

City of Bloomington Common Council

Legislative Packet

Wednesday, 25 March 2015

Special Session *immediately followed by a* **Regular Session**

*For legislation and background material regarding
Resolution 15-06 and Resolution 15-08 please consult the
[11 March 2015 Legislative Packet.](#)*

*For legislation and background material regarding
Ordinance 15-05 please consult the
[04 March 2015 Legislative Packet.](#)*

All other material contained herein.

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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of Cancellation** of Committee of the Whole on Wednesday, March 25th (Regular Session will still be held)

Reports – from Committees:

- **Council Sidewalk Report for 2015**
 - Table of Contents;
 - Signature Page;
 - Report (Narrative);
 - Recommendations;
 - Maps of Recommended Projects;
 - Criteria;
 - Evaluation Sheet; and
 - History of Funding

*Contact: Chris Sturbaum at 349-3409 or sturbauc@bloomington.in.gov
Dan Sherman at 349-3562 or sherman@bloomington.in.gov*

Legislation for Introduction at a Special Session and Possible Consideration at the Regular Session that Immediately Follows on Wednesday, March 25, 2015:

- **Ord 15-06** To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)
 - Certification of Plan Commission Action (8-0-0), dated March 9, 2015
 - Memo from Tom Micuda, Director, Planning and Transportation Department;
 - Strikeout Version of Affected Provisions of the BMC

Contact:

- Tom Micuda at 349-3423 or micudat@bloomington.in.gov
- Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov

Legislation for Second Reading at the Regular Session on Wednesday, March 25, 2015

- **Res 15-06** To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Personal Property Improvements - Re: Properties at 1501 South Strong Drive (Cook Pharmica, LLC, Petitioner)
- **Res 15-08** To Authorize Expenditures from the Industrial Development Fund to Support an Economic Development Project – Re: Cook Pharmica, LLC, 1501 South Strong Drive

Please see the [Weekly Council Packet](#) issued for the March 11th Committee of the Whole for legislation, material, and summary associated with these two items.

- **Ord 15-05** To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses and Regulations” - Re: Chapter 4.16 (Itinerant Merchants, Solicitors and Peddlers – *deleted and replaced*); Chapter 4.28 (Mobile Vendors - *added*); and Chapter 4.30 (Pushcarts - *added*)
Contact: Adam Wason 349-3406 or wasona@bloomington.in.gov
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Patty Mulvihill 349-3426 or mulvihip@bloomington.in.gov

Please see the Weekly Council Packets issued for the [March 4th Regular Session](#) for the modified proposal introduced this year and [November 12, 2014 Regular Session](#) for the original proposal discussed last year.

- **Ord 15-06** To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)
This item will be introduced at the Special Session immediately preceding this Regular Session is a companion piece of legislation with Ord 15-05. With unanimous consent and a 2/3’s majority in favor, it can, under local rules, be considered at this time. Please see Introduction at Special Session (above) for list of materials, below for a summary, and the packet for the material themselves.

Legislation and Background Material for First Reading at the Regular Session on Wednesday, March 25th:

- **Ord 15-04** To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” - Re: Re: Creating Three Classifications of “Potentially Dangerous” Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of “Habitual Offender,” and Other Various Organizational and Housekeeping Changes.
 - Memo from Staff
 - Strikeout Version

Contact: Laurie Ringquist 349-3470 or ringquil@bloomington.in.gov
Patty Mulvihill 349-3426 or mulvihip@bloomington.in.gov

- **Ord 15-08** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Changes to Yield Intersections, No Parking Zones, Loading Zones, Accessible Parking Zones, and Traffic Violations
 - Memo from Tom Micuda, Director, Planning and Transportation and Patty Mulvihill, City Attorney;
 - Maps
 - Am 01 (Sturbaum, Sponsor) – Angle Parking for 10th and College Improvements along College Avenue - *forthcoming*

Contact: Tom Micuda, 812- 349-3423, micudat@bloomington.in.gov
Patty Mulvihill, 812-349-3426, mulvihip@bloomington.in.gov

- **Ord 15-09** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” and to Make Other Changes Related to Metered Parking - Re: Shortening the Hours of Enforcement of On-Street and Surface Lot Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare “Parking Holidays,” Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage), and Adding On-Street Metered Spaces along Washington Street from 2nd to 3rd Street
 - Memo from Councilmember Neher
 - Map

Contact: Darryl Neher 269-2727 or neherd@bloomington.in.gov

- **Ord 15-10** To Amend Title 2 (Administration and Personnel) and Title 15 (Vehicles And Traffic) of the Bloomington Municipal Code (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)
 - Memo from Cm. Volan, District Three
 - Maps of Downtown Parking Area – Re: Proposal to Reduce 27 Blocks from \$1/ Hour to \$0.50/Hour Zone
 - Annotated Changes to BMC 2.12 (Boards, Commissions, and Councils) and BMC 15.40 (Municipal Parking Lots, Garages and Onstreet Metered Parking)

*Contact: Councilmember Volan at 812-349-3409 or volans@bloomington.in.gov
Dan Sherman at 812-349-3409 or shermand@bloomington.in.gov*

Memorandum for Executive Session:

- March 17, 2015

Memo

**Special Session Followed by a Regular Session on Wednesday, March 25th
- Much to Cover -**

After a week off for Spring Break, there are two meetings, a report, numerous legislation to consider and introduce, and other actions to take. Here are the highlights:

- **Special Session** – solely to introduce Ord 15-06 which is tied to Ord 15-04 (Title 4 – Solicitors, Mobile Food Vendors, and Pushcarts) – *this ordinance is the same changes to Title 20 (Unified Development Ordinance) as introduced last fall and could be ready for consideration at the Regular Session if all agree and 2/3’s majority vote in favor*
- **Regular Session**
 - Report – Consider Council Sidewalk Report for 2015 - *in this packet*);
 - Second Reading - Consider four items which, all for the last item, can be found online as indicated above; the last item is Ord 15-06 which is mentioned above under Special Session;

- First Reading – Introduce four ordinances – *all of which are in this packet*;
- Council Schedule – possible motions regarding Internal Work Session that Friday, a Special Session on April 1st, and Reports on April 8th

Reports - Council Sidewalk Committee Report - 2015

The Council Sidewalk Committee is submitting its 2015 *Report* for your approval Wednesday night. Your action will allow expenditures necessary to move projects forward. The *Report* includes a narrative, recommendation sheet, maps for five recommended projects, funding criteria, evaluation sheet, and a history of funding.

The Committee consists of four Council members appointed by the President of the Council. They are: Councilmembers Granger, Rollo, Spechler and Sturbaum (Chair). It is assisted by personnel from the Planning and Transportation, Utilities, HAND, Parks and Recreation, Clerk and Council departments. (Please see the *Report* for the names of these persons – who make the work of this Committee possible.)

The Committee makes recommendations to the entire Council on use of \$300,000 of Alternative Transportation Fund monies budgeted for 2015.¹ This was the first year after the consolidation of planning and transportation functions under the new Planning and Transportation Department. The Committee met twice in November and December 2014 to review the program and, as it turned out, submit an Interim Report recommending amending the 2014 allocations. That Interim Report was approved by the Council on December 10, 2014. The Committee then met twice more, once in December and once in March, to make recommendations regarding allocation of 2015 funds. The recommendations allocate the \$300,000 and, if made available, some unspent funds in 2014.

Please note that the Council Administrator/Attorney will be filing a Disclosure of a Conflict of Interest because one of the projects on the Evaluation Sheet – but not recommended for funding - would cross his property.

USE OF AVAILABLE ALTERNATIVE TRANSPORTATION FUNDS (ATF):

Traffic-Calming Given other priorities and the timing of existing projects, the Committee reduced its allocation for traffic calming from \$15,000 to \$5,000 and intends it to be used for a crosswalk at Maxwell Lane and Mitchell Street.

¹ While that amount is the same as in 2014, it reflects previous increases of \$25,000 for 2014 and \$50,000 for 2013.

CBU Contribution Toward Storm Water Component of Council Sidewalk Projects Due to budgetary constraints, the CBU has not set aside funds for the stormwater component of Council sidewalk projects since 2010. However, CBU has reviewed proposed projects and offered to consider in-kind contributions toward one project that may align with its mission and budget. No overlapping priorities were found this year.

CHART OF 2015 COUNCIL SIDEWALK COMMITTEE

RECOMMENDATIONS: The Committee recommended funding the following projects:

	<u>ATF</u> <u>(Budgeted</u> <u>Amount)</u>	<u>ATF (Additional</u> <u>Amounts – Should</u> <u>They be</u> <u>Appropriated)</u>	<u>CBU</u>	<u>OTHER</u> <u>FUNDS</u>
Kinser Pike – Acquisition of Right-of-Way (\$14,000) and Construction (\$129,851) North of 17 th Street to Apartments (East Side)	\$143,851		\$0	\$0
West 17th – Acquisition of Right-of-Way (both Temporary and Permanent) Four Parcels West of Maple to Madison (South Side)	\$70,000		\$0	\$0
Sheffield – Acquisition of Right-of-Way (\$20,000) and Construction of Missing Sidewalk Segments (\$55,000) Morningside to Providence (West Side)	\$75,000		\$0	\$0
Traffic Calming – Set Aside A crosswalk at Maxwell Lane and Mitchell Street	\$5,000		\$0	*
7th and SR 45/46 Bypass - Construction of Steps and Ramp (Estimated at \$54,000) Ramp from SR 45/46 Sidepath to Tunnel and Steps from Tunnel to 7 th Street (steps) (All on West Side of By Pass)	\$6,149	\$43,001	\$0	*

TOTAL ALLOCATION	\$300,000	\$ 43,001	\$0	\$0
Estimated Unspent Funds from 2014	\$ 00.00	\$ 43,001		
TOTAL BUDGETED FUNDS	\$300,000	\$ 00.00		

- *Note: Following a request made as part of the Interim Report at the end of 2014, the Committee may have additional funds available for allocation this year. These funds would equal unspent funds that reverted to the ATF at the end of 2014 and are estimated at about \$43,000. The shaded column indicates how those funds would be allocated.*
- * *The Committee realized that the \$49,150 for the 7th and SR 45/46 Bypass Ramp/Stair Project would not cover the estimated \$54,000 cost. It then requested that the Administration explore use of other funds to complete this project or pay for the traffic calming project and allow those funds to be used toward this project. Possible funds could include Greenways and CDBG.*
- *Note: The Committee recognizes that the allocations for each project are estimates and may change. The allocations are intended to establish priorities and keep expenditures within appropriations. According to prior motions by the Committee, project costs that exceed the estimate by 10% should be approved by the Chair; project costs that exceed the estimate by \$20,000 should be approved by the Committee. This year the Committee requested a Progress Report in September.*

The details of the recommended projects and allocations are as follows:

Kinser Pike – Acquisition of Right-of-Way and Construction of a Sidewalk from 17th Street north to the Apartments (East Side)

ATF	CBU	Other Funds
\$143,851	\$0	\$0

This highest ranking project has been on the list for over a decade due, in large part, to the cost of the right-of-way. After obtaining estimates for both sides of the street, the Committee chose the east side, which was less expensive and more likely to be used. Design and appraisal work were done or contracted for in 2014. This request is for acquisition of right-of-way (\$14,000) and construction (~\$129,851), which should complete the project this year.

West 17th – Acquisition of Both Permanent and Temporary Right-of-Way from Four Parcels West of Maple to Madison (South Side)

ATF	CBU	Other Funds
\$70,000	\$0	\$0

Installation of sidewalks on West 17th Street has been a high priority for the City and has seen some progress over the years. As a result of Committee recommendations in 2013, a sidewalk was installed on the south side from Madison to College, which is directly east of this project. A combination of MPO and local funds was used to construct a roundabout at Arlington and Monroe, which includes the installation of sidewalks immediately to the west of this project. Money for design and right-of-way were spent last year for the segment east of Maple. This year the Committee recommends allocating

\$70,000 to acquire right-of-way both east and west of Maple. It's worth noting that some of this allocation is for temporary right-of-way in order to do work on private property, which is recommended by City Legal and will increase the cost of sidewalk projects. Total cost of construction will likely exceed \$500,000.

7th and SR 45/46 Bypass - Construction of Ramp (from Sidepath) to Tunnel and Stairs (from Tunnel to 7th Street) (West Side of Bypass)

ATF	CBU	Possible Additional Appropriation
\$6,149	\$0	\$43,001

This project would connect the sidepath on the west side of the SR 45/46 Bypass to the bicycle/ pedestrian tunnel and 7th Street. The Committee thought this connection to Green Acres may have the added benefit of encouraging more bicycle and pedestrian traffic between the neighborhoods to the east and the campus to the west. It would include installing a ramp from the Bypass to the tunnel and stairs to 7th Street. The design was done in 2014 at a cost of \$10,800. Construction should cost about \$54,000. The neighborhood is interested in a landscaping component for this project, which could be funded from Community Development Block Grant (CDBG) monies. Given other priorities this year, the Committee recommended allocating about \$6,150 of the \$300,000 in budgeted funds and an estimated \$43,000 of unspent 2014 funds for this project, should that money become available. It also requested that the Administration explore use of other funds (about \$5,000) to complete this project. That might involve CDBG funds or perhaps using Greenways to pay for traffic calming and using those funds for this project.

Sheffield – Acquisition of Right-of-Way and Construction of Missing Sidewalk Segments from Morningside Drive to Providence (West Side)

ATF	CBU	Other Funds
\$75,000	\$0	\$0

This project would complete missing sidewalk segments along Sheffield near Plymouth with recently-completed Council Sidewalk Committee projects on the south along Morningside Drive from Smith Road to Sheffield. The Committee thought this project addressed an issue of safety because Sheffield winds downhill toward Morningside and neither motorists nor pedestrians, who must now walk on the street, may have time to react as cars descend rapidly through the curve. Design was contracted for in 2014 at a cost of \$8,010 and the Committee is recommended \$75,000 for acquisition of right-of-way and construction in 2015.

One Item Ready for Introduction at Special Session and Possible Consideration at the Regular Session

Ord 15-06 – Amending Title 20 (Unified Development Ordinance) Sections 20.05.110 and 20.05.111 Regarding Temporary Uses and Structures to Provide for the Economic and Sustainable Development Department to Permit Uses Licensed Under Title 4 (Business Licenses and Regulations) and Account for Other Temporary Uses

Ord 15-06 (Amendments to Title 20 – Unified Development Ordinance [UDO]) and **Ord 15-05** (Amendments to Title 4 – Business Licenses and Regulations) are a package of legislation that primarily affect business licensed under Title 4. After discussion of similar ordinances in the fall of 2014, the Council tabled the changes to Title 4 in order to further research issues regarding Mobile Food Vendors and Pushcarts. At the same time, due to statutory time frames regarding action on changes to Title 20 (UDO), the Council rejected those changes and that rejection was accepted by the Plan Commission by inaction.

Now, with submittal of **Ord 15-05** to the Council on March 4th, the Plan Commission again approved the related changes to Title 20. Given its ties to **Ord 15-06**, which is ready for Second Reading next Wednesday, and your familiarity with its contents, it will be introduced at a Special Session called by the President next week, and will be ready for consideration at the Regular Session later that evening (if its consideration has unanimous consent of all Council members). (See BMC 2.04.300 - Ordinances and resolutions – Reading required.) In the event, it is not considered that night, it could be considered the following Wednesday at a quick Special Session.

The changes in the ordinance amend the temporary uses and structures provisions of Title 20 (Unified Development Ordinance) to provide for the Office of Controller (and not the Planning and Transportation Department) to issue permits for business activities that are regulated under both Title 4 and Title 20, and to account for changes in the market for some other temporary uses.

The changes affect Section 20.05.110, regarding Temporary Uses and Structures in all 15 zoning districts and Section 20.05.111, regarding those uses in the commercial, industrial and business park zoning districts. The first change applies

to all 15 zoning districts and any business activity² licensed by Title 4 of the Bloomington Municipal Code. It is intended to reduce the regulatory burden for temporary uses and structures regulated by both Title 20 (Unified Development Ordinance) and Title 4 (Business Licenses and Regulations) by requiring one permit rather than two. At present, these activities must be permitted by the Planning and Transportation Department (which determines compliance with parking, access, and signage requirements) and the Controller, after review of various requirements by the Economic and Sustainable Development department. This change would exempt “any business activity licensed by Title 4 of the Bloomington Municipal Code” from the permit requirement. In practice, this would still entail a review by the Planning and Transportation department of UDO requirements which would then report to the Controller before their issuance of a permit.

The remaining changes affect Section 20.05.111, which currently addresses temporary uses and structures in five of the City’s commercial, industrial and business zones. In these zones, temporary uses and structures apply, in particular, to:

- Seasonal sales,
- Farm produce,
- Sales Associated with Permanent Retail Use; and
- Other (e.g. carnivals, other outdoor sales, etc.).

Here, the ordinance:

- adds Institutional and Commercial Limited zones to the other five zones;
- clarifies that only one permit for seasonal sales may be issued for a property per calendar year;
- recognizes the benefits of a longer period for the sale of farm produce and extends that period from 60 to 180 consecutive days per year;
 - and exempts “approved” farmers’ markets from this requirement; and
- provides for a property to obtain one permit for the buying back of higher education books. The permit would authorize this activity for a maximum of two seven-day periods or one fifteen-day period per calendar year.

² Patty Mulvihill, City Attorney, in a communication with staff, clarified that the term “business activity” regulated by Title 4 would encompass a Pawnbroker, Secondhand Dealer, etc., but not a Farmers’ Market or other temporary use conducted by that business.

Four Ordinances for First Reading at the Regular Session on March 25, 2015

First Readings - Item One - Ord 15-04 (Changes to Title 7, “Animals”)

Ordinance 15-04 is the result of a periodic review of Title 7, “Animals.” The ordinance is a product of both staff in the Animal Care and Control Department and the Animal Care and Control Commission (ACC), who have determined that changes and updates to the Title are necessary. As indicated in the “whereas” clauses of the ordinance, the changes were motivated by the need to continue to provide “effective and humane treatment for animals, pet owners and the overall public.” The ACC sought public comment on this proposal at its meeting on December 16, 2014 and approved the changes contained in Ord 15-04 on that date.

The changes in this ordinance fall into two categories: housekeeping and substantive. The housekeeping changes render the title gender neutral, update the title of the director of the division to reflect the title change made during the City’s re-organization last summer³, and take the various permit fees and penalties currently peppered throughout the title and move them into their own sections of the code. By creating a distinct section for fees and a distinct section for penalties, these provisions will be easier for both staff and the public to access. Other housekeeping changes include: shifting the list of prohibited reptiles into the chapter referring to wild and exotic animals; reflecting that chickens are allowed in RC zones, per the UDO; making *maximum* fines permitted reflect statutory maximums (\$2,500 for first offense; \$7,500 for second offense); and, making clear that only an owner can designate an agent to reclaim his/her animal from the Shelter.)

While housekeeping changes pivot on clarity and ease-of-use, the substantive changes create new requirements for pets and their guardians. These changes include:

- **Adding Three New Permitted Domestic Pets**: These are commonly-referred to as “pocket pets” and have been requested by residents: Sugar Gliders; African Pgymy Hedgehogs; and Degus.
- **Added Disclosure Requirement for Permits**: Currently, when seeking a permit for a commercial animal establishment, a commercial kennel, a non-

³ Ord 14-11 made the title change to Title 2 (Administration and Personnel), including reflecting the name of the City’s animal care division as the “Director of Animal Care and Control).

commercial kennel, chicken flock, feral cat colony or to breed animals, the City requires that the applicant disclose whether s/he has ever been convicted of cruelty to animals. Ord 15-04 makes the further requirement that an applicant disclose if s/he has “ever been cited for or convicted of a (violation of a) local unit of government’s animal control or care ordinances.”

- **Cruelty and Abuse of Animals**: Currently, the BMC provides that it is unlawful to torture, beat, mutilate or neglect an animal resulting in serious injury or death. Ord 15-04 makes it clear that it is also unlawful to engage in the above acts of cruelty when such causes an animal injury or pain.
- **Tethering**: The BMC currently requires that a tether shall: weigh no more than 1/8th an animal’s body weight; be at least ten feet; and be attached to a properly-fitting type collar (no choke or pinch collars). The current rules also direct that an animal cannot be tethered for more than 10 continuous hours or for 12 hours within a 24-hour period or under any conditions which threaten the health or well-being of the animal. To these requirements, Ord 15-04 add that:
 - a tether shall be of appropriate length to: 1) confine the animal to owner’s property; 2) prevent the animal from advancing into the public right-of-way; 3) prevent the tether from extending onto an object or edge that could result in harm to the animal; and, 4) prevent the tether from becoming entangled with other objects.
 - an animal may not be tethered at vacant property, nor between the hours of 11p and 6a.
 - unaltered animals over six months of age shall not be tethered.
- **Potentially Dangerous and Vicious Animals**: At present, the provisions on potentially dangerous and vicious animals are located in the “Restraint” Chapter of the BMC. Ord 15-04 moves these classes out of “Restraint” and into a separate chapter. In doing so, the ordinance:
 - adds the requirement that an owner must be given 14 days notice before the ACC can hold a hearing to declare a dog potentially dangerous or vicious;
 - codifies the ACC’s practice of issuing findings of fact when an animal is declared potentially dangerous or vicious;
 - states that the ACC may impose “reasonable conditions” (such as building a higher fence) upon a person when the person’s animal is declared dangerous or vicious.
 - Replaces the definition of “vicious animal” so that the definition is more robust and now means an unprovoked animal who, in an

aggressive manner, has bitten or attacked a person, domestic pet or domestic livestock at least three (3) times in the prior thirty-six (36) month period. The term also includes 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 result in permanent scarring or disfiguring to a person. A new, \$25 annual fee is attached to a Level 3 animal. This fee is intended to cover the administrative cost of monitoring a Level 3 animal.

- Ord 15-04 also makes significant changes to the class of “potentially dangerous” animals. Where previously, there was one class and definition, now there are three: Levels 1-3. These levels are cumulative – Level 2 includes all the elements of Level 1, plus an additional element; Level 3 includes all the elements of either Level 1 or Level 2. As described in the attached supporting memo from staff, the levels are as follows:

***Level 1** is an 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; or an 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 (4) punctures wounds.*

Level 2** is any an animal which has been declared a Level 1 potentially dangerous animal and within thirty-six (36) 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 (4) punctures wounds. **A Level 2 potentially

dangerous animal is also an animal which causes severe injure or death to a domestic pet or to domestic livestock.

Level 3** is 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 (36) 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.

A new, \$25 annual fee is attached to a Level 3 animal. This fee is intended to cover the administrative cost of monitoring a Level 3 animal.

- **Habitual Offender**: The ordinance creates a new class of “habitual offender” for people who repeatedly violate the provisions of Title 7. Three violations of Title 7 in one 24-month period or failing to comply with the requirements for a potentially dangerous or vicious animal can result in referral to the ACC to be declared a habitual offender. Habitual offenders may face: fines; prohibition on owning new animals; loss of an animal in the owner’s possession; and/or be subject to other measures to remedy the problem.
- **Waiver of Fees – Adoptions or Permits**: Ord 15-04 authorizes the Director of Animal Care and Control to waive any or all fees for adoptions or permits.
- **Enforcement & Penalties**: The ordinance spells out the process to be followed for revocation of a permit and for appeal of the denial of a permit.
- **Microchipping for At-Large Animals**: The ordinance also makes it clear that the City may demand microchipping of an at-large animal that is not impounded.
- **Rabies**: The ordinance makes a change to the rabies provision to reflect State law requirements. From the staff memo: “If an animal has a valid

rabies vaccination and bites another animal, quarantine is at the City's discretion. However, if the animal bites a person, the State requires a quarantine, regardless of whether or not the animal has a rabies vaccination."

- **Animal Census**: The BMC authorizes the director to carry out a city-wide census at the direction of the Mayor and Council to implement the provisions of Title 7. In the memo from staff, staff relays that, "[t]o the best of staff's knowledge no such census has ever been done, nor can staff reasonably see any time in the future when a census of animals would be taken." For that reason, Ord 15-04 eliminates this provision.
- **Breeders**: Ord 15-04 makes it clear that service dogs do not count toward the maximum number of animals (19) a breeder is allowed to own or harbor.

At the Internal Work Session on March 13, 2015, staff indicated that they have sufficient staff to implement the proposed changes of **Ord 15-04**.

First Reading - Item Two – Ord 15-08 "Routine" Amendments to Title 15 (Vehicles and Traffic)

Ord 15-08 brings forward "routine" amendments to Title 15 (Vehicles and Traffic) that will be considered at the same time as other more substantive changes to that title. This ordinance was discussed at the Internal Work Session on Friday, January 23rd.

These changes to Title 15 affect: yield intersections, no parking, accessible parking for persons with physical disabilities, loading zones, and violations and penalties.

Please note that Councilmember Sturbaum intends to offer an amendment that would allow for angle parking along College as part of improvements for the 10th and College Building.

The changes are summarized below:

Yield Intersections (Maps 1 & 2) [BMC 15.12.020, Schedule C] – Section 1 of Ord 15-08

Location: 17th, Arlington, and Monroe Roundabout
Sare and Rodgers Roundabout

Action/Reason:

Directs motorists entering roundabouts from identified streets to yield to traffic on the roundabout.

No Parking Zones (Maps 3 & 4) [BMC 15.32.080, Schedule M] – Section 2 of Ord 15-08

Location: Morningside Drive (from East Third – east entrance – to 675’ north – east side.

Reason:

In an email, Micuda mentions that the recent Summerhouse Inn development project was required to put in parallel parking on the west side of the street, which made the travel lanes too narrow for parking on the east side.

Location: Wylie Street (from South Dunn to South Henderson – south side)

Reason:

The Traffic Commission heard this request from a resident and found that motorists have difficulty traversing this narrow section of Wylie Street because of existing parking on both sides of the street. Parking would continue to be allowed on the north side of the street.

Loading Zones (Maps 5 - 7) [BMC 15.32.100, Schedule 0) – Section 3 & 4 of Ord 15-08

Location: 300 Block of South Washington (east side) (by the Allison Juke Box)

Action/Reason:

In an email, Micuda explained that this codifies a loading zone that will match signage at this space.

Location: 500 Block of West Wylie Street, 50' - 150' west of Rogers (north side) (Next to Centerstone Building at 714 West Wylie)

Action/Reason:

In an email, Micuda, explained that this will add a loading zone at the request of David Drake, IU Health, who went to the Traffic Commission asking for the loading zone for deliveries.

Location: 100 Block of West Sixth Street – one space east of the alley (north side)

Action/Reason:

This change will remove a loading zone previously used by Bloomington Paint and Wallpaper prior to their move to South Walnut Street.

Accessible Parking for Persons with Physical Disabilities (Maps & 9) [BMC 15.32.150, Schedule M] – Section 5 of Ord 15-08

This ordinance deletes and replaces all of the accessible parking spaces for persons with physical disabilities. The changes follow a review of spaces on the street as well as how those spaces are described in the code. Most of the changes merely change the description of existing spaces in one of the following ways. They:

- Delete specific addresses and replace them with the “100, 200, etc” block of a particular street;
- Delete names County buildings and replace them with the correct “100, 200, etc” block of the street on which they reside; and
- Add the “100, 200, etc” block of the accessible space where not identified.

In addition, the changes remove the following spaces from the code for the following reasons:

- 100 Block of North College – first space north of Eighth Street on west side of College
 - This is an erroneous reference to a space already listed for the 400 Block of North College;
- 100 Block of North Walnut – first space south of Sixth Street on the west side of Walnut Street
 - This space is no longer signed as an accessible parking space;
- Indiana University Office of Publications (638 North Rogers) – one space located on Rogers –
 - This space is no longer needed given the demolition of this building;

- Public Defender’s Office – south side of the 100 block of West Kirkwood, the first space west of the north south alley running between Fourth and Kirkwood –
 - This space is no longer used by that office.

Additional Code Clean Up [BMC 15.64.010 (c), Class C Traffic Violations (Potentially dangerous violations)] – Section 6 of Ord 15-08

Action: Adds “Parking on unimproved surfaces (BMC 15.32.025) as a Class C Violation - \$50.00 fine

Reason:

This prohibition was added to Title 15 last fall in order to give Parking Enforcement Officers powers to cite what has been a Title 20 (Unified Development Ordinance) violation. This change codifies the penalty for that violation.

**First Reading – Item Three - Ord 15-09
(Changes to Title 15 – Parking Policy Changes
Proposed by Councilmember Neher)**

Ord 15-09 is sponsored by Councilmember Neher and makes a number of policy changes to the Downtown parking. Those changes are summarized below.

Hours of Enforcement: 9:00 a.m.-9:00 p.m.

Currently, on-street and surface lot meters are enforced from 8:00 a.m. to 10:00 p.m. As relayed by Councilmember Neher in his memo to Council, data from the follow-up study indicate that the peak usage hours occur between 11:00 a.m. and 2:00 p.m. and between 5:00 p.m. and 8:00 p.m. According to the memo, shortening the hours will better accommodate those coming downtown in the early morning for breakfast, for early appointments, etc. and will better accommodate those visiting the Downtown in the evening for arts, entertainment and nightlife. The fiscal impact of this change is estimated to be approximately \$175,000.

Elimination of Credit Card Convenience Fee

At present, a \$0.30 convenience fee is attached to each credit card transaction at a parking meter. Neher writes that this unduly burdens credit card users and may deter some people from using the meters altogether. Ord 15-09 eliminates this fee. The fiscal impact of this change is estimated to be approximately \$150,000-\$155,000.

Parking Holidays

Ord 15-09 authorizes the Mayor to suspend enforcement of parking meters “during the holiday season, in the event of inclement weather, or under other circumstances the Mayor deems appropriate and reasonable.” This change is intended to provide incentives for people shopping downtown during the holiday season and to better balance parking supply and demand during this period. It also codifies the ability to stay enforcement under weather and other circumstances.

Extended Fourth Street Garage Hours

Currently, the parking meters in the Fourth Street Garage are enforced from 8:00 a.m. to 5:00 p.m., with the first three hours of parking provided free of charge. It appears that some parkers are “gaming” the garage by arriving at ~7:55 a.m. in an effort to subvert enforcement and secure an extra hour of parking and leaving just moments after the gates open at 5:00 p.m. to avoid paying for parking. This garage is often filled to capacity and this practice puts it under even more pressure. For that reason, the hours of enforcement for this garage are being extended to 7:00 a.m. to 6:00 p.m.

Metered Parking Along Washington from 2nd to 3rd Street

This proposal also creates metered parking along Washington Street from 2nd Street to 3rd Street to better accommodate clients of Middle Way House who often have difficulty finding parking proximate to the Middle Way House facility.

First Reading – Fourth Item – Ord 15-10 (Changes to Title 15 – Parking Policy Changes Proposed by Councilmember Volan)

Ord 15-10 is sponsored by Councilmember Volan and like the ordinance sponsored by Councilmember Neher (Ord 15-09), proposes amendments to Title 15 (Vehicles and Traffic) following the City’s experience with the expansion of downtown parking meters after the adoption of Ord 13-03 in March 2013 and the study submitted to the Council in the fall of 2014. In most regards, Ord 15-10 builds upon the changes proposed by Ord 15-09, but in some regards, it doesn’t. Where they differ, adoption of both ordinances may require a direction to staff to reconcile the two.

In the title, Councilmember Volan sets forth the goals of his ordinance, which are to improve parking management in the Downtown. By the term “manage,” he

focuses on the goal of regulating parking behavior in a manner where revenue targets or administrative costs do not undercut the goal of “optimiz(ing) access to the city's center for the broadest and most diverse set of users.” With that in mind he offers an ordinance that:

- Imposes a maximum charge for on-street metered parking;
- sets forth actual times and fees in an amended Schedule U;
- provides a period of free parking in all garages; and
- establishes a fee discount and waiver program to be overseen by a new Parking Commission.

Imposes a maximum charge for on-street metered parking and sets forth actual times and fees in an amended Schedule U

Here, Cm. Volan replaces the \$1 per hour, across-the-board approach to parking meter fees, with a maximum fee (BMC Section 15.40.020 [b]) for the entire downtown area and then modifies Schedule U (On-Street Parking Meters) to identify each block within the on-street metered area and add a column that allows designation of the actual time and charges for each block. That column includes a notation of #1, which indicates \$1 per hour on Monday through Saturday, and a notation of #2, which indicates \$0.50 per hour on those days and applies to areas of lowest usage. Following Donald Schoup’s conclusion that low usage is a result high price, Cm. Volan lowers the fee by half on 27 of the 90 blocks on the periphery where revenues accounted for 11% of all received by the City. (See map prepared by Cm. Volan in the Packet.⁴) Rather than remove summer enforcement, as suggested in the study at a cost of \$300,000, Cm. Volan offers a two-tiered area with an estimated revenue impact of \$135,000. Please note that, like Ord 15-09, it adds metered parking on South Washington from 2nd to 3rd Street.

Provides a period of free parking in all garages

Here, Cm. Volan sides with the study’s proposal for 1-hour free parking in all the garages, on the belief that the price is too low. However, in the interest of fairness and less confusion for parkers, he extends the 3 consecutive hours free parking to the Morton Street Garage, which has no free hours of parking. This anomaly is, he says, due to a system of gates that are no longer a hurdle to free parking. In his memo, he expresses interest in a lower, across-the-board, number of free consecutive hours of parking in the garages and, with the support of the Administration, would propose an amendment.

⁴ As Cm. Volan states, “The easiest way to describe the blocks being lowered are: all metered blocks west of Morton, south of 4th, and on Walnut north of 8th.”

Establishes a fee discount and waiver program to be guided by a new Parking Commission

Lastly, Cm. Volan sees in the City's parking meter agent (ParkMobile) and a new Parking Commission a means to alleviate the negative effects of on-street paid parking on particularly vulnerable businesses and non-profit organizations.

In the category of vulnerable businesses are retail establishments and restaurants⁵ whose customers, he believes, are more sensitive to the price and perceived inconvenience of paid on-street parking. In the category of vulnerable organizations are certain non-profits whose volunteers may no longer offer their valuable time or whose clients may not have adequate access to agency services.

To serve their needs, the ordinance authorizes the City to enter into a contract with an agent to administer, on its behalf, the on-street meter provisions of the code and take a charge from the payment for use of the parking space. The ordinance then authorizes up to a total of \$100,000 in fees in any one year to be discounted in accordance with a new BMC Section 15.40.023 (On-Street Parking Meter Fees – Bulk Discount) or waived in accordance with a new BMC Section 15.40.024 (On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations).

The Bulk Discount program will have up to \$50,000 available each year to dispense in the form of a 15% discount (e.g. payment of \$85 for 100 hours of parking at \$1 per hour). This discount would go to eligible businesses on a first-come, first-serve basis in an amount not to exceed 10,000 hours (at \$1 per hour) per year. It is intended to be used for customers with a need for short-term parking and not persons with a need for long-term parking. Those persons - employers, employees, paid contractors, and residents – should find off-street solutions to their parking needs and are not eligible for use of the discounts. One of the roles of the Parking Commission will be to review usage data and, upon notice and hearing, suspend or terminate discounts for businesses with a pattern of misuse or, deem a particular vehicle ineligible for the discount, if it received a waiver improperly. Misuse of a discount or waiver is not subject to a citation.

The Waiver Program will also have up to \$50,000 available each year. The waiver equals the entire fee, but not the transaction charge. Non-profit organizations operating at an address in the downtown meter area must apply for the program and, if awarded the waivers, would have up to \$10,000 in waivers in any one year.

⁵ Defined as any business occupying and doing business in the downtown on-street metered area that is required to obtain a Registered Retail Merchant Certificate from the State and who demonstrates that at least half of its revenues at that location are subject to the State sales tax.

The waivers are intended for volunteers and clients and all others are not eligible for them. As with the Discount Program, the Parking Commission would, among other duties, review usage and could suspend or terminate waivers and deem particular vehicles ineligible for them.

The ordinance provides guidance to the Parking Commission on allocating the waivers. This guidance anticipates a periodic, competitive process:

- where applicants must:
 - demonstrate that their mission either:
 - supports and enhances the Bloomington Entertainment and Arts District (BEAD), or
 - substantially matches criteria for funding under the Jack Hopkins Social Services Funding Program;
 - detail and explain their need (in a manner that will allow, among other things, for an effective review of usage); and
 - demonstrate knowledge and appropriate use of off-street parking; and
- where the Commission considers:
 - the impact of parking on adjacent properties; and
 - whether there is a high risk of misuse.

The ordinance inserts BMC Section 2.12.110, which establishes a Parking Commission. This Commission is a 7-member board made up of 2 merchants in the zone, 2 NFP representatives in the zone, 1 resident in the zone, 1 staff member from Planning & Transportation, and 1 Councilmember. The Council would appoint one merchant, one NFP representative, and a Councilmember; the Mayor would appoint the rest.

The Commission meets as necessary and would oversee the Bulk Discount and Waiver programs, including making decisions of the awarding of waivers. As Cm. Volan notes in his memo, given the number of departments involved in parking matters (i.e. Controller, Economic & Sustainable Development, Planning & Transportation, Police, Public Works), it “establishes the beginning of centralized oversight of parking management concerns, and concentrates them in a commission led by citizens.”

Much of Cm. Volan’s memo explains the features and general utility of the ParkMobile App. After setting up an account, a person may to enter a license plate number for a vehicle and pay the meter remotely at a charge of between \$0.30 - \$0.40 per transaction. If agreed to by the City, the App could be modified to operate on a pay-as-you-go basis, which could lower the transaction costs.

Although a Smartphone is the handiest way to access the services, one can use an ordinary phone to contact service personnel as well. In the interest of not discouraging ParkMobile usage, Cm. Volan does not support the proposal in Ord 15-09 to cover the charge imposed when motorist pay meters with a credit card.

Happy Birthday Chris Sturbaum – March 27th

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL SPECIAL SESSION
IMMEDIATELY FOLLOWED BY A
REGULAR SESSION
7:30 P.M., WEDNESDAY, MARCH 25, 2015
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

SPECIAL SESSION

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. LEGISLATION FOR FIRST READING**

- 1. Ordinance 15-06 - To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)

VI. ADJOURNMENT

to be followed immediately by a

REGULAR SESSION

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. APPROVAL OF MINUTES FOR:** March 17, 2015 Memorandum of Executive Session
- IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)
 - 1. Councilmembers**
 - 2. The Mayor and City Offices**
 - 3. Council Committees**
 - 2015 Council Sidewalk Committee Report
 - 4. Public***
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

- 1. Resolution 15-06 - To Designate an Economic Revitalization Area Approve the Statements of Benefits, and Authorize Period of Abatement for Personal Property Improvements - Re: Properties at 1501 South Strong Drive (Cook Pharmica, LLC, Petitioner)

Committee Recommendation: Do Pass 8 – 0 – 1

- 2. Resolution 15-08 - To Authorize Expenditures From the Industrial Development Fund to Support an Economic Development Project - Re: Cook Pharmica, LLC, 1501 South Strong Drive

Committee Recommendation: Do Pass 7 – 0 – 1

- 3. Ordinance 15-05 - To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses and Regulations” - Re: Chapter 4.16 (Itinerant Merchants, Solicitors and Peddlers – *deleted and replaced*); Chapter 4.28 (Mobile Vendors - *added*); and Chapter 4.30 (Pushcarts - *added*)

Committee Recommendation: Do Pass 1 – 0 – 8

(over)

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens 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.

4. Ordinance 15-06 - To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)

Note: This item was introduced this evening, and therefore, under BMC 2.04.300 (Ordinances and resolutions – Reading required.), requires unanimous consent to consider and a 2/3s majority to pass.

VII. LEGISLATION FOR FIRST READING

1. Ordinance 15-04 - To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: Making Various Housekeeping Changes, Creating Three Classifications of “Potentially Dangerous” Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of “Habitual Offender,” and Other Changes
2. Ordinance 15-08 - To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic”- Re: Changes to Yield Intersections, No Parking Zones, Loading Zones, Accessible Parking Zones, and Traffic Violations
3. Ordinance 15-09 – To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” and To Make Other Changes Related to Metered Parking - Re: Shortening the Hours of Enforcement of On-Street and Surface Lot Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare “Parking Holidays,” Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage), and Adding On-Street Metered Spaces along Washington Street from 2nd to 3rd Street
4. Ordinance 15-10 - To Amend Title 2 (Administration and Personnel) and Title 15 (Vehicles and Traffic) of the Bloomington Municipal Code (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

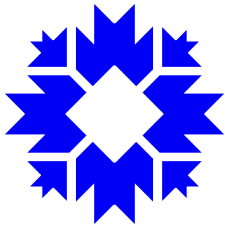
IX. COUNCIL SCHEDULE

(Possible) Motion to Schedule Special Session on April 1, 2015 immediately before the Committee of the Whole

(Possible) Motion Regarding Reports for April 8, 2015 Regular Session

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens 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.



