

Section 1 of Ord 04-35 amends the first sentence of Section 12.04.070 Snow and ice removal-Duty of abutting property owner:

Section 2 of Ord 04-35 amends the first sentence of Section 12.04.080(a) Snow and ice removal-Failure to remove:

**Chapter 12.04
GENERAL REGULATIONS**

Sections:

- 12.04.001 Sidewalks required—New buildings.**
- 12.04.002 Waiver—New buildings.**
- 12.04.003 Sidewalks required—Building permits.**
- 12.04.004 Appeal.**
- 12.04.005 Determinate variance— Sidewalk construction deferred.**
- 12.04.010 Repair of sidewalks—Duty of adjacent owner.**
- 12.04.020 Discharge of water on sidewalk.**
- 12.04.030 Allowing filthy or noisome liquid to flow on streets.**
- 12.04.050 Duty of abutting property owner to keep sidewalks clean.**
- 12.04.070 Snow and ice removal—Duty of abutting property owner.**
- 12.04.080 Snow and ice removal—Failure to remove.**
- 12.04.090 Obstructing gutters.**
- 12.04.100 Pedestrian safety during razing or construction operations.**
- 12.04.110 Obstructing sidewalk— Walkaround—To be provided.**
- 12.04.120 Obstructing sidewalk— Walkaround—Approval of chief of police.**
- 12.04.130 Obstructing sidewalk— Revocation of permit upon disregard of regulations.**
- 12.04.140 Street assemblies.**
- 12.04.150 Moving buildings.**
- 12.04.160 Storm sewers.**

12.04.001 Sidewalks required—New buildings.

No person shall construct upon any lot or tract within the city any new dwelling house or building without providing for and constructing for the use of pedestrians a concrete sidewalk not less than five feet in width, and within the adjacent public right-of-way and parallel and adjacent to the property lines of such lot or tract. Such sidewalk shall be constructed according to plans and specifications prepared by the city engineer's office. (Ord. 72-20 § 1, 1972).

12.04.002 Waiver—New buildings.

In the event such dwelling house or building is to be constructed upon a lot or tract upon which such a sidewalk presently exists, the requirement for new construction set forth in Section 12.04.001 shall be waived. (Ord. 72-20 § 2, 1972).

12.04.003 Sidewalks required—Building permits.

No building permit shall be issued for the construction of any dwelling house or building within the city unless such building permit application provides for the construction of new sidewalks or shows adequate existing sidewalks upon the lot or tract which such new building is to be erected. (Ord. 72-20 § 3, 1972).

12.04.004 Appeal.

Any person who considers himself aggrieved by the provisions of Sections 12.04.001, 12.04.002, or 12.04.003 may apply to the board of zoning appeals of the city and after notice and hearing as provided by those sections and by the rules and regulations of the board of zoning appeals, the board may waive the provisions of those sections upon the showing of either of the following:

(a) That the topography of the lot or tract together with the topography of adjacent lots or tract and the nature of the street right-of-way make it impractical for the construction of a sidewalk as required by Sections 12.04.001, 12.04.002, or 12.04.003; or

(b) That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which the new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians. (Ord. 72-20 § 4, 1972).

12.04.005 Determinate variance—Sidewalk construction deferred.

(a) Any person subject to the requirements of Sections 12.04.001 or 12.04.003 who believes it impractical to construct a sidewalk on the lot or tract at present may apply to the board of zoning appeals for a variance that is determinate with respect to the criteria for variance and the time period during which such criteria are in effect, and with respect to the time period during which the variance is effective. The board, after notice and hearing as provided in Sections 20.19.02.00 and 20.12.03.00, may grant a variance if construction of sidewalks appears impractical based upon, but not limited to, the following considerations:

(1) The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; or

(2) The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; or

(3) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

(b) In the event that the board authorizes a determinate variance, such variance shall continue in effect until the date at which the board shall set to reconsider variances granted under the authority of this section. All such variances which were granted by the board shall expire at that time unless an extension is granted. Should no extension be applied for, or the board denies such application for extension, the owner of the lot or tract shall be required to construct a sidewalk on the lot or tract at that time.

