

City of Bloomington Common Council

Legislative Packet

Wednesday, 04 March 2015

Regular Session

*For legislation and background material regarding
Resolution 15-03 please consult the
[25 February 2015 Legislative Packet.](#)*

All other material contained herein.

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409
council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of Meetings and Schedule** for Jack Hopkins Social Services Funding Committee for 2015

Legislation for Second Reading:

- **Res 15-05** To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2015
 - Memo to the Council from Lisa Abbott, Director of HAND;
 - Excerpt from CDBG Regulations;
 - Redevelopment Commission Res 15-04 and Exhibits A and B;
 - Summary of Recommendations Social Services and Physical Improvement Programs and Projects to be Funded this Year;
 - **Social Services:** Calendar; Funding Criteria and Ranking System; Allocation Work Sheet; Membership
 - **Physical Improvements:** Calendar; Citations to Consolidated Plan; Allocation Work Sheet; Membership

Contact: Lisa Abbott at 349-3401 or abbottl@bloomington.in.gov

- **Res 15-02** To Confirm Resolution 15-01 which Designated an Economic Revitalization Area, Approved a Statements of Benefits, and Authorized a Period of Tax Abatement for Real Property Improvements - Re: Properties at 338 S. Walnut Street (Big O Properties, LLC, Petitioner)
 - Statement of Benefits;
 - Insert detailing the materials and two packets in which this changed proposal can be found

Contact: Danise Alano-Martin, 349-3477 or

alanod@bloomington.in.gov

Please see the links to the Weekly Council Legislative Packets issued for the following two meetings for the materials regarding this tax abatement:

- [February 11, 2015](#) – for materials after the proposal was changed

- [January 14, 2015](#) – for materials before the proposal was tabled and changed for consideration in February
- **Res 15-03** To Approve and Issue the Plan Commission Order Found in Plan Commission Resolution 15-01 - Re: Taking Steps to Authorize the Bloomington Redevelopment Commission to Extend, Expand, and Consolidate Five of the City’s Six Economic Development Areas

Contact:

Tom Micuda at 349-3423 or micudat@bloomington.in.gov

Lisa Abbott at 349-3401 or abbottl@bloomington.in.gov

Danise Alano-Martin at 349-3418 or alanod@bloomington.in.gov

Margie Rice at 349-3426 or ricem@bloomington.in.gov

Please see the [Weekly Council Packet](#) distributed for the February 25th Committee of the Whole for the legislation, memo, relevant documents, and summary related to this item.

Legislation and Background Material for First Reading:

- **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*)
 - Memo to Council, from Adam Wason, Deputy Mayor, Danise Alano-Martin, Economic & Sustainable Development Director, Patty Mulvihill, City Attorney
 - Exh A – Noise Regulations – 64 Cities – Alphabetical Order
 - Exh B – Noise Regulations – 64 Cities – Sorted by Population
 - Exh C – Noise Regulations – Subset of 35 Cities with Higher Education Institutions – Sorted by Population
 - Exh D – Noise Regulations – Subset of 35 Cities with Higher Education Institutions – Sorted by Enrollment
 - Exh E – Location Restrictions – 64 Cities – Alphabetical Order
 - Exh F – Location Restrictions – 64 Cities – Sorted by Population
 - Exh G – Location Restrictions – Subset of 35 Cities with Higher Education Institutions – Sorted by Population
 - Exh H – Location Restrictions – Subset of 35 Cities with Higher Education Institutions – Sorted by Enrollment
 - Exh I – 50 Foot Buffer – North
 - Exh J – 50 Foot Buffer – South
 - Exh K – 75 Foot Buffer – North

- Exh L – 75 Foot Buffer - South
Contact: Adam Wason 349-3406 or wasona@bloomington.in.gov
Danise Alano-Martin 349-3477 or alanod@bloomington.in.gov
Patty Mulvihill 349-3426 or mulvihip@bloomington.in.gov

Please see the [Weekly Council Packet](#) issued for the November 12, 2014 Regular Session for the original proposal and related materials.

Minutes from Regular Session:

None

Memo

Three Items under Second Readings and Resolutions and One Item under First Reading at Regular Session on Wednesday, March 4th:

The agenda for the Regular Session next Wednesday will include three items under Second Readings and Resolutions and one item under First Readings. The three items under Second Readings are listed along with relevant online links above, and two of those items are summarized below. The one item under First Reading is also listed along with relevant online links above and summarized below.