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 23-27 March 2015

Monday, 23 March

12:00 pm Board of Public Works – Work Session, Kelly
4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Utilities Service Board, 600 E Miller Dr., Board Room
5:30 pm Bloomington Human Rights Commission, McCloskey
5:30 pm Farmers’ Market Advisory Council, Parks

Tuesday, 24 March

11:30 am Plan Commission – Work Session, Kelly
4:00 pm Board of Public Safety, McCloskey
4:00 pm Board of Park Commissioners, Chambers
5:30 pm Bloomington Public Transportation Corporation Board of Directors, 130 W Grimes Lane
5:30 pm Board of Public Works, Chambers

Wednesday, 25 March

10:00 am Metropolitan Planning Organization - Technical Advisory Committee, McCloskey
5:30 pm Dr. Martin Luther King, Jr. Birthday Commission, McCloskey
6:30 pm Metropolitan Planning Organization - Citizens’ Advisory Committee, McCloskey
7:30 pm Common Council – Special Session *immediately followed by a Regular Session*, Chambers

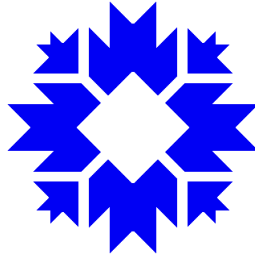
Thursday, 26 March

1:00 pm Utility Infrastructure Stakeholders Meeting - Certified Technology Park Project, McCloskey
5:00 pm Bloomington Historic Preservation Commission, McCloskey
7:00 pm Environmental Commission, McCloskey

Friday, 27 March

12:00 pm Common Council – Internal Work Session, Council Library

Posted and Distributed: Friday, 20 March 2015



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

NOTICE OF CANCELLATION

The Committee of the Whole scheduled for Wednesday, 25 March 2015 has been cancelled.

The Common Council will instead meet for a Special Session *immediately followed by a* Regular Session.

Council Sidewalk Committee 2015 Report

Table of Contents

- **Signature Sheet**
- **Narrative**
- **Committee Recommendation Sheet**
- **Maps for Recommended Projects**
- **Program Criteria**
- **Evaluation Sheet**
- **History of Funding**

Note: Memoranda for meetings will be available online and in the Council Office once approved by the Committee

Signatures for 2015 Sidewalk Report (March 25, 2015)

Note: Your signature below indicates approval of the Report pursuant to BMC 2.04.230 Standing committees-Reports (a), which requires that reports be in writing and be signed by a majority of the membership.

Chris Sturbaum, District 1 (Chair)

Dorothy Granger, District 2

Marty Spechler, District 3

Dave Rollo, District 4

Report of the Common Council Sidewalk Committee

March 25, 2015

Committee Members and Staff

The members of the 2015 Committee were appointed by the President of the Council in 2014, remain the same as last year, and include:

- Chris Sturbaum, District 1 (Chair)
- Dorothy Granger, District 2
- Marty Spechler, District 3
- Dave Rollo, District 4

The committee members were assisted by the following persons:

Office of City Clerk

Sue Wanzer, Deputy City Clerk

Council Office

Dan Sherman, Council Administrator/Attorney

Stacy Jane Rhoads, Deputy Administrator/Researcher

Planning and Transportation

Tom Micuda, Director

Scott Robinson, Long Range / Transportation Manager

Roy Aten, Senior Project Manager

Vince Caristo, Bicycle & Pedestrian Planner

HAND

Bob Woolford, Housing Coordinator

Parks and Recreation

Steve Cotter, Natural Resources Manager

Utilities

Jane Fleig, Assistant Engineer

Overview

The Committee makes recommendations to the entire Council on use of \$300,000 of Alternative Transportation Fund monies budgeted for 2015. This was the first year after the consolidation of planning and transportation functions under the new Planning and Transportation Department. The Committee met twice in November and December 2014 to review the program and, as it turned out, submit an Interim Report recommending amending the 2014 allocations. That Interim Report was approved by the Council on December 10, 2014. The Committee then met twice more, once in December and once in March, to make recommendations regarding allocation of 2015 funds. The recommendations allocated the \$300,000 and, if made available, some unspent funds in 2014.

Those allocations focused on the following projects:

- North Kinser Pike (just north of West 17th Street);
- West 17th Street (from four parcels west of Maple to Madison Street);
- Sheffield (from Morningside to Providence);
- Traffic Calming Projects (various including a crosswalk at Maxwell Lane and Mitchell Street); and
- 7th Street Ramp/Stairs (from SR 45/46 Bypass to 7th Street.

Schedule

The Committee met at noon in the Council Library on:

- Monday, November 18, 2014;
- Tuesday, December 2, 2014;
- Tuesday, December 9, 2014; and
- Thursday, March 19, 2015.

Deliberation Materials and Minutes Available Online

The following outline provides an overview of what the Committee did at those meetings. *Please note that there are some additional documents which are, or will be, available online and in the Council Office. The first is an informative [Council Sidewalk Committee Packet](#) for the Committee's initial meeting in November that is available for inspection in the Council Office. The second are the [Memoranda](#) for these meetings which will be available once reviewed by the Committee and approved by the Chair.*

Preliminary Matters

Early on, the Committee:

- Elected a Chairperson (Chris Sturbaum); and
- Acknowledged and thanked the Office of City Clerk (through Deputy Clerk Sue Wanzer) for serving as Secretary for the proceedings.

Review of Funding and Setting Aside Funds for Traffic Calming

The transportation-related monies are comprised of \$300,000 from the Alternative Transportation Fund (ATF), which receives surplus revenues from the Neighborhood Parking Program (BMC 15.37.160). While that amount is the same as in 2014, it reflects previous increases of \$25,000 for 2014 and \$50,000 for 2013. The budget for the ATF (#6301) is as follows:

Alternative Transportation Fund (ATF) - 2015		
<u>Category</u>	<u>Budget</u>	<u>Notes</u>
Personal Services	\$114,282	
Supplies	\$12,376	
Services and Charges	\$93,129	
Capital Outlay	\$500,000	\$300,000 for Council Sidewalks; \$200,000 for Greenways Projects
Total:	\$719,787	

City of Bloomington Utilities (CBU) Collaboration. Because they channel water, sidewalk projects, and more particularly curbs, are part of the City's stormwater infrastructure. The Committee has, over the years, recognized that the stormwater component of a sidewalk project frequently comprises a significant, and often majority, part of the project cost. To address this constraint on the installation of sidewalk projects, in 2007, the City of Bloomington Utilities department set aside \$100,000 for the stormwater component of Council sidewalk projects. In 2008, it was increased to \$125,000, but, in 2009, due to budgetary constraints, the

set aside ceased. Since that time, in lieu of a set aside of funds, CBU has offered to explore providing in-kind contributions for identified projects when consistent with departmental stormwater mission and priorities.

Set Aside for Traffic Calming Projects. As has been typical in previous years, the Committee initially agreed to set aside \$15,000 for any traffic-calming projects that might come forward in 2015. One part of an old project involving Fairview School and the Near Westside Neighborhood Association was mentioned by staff and discussed by the Committee. Another dealt with a possible crosswalk on Maxwell Lane at or near Mitchell Street. A third dealt with a project on Morningside Drive. Given other priorities and the timing of existing projects, the Committee reduced that allocation to \$5,000.

Actions Taken as a Result of Review of Past and Pending Projects

Request to Amend 2014 Report Approved by the Council in December

After reviewing progress on, and actual costs for, projects funded in 2014, the Committee submitted an Interim Report to the Council recommending amendment of the 2014 Council Sidewalk Report. The Interim Report was approved at the Regular Session on Wednesday, December 10, 2014.

The recommendations in the Interim Report can be found [online](#) and, in essence, concluded that:

- two sidewalk projects were completed in their entirety:
 - Maxwell Lane from Jordan to Sheridan (north side); and
 - Monroe County project on Leonard Springs Road from the Walmart entrance to Tapp Road (east side) – *which received a \$15,000 contribution from the ATF*;
- phases of two more projects were finished including:
 - Kinser Pike north of West 17th to apartments with sidewalks (east side) – *for design work*; and
 - West 17th from Maple Street to Madison (south side) – *for design and some appraisal work*;
- but, for various reasons, two sidewalk projects and a possible traffic-calming project did not move forward. Those two sidewalk projects were:
 - 7th Street and SR 45/46 Bypass – *for construction of ramp and steps*; and
 - Sheffield (from Morningside Drive to Providence) – *for design and construction*;
- rather than have approximately \$124,104.47 in Council Sidewalk Committee allocations¹ left unspent in 2014, it recommended that:
 - \$69,530 be reallocated to move each unfinished project on the 2014 list forward (typically with appraisal and design work);
 - \$26,320 be used to design a sidewalk/stormwater project on Fairview near Dodds; and
 - the Council respectfully requested that the Mayor consider offering an additional appropriation in 2015 of unspent 2014 funds budgeted which reverted to the ATF to be used toward 2015 projects.

¹ The Committee recommended allocation of \$298,301.78 of the \$300,000 budgeted for 2014. The \$124,104.47 in unspent funds is based upon the *allocated* and not the *budgeted* amount.

- *(Please note that the Public Works, Parks and Recreation, HAND, and Planning departments all provided documents describing recent sidewalks as well as other bicycle and pedestrian-related projects which were included in Appendix 6 of the Council Sidewalk Committee packet for its initial meeting in November. As noted above, this packet is available online at as well as in the Council Office.)*

Program Criteria

The Committee reviewed its criteria for funding projects with the help of Scott Robinson. The Committee uses six criteria, some of which have been filtered through analytics developed by the Planning and Transportation staff. Here are the criteria and corresponding information in an Evaluation Matrix:

Criteria	Analytics and Information	
1) Safety Considerations	Pedestrian Level of Service (PLOS) - gauges the pedestrian experience based upon traffic volume and speed, lane width, presence and width of sidewalk, and presence, type, and width of the buffer.	
2) Roadway Classification		
3) Pedestrian Usage	Residential Density	Walkscore – an online score that gauges pedestrian demand based upon proximity to a mix of destinations. Score: 0 (car dependent) – 100 (walker’s paradise)
4) Proximity to Destinations	Transit routes and stops	
5) Linkages	Proximity to existing sidewalks as shown on Sidewalk Inventory (updated annually).	
6) Cost and Feasibility	Estimates provided by Engineering Dept.	

Robinson reminded the Committee that his department prepares an Evaluation Sheet which scores projects based upon objective measures associated with some, but not all, of the criteria. In that regard:

- The Walkscore (which borrows an online analytic tool to provide an objective measure for Criteria 3 [Pedestrian Usage] and Criteria 4 [Proximity to Destinations]) was updated for all projects and led to some change in rankings;
- The Evaluation Sheet does not incorporate objective measures for the Criteria 5 (Linkages or, in other words, “connectivity”) and Criteria 6 (Feasibility), and therefore, the satisfaction and weighing of that criteria was left to the judgment of Committee members.

The Committee did not recommend any changes to the criteria this year.

Narrowing Priorities after Review of Evaluation Sheet

The Committee reviewed the Evaluation Sheet (attached), which contained 44 proposed projects, including eight new requests, and asked Roy Aten to prepare or obtain more recent estimates for unfinished projects from 2014. Some of these projects are discussed below: in particular, the ones recommended for funding, and then a brief reference to three new requests that ranked in the top 20, but did not receive funding this year.

Recommended for Funding in 2015

- **North Kinser Pike from Existing Sidewalk North of 17th Street to 17th Street – East Side (Rank #1)** – This highest ranking project has been on the list for over a decade due, in large part, to the cost of the right-of-way. After obtaining estimates for both sides of the street, the Committee chose the east side, which was less expensive and more likely to be used. Design and appraisal work were done or contracted for in 2014. This request is for acquisition of right-of-way (\$14,000) and construction (~\$129,851), which should complete the project this year.
- **West 17th – From Four Parcels West of Maple to Madison – South Side (*within the scope of Crescent to Madison Project* - Rank # 8)** – Installation of sidewalks on West 17th Street has been a high priority for the City and has seen some progress over the years. As a result of Committee recommendations in 2013, a sidewalk was installed on the south side from Madison to College, which is directly east of this project. A combination of MPO and local funds was used to construct a roundabout at Arlington and Monroe, which includes the installation of sidewalks immediately to the west of this project. Money for design and right-of-way were spent last year for the segment east of Maple. This year the Committee recommends allocating \$70,000 to acquire right-of-way both east and west of Maple. It's worth noting that some of this allocation is for temporary right-of-way in order to do work on private property, which is recommended by City Legal and will increase the cost of sidewalk projects. Total cost of construction will likely exceed \$500,000.
- **Sheffield Drive – Morningside Drive to Providence Drive – West Side (Rank #20)**
This project would complete missing sidewalk segments along Sheffield near Plymouth with recently-completed Council Sidewalk Committee projects on the south along Morningside Drive from Smith Road to Sheffield. The Committee thought this project addressed an issue of safety because Sheffield winds downhill toward Morningside and neither motorists nor pedestrians, who must now walk on the street, may have time to react as cars descend rapidly through the curve. Design was contracted for in 2014 at a cost of \$8,010 and the Committee is recommended \$75,000 for acquisition of right-of-way and construction in 2015.
- **Traffic Calming** The Committee initially set aside \$15,000 for possible traffic calming projects, but, given the one project likely to move forward this year and other higher priorities, ultimately set aside \$5,000 for 2015. That project is a crosswalk at Maxwell Lane and Mitchell Street. If other funds can be found for this project, the Committee would then use this allocation toward the ramp and stairs on East 7th Street (below).
- **E. 7th Street at SR 45/46 Bypass (Rank #19)** This project would connect the sidepath on the west side of the SR 45/46 Bypass to the bicycle/pedestrian tunnel and 7th Street. The Committee thought this connection to Green Acres may have the added benefit of encouraging more bicycle and pedestrian traffic between the neighborhoods to the east and the campus to the west. It would include installing a ramp from the Bypass to the tunnel and stairs to 7th Street. The design was done in 2014 at a cost of \$10,800. Construction should cost about \$54,000. The neighborhood is interested in a landscaping component for this project, which could be funded from Community Development Block Grant (CDBG) monies. Given other priorities this year,

the Committee recommended allocating about \$6,150 of the \$300,000 in budgeted funds and an estimated \$43,000 of unspent 2014 funds for this project, should that money become available. It also requested that the Administration explore use of other funds (about \$5,000) to complete this project. That might involve CDBG funds or perhaps using Greenways to pay for traffic calming and using those funds for this project.

Eight New Projects Requested in 2015

- Eight new projects were requested in 2015. Three of them rated in the top 20. The highest rated of the three was on a vacant parcel on East Third Street that would have sidewalks installed once the property developed. Another was on East 10th Street near Eastern Heights Subdivision. It involved property within the purview of the Indiana Department of Transportation which, for various reasons, was not inclined to install sidewalks at this time. The third was along vacant property owned by Indiana University Foundation which, it is hoped, would have sidewalks installed once those parcels develop. (Please see the Council Sidewalk Committee Packet for a description of those requests.)

Summary of Actions

In summary, during the course of its 2015 deliberations, the Committee:

- Elected Cm. Sturbaum as Chairperson;
- Requested the Council approve an Interim Report amending its 2014 funding recommendations, which was approved by the Council on December 10, 2014;
- Acknowledged two disclosures of conflicts of interest from:
 - the Administrator/Attorney, who owns and resides in a house along a proposed project (Nancy Street from Mark to Hillside); and
 - the representative from the HAND department, who owns and resides in a house along another proposed project (Wylie Street from Henderson to Lincoln) neither of which were given serious consideration by the Committee this year;
- Approved the funding recommendations which included use of unspent funds from 2014 should they become available via additional appropriation in 2015;
- Authorized the Chair to correct and approve the minutes after Committee and staff had a week to review them;
- Requested Staff to submit a Progress Report no later than September indicating, among other things, the estimated and actual costs of projects;
- Authorized submittal of a Committee Report to the Council after signatures have been obtained by a majority of Committee members; and
- Dispensed with a final meeting where its procedures and criteria and list of priorities have, in the past, been reviewed in anticipation of next year's deliberations.

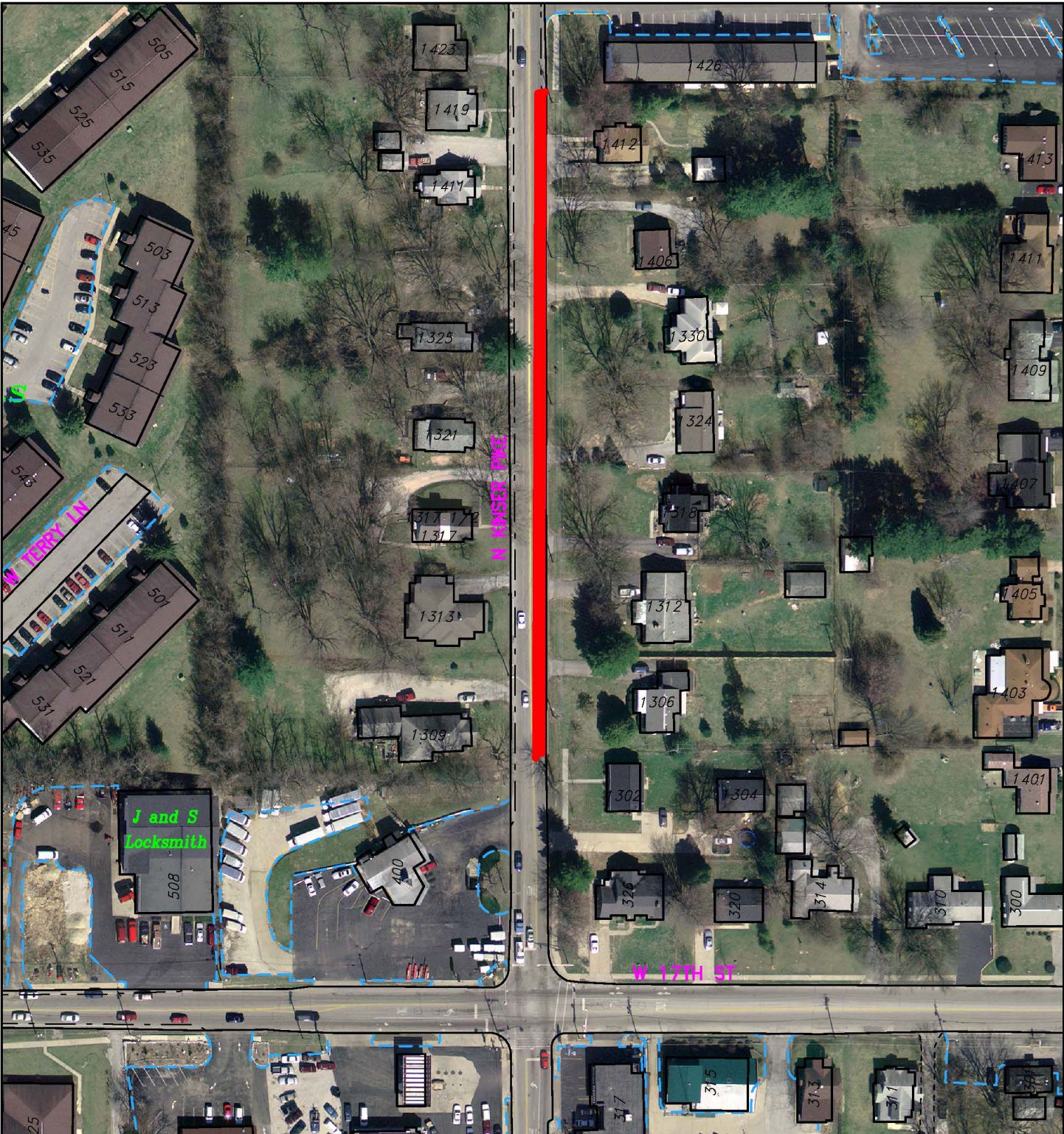
PROPOSED AMENDMENT TO COUNCIL SIDEWALK COMMITTEE FORMAL RECOMMENDATIONS FOR 2015 - FUNDS AVAILABLE: \$300,000

- **Alternative Transportation Fund (ATF)** Use the \$300,000 of Alternative Transportation Funds appropriated in 2015 for sidewalk and traffic-calming projects.
- **CBU Assistance with Storm Water Component of Council Sidewalk Projects** While no longer setting aside funds for the storm water component of Council sidewalk projects, CBU continues to look at proposed projects and see whether it can provide some in-kind contributions.
- *Note: As a result of a request made as part of the Interim Report at the end of 2014, the Committee may have additional funds available for allocation this year. These funds would equal unspent funds that reverted to the ATF at the end of 2014 and are estimated at about \$43,000. The shaded column indicates how those funds would be allocated.*

CHART OF 2015 COUNCIL SIDEWALK COMMITTEE RECOMMENDATIONS:

	<u>ATF (Budgeted Amount)</u>	<u>ATF (Additional Amounts – Should They be Appropriated)</u>	<u>CBU</u>	<u>OTHER FUNDS</u>
Kinser Pike – Acquisition of Right-of-Way (\$14,000) and Construction (\$129,851) North of 17 th Street to Apartments (East Side)	\$143,851		\$0	\$0
West 17th – Acquisition of Right-of-Way (both Temporary and Permanent) Four Parcels West of Maple to Madison (South Side)	\$70,000		\$0	\$0
Sheffield – Acquisition of Right-of-Way (\$20,000) and Construction of Missing Sidewalk Segments (\$55,000) Morningside to Providence (West Side)	\$75,000		\$0	\$0
Traffic Calming – Set Aside A cross-walk at or near Maxwell Lane and Mitchell Street	\$5,000		\$0	*
7th and SR 45/46 Bypass - Construction of Steps and Ramp (Estimated at \$54,000) Tunnel to 7 th Street (steps) and SR 45/46 Sidepath to 7 th Street (Ramp) (All on West Side of By Pass)	\$6,149	\$43,001	\$0	*
<i>* The Committee realized that the \$49,150 for the 7th and SR 45/46 Bypass Ramp/Stair Project would not cover the estimated \$54,000 cost. It then requested that the Administration explore use of other funds to complete this project or pay for the traffic calming and allow those funds to be used toward this project. Possible funds could include Greenways and CDBG.</i>				
TOTAL ALLOCATION	\$300,000	\$ 43,001	\$0	\$0
Estimated Unspent Funds from 2014	\$ 00.00	\$ 43,001		
TOTAL BUDGETED FUNDS	\$300,000	\$ 00.00		

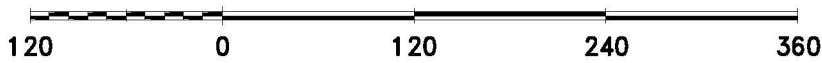
Note: The Committee recognizes that the allocations for each project are estimates and may change. The allocations are intended to establish priorities and keep expenditures within appropriations. According to prior motions by the Committee, project costs that exceed the estimate by 10% should be approved by the Chair; project costs that exceed the estimate by \$20,000 should be approved by the Committee. This year the Committee requested a Progress Report in September.



2009 Council Sidewalk Committee

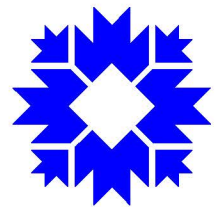
Brad Wisler's request for a sidewalk on the east side of Kinser (N of 17th)

By: fallsm
7 Oct 08

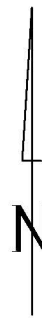


For reference only; map information NOT warranted.

City of Bloomington
Clerk & Council



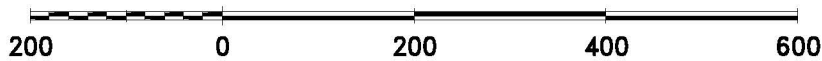
Scale: 1" = 120'





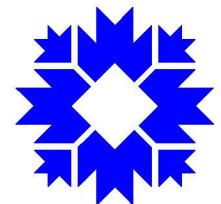
Council Sidewalk Committee – Project Request
 Pedestrian Connection to SR 45/46 Underpass
 2011

By: shermand
 2 Nov 11
 File: LPE7th



For reference only; map information NOT warranted.

City of Bloomington
 Clerk & Council



Scale: 1" = 200'



Council Sidewalk Committee Policies

Criteria for Selecting Sidewalk Projects

- Safety Considerations -- A particular corridor could be made significantly safer by the addition of a sidewalk.
- Roadway Classification -- The amount of vehicular traffic will increase the likelihood of pedestrian/automobile conflicts, which a sidewalk could prevent. Therefore, arterial and collector streets should be a priority for linkages over residential/subdivision streets.
- Pedestrian Usage -- Cost-effectiveness should be based on existing and projected usage.
- Proximity to Destination Points -- Prioritization of linkages should be based on proximity to destinations such as elementary schools, Indiana University, employment centers, shopping opportunities, parks/playgrounds, etc.
- Linkages -- Projects should entail the construction of new sidewalks that connect with existing pedestrian facilities.
- Costs/Feasibility -- Availability of right-of-way and other construction costs must be evaluated to determine whether linkages are financially feasible.

History of Revisions

These criteria first appeared in a memo entitled the *1995 Linkages Plan – Criteria for Project Selection/Prioritization* and have been affirmed and revised over the years.

- On October 16, 2006, the Committee added “Indiana University” as another “destination point” under the fourth criteria (Proximity to Destination Points). At that time, it decided not to explicitly recognize “synergy” as another criteria, because it was already being considered as a factor under the fifth criteria (Costs/Feasibility).
- On January 4, 2008, the Committee added the fifth criteria defining “Linkages.”
- On November 12, 2009, the Committee revised “Proximity to Destination Points” to clarify that the list was illustrative and included “employment centers” among other destinations.

Other Policies

Overage Policy

Each year the Committee Report uses estimates submitted by City Engineering to allocate funds between projects. Even with a 10% contingency, these estimates are sometimes well-off the bid for, or actual cost of, the project. The 2009 Committee established an “overage policy” whereby allocations in excess of 10% of the project estimate must be approved by the current chair and any additional allocation in excess of \$20,000 over the project estimate must be approved by the Committee.

2015 Council Sidewalk Committee - Initial Project Prioritization

Street	Description	Project Length (approx.)	Walk Score (potential ped usage)	WS Rank	PLOS Score	PLOS Rank	Transit Route Score	Transit Route Rank	Density Score	Density Rank	Rank Sum	Overall Project Rank (2014)*	Overall Rank
Kinser Pk.	north of 17th St. to existing sidewalk near apartments	700	72	4	3.88	12	247	6	1,210	5	27		1
E. 3rd St. (2015)	2 vacant Lots E of Park Ridge	340	20	39	4.16	3	268	1	1,552	2	45		2
Union St.	4th St. to 7th St.	954	68	6	3.84	13	103	20	1,035	7	46		3
14th St.	Madison St. to Woodburn Ave.	450	85	1	3.58	23	220	9	769	15	48		4
19th St. (2011)	Walnut St. to Dunn St.	1,120	51	15	3.48	26	178	11	1,229	4	56		5
Smith Rd. (2011)	Grandview Dr. to 10th St.(west)	1,352	42	21	3.63	20	260	5	771	14	60	11	↑ 6
Moores Pk.	AndrewsSt. to College Mall Rd.	1,289	51	15	3.99	8	52	34	1,453	3	60	10	↑ 6
17th St. (2012)	Crescent Street to College Ave.	5,500	45	18	2.46	40	216	10	996	8	63		8
E. 10th St. (2015)	Grandview Dr. to Russell Rd.	2,390	19	40	4.01	6	268	1	571	18	65		9
Jefferson St.	3rd St. to 7th St.	1,375	66	7	3.66	17	97	21	393	22	67		10
S. Rogers St.	south of Hillside Dr.	480	43	20	3.97	10	90	25	825	13	68		11
17th St.	Indiana Ave. to Forrester Ave.	1,323	45	18	4.23	1	58	32	525	20	71	6	↓ 12
N. Indiana (2015)	15th St. to 17th St.	409	58	11	3.61	21	76	29	881	12	73		13
5th St.	Union St. to Hillsdale Dr.	1,671	66	7	3.52	25	131	14	298	28	74		14
Miller Dr.	Huntington Dr. to Olive St.	423	38	24	3.66	17	82	27	1,191	6	74		14
Walnut St.	Hoosier St. to Legends (driveway)	369	52	13	3.74	16	34	37	986	10	76	26	↑ 16
Fairview St. (2011)	Wylie St. to Allen St.	1,005	52	13	3.48	26	120	16	343	24	79		17
Moores Pk.	Valley Forge Rd. to High St.	1,060	34	29	4.17	2	107	19	240	30	80		18
E 7th St. (2011)	SR 45/46 Bypass to Hillsdale Dr.	830	69	5	3.30	36	240	7	202	33	81		19
Palmer St. connector path	Wylie St. to 1st St.	529	75	3	1.50	44	146	12	328	25	84		20
Clark St.	3rd St. to 7th St.	1,390	60	10	3.25	38	131	13	360	23	84		20
Walnut St.	Winston/Thomas to Nat'l Guard Armory	1,064	42	21	3.99	8	34	38	679	17	84		20
High St.	Covenanter Dr. to 2nd St.	2,622	46	17	4.01	6	93	24	156	37	84		20
10th St. (2013)	Smith Rd. to Russell Rd.	1,010	22	38	3.92	11	268	1	172	35	85	17	↓ 24
Wylie St. (2013)	Lincoln St. to Henderson St.	1,150	77	2	2.33	42	121	15	301	27	86		25
Sheffield Dr. (2013)	Morningside Dr. to Plymouth Rd.	700*	28	33	2.36	41	268	1	884	11	86	20	↑ 25
Rockport Rd. (~1/2 built 2014)	Countryside Ln. to Tapp Rd.	3,198	25	36	4.07	4	61	30	716	16	86		25
Bryan St. (2013)	3rd St. to 7th St.	1,400	55	12	3.34	33	90	26	539	19	90		28
Allen St. (2015)	Henderson St. to Lincoln St.	1,184	66	7	1.98	43	113	18	302	26	94		29
Walnut St. (2013)	SR 45/46 to 500 ft N of Fritz Dr	2,300	37	25	3.65	19	18	39	481	21	104		30
Corey Ln. (2015)	2nd St. to 3rd. St.	2,332	15	41	3.61	21	48	35	987	9	106		31
Morningside Dr. (2012)	Sheffield Dr. to Park Ridge Rd.	1,276	35	26	2.87	39	228	8	174	34	107		32
Rhorer Rd.	Walnut St. to Sare Rd.	4,775	40	23	4.06	5	0	41	69	42	111		33
Nancy St.	Hillside Dr. to Mark St.	878	31	32	3.48	26	94	22	235	31	111	29	↓ 33
Fee Ln. (2015)	SR 45/46 to Lot 12 Entrance	1,353	11	44	3.44	31	48	35	5,400	1	111		33
Smith Rd. (2011)	Hagan St. to Brighton Ave. (west)	1,817	28	33	3.56	24	118	17	122	39	113	30	↓ 36
Mitchell St. (2012)	Maxwell Ln. to Circle Dr. (east)	624	34	29	3.34	33	77	28	297	29	119	34	38
Graham Dr. (2011)	Rockport Rd. to Rogers St.	1,815	35	26	3.34	33	58	31	234	32	122		39
Dunn St.	SR 45/46 to Tamarack Tr.	2,044	32	31	3.83	14	7	40	74	41	126	35	↓ 40
S. Highland (2015)	Winslow Park Parking to Sidewalk	755	23	37	3.45	30	55	33	158	36	136		41
Kinser Pk.	north of Acuff Rd.	1,595	12	42	3.83	14	0	41	40	44	141		42
Ramble Rd.	Ramble Rd. to Dunn St.	875	28	33	3.26	37	0	41	86	40	151		43
N. Dunn St. (2015)	Tamarack Trail to Lakewood Dr.	3,602	12	42	3.41	32	0	41	64	43	158		44

* This column was added by the Council Office. It compares rankings in 2014 with rankings in 2015 and identifies changes of at least 4 slots.

** Shaded rows indicate new proposals for consideration in 2015.

*** Please see the end of the Index for Maps of Sidewalk Proposals (2015) for a list of completed and removed projects.

A HISTORY OF COUNCIL SIDEWALK COMMITTEE FUNDS, 2002-2015

2015

Site	Estimate	Recommendation	Additional Appropriation	Comments
Kinser Pike - 17th Street north to Apartments (East Side)	\$198,821.00	\$143,851.00		This highest ranking project has been on the list for over a decade due, in large part, to the cost of the right-of-way (which was estimated, at times, at over half of the total project cost. After obtaining estimates for both sides of the street, the Committee chose the east side, which was less expensive and more likely to be used. This recommendation follows expenditures for design and appraisals in 2014 and commits funds necessary to complete this project in 2015.
West 17th Street -- Four Parcels West of Maple to Madison (South Side)	\$600,000.00	\$70,000.00		* Installation of sidewalks on West 17th Street has been a high priority for the City. Given work on the east and west, the scope of the project now runs from four parcels west of Maple to Madison Street. This year's allocation will pay for acquisition of right-of-way between Maple and Madison and design of the sidewalk for the four parcels west of Maple.
Sheffield - Morningside Drive to Providence (West Side)	\$83,000.00	\$75,000.00		This project would complete missing sidewalk segments along Sheffield that would connect with existing sidewalks along Plymouth on the north and recently-completed Council Sidewalk Committee projects on the south along Morningside Drive. Speed of cars descending the curve to Morningside, in part, made this a priority for the Committee. The design was done last year by contract at a cost of \$8,010. The allocation this year will pay for acquisition of temporary right-of-way (\$20,000) and construction (\$55,000) and, if all goes well, should complete the project this year.
Traffic-Calming (Crosswalk at Maxwell and Mitchell Street)	\$5,000.00	\$5,000.00		The Committee initially set aside \$15,000 for a few possible traffic calming projects this year. These included a component of an old project by Fairview School, a crosswalk at Maxwell Lane and Mitchell Street, and traffic calming along Morningside Drive. Given other higher priorities and the likelihood of expenditures in 2015, the Committee allocated \$5,000 toward the crosswalk at Maxwell Lane and Mitchell Street.
SR 45/46 Bypass and Tunnel to 7th Street (West Side)	\$65,000.00	\$6,149.00	\$43,001.00	This project would connect the sidepath on the west side of the SR 45/46 Bypass and the bicycle/pedestrian tunnel at this site with 7th Street and, thereby, to the neighborhoods to the south and west. It would include installing a ramp from the Bypass to the tunnel and stairs to 7th Street, and may include landscaping provided through CDBG funds. The cost has grown as the project moved from an in-house to a contracted one. Given other higher priorities, the allocations included about \$6,150 from the \$300,000 ATF Budget and an estimated \$43,000 in unspent 2014 funds that might be additionally appropriated for this purpose. In effort to complete this project, the Committee also requested the Administration explore use of other funds to complete this project. That could include paying for traffic calming and allowing that money to go towards this project.
Total	\$951,821.00	\$300,000.00	\$43,001.00	* An additional appropriation may come forward to make unspent 2014 funds available for use in 2015. The amount is an estimate and may change.

2014				
Site	Estimate	Recommendation	Other Funds	Comments
Kinser Pike - 17th Street north to Apartments (East Side)	\$228,412.80	\$38,068.80		This highest ranking project has been on the list for over a decade due, in large part, to the cost of the right-of-way (which amounts to over half of the total project cost of \$228,412). After obtaining estimates for both sides of the street, the Committee chose the east side, which was less expensive and more-likely-to-be-used. This recommendation commits \$38,068.80 toward the design of this project in 2014 with construction considered a high priority in 2015.
West 17th Street -- Maple to Madison (South Side)	\$276,361.80	\$58,810.30		* Installation of sidewalks on West 17th Street has been a high priority for the City and will see progress to the east and west of this project in the near future. This year, the Committee learned it would cost \$276,361.80 for this project, which would include about 650 feet of sidewalk (with some sidewalk already in place), some steps here and there, and some storm water component (estimated at about \$59,000) that might be covered by City Utilities. The recommendation this year is to allot \$46,060.30 toward the design and \$12,750 toward appraisal work for this project and make construction a high priority next year. *CBU will explore in-kind contributions toward the storm water component of this project.
SR 45/46 Bypass and Tunnel to 7th Street (West Side)	\$20,000.00	\$20,000.00		This project would connect the sidepath on the west side of the SR 45/46 Bypass and the bicycle/pedestrian tunnel at this site with 7th Street and, thereby, to the neighborhoods to the south and west. It would include installing a ramp from the Bypass and stairs from the tunnel. The cost is estimated at \$20,000 and the stairs would have a "cheek wall" for bicyclists to use for their bikes after dismounting them. The Committee thought this may have the added benefit of encouraging more bicycle and pedestrian traffic between the neighborhoods to the east and the campus to the west.
Leonard Springs -- 300 feet South of Walmart Entrance to Tapp Road	Unknown	\$15,000.00	Unknown	Last year the Committee recommended contributing as much as \$15,000 to this Monroe County project over two years if it was going forward. The logic for contributing is two-fold: first, the roadway is owned by the City (but the adjacent land is within the County) and second, there are some pockets within the City to the south with residents that would use the sidewalk. The project would be about 1,200 feet long and cross 10 parcels of land. <i>It is conditioned on adequate assurances that the project will go forward and the contribution will be spend in 2014.</i>
Sheffield - Morningside Drive to Providence (West Side)	\$63,414.45	\$55,143.00		This project would complete missing sidewalk segments along Sheffield that would connect with existing sidewalks along Plymouth on the north and recently-completed Council Sidewalk Committee projects on the south along Morningside Drive. Speed of cars descending the curve to Morningside, in part, made this a priority for the Committee. The Engineering Department will design the project which reduced the outlay by \$8,271.45.
Maxwell Lane -- Jordan Avenue to Sheridan (North Side)	\$96,279.38	\$96,279.38		This follows on the project in 2013 that brought a sidewalk to the north side of Maxwell from the bottom of the hill at Highland to mid-way up the hill at Jordan. It will continue the project over the crest of the hill to Sheridan. Once this block is done - with the help of previous Committee-recommended projects - there will be a continuous run of sidewalks all the way from High Street on the east to Henderson on the west. Funds for the design of this project were provided in 2006.
Traffic-Calming (Unspecified)		\$15,000.00		The Committee set aside \$15,000 for unspecified traffic-calming projects in the event one is ready for installation this year.
Total	\$621,053.98	\$298,301.48		Note: This history reflects Annual Committee Reports and not Interim Reports. An Interim Report was approved for both 2013 and 2014 that reallocated these funds.

2013				
Site	Estimate	Recommendation	Other Funds	Comments
West 17th Street -- Madison Street to College Avenue (South Side)	\$268,199.00	\$147,351.16	\$107,199.00	Following an investment in the design of this project in 2011 and an offer from City of Bloomington Utilities to cover the storm water costs associated with it, the Committee recommended funding construction of a sidewalk in 2013. The offer from CBU reduced the allocation for this project from \$268,111 to \$161,000, but with the understanding that some of the estimated \$8,500 in remaining funds for the year might be needed to cover any overage. <i>Note that, on December 18, 2013, the Council amended the recommendations to reflect the lower than expected bid for this project.</i>
Maxwell Lane -- Highland Avenue to Jordan Avenue (North Side)	\$87,000.00	\$95,543.62		This is one block of a two-block project that would be constructed on the north side of the street from the bottom of a hill (at Highland) to the other side of the crest at Sheridan. Once these two blocks are complete - with the help of previous Committee-recommended projects - there will be a continuous run of sidewalks all the way from High Street on the east to Henderson on the west. Funds for the design of this project were provided in 2006. <i>Note that, on December 18, 2013, the Council amended the recommendations to reflect an increase in cost of the project from \$87,000 to \$95,543.62, due to the removal of rock.</i>
Moore's Pike and Olcott Boulevard -- Pedestrian Crossing	\$18,500.00	\$7,959.90		This is a pedestrian crossing with a raised island and lane markings to narrow the roadway. It follows a denial of a stop sign request at the Traffic Commission in January and <i>does not</i> include the installation of a stop sign. The crossing will provide residents in Hyde Park and points south access to a continuous sidewalk that runs along the north side of Moore's Pike from Smith Road to Sare Road and further west. <i>Note that, on December 18, 2013, the Council amended its recommendations to reflect an altered project (now with no island, but with a solar-operated speed indicator) and a drop in cost from \$18,500 to \$7,959.90, largely due to the labor having been provided by the Public Works Department..</i>
Rockport Road -- Countryside Lane south 2,000 feet to just past Graham Drive (West Side)	\$1,200,000 +	\$24,145.32	\$1,200,000.00	<i>Note that, on December 18, 2013, the Council amended its recommendations to include this allotment toward a large multi-phased road-improvement/storm water project along Rockport Road. This contribution of \$24,145 can be committed in 2013 toward appraisal work necessary for the project and follows through on a recommendation in 2012 to use any remaining funds that year for this purpose.</i>
Leonard Springs -- 300 feet South of Walmart Entrance to Tapp Road	Unknown	\$0.00	Unknown	This is a County project to be constructed on land in the county that lies along a city-owned roadway. The design and total cost of the project are unknown at this time. The County sees the need for the project (which is evident with the path worn by pedestrians) and is interested in a contribution from the City. After learning that City residents to the south would probably use the sidewalk, the Committee agreed to contribute any funds remaining this year once there were adequate assurances that the project will be completed in the short term. The Committee also declared intent to contribute as much as \$15,000 toward this project over two years. <i>Note that, on December 18, 2013, the Council amended the recommendations to defer any contribution to this project until 2014 when the project moved forward to the point the money could be used.</i>
Total	\$373,699.00	\$275,000.00	\$1,307,199.00	

2012				
Site	Estimate	Recommendation		Comments
		ATF	Other Funds	
Third Street -- Overhill Drive to Travel Lodge Driveway (North S	\$154,474.00	\$154,474.00		See the 2011 and 2010 descriptions below for the details of the larger project, which will result in the construction of sidewalks on the north side of East Third Street from Union to the SR 45/46 Bypass. Contributions from other sources include: \$100, 00 from Greenways; \$75,000 from HAND; and the installation of sidewalks by INDOT as part of the SR 45/46 Bypass project.
Mitchell Street -- Maxwell Lane to Circle Drive	\$1,100.00	\$1,100.00		This project proposes the use of lane markings to designate a portion of the west side of the roadway of this one-block segment as a pedestrian corridor. It would provide a pedestrian facility that connects a City-created pedestrian corridor on the south, which runs from Bryan Park to sidewalks at Marilyn Drive and High Street, to City-installed sidewalks along Maxwell Lane. <i>Note: This recommendation was conditioned upon approval of the associated removal of parking on that side of the street. Please also note that the lane was eventually approved for the east side.</i>
Morningside Drive -- Saratoga to Sheffield (West Side)	\$19,866.00	\$19,866.00		This recommendation continues upon the completed 2011 recommendation to install a sidewalk from Smith Road to Saratoga. Please see the 2011 description below for more information about this project
Rockport Road -- Coolidge to 310 feet North of the Intersection (West Side)	\$80,440.00	\$34,560.00	*	This recommendation would partially fund the sidewalk project by contributing funds toward the cost of acquiring the right-of-way. It is intended to leverage other resources to fill-in one of three missing sidewalk links along Rockport Road from Tapp Road to Rogers Street in 2012. The other missing links include a long section north of Tapp Road which will be constructed as part of the roundabout at that intersection and a segment north of Ralston, which remains unfunded. <i>Note: This recommendation would allow any remaining funds to be applied towards the cost of right-of-way and is conditioned upon Committee acceptance of assurances that the sidewalk will be completed in 2012.</i> <i>* CBU staff have inspected the site and offered suggestions on handling the stormwater.</i>
Total	\$255,880.00	\$210,000.00	\$0.00	

2011				
Site	Estimate	Recommendation		Comments
		ATF	Other Funds	
Third Street -- Segments 1-4: Bryan to Hillsdale	\$387,405.00	\$129,811.00	\$175,000.00	See 2010 description below for project details. The 2010 Committee dedicated the bulk of its funds to the E. Third Street project. After applying 2010 funds to this project, \$129,811 was need for the completion of Segments 1-4. The other funds include \$100,00 from Greenways & \$75,000 from HAND.
Third Street -- Segment 5: Hillsdale to Travel Lodge	\$300,893.00			Design for this project will be completed with 2010 funds.
Southdowns -- Jordan to Mitchell (with exploring the possibility of CBU making an in-kind contribution toward stormwater improvement)	\$53,153.00	\$50,622.00		With the completion of Marilyn Drive sidewalk in 2011, this segment would culimate a multi-year effort to create a continuous pedestrian corridor running from Bryan Park to the sidewalks at High and Covenancter. he stormwater component of this project is \$16,000. The Committee requested that CBU make a good-faith effort to explore whether they would be able to make an in-kind contribution re: the stormwater component of this project.
Morningside Drive - Smith to Saratoga (side of road to be TBD)	\$13,929.00	\$13,929.00		This project is intended to provide a pedestrian route to compensate for the loss of a Bloomington Transit bus stop on Morningside Drive. The closest stop is now on Smith Road and many people walk down Morningside to get to the stop at Smith. The walk is precarious and uncomfortable. This is a neighborhood with many children and a neighborhood that sees many pedestrians. A sidewalk would really help pedestrians get safely to the Smith stop
West 17th -- Woodburn to Madison (southside)	\$282,878.00	\$15,638.00		This is a highly rated, but expensive, project that has been under consideration by the Committee for many years. Funds remaining after the other projects are covered will be used the design of this project (\$25,000). The design should lower the cost of the project.
Total:	\$1,038,258.00	\$210,000.00	\$175,000.00	
2010				
Site	Estimate	Recommendation		Comments
		ATF	CBU Stormwater	
Marilyn -- Nancy to High (south side)	\$189,937.45	\$98,373.43	\$91,564.00	See 2009 description below for project details. As federal funds requested from the Mayor were not available for 2010, the Committee agreed to dedicate ATF funds to complete this project.
Third Street -- Bryan to Jefferson (north side)	\$95,408.78		\$22,638.00	Connection is needed from Roosevelt to the SR 46 Overpass to link up with the existing sidewalk. The 2009 Committee forwarded a recommendation to the 2010 Committee encouraging the latter to fund as much of this project as possible. The 2010 Committee agreed that, after funding the above previously-committed Marilyn project, it should devote all remaining funds to the Third Street project. The Committee voted to fully fund the first two stretches of this project (Bryan to Jefferson and Jefferson to Roosevelt) and to fund as much of the third segment of the East Third Street (Roosevelt to Clark) project as possible.
Third Street -- Jefferson to Roosevelt (north side)	\$63,507.68	\$31,912.23	\$4,366.00	
Third Street -- Roosevelt to Clark (north side)	\$118,387.50	\$114,252.60	\$4,135.00	
Southdowns -- Jordan to Mitchell (w/Stormwater on Jordan and Sheridan) (south side)	\$124,405.05		\$54,562.20	This is part of larger area in need of stormwater improvement and has been on the Sidewalk Committee's list of requested projects since 2002. The Committee agreed to address the stormwater issue on Southdowns first and then the sidewalk later. The amount of stormwater dedicated to this project is not to exceed the original estimated cost -- \$54,562.20
Total:		244,538.26	\$177,265.20	

2009				
Site	Estimate	Recommendation		Comments
		ATF	CBU Sidewalk	
Marilyn -- Nancy to High (south side)	\$189,937.45	\$0.00	\$91,564.00	This is one of the last segments of a route on the Bicycle and Pedestrian Transportation and Greenways System (Greenways) that would connect Bryan Park with sidewalks at High and Covenanter. Prior ATF funds were used to install sidewalks on Mitchell, Circle, Ruby and Nancy Street. Last year the Committee requested and expected that the Greenways monies would be used to cover the sidewalk and the CBU Set Aside would cover the storm water component of this project. However, an amendment to the Greenways Plan and other projects left this one unfunded in 2008. As noted above, the Committee recommended that the Council respectfully request that the Mayor consider appropriating \$98,937.45 of federal reimbursement of matching funds to complete this project.
Henderson -- Moody to Thornton (east side)	\$99,319.17	\$71,877.77	\$27,441.40	This project was scheduled for funding in 2008. It was requested by the Planning Department, MCCSC, and a property owner and would complete the last segment of unfinished sidewalk on the east side of Henderson between Hillside and Miller Drive as well as much further north and south. The HAND department may help fund some of this project.
Kinser Pike -- Marathon Stn. to 45/46 (west side)	\$54,751.14	\$40,280.74	\$14,470.40	This is a heavily-travelled stretch. Many residents living in multi-family housing walk here to the grocery store and other amenities.
Moores Pike -- Segment A - Woodruff to existing walk (south side)	\$22,758.00	\$22,758.00	\$0.00	This stretch provides connectivity with an existing walk and was requested by area residents. This project will provide residents with a safer crossing of Moores Pike. Some residents indicated that they would be willing to make a contribution.
S. Madison -- 3 rd to Prospect (east side)	\$49,773.00	\$26,989.00	\$16,784.00	This project is in a highly-urban area and would link to the B-Line trail at the W rd Street overpass. Public Works will commit \$6,000 for concrete.
3 rd Street -- Roosevelt to Clark & Clark to Hillsdale (north side)	\$231,564.07	\$50,000 *	\$0.00	Connection to link up to the existing sidewalk network. A worn pedestrian path demonstrates the heavy use of this area. The 2009 Committee agreed that if the funds remaining for the above projects are not needed to complete said projects, up to \$50,000 of the remaining 2009 ATF balance shall be dedicated to right-of-way acquisition for this project.
Total:		211,905.51	\$150,259.80	

2008				
Site	Estimate	Recommendation		Comments
		ATF	Stormwater	
5th Street -- Hillsdale to Deadend (south side)	\$535,088.97	\$70,485.63	\$0.00	This two-block long, multi-departmental project provides an east-west connection through the Greenacres Neighborhood and needed stormwater infrastructure for the area. Total funding includes: \$112,934.36 (2007 ATF), \$10,453.98 (2007 CBU Sidewalk/Stormwater Setaside); \$216,215 (CBU Capital Project), and \$125,000 (HAND Neighborhood Improvement Grant). Note: This project was completed in 2008.
Henderson -- Allen to Hillside (west side)	\$669,090.00	* \$3,667.21	\$0.00	This improvement is aimed at alleviating pedestrian/vehicular conflict in this elementary school area. The Committee funded design in 2007 at the request of Public Works. Public Works received a \$250,000 Safe Routes to School grant for this project and wanted an additional sign of support from the Council in order to garner funds from other sources (including CDBG). * Note: The Committee recommended that any funds remaining in 2008 may be applied to this project.
Marilyn -- Nancy to High (south side)	*\$167,578.63	\$0.00	* \$62,480	This is one of the last segments of a route on the Alternative Transportation and Greenways Plan that would connect Bryan Park with sidewalks at High and Covenant. Prior ATF funds were used to install sidewalks on Mitchell, Circle, Ruby and Nancy Street. The Committee requests that Alternative Transportation and Greenways monies fund the \$105,098.63 needed for the sidewalk portion of this project. *Note: The Committee also realized that the stormwater component will be more expensive than indicated and authorized that any remaining funds be used for this purpose.
E. 2nd Street -- Woodcrest to 300' east (north side)	\$34,300.00	\$32,319.00	\$1,981.00	This small project would fill-in the last missing stretch of sidewalk on both sides of East 2nd from College Mall Road to High Street, which sees high levels of vehicular and pedestrian traffic. Note: ATF funded design of this project in 2006. Note: This project was completed in 2008.
Henderson -- Thorton to Moody (east side)	\$71,735.90	\$49,405.90	\$22,330.00	This will complete a missing link on the east side of Henderson and provide uninterrupted sidewalks and crossings on that side of the street for at least a mile.
High Street - Across from Childs School (west side)	\$22,362.55	\$21,078.05	\$577.50	This project would create a continuous sidewalk on the west side of High Street across from Childs School, which has the highest walk-in rates in the community. The sidewalk may also allow the City to eliminate one crossing guard. Note: This project was completed in 2008.
West 17th Street -- Lindberg to Arlington Park Drive (south side)	\$52,077.21	\$27,337.21	\$0.00	A new development at the corner of W. 17th and Crescent Road led to this request. The total project should cost about \$52,077.21, but the possible donation of right-of-way by abutting property owners and contribution of materials by the developer would lower the cost to the amount as listed here. Note: This project was completed in 2008.
Total:		204,293.00	\$87,368.50	* Note: Any remaining ATF monies may be applied to the Henderson - Allen to Hillside project and any remaining CBU sidewalk/stormwater funds may be applied to Marilyn - Nancy to High Street. Also, using the estimates for CBU Sidewalk/Stormwater projects as presented in this chart and the carryover of \$22,834.79 from 2007, there would be approximately \$60,466.29 available for future CBU Sidewalk/Stormwater projects.

2007				
Site	Estimate	Recommendation		Comments
		ATF	USB Stormwater	
5th Street -- Overhill to Deadend (south side)	\$262,685.80	\$92,646.50	\$29,344.60	This provides an east-west connection through the Greenacres Neighborhood. * Note: The Committee committed to dedicate 2008 ATF monies to complete this project if the sum allotted is insufficient. This is part of a larger initiative to improve the stretch on 5th Street from Hillsdale to the deadend. CBU has dedicated \$225,000 independent of the Sidewalk Committee for stormwater improvements in this area. Note: The 2-block segment from Hillsdale to the deadend was completed in 2008.
Henderson -- Allen to Hillside (west side)	unknown	\$45,000.00		Director of Public Works, Susie Johnson, requested that the Committee partner with Public Works by providing \$45,000 for the design cost of this project. This improvement is aimed at alleviating congestion and improving safety in this elementary school area.
Arden -- Windsor to High (south side)	\$100,452.00	\$47,353.50	\$53,098.00	The neighbors met with Councilmember Rollo and wanted a sidewalk to help their kids get to High Street and Southeast Park. Note: This project was completed in 2007.
Total:		185,000.00	\$82,442.60	

2006				
Site	Estimate	Recommendation		Comments
Queens Way, Sussex to High (south side)	\$25,969.68	\$25,969.68		This is the missing link, connecting High to Renwick.
Roosevelt, Fourth to Fifth (east side)	\$127,269.79 with curbs	\$127,269.79		This ties in with the recent improvements made by Doug McCoy which made Roosevelt a through-street.
Arden -- From High to Windsor (south side)	\$59,486.72	\$5,000 (design only)		This project provides a safe walk way for the neighborhood's many children to travel to a near-by school & park.
E. 2nd -- Woodcrest to 300' east (north side)	\$31,574.66	\$5,000 (design only)		This project is the missing link on the north side of the street from College Mall to the west. Justin suggested that in future years, the Committee might provide material and ask CBU to install.
11th Street-- Washington to Lincoln (north side)	\$60,151.41	\$10,000 (design only)		
Maxwell -- Highland to Jordan (north side)	\$65,658.98 with tree plot & piping	\$5,000 (design only)		This 2-block project completes the missing link on Maxwell between Henderson & High.
Maxwell -- Jordan to Sheridan (north side)	\$72,479.88 with tree plot & piping	\$5,000 (design only)		This 2-block project completes the missing link on Maxwell between Henderson & High.
Total:		\$183,239.47		

2005			
Site	Estimate	Recommendation	Comments
Maxwell Lane from Clifton Sidepath to High Street (north side)	\$65,175.00	\$65,175.00	Since 1999, the Committee has funded sidewalks on Maxwell Lane between Henderson and High Street. The first project was north of Bryan Park and ran from Henderson Street to Manor Road and connected to an existing sidewalk that runs to Jordan Avenue. The second project connected a sidewalk on Sheridan with the Clifton sidepath. This project would connect the latter sidewalk to High Street. The Committee recommended that a cross walk be placed on High (to connect with an existing sidewalk) and that sidewalk be placed to preserve trees, if that isn't possible, include a tree plot. Note: The project was rebid and completed in 2007 and was funded, in part, with the reappropriation of \$34,000 in reverted funds .
Queens Way from Chelsea to Sussex (south side)	\$35,729.00	\$35,729.00	The Renwick developer will install a sidewalk on the south side of Queens Way from the new development to Monclair Avenue. The Committee received estimates for installing sidewalks the rest of the way to High Street (\$83,700), funded the first leg between Montclair and Sussex in 2004.
Marilyn from Nancy to High Street (south side)	\$155,216 (one block only)	\$11,497.54 (design only)	This project begins completion of the western end of what's known as the Southeast Neighborhood Initiative. This initiative will eventually connect the walking/biking lane on Southdowns / Jordan with sidewalks at Covenanter / High Street. The City has already completed a sidewalk from Mitchell / Southdowns to Ruby / Nancy Street, and Nancy Street from Ruby to Marilyn Drive. This allocation funds design costs and gives staff an opportunity to determine whether there are storm water costs that might be borne by CBU. One more leg on Southdowns from Jordan to Mitchell would complete this initiative. Note: This project was completed in 2007.
Roosevelt from 4th to 5th (east side)	\$86,340.00	\$6,395.62 (design only)	This is a new project that would complement new private development on Roosevelt that will make it a through-street and include a sidepath on 4 th Street. The estimate for the project is \$86,340 and this recommendation funds the design costs.
Total:	\$187,244.00		
2004			
Site	Estimate	Recommendation	Comments
Sidewalk Project - 10th Street for 350 feet West of Grandview (south side)		\$45,000.00	The Council funded this project in 2003 and approximately \$6,344 was spent that year on designing the sidewalk and acquiring right-of-way, but the remaining funds were not encumbered for its construction. The Committee recommends using unspent & unencumbered funds from previous years to fund this project.
Sidewalk Project - Nancy Street from Ruby Lane to Marilyn Drive (west side)	\$45,628.00	\$45,628.00	The Committee recommended funding this segment of the larger South East Neighborhood Initiative. That initiative first received funding in 2002 (see below).
Sidewalk Project - Jefferson Street between 7th and 8th (east side)	\$114,000.00	\$114,000.00	The Committee recommended funding this first segment of the larger Jefferson Street project, which has been designed as a re of previous funding in 2002 (see below). This segment, unlike the others, does not require a large complement of storm water funds.
Sidewalk Project - Winfield Road from Fair Oaks to existing sidewalk just south of Rechter (east side)	\$45,096.00	\$27,000 (+ \$18,096 from Wininger/Stolberg)	The Committee recommended funding this project in concert with the developer of the Renwick PUD (Wininger / Stolberg) who has offered to pay for the cost of materials (approximately \$18,096).
Sidewalk Project - Queens Way from Montclair Avenue to Chelsea Court (south side)	\$22,139.00	\$22,139.00	The Committee recommended funding this and the previous project in order to have sidewalks in place before the Renwick PUD gets well under way.
Total:		\$253,767.00	This amount includes \$151,000 of funds appropriated for sidewalks this year and unspent monies from previous years. If there are not enough monies in the Alternative Transportation Fund in 2004, then the Committee will need to decide whether to recommend use of 2005 funds for these purposes.

2003			
Site	Estimate	Recommendation	Comments
Sidewalk Project - East 5th Street from 1 block east of Overhill (deadend) to Overhill.	\$255,596.00	\$52,597.00	On 6/18/03, the Council approved the Committee recommendation to allocate \$52,597 contingent upon the availability of storm water funds.
Sidewalk Project - 10th Street for 350 feet west of Grandview Drive (south side)	\$43,975.00	\$43,975.00	
Sidewalk Project - Walnut Street from Bank One (Country Club/Winslow) to Hoosier Street (west side)	\$104,354.00	\$63,427.00	On 6/2/03 the Committee recommended allocating the remaining funds (\$63,427) to this project and discussed ways to reduce its cost.
Total:		\$159,999.00	

2002			
Site	Estimate	Recommendation	Comments
Sidewalk Project - Southdowns from Jordan and along the north side of Circle and Ruby lane to Nancy Street.	\$148,000.00	\$108,731 (+ \$39,000 from Greenways)	The original estimate was for a sidewalk on the north side of the street, but the Engineering staff and neighborhood preferred south side at estimated cost of \$129,000 (and an additional \$19,000 for the leg from Jordan to Mitchel). On 6/19/02 the Council allocated \$59,547 for this project and, as noted below, on 12/18/02, the Council voted to shift \$49,184 from the East 2nd Street project to this one as well. On May 8, 2003 the Greenways group agreed to fund the remaining \$39,000.
Design for sidewalk and storm water project - Jefferson Street from East 3rd to East 10th Street.	\$27,840.00	\$27,840.00	
Design for sidewalk and stormwater project - East 5th Street from 1 block east of Overhill to Union.	\$28,832.00	\$28,832.00	
Streetscape Plan - East 2nd from High Street to College Mall Road.	\$49,184.00	\$0.00	On 12/18/02 the Common Council voted to shift these funds (\$49,184) to the Ruby Lane project (above)
Sidewalk design - East Allen from Lincoln to Henderson Street	\$4,000 - \$8,000	\$7,400.00	
Total:	about \$160,000	\$172,803.00	

ORDINANCE 15-06

**TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “UNIFIED DEVELOPMENT ORDINANCE”
(Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)**

- Whereas, the Mayor and Common Council are concerned for the health, safety, peace and welfare of the citizens of the City of Bloomington; and
- Whereas, to that end and in order to protect the unique character of the City of Bloomington, the City finds it necessary to regulate solicitors, pushcarts, and mobile vendor units inside of the City’s jurisdictional limits within Title 4 of the Bloomington Municipal Code (Business Licenses and Regulations) ; and
- Whereas, the changes to Title 4 of the Bloomington Municipal Code directly impact portions of the Temporary Use and Structure regulations found in Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code, therein requiring Title 20 to also be amended; and
- Whereas, in reviewing changes to the Temporary Use and Structure Standards, the City noted that it would be appropriate to review and update other relevant portions of these Standards; and
- Whereas, the Mayor and Common Council believe the seasonal sale of farm produce enhances the Bloomington community and should be expanded from a maximum of sixty days to one hundred and eighty days; and
- Whereas, the last several years have seen an increase in book buyback programs in the City limits during the end of Indiana University semesters and, in an effort to better regulate this growing program, the City believes set guidelines are needed; and
- Whereas, the City of Bloomington Plan Commission approved the aforementioned changes to Title 20 in October 2014 but, due to the tabling of the associated changes to Title 4, the Council rejected them at a Special Session on December 10, 2014; and
- Whereas, after resubmittal of changes to Title 4 to the Common Council, the City of Bloomington Plan Commission again approved the aforementioned changes at their regularly scheduled monthly meeting on March 9, 2015 and certified its positive recommendation of those proposed amendments to the Bloomington Common Council on March , 2015.

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

SECTION 1. Subsection 20.05.110(b), regarding exemptions to the permit requirement for temporary uses and structures, shall be amended in two ways:

- First, by adding the words "from the Permit Requirement" after the word "Exemptions" at the beginning of part (b); and
- Second, by creating a new division (3), which shall read as follows:

- (3) Any business activity licensed by Title 4 of the Bloomington Municipal Code.

SECTION 2. Section 20.05.111, entitled “TU-02 [Temporary Uses and Structures --- Commercial and Industrial] shall be amended to add two additional zoning districts in the section heading. The new section heading shall read as follows and also replace the one appearing in the Table of Contents for Chapter 20.05 (Development Standards):

“20.05.111 TU-02 [Temporary Uses and Structures --- Commercial, Industrial, Business Park, and Institutional]”

SECTION 3. Section 20.05.111 shall be amended to insert the zoning districts “IN” and “CL” in the list of such districts which appears after the first sentence.

SECTION 4. Subsection 20.05.111(a)(2) shall be amended to add a new sentence to the end of said section. The new sentence shall read as follows:

“No property shall be issued more than one (1) Temporary Use Permit in a calendar year.”

SECTION 5. Subsection 20.05.111(b). entitled “Farm Produce,” shall be amended in two ways. First, the phrase “sixty (60)” as it appears in the first sentence shall be deleted and replaced with the phrase “one hundred and eighty (180)”. Second, a new subsection (1) shall be added and shall read as follows:

“(1) The Bloomington Community Farmers’ Market and any other approved Farmers’ Market shall be exempt from this requirement.”

SECTION 6. Section 20.05.111 shall be amended by adding a new subsection (c), entitled “Book Buyback,” and relettering all remaining subsections accordingly. The new subsection (c) shall read as follows:

“(c) Book Buyback: The temporary buyback of higher education books shall require a Temporary Use Permit. Such permit shall be valid for a maximum of two (2) periods of seven (7) consecutive days or one period of fifteen (15) consecutive days. No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.”

SECTION 7. If any sections, 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 8. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

DAVE ROLLO, 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 _____, 2015.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2015.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance does three things. First, it aligns the Unified Development Ordinance with the newly amended Title 4 by making it clear that those solicitors, mobile food vendors, and pushcart operators licensed by the City only need to obtain a license, they no longer need to obtain both a license and a Temporary Use Permit. Second, it extends the period of time seasonal farm produce can be sold under a Temporary Use Permit from sixty days to one hundred and eight days. Third, it regulates book buybacks in that property owners must obtain a Temporary Use Permit to hold such a sale, and those sales are limited to no more than two times per year, with each time lasting no more than seven days (or one single sale per year that lasts no more than fifteen consecutive days).

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 15-06 is a true and complete copy of Plan Commission Case Number ZO-6-15 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 9, 2015.

Date: March 16, 2015



Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 16th day of March, 2015.



Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Common Council Memo:

To: Members of the Common Council
From: Tom Micuda, Planning and Transportation Director
Date: March 16, 2015
Re: Amendments to UDO Regarding Temporary Uses

BACKGROUND: The City is requesting the Common Council's approval of a minor amendment to the Unified Development Ordinance (UDO) that addresses Temporary Use regulations. The Plan Commission voted unanimously in favor of this same amendment at its October meeting last year, but the amendment could not be codified by the Council because it was tied to legislation in Title 4 of the Bloomington Municipal Code involving Food Trucks. Since the Title 4 legislation could not be acted upon in 2014, this minor amendment had to be denied. Because the Council is re-opening discussions concerning Title 4, this ordinance is being brought back through the process to match the same time line. Once again, the Plan Commission voted unanimously (8:0) to forward this legislation to the Council with a positive recommendation.

Currently, any entrepreneur interested in mobile food vending on private property must get two different permits from two City departments to engage in this short term business activity. First, a temporary use permit is needed from the Planning and Transportation Department. Second, an Itinerant Merchant permit must be obtained through the City Controller's Office. There is simply no need for a food vendor to have to obtain two different permits working through two different City departments. Additionally, food vendors run into problems when trying to obtain a Temporary Use permit because the Temporary Use standards in the UDO only allow for retail activity over 15 consecutive days. This presents an enormous obstacle for food vendors who want to operate at multiple locations, operate only one or two days a week, or operate on a seasonal basis.

AMENDMENT OVERVIEW: The proposed amendment to the UDO is very simple and addresses both of the problems outlined above. The first part of the amendment, 20.05.110 (a)(3) adds a permit exemption to the ordinance allowing mobile food vending to only be regulated by Title 4 of the Bloomington Municipal Code. This means that a mobile food vendor wishing to operate on private property will no longer need a Temporary Use Permit, but would still need to receive a food vending permit governed by Title 4. Planning and Transportation staff would still review the site plan for the permit request to make sure the proposed temporary use does not negatively affect property access, block sidewalks or handicapped accessibility, cause parking problems, or lead to excessive signage displays. As a companion piece to this legislation, a comprehensive amendment to Title 4 will be brought to the City Council in November addressing appropriate fees, duration of activity, food handling and waste restrictions, and location requirements.

The next code change affects Section 20.05.111 of the UDO. This change would allow for temporary uses in Institutional and Commercial Limited zoning districts. The purpose of the amendment is to think ahead to merchant activity the City may want to allow at the future

Switchyard Park as well as to eliminate the need for variances to allow temporary use activity in smaller commercial business areas (West Kirkwood Avenue, the Crosstown Shopping Center on East 10th Street, and the 17th and Dunn Convenience Store site).

The final proposed text amendments address temporary use activities that don't work well within the 15 consecutive day provision in the UDO. These are also outlined in 20.05.111. The first allows for longer time periods associated with farm produce sales. Given the great interest in the community in the growing and purchase of local produce, extending the time period for sales from 60 days to 180 days is consistent with the City's support for local food security. Finally, the City proposes new regulations for higher education "book buy-back" activities. In the past, the City has been forced to grant variances for these temporary uses because they wish to operate at the end of fall and spring semesters (twice a year for short durations rather than one time period for 15 days). The proposed amendment removes the need for future variances.

RECOMMENDATION: Staff and the Plan Commission recommend that the City Council adopt Ordinance 15-06.

20.05.110 TU-01 [Temporary Uses and Structures; General]

This Temporary Use/Structure Standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD QY

- (a) Permit Required: All temporary uses shall require a Temporary Use Permit unless specified otherwise in this Unified Development Ordinance.
- (b) Exemptions from the permit requirement:
- (1) Garage sales, religious tent meetings, nonprofit events and political rallies, provided they meet the following standards:
 - (A) The event is allowed for a maximum of seven (7) consecutive days;
 - (B) No property shall hold more than three (3) such events in a single calendar year; and
 - (C) The hours of operation of such events shall be limited to between the hours of 7:00 a.m. and 11:00 p.m.
 - (2) Temporary structures used for collection of donation items by a non-profit organization, provided they are displayed for a maximum of 90 days.
 - (3) Any business activity licensed by Title 4 of the Bloomington Municipal Code.
- (c) Termination and Removal: Temporary uses shall be terminated and removed at the end of the event period.
- (d) Required Parking: Temporary uses shall not displace required parking for any existing use or block any existing drives.
- (e) Off-street Parking: Adequate off-street parking is required for each temporary use in accordance with the parking standards of *Chapter 20.05; §PK: Parking Standards*.
- (f) Public Rights-of-way: Temporary uses shall be arranged so that vehicles do not block a public right-of-way.
- (g) Contractor's Offices, Equipment Storage and Portable Lavatories: Contractor's offices, equipment storage and portable lavatories are permitted on or adjacent to construction sites subject to following conditions:
 - (1) The use is for the length of the construction activity. All temporary facilities shall be removed upon completion of construction.
 - (2) The structures shall not contain sleeping or cooking facilities.
 - (3) Portable lavatories shall be located as to minimize impacts to adjacent residential uses.
- (h) Real Estate Sales and Model Homes: Real estate sales and model homes are permitted in any zoning district on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development until all home sites within the development are sold.
- (i) Signs: Temporary uses shall be permitted to display signs subject to the following standards:
 - (1) Temporary uses shall also be subject to additional applicable sign standards in *Chapter 20.05; §SI: Sign Standards*.
 - (2) *Maximum Number*:
 - (A) One (1) freestanding temporary sign;
 - (B) One (1) banner type sign.

Comment [IA1]: Items proposed for deletion are identified by the use of ~~strike through~~ and new proposals to the ordinance are identified by the use of gray highlight.

- (3) *Maximum Sign Area:*
 - (A) Freestanding Temporary Sign: Twenty-four (24) square feet per side.
 - (B) Banner Type Sign: Thirty (30) square feet. Banners shall be placed on the structure, and shall not be freestanding.
- (4) *Sign Permit:* A separate Sign Permit is not required for temporary uses.

20.05.111 TU-02 [Temporary Uses and Structures; Commercial, Industrial, Business Park, Institutional,

This Temporary Use and Structure Standards section applies to the following zoning districts:

CL CG CA CD IG BP IN

- (a) Seasonal Sales: Temporary uses selling seasonal items such as Christmas trees, Halloween pumpkins and 4th of July fireworks shall be permitted subject to the following standards:
- (1) Fireworks sales shall be permitted only at locations within the Commercial Arterial (CA) zoning district.
 - (2) A Temporary Use Permit shall be required and shall be valid for a maximum of thirty (30) consecutive days. The temporary use shall be removed from the property within five (5) days after the holiday, regardless of the remaining valid length of the Temporary Use Permit. No property shall be issued more than one (1) Temporary Use Permit in a calendar year.
 - (3) The temporary use shall be located on a lot that fronts on a collector or arterial street.
 - (4) The temporary use shall be located at least fifty (50) feet from any residential district.
- (b) Farm Produce: The seasonal sale of farm produce shall require a Temporary Use Permit, and such permit shall be valid for a maximum of ~~sixty (60)~~ one hundred and eighty (180) consecutive days. No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.
- (1) The Bloomington Community Farmers' Market and any other approved Farmers' Market shall be exempt from this requirement.
- (c) Book Buyback: The temporary buyback of higher education books shall require a Temporary Use Permit. Such permit shall be valid for a maximum of two (2) periods of seven (7) consecutive days or one period of fifteen (15) consecutive days. No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.
- (d) Sales Associated with a Permanent Retail Use: Temporary retail activity conducted on property associated with a permanent retail use shall be permitted subject to the following standards:
- (1) The temporary retail activity shall be of the same nature as the permanent retail activity conducted on the property.
 - (2) A Temporary Use Permit shall be required and good for a maximum of forty-five (45) consecutive days.
 - (3) A Temporary Use Permit shall only be issued to the operator of the associated permanent retail use.
 - (4) No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.
- (e) Other: Other temporary retail or wholesale activities, carnivals, and traveling circuses shall require a Temporary Use Permit, and such permit shall be valid for a maximum of fifteen (15) consecutive days. No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.

ORDINANCE 15-04

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

Re: Making Various Housekeeping Changes, Creating Three Classifications of “Potentially Dangerous” Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of “Habitual Offender,” and Other Changes

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

WHEREAS, staff for the Animal Care and Control Department, in conjunction with the Animal Care and Control Commission has reviewed the current Tile 7 regulations and determined that certain changes and updates are necessary in order for the City to continue to provide effective and humane treatment for animals, pet owners and the overall public; 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 its standards for the humane treatment of animals, reduce pet overpopulation and the public burden, and clarify codes as needed;

WHEREAS, the Animal Care and Control Commission sought public comment on this Ordinance proposal at a meeting which occurred on December 16, 2014; and

WHEREAS, the Animal Care and Control Commission unanimously supported this Ordinance at its meeting on December 16, 2014;

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

Provisions regarding existing Chapter 7.01 Definitions

SECTION 1. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the word "animal" after the words "Abandoned", "Altered" and "At large".

SECTION 2. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the word "Auctions" and replacing it with the word "Auction".

SECTION 3. Section 7.01.010, entitled "Definition of terms", shall be amended by adding the word "Department" after the word "Control" in the definition of "Chicken flock".

SECTION 4. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting subsection (d) found in the definition of "Chicken flock" in its entirety and replacing it with the following:

- (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.

SECTION 5. Section 7.01.010, entitled "Definition of terms", shall be amended by adding a new subsection (12), subsection (13) and subsection (14) to the definition of the word "Domestic pet".

- (12) Sugar glider (*Petaurus breviceps*);
- (13) African Pgmy Hedgehogs (*Erinaceus europaeus*); or
- (14) Degu (*Octodon Degus*).

SECTION 6. Section 7.01.010, entitled "Definition of terms", shall be amended by adding the words "or her" after the word "his", located in the definition of the term "Harboring".

SECTION 7. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the defined term "Potentially dangerous" in its entirety and replacing it with the following:

"Potentially dangerous, Level 1" means any:

- (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; 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 (4) punctures wounds.

SECTION 8. Section 7.01.010, entitled "Definition of terms", shall be amended by adding a new defined term, "Potentially dangerous, Level 2", which shall read as follows:

"Potentially dangerous, Level 2" means any an animal which has been declared a Level 1 potentially dangerous animal and within thirty-six (36) 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 (4) punctures wounds. A Level 2 potentially dangerous animal is also an animal which causes severe injure or death to a domestic pet or to domestic livestock.

SECTION 9. Section 7.01.010, entitled "Definition of terms", shall be amended by adding a new defined term, "Potentially dangerous, Level 3", which shall read as follows:

"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 (36) 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.

SECTION 10. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the words "or animals" in the defined term "Public nuisance".

SECTION 11. Section 7.01.010, entitled "Definition of terms", shall be amended by adding the words "persons or" after the word "Attack", in the defined term "Public nuisance."

SECTION 12. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the defined term "Reptile" in its entirety and replacing it with the following:

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

SECTION 13. Section 7.01.010, entitled "Definition of terms", shall be amended by adding the words "or keeper" after the word "owner/guardian" in the defined term "Restraint".

SECTION 14. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the defined term "Vicious animal" in its entirety and replacing it with the following:

"Vicious animal" means any animal which, when unprovoked, in an aggressive manner has bitten or attacked a person, domestic pet or domestic livestock at least three (3) times in the prior thirty-six (36) 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 result in permanent scarring or disfiguring to a person.

Provisions regarding existing Chapter 7.16 Commercial Animal Establishment Permits

SECTION 15. Section 7.16.010, entitled "Permits - General", shall be amended by deleting the word "shelter" and replacing it with the words "care and control department".

SECTION 16. Section 7.16.020, entitled "Inspections of animals and premises authorized", shall be amended by deleting the word "senior" or the words "senior animal control officer" and replacing said word(s) with the following words "Director of Animal Care and Control".

SECTION 17. Section 7.16.030, entitled "Obtaining a permit", shall be amended by adding the phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" after the word "animals" in subsection (a)(1).

SECTION 18. Section 7.16.030, entitled "Obtaining a permit", shall be amended by deleting the phrase "the regulations promulgated under authority of Section 17.08.020 of this code" in its entirety subsection (a)(2) and replacing it with the following:

"all building and zoning code requirements promulgated by the State of Indiana, Monroe County, and/or the City of Bloomington"

SECTION 19. Section 7.16.030, entitled "Obtaining a permit", shall be amended by deleting the word "senior" in subsection (a)(3) and replacing it with the following words "Director of Animal Care and Control".

SECTION 20. Section 7.16.040, entitled "Standards for commercial animal establishments" shall be amended by deleting the word "public" in subsection (a).

SECTION 21. Section 7.16.050, entitled "Commercial animal establishment permit period", shall be amended by deleting the second sentence of the section in its entirety.

SECTION 22. Section 7.16.060, entitled "Fees", shall be deleted in its entirety, with all remaining sections being renumbered accordingly, and with the table of contents for the Chapter being updated accordingly..

SECTION 23. Section 7.16.080, entitled "Violations", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

Provisions regarding existing Chapter 7.21 Kennel Permits

SECTION 24. Section 7.21.005, entitled "General requirements", shall be amended by adding a new subsection (b), which shall read as follows:

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

SECTION 25. Section 7.21.020, entitled "Obtaining noncommercial kennel permits", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at then end of subsection (a)(3).

SECTION 26. Section 7.21.025, entitled "Obtaining commercial kennel permits", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at the end of subsection (a)(2).

SECTION 27. Section 7.21.028, entitled "Obtaining a permit for chicken flocks", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at the end of subsection (a)(1)(D).

SECTION 28. Section 7.21.028, entitled "Obtaining a permit for chicken flocks", shall be amended by deleting the word "senior" in subsections (a)(6) and (7) and replacing it with the words "Director of Animal Care and Control".

SECTION 29. Section 7.21.030, entitled "Inspection", shall be amended by deleting the word "senior" and the words "senior animal control officer" and replacing said word(s) with "Director of Animal Care and Control".

SECTION 30. Section 7.21.060, entitled "Kennel permit periods", shall be amended by deleting the second sentence in subsection (b) in its entirety.

SECTION 31. Section 7.21.060, entitled "Kennel permit periods", shall be amended by deleting subsection (c) in its entirety, and re-lettering the remaining subsections accordingly.

SECTION 32. Section 7.21.070, entitled "Fees", shall be deleted in its entirety, and renumbering the remaining sections accordingly, and the table of contents for the Chapter shall be updated accordingly.

SECTION 33. Section 7.21.090, entitled "Violations", shall be deleted in its entirety, and the table of contents for the Chapter shall be updated accordingly.

Provisions regarding existing Chapter 7.22 Breeders

SECTION 34. Section 7.22.030, entitled "Obtaining Permits", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at the end of subsection (a)(2).

SECTION 35. Section 7.22.040, entitled "Inspection", shall be amended by deleting the word "senior" and the words "senior animal control officer" and replacing said word(s) with "Director of Animal Care and Control".

SECTION 36. Section 7.22.050, entitled "Permit periods", shall be deleted in its entirety and subsequent sections shall be renumbered and the table of contents for the Chapter updated accordingly.

SECTION 37. Section 7.22.060, entitled "Fees", shall be amended by deleting it in its entirety, and renumbering the remaining sections accordingly, with the table of contents for the Chapter being updated accordingly.

SECTION 38. Section 7.22.080, entitled "Violations", shall be amended by deleting it in its entirety, with the table of contents for the Chapter being updated accordingly.

Provisions regarding existing Chapter 7.23 Feral Cats

SECTION 39. Section 7.23.010, entitled "General requirements", shall be amended by deleting subsection (c) in its entirety.

SECTION 40. Section 7.23.030, entitled "Colony caretaker responsibilities", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at the end of subsection (b).

Provisions regarding existing Chapter 7.24 Restraint

SECTION 41. Section 7.24.030, entitled "Vicious Animals", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

SECTION 42. Section 7.24.040, entitled "Violations", shall be deleted in its entirety, with the table of contents for the chapter being updated accordingly.

Provisions regarding new Chapter 7.26 Potentially Dangerous and Vicious Animals

SECTION 43. A new chapter shall be added to Title 4 entitled "Chapter 7.26 Potentially Dangerous and Vicious Animals" which shall be listed as such in the Table of Contents for the Title and shall read as follows:

7.26 POTENTIALLY DANGEROUS AND VICIOUS ANIMALS

Sections:

Section 7.26.010 Request for declaration.

Section 7.26.020 Hearing on declaration.

Section 7.26.030 Potentially dangerous, Level 1.

Section 7.26.040 Potentially dangerous, Level 2.

Section 7.26.050 Potentially dangerous, Level 3.

Section 7.26.060 Vicious.

Section 7.26.070 Immediate threat.

Section 7.26.080 Euthanization Order.

Section 7.26.090 Status change.

Section 7.26.100 Reconsideration.

Section 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 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 or vicious.
- (b) The Director of the Animal Care and Control Department can base probable cause to believe that an animal is potentially 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 7.26.020 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 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.

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.
- (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.

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 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.

7.26.050 Potentially 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.

- (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 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.
- (e) The animal must be implanted with a microchip.
- (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 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.

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.
- (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.
- (d) The animal must be altered by a licensed veterinarian within thirty days of such designation unless:
 - (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
 - (2) A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health; provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.
- (e) The animal must be implanted with a microchip.
- (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 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.

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.

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.

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 business days of the change.

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 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 request for reconsideration upon the expiration of three years from the date of designation, provided no further violations of this Title have occurred.

Provisions regarding existing Chapter 7.28 Nuisance

SECTION 44. Section 7.28.010, entitled "Public nuisance prohibited", shall be amended by adding the words "or her" after the word "his".

SECTION 45. Section 7.28.020, entitled "Violations", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

Provisions regarding existing Chapter 7.32 Impoundment

SECTION 46. Section 7.32.020, entitled "Jurisdiction of animal control officer for impoundment", shall be amended by deleting the Section and the Section header in their entirety and replacing both with the following and by changing the table of contents for the Chapter accordingly. This section shall now read as follows:

7.32.020 Jurisdiction of animal care and control officer for impoundment.

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

SECTION 47. Section 7.32.030, entitled "Notice of impoundment", shall be amended by deleting the words "senior animal control officer" as those words appear throughout the section and replacing them with the words "Director of Animal Care and Control".

SECTION 48. Section 7.32.030, entitled "Notice of impoundment", shall be amended by adding the words "in-person or" immediately before the word "by" in subsection (a) of the Section.

SECTION 49. Section 7.32.040, entitled "Impounded animals - Reclamation", shall be deleted in its entirety and replaced with the following:

A person may reclaim an animal in the custody of the city of Bloomington animal care and control department upon providing the following:

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

Provisions regarding existing Chapter 7.36 Animal Care

SECTION 50. Section 7.36.010, entitled "Giving animals as prizes", shall be amended by deleting subsections (c) and (d) in their entirety.

SECTION 51. Section 7.36.020, entitled "Poisoning animals", shall be amended by adding the words "or her" after the word "his"; and shall be further amended by deleting the last sentence of the Section in its entirety.

SECTION 52. Section 7.36.025, entitled "Cruelty, abuse and neglect of animals", shall be amended by deleting the Section in its entirety and replacing it with the following:

- (a) No person shall torture, beat, mutilate or neglect an animal resulting in serious injury or death to the animal.
- (b) No person shall torture, beat, mutilate or neglect an animal resulting in injury or pain to the animal.

SECTION 53. Section 7.36.030, entitled "Motor vehicle accidents involving animals", shall be amended by deleting the last sentence of the Section in its entirety.

SECTION 54. Section 7.36.040, entitled "Use of devices to induce performance", shall be amended by adding the words "permanent or transient" immediately after the word "no"; and shall be further amended by deleting the last sentence of the Section in its entirety.

SECTION 55. Section 7.36.050, entitled "General animal care", shall be amended by adding the words "or her" immediately after the word "his" in subsection (a).

SECTION 56. Section 7.36.050, entitled "General animal care", shall be amended by inserting the following new subsections, to be labeled as (j), (k), and (l) and re-lettering all remaining subsections accordingly. The new subsections (j), (k), and (l) shall read as follows:

- (j) Any chain or tether shall be of appropriate length configuration to:
 - (1) Confine the animal to the owner/guardian/colony caretaker's property;
 - (2) Prevent the animal from advancing to the edge of any public right-of-way;
 - (3) Prevent the chain or tether from extending over an object or an edge that could result in injury or strangulation of the animal; and/or
 - (4) Prevent the chain or tether from becoming entangled with other objects or animals.
- (k) It shall be unlawful for the owner/guardian/colony caretaker of any animal to keep or maintain the animal on a tether under any of the following conditions:
 - (1) At a vacant property; and/or
 - (2) Between the hours of 11:00 p.m. and 6:00 a.m.
- (l) It shall be unlawful for the owner/guardian/colony caretaker of any unaltered animal which is six months of age or older to allow the animal to be tethered.

SECTION 57. Section 7.36.050, entitled "General animal care", shall be amended by deleting subsections (p) and (q) in their entirety.

SECTION 58. Section 7.36.060, entitled "Specific animal care provisions for animals used for drawing vehicles", shall be amended by deleting subsections (b) and (d) in their entirety and re-lettering all relevant subsections accordingly.

Provisions regarding existing Chapter 7.40 Wild Animals

SECTION 59. Chapter 7.40, entitled "Wild Animals," shall be deleted in its entirety and replaced with a new Chapter 7.40, entitled "Wild Animals, Exotic Animals & Prohibited Reptiles," which shall be listed as such in the Table of Contents for the Title and shall read as follows:

7.40 WILD ANIMALS, EXOTIC ANIMALS & PROHIBITED REPTILES

Sections:

7.40.010 Keeping wild or exotic animals.

7.40.020 Keeping prohibited reptiles.

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, licensed wildlife rehabilitators, or a wildlife educators who is in possession of all necessary federal or state licenses, permits, and/or approvals.

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 educations.

- (a) Any reptile on the federal endangered or threatened species list or on the convention or international trade in endangered species list;
- (b) Any venomous reptile, including front- or rear-fanged reptiles;
- (c) Any python of a species which naturally exceeds twelve (12) feet in length;
- (d) All crocodylians, including alligators, caimans, and crocodiles;
- (e) Monitor lizards;
- (f) Anacondas;
- (g) Any reptile of a species native to Indiana; or
- (h) Any reptile protected by state or federal law.

Provisions regarding existing Chapter 7.42 Reptiles

SECTION 60. Chapter 7.42, entitled "Reptiles", shall be deleted in its entirety and the table of contents for the Title shall be updated accordingly.

Provisions regarding existing Chapter 7.44 Rabies

SECTION 61. Section 7.44.020, entitled "Animals biting persons", shall be deleted in its entirety and replaced with the following:

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

SECTION 62. 7.44.030, entitled "Animals biting animals", shall be deleted in its entirety and replaced with the following:

- (a) If an animal has bitten another domestic pet, and the animal is current on its rabies vaccination, the animal need only be impounded at the discretion of a city animal control officer.
- (b) If an animal has bitten another domestic pet and the animal is not current on its rabies vaccination, the animal shall be quarantined.
- (c) The animal may be impounded in the city of Bloomington animal shelter, veterinary hospital, or kennel approved by a city animal control officer, at the animal owner/guardian's expense. The conditions of the impound shall be the same as in Section 7.44.020 of this chapter.

SECTION 63. Section 7.44.050, entitled "Euthanization of stray animals", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

SECTION 64. Section 7.44.060, entitled "Violations", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

Provisions regarding existing Chapter 7.48 Adopted Animals

SECTION 65. Chapter 7.48, entitled "Adopted Animals", shall be deleted in its entirety and replaced with the following:

Chapter 7.48 ADOPTED ANIMALS

Sections:

7.48.010 Spaying and neutering of adopted animals.

7.48.010 Spaying and neutering of adopted animals.

Any dog, cat, rabbit or ferret adopted from the city of Bloomington animal shelter shall be spayed or neutered by a veterinarian prior to being taken to his or her new home. The city of Bloomington animal care and control department shall assume the cost of the spay or neuter operation. If a veterinarian should determine that the dog, 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.

Provisions regarding existing Chapter 7.52 General Provisions

SECTION 66. Chapter 7.52, entitled "General Provisions", shall be deleted in its entirety and replaced with the following:

Chapter 7.52 GENERAL PROVISIONS

Sections:

7.52.010 Conflicting ordinances.

7.52.020 Maximum fines.

7.52.030 Severability clause.

7.52.040 Animal shelter.

7.52.050 Interference with animal control officer - Penalty.

7.52.010 Conflicting ordinances.

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

7.52.020 Maximum fines.

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

7.52.030 Severability clause.

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

7.52.040 Animal shelter.

The physical facility known as the city of Bloomington animal shelter shall be under the administrative control of the department of public works and shall constitute a division of the department. The Director of Animal Care and Control and animal control commission shall retain all powers and duties conferred by this title for the detailed supervision of matters relating to animal control. It is the intent of this title that the animal control commission be an advisory body to formulate, adopt and implement policies, principles and standards for humane treatment and control of all animals in the city.

7.52.050 Interference with animal control officer - Penalty.

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

Provisions regarding existing Chapter 7.54 Miscellaneous Fees

SECTION 67. Chapter 7.54, entitled "Miscellaneous Fees", shall be deleted in its entirety and replaced with a new Chapter 7.54, entitled "Fees", which shall be listed as such in the table of contents for this Title and shall read as follows:

Chapter 7.54 FEES

Sections:

- 7.54.010 Surrender fees.
- 7.54.020 Incinerator fee.
- 7.54.030 Commercial animal establishment permit fees.
- 7.54.040 Kennel permit fees.
- 7.54.050 Intact animal and litter permit fees.
- 7.54.060 Impounded animal fees.
- 7.54.070 Rabies boarding fees.
- 7.54.080 Adoption fees.
- 7.54.090 Potentially dangerous and vicious animal monitoring fees.
- 7.54.100 Prorating of fees.
- 7.54.110 Fee waiver.
- 7.54.120 Disposition of fees.

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 cats over six months of age	\$20.00
Litters of puppies or kittens with five or fewer animals, all of which are younger than six months of age	\$25.00
Litters of puppies or kittens with more than five animals, all of which are younger than six months of age	\$35.00
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-dollar 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.

7.54.020 Incinerator fee.

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

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
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(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 minor pet shop	\$250.00
(7) For each major pet shop	\$500.00
(8) 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.

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
 - (C) Additional kennels in increments of 25: \$200.00 per increment of twenty-five.
 - (2) Class C, training: \$75.00; and
 - (3) Class D, grooming: \$50.00.
- (c) No fee shall be required of any veterinary hospital or municipal animal shelter, research laboratory or government-operated zoological park.
- (d) Persons whose establishments operate under more than one class, as defined by this chapter, shall be required to apply for a permit for each applicable.

7.54.050 Intact animal and litter permit fees.

- (a) Fees for intact animal permits shall be:
- (1) 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.

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 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

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

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	\$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
Hamster/Gerbils	\$2.00

7.54.090 Potentially dangerous and vicious animal monitoring fee.

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

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.

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, ~~or~~ 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 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.

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 ~~animal control commission~~ either of the three 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.

Provisions regarding new Chapter 7.56 Enforcement, Penalties and Appeals

SECTION 68. A new chapter shall be added to Title 7 entitled "Chapter 7.56 Enforcement, Penalties and Appeals" which shall be listed as such in the table of contents for this Title and shall read as follows:

Chapter 7.56 ENFORCEMENT, PENALTIES AND APPEALS

Sections:

- Section 7.56.010 Authority.
- Section 7.56.020 Violations.
- Section 7.56.030 Penalties.
- Section 7.56.040 Enforcement procedure.
- Section 7.56.050 Revocation of permits.
- Section 7.56.060 Habitual offender.
- Section 7.56.070 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.

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.

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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 offense.
Reptile Violations in Chapter 7.42	\$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 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 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 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 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 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 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 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 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 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 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 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 offense.

- (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.

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

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 become null and void. Concurrently, the Director shall notify the permit holder of the revocation in person or by phone.

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 instances:
 - (1) If the owner/guardian is found to have violated any provision(s) of this Title on at least three separate occasions within the same twenty-four month period of time; or
 - (2) If the owner/guardian of an animal which has been declared potentially dangerous 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 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.

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) days of receipt of the Commission's written decision, order or findings.

SECTION 69. 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 the end the provisions of this ordinance are declared to be severable.

SECTION 70. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

DAVE ROLLO, 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 _____, 2015.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2015.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The primary purpose of this ordinance is to streamline Title 7 so that it is more reader friendly, easier for staff to use, and more consistent with other titles in the municipal code. Examples of the streamlining attempt include creating one Chapter to handle all of the Titles fees; creating one Enforcement Chapter; and removing the regulations for potentially dangerous and vicious dogs from the Restraint Chapter and putting them into their own Chapter. Substantive changes include the following: adding three levels to the classification of potentially dangerous; clarifying what reptiles cannot be owned in Bloomington; adding language that requires permittees and breeders to disclose if they have ever been cited for an animal care or control ordinance violation; modifying the definition of a vicious animal; making it unlawful for a person to torture or beat an animal if it causes the animal pain (and not just injury as currently required); adding new tethering requirements; and creating a new violation entitled "Habitual Offender".

MEMO:

To: City of Bloomington Common Council
From: Laurie Ringquist, Director of Animal Care & Control
Patty Mulvihill, City Attorney
Date: December 23, 2014
Re: Updates to Animal Care & Control Ordinance (Title 7 of the BMC)

The Animal Care & Control Department, working with both the Legal Department and the Animal Control Commission, have proposed revisions to the City's Animal Title. The proposed revisions fall into two main categories: (1) streamlining and/or cleaning up the ordinance; and (2) substantive changes. The substantive changes range from determining if an applicant for any of the City's animal permits (breeders, kennel, etc...) have ever been cited for an ordinance violation pertaining to animal care to creating a new section to deal with habitual offenders.

Streamlining and/or Clean-Up

One of the paramount goals of this suggested ordinance update is to streamline Title 7 so that it is more reader-friendly, easier for staff to use, and more consistent with the other titles of the Bloomington Municipal Code. To that end, you will notice the following changes:

- Changes resulting from the Reorganization Ordinance (name of the department is an example);
- Gender neutrality;
- Creating one Fee Chapter (Chapter 7.54) instead of having fees at the end of each Chapter;
- Creating one Enforcement, Penalties & Appeals Chapter (Chapter 7.56) instead of having the violations and penalties at the end of each Chapter; and
- Removing the regulations for potentially dangerous and vicious animals from the Restraint Chapter and putting them into their own chapter (Chapter 7.26).

Substantive Changes

In order to understand and fully explain each of the substantive changes proposed by staff, this Memo will outline the changes in a chapter-by-chapter manner.

Chapter 7.01 - Definitions

Minor changes to this Chapter include the following:

- Deleting words that are not actually used anywhere else in the Title;
- Including the RC zoning district in the list of permitted zoning districts for chicken flocks (it's referenced in Title 20 but for some reason it was left out of Title 7); and

- Adding three new permitted domestic pets: Sugar Gliders; African Pgymy Hedgehogs; and Degus.

Major changes to this Chapter include the following:

- Adding three levels to the classification of potentially dangerous;
- Deleting the definition of reptiles as the definition is meant to exclude the listed reptiles from being allowed in the City limits. Staff believes adding these prohibited reptiles to the Wild Animal Chapter will be more efficient and easier for the citizenry to understand they can't own these creatures.

Chapter 7.16 - Commercial Animal Establishment Permits

There is only one suggested change to this Chapter. The change would require the City to ask an applicant if he or she had ever been cited or prosecuted for an ordinance violation which pertains to the care and control of animals.

Chapter 7.22 - Breeders

There are two suggested changes to this Chapter. The first change would require the City to ask an applicant if he or she had ever been cited or prosecuted for an ordinance violation which pertains to the care and control of animals. A second suggested change would make it clear that service dogs do not count towards the maximum numbers of animals a breeder is allowed to own or harbor.

Chapter 7.24 - Restraint

No changes not already discussed in this Memo.

Chapter 7.26 - Potentially Dangerous & Vicious (New Chapter)

Minor changes to this Chapter include the following:

- Adding a requirement that an owner must be given at least 14 days notice before the Animal Control Commission can hold a hearing to declare a dog potentially dangerous or vicious;
- Codifies the current practice of the Animal Control Commission's issuance of findings of fact whenever an animal is declared potentially dangerous or vicious;
- Specifically states that the Animal Control Commission can impose reasonable conditions upon a person when their animal is declared potentially dangerous or vicious. For example, in one instance the Animal Control Commission was faced with a potentially dangerous animal which was capable of jumping over low-

height fences; it would be helpful for the Commission to be able to specifically require the owner of such an animal to build a higher fence or use an enclosure with a roof.

Major changes to this Chapter include the following:

- Creating three separate levels of the potentially dangerous classification:
 - Level 1 is an 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; or an 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 (4) punctures wounds.
 - Level 2 is any an animal which has been declared a Level 1 potentially dangerous animal and within thirty-six (36) 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 (4) punctures wounds. A Level 2 potentially dangerous animal is also an animal which causes severe injure or death to a domestic pet or to domestic livestock.
 - Level 3 is 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 (36) 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.
- Creating a new definition for a vicious animal, which means any animal which, when unprovoked, in an aggressive manner has bitten or attacked a person, domestic pet or domestic livestock at least three (3) times in the prior thirty-six (36) 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 result in permanent scarring or disfiguring to a person

Chapter 7.28 - Nuisance

No changes not already discussed in this Memo.

Chapter 7.32 - Impoundment

The only change is to specify that the owner of an animal may designate an agent to reclaim his or her animal from the Shelter.

Chapter 7.36 - Animal Care

There are two major substantive changes to this Chapter. The first is that a clause is added that makes it unlawful to torture or beat an animal if it causes the animal pain; right now it has to result in some type of injury or death. The second is to add further restrictions to the City's tethering regulations. These new restrictions include the following:

- The tether must confine the animal to the owner's property;
- The tether must not allow the animal to advance onto or near public right-of-way;
- The tether must be set up to ensure strangulation of the animal is not possible;
- An animal may not be tethered on abandoned property;
- Animals cannot be tethered between the hours of 11 p.m. and 6 a.m.; and
- Unaltered animals over the age of 6 months cannot be tethered.

Chapter 7.40 - Wild Animals

The primary change to this Section is to rename it as follows: "Wild Animals, Exotic Animals & Prohibited Reptiles". The current ordinance defines exotic animals but it does not specifically prohibit people from possessing them. Additionally, the current ordinance lists the prohibited reptiles in the definition section, but again, it does not specifically prohibit people from possessing them. Staff thought it made sense to have one Chapter that lists all those animals which individuals are not permitted to possess inside of the City's limits.

Chapter 7.42 - Reptiles

Staff recommends deleting this Chapter as it is not used and not believed to be necessary.

Chapter 7.44 - Rabies

There is one minor change suggested. In following with the State's guidelines, staff recommends making it clear that if an animal has a valid rabies vaccination and bites another animal,

quarantine is at the City's discretion. However, if the animal bites a person, the State requires a quarantine, regardless of whether or not the animal has a rabies vaccination.

Chapter 7.48 - Adopted Animals

No changes not already discussed in this Memo.

Chapter 7.52 - General Provisions

Two minor changes. First, staff recommends deleting the section authorizing an animal census. To the best of staff's knowledge no such census has ever been done, nor can staff reasonably see any time in the future when a census of animals would be taken. Second, staff suggests modifying the maximum fine permitted for a Title 7 violation to specifically reference the State's maximums of \$2,500 for a first offense and \$7,500 for a second offense.

Chapter 7.54 - Miscellaneous Fees

First, this Chapter is renamed to "Fees" and will include any all fees assessed under Title 7.

Second, there are two substantive changes to fees:

- The addition of a \$25.00 annual fee for staff having to monitor a Level 3 Potentially Dangerous animal or a Vicious animal; and
- A specific authorization to the Director to allow him or her to waive any or all fees for adoptions or permits.

Chapter 7.56 - Enforcement, Penalties and Appeals (New Chapter)

First, this Chapter has been created to streamline the violation and enforcement sections currently found in individual Chapters. Second, it has been formatted to follow the penalty sections found in other Chapters of the municipal code.

The major changes to this Chapter include the following:

- Adds in a requirement that the City can require mandatory alteration and microchipping for at-large animals that are not impounded at the Shelter;
- Spells out a specific process for how a permit issued under Title 7 can be revoked by the Animal Control Commission;
- Spells out how a person cited for a Title 7 violation can appeal to the Animal Control Commission and can then appeal a decision by the Commission; and
- Creates a new violation known as a "Habitual Offender":

- Three violations of Title 7 in one 24-month period or failing to comply with the requirements for a potentially dangerous or vicious animal can result in a referral to the Animal Control Commission to be declared a habitual offender;
- The Animal Control Commission must hold a hearing before it can declare an animal owner a habitual offender;
- A person declared a habitual offender may face the following penalties: fines; a prohibition on obtaining new animals; loss of an animal in the owner's possession; and/or the requirement to take steps to alleviate common problems (building a fence for animals that are constantly at-large).

Title 7, ANIMALS

Commented [pmm1]: Sections proposed for deletion are noted with a ~~strike-through feature~~ in the text. Sections which include new proposed language are noted with a **gray highlight**.

Chapters:

Chapter 7.01 - Definitions

**Chapter 7.16 - Commercial Animal Establishment
Permits**

Chapter 7.21 - Kennel Permits

Chapter 7.22 - Breeders

Chapter 7.24 - Restraint

Chapter 7.26 - Potentially Dangerous and Vicious

Chapter 7.28 - Nuisance

Chapter 7.32 - Impoundment

Chapter 7.36 - Animal Care

**Chapter 7.40 - Wild Animals, Exotic Animals &
Prohibited Reptiles**

~~Chapter 7.42 - Reptiles~~

Chapter 7.44 - Rabies

Chapter 7.48 - Adopted Animals

Chapter 7.52 - General Provisions

Chapter 7.54 - Miscellaneous Fees

**Chapter 7.56 - Enforcement, Penalties, and
Appeals.**

Chapter 7.01 DEFINITIONS

Sections:

7.01.010 Definition of terms.

7.01.010 Definition of terms.

As used in this title, the following terms mean, unless otherwise designated;

"Abandoned ~~animal~~" 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~~.

Commented [pmm2]: Delete the word "animal" because the Title only uses the word "abandoned".

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

Commented [pmm3]: Delete the word "animal" because the Title only uses the word "altered".

"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.

"At large ~~animal~~" 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~~.

Commented [pmm4]: Delete the word "animal" because the Title only uses the words "at large".

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

Commented [pmm5]: Make the word singular instead of plural b/c the title only uses the singular version of the word.

"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) or 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.

Commented [pmm6]: There is a discrepancy between Title 7 and Title 20 (Zoning) of the BMC. Title 20 makes it clear that chicken flocks are also permitted in RC zones, for some reason Title 7 was not properly updated.

"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 major and/or minor petshop, 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.

"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.

Commented [pmm7]: Exotic animals are not mentioned anywhere else in the Title. The intent was to prohibit exotic animals so Chapter 7.40 (Wild Animals) is proposed to be amended to include exotics and prohibit them as well.

"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.

"Major pet shop" means any retail establishment engaging in the purchase and/or sale of cats and/or dogs, either solely or in addition to the purchase and/or sale of other species of animal.

"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.

"Minor pet shop" means any retail establishment engaging in the purchase and sale of any species of animal, with the exception of cats and dogs.

"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.

"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, or corporation.

"Potentially dangerous, Level 1" means any ~~of the following:~~

- (1) ~~Any 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 and or the animal are off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal; or~~
- (2) ~~Any animal which, when unprovoked, bites a person causing an injury that is not a severe injury, as defined below.~~ any 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 (4) punctures wounds.
- (3) ~~Any animal which, when unprovoked and off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, on two separate occasions within the prior thirty six month period, has bitten or otherwise caused injury to a domestic animal that is not a severe injury, as defined below.~~

Commented [pmm8]: New definitions of potentially dangerous. Includes three different levels.

"Potentially dangerous, Level 2" means any an animal which has been declared a Level 1 potentially dangerous animal and within thirty-six (36) 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 (4) 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 (36) 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 ~~or animals~~ 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/harboree's/colony caretaker's property, unless the waste is immediately removed and disposed of in a sanitary manner by the animal's owner/guardian/harboree/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, ~~with the exception of:~~

- ~~(1) Any reptile on the federal endangered or threatened species list or on the convention or international trade in endangered species list;~~
- ~~(2) Any venomous reptile, including front or rear fanged reptiles;~~
- ~~(3) Any python of a species which naturally exceeds twelve feet in length;~~
- ~~(4) All crocodylians, including alligators, caimans, and crocodiles;~~
- ~~(5) Monitor lizards;~~
- ~~(6) Anacondas;~~
- ~~(7) Any reptile of a species native to Indiana; or~~
- ~~(8) Any reptile protected by state or federal law.~~

Commented [pmm9]: These are reptiles intended to be prohibited in the City limits. To that end, the proposal suggests amending Chapter 7.40 (Wild Animals) to include these reptiles.

"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.

"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.

Commented [pmm10]: Term is not used anywhere in Title 7. Staff suggests amending Section 7.21.005 (General Requirements for Kennel Permits) so that service dogs do not count towards the animal maximums.

"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 of the following:

Commented [pmm11]: New definition included.

- ~~(1) Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being or domestic pet.~~

~~(2) Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner/guardian or keeper has been notified of this determination, continues the potentially dangerous behavior, as defined herein or is maintained in violation of Chapter 7.24 of this title~~ has bitten or attacked a person, domestic pet or domestic livestock at least three (3) times in the prior thirty-six (36) 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 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).

Chapter 7.16 COMMERCIAL ANIMAL ESTABLISHMENT PERMITS

Sections:

- Chapter 7.16.010 Permits - General.
- Chapter 7.16.020 Inspection of animals and premises authorized.
- Chapter 7.16.030 Obtaining a permit.
- Chapter 7.16.040 Standards for commercial animal establishments.
- Chapter 7.16.045 Consumer protection requirements.
- Chapter 7.16.050 Commercial animal establishment permit period.
- ~~Chapter 7.16.060 Fees.~~
- Chapter 7.16.070 Reclassification.
- ~~Chapter 7.16.080 Violations.~~

Chapter 7.16.010 Permits -- General.

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

Chapter 7.16.020 Inspections of animals and premises authorized.

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

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

Commented [pmm12]: The reorganization ordinance that was passed by the Council in the summer of 2014 changed all references in Title 2 to the "Senior Animal Control Officer" to the "Director of Animal Care & Control". Title 7 should change for consistency as well.

Chapter 7.16.030 Obtaining a permit.

Applicants must apply for permits required by this chapter with the city of Bloomington animal care and control department.

- (a) The application must contain:
 - (1) Information as to whether the applicant has been convicted of cruelty to animals or ever cited for or convicted of a local unit of government's animal control or care ordinances;
 - (2) A statement that the applicant complies and will comply with ~~the regulations promulgated under authority of Section 17.08.020 of this code~~ all building and zoning code requirements promulgated by the State of Indiana, Monroe County and/or the City of Bloomington; and
 - (3) That the applicant authorizes the ~~senior~~ Director of Animal Care and Control and staff animal control officers or their designees to inspect the applicant's facilities and animals.
- (b) The permit shall be issued when the applicant complies with the laws and regulations pertaining to the issuance of permits, and pays the fee required.
- (c) If the applicant withholds or falsifies any information on the application, the permit shall not be issued, and any permit issued upon false or withheld information shall be revoked.
- (d) No permit to operate a commercial animal establishment shall be issued to an applicant who has been convicted of cruelty to animals without review by the animal control commission.

Commented [pmm13]: The reorganization ordinance passed in summer 2014 deleted 17.08.020 in its entirety as the County is the entity which issues building permits.

Chapter 7.16.040 Standards for commercial animal establishments.

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

- (a) Be operated in such a manner as not to constitute a ~~public~~ nuisance;
- (b) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;
- (c) Keep all animals caged, within a secure enclosure or under the control of the owner/guardian or operator at all times;
- (d) With respect to all animals kept on the premises, comply with all of the provisions of Chapter 7.36, Animal Care, of this title providing for the general care of animals;
- (e) Not sell dogs and/or cats which are unweaned, less than eight weeks of age, or obviously diseased;
- (f) If it is a major pet shop, post the name of the breeder of all dogs and cats for sale on the animal's kennel;
- (g) If it is a major or minor pet shop, keep records of the name, address and telephone number of the breeder and seller of each animal for a period of two years after the

date the animal is sold and make those records available for inspection by the City of Bloomington Animal Care and Control Department.

- (h) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations.
- (i) Be in compliance with all zoning laws.

Chapter 7.16.045 Consumer protection requirements.

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

Chapter 7.16.050 Commercial animal establishment permit period.

The commercial animal establishment permit period shall begin on January 1st and shall run for one year. ~~Applicants requiring a permit during the year shall pay a prorated fee for the remaining portion of the year.~~ Applications must be made prior to the establishment of a commercial animal establishment.

Commented [pmm14]: For consistency with other Titles in the BMC, and for easier reference, the proposal recommends creating a chapter for fees. So instead of fees all over the place, they are located in one place. Chapter 7.54 is proposed as the new fee chapter.

Chapter 7.16.060 Fees.

Commented [pmm15]: Recommend moving all fees to Chapter 7.54 (rename Chapter at same time).

(a) Fees for 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 minor pet shop	\$250.00
(7) For each major pet shop	\$500.00
(8) 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.

7.16.070 Reclassification.

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

7.16.080 Violations.

Commented [pmm16]: All penalties will be moved to one Chapter, Chapter 7.56 (Enforcement, Penalties and Appeals).

(a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) and (c) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department 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) Permit holders who have been found to have falsified records or who have been found to be in violation of the animal care standards referenced in Section 7.16.040(d) shall be subject to a fine of triple the permit fee for the first offense, with the fine for each subsequent offense within a twelve month period increasing by an increment of triple the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be equal to three times the fee of a major pet shop permit holder, with the fine for each subsequent offense of this chapter increasing by an increment of triple the permit fee of a major pet shop permit holder.

- (e) ~~Permit holders who violate any other provision of this chapter shall be subject to a fine of double the permit fee for the first offense, with the fine for each subsequent offense of this chapter within a twelve month period increasing by an increment of double the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be equal to two times the fee of a major pet shop permit holder, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee of a major pet shop permit holder.~~
- (d) ~~Permit holders cited for violations of this chapter more than three times in a twelve month period may have their permit revoked for a period of three months. The permit may be reinstated by the animal care and control department following an inspection that reveals no further violations. Further violations following reinstatement of the permit may result in the permit being revoked permanently.~~

Chapter 7.21 KENNEL PERMITS

Sections:

- 7.21.005 General requirements.
- 7.21.010 Kennel permits required.
- 7.21.020 Obtaining noncommercial kennel permits.
- 7.21.025 Obtaining commercial kennel permits.
- 7.21.028 Obtaining a permit for chicken flocks.
- 7.21.030 Inspection.
- 7.21.040 Standards for noncommercial kennels.
- 7.21.050 Standards for commercial kennels.
- 7.21.057 Standards for maintaining chicken flocks.
- 7.21.060 Kennel permit periods.
- ~~7.21.070 Fees.~~
- 7.21.0870 Reclassification.
- ~~7.21.090 Violations.~~

7.21.005 General requirements.

- (a) No person shall own or harbor more than a total of nineteen cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. A person owning or harboring more than a total of nineteen cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall:
 - (1) Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen or less; and
 - (2) Complete the appropriate kennel permit application within sixty days of the ordinance's effective date.
- (b) Service dogs shall not be counted towards the nineteen (19) maximum noted in the above subsection (a).

7.21.010 Kennel permits required.

- (a) No person shall operate a commercial or noncommercial kennel or chicken flock without first obtaining a permit from the city of Bloomington animal care and control department in accordance with this chapter.

- (b) No permit shall be issued unless the proposed operation is in compliance with all zoning laws.

7.21.020 Obtaining noncommercial kennel permits.

Applications for noncommercial kennel permits shall be made to the city of Bloomington animal care and control department.

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

7.21.025 Obtaining commercial kennel permits.

Applications for commercial kennel permits shall be made to the city of Bloomington animal care and control department.

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

7.21.028 Obtaining a permit for chicken flocks.

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

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

7.21.030 Inspection.

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

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

7.21.040 Standards for noncommercial kennels.

All noncommercial kennels shall:

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

7.21.050 Standards for commercial kennels.

All commercial kennels shall:

- (a) Operate in such a manner as to not constitute a public nuisance;
- (b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides for the general care of animals;
- (c) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as to not endanger the health and well-being of other animals;
- (d) Keep all animals caged within a secure enclosure or under the control of the owner/guardian or representative of the kennel at all times;
- (e) Provide each animal sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure;

- (f) Provide individual kennels for each animal being harbored for any portion of a twenty-four hour period, with the exception of yard or other play areas used for the purpose of dog day care. Kennels intended for single occupancy shall not house more than one animal, with the exception of animals that are normally housed together in a home environment.

7.21.057 Standards for maintaining chicken flocks.

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

- (b) The chicken coop and chicken run shall:
 - (1) Provide a sight fence or shrub screening of at least four feet in height around both coop and run if visible to occupants of neighboring lots; and
 - (2) Be located at least twenty feet from any building not owned or occupied by the harborer, that is used or capable of being used for human habitation; and
 - (3) Be located at least twelve feet from the property line of any neighboring lot.
- (c) All chicken coops and chicken runs shall comply with the requirements for accessory structures outlined in Title 20 of the Bloomington Municipal Code as the same may be hereafter amended or replaced.

7.21.060 Kennel permit periods.

- (a) Noncommercial kennel permits shall be valid for a period of one year from the date of issuance. An application must be made within ten days of the creation of a kennel.
- (b) Commercial kennel permits shall be valid for one year beginning January 1st of each year. ~~Applicants requiring a commercial kennel permit during the year shall pay a prorated fee for the remaining portion of the current year.~~ An application must be made prior to the creation of a kennel.
- ~~(c) Repealed by Ord. 07-01.~~
- (d) Chicken flock permits shall be valid for a period of no more than one year from the date of issuance.

~~7.21.070 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~~
 - ~~(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~~
- (C) ~~Additional kennels in increments of 25: \$200.00 per increment of twenty five.~~
- (2) ~~Class C, training: \$75.00~~
- (3) ~~Class D, grooming: \$50.00~~
- (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.~~

7.21.0870 Reclassification.

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

7.21.090 Violations.

- (a) ~~Any animal control officer may issue any person or business in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section shall be paid to the city of Bloomington animal care and control department within seventy two hours of the notice of ordinance violation. In the event that such payment is not made within seventy two hours, the city may file a proceeding in the county court of competent jurisdiction to collect the applicable penalty.~~
- (b) ~~Persons or businesses who violate any provision of this chapter shall be subject to a fine of double the applicable permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee. In the event that the kennel permit does not require a fee, the fine for a first offense shall be twenty five dollars, with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars.~~
- (c) ~~In the event that the person or business has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be double the applicable permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable permit fee. In the event that the kennel permit does not require a fee, the fine for a first offense shall be twenty five dollars, with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars.~~

Chapter 7.22 BREEDERS

Sections:

- 7.22.005 General requirements.**
- 7.22.010 Intact animal permit required.**
- 7.22.020 Litter permit required.**
- 7.22.030 Obtaining permits.**
- 7.22.035 Consumer protection requirements.**
- 7.22.040 Inspection.**
- 7.22.050 Permit periods.**
- ~~7.22.060 Fees.~~
- 7.22.0760 Reclassification.**
- ~~7.22.080 Violations.~~

7.22.005 General requirements.

- (a) No person shall own or harbor more than a total of nineteen cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. A person owning or harboring more than a total of nineteen cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall:
 - (1) Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen or less; and
 - (2) Complete the appropriate kennel permit application within sixty days of the ordinance's effective date.
- (b) A breeder who houses dogs or cats in a cage shall provide every dog or cat with a reasonable opportunity for exercise outside of a cage at least one time per day in accordance with Section 3.8 of the federal Animal Welfare Act. However, a breeder who permits a dog or cat access to a run that meets the requirements of Section 3.8 of the Animal Welfare Act at least one time per day has satisfied the exercise requirement. Further, a breeder is not required to provide the opportunity for exercise if exercise would endanger the dog or cat's life or health.

7.22.010 Intact animal permit required.

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

7.22.020 Litter permit required.

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

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

7.22.030 Obtaining permits.

Applications for permits shall be made to the city of Bloomington animal care and control department.

- (a) The application shall include:
 - (1) The name, address and telephone number of the applicant;
 - (2) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals, or ever cited for or convicted of a local unit of government's animal control or care ordinances; and
 - (3) Descriptions (species, breed, sex, age, coloration) of each animal under the permit.
- (b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
- (c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the animal control commission.
- (d) An owner/guardian must apply for a litter permit within twenty-one days of the birthing of a litter.

7.22.035 Consumer protection requirements.

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

- (6) The name, address and signature of the seller.

7.22.040 Inspection.

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

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

7.22.050 Permit periods.

~~(a)~~ Permits shall be valid for a period of one year from the date of issuance.

7.22.060 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~~
 - ~~(5) 15 – 19 unaltered animals: \$250.00~~
- ~~(b) Fees for litter permits shall be:~~
 - ~~(1) First litter in a twelve month period: \$100.00~~
 - ~~(2) Additional litters: \$150.00/litter.~~

7.22.0760 Reclassification.

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

7.22.080 Violations.

- ~~(a) Any animal control officer may issue any person or business in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section shall be paid to the city of Bloomington animal care and control department within seventy two hours of the notice of ordinance violation. In the event that such payment is not made within seventy two hours, the city may file a proceeding in the county court of competent jurisdiction to collect the applicable penalty.~~
- ~~(b) Persons or businesses who violate any provision of this chapter shall be subject to a fine of double the applicable permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee.~~
- ~~(c) In the event that the person or business has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be double the applicable permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable permit fee.~~

Chapter 7.23 FERAL CATS

Sections:

7.23.010 General requirements.

7.23.020 Managed feral cats.

7.23.030 Colony caretaker responsibilities.

7.23.010 General requirements.

- (a) All feral cat colonies shall:
 - (1) Operate in such a manner as to not constitute a public nuisance; and
 - (2) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides standards for the general care of animals.
- (b) Any person who provides food, water or shelter to a colony of feral cats shall be registered with the city of Bloomington animal care and control department or its designee.
- ~~(c) A person who violates any provision of this chapter shall be subject to a fine of twenty five dollars for the first offense, with the fine for each subsequent offense increasing by an increment of fifty dollars.~~

7.23.020 Managed feral cats.

- (a) The city of Bloomington animal care and control department or its designee, in order to encourage the stabilization and reduction of the feral cat population in the city of Bloomington, may:
 - (1) Trap any feral cat in a humane manner;
 - (2) Have the feral cat surgically sterilized and ear-tipped or tattooed by a licensed veterinarian;
 - (3) Release the feral cat for adoption or other disposition in accordance with the law or to a colony caretaker who will maintain the feral cat as part of a managed colony of feral cats.
- (b) The city of Bloomington animal care and control department may impound feral cats in violation of this chapter and dispose of the feral cats in accordance with applicable law. Any feral cat impounded at the city of Bloomington animal shelter that bears an appropriate ear-tipping or tattoo indicating it belongs to a managed colony shall be returned to its managed colony, if said colony can be determined, unless illness or injury present an imminent danger to public health or safety. Seriously ill or injured feral cats with no reasonable prognosis for humane rehabilitation for survival outdoors may be humanely euthanized.

7.23.030 Colony caretaker responsibilities.

- (a) Colony caretakers shall abide by standard trap-neuter-return guidelines devised by the city of Bloomington animal care and control or its designee regarding the provision of food, water, shelter and veterinary care within the managed colony.
- (b) A colony caretaker shall not have ever been convicted of animal cruelty, or ever cited for or convicted of a local unit of government's animal control or care ordinances.
- (c) A colony caretaker shall not allow a cat(s) which is part of his/her colony to become a public nuisance.

Chapter 7.24 RESTRAINT

Sections:

7.24.010 General requirements.

7.24.020 Animals in heat.

~~**7.24.030 Vicious animals.**~~

~~**7.24.040 Violations.**~~

7.24.010 General requirements.

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

7.24.020 Animals in heat.

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

~~**7.24.030 Vicious animals.**~~

~~(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 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 or vicious.~~

~~(1) — Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for finding probable cause shall be sworn to and verified by the complainant and shall be provided to the animal control commission.~~

~~(2) — The hearing will be held at the next regularly scheduled meeting of the animal control commission and shall be open to the public.~~

~~(3) — The owner/guardian of the animal shall be served with notice of the hearing and a copy of any complaints received by certified mail or in person.~~

~~(4) — The animal control officer shall notify the owner/guardian of the animal of the date and time of such hearing, at which time he or she may present~~

Commented [pmm17]: Move this section and all new suggested changes to its own chapter. New chapter will be Chapter 7.26, entitled "Potentially Dangerous and Vicious Animals".

~~evidence as to why the animal should not be declared potentially dangerous or vicious.~~

~~(A) Such evidence may include eyewitness testimony of the incident; or~~

~~(B) Evidence that the action of the animal and the damage sustained by the person or other animal could have reasonably been expected to occur given the circumstances of the event. Such circumstances may include, but are not limited to: willful trespass upon the owner/guardian's property; teasing, tormenting, abusing or assaulting the animal; and/or attempted abuse or assault upon the owner/guardian.~~

~~(5) 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.~~

~~(6) 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.~~

~~(7) After the hearing, the owner/guardian of the animal shall be notified in writing of the determination by certified mail or in person.~~

~~(A) If a determination is made that the animal is potentially dangerous or vicious, the owner/guardian shall comply with this section's requirements for restraint in accordance with a time schedule established by the animal control commission but in no case more than thirty days after the date of the determination.~~

~~(B) An animal determined to be vicious may be destroyed by the city of Bloomington animal care and control department when it is found by the animal control commission that the release of the animal would create a significant threat to the public health, safety, and welfare.~~

~~(C) If it is determined that an animal found to be vicious shall not be destroyed, the animal control commission may impose reasonable conditions upon the ownership of the animal that protect the public health, safety and welfare.~~

~~(D) Decisions of the animal control commission are final.~~

~~(b) If, upon investigation, it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the animal in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the animal pending the hearing to be held pursuant to this section. The owner/guardian of the animal shall be liable to~~

the city of Bloomington animal shelter where the dog is impounded for the costs and expenses of keeping the animal, if the animal is later declared potentially dangerous or vicious.

- (e) ~~A potentially dangerous 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. A potentially dangerous animal may be off the owner/guardian's premises only if it is restrained by a substantial leash, of appropriate length, and if it is under the control of an adult.~~
- (d) ~~An animal that has been declared vicious may not be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition, except to a secured enclosure. When outside, all vicious animals must be confined in a secure enclosure, except when necessary to obtain veterinary care.~~
 - (1) ~~All such enclosures must be adequately lighted and ventilated and kept in a clean and sanitary condition.~~
 - (2) ~~The enclosure shall have secure sides and a secure top and bottom to prevent the animal from escaping over, under, or through the structure.~~
 - (3) ~~The enclosure shall be kept locked at all times to prevent unintentional opening.~~
 - (4) ~~The enclosure shall include suitable shelter and protection from the elements, and shall provide adequate exercise room, light, ventilation, and sanitation.~~
 - (5) ~~The enclosure shall be approved by the city of Bloomington animal care and control department prior to its usage for confinement.~~
 - (6) ~~Whenever necessity requires a vicious animal to be outside of the enclosure, the animal shall be securely muzzled and restrained by a leash not exceeding three feet in length, with handgrip, and shall be under the direct control and supervision of the owner/guardian of the animal.~~
- (e) ~~The owner/guardian of a potentially dangerous or vicious animal shall display clearly visible warning signs on all entry points to the premises on which the animal is maintained warning that a potentially dangerous or vicious animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the animal is maintained. Signs must inform both children and adults of the presence of a potentially dangerous or vicious animal on the property.~~
- (f) ~~Any animal classified as potentially dangerous or vicious shall not be used for breeding and shall be altered by a licensed veterinarian within thirty days of such classification 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.~~
- (g) — ~~If the animal in question dies, or is sold or transferred, the owner/guardian shall notify the city of Bloomington animal care and control department of the changed condition and new location of the animal in writing within two working days.~~
- (h) — ~~An owner/guardian may submit one request for reconsideration per year to the animal control commission to have the designation of potentially dangerous or vicious removed from his or her animal.~~
 - (1) — ~~The application must be in writing.~~
 - (2) — ~~The application must be given to the city of Bloomington animal care and control department.~~
 - (3) — ~~The application shall include detailed information about how the change in circumstances or measures taken by the owner/guardian, such as training of the animal, have mitigated the risk to public safety.~~
 - (4) — ~~The animal control commission may hear evidence, both pro and con, as to whether and why the designation should or should not be removed.~~
 - (5) — ~~The animal control commission may make a decision to remove or not to remove such designation.~~

7.24.040 Violations.

- (a) — ~~Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department 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 chapter shall be subject to the following fine:~~
 - (1) — ~~Failure to restrain, first offense, altered animal: twenty dollars.~~
~~Fines for each subsequent offense within twelve consecutive months of first offense increase in increments of twenty dollars per offense.~~
 - (2) — ~~Failure to restrain, first offense, unaltered animal: one hundred dollars.~~
~~However, an owner/guardian who agrees to have their dog or cat spayed or neutered at their expense prior to reclaiming the animal from the City of Bloomington Animal Care and Control Department, will be assessed the fine for failure to restrain, first offense, altered of twenty dollars.~~

Fines for each subsequent offense within twelve consecutive months of first offense increase in increments of forty dollars per offense.

- (3) ~~An animal that has been previously impounded as a stray or at large animal and is now being redeemed for the second or subsequent redemption within the last twelve months will be required to be:
 - (A) ~~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 recovery; and~~
 - (B) ~~Spayed or neutered by a licensed veterinarian at the owner/guardian's expense prior to the City of Bloomington Animal Care and Control Department relinquishing the animal to the owner/guardian. Should cost be an issue, the City of Bloomington Animal Care and Control Department may enter into a payment agreement with the owner/guardian or the owner/guardian may sign over ownership rights of the animal to the City of Bloomington Animal Care and Control Department.~~~~
- (4) ~~Failure to restrain female animal in heat, first offense: one hundred dollars.
Fines for each subsequent offense within twelve consecutive months of first offense are one hundred fifty dollars per offense.~~
- (5) ~~Failure to restrain vicious animal or potentially dangerous animal, first offense: one hundred dollars.
Fines for each subsequent offense within twelve consecutive months of first offense are one hundred fifty dollars per offense.~~
- (6) ~~Failure to post warning signs for potentially dangerous and/or vicious animals: fifty dollars.~~
- (7) ~~Failure to notify city of Bloomington animal care and control department of change of status for potentially dangerous and/or vicious animals: fifty dollars.~~
- (8) ~~Failure to prevent potentially dangerous and/or vicious animal from breeding: one hundred dollars.~~
- (9) ~~Failure to alter potentially dangerous and/or vicious animal within thirty days of such classification: one hundred dollars.~~
- (10) ~~Failure to comply with any portion of this chapter, not previously addressed in subsections (b)(1) through (9) of this section, shall result in a one hundred dollar fine.~~

7.26 POTENTIALLY DANGEROUS AND VICIOUS ANIMALS

Commented [pmm18]: New Chapter.

Sections:

Section 7.26.010 Request for declaration.

Section 7.26.020 Hearing on declaration.

Section 7.26.030 Potentially dangerous, Level 1.

Section 7.26.040 Potentially dangerous, Level 2.

Section 7.26.050 Potentially dangerous, Level 3.

Section 7.26.060 Vicious.

Section 7.26.070 Immediate threat.

Section 7.26.080 Euthanization Order.

Section 7.26.090 Status change.

Section 7.26.100 Reconsideration.

Section 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 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 or vicious.
- (b) The Director of the Animal Care and Control Department can base probable cause to believe that an animal is potentially 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 7.26.020 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 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.

Commented [pmm19]: This allows the Commission to both declare and NOT declare any animal potentially dangerous or vicious.

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.
- (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.

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 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.

Commented [pmm20]: This allows the Commission to issue a ruling that foregoes the necessity of alteration.

7.26.050 Potentially 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.

(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 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.

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

(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 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.

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.
- (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.
- (d) The animal must be altered by a licensed veterinarian within thirty days of such designation unless:
 - (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
 - (2) A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health; provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.
- (e) The animal must be implanted with a microchip.
- (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 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.

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.

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.

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 business days of the change.

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 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 request for reconsideration upon the expiration of three years from the date of designation, provided no further violations of this Title have occurred.

7.28 NUISANCE

Sections:

7.28.010 Public nuisance prohibited.

~~7.28.020 Violations.~~

7.28.010 Public nuisance prohibited.

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

~~7.28.020 Violations.~~

- ~~(a) — Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department 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 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.~~
- ~~(c) — In the event the person has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be fifty dollars for the first offense, with the fine for each subsequent offense increasing by an increment of fifty dollars.~~

7.32 IMPOUNDMENT

Sections:

7.32.010 Animals to be impounded.

7.32.020 Jurisdiction of animal control officer for impoundment.

7.32.030 Notice of impoundment.

7.32.040 Impounded animals - Reclamation.

7.32.010 Animals to be impounded.

- (a) At-large animals (with the exception of altered cats that are wearing identification or are ear-tipped or tattooed in the case of feral cats and are not a public nuisance), nuisance animals, animals suspected of being neglected, subjected to cruelty or abandoned, and animals which have bitten persons or other animals may be taken by law enforcement or animal control officers and impounded in the city of Bloomington animal shelter.
- (b) In lieu of impounding an animal which is at large or a public nuisance according to this title, the law enforcement officer or animal control officer may issue to the known owner/guardian/colony caretaker of such animal a notice of ordinance violation and may return the animal to the owner/guardian/colony caretaker's property if the animal can be secured safely.

7.32.020 Jurisdiction of animal control officer for impoundment.

The jurisdiction of animal control officers for purposes of enforcing this chapter shall include, ~~in addition to the municipality of Bloomington itself, all land within four miles of its corporate limits.~~

7.32.030 Notice of impoundment.

- (a) If the owner/guardian/colony caretaker of an impounded animal can be identified, ~~the senior animal control officer~~ **Director of Animal Care & Control** or his or her designees shall immediately upon impoundment notify the owner/guardian/colony caretaker ~~in-person or~~ by telephone or mail.
- (b) Animals whose owners/guardians/colony caretakers are not identifiable or cannot be notified after reasonable effort shall be held for five calendar days from the date of impoundment, not counting officially recognized holidays, before becoming the property of the city.
- (c) Animals whose owners/guardians/colony caretakers have been notified and who do not reclaim their animals within the five-day stray period shall also become the property of the city unless the owner/guardian of the animal posts a five

hundred fifty-dollar bond with the city controller prior to the expiration of the five-day stray period to provide for the animal's care and keeping.

- (1) The bond must be valid for thirty days.
- (2) The owner/guardian may renew a bond by posting a new bond in the amount of six hundred dollars prior to the expiration of the original bond, but may only do so once.
- (3) If a bond expires and is not renewed, the animal becomes the property of the city.
- (d) Any stray animals found as part of a litter of two or more shall become the property of the city and may be placed for adoption or humanely euthanized if not claimed by the owner/guardian within three days of impoundment.
- (e) Any stray animal found with severe medical conditions and/or injuries shall be assessed by a veterinarian, whenever possible. Whenever possible, humane care will be provided in order to allow the animal to remain comfortable for the duration of the stray period. However, when an animal's injuries or illnesses are so severe such that the animal cannot be maintained in a comfortable fashion, the animal may be euthanized prior to the end of the stray period.
- (f) Any medical expenses incurred while any animal except an ear-tipped or tattooed cat is in the care of the city shall be the responsibility of the owner/guardian should the owner/guardian be identified.
- (g) Animals that are the property of the city may be placed for adoption or humanely euthanized.

7.32.040 Impounded animals - Reclamation.

~~(a) An owner/guardian reclaiming an impounded animal shall pay a board fee as follows, in addition to a fee of seven dollars 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

~~(b) The city of Bloomington animal care and control department may agree to waive some or all of its fines and fees at the discretion of the director if the owner/guardian of an unaltered animal agrees to have the animal spayed or neutered as a condition of its release.~~

(c) A person may reclaim an animal in the custody of the city of Bloomington animal care and control department upon providing the following:

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

Commented [pmm21]: This will allow a sibling to collect an owner's animal if the owner is out of state.

~~(d) An animal that has been a previously impounded, stray or at large animal and is now being redeemed for the second or subsequent redemption within the last twelve months will be 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 recovery; and~~
- ~~(2) Spayed or neutered by a licensed veterinarian at the owner/guardian's expense prior to the shelter relinquishing the animal to the owner/guardian. Should cost be an issue, the city of Bloomington animal care and control department may enter into a payment agreement with the owner/guardian or the owner/guardian may sign over ownership rights of the animal to the city of Bloomington animal care and control department.~~

Commented [pmm22]: Moved to Section 7.56.040(e).

Chapter 7.36 ANIMAL CARE

Sections:

7.36.010 Giving animals as prizes.

7.36.020 Poisoning animals.

7.36.025 Cruelty, abuse and neglect of animals.

7.36.030 Motor vehicle accidents involving animals.

7.36.040 Use of devices to induce performance.

7.36.050 General animal care.

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

7.36.070 Abandonment.

7.36.010 Giving animals as prizes.

- (a) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.
- (b) No person shall auction any live animal, except domestic livestock.
- ~~(c) Violations. Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (d) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department 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.~~
- ~~(d) Persons who violate any provision of this section shall be subject to a fine of one hundred dollars for each offense.~~

7.36.020 Poisoning animals.

No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be likely to be eaten by any animal; provided, that it shall not be unlawful for a person to expose on his ~~or her~~ own property common rat or mouse poison, unmixed or mixed only with vegetable substances. ~~Persons who violate this section shall be subject to a fine of up to two thousand five hundred dollars for each offense.~~

7.36.025 Cruelty, abuse and neglect of animals.

- (a) No person shall torture, beat, mutilate or neglect an animal resulting in serious injury or death to the animal. ~~Persons who violate this section shall be subject to a fine of two thousand five hundred dollars for each offense.~~
- (b) No person shall torture, beat, mutilate or neglect an animal resulting in injury or pain to the animal.

7.36.030 Motor vehicle accidents involving animals.

Any person, who, as the operator of a motor vehicle, strikes a dog or cat, shall at once report the accident to the appropriate law enforcement agency or the city of Bloomington animal care and control department. ~~Persons who violate this section shall be subject to a fine of fifty dollars for each offense.~~

7.36.040 Use of devices to induce performance.

No ~~permanent or temporary~~ animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. ~~Persons who violate this section shall be subject to a fine of two thousand five hundred dollars for each offense.~~

7.36.050 General animal care.

- (a) Every owner/guardian/colony caretaker of an animal within the city shall see that his ~~or her~~ animal:
 - (1) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement;
 - (2) Has proper and adequate food, water, shelter, and protection from the weather;
 - (3) If kept in an enclosure, ensure that the enclosure is appropriate to their species and/or breed. Such enclosure is to be constructed in a manner to enable the animal to remain clean and dry, to prevent the animal's injury or escape, and to be able to be disinfected. However, no flooring may be used to house dogs or cats which would allow their feet or legs to fall through and all enclosures shall contain an area that allows the animal to be on a solid surface; and
 - (4) If diseased or injured, receives care as necessary to prevent suffering and, if diseased, is segregated from other animals so as to prevent the transmittal of the disease to other animals.
- (b) Any domestic pet or feral cat that is owned or harbored and habitually kept outside or repeatedly left outside unattended by an adult person for such periods of time as may cause suffering or endanger the health or well-being of the animal

shall be provided with a structurally sound, moistureproof and windproof shelter large enough to keep the animal reasonably clean and dry and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces and standing water.

- (c) If multiple animals are present in one location, each animal must have access to shelter and the owner/guardian/colony caretaker must meet all standards for each animal, as detailed in this section.
- (d) The shelter must have bedding to provide insulation and protection against cold and dampness and promote the retention of body heat.
- (e) Appropriate medical care and grooming of animals must be provided.
- (f) No chain or tether shall weigh more than one-eighth of the animal's body weight.
- (g) Any chain or tether shall be at least ten feet in length and have swivels on both ends.
- (h) Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering an animal to a stationary object or cable run. A person may not wrap a chain or tether around an animal's neck. A chain or tether used to restrain an animal must, by design and placement, be unlikely to become entangled.
- (i) It shall be unlawful for the owner/guardian/colony caretaker of any animal to keep or maintain the animal on a tether for a period of more than ten continuous hours and no more than twelve hours in any twenty-four hour period, or for any duration under conditions, which threaten the health, or well-being of the animal.
- (j) Any chain or tether shall be of appropriate length configuration to:
 - (1) Confine the animal to the owner/guardian/colony caretaker's property;
 - (2) Prevent the animal from advancing to the edge of any public right-of-way;
 - (3) Prevent the chain or tether from extending over an object or an edge that could result in injury or strangulation of the animal; and/or
 - (4) Prevent the chain or tether from becoming entangled with other objects or animals.
- (k) It shall be unlawful for the owner/guardian/colony caretaker of any animal to keep or maintain the animal on a tether under any of the following conditions:
 - (1) At a vacant property; and/or
 - (2) Between the hours of 11:00 p.m. and 6:00 a.m.
- (l) It shall be unlawful for the owner/guardian/colony caretaker of any unaltered animal which is six months of age or older to allow the animal to be tethered.
- (m) A muzzle may not be worn continuously as a means for controlling barking.
- (n) A person may not restrain an animal in a manner that does not allow the animal to have access to necessary shelter, water and food.

- (~~lo~~) A person may not restrain an animal in a manner that allows the animal to move outside property owned, lawfully occupied or controlled by the person.
- (~~mp~~) Any person who owns or harbors any intact female dog or cat shall, during the period that such animal is in heat or in estrus, shall keep such dog or cat in a secured area that prevents a male dog or cat from having access to such female, except for controlled breeding permitted by the owner/guardian/colony caretaker of the female. Additionally, the female dog or cat shall not be chained or tethered in a manner that prevents her from defending herself or from avoiding a mate.
- (~~nq~~) It shall be unlawful for any person to place or confine or allow any animal to be confined in such a manner that it must remain in a motor vehicle, trailer or pet carrier under such conditions for such periods of time as may cause suffering or endanger the health or well-being of the animal due to extreme temperatures or lack of food or water.
- (~~or~~) No person shall intentionally or unintentionally cause or allow the breeding of more than one litter per female cat or dog in a twelve-month period.
- (~~p~~) ~~Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (q) of this section may, at the discretion of the animal owner/guardian/colony caretaker, be paid to the city of Bloomington animal care and control department 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.~~
- (~~q~~) ~~Persons who violate any provision of this section shall be subject to a fine of fifty dollars for each offense.~~

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

- (a) In addition to the provisions set out in Section 7.36.050, "General animal care," of this chapter, every owner/guardian of an animal used to draw a vehicle for hire within the city shall see that:
 - (1) The animal has adequate flesh and muscle tones;
 - (2) The hooves of the animal are properly trimmed and shod within every eight weeks of work. Acceptable horseshoes for this work are limited to Borium-studded type or polyurethane (plastic), studs optional. Records must be kept for twelve months by the owner/guardian of the dates and the name of the blacksmith who shod the animal;
 - (3) The animal is groomed daily;
 - (4) The animal is not over-ridden, driven, or kept, to result in overheating or exhaustion. Animals shall not be worked during the middle of the afternoon during hot days when livestock warnings are issued. Whenever possible during warm weather, the driver shall park in the shade. Animals shall not be worked more than two hours without being given a thirty-

minute rest period. Maximum working period for any one animal shall be ten hours out of every twenty-four hours, and any five out of seven consecutive days;

- (5) No animal may be whipped by a driver with more than a light touch by a light whip or in a manner that causes injury or suffering;
 - (6) The speed at which any animal is driven shall not exceed a trot;
 - (7) The animals shall not be left unattended on a street or public way;
 - (8) The harness, bridle, saddle, and any other equipment required or in use is properly fitted, in good working order, free of makeshift design, and used so as in no way causes pain or injury to the animal. Twisted wire snaffles, and spurs are not permitted.
- (b) ~~Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (d) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department 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.~~
- (c) To protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a vehicle for hire, any animal control officer may issue an order that the animal is deemed unfit for work and order it removed from the vehicle and the city streets; ~~such order may be appealed within forty-eight hours to the animal control commission which shall, upon hearing all evidences, confirm or deny the order of the animal control officer.~~
- (d) ~~Persons who violate any provision of this section shall be subject to a fine of fifty dollars for each offense.~~

7.40 WILD ANIMALS, EXOTIC ANIMALS & PROHIBITED REPTILES

Sections:

7.40.010 Keeping wild or exotic animals.

7.40.020 ~~Exceptions~~ Keeping prohibited reptiles.

7.40.030 ~~Violations.~~

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, ~~except as provided in Section 7.40.020 of this chapter.~~ This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories, licensed wildlife rehabilitators, or a wildlife educator who is in possession of all necessary federal or state licenses, permits, and/or approvals.

7.40.020 ~~Exceptions~~ Keeping prohibited reptiles.

~~Any person owning a wild animal prior to the enactment of this chapter shall be permitted to continue ownership of the animal; provided, that he registers the animal with the animal control commission within six weeks after enactment of this chapter. A copy of this registration must be kept by the owner/guardian for as long as the person owns the animal as evidence of possession of the animal prior to the enactment of this chapter.~~

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;
- (c) Any python of a species which naturally exceeds twelve (12) feet in length;
- (d) All crocodylians, including alligators, caimans, and crocodiles;
- (e) Monitor lizards;
- (f) Anacondas;
- (g) Any reptile of a species native to Indiana; or
- (h) Any reptile protected by state or federal law.

Commented [pmm23]: There are no individuals registered as grandfathered so this section is meaningless.

Commented [pmm24]: The definition of reptiles does not make it clear that these reptiles are prohibited. This is a much more explicit statement of the prohibition.

7.40.030 Violations.

- (a) ~~Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department 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 five hundred dollars for each offense.~~

7.42 REPTILES

Commented [pmm25]: Staff recommends deleting this entire Chapter. We do not utilize this section. Additionally any pet store is already required to be licensed and inspected under Chapter 7.16.

Sections:

~~7.42.010 Registration – Pet shops.~~

~~7.42.020 Registration – Others.~~

~~7.42.030 Registration – Changes in harboring address.~~

~~7.42.040 Lost or impounded reptiles.~~

~~7.42.050 Violations.~~

7.42.010 Registration – Pet shops.

- (a) ~~Any pet shop intending to harbor, sell, trade, or in any way distribute reptiles within the city must register with the city of Bloomington animal care and control department, in writing, of such intention before any reptiles may be harbored, sold, traded, or distributed.~~
- (b) ~~Any pet shop harboring, selling, trading or in any way distributing reptiles within the city shall make available for inspection by the city of Bloomington animal care and control department, an inventory of the number and type of reptiles received, the number and type distributed by sale, trade, death or in any other manner, and the number and type on hand.~~
- (c) ~~Whenever any pet shop sells, trades or in any way distributes an exotic snake (not native to the United States) within the city, it shall complete a form provided by the city of Bloomington animal care and control department indicating the type of exotic snake, the person taking possession of the snake and the address where the snake will be harbored. There will be no fee for said registration.~~

7.42.020 Registration – Others.

~~Any person harboring an exotic snake within the city who acquired the snake from any source other than a registered pet shop, must register the snake with the city of Bloomington animal care and control department. Such registration shall consist of the name of the owner/guardian and the address where the snake will be harbored. There will be no fee for said registration.~~

7.42.030 Registration – Changes in harboring address.

~~It shall be the responsibility of each owner/guardian of an exotic snake to inform the city of Bloomington animal care and control department whenever the address at which a snake is being harbored changes for any reason. These reasons include, but are not limited to: death, loss, sale, transfer, or if the owner/guardian of the snake moves.~~

7.42.040 ~~Lost or impounded reptiles.~~

~~Lost reptiles shall be impounded and released to the registered owner/guardian or disposed of in accordance with Sections 7.32.030 and 7.32.040 of this title; provided, however, that any nonpoisonous species native to Indiana shall be presumed wild and released to a natural habitat.~~

7.42.050 ~~Violations.~~

- ~~(a) — Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department 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 fifty dollars for each offense.~~

Chapter 7.44 RABIES

Sections:

7.44.010 Rabies vaccination required.

7.44.020 Animals biting persons.

7.44.030 Animals biting animals.

~~**7.44.050 Euthanization of stray animals.**~~

~~**7.44.060 Violations.**~~

7.44.010 Rabies vaccination required.

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

7.44.020 Animals biting persons.

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

~~(b) 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

~~(c) Persons failing to quarantine an owned animal that has bitten a person shall be subject to a fine, as specified in Section 7.44.060 of this chapter.~~

7.44.030 Animals biting animals.

- (a) If an animal has bitten another domestic pet, and the animal is current on its rabies vaccination, the animal need only be impounded at the discretion of a city animal control officer.
- (b) If an animal has bitten another domestic pet and the animal is not current on its rabies vaccination, the animal shall be quarantined.
- (c) The animal may be impounded in the city of Bloomington animal shelter, veterinary hospital, or kennel approved by a city animal control officer, at the animal owner/guardian's expense. The conditions of the impound shall be the same as in Section 7.44.020 of this chapter.

7.44.050 Euthanization of stray animals.

~~If a stray dog, cat or ferret has bitten a person or animal, it shall be confined in the city of Bloomington animal shelter for five days only. At the end of the five day period, if unclaimed, the animal shall be euthanized, and its brain sent to the Indiana Department of Health Rabies Laboratory for diagnostic tests.~~

7.44.060 Violations.

~~Unless otherwise provided for by state statute, persons who violate any provision of this chapter shall be subject to a fine of up to two hundred dollars for each offense.~~

Chapter 7.48 ADOPTED ANIMALS

Sections:

~~7.48.010 Adoption fees.~~

~~7.48.0210 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 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	\$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
–Hamster/Gerbils	\$2.00

- (b) ~~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 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.~~

7.48.0210 Spaying and neutering of adopted animals.

Any dog, cat, rabbit or ferret adopted from the city of Bloomington animal shelter shall be spayed or neutered by a veterinarian prior to being taken to his or her new home. The city of Bloomington animal care and control department shall assume the cost of the spay or neuter operation. If a veterinarian should determine that the dog, 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.

- ~~(a) — Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department 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.~~

Chapter 7.52 GENERAL PROVISIONS

Sections:

~~7.52.010~~ **Disposition of funds.**

~~7.52.020~~ **Animal census.**

~~7.52.0310~~ **Conflicting ordinances.**

~~7.52.03520~~ **Maximum fines.**

~~7.52.0430~~ **Severability clause.**

~~7.52.0540~~ **Animal shelter.**

~~7.52.0650~~ **Interference with animal control officer - Penalty.**

~~7.52.010~~ **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 animal control commission. Money so paid shall be transmitted to the city of Bloomington controller and shall be used in carrying out the provisions of this title.~~

Commented [pmm26]: Move to fee chapter, Chapter 7.54.

~~7.52.020~~ **Animal census.**

~~Upon enactment of the ordinance codified in this title, the city of Bloomington, at the direction of the mayor, with the approval of the common council, may instigate and carry out a city wide census for the purpose of carrying out the provisions of this title. A census may be held once every two years thereafter at the request of the mayor and common council. The animal control commission shall administer the census.~~

Commented [pmm27]: We don't do this, never have, and have no mechanism to do so.

~~7.52.0310~~ **Conflicting ordinances.**

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

~~7.52.03520~~ **Maximum fines.**

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

Commented [pmm28]: Indiana statute allows for higher maximum fines for second offenses.

7.52.0430 Severability clause.

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

7.52.0540 Animal shelter.

The physical facility known as the city of Bloomington animal shelter shall be under the administrative control of the department of public works and shall constitute a division of the department. The ~~senior animal control officer~~ Director of Animal Care and Control and animal control commission shall retain all powers and duties conferred by this title for the detailed supervision of matters relating to animal control. It is the intent of this title that the animal control commission be an advisory body to formulate, adopt and implement policies, principles and standards for humane treatment and control of all animals in the city.

7.52.0650 Interference with animal control officer - Penalty.

Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes or interferes with any animal control officer while that officer is engaged in the execution of any duties required of animal control officers ~~under~~ violates this title ~~shall be fined not more than one thousand dollars per occurrence.~~

Chapter 7.54 MISCELLANEOUS FEES

Sections:

7.54.010 Surrender fees.

7.54.020 Incinerator fee.

7.54.030 Commercial animal establishment permit fees.

7.54.040 Kennel permit fees.

7.54.050 Intact animal and litter permit fees.

7.54.060 Impounded animal fees.

7.54.070 Rabies boarding fees.

7.54.080 Adoption fees.

7.54.090 Potentially dangerous and vicious animal monitoring fees.

7.54.100 Prorating of fees.

7.54.110 Fee waiver.

7.54.120 Disposition of fees.

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 cats over six months of age	\$20.00
Litters of puppies or kittens with five or fewer animals, all of which are younger than six months of age	\$25.00
Litters of puppies or kittens with more than five animals, all of which are younger than six months of age	\$35.00
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-dollar 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.

7.54.020 Incinerator fee.

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

7.54.030 Commercial animal establishment permit fees.

Commented [pmm29]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.16.060).

(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 minor pet shop	\$250.00
(7) For each major pet shop	\$500.00
(8) 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.

7.54.040 Kennel permit fees.

Commented [pmm30]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.21.070).

(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
 - (C) Additional kennels in increments of 25: \$200.00 per increment of twenty-five.

- (2) Class C, training: \$75.00; and
- (3) Class D, grooming: \$50.00.
- (c) No fee shall be required of any veterinary hospital or municipal animal shelter, research laboratory or government-operated zoological park.
- (d) Persons whose establishments operate under more than one class, as defined by this chapter, shall be required to apply for a permit for each applicable.

7.54.050 Intact animal and litter permit fees.

- (a) Fees for intact animal permits shall be:
 - (1) 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.

Commented [pmm31]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.22.060).

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 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

Commented [pmm32]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.32.040).

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

Commented [pmm33]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.44.020(b)).

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	\$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
Hamster/Gerbils	\$2.00

Commented [pmm34]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.44.020(b)).

7.54.090 Potentially dangerous and vicious animal monitoring fee.

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

Commented [pmm35]: Completely new fee.

7.54.100 Prorating fees.

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

Commented [pmm36]: This is language taken from the permit fee sections of other portions of the current code.

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, ~~or~~ 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 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.

Commented [pmm37]: Generally this is taken directly from the current Section 7.48.010.

Commented [pmm38]: Allows the Director to waive permit fees, for example if the City sponsors an event and wants the fee to be waived (like an animal exhibition at the Holiday Market).

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 ~~animal control commission~~ either of the three 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.

Commented [pmm39]: Taken directly from the current Section 7.52.010. Gave departments authority to decide who can collect fees and fines.

Chapter 7.56 ENFORCEMENT, PENALTIES AND APPEALS

Commented [pmm40]: This is a new chapter. It takes all the enforcement provisions spread out throughout the current version of the ordinance and combines them into one place.

Sections:

Section 7.56.010 Authority.

Section 7.56.020 Violations.

Section 7.56.030 Penalties.

Section 7.56.040 Enforcement procedure.

Section 7.56.050 Revocation of permits.

Section 7.56.060 Habitual offender.

Section 7.56.070 Appeals.

Section 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.

Section 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.

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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 offense.
Reptile Violations in Chapter 7.42	\$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 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 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 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 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 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 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 offense.
Failure to prevent potentially dangerous or	\$100.00 for the first offense. Second and subsequent offenses within twelve months of

vicious animal from breeding.	the first offense shall be double the fine associated with the most prior 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 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 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 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 offense.

- (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.

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

Commented [pmm41]: This section allows for us to mandate the microchip and alteration for animals that are impounded and animals that are not impounded.

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.

7.56.060 Habitual Offender.

Commented [pmm42]: New habitual offender section.

- (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 instances:
 - (1) If the owner/guardian is found to have violated any provision(s) of this Title on at least three separate occasions within the same twenty-four month period of time; or
 - (2) If the owner/guardian of an animal which has been declared potentially dangerous 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 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.

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) days of receipt of the Commission's written decision, order or findings.

ORDINANCE 15-08

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “VEHICLES AND TRAFFIC”**

- Re: Changes to Yield Intersections, No Parking Zones, Loading Zones, Accessible Parking Zones, and Traffic Violations

WHEREAS, City staff from the Planning and Transportation and Police Departments as well as the Traffic Commission recommend certain changes be made in Title 15 of Bloomington Municipal Code entitled “Vehicles and Traffic”;

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

SECTION 1. Section 15.12.020 Schedule C shall be amended to add the following:

YIELD INTERSECTIONS

Traffic on	Shall Yield to Traffic on
Arlington Road	Roundabout
Monroe Street	Roundabout
Sare Road	Roundabout
Seventeenth	Roundabout

SECTION 2. Section 15.32.080 Schedule M shall be amended to add the following:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Morningside Drive	East Third Street (East Entrance)	675 feet North of East Third Street	East	Any Time
Wylie Street	South Dunn Street	South Henderson Street	South	Any Time

SECTION 3 Section 15.32.100 Schedule O shall be amended to add the following:

LOADING ZONES

300	Block of South Washington Street, east side of the street
500	Block of West Wylie Street, from 50 to 150 feet west of Rogers Street on the north side

SECTION 4. Section 15.32.100 Schedule O shall be amended to delete the following:

LOADING ZONES

100	Block of West Sixth Street between Walnut Street and College Avenue, one space on the East side of the alley on the North side of Sixth Street.
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SECTION 5. Section 15.32.150 Schedule S, in particular the subheading entitled "There will be parking spaces for the use of handicapped visiting other public locales as follows:" shall be amended by deleting everything that comes after the subheading and replacing it with the following:

100 Block of North College Avenue — one space mid-block between Kirkwood Avenue and Sixth Street, on the west side.

100 Block of South Madison Street — first space south of Kirkwood Avenue on the east side of Madison Street.

100 Block of West Eighth Street — first space west of Walnut Street on the south side of Eighth Street.

100 Block of West Kirkwood Avenue — one space mid-block between College Avenue and Walnut Street on the South side of Kirkwood Avenue.

100 Block of West Sixth Street — the first two spaces West of Walnut Street on the South side of Sixth Street.

100 Block of N. Washington Street — the first space south of Sixth Street on the west side of Washington Street.

200 Block of E. Kirkwood Avenue — the first space west of Lincoln Street on the south side of Kirkwood Avenue.

200 Block of North College Avenue — the first space north of Sixth Street on the West side of College Avenue.

200 Block of North Grant Street — first space south of Seventh Street on the west side of Grant Street.

200 Block of North Madison Street — the first space north of the East/West alley on the west side of Madison Street.

200 Block of North Washington Street — first space north of Sixth Street on the west side of Washington Street.

300 Block of South College Avenue — third space north of Smith Avenue on the east side of College Avenue.

300 Block of West Fourth Street — the first space east of the alley on the north side of Fourth Street.

300 Block of West Sixth Street — first space east of Madison Street on the south side of Sixth Street.

300 Block of South Walnut Street — fourth space south of Third Street on the west side of Walnut Street.

300 Block of West 11th Street — the first space east of the driveway on the north side of 11th Street.

400 Block of North College Avenue — the first space north of Eighth Street on the west side of College Avenue.

400 Block of South College Avenue — fourth space south of Smith Avenue on the east side of College Avenue.

400 Block of South Walnut Street — third space south of Smith Avenue on the west side of Walnut Street.

400 Block of W. Sixth Street — the first space east of the alley on the south side of Sixth Street.

500 Block of East Sixth Street — first space west of Indiana Avenue on the north side of Sixth Street.

500 Block of West Eighth Street - first space west of Rogers Street on the south side of the street.

500 Block of North Walnut Street — first space north of Ninth Street on the west side of Walnut Street.

600 Block of North College Avenue — the first space North of the first alley North of Tenth Street on the West side of College Avenue.

800 Block of South Auto Mall Road — one space 126' to 148' South of Buick Cadillac Blvd. on the west side of the street.

1100 Block of East Berkshire Court — first space east of Sherbrooke Drive on the north side of the street.

Benjamin Banneker Community Center — one space on the east side of Elm Street near the West side entrance.

Bloomington Housing Authority (1007 North Summit) — one space limited to 30 minutes between 7:00 a.m. and 6:00 p.m. except Sundays and holidays.

Cascades Municipal Golf Course — one space at the clubhouse.

City of Bloomington Police Department — first space south of the driveway on the west side of Lincoln Street.

200 Block of West Seventh Street — the first space West of the North/South alley on the North side of Seventh Street.

400 Block of East Kirkwood Avenue — the first space west of Dunn Street on the south side of Kirkwood Avenue.

400 Block of East Fourth Street — the first space west of Dunn Street on the south side.

Frank Southern Center — one space near the north side entrance.

Glen Black and Mathers Museum (9th and Fess) — two spaces located on 9th Street.

100 Block of West Seventh Street — one space on south side of Seventh Street.

100 block of West Seventh Street-one space west of north/south alley, north side of the street.

100 Block of South Indiana Avenue — the first space north of Fourth Street on the west side.

300 Block of North College Avenue — the first space north of Seventh Street on the west side of College Avenue.

300 Block of North College Avenue — the first space south of Eighth Street on the west side of College Avenue.

Miller-Showers Park — one space near the shelter house.

200 Block of East Sixth Street — 100' east of Washington Street on the south side of Sixth Street.

300 Block of East Kirkwood Avenue — the first space east of Lincoln Street on the north side of Kirkwood Avenue

100 Block of North Grant Street - the first space north of Kirkwood Avenue on the west side of Grant Street.

People's Park (100 Block of North Dunn Street) — the first space east of Dunn Street on the north side of Kirkwood Avenue.

Ralph R. Mills Pool — one space.

500 Block of North Morton Street — the first two angle spaces north of Ninth Street on the west side of Morton Street.

Third Street Park — two spaces.

Twin Lakes Sports Complex — six spaces.

Utilities Service Center (1969 S. Henderson) — two spaces.

Winslow Sports Complex — total of five spaces in the parking lot adjacent to the baseball fields.

Winslow Woods Park — seven spaces.

All handicapped parking spaces within the two-hour limit parking zones, on-street metered areas, and City parking lots shall be limited to four hours.

SECTION 6. Section 15.64.010(c), entitled "Class C Traffic Violations (Potentially dangerous violations)", shall be amended to add the following:

15.32.025 Parking on an unimproved surface

SECTION 7. 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 8. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and the approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

DAVE ROLLO, President
City of Bloomington

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 _____, 2015.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2015.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to the Bloomington Municipal Code. This includes yield intersections, no parking zones, loading zones, and handicapped parking zones. It also adds the recently included prohibition against parking on an unimproved surface to the penalty portion of Title 15.

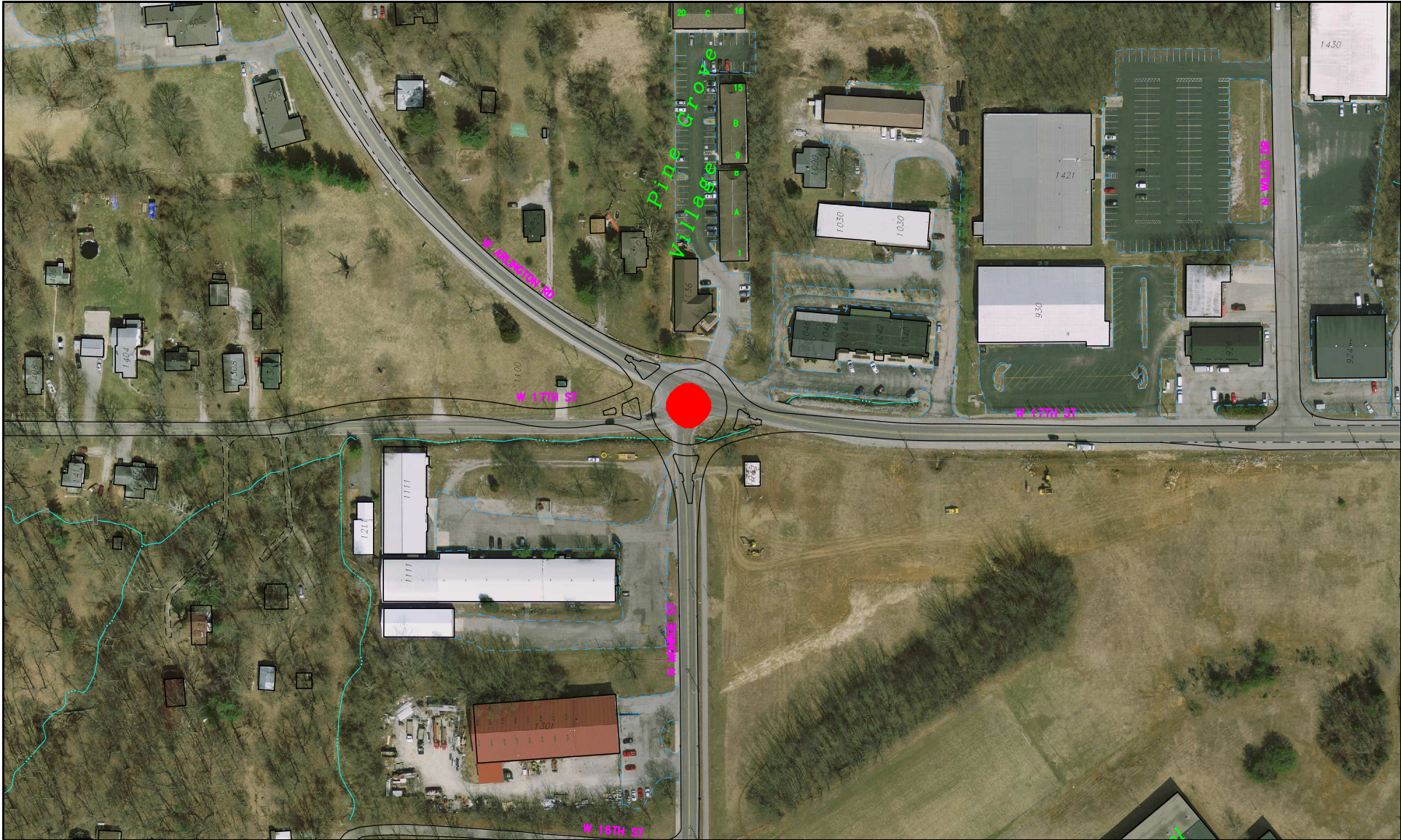
MEMO:

To: Common Council for the City of Bloomington
From: Tom Micuda, Director of Planning & Transportation
Patty Mulvihill, City Attorney
Date: March 20, 2015
Re: Update to Title 15 (Parking Ordinance)

Attached to this Memo you will find the Administration's suggested updates to the City's Title 15, which regulates parking and traffic in the City limits. City staff considers the updates to be minor clean-up type amendments.

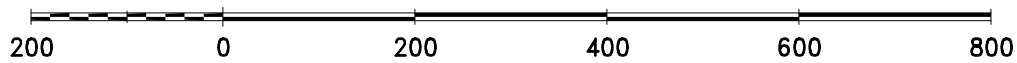
The minor clean-up amendments:

- Section 15.12.020 (which deals with yield intersections) is updated to acknowledge the roundabouts on Arlington and Sare Roads;
- Section 15.32.080 (which deals with no parking zones) is updated to add portions of Morningside Drive and Wylie Street;
- Section 15.32.100 (which deals with loading zones) is updated to add to the 300 Block of South Washington Street and the 500 Block of West Wylie Street to the loading zone restrictions, while simultaneously being updated to delete the loading zone located on the 100 Block of West 6th Street;
- Section 15.32.150 (which deals with handicap parking spaces) is updated, in its entirety, to accurately reflect where the handicap spaces are actually in place in the City's jurisdiction and changes the subheading to match the name of the overall Section heading;
- Section 15.64.010 (which deals with penalties for violations of Title 15) is updated to correct an oversight made in the last Title 15 Update. The Council made parking on an unimproved surface a violation of Title 15, but staff forgot to include a penalty for said violation. This amendment corrects that oversight and makes the penalty a \$50 fine (which is consistent with the fine for such a violation under Title 20).

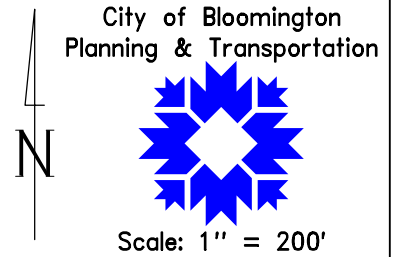


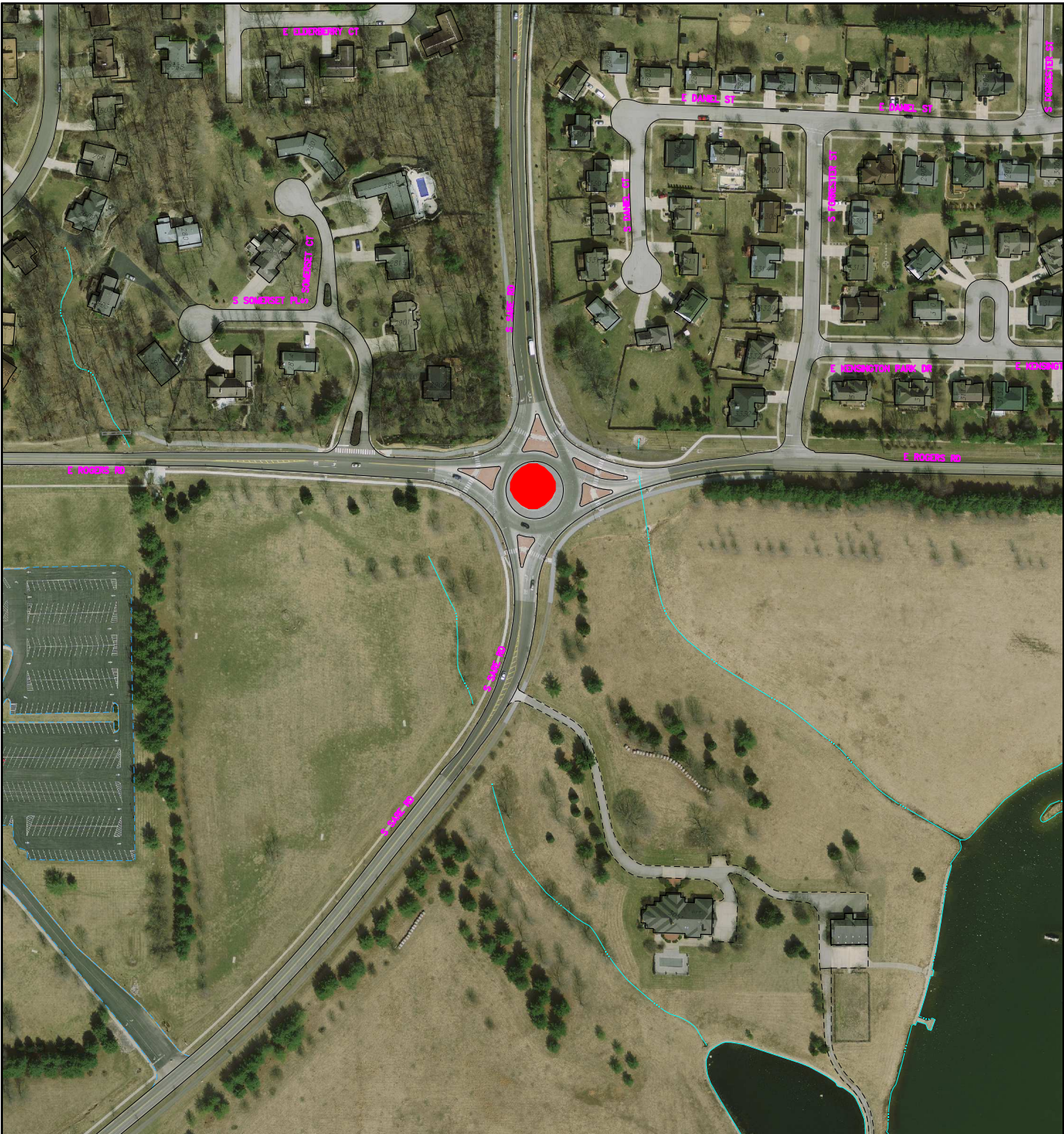
SECTION 1. Section 15.12.020 Schedule C shall be amended to add the following:
Yield Intersections

By: kehrberg
20 Mar 15



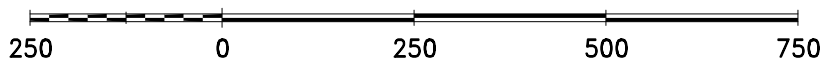
For reference only; map information NOT warranted.



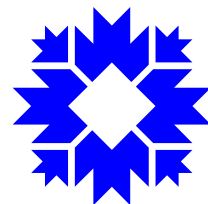


SECTION 1. Section 15.12.020 Schedule C shall be amended to add the following:
Yield Intersections

By: kehrberg
20 Mar 15

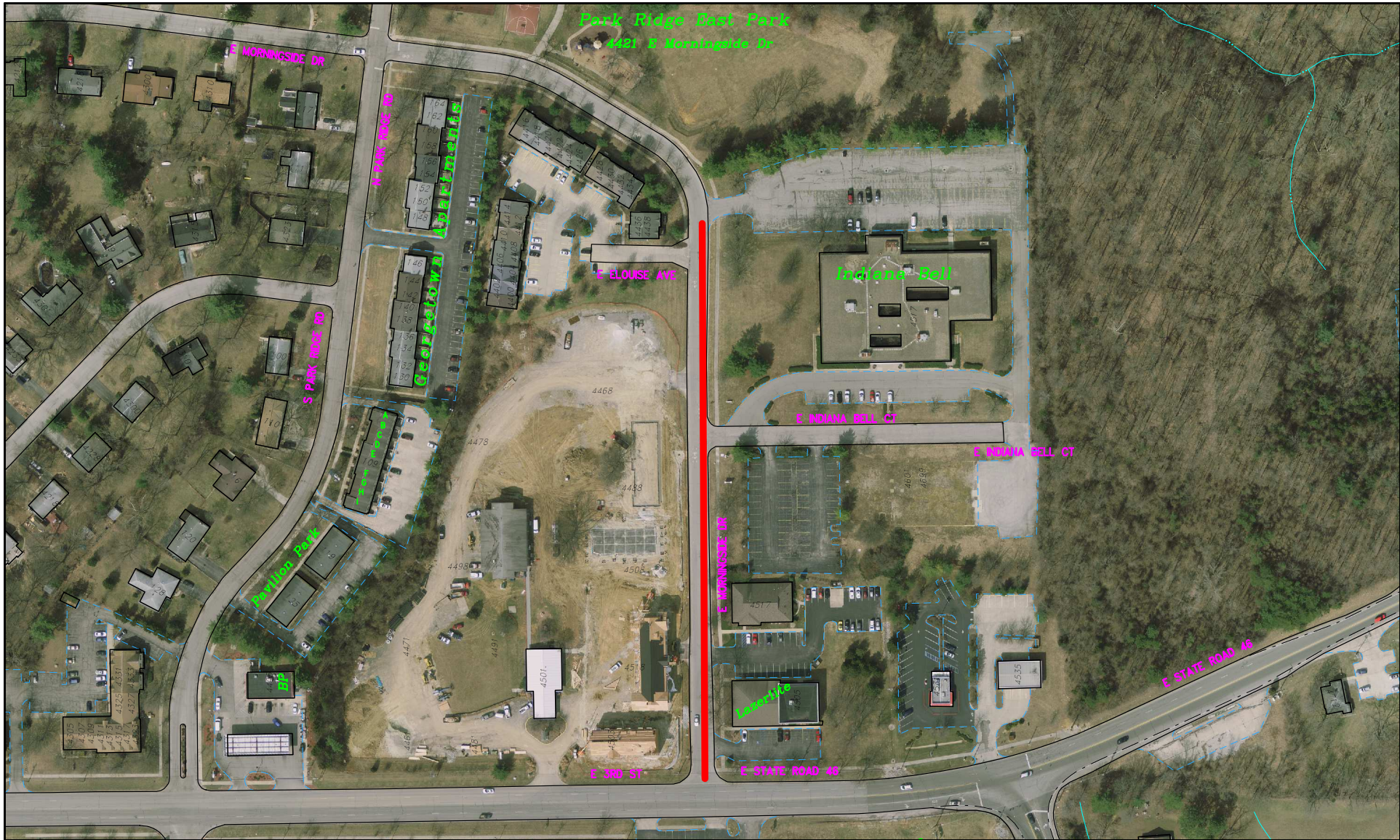


City of Bloomington
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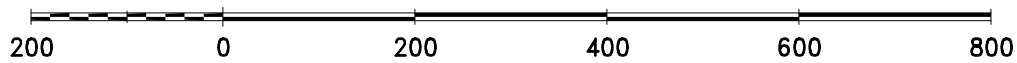
Scale: 1" = 250'

For reference only; map information NOT warranted.



SECTION 2. Section 15.32.080 Schedule M shall be amended to add the following:
 No Parking Zones

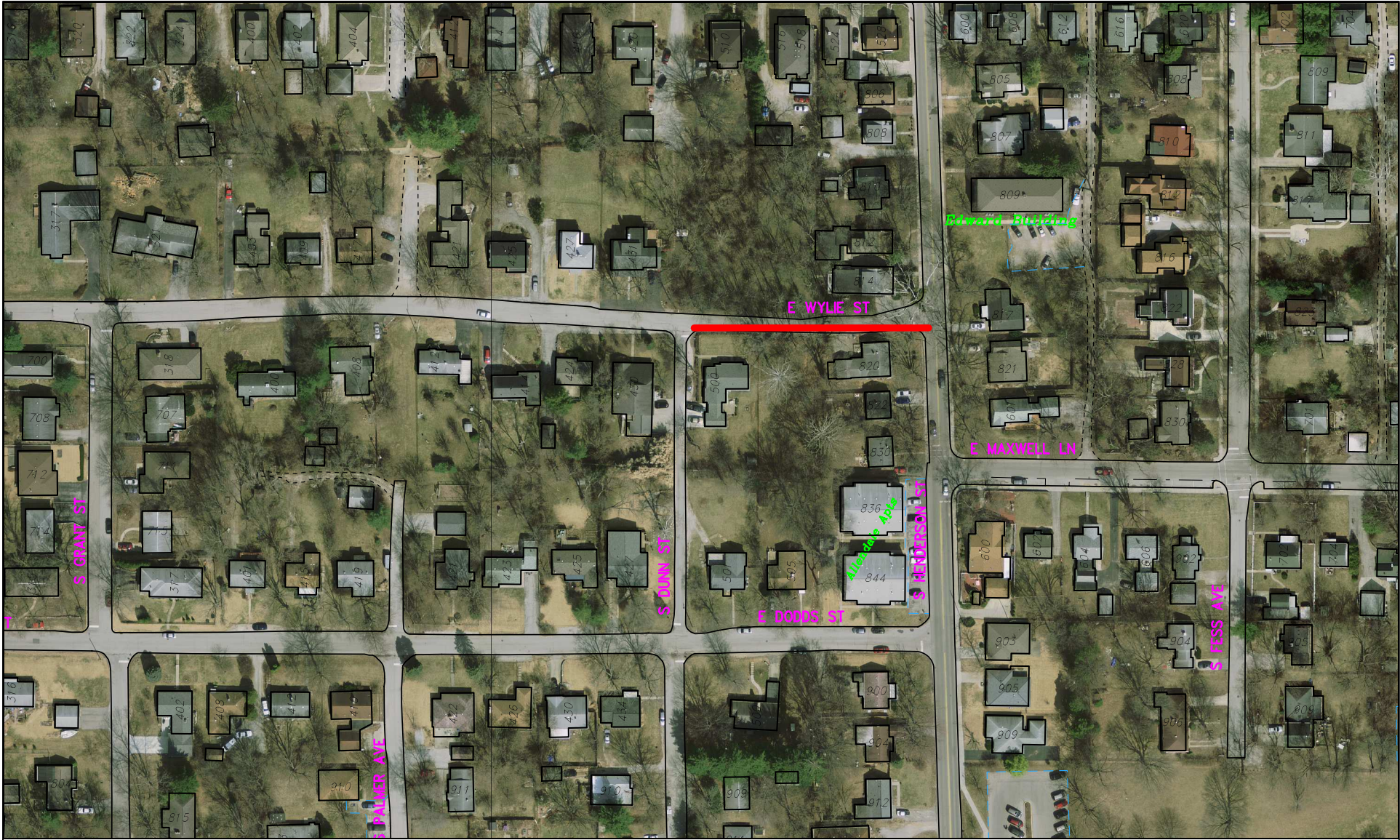
By: kehrberg
 20 Mar 15



For reference only; map information NOT warranted.

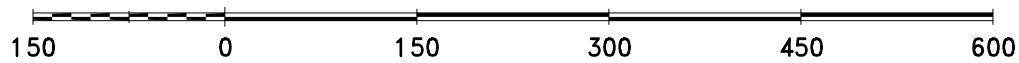
City of Bloomington
 Planning & Transportation

Scale: 1" = 200'



SECTION 2. Section 15.32.080 Schedule M shall be amended to add the following:
 No Parking Zones

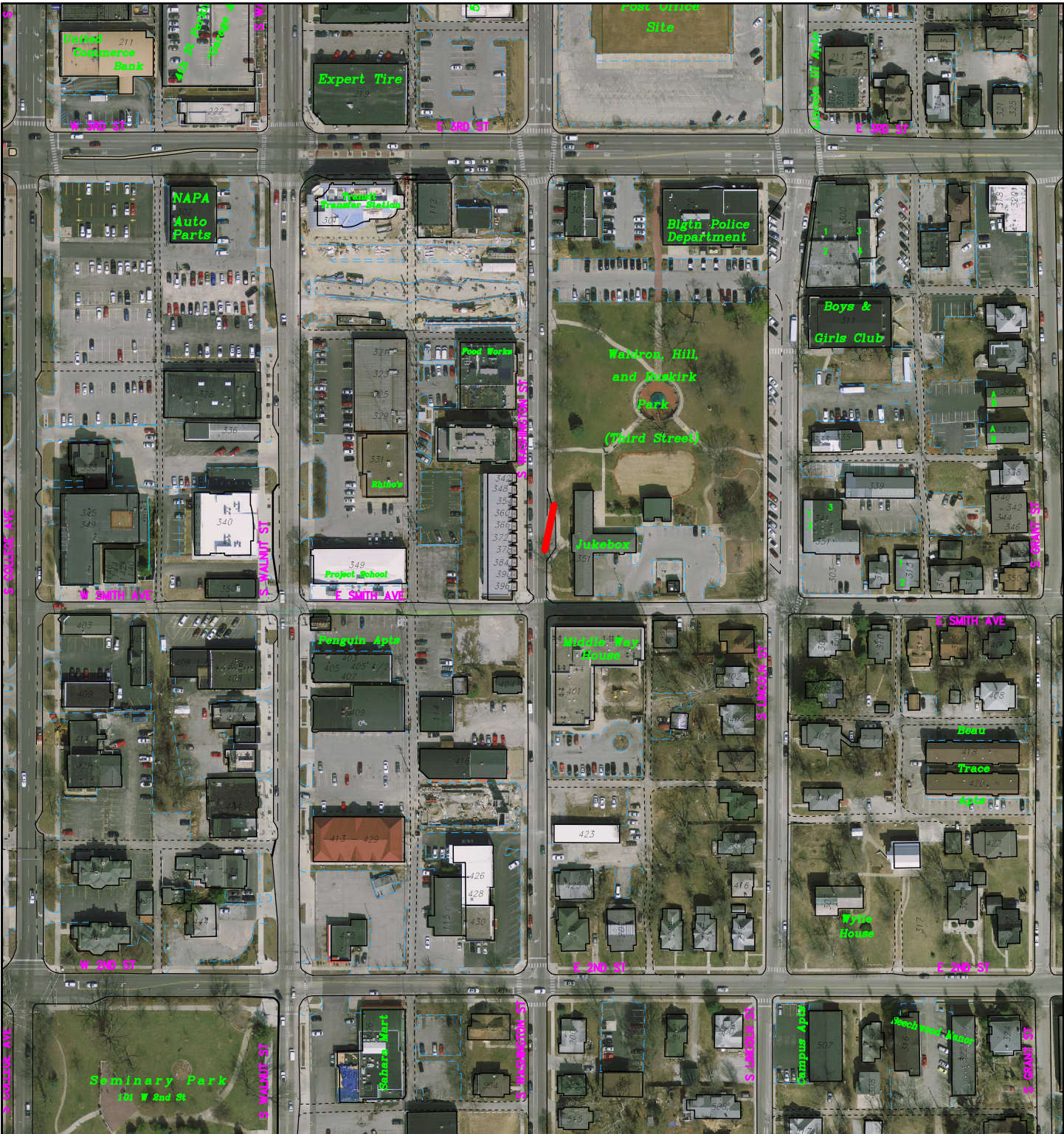
By: kehrberg
 20 Mar 15



For reference only; map information NOT warranted.

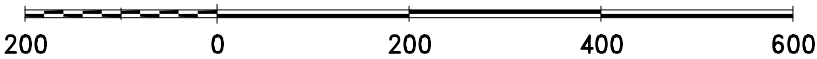
City of Bloomington
 Planning & Transportation

Scale: 1" = 150'



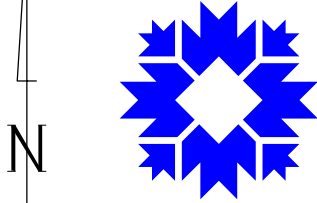
SECTION 3. Section 15.32.100 Schedule O shall be amended to add the following:
 Loading Zones

By: kehrberp
 20 Mar 15



For reference only; map information NOT warranted.

City of Bloomington
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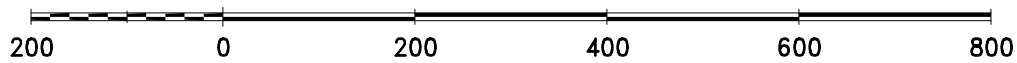


Scale: 1" = 200'



SECTION 3. Section 15.32.100 Schedule 0 shall be amended to add the following:
 Loading Zones

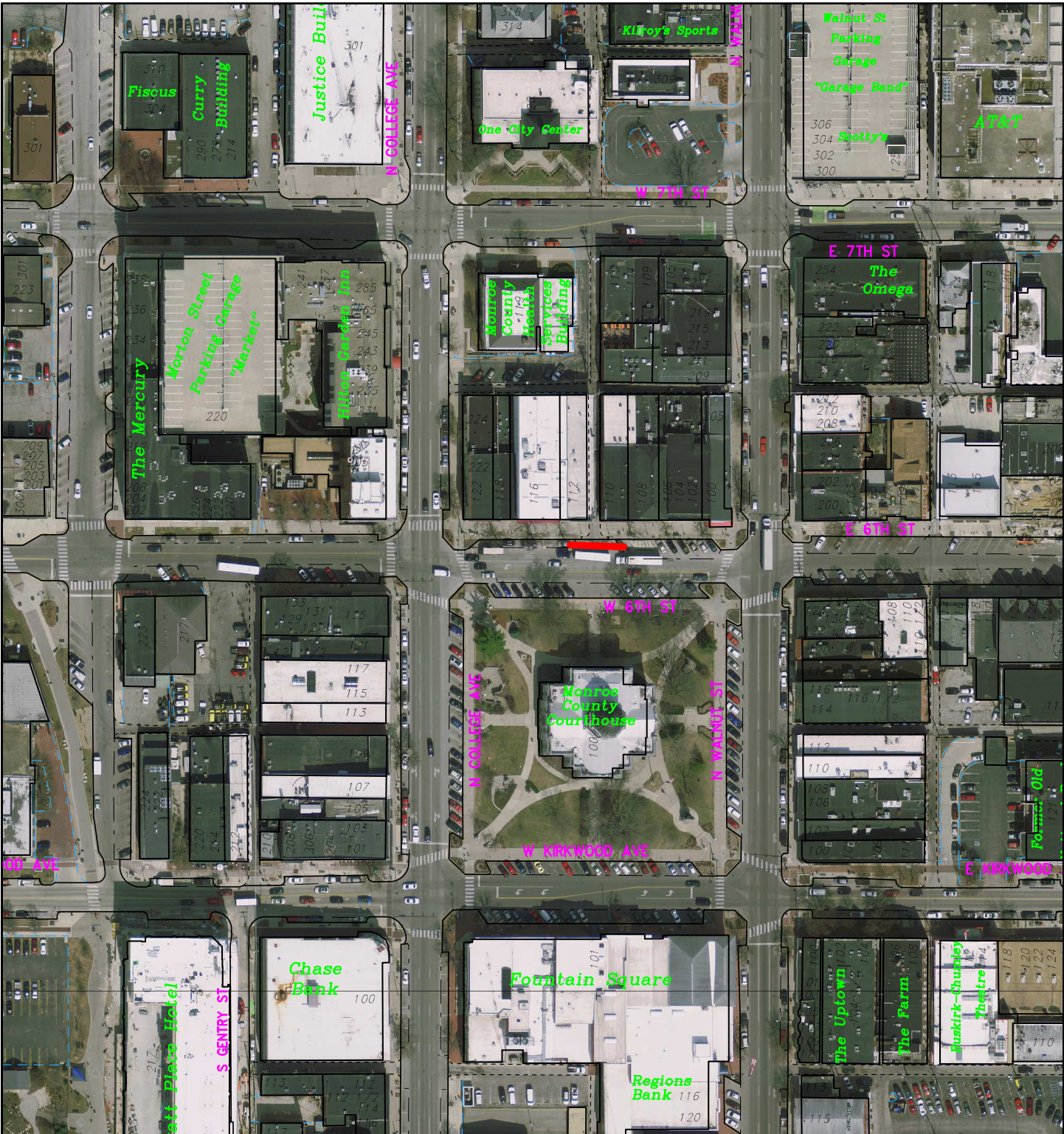
By: kehrberg
 20 Mar 15



For reference only; map information NOT warranted.

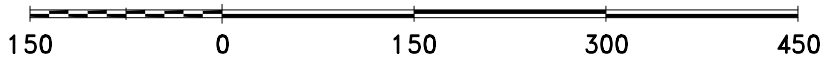
City of Bloomington
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Scale: 1" = 200'

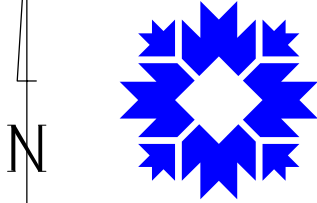


SECTION 4. Section 15.32.100 Schedule O shall be amended to delete the following:
 Loading Zones

By: kehrberg
 20 Mar 15

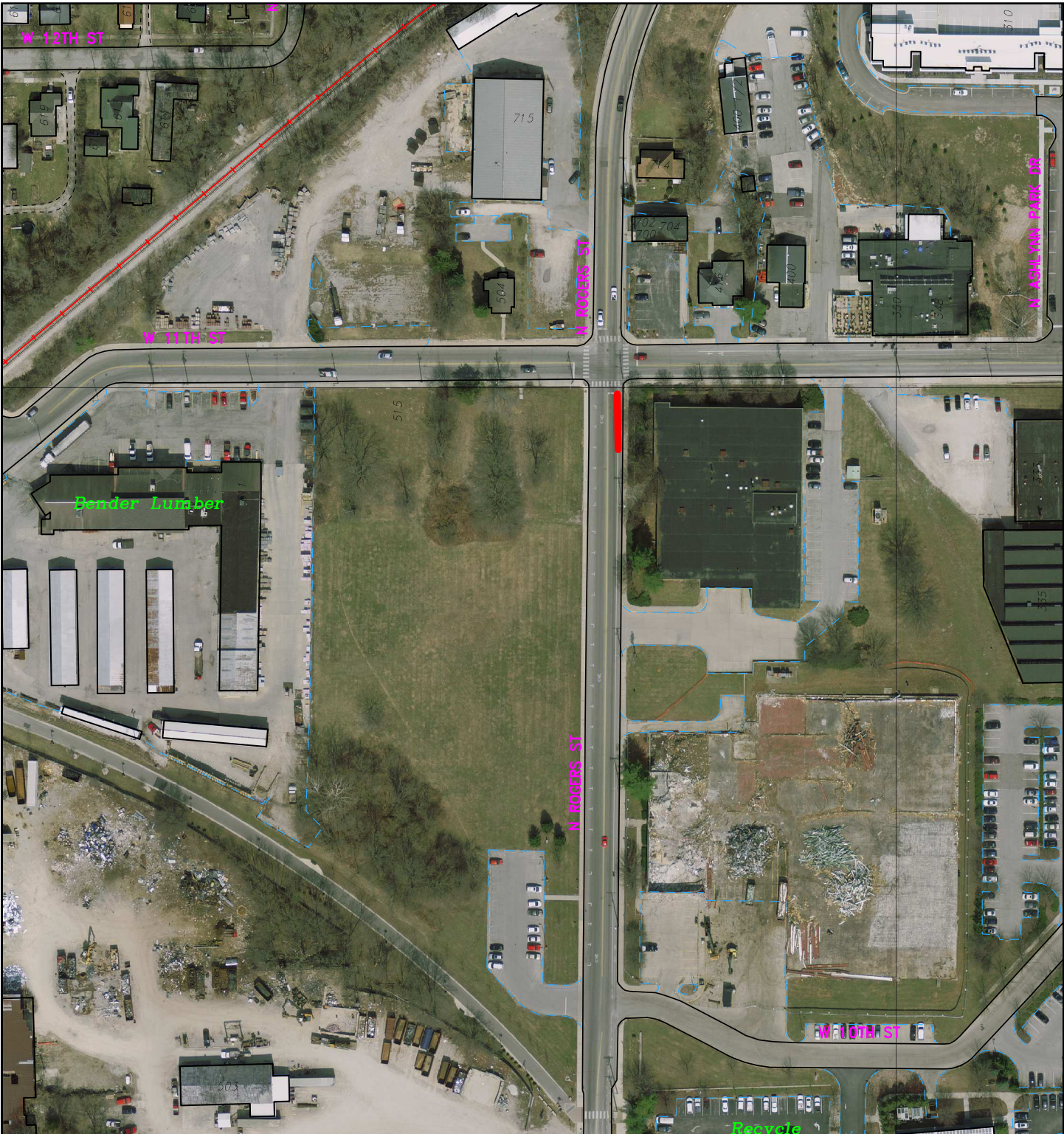


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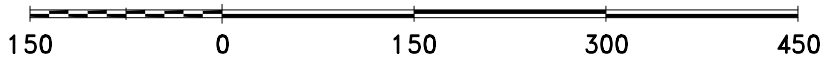
Scale: 1" = 150'

For reference only; map information NOT warranted.

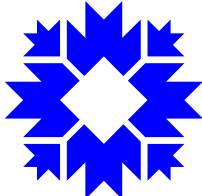


SECTION 5. Section 15.32.150 Schedule S shall be amended to delete the following:
 There will be parking spaces for the use of persons with physical disabilities.

By: kehrberg
 20 Mar 15



City of Bloomington
 Planning & Transportation



Scale: 1" = 150'

For reference only; map information NOT warranted.

ORDINANCE 15-09

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “VEHICLES AND TRAFFIC” AND TO MAKE OTHER CHANGES RELATED TO METERED PARKING

Re: Shortening the Hours of Enforcement of On-Street and Surface Lot Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare “Parking Holidays,” Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage), and Adding On-Street Metered Spaces along Washington Street from 2nd to 3rd Street

WHEREAS, on March 22, 2013, the City adopted Ordinance 13-03, a measure that made numerous changes to parking policy in the Downtown, including the authorization of expanded use of on-street parking meters; and

WHEREAS, Ordinance 13-03 also required that the City analyze the results of these policy changes in a follow-up study to be completed no later than 15 months after the installation of Downtown parking meters; and

WHEREAS, the Downtown parking meters were installed in August 2013; and

WHEREAS, the Downtown parking follow-up study was completed in November 2014; and

WHEREAS, in response to the study, the City wishes to shorten the hours of enforcement of Downtown meters, eliminate the convenience fee associated with credit card use at City meters, and to authorize the Mayor to implement “parking holidays” as appropriate; and

WHEREAS, the City also wishes to extend the hours of enforcement for Lot 9 (Fourth Street Garage) and to provide for on-street metered parking along Washington Street from 2nd Street to 3rd Street to better provide for the community’s parking needs.

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

SECTION 1. Section 15.40.020(b) of the Bloomington Municipal Code, regarding the applicable times and charges for on-street metered parking shall be deleted and replaced with the following:

The charge for the use of each on-street metered parking space shall be twenty-five cents per fifteen minutes between the hours of nine a.m. and nine p.m every day, except Sundays and City holidays. Additionally, the Mayor may suspend enforcement of parking meters during the holiday season, in the event of inclement weather, or under other circumstances the mayor deems appropriate and reasonable.

SECTION 2. Section 15.40.020 Schedule W, “Hourly Parking” shall be amended by deleting the current applicable times for parking charges at Lot 1 (4th and Dunn) and replacing it with the following:

Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 1		
4th and Dunn	\$0.50	9:00 a.m. – 9:00 p.m. Monday through Friday

SECTION 3. Section 15.40.020 Schedule W, “Hourly Parking” shall be amended by deleting the current applicable times for parking charges at Lot 3 (4th and Washington) and replacing it with the following:

Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 3		
4th and Washington		9:00 a.m. – 9:00 p.m. Monday through Friday
	\$0	<ul style="list-style-type: none"> • For first three consecutive hours
	\$0.25	<ul style="list-style-type: none"> • Beyond first three consecutive hours

SECTION 4. Section 15.40.020 Schedule W, “Hourly Parking” shall be amended by deleting the current applicable times for parking charges at Lot 5 (6th and Lincoln) and replacing it with the following:

Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 5		
6th and Lincoln		9:00 a.m. – 9:00 p.m. Monday through Friday
	\$0	<ul style="list-style-type: none"> • For first three consecutive hours
	\$0.25	<ul style="list-style-type: none"> • Beyond first three consecutive hours

SECTION 5. Section 15.40.020 Schedule W, “Hourly Parking” shall be amended by deleting the current applicable times for parking charges at Lot 6 (3rd St./BPD lot) and replacing it with the following:

Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 6		
3rd St./BPD lot		9:00 a.m. – 9:00 p.m. Monday through Friday
	\$0	<ul style="list-style-type: none"> • For first three consecutive hours
	\$0.25	<ul style="list-style-type: none"> • Beyond first three consecutive hours

SECTION 6. Section 15.40.020 Schedule W, “Hourly Parking” shall be amended by deleting the current applicable times for parking charges at Lot 9 (Fourth Street Garage) and replacing it with the following:

Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 9		
Fourth Street Garage		7:00 a.m. – 6:00 p.m. Monday through Friday
	\$0	<ul style="list-style-type: none"> • For first three consecutive hours
	\$0.25	<ul style="list-style-type: none"> • Beyond first three consecutive hours

SECTION 7. Section 15.40.010 Schedule U, “On Street Metered Parking” shall be amended to add the following:

Street	From	To	Side of Street
Washington Street	Second Street	Third Street	West

SECTION 8. The convenience fee attached to the use of credit cards at any parking meter as defined by 15.04.080 is hereby eliminated.

SECTION 9. 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 10. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and publication in accordance with State law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

DAVE ROLLO, 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 _____, 2015.

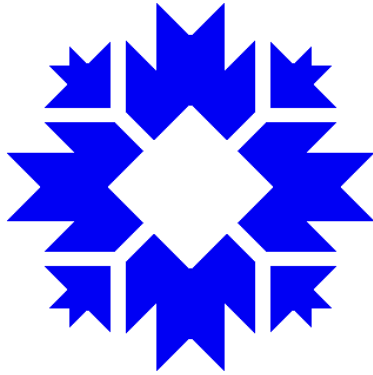
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2015.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Neher and makes a number of changes to the City’s parking policies. These changes include: shortening the hours of enforcement of Downtown meters; authorizing the Mayor to declare “parking holidays” wherein enforcement of parking meters is suspended; and, eliminating the convenience fee associated with the use of credit cards at parking meters. This ordinance also extends the hours of enforcement at Lot 9 (4th Street Garage) and establishes metered parking on Washington Street from 2nd Street to 3rd Street.



MEMORANDUM

CITY OF BLOOMINGTON
Office of the Common Council

To: Councilmembers
From: Darryl Neher, Councilmember, District V
Date: 20 March 2015
Re: ***Ordinance 15-09: To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Shortening Hours of Meter Enforcement, Eliminating the Credit Card Convenience Fee, Authorizing the Mayor to Declare "Parking Holidays," and Other Various Parking Policy Changes)***

Ordinance 15-09 makes a number changes to the City's Downtown parking policy, most notably, on-street and surface lot meters. Recall that the expanded use of on-street meters was authorized by Ordinance 13-03. Because this was a new policy initiative, Ordinance 13-03 required the City to generate an analysis of the new parking meter program no later than 15 months after the installation of the meters. In response to the parking data, constituent and stakeholder feedback, and emerging parking needs, I propose Ordinance 15-09. This ordinance makes five policy changes to our Downtown parking program. The proposal:

- Shortens the hours of enforcement of on-street and surface lot parking meters *from* 8:00 a.m. – 10:00 p.m. *to* 9:00 a.m. - 9:00 p.m.;
- Eliminates the \$0.30 credit card convenience fee;
- Authorizes the Mayor to declare certain days or periods of time "parking holidays;"
- Lengthens the hours of enforcement for the 4th Street Garage *from* 8:00 a.m. – 5:00 p.m. *to* 7:00 a.m.-6:00 p.m.; and
- Adds on-street metered parking on Washington Street from 2nd to 3rd

Hours of Enforcement: 9:00 a.m.-9:00 p.m.

Currently, on-street and surface lot meters are enforced from 8:00 a.m. to 10:00 p.m. Data indicates that the peak usage tends to occur between 11:00 a.m. and 2:00 p.m. and between 5:00 p.m. and 8:00 p.m. As the intent of the meters is to manage parking, not to raise revenue, I propose shortening the hours of enforcement for on-street and surface lot meters to 9:00 a.m.-9:00 p.m. A later start time will better accommodate residents visiting the downtown for breakfast, early appointments, errands, visits to governmental offices, etc. An earlier end time will better accommodate and incentivize residents visiting the downtown for arts, entertainment, and the downtown’s vibrant nightlife.

- **Fiscal Impact:** Controlling just for the elimination of enforcement from 8:00 a.m.-9:00 a.m. and enforcement from 9:00 p.m.-10:00 p.m., the total fiscal impact of eliminating those time periods is approximately \$175,000.

Elimination of Credit Card Convenience Fee

At present, a \$0.30 convenience fee is attached to each credit card transaction at a parking meter. The convenience fee unduly burdens patrons paying by credit card and may discourage the use of meters by some.

- **Fiscal Impact:** Eliminating this fee for users will have a fiscal impact of approximately \$150,000-\$155,000. If this fee is eliminated on the user end, it will be paid by the City from the Parking Meter Fund established by Bloomington Municipal Code §15.40.015. Pursuant to local Code, money in this fund may be expended only upon a specific appropriation by the Common Council.

Parking Holidays

At present, on-street meters are not enforced on Sundays or on City Holidays. From time to time, the Mayor has declared that the meters will not be enforced during certain periods, such as between 25-28 December and 1-4 January. To balance the periods of supply and demand during holidays, I propose a flexible approach wherein the Mayor may suspend enforcement of parking meters “during the holiday season, in the event of inclement weather, or under other circumstances the Mayor deems appropriate and reasonable.”

- **Fiscal Impact:** Not yet calculated.

Extended Hours of Enforcement – 4th Street Garage

Currently, the parking meters in the 4th Street Garage are enforced from 8:00 a.m. to 5:00 p.m., with the first three hours of parking provided free of charge. In practice, the City has observed that some parkers are arriving at 7:55 a.m. in an effort to subvert enforcement and secure an extra hour of parking. Similarly, parkers are waiting until just moments after the gates open at 5:00 p.m. to avoid paying for parking. These practices put added pressure on this highly-used garage. To deter this behavior, the Administration has requested that the hours of enforcement for the 4th Street Garage be extended by one hour on each end, such that the garage is enforced from 7:00 a.m. to 6:00 p.m. I support this recommendation, provided that the first three hours of parking in this garage continue to be free. For that reason, I am including the extended hours of enforcement in Ordinance 15-09.

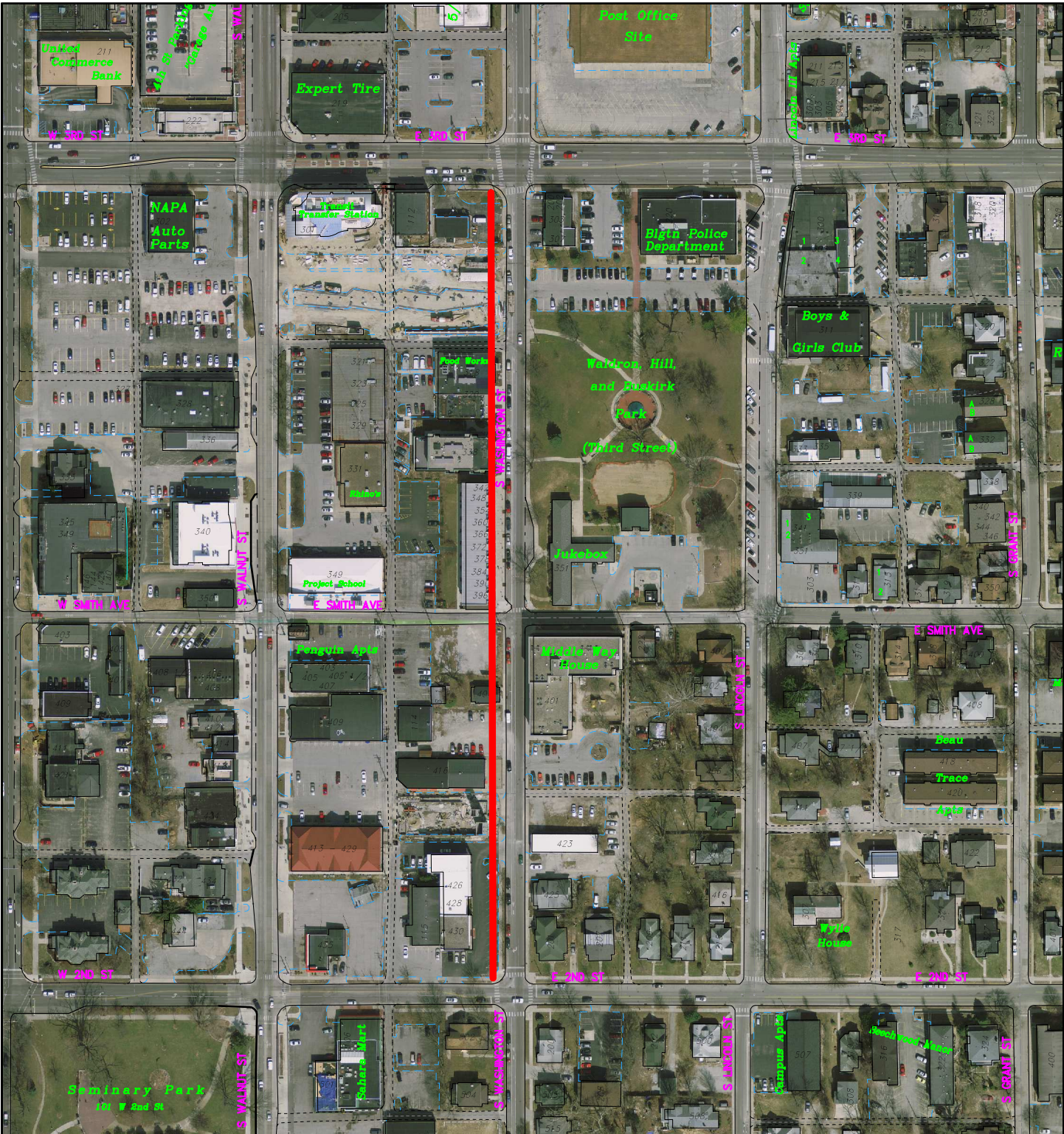
- **Fiscal Impact:** Not yet calculated.

Metered Parking Along Washington from 2nd to 3rd Street

Currently, meters are located along Washington Street from 3rd to 7th, along both sides of street; however, there are no meters along Washington running from 2nd to 3rd Street. This puts added pressure on this stretch and the City has learned that Middle Way House clients have great difficulty finding parking proximate to its facility.

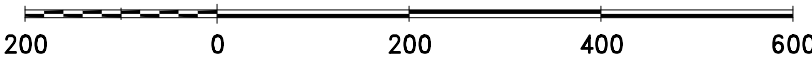
- **Fiscal Impact:** Not yet calculated.

I respectfully request your support of Ordinance 15-09.



Washington Street from 2nd to 3rd

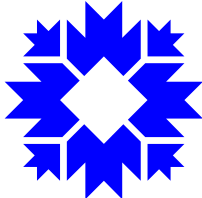
By: finnh
18 Mar 15



For reference only; map information NOT warranted.



City of Bloomington
Clerk & Council



Scale: 1" = 200'

ORDINANCE 15-10

TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL) AND TITLE 15 (VEHICLES AND TRAFFIC) OF THE BLOOMINGTON MUNICIPAL CODE (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)

WHEREAS, the first-come, first-serve basis of previous parking policy prioritized convenience over need, enabling downtown employees and residents, who should be parking off-street in long-term parking, to park for free in more valuable on-street parking meant for shoppers, patrons and visitors; and

WHEREAS, in March of 2013, the City adopted Ordinance 13-03: *To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Authorizing the Expanded Use of Parking Meters in the Downtown and Related Changes* which, after implementation and minor amendments:

- broadened the definition of parking meters to authorize new technology;
- replaced a limited parking zone covering most of the downtown with a Parking Meter Zone;
- set the rate for parking meters and times those rates would be enforced;
- created a new part-time, non-reserved permit for use in the City's garages (to appeal to downtown employees);
- provided for the continued use of certain parking permits (i.e. construction/contractor and delivery vehicles) in the Downtown Parking Meter Zone and, in some cases, under revised procedures; and
- integrated overlapping Parking Zones; and

WHEREAS, parking management and policy are, after a 2013 Administration's reorganization, of interest to at least six departments (Clerk, Controller, Economic & Sustainable Development, Planning & Transportation, Police, Public Works); and

WHEREAS, the primary objective of an overall system of parking management, including spaces on streets, in garages and in lots, should be to employ all tools necessary to optimize access to the city's center for the broadest and most diverse set of users, and neither to raise city revenue nor to lower it arbitrarily; and

WHEREAS, Ordinance 13-03 also called for a study of the changes to be completed within fifteen months after the meters had been installed, and the Administration's report of the study was received in late October 2014; and

WHEREAS, the Administration has occasionally been arbitrary in its rationale for various aspects of parking management since Ordinance 13-03, such as:

- arguing in 2013 for the implementation of meters as a method of increasing revenue;
- recommending, in the 2014 report, measures of reducing enforcement for the sake of foregoing revenue;
- supporting other measures for the sake of simplifying management, rather than to pursue public policy needs or to otherwise optimize access to downtown; and

WHEREAS, the vendor contracted by the Administration to provide mobile parking management services, ParkMobile, offers services that transcend those provided by physical parking meters, such as:

- allowing a motorist with any cellular phone to call a toll-free number to pay for parking, without need of a "smart" phone;
- allowing a motorist to pay for parking without needing to remain next to his or her car;
- allowing a motorist to continue paying for parking without needing to return to the car;
- allowing a motorist parking on the street to "pay as you go" as if parked in a garage, eliminating worry over being ticketed for an elapsed meter -- a mode that can and should be implemented as soon as possible;

- enabling one person to remotely pay for another person's parking;
- enabling incentive programs to target the needs of specific constituencies who could not otherwise be served by physical meters;
- enabling reservation of certain spaces without need for orange cones and special signs; and
- enabling users to reduce the convenience fees for these services to the same or less than the convenience fee for using a credit card at a physical meter; and

WHEREAS, this ordinance presents changes to Title 15 proposed by Councilmember Volan which would more closely hew to a parking management philosophy that optimizes access to the downtown, including to:

- set a maximum charge for on-street metered parking, so as to allow reduction of the charge on blocks where usage is low;
- provide for free parking in the Morton St. garage commensurate with free parking offered in the other two garages;
- take advantage of ParkMobile's capacities to establish a parking meter fee discount program for merchants to pass on to their customers;
- use ParkMobile to establish a waiver program for not-for-profit organizations to incentivize people to continue volunteering downtown;
- establish a Parking Commission to administer the waiver program, and oversee both programs, and which could eventually be called on to act as an oversight body for other parking-related policy;

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

SECTION 1. Chapter 2.12 entitled "Boards, Commissions, and Councils" shall be amended by inserting Section 2.12.110, entitled "Parking Commission" with the title appearing in the Table of Contents for the chapter and the text reading as follows:

2.12.110 Parking Commission

- (a) Policy – Purpose. The Parking Commission shall oversee the parking meter fee bulk discount (Section 15.40.023) and non-profit fee waiver (Section 15.40.024) programs.
- (b) Composition – Appointments. The Parking Commission shall be composed of seven voting members. These voting members shall be composed of four members appointed by the Mayor and three members appointed by the Common Council.
- (c) Qualifications of Voting Membership. At least one member appointed by the Mayor and one member appointed by the Common Council shall be a merchant owning and operating a business located at an address within Schedule U – On-Street Metered Parking, with a preference given to merchants affiliated with and recommended by Downtown Bloomington Inc. At least one member appointed by the Mayor and one member appointed by the Common Council shall be on the board or an employee of a non-profit organization operating by lease or other contract at an address within Schedule U – On-Street Metered Parking. One member appointed by the Mayor shall be a resident living at an address within Schedule U – On-Street Metered Parking. One member appointed by the Common Council shall be from among its membership. One member appointed by the Mayor shall be from within the Transportation and Traffic Services Division of the Planning and Transportation Department.
- (e) Terms. The initial terms of two mayoral and one council citizen appointments shall expire on January 31, 2016. The terms of the remaining initial citizen appointments shall be for two years and expire on January 31, 2017. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31st. The terms for the one mayor and one council non-citizen appointments shall be for one year and expire on January 31st.
- (g) Powers and Duties. The commission's powers and duties include, but are not limited to:
- (1) establishing policies and procedures and overseeing the operation of the parking discount and waiver credits programs as set forth in BMC Section 15.40.023 (On-Street Parking Meter Fees - Bulk Discount) and 15.40.024 (On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations).
 - (2) submitting an annual report of its activities and programs to the Mayor and Council by June of each year.
- (h) Staff. The Commission shall be staffed by the Transportation and Traffic Services Division of the Planning and Transportation Department.

SECTION 2. Section 15.40.010, regarding the location of metered parking, part (15), regarding on-street parking, shall be amended to temporarily delete Schedule U “On-Street Parking” (which will be modified and reinserted into BMC Section 15.40.020 by Section 4 of this ordinance) and shall read as follows:

- (15) The location of on-street metered parking spaces shall be as set forth in the first three columns of Schedule U “On-Street Metered Parking” unless the area is otherwise identified in Schedule M "No Parking Zones," Schedule O "Loading Zones," Schedule P "Bus Zones" and Schedule R "Official Vehicle Zones."

SECTION 3. Section 15.40.020, entitled “Applicable times and charges,” part (b) shall be deleted and replaced with the following”

- (b) The maximum charge for use of each on-street metered parking space shall be one-dollar per hour. The actual charge and the hours and days of enforcement shall be as set forth in Schedule U (On-Street Metered Parking). Additionally, the Mayor may suspend enforcement of parking meters during the holiday season, in the event of inclement weather, or under other circumstances the mayor deems appropriate and reasonable.

SECTION 4. Section 15.40.020, entitled “Applicable times and charges,” shall be further amended by inserting Schedule U “On-Street Metered Parking” immediately after Section 15.40.020(d) and said Schedule shall be amended to appear as follows:

SCHEDULE U
On-Street Metered Parking

Street	Block	Side of Street	Time and Fee
Ashlynn Park Drive	700 North	East/West	1
College Avenue	400 South	East	2
College Avenue	300 South	East	2
College Avenue	200 South	East	2
College Avenue	100 South	East/West	1
College Avenue	100 North	East/West	1
College Avenue	200 North	East/West	1
College Avenue	300 North	East/West	1
College Avenue	400 North	West	1
College Avenue	500 North	West	1
College Avenue	600 North	East/West	1
Dunn Street	200 South	East	1
Dunn Street	100 South	East	1
Dunn Street	100 North	East	1
Dunn Street	200 North	East	1
Eighth Street	400 West	North/South	2
Eighth Street	200 West	North/South	1
Eighth Street	100 West	North/South	1
Eleventh Street	400 West	North	2
Eleventh Street	300 West	North	2

Eleventh Street	200 West	North	1
Fourth Street	400 West	North/South	2
Fourth Street	300 West	North/South	2
Fourth Street	200 West	North/South	1
Fourth Street	100 West	North/South	1
Fourth Street	100 East	North/South	1
Fourth Street	200 East	North/South	1
Fourth Street	300 East	North/South	1
Fourth Street	400 East	North/South	1
Fourth Street	500 East	North/South	1
Grant Street	200 South	West	2
Grant Street	100 South	West	1
Grant Street	100 North	West	1
Grant Street	200 North	West	1
Indiana Avenue	200 South	West	1
Indiana Avenue	100 South	West	1
Kirkwood Avenue	400 West	North/South	2
Kirkwood Avenue	300 West	North/South	2
Kirkwood Avenue	200 West	North/South	1
Kirkwood Avenue	100 West	North/South	1
Kirkwood Avenue	100 East	North/South	1
Kirkwood Avenue	200 East	North/South	1
Kirkwood Avenue	300 East	North/South	1
Kirkwood Avenue	400 East	North/South	1
Kirkwood Avenue	500 East	North/South	1
Lincoln Street	200 South	East/West	2
Lincoln Street	100 South	East/West	1
Lincoln Street	100 North	East/West	1
Lincoln Street	200 North	East/West	1
Madison Street	200 South	East/West	2
Madison Street	100 South	East/West	2
Madison Street	100 North	East/West	2
Madison Street	200 North	East/West	2
Morton Street	100 North	East/West	1
Morton Street	200 North	East/West	1
Morton Street	300 North	East/West	1
Morton Street	400 North	East	1
Morton Street	500 North	East/West	1
Morton Street	600 North	East/West	1
Morton Street	700 North	East/West	1
Morton Street	800 North	East/West	1
Ninth Street	200 West	South	1
Ninth Street	100 East	North	1
Seventh Street	400 West	North/South	2
Seventh Street	300 West	North/South	2

Seventh Street	200 West	North	1
Seventh Street	100 West	North/South	1
Seventh Street	100 East	North/South	1
Seventh Street	200 East	North/South	1
Seventh Street	300 East	North/South	1
Seventh Street	400 East	North/South	1
Sixth Street	400 West	North/South	2
Sixth Street	300 West	North/South	2
Sixth Street	200 West	North/South	1
Sixth Street	100 West	North/South	1
Sixth Street	100 East	North/South	1
Sixth Street	200 East	North/South	1
Sixth Street	300 East	North/South	1
Sixth Street	400 East	North/South	1
Sixth Street	500 East	North/South	1
Twelfth Street	300 West	North/South	1
Walnut Street	400 South	West	2
Walnut Street	300 South	West	2
Walnut Street	200 South	West	2
Walnut Street	100 South	East/West	1
Walnut Street	100 North	East/West	1
Walnut Street	200 North	East/West	1
Walnut Street	300 North	West	1
Walnut Street	400 North	West	2
Walnut Street	500 North	West	2
Walnut Street	600 North	West	2
Washington Street	300 South	West	2
Washington Street	200 South	West	2
Washington Street	100 South	East	1
Washington Street	100 North	East/West	1
Washington Street	200 North	East/West	1

Legend:

- (1) One dollar per hour between the hours of nine a.m. and nine p.m. every day except Sundays and city holidays.
- (2) Fifty cents per hour between the hours of nine a.m. and nine p.m. every day except Sundays and city holidays.

SECTION 5. Section 15.40.020, entitled “Applicable times and charges,” Schedule W, entitled “Hourly parking,” shall be amended in the following manner. The provision regarding “Lot 7 – Morton Street Garage” shall be amended to provide for free parking for the first three consecutive hours and, to that effect, the provision shall be deleted and replaced with the following:

**SCHEDULE W
HOURLY PARKING**

Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 7*		
Morton Street Garage		24 hours per day 7 days per week
	\$0	<ul style="list-style-type: none"> For the first three consecutive hours
	\$0.25	<ul style="list-style-type: none"> Beyond the first three consecutive hours

SECTION 6. Section 15.40.020, entitled “Applicable times and charges,” Schedule W, entitled “Hourly parking,” shall be further amended as follows. The notation indicated by an asterisk shall be amended to reflect the addition of “Lot 7 – Morton Street Garage” and, to that effect, shall be deleted and replaced with the following:

*No vehicle may park for a free, three-hour period of time in more than one of the aforementioned lots (Lots 2, 3, 5, 6, 7, or 9) more than one time per calendar day.

SECTION 7. Chapter 15.40 entitled “Municipal Parking Lots, Garages and On-street Metered Parking” shall be further amended by inserting Section 15.40.022 entitled “On-street metered parking – In general” with the heading appearing in the Table of Contents for the chapter and the text reading as follows:

15.40.022 On-Street Metered Parking – In General

- (a) The city through its board of public works may contract with one or more agents to administer on its behalf and at its direction the provisions of this chapter relating to on-street parking meters.
- (b) The agent(s) may arrange for the payment for use of a metered parking space by motorists and take an agreed-upon charge before crediting the balance with the City for deposit in the special parking meter fund.
- (c) Fees, in an aggregate amount not to exceed \$100,000 in any calendar year, may be discounted or waived prior to receipt of funds in accordance with Section 15.40.023 (On-Street Parking Meter Fees - Bulk Discount) and Section 15.40.024 (On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations). These discount and waiver programs shall be operated under the direction of the Parking Commission established by BMC 2.12.110 (Parking Commission).

SECTION 8. Chapter 15.40 entitled “Municipal Parking Lots, Garages and On-street Metered Parking” shall be further amended by inserting Section 15.40.023 entitled “On-street Parking Meter Fees – Bulk Discount” with the heading appearing in the Table of Contents for the chapter and the text reading as follows:

15.40.023 On-Street Parking Meter Fees - Bulk Discount

- (a) No more than \$50,000 of the amount set forth in Section 15.40.022(c) shall be made available for a bulk-discount program.
- (b) The bulk discount shall apply to the fee, but not any additional administrative charge imposed by the parking agent (pursuant to Section 15.40.022[b]) and be equal to fifteen-percent of the fee for use of an on-street metered space.
- (c) Any retail establishment or restaurant occupying and doing business at an address within Schedule U (On-Street Metered Parking) may, upon determination of eligibility and on a first-come-first-serve basis, purchase up to 10,000 hours per year in discount credits through the City’s parking agent (pursuant to Section 15.40.022[b]). With this discount in place, one hundred hours of parking at the maximum rate of one dollar (\$1.00) per hour would cost eighty-five dollars (\$85.00). For purposes of this section, the

terms “retail establishment” and “restaurant” include any business required to obtain a Registered Retail Merchant Certificate from the State of Indiana that also demonstrates that at least half of the revenue generated at that location is subject to the Indiana sales tax.

(d) Eligibility. These discounts are intended for retail establishments and restaurants to offer customers in order to encourage their patronage by mitigating the cost and perceived inconvenience of metered parking. City policy is to encourage persons with long-term parking needs in the downtown to use off-street facilities or to reduce the use of motor vehicles. For that reason, the employer, employees, and paid contractors of a business, and the vehicles they use, are not eligible for waivers issued to that business. For that reason, as well, vehicles registered to residents at addresses within Schedule U shall be presumed to be ineligible for waivers but such presumption may be overcome by evidence provided by the user of the vehicle.

(e) Policies and Procedures. Staff under direction of the Commission is authorized to develop policies and practices that are necessary to operate this program in an efficient manner that is consistent with overall City policies. This includes the development of applications, memoranda of agreements, and other forms to assist the City obtain information and enter into understandings with businesses regarding use of these discounts. These forms may require these businesses to identify certain categories of persons (e.g. employees) and the license plates of vehicles they use on a regular basis.

(f) Misuse of Discounts. The Commission shall periodically review records of parking usage and may, after notice and a hearing, suspend or terminate credits for a business with evidence of a pattern of misuse of the discounts. The Commission may, after notice and a hearing, determine that a discount has been used improperly in regard to a particular vehicle and deem the vehicle ineligible for discounts.

SECTION 9. Chapter 15.40 entitled “Municipal Parking Lots, Garages and On-street Metered Parking” shall be further amended by inserting Section 15.40.024 entitled “On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations” with the heading appearing in the index for the chapter and the text reading as follows:

Section 15.40.024 - On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations

(a) No more than \$50,000 of the amount set forth in Section 15.40.022(c) shall be made available for a non-profit parking fee waiver program.

(b) The non-profit parking waiver shall apply to the entire fee, but not to any additional administrative charge imposed by the parking agent (pursuant to Section 15.40.022[b]).

(c) Upon approval of the Commission, eligible 501(c) (3) non-profit organizations operating by lease or other contract at an address within Schedule U (On-Street Metered Parking) may obtain fee waiver credit in an amount not to exceed \$10,000 per year.

(d) Volunteers and Clients. The fee waivers are provided in order to protect applicants from loss of volunteer services or client access to services due to the cost and perceived inconvenience of on-street metered parking. It is intended for vehicles under control of persons in the course of volunteering for, or obtaining services as a client at, the aforementioned non-profit organizations. City policy is to encourage persons with long-term parking needs in the downtown to use off-street facilities or to reduce the use of motor vehicles. For that reason, vehicles used by the employer, employees, paid contractors, and residents of the aforementioned organization are not eligible for use of a fee waiver even if acting in a volunteer or client capacity at the time the waiver is applied. For purposes of this section, the term “client” means a person who receives services of an organization, but is not a paying customer or patron of the organization.

(e) Misuse of Waivers. The Commission shall periodically review records of parking usage and may, after notice and a hearing, suspend or terminate credits for a non-profit organization with evidence of a pattern of misuse. The Commission may, after notice and a hearing, determine that the waiver has been misused in regard to a particular vehicle and deem the vehicle ineligible for waivers but such presumption may be overcome by evidence provided by the user of the vehicle.

(f) Policies and Procedures. Staff under direction of the Commission is authorized to develop policies and practices that are necessary to operate this program in an efficient manner that is consistent with overall City policies. This includes the development of applications, memoranda of agreements, and other forms to assist the City to obtain information and enter into understandings with businesses regarding use of these waivers. These forms may require these organizations to identify certain categories of persons (e.g. employees) and the license plates of vehicles they use on a regular basis.

(g) Allocation of Waivers. The Commission and its staff shall develop an allocation procedure based upon the following guidelines:

(1) Applicants may apply on a periodic basis as determined by the Commission and may be an entire organization or an affected program within the organization.

(2) The applicant must demonstrate that its mission and activities either:
(i) support and enhance the Bloomington Entertainment and Arts District (BEAD); or

(ii) substantially match the criteria for funding under the Jack Hopkins Social Services Funding Program;

(2) The applicant must detail and explain the need for waivers in terms of the number of volunteers and clients, the name of the program, and the number, location, blocks of time, and days of week associated with the use of the waivers;

(3) The applicant must demonstrate knowledge and appropriate use of opportunities to reduce the need for on-street parking in the downtown;

(4) The use of the waiver shall not significantly reduce on-street parking for customers of neighboring businesses and adversely affect their operations; and

(5) The granting of waivers will not result in a high risk of misuse.

(h) Waiver credits will be available in periods of no less than three months and no more than 12 months.

SECTION 10. 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 11. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor and publication in accordance with State law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

DAVE ROLLO, 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 _____, 2015.

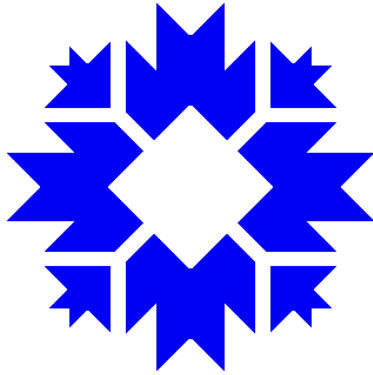
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2015.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Volan and amends Title 15 of the Bloomington Municipal Code (Vehicles and Traffic) after evaluation of expansion of the downtown metered parking established with the adoption of Ordinance 13-03 in March of 2013. It would: improve parking management in the downtown by imposing a maximum charge for on-street metered parking; set forth actual times and fees in an amended Schedule U; provide a period of free parking in all garages; and, establish a fee discount and waiver program to be overseen by a new Parking Commission.



MEMORANDUM

CITY OF BLOOMINGTON
Office of the Common Council

To: Councilmembers
From: Steve Volan, Councilmember, District VI
Date: 20 March 2015
Re: ***Ord 15-10 To Amend Title 2 (Administration and Personnel) and Title 15 (Vehicles And Traffic) of the Bloomington Municipal Code (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)***

INTRODUCTION: Regulation, Not Revenue, Must Be the Main Concern of Public Parking

In their unsigned October 2014 report on the first year since meters were reintroduced to downtown, staff members made several recommendations to the Council for adjustment of the system for the overall management of downtown parking. Among their recommendations was a statement that the Kruzan Administration believes the "primary purpose of meters is to manage parking, not raise revenue."

This statement is at once gratifying and overdue. Mayor Kruzan admitted, during his presentation two years ago, that revenue was a, if not the most, significant reason for the change. Until now, this stance validated a significant objection made by opponents of meters, namely that charging for parking was simply and primarily a method of raising revenue for the city, rather than to create turnover and discourage employees, residents and other long-term motorists from parking on the street. The stance also detracted from the many other appropriate and successful administrative changes implemented by the Mayor in 2013 to better manage the city's public parking supply.

Many of staff's other recommendations are valuable, and have found their way into this ordinance and Ord. 15-09 (sponsored by CM Neher). Yet in some respects, the Administration recommends reducing enforcement -- hours of operation, prices per hour -- for the sake of foregoing revenue. The primary purpose of parking management should not be to lower city revenue any more than it should be to raise it; the mission should be to employ the tools necessary to optimize access to the city's center for the broadest and most diverse set of users.

Thus, some of the Administration's recommendations would under-regulate aspects of the system even as others would continue to over-regulate. This is because staff's other frequently-stated goal is to avoid complexity of administration. The least complex solution indeed would have been to not put the meters in in the first place, but that was no solution. The first-come first-serve basis of previous parking policy prioritized convenience over need. While Council appreciates staff's concern that managing parking not be overly complex, managing for fairness and a diversity of users should take priority over "simplicity" of management.

COMPONENTS OF THE ORDINANCE

In the spirit of managing parking equitably, this ordinance proposes the following:

A. Making parking 50 cents/hr on the periphery of the meter zone (Secs. 3, 4 and 5).

The Administration proposed in the October memo reducing price to 50 cents an hour all summer long. But the monthly data provided as part of their report suggests a subtler action.

First 12 Months of Parking Usage, by Month of Year

Mo Use (000s of space-hours)

2013	
Sep	176
Oct	199
Nov	161
Dec	146
Jan	141
Feb	172
Mar	188
Apr	208
May	196
Jun	177
Jul	177
Aug	208
2014	

The summer months show no slowdown in usage whatsoever; June and July were busier than November and February. The two slowest months were in fact December and January, which correspond not only with winter break at IU but with the mayor's making Saturday parking free during the 2013 holiday season.

Instead, this ordinance proposes making parking on the periphery of the meter zone, which is greatly underutilized, half-price year-round. Donald Shoup's studies show that when parking is underutilized, it's overpriced. The 27 out of 90 blocks proposed for price reduction collectively accounted for only 11% of all space-hours. These blocks are clearly overpriced. At 50 cents,

they'll be priced the same as garages, with marginally easier access but without protection from precipitation. The easiest way to describe the blocks being lowered are: all metered blocks west of Morton, south of 4th, and on Walnut north of 8th. Almost all are being used at 20% of available hours or less, compared to a system-wide average of 40%. Each group of blocks corresponds roughly with one of the city's three garages.

This proposal would reduce revenue by about \$135,000 (half the amount collected all year on those 27 blocks), while more appropriately regulating blocks of varying value to parkers. In contrast, the Administration's proposal would reduce parking revenue by about \$300,000 (half the amount collected in the summer months).

This ordinance adds meters to the 300 block of S. Washington St., as does Ord 15-09. Because that block is surrounded by low-usage meter blocks, its price would also be set by this ordinance to 50 cents an hour.

B. Free hours in the Morton St. garage; the question of how many free hours (Sec. 6).

The Administration recommends going to 1 hour free in all lots and garages. CM Neher's ordinance proposes to retain the three hours free at the two garages. The Administration's approach is better policy in theory, but the three hours free is popular in many quarters and provides a buffer for price-sensitive users of downtown.

Meanwhile, the Morton St. garage has no free hours. (In 2013, there was an extra gate and some extra complexity that caused Public Works not to offer free hours there, conditions which no longer apply.) This ordinance simply proposes adding the Morton garage to the other two, allowing three free hours there as well. It would make the system more legible to motorists. More importantly, it would provide equity where there was little reason to not provide it; businesses and offices in or near the Morton St. garage should not go any longer without being treated equally.

However, I tend to agree with the Administration that three hours free is too many. Eventually city policy should reduce the amount of this free parking given out indiscriminately to whoever gets there first, regardless of their ability to pay for the convenience. My initial proposal was to split the difference: offer two hours free in all three garages, instead of three hours in two garages, so as to not increase the number of free garage hours. With Administration support, I would be ready to propose an amendment to reduce free parking to two hours across the board, as long as it includes the Morton St. garage..

C. Waive up to \$100,000 for two incentive programs (Sec. 7).

This ordinance proposes two programs that would waive up to \$50,000 in parking fees each. These are not cash programs; they alleviate select meter fees before they're collected. See Items D and E.

D. Discount program for merchants (Sec. 8).

The discount program is meant to raise awareness among retail businesses and their patrons of the many methods of using the downtown parking system. For merchants within the meter zone who collect sales tax, this ordinance proposes offering a 15% discount for purchasing parking for their customers in bulk. Employees and paid contractors of these merchants would be ineligible for these discounts, since the proper place for them to park is off-street to maximize parking for customers. (Anyone who receives a W-2 or 1099 form from the business would be ineligible.)

The merchant would have to buy at least 100 hours of parking to be eligible for the discount. These would be issued in the form of coupons, much like the city already sells from the Morton Street garage in quantities of 1 and 2 hours. Instead of feeding the coupons into a pay machine in the garage, the user would type the number (or photograph the QR code) into ParkMobile. A customer who initiates a parking session with the app instead of a meter would then be able to lower the cost of that session by the amount granted by the merchant's coupon.

The Administration wisely chose ParkMobile as their mobile parking management vendor, but has underestimated their ability to provide service to Bloomingtonians. Merchants could either receive coupons with codes for use with the ParkMobile app, or could directly manage parking for customers without the app through ParkMobile's website. In either case, the merchant would set up an "electronic wallet" with ParkMobile, who would then issue coupons with codes. A merchant's account would be debited only when a customer redeems a coupon -- unlike the coupons issued in the Morton Street garage, coupons issued by ParkMobile would not be the same as cash and would not represent an expense to the merchant if lost or stolen.

Businesses already pay for their customers' parking in Bloomington. The staff of Royale Hair Parlor on the north side of the Square regularly pays for its customers' meters -- and tickets! -- as a matter of course. The County even issues 12-hour coupons to people on jury duty. This is not a new method of parking management for the city.

E. Waiver program for not-for-profit (NFP) organizations (Sec. 9).

The waiver program is for NFPs, to reincentivize volunteerism in the meter zone. The entirety of the city's fee for street parking would be waived, but the NFP would still have to pay the ParkMobile fee (30-40 cents per transaction depending on the level of service they choose); the program thus isn't totally free, just very heavily discounted. Because ParkMobile registers the parker's plate number, usage can be tracked for those who would abuse it: paid employees or contractors, for example, or downtown residents who are friends of the NFP.

Unlike with the discount program, organizations would have to apply for these waivers, justifying their need for their request and the existence of sufficient internal controls to reassure the city that the waivers are well-granted. Those arts organizations that promote and enhance the Bloomington Entertainment and Arts District (BEAD) are eligible to apply. The standards for which social service organizations could apply and why would be along the lines of those for applicants to the city's Jack Hopkins Social Service fund. In short, organizations doing the type of good works the city actively promotes, that depend on or operate in the downtown.

F. Parking commission (Secs. 1 and 2).

Both programs would be overseen by a new Parking Commission, a 7-member board made up of 2 merchants in the zone, 2 NFP representatives in the zone, 1 resident in the zone, 1 staff member from Planning & Transportation, and 1 Councilmember. (The Council would appoint one merchant, one NFP representative, and a Councilmember; the Mayor would appoint the rest.)

The Commission would review applications for the waiver program, which will, again, use largely the same criteria and methods as the Jack Hopkins Fund. The Commission would also review usage in both the discount and waiver programs. The Commission would meet as it deems appropriate (although with the amount of information to be understood, my recommendation is that it meet monthly), and determine its own rules for handling these affairs. Because parking is no longer overseen by a single department, but by no fewer than five (Controller, Economic & Sustainable Development, Planning & Transportation, Police, Public Works), and by the elected offices of Mayor and Clerk, a Parking Commission establishes the beginning of centralized oversight of parking management concerns, and concentrates them in a commission led by citizens.

G. On the use of ParkMobile

The app currently works like a meter: one must guess how much time one needs. ParkMobile's app is capable of being set to pay-as-you-go mode, where one simply tells it to start charging for parking, then tells it to stop when leaving. The parker incurs a single transaction fee (instead of multiple ones for topping up with a credit card or the app). This mode effectively makes street spaces the equivalent of garage spaces, with the added convenience.

While code is not required to make this change happen, this ordinance strongly endorses the Administration's stated intention to change the mode setting of the app -- a free modification which ParkMobile representatives say can be done on a Sunday -- and their stated intention to promote it along with the other conveniences of the city's parking management system.

This ordinance conflicts with 15-09 only in that it does not call for the elimination of the credit-card fee at meters, which if left intact would cause more users to adopt ParkMobile. The transaction fee for PM can be lowered to be equal to the meter fee for frequent users (more than 10 parking sessions a month). Without retaining the credit-card fee, which was another appropriate initial implementation of meter policy by the Administration, paying by app would not fare as well in comparison.

This ordinance also calls for wider adoption of the app, which offers greater convenience and services than meters, while saving on maintenance and upkeep of that physical equipment. Some cities around the world don't even have meters; they've handle all their parking through cellphones even before they were "smart" and had "apps". (ParkMobile's system doesn't require the app: one can pay to park by calling an 800 number from a "dumb" phone as long as

one has set up an account in advance with a license plate and phone number through the PM website.) Eventually Bloomington will not need meters to regulate parking.



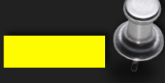
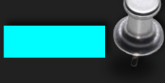
CONCLUSION

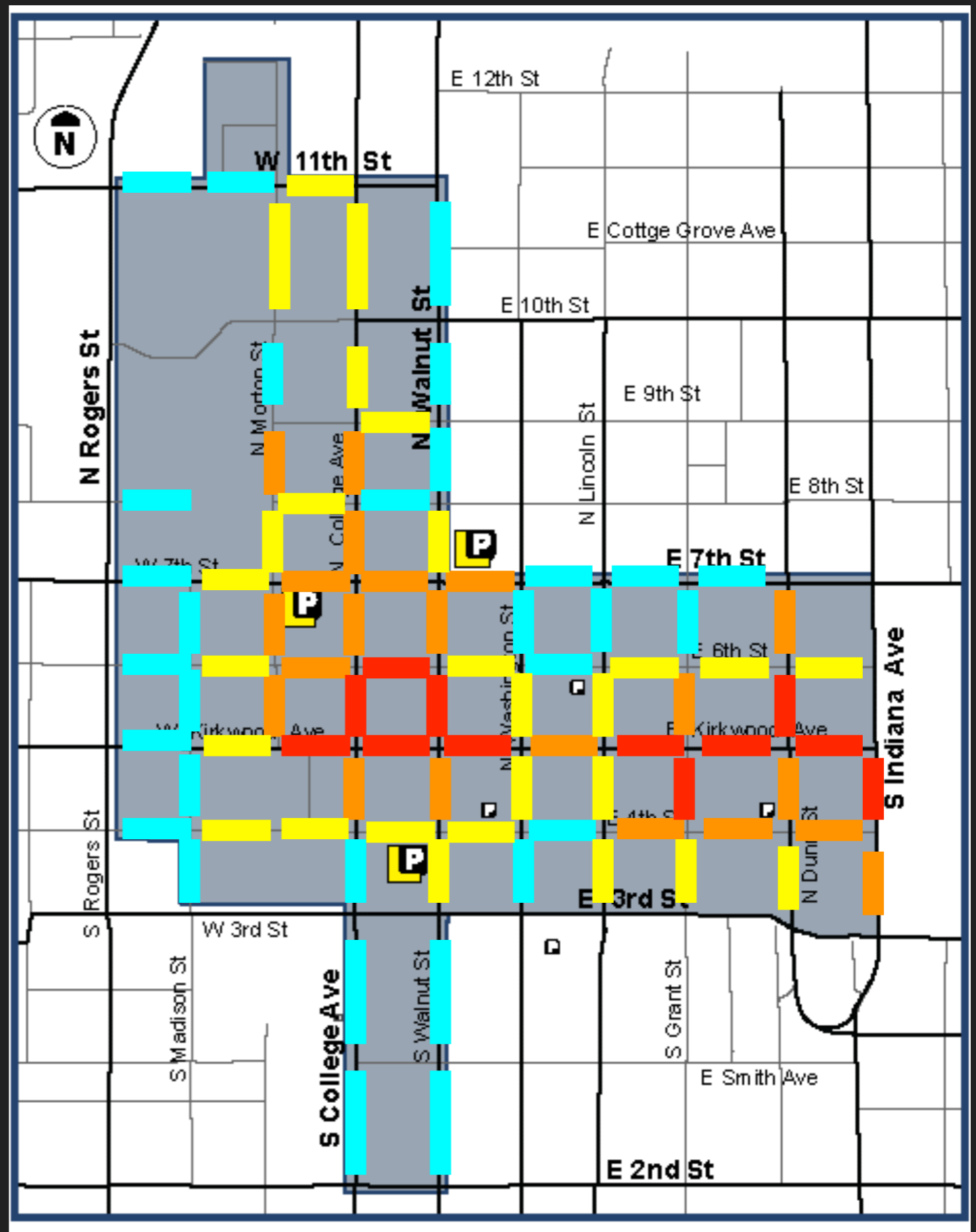
The Administration's recommendations would give back almost \$900,000 of the \$2.4 million collected from meters in the first year, for reasons that are not always related to equitable regulation. Ordinances 15-09 and 15-10 together would forego less than half that revenue; if the Administration wishes to forego that much more, it should only do so in a way that more equitably regulates usage. If additional staff hours or hires are necessary to do so, this ordinance more than covers that cost compared to the Administration's recommendations.

A final note: If Ordinance 15-09 does not pass, 15-10 will also change hours of enforcement to 9 am to 9 pm.

#

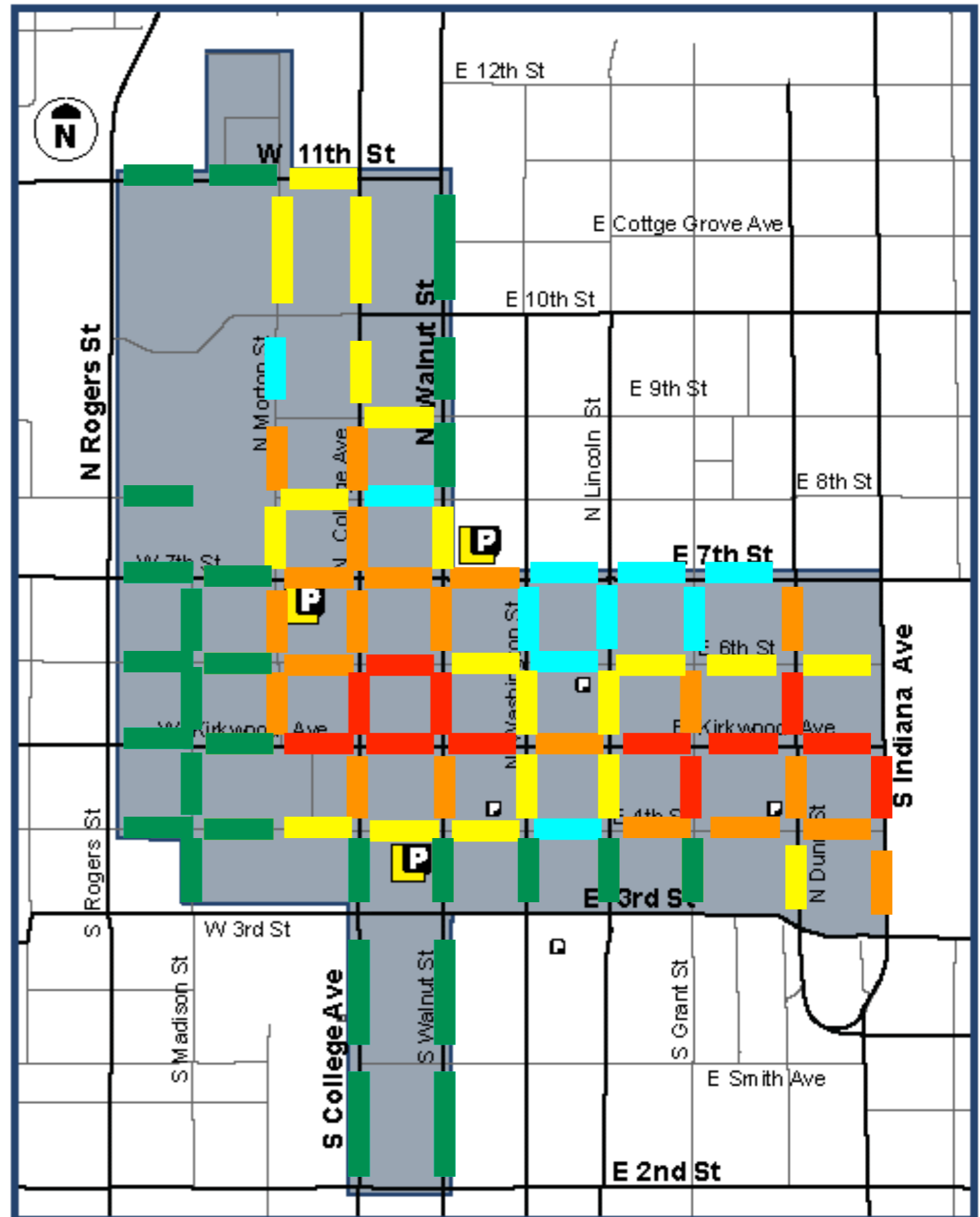
Usage of ALL Available Meter Hours, 2013-2014

-  60-80% usage
12 blks | 31% of rev
-  40-60% usage
21 blks | 33% of rev
-  20-40% usage
27 blks | 25% of rev
-  0-20% usage
30 blks | 11% of rev



Half-Price on Periphery of Meter Zone

- proposal: reduce 27 blks to 50¢ all year
- price compares to garages; frees up some garage space
- 5.6% of revenue = \$135K impact
- recommend signs for each block
- ParkMobile will require zone #



Chapter 2.12 BOARDS, COMMISSIONS AND COUNCILS

Sections:

[2.12.000 Establishment.](#)

[2.12.010 Animal care and control commission.](#)

[2.12.020 Bloomington arts commission.](#)

[2.12.021 Percentage for the Arts Program.](#)

[2.12.050 Environmental Quality and Conservation Commission.](#)

[2.12.060 Bloomington telecommunications council.](#)

[2.12.070 Traffic commission.](#)

[2.12.080 Bloomington Bicycle and Pedestrian Safety Commission.](#)

[2.12.090 Martin Luther King, Jr.'s birthday celebrations commission.](#)

[2.12.100 Bloomington Commission on Sustainability.](#)

► **2.12.110 Parking Commission**

2.12.000 Establishment.

The following boards, commissions and councils are hereby created.

(Ord. 83-6 § 2 (part), 1983).

(Ord. No. 14-11, § 11, 7-2-2014)

► **2.12.110 Parking Commission**

(a) Policy – Purpose. The Parking Commission shall oversee the parking meter fee bulk discount (Section 15.40.023) and non-profit fee waiver (Section 15.40.024) programs.

(b) Composition – Appointments. The Parking Commission shall be composed of seven voting members. These voting members shall be composed of four members appointed by the Mayor and three members appointed by the Common Council.

(c) Qualifications of Voting Membership. At least one member appointed by the Mayor and one member appointed by the Common Council shall be a merchant owning and operating a business located at an address within Schedule U – On-Street Metered Parking, with a preference given to merchants affiliated with and recommended by Downtown Bloomington Inc. At least one member appointed by the Mayor and one member appointed by the Common Council shall be on the board or an employee of a non-profit organization operating by lease or other contract at an address within Schedule U – On-Street Metered Parking. One member appointed by the Mayor shall be a resident living at an address within

Schedule U – On-Street Metered Parking. One member appointed by the Common Council shall be from among its membership. One member appointed by the Mayor shall be from within the Transportation and Traffic Services Division of the Planning and Transportation Department.

(e) Terms. The initial terms of two mayoral and one council citizen appointments shall expire on January 31, 2016. The terms of the remaining initial citizen appointments shall be for two years and expire on January 31, 2017. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31st. The terms for the one mayor and one council non-citizen appointments shall be for one year and expire on January 31st.

(g) Powers and Duties. The commission's powers and duties include, but are not limited to:

(1) establishing policies and procedures and overseeing the operation of the parking discount and waiver credits programs as set forth in BMC Section 15.40.023 (On-Street Parking Meter Fees - Bulk Discount) and 15.40.024 (On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations).

(2) submitting an annual report of its activities and programs to the Mayor and Council by June of each year.

(h) Staff. The Commission shall be staffed by the Transportation and Traffic Services Division of the Planning and Transportation Department.

Chapter 15.40 MUNICIPAL PARKING LOTS, GARAGES AND ON-STREET METERED PARKING

Sections:

[15.40.010 Locations.](#)

[15.40.015 Parking meter fund, purpose and expenditures.](#)

[15.40.020 Applicable times and charges.](#)

▶ [15.40.022 On-Street Metered Parking – In General](#)

▶ [15.40.023 On-Street Parking Meter Fees - Bulk Discount](#)

▶ [Section 15.40.024 - On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations](#)

[15.40.025 Parks and recreation parking.](#)

[15.40.030 Garage and lot permits.](#)

[15.40.040 Parking lots leased by city.](#)

[15.40.050 City hall visitor parking.](#)

[15.40.060 Violations.](#)

[15.40.070 Violation and penalty.](#)

15.40.010 Locations.

The sites for off-street parking lots, which include municipal lots and garages, and on-street metered parking spaces are identified below:

- (1) Lot 1: located at the northwest corner of Fourth and Dunn Streets.
- (2) Lot 2: Walnut Street Garage: located at 300 North Walnut Street.
- (3) Lot 3: located at the northwest corner of Fourth and Washington Streets.
- (4) Lot 5: located at Sixth and Lincoln Streets on Lots 185 and 186 of the city.
- (5) Lot 6: located at the 200 block of East Third Street on part of fractional out-lot 20, and containing not less than twelve parking meters.
- (6) Lot 7: Morton Street Garage: located at 208 North Morton Street.
- (7) Lot 9: Fourth Street Garage: located at 105 West Fourth Street.
- (8) Lot 10: located at the northeast corner of Third Street and College Avenue, also known as the Convention Center Parking Lot.
- (9) Lot 11: located at the southwest corner of Eighth Street and Morton Street.
- (10) Lot 12: located at the northeast side of the Showers Complex, 401 North Morton Street.
- (11) Lot 13: located at the south portion of the west side of the Showers Complex, 401 North Morton Street.
- (12) Lot 14: located at the north portion of the west side of the Showers Complex, 401 North Morton Street.

(13) Lot 15: located at the east portion of the south side of the city of Bloomington Police Headquarters, 220 East Third Street.

(14) Lot 16: located at the west portion of the south side of the city of Bloomington Police Headquarters, 220 East Third Street.

- ▶ (15) The location of on-street metered parking spaces shall be as set forth in **the first three columns of** Schedule U **"On-Street Metered Parking"** unless the area is otherwise identified in Schedule M "No Parking Zones," Schedule O "Loading Zones," Schedule P "Bus Zones" and Schedule R "Official Vehicle Zones."

Note: This Schedule is amended and moved to after Section 15.40.020(d)

SCHEDULE U			
On Street Metered Parking			
Street	From	To	Side of Street
Ashlynn Park Drive	Eleventh Street	Twelfth Street	East/West
College Avenue	Second Street	Eleventh Street	East/West
Dunn Street	Third Street	Seventh Street	East/West
Eighth Street	Rogers Street	Walnut Street	North/South
Eleventh Street	Rogers Street	Walnut Street	North/South
Fourth Street	Rogers Street	Indiana Avenue	North/South
Grant Street	Third Street	Seventh Street	East/West
Indiana Avenue	Third Street	Seventh Street	East/West
Kirkwood Avenue	Rogers Street	Indiana Avenue	North/South
Lincoln Street	Third Street	Seventh Street	East/West

Madison Street	Third Street	Seventh Street	East/West
Morton Street	Kirkwood Avenue	Dead end north of Twelfth Street	East/West
Ninth Street	Morton Street	Walnut Street	North/South
Seventh Street	Rogers Street	Dunn Street	North/South
Sixth Street	Rogers Street	Indiana Avenue	North/South
Third Street	Walnut Street	Indiana Avenue	North/South
Twelfth Street	Morton Street	Ashlynn Park Drive	North/South
Walnut Street	Second Street	Eleventh Street	East/West
Washington Street	Third Street	Seventh Street	East/West

- (16) Lot 17: located on Woodlawn Avenue on Cummings 1st Lots 191 and 192 of the city east across Woodlawn Avenue from the Bryan Park tennis courts.
- (17) Lot 18: located on Stull Avenue on Cummings 1st Lots 45, 46, 47 and 49 of the city on the north portion of Bryan Park.
- (18) Lot 19: located on Henderson Street on Cummings 1st Lots 9, 10, 11, 12 and 13 of the city on the northwest portion of Bryan Park.
- (19) Lot 20: located on the east side of Henderson Street near its intersection with Allen Street on the west central portion of Bryan Park.
- (20) Lot 21: located on the southeast portion of Bryan Park south of and adjacent to the Bryan Park Pool.
- (21) Lot 22: located on the east side of Woodlawn Avenue between Weatherstone Lane and Southdowns Drive on the southeast edge of Bryan Park.
- (22) Lot 23: located on the east side of Woodlawn Avenue south of Weatherstone Lane and north of Hillside Drive, commonly known as the Carlisle Lot.
- (23) Lot 24: located on the north side of 17th Street between Walnut Street and College Avenue on the southern edge of Miller Showers Park.

(Ord. 04-14 §§ 14, 15, 2004; Ord. 03-38 § 1, 2003; Ord. 03-17 § 4, 2003; Ord. 00-46 § 1, 2000; Ord. 99-24 § 2, 1999; Ord. 99-02 § 6, 1999; Ord. 98-52 § 9, 1998; Ord. 96-29 §§ 18, 19, 1996; Ord. 93-73 § 1, 1993; Ord. 91-50 §§ 1, 2, 1991; Ord. 91-12 § 17, 1991; Ord. 86-51 §§ 1, 5, 1986; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 10-15, §§ 22—24, 11-4-2010; Ord. No. 13-03, §§ 9, 10, 3-20-2013; Ord. No. 13-10, §§ 16—18, 7-17-2013)

15.40.015 Parking meter fund, purpose and expenditures.

- (a) A parking meter fund (fund) is hereby established within the office of the controller. This special non-reverting revenue fund is authorized under Indiana Code 36-9-12 et seq.
- (b) All monies received by the City of Bloomington from fees paid for the on-street parking of a vehicle by the use of a parking meter shall be deposited into this fund.
- (c) All expenditures from this fund shall be subject to appropriation by the city's fiscal body.
- (d) Disbursements from the fund shall be made only on orders of the board of works for the purposes provided in IC § 36-9-12-4 (b), which include:
 - (i) The purchase price, rental fees, and cost of installation of the parking meters;
 - (ii) The cost of maintenance, operation, and repair of the parking meters;
 - (iii) Incidental costs and expenses in the operation of the parking meters, including the cost of clerks and bookkeeping;
 - (iv) The cost of traffic signal devices used in the municipality;
 - (v) The cost of repairing and maintaining any of the public ways, curbs, and sidewalks where the parking meters are in use, and all public ways connected with them in the municipality;
 - (vi) The cost of acquiring, by lease or purchase, suitable land for off-street parking facilities to be operated or leased by the municipality;
 - (vii) The principal and interest on bonds issued to acquire parking facilities and devices;
 - (viii) The cost of improving and maintaining land for parking purposes and purchasing, installing, and maintaining parking meters on that land; and
 - (ix) The cost of providing approved school crossing protective facilities, including the costs of purchase, maintenance, operation, and repair, and all other incidental costs.
- (e) Money deposited into the fund may be expended only upon a specific appropriation made for that purpose by the common council in the same manner that it appropriates other public money. The board of public works shall prepare an itemized estimate of the money necessary for the operation of parking meters for the ensuing year at the regular time of making and filing budget estimates for other departments of the city. These estimates shall be made and presented to the common council in the same manner as other department estimates.
- (f) The fund shall continue in this form until amended or terminated by ordinance. Unless indicated otherwise by ordinance, the proceeds of the fund at termination shall be deposited into the general fund.

(Ord. No. 13-13, § 1, 10-9-2013; Ord. No. 14-11, § 139, 7-2-2014)

15.40.020 Applicable times and charges.

- (a) The charges for the use of all municipal lots and garages, and the times those charges apply, shall be as set forth in Schedule V and Schedule W of this chapter.
 - ▶ (b) The **maximum** charge for the use of each on-street metered parking space shall be ~~twenty-five cents per fifteen minutes between the hours of eight~~

~~a.m. and ten p.m. every day except Sundays and city holidays.~~ **one dollar per hour. The actual charge and the hours and days of enforcement shall be as set forth in Schedule U “On-Street Metered Parking.” Additionally, the Mayor may suspend enforcement of parking meters during the holiday season, in the event of inclement weather, or under other circumstances the mayor deems appropriate and reasonable.**

Comment [IA1]: This last sentence is intended to incorporate changes proposed by Ord 15-09

- (c) The board of public works is authorized to alter or modify the hourly charge or method of payment for parking in all municipal parking lots, garages and on-street metered parking spaces in conjunction with special events and promotional activities.
- (d) The fees for cancellation of a parking permit lease, obtaining a replacement hang tag, and obtaining a replacement garage access card shall be as follows, subject to all conditions of this chapter and the applicable lease:
 - (1) Cancellation fee — ten dollars;
 - (2) Replacement hang tag — ten dollars;
 - (3) Replacement garage access card — ten dollars.



SCHEDULE U
On-Street Metered Parking

Street	Block	Side of Street	Time and Fee
Ashlynn Park Drive	700 North	East/West	1
College Avenue	400 South	East	2
College Avenue	300 South	East	2
College Avenue	200 South	East	2
College Avenue	100 South	East/West	1
College Avenue	100 North	East/West	1
College Avenue	200 North	East/West	1

College Avenue	300 North	East/West	1
College Avenue	400 North	West	1
College Avenue	500 North	West	1
College Avenue	600 North	East/West	1
Dunn Street	200 South	East	1
Dunn Street	100 South	East	1
Dunn Street	100 North	East	1
Dunn Street	200 North	East	1
Eighth Street	400 West	North/South	2
Eighth Street	200 West	North/South	1
Eighth Street	100 West	North/South	1
Eleventh Street	400 West	North	2
Eleventh Street	300 West	North	2
Eleventh Street	200 West	North	1
Fourth Street	400 West	North/South	2
Fourth Street	300 West	North/South	2
Fourth Street	200 West	North/South	1
Fourth Street	100 West	North/South	1
Fourth Street	100 East	North/South	1
Fourth Street	200 East	North/South	1

Fourth Street	300 East	North/South	1
Fourth Street	400 East	North/South	1
Fourth Street	500 East	North/South	1
Grant Street	200 South	West	2
Grant Street	100 South	West	1
Grant Street	100 North	West	1
Grant Street	200 North	West	1
Indiana Avenue	200 South	West	1
Indiana Avenue	100 South	West	1
Kirkwood Avenue	400 West	North/South	2
Kirkwood Avenue	300 West	North/South	2
Kirkwood Avenue	200 West	North/South	1
Kirkwood Avenue	100 West	North/South	1
Kirkwood Avenue	100 East	North/South	1
Kirkwood Avenue	200 East	North/South	1
Kirkwood Avenue	300 East	North/South	1
Kirkwood Avenue	400 East	North/South	1
Kirkwood Avenue	500 East	North/South	1
Lincoln Street	200 South	East/West	2
Lincoln Street	100 South	East/West	1

Lincoln Street	100 North	East/West	1
Lincoln Street	200 North	East/West	1
Madison Street	200 South	East/West	2
Madison Street	100 South	East/West	2
Madison Street	100 North	East/West	2
Madison Street	200 North	East/West	2
Morton Street	100 North	East/West	1
Morton Street	200 North	East/West	1
Morton Street	300 North	East/West	1
Morton Street	400 North	East	1
Morton Street	500 North	East/West	1
Morton Street	600 North	East/West	1
Morton Street	700 North	East/West	1
Morton Street	800 North	East/West	1
Ninth Street	200 West	South	1
Ninth Street	100 East	North	1
Seventh Street	400 West	North/South	2
Seventh Street	300 West	North/South	2
Seventh Street	200 West	North	1
Seventh Street	100 West	North/South	1

Seventh Street	100 East	North/South	1
Seventh Street	200 East	North/South	1
Seventh Street	300 East	North/South	1
Seventh Street	400 East	North/South	1
Sixth Street	400 West	North/South	2
Sixth Street	300 West	North/South	2
Sixth Street	200 West	North/South	1
Sixth Street	100 West	North/South	1
Sixth Street	100 East	North/South	1
Sixth Street	200 East	North/South	1
Sixth Street	300 East	North/South	1
Sixth Street	400 East	North/South	1
Sixth Street	500 East	North/South	1
Twelfth Street	300 West	North/South	1
Walnut Street	400 South	West	2
Walnut Street	300 South	West	2
Walnut Street	200 South	West	2
Walnut Street	100 South	East/West	1
Walnut Street	100 North	East/West	1
Walnut Street	200 North	East/West	1

Walnut Street	300 North	West	1
Walnut Street	400 North	West	2
Walnut Street	500 North	West	2
Walnut Street	600 North	West	2
Washington Street	300 South	West	2
Washington Street	200 South	West	2
Washington Street	100 South	East	1
Washington Street	100 North	East/West	1
Washington Street	200 North	East/West	1

Legend:

(1) One dollar per hour between the hours of nine a.m. and nine p.m. every day except Sundays and city holidays.

(2) Fifty cents per hour between the hours of nine a.m. and nine p.m. every day except Sundays and city holidays.

SCHEDULE V

PERMITS

Municipal Lot	Nonreserved part-time permit	Nonreserved permit per month	Nonreserved permit per month	Reserved space lease per month	Reserved space lease per month
	Not to exceed 30 hours per week 12:00 am Sun -	Admission Mon. - Fri. 6:00 am - 6:00 pm, Sat. & Sun	Admission 7 days per week 24 hours per	Mon. - Fri. 6:00 a.m. - 6:00 p.m.	7 days per week 24 hours per

	11:59 pm Sat	6:00 am - Noon	day		day
Lot 2					
Walnut Street Garage	\$25.00	\$40.00	\$67.00	\$57.00	\$76.00
Lot 5*					
(6th and Lincoln)		\$40.00		\$57.00	\$76.00
Lot 7					
Morton Street Garage	\$25.00	\$40.00	\$67.00	\$57.00	\$76.00
Lot 9					
Fourth Street Garage	\$25.00	\$40.00	\$67.00	\$57.00	\$76.00

SCHEDULE W

HOURLY PARKING



Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 1		
4th and Dunn	\$0.50	8:00 a.m. — 5:00 p.m. Monday through Friday
Lot 2*		

Walnut Street Garage		Monday through Friday 6:00 a.m. — 6:00 p.m.
	\$0	• For first three consecutive hours
	\$0.25	• Beyond first three consecutive hours
	\$0.25	6:01 p.m. — 5:59 a.m.
		Saturday and Sunday
		6:00 a.m. — Noon
	\$0	• For first three consecutive hours
	\$0.25	• Beyond first three consecutive hours
	\$0.25	12:01 p.m. — 5:59 a.m.
Lot 3*		
(4th & Washington)		8:00 a.m. — 5:00 p.m. Monday through Friday
	\$0	• For first three consecutive hours
	\$0.25	• Beyond first three consecutive hours
Lot 5*		
(6th and Lincoln)		8:00 a.m. — 5:00 p.m. Monday through Friday
	\$0	• For first three consecutive hours
	\$0.25	• Beyond first three consecutive hours
Lot 6*		
3rd St./BPD lot		8:00 a.m. — 5:00 p.m.

		Monday through Friday
	\$0	• For first three consecutive hours
	\$0.25	• Beyond first three consecutive hours
Lot 7 *		
Morton Street Garage	\$0.25	24 hours per day 7 days per week
▶		• For first three consecutive hours
▶		• Beyond first three consecutive hours
Lot 9 *		
Fourth Street Garage		8:00 a.m. — 5:00 p.m. Monday through Friday
	\$0	• For first three consecutive hours
	\$0.25	• Beyond first three consecutive hours

Comment [IA2]: Ord 15-10 does not address the Fourth Street Garage and would not affect changes made by Ord 15-09.

*No vehicle may park for a free, three-hour period of time in more than one of the aforementioned lots (Lots 2, 3, 5, 6, 7 or 9) more than one time per calendar day.

(Ord. 08-19 §§ 32, 33 (part), 34, 35, 2008; Ord. 07-05 § 6, 2007; Ord. 06-06 § 24, 2006; Ord. 04-14 §§ 16—18, 2004; Ord. 03-38 § 2, 2003; Ord. 02-39 §§ 1, 2, 11, 2002; Ord. 00-46 § 2, 2000; Ord. 99-02 § 7, 1999; Ord. 98-52 § 10, 1998; Ord. 97-20 § 1, 1997; Ord. 91-50 § 11, 1991; Ord. 91-4 § 1, 1991; Ord. 86-51 §§ 2, 3, 1986; Ord. 85-28 § 2, 1985; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 10-15, §§ 25—27, 11-4-2010; Ord. No. 13-03, §§ 11—13, 3-20-2013; Ord. No. 13-10, §§ 19, 20, 7-17-2013)

▶ **15.40.022 On-Street Metered Parking – In General**

(a) The city through its board of public works may contract with one or more agents to administer on its behalf and at its direction the provisions of this chapter relating to on-street parking meters.

(b) The agent(s) may arrange for the payment for use of a metered parking space by motorists and take an agreed-upon charge before crediting the balance with the City for deposit in the special parking meter fund.

(c) Fees, in an aggregate amount not to exceed \$100,000 in any calendar year, may be discounted or waived prior to receipt of funds in accordance with Section 15.40.023 (On-Street Parking Meter Fees - Bulk Discount) and Section 15.40.024 (On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations). These discount and waiver programs shall be operated under the direction of the Parking Commission established by BMC 2.12.110 (Parking Commission).

► **15.40.023 On-Street Parking Meter Fees - Bulk Discount**

(a) No more than \$50,000 of the amount set forth in Section 15.40.022(c) shall be made available for a bulk-discount program.

(b) The bulk discount shall apply to the fee, but not any additional administrative charge imposed by the parking agent (pursuant to Section 15.40.022[b]) and be equal to fifteen-percent of the fee for use of an on-street metered space.

(c) Any retail establishment or restaurant occupying and doing business at an address within Schedule U (On-Street Metered Parking) may, upon determination of eligibility and on a first-come-first-serve basis, purchase up to 10,000 hours per year in discount credits through the City's parking agent (pursuant to Section 15.40.022[b]). With this discount in place, one hundred hours of parking at the maximum rate of one dollar (\$1.00) per hour would cost eighty-five dollars (\$85.00). For purposes of this section, the terms "retail establishment" and "restaurant" include any business required to obtain a Registered Retail Merchant Certificate from the State of Indiana that also demonstrates that at least half of the revenue generated at that location is subject to the Indiana sales tax.

(d) Eligibility. These discounts are intended for retail establishments and restaurants to offer customers in order to encourage their patronage by mitigating the cost and perceived inconvenience of metered parking. City policy is to encourage persons with long-term parking needs in the downtown to use off-street facilities or to reduce the use of motor vehicles. For that reason, the employer, employees, and paid contractors of a business, and the vehicles they use, are not eligible for waivers issued to that business. For that reason, as well, vehicles registered to residents at addresses within Schedule U shall be presumed to be ineligible for waivers but such presumption may be overcome by evidence provided by the user of the vehicle.

(e) Policies and Procedures. Staff under direction of the Commission is authorized to develop policies and practices that are necessary to operate this program in an efficient manner that is consistent with overall City policies. This includes the development of applications, memoranda of agreements, and other forms to assist the City obtain information and enter into understandings with businesses regarding use of these discounts. These forms may require these businesses to identify certain categories of persons (e.g. employees) and the license plates of vehicles they use on a regular basis.

(f) Misuse of Discounts. The Commission shall periodically review records of parking usage and may, after notice and a hearing, suspend or terminate credits for a business with evidence of a pattern of misuse of the discounts. The Commission may, after notice and a hearing, determine that a discount has been used improperly in regard to a particular vehicle and deem the vehicle ineligible for discounts.

► **Section 15.40.024 - On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations**

(a) No more than \$50,000 of the amount set forth in Section 15.40.022(c) shall be made available for a non-profit parking fee waiver program.

(b) The non-profit parking waiver shall apply to the entire fee, but not to any additional administrative charge imposed by the parking agent (pursuant to Section 15.40.022[b]).

(c) Upon approval of the Commission, eligible 501(c) (3) non-profit organizations operating by lease or other contract at an address within Schedule U (On-Street Metered Parking) may obtain fee waiver credit in an amount not to exceed \$10,000 per year.

(d) Volunteers and Clients. The fee waivers are provided in order to protect applicants from loss of volunteer services or client access to services due to the cost and perceived inconvenience of on-street metered parking. It is intended for vehicles under control of persons in the course of volunteering for, or obtaining services as a client at, the aforementioned non-profit organizations. City policy is to encourage persons with long-term parking needs in the downtown to use off-street facilities or to reduce the use of motor vehicles. For that reason, vehicles used by the employer, employees, paid contractors, and residents of the aforementioned organization are not eligible for use of a fee waiver even if acting in a volunteer or client capacity at the time the waiver is applied. For purposes of this section, the term “client” means a person who receives services of an organization, but is not a paying customer or patron of the organization.

(e) Misuse of Waivers. The Commission shall periodically review records of parking usage and may, after notice and a hearing, suspend or terminate credits for a non-profit organization with evidence of a pattern of misuse. The Commission may, after notice and a hearing, determine that the waiver has been misused in regard to a particular vehicle and deem the vehicle ineligible for waivers.

(f) Policies and Procedures. Staff under direction of the Commission is authorized to develop policies and practices that are necessary to operate this program in an efficient manner that is consistent with overall City policies. This includes the development of applications, memoranda of agreements, and other forms to assist the City to obtain information and enter into understandings with businesses regarding use of these waivers. These forms may require these organizations to identify certain categories of persons (e.g. employees) and the license plates of vehicles they use on a regular basis.

(g) Allocation of Waivers. The Commission and its staff shall develop an allocation procedure based upon the following guidelines:

(1) Applicants may apply on a periodic basis as determined by the Commission and may be an entire organization or an affected program within the organization.

(2) The applicant must demonstrate that its mission and activities either:
(i) support and enhance the Bloomington Entertainment and Arts District (BEAD); or

(ii) substantially match the criteria for funding under the Jack Hopkins Social Services Funding Program;

(2) The applicant must detail and explain the need for waivers in terms of the number of volunteers and clients, the name of the program, and the number, location, blocks of time, and days of week associated with the use of the waivers;

(3) The applicant must demonstrate knowledge and appropriate use of opportunities to reduce the need for on-street parking in the downtown;

(4) The use of the waiver shall not significantly reduce on-street parking for customers of neighboring businesses and adversely affect their operations; and

(5) The granting of waivers will not result in a high risk of misuse.

(h) Waiver credits will be available in periods of no less than three months and no more than 12 months.

15.40.025 Parks and recreation parking.

- (a) The following parking restrictions apply to Lot 17, Lot 18, Lot 19, Lot 20 and Lot 24. Unless otherwise specifically stated below, no vehicle shall remain parked in any of these lots in excess of three hours from eight a.m. to five p.m. every day, with the exception of Saturdays, Sundays and city holidays. This parking restriction shall be in effect year round for Lot 17 and Lot 24, and from September 1st through May 1st for Lot 18, Lot 19 and Lot 20. There shall be no parking permit required or time charges collected for use of the above-specified lots for this three hour time period.
- (b) There shall be no parking in any city parks and recreation parking lot between the hours of eleven p.m. and five a.m. with the exception of lots for Griffy Lake where parking shall be allowed during these hours only for persons who are night fishing or participating in a specially scheduled parks department sponsored or approved program.

(Ord. 03-38 § 3, 2003; Ord. 02-39 § 3, 2002; Ord. 99-24 § 3, 1999).

15.40.030 Garage and lot permits.

- (a) Except as otherwise expressly provided herein, references to "the city" in this chapter shall mean the planning and transportation department, acting through its director, director's designee or an agent appointed hereunder. The city may issue permits for its parking garages and lots allowing their use without the application of time charges that would otherwise apply. The city shall negotiate leases for Lots 12 and 13. The city through its board of public works may contract with one or more agents to administer on its behalf and at its direction the provisions of this chapter relating to one or more city parking facilities.
- (b) Garage and lot permit fees are specified in Schedule V of this chapter. A reserved lease grants parking privileges for a particular parking space in one specific municipal lot or garage. A nonreserved parking lease grants parking privileges for the times specified in

Schedule V within a designated area in a specific municipal lot or garage, and that area shall exclude reserved lease spaces and meter only spaces.

- (c) No permit shall be issued under this chapter except upon:
- (1) Provision by the permit applicant of all information and documentation requested by the city, which may include but shall not be limited to information and documentation regarding the name, current and permanent addresses, current telephone number, driver's license, and vehicle registration of the permit applicant and any other intended final user of any permit and;
 - (2) Execution of a written lease between the city and the permit holder. Such lease shall incorporate all requirements of this chapter and such other terms and conditions as may be agreed upon by the parties.

Violation of any provision of a permit lease shall constitute a violation of this chapter subject to all penalties and remedies provided herein, including but not limited to revocation of the permit or permits covered by the lease.

- (d) The city shall determine the number and type of permits to be issued and the method for their allocation. The presence of a price in Schedule V does not necessarily mean that the corresponding parking permit is available.
- (e) No permit will be issued until all outstanding debts, related to the vehicle associated with the permit or the vehicle's owner, owed to the city of Bloomington or any of its agencies, have been paid. This includes, but is not limited to, all outstanding penalties for parking violations.
- (f) No refund or rebate on any portion of a parking lease or permit shall be given until all outstanding debts, related to the vehicle associated with the lease or permit or the vehicle's owner, owed to the city of Bloomington or any of its agencies, have been paid. This includes, but is not limited to, all outstanding penalties for parking violations.
- (g) A parking permit holder may not resell, sublet or otherwise distribute the permit to another party without a written agreement with the city to do so.
- (h) A parking permit holder may enter into a written agreement with the city for the distribution of parking permits to its employees or tenants.
- (1) Should the holder charge another party for use of a permit more than it paid for the permit, the city may cancel any and all permits held by the holder, in addition to invoking all other penalties and remedies available hereunder.
 - (2) The city reserves the right to withhold the release of the permit or permits until it is provided all requested information regarding the final user or users and their vehicle(s) pursuant to subsection (c) of this section.
 - (3) The city reserves the right to withhold the release of a permit until all outstanding debts, related to the vehicle associated with the permit final user or the vehicle's owner, and any other debts owed to the city of Bloomington or any of its agencies, have been paid. This includes, but is not limited to, all outstanding penalties for parking violations.
- (i) The charge for replacement permits and parking garage access cards shall be ten dollars each and shall be available under conditions determined by the city. Use of such duplicates for any purpose other than that determined by the city may result in the cancellation of the original permit, in addition to invoking all other penalties and remedies available hereunder.
- (j) The city is neither required to sell permits for periods of less than one month nor to rebate fees paid in advance for periods of less than one month.

(Ord. 08-19 §§ 36—40, 2008; Ord. 07-05 § 7, 2007).

(Ord. No. 14-11, § 140, 7-2-2014)

15.40.040 Parking lots leased by city.

Every parking lot leased by and under the control of the city and upon which meters have been properly placed and calibrated shall be subject to the provisions of this chapter in the same manner as if such lot were owned outright by the city.

(Ord. 82-1 § 1 (part), 1982).

15.40.050 City hall visitor parking.

- (a) Spaces in Lot 11 designated as City Hall Visitor Parking may be used by persons inside city hall at 401 North Morton Street or space utilized by the city at 501 North Morton Street, or when moving directly between their parked vehicle and those locations, any time those buildings are open to the public.

(Ord. 08-19 §§ 33 (part), 61, 2008; Ord. 07-07 §§ 15, 16, 2007; Ord. 06-06 § 25, 2006; Ord. 04-14 § 23 (part), 2004).

(Ord. No. 13-22, § 11, 12-11-2013)

15.40.060 Violations.

- (a) No person shall permit a vehicle to remain in a metered parking space after the purchased time has elapsed or after any restriction on the length of time a vehicle may park in a particular municipal parking lot, garage and/or on-street metered parking space has elapsed. After the purchased time has elapsed, a separate and/or additional violation occurs no more frequently than every two hours.
- (b) No person shall park in a leased stall in any city garage or lot without a valid lease for that space. The vehicle shall indicate possession of such a lease in a manner directed by the planning and transportation department.
- (c) No person shall park in any city garage or lot in an area designated for nonreserved leases without a valid lease for such spaces as described in this chapter. The vehicle shall indicate possession of such a lease in a manner directed by the planning and transportation department.
- (d) No person shall park in any of the lots or garages described in Section 15.40.010 of this chapter unless permitted and authorized as described by the provisions of this chapter or by the planning and transportation department.
- (e) No person shall permit a vehicle to remain parked in a backed position in a parking space in any municipal parking lot.
- (f) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter.
- (g) No person shall deposit or cause to be deposited in any parking meter any substitute for proper payment.
- (h) No person shall park a vehicle in any lot or garage described in Section 15.40.010 unless the vehicle indicates permission or authorization to park in that lot or garage in a manner directed by the planning and transportation department.
- (i) No person shall park a vehicle in the spaces designated City Hall Visitor Parking in Lot 11 unless the driver of the vehicle is within city hall at 401 North Morton Street or space utilized

by the city at 501 North Morton Street or moving directly between the parked vehicle and those locations any time those buildings are open to the public.

- (j) No permit holder for a reserved space in a city parking facility shall park a motor vehicle covered by the permit in any space in the same facility other than the reserved space, including spaces intended for transient or hourly parking during any time the reserved space permit is valid.
- (k) No party to a permit lease with the city pursuant to this chapter shall violate any term or condition of such lease.
- (l) No person shall resell a permit except in compliance with Section 15.40.030(g), (h) and (i).
- (m) No person shall use a duplicate permit or access card except in compliance with Section 15.40.030(j).

(Ord. 08-19 § 62, 2008; Ord. 07-05 § 8, 2007; Ord. 06-06 § 26, 2006; Ord. 04-14 §§ 23 (part), 24, 2004; Ord. 03-17 §§ 6—10, 2003; Ord. 99-02 § 9, 1999; Ord. 96-29 §§ 22—24, 1996; Ord. 86-51 § 5, 1986; Ord. 86-2 § 2, 1986; Ord. 85-28 § 4, 1985; Ord. 84-5 § 5, 1984; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 13-03, §§ 14, 15, 3-20-2013; Ord. No. 13-22, § 12, 12-11-2013; Ord. No. 14-11, § 141, 7-2-2014)

15.40.070 Violation and penalty.

- (a) Any violation of this chapter, with the exception of any listed in subsection (b) of this section, is a Class D traffic violation and subject to the penalty listed in Section 15.64.010(d).
- (b) Any violation of Sections 15.40.060(b) or 15.40.060(j) is a Class H traffic violation and subject to the penalty listed in Section 15.64.010(i).

(Ord. 07-05 § 9, 2007).

(Ord. No. 09-06, §§ 8, 9, 12-2-2009)

*Office of the City Clerk
Regina Moore*

MEMORANDUM OF EXECUTIVE SESSION

An Executive Session of the City of Bloomington Common Council was held on Tuesday, March 17, 2015 from 4 pm to 5:05 pm in the Council Chambers, room 115, of the Showers City Hall located at 401 North Morton Street.

The purpose of the Executive Session as authorized by IC 5-14.1.5-6.1 (b)(2)(B) was to discuss strategy with respect to initiation of litigation or litigation that is pending. In particular, the members of the council met to discuss strategies that it might pursue as fiscal body of the city following the federal indictment of a former city employee for conduct alleged to have occurred during the course of their employment.

The following persons attended the meeting:

Susan Sandberg, Dorothy Granger, Darryl Neher, Chris Sturbaum, Andy Ruff, Dave Rollo, and council member Steve Volan was listening via cell phone from a remote location. Volan affirmed he was alone and had not enabled his speaker phone capability during the meeting. Also in attendance was Daniel Sherman, Regina Moore, and Stacy Jane Rhoads.

I hereby certify on behalf of the Common Council that no decisions were made or subject matter discussed in the Executive Session other than the subject matter specified herein and in the posted notice of the actual session.

Dated this 17th day of March, 2015.

Dave Rollo, President
Bloomington Common Council

Attest:

Regina Moore, Clerk
City of Bloomington