(c) Any person who has been granted a determinate variance by the board and subsequently transfers to another party any recordable interest in the lot or tract shall cause such conveyance to be made subject

to the variance and cause the variance to be noted on the instrument of conveyance to be recorded. (Ord. 80-85 § 8, 1980).

12.04.010 Repair of sidewalks—Duty of adjacent owner.

Every owner or occupant of any house or other building, and any owner of any vacant lot within the city, shall keep the sidewalks in front of such house, building or vacant lot in repair. Any person neglecting or refusing to comply with the provisions of this section, or neglecting or refusing to put the sidewalk in front of any house, building or vacant lot owned or occupied by him in repair after having received notice from the city engineer to do so shall be subject to general penalty provisions of this code. (Ord. 81-5 § 10, 1981: prior code § 23-3).

12.04.020 Discharge of water on sidewalk.

It is unlawful for any person owning or controlling any building in the city adjacent to an improved sidewalk to permit water to run from a downspout attached to such building onto and over such sidewalk. (Prior code § 23-4).

12.04.030 Allowing filthy or noisome liquid to flow on streets.

It is unlawful for any person to cause or permit the flow or stagnation of any filthy or noisome liquid or substance upon any street, alley or other public place or into any stream. (Prior code § 23-5).

12.04.050 Duty of abutting property owner to keep sidewalks clean.

It shall be the duty of every owner of real estate within the city to keep the sidewalk fronting upon such real estate reasonably clean and free from all dirt, filth or litter that may be washed or deposited thereon. (Prior code § 23-7).

► **12.04.070 Snow and ice removal—Duty of abutting property owner.**

It shall be the duty of every owner of any premises abutting a sidewalk in the city to remove, or cause to be removed, all snow and ice from the sidewalk to ~~its full paved width~~ **allow safe and reasonable travel on said sidewalk and at a minimum the clear width shall be 36 inches** within twenty-four hours after snow or ice has ceased to fall or in any way accumulate. Where the ownership of the premises abutting a sidewalk is being transferred by means of a sales contract that has been recorded in the office of the county recorder, the duty to remove snow and ice shall be on the purchaser of the premises, who shall be considered the owner for the purposes of the ordinance codified in this section. (Ord. 80-92 § 1, 1980: prior code § 23-9).

► **12.04.080 Snow and ice removal—Failure to remove.**

(a) If the owner of any premises abutting a sidewalk fails to remove or cause to be removed snow and ice as required in Section 12.04.070, the owner shall be issued a notice of ordinance violation and ~~may shall be fined in an amount not to exceed twenty five dollars for the first offense, one hundred dollars for the second offense, and one thousand dollars for any subsequent offenses in any twelve month period the amount of fifty dollars. Said notice of ordinance violation may be issued by the following City of Bloomington departments: Engineering, Fire, Housing and Neighborhood, Parking Enforcement, Planning and Police.~~ The owner may make payment within seven days of receipt of the notice in full satisfaction of the penalty. In the event payment is not made within the time designated, court proceedings may be initiated by the city legal department.

(b) Each day a violation of Section 12.04.070 continues after the owner has been notified of the violation shall constitute a separate violation. (Ord. 80-92 § 2, 1980: prior code § 23-10).

12.04.090 Obstructing gutters.

It is unlawful for any person to obstruct any gutter, in any manner, with planks, timbers, pipe, bridge or any other material or design. (Prior code § 23-11).

12.04.100 Pedestrian safety during razing or construction operations.

It shall be the duty of the owner of any property during the razing, remodeling or construction of any building or other facility to see that proper safety is provided at all times for pedestrians using the sidewalk adjoining such building or facility. (Prior code § 23-11.1).

12.04.110 Obstructing sidewalk— Walkaround—To be provided.

If it is necessary to obstruct or block a sidewalk for a period in excess of twenty-four hours, the owner of such property shall provide a walkaround for such area, which walkaround shall consist of a walk not less than four feet wide and be protected by railings five feet high on each side and provided with electric lighting at night. (Prior code § 23-11.2).

12.04.120 Obstructing sidewalk— Walkaround—Approval of chief of police.

Before causing any blocking or obstruction of a sidewalk, the provisions of Section 12.04.110 shall be accomplished by the owner, and the same shall be approved by the chief of police before such razing, remodeling or construction is commenced. (Prior code § 23-11.3).