Items under Second Reading and Resolutions

Item One - Res 15-05 - CDBG Allocations for 2015

Res 15-05 approves the Mayor’s recommendations for allocating Community Development Block Grant (CDBG) funds for 2015. The City receives CDBG funds from the U.S. Housing and Urban Development Department (HUD). As an “entitlement” city,¹ our portion is largely determined by several objective measures of community need including: level of poverty, age of housing stock, over-crowded housing and population growth. Funds may be used for social services, physical improvements, and administration.

2015 CDBG Funds

The City expects to receive \$797,468 in CDBG funding this year – a figure which is approximately \$49,059 less than what the City received last year. In part, this decrease is a function of the federal government’s shift away from relying on the decennial census to inform its funding formula to a reliance on the American

¹ An entitlement city is a metropolitan city with a population in excess of 50,000.

Community Survey (ACS). The ACS continually gathers demographic, economic and housing data. While this data is intended to reflect change taking place in communities more quickly and accurately than the decennial census, reliance on the ACS also tends to make it more difficult for communities to predict anticipated CDBG allocations.

In addition to annual federal CDBG allocations, federal law provides that any program income generated from the use of CDBG funds may be used for social services and physical improvements. HAND Director, Lisa Abbott, points out that the City generated sufficient program income through its Owner-Occupied Rehabilitation loan re-payment program, to dedicate \$16,943 to 2015 CDBG projects.

With both the federal allocation and program income combined, \$814,411 in CDBG funding is available for allocation in Fiscal Year 2015.

Citizen Advisory Committees

HUD administers CDBG funds and regulates their use. HUD guidelines require the City to develop a “Citizen Participation Plan.” For decades, the City has used two Citizen Advisory Committees (CACs) to make recommendations regarding the allocation of these funds – one committee is dedicated to the review of applications for social services funding, the other is dedicated to reviewing applications for physical improvements.

Twelve community members participated in this year’s process. Six served on the Physical Improvements CAC and six served on the Social Services CAC. Each CAC has four Mayoral appointments, one appointment from the Redevelopment Commission and one Council appointment. This year, Tim Mayer served as the Council appointment to the Physical Improvements CAC, while Susan Sandberg served as the Council appointment to the Social Services CAC.

Both CACs typically work from November through January. In the fall, they hold an organizational meeting, may make site visits, and then review the ranking system and funding criteria. In January, they hold public hearings (carried on CATS) to consider and make recommendations regarding the applications. In February, the Redevelopment Commission reviews the recommendations and forwards its decision to the Mayor, who then forwards them to the Council. The recommendations this year, as in past years, have come forward without change.

Agencies interested in applying for funds are on a schedule that begins in September, when the application and submission information become available. At that time, they have an opportunity to attend a general information meeting to ask questions

about CDBG. Mandatory meetings follow in September and then, in October, agencies must submit a letter of intent outlining their proposal. Completed applications are due in early December.

Eligibility and Allocation

HUD regulations require that we use at least 70% of these funds for the benefit of low- and moderate-income persons. The remaining funds may be used to prevent or eliminate blighted areas or to address community development needs arising from serious and immediate threats to the health or welfare of the community. Please note that currently all our funds are leveraged to address low- and moderate-income populations. Please also note that these funds may not be used for general governmental expenses or political activities. Nor may funds be used to purchase equipment, maintain property, or construct new permanent residential structures.

HUD regulations require that the CDBG funds be allocated among three categories according to the following formula: no more than 15% may be allocated for social service programs; no more than 20% may be used for administrative costs; and, at least 65% must be used for physical improvements.

This year, the CDBG CAC allocated the maximum allowable in each category:

- Social Services \$122,158 (15%)
- Physical Improvements \$532,760 (65%)
- Administration \$159,493 (20%)

Social Services Funding

Under local rules, agencies may apply for a maximum of \$25,000 per social services program. This year ten agencies sought \$250,000, yet \$122,158 was available for allocation. The CAC’s recommended allocations are as follows²:

<u>Agency</u>	<u>Award (Request)</u>
Emergency Needs	
• Hoosier Hills Food Bank – Food Distribution	\$24,999 (\$25,000)
• Community Kitchen – Free Meals Service	\$18,040 (\$25,000)
• Mother Hubbard’s Cupboard – Food Pantry Program	\$18,040 (\$25,000)
• Middle Way House, Inc. – Emergency Services	\$18,040 (\$25,000)
• Stepping Stones – Independent Living Program	\$0 (\$25,000)
• New Hope Family Shelter – New Hope Works	<u>\$0</u> (\$25,000)
<i>Subtotal:</i>	<i>\$79,119 (\$150,000)</i>
Non-Emergency Programs	
• Boys and Girls Club- Crestmont Club	\$24,999 (\$25,000)
• Monroe County United Ministries – Child Care	\$18,040 (\$25,000)
• SCCAP – Growing Opportunities	\$0 (\$25,000)
• Big Brothers Big Sisters – One-to-One Program	<u>\$0</u> (\$25,000)
<i>Subtotal</i>	<i>\$43,039 (\$100,000)</i>
TOTAL	\$122,158 (\$250,000)

² In a change made in 2013, the Social Services CAC ranked projects on a 100-point rather than a 50-point rating system. Key changes to the rating system at that time also included giving more weight to program need and eliminating a 5-point factor based upon the evaluator’s subjective judgment. In brief, the rating system was tied to how well the applicant:

- documented the need for the program in this community (35 points);
- demonstrated its ability to evaluate and document the effectiveness of the program (30 points);
- demonstrated that it primarily serves low-income individuals and residents of the City (20 points); and
- detailed the use of the funds and demonstrated that at least 50% of the funding came from other sources (15 points).

As in the past, the final decision was based solely on the ratings and without knowing the name of the agencies.

Physical Improvements

HUD requires that funding for all projects and programs be tied to HAND’s [Consolidated Plan](#) (linked). This year, \$532,760 was available for physical improvements. Eight agencies sought funding for a total of \$1,192,184. The CAC allocated a total of \$141,200 for housing assistance; \$156,500 for facility improvements, and \$235,060 for community-wide infrastructure programs administered by HAND and Parks and Recreation. Note that the significant role of City departments is due, in large part, by the wide-reaching effect of these programs compared to the programs run by non-City agencies. Please also note that most cities allocate *all* of the physical improvement funds to municipal agencies. The particular projects and allocations are set forth below:

<u>Agency</u>	<u>Award (Request)</u>
Housing Assistance	
<ul style="list-style-type: none"> • Bloomington Housing Authority – Crestmont Interior -- <i>Building Renovations</i> • LifeDesigns – Dunn Group Home Rehabilitation 	\$100,000 (\$200,000) \$41,200 (\$60,000)
<i>Subtotal</i>	<i>\$141,200 (\$260,000)</i>
Facility Improvements	
<ul style="list-style-type: none"> • Boys and Girls Club – Crestmont Club Renovation <i>Former IU Eye Clinic at 803 N. Monroe</i> • Middle Way House – New Wings <i>Additional Lighting</i> • Stone Belt – facility renovations at 5 locations <i>Purchase and install windows for group homes</i> 	\$91,000 (\$175,000) \$ 8,500 (\$ 15,000) \$57,000 (\$ 56,959)
<i>Subtotal</i>	<i>\$ 0 (\$110,225) \$156,500 (\$357,184)</i>
Community-Wide Infrastructure Improvements	
<ul style="list-style-type: none"> • Parks and Rec – Banneker Center Retaining Walls • HAND – Curbs and Sidewalks in Redevelopment Target Areas where 51% of residents are low-moderate income, for department eligible projects and for income-eligible households who are required to repair adjacent curbs and sidewalks 	\$ 78,780 (\$175,000) \$156,280 (\$400,000)
<i>Subtotal</i>	<i>\$235,060 (\$575,000)</i>
TOTAL	\$532,760 (\$1,192,184)

Administration

Administration of the HAND Department	\$159,493
<i>Subtotal</i>	<i>\$159,493</i>
TOTAL	\$159,493

In the event of a Funding Differential

It is possible that HUD may send the City more or less than the expected amount of funds. For that reason, the resolution directs the surplus or shortfall to be allocated in the following manner as recommended by the two Citizen Advisory Committees (CACs):

Physical Improvements: Any increase or decrease to the anticipated allocation of \$532,760 will be added or subtracted from the City of Bloomington’s Parks and Recreation Department or Housing and Neighborhood Department.

Social Services: If funds are greater or less than the \$122,158 expected for social services, that difference will be either added to, or subtracted from, the allocation of the lowest-ranking four agencies:

Monroe County United Ministries	\$18,040
Middle Way House	\$18,040
Mother Hubbard’s Cupboard	\$18,040
Community Kitchen	\$18,040

**Item Two – Res 15-02 (Confirming