12.04.130 Obstructing sidewalk—Revocation of permit upon disregard of regulations.

Failure on the part of any owner to conform to the regulations in Sections 12.04.110 and 12.04.120 shall cause any permit for such work to be revoked by the city. (Prior code § 23-11.4).

12.04.140 Street assemblies.

It is unlawful for any person to hold or conduct, or cause to be held or conducted any meeting, speaking, or other gathering of people of any kind that will in any way tend to block the use of the streets or sidewalks or to congest crowds and travel over the streets and sidewalks of the city. (Prior code § 23-12).

12.04.150 Moving buildings.

Any person desiring to move any building within the city shall first obtain a permit from the city engineer to do so. Such permit shall establish rules and regulations for the moving, including, but not limited to, time and route. As a prerequisite to the issuance of such permit, the city engineer may require a bond for the protection of city property and the property of others in an amount deemed by the city engineer to be sufficient. (Prior code § 23-13).

Section 3 of Ord 04-35 amends 2.27.010(d) by adding the phrase “and Section 12.04.080, Snow and ice removal-Failure to remove”:

Chapter 2.27

ORDINANCE VIOLATIONS BUREAU

Sections:

2.27.000 Establishment of bureau.

2.27.010 Appointment of administrator of bureau and designation of agents for collection of civil penalties.

2.27.020 Limitations on powers of bureau.

2.27.000 Establishment of bureau.

There is hereby created an ordinance violations bureau, pursuant to Indiana statute. The function and purpose of the bureau shall be to collect, receipt, and account for payments of civil ordinance violation penalties of one hundred dollars or less. Each offense and/or each day of each offense shall constitute a separate violation for the purpose of collection under this chapter. (Ord. 00-18 § 1, 2000; Ord. 89-21 § 1 (part), 1989; Ord. 88-36 § 6 (part), 1988).

2.27.010 Appointment of administrator of bureau and designation of agents for collection of civil penalties.

The ordinance violations bureau shall be administered by the city controller. The following divisions and departments are hereby designated to act as agents of the administrator for collection of civil ordinance violation penalties:

(a) Animal control department: for receipt of penalties for violations of Bloomington Municipal Code Title 7, Animals;

(b) Fire department: for receipt of penalties for violations of Bloomington Municipal Code Section 15.32.160(e), Emergency Vehicle Lanes;

(c) Parking enforcement division of the department of public works: for receipt of penalties for violations of Bloomington Municipal Code Title 15, Vehicles and Traffic;

(d) Housing and neighborhood development: for the receipt of penalties for violations of Bloomington Municipal Code Chapter 6.04, Refuse and Yard Waste Collection by the City, Chapter 6.06, Refuse and Weeds, Title 8, Historic Preservation, Title 16, Housing Inspection, and Title 17,

► Construction Regulations, **and Section 12.04.080, Snow and ice removal-Failure to remove;**

(e) Police department: for receipt of penalties for violations of Bloomington Municipal Code Title 14, Peace and Safety;

(f) Department of Public Works: for receipt of penalties for violations of Bloomington Municipal Code Chapter 12.06, Sidewalk Seating and Merchandising Encroachments.

(g) The department of law: for receipt of penalties for any of the above violations which have been referred to the department of law for collection, and for the receipt of all other penalties for violations of ordinances of the city.

All penalties collected by agents of the administrator shall be collected, receipted, and accounted to the administrator in accordance with Indiana statute. (Ord. 01-14 § 17, 2001; Ord. 00-18 § 2, 2000; Ord. 97-06 § 14, 1997; Ord. 94-25 §§ 2, 3, 1994; Ord. 93-20, § 4, 1993; Ord. 88-36 § 6 (part), 1988).

2.27.020 Limitations on powers of bureau.

The bureau and its agents are empowered to collect civil ordinance violations of one hundred dollars or less. Each offense and/or each continuing day of an offense shall constitute a separate offense eligible for collection by the bureau. Civil ordinance violation offenses carrying a penalty in excess of one hundred dollars shall be prosecuted by the department of law in accordance with state law. (Ord. 00-18 § 3, 2000; Ord. 89-21 § 1 (part), 1989; Ord. 88-36 § 6 (part), 1988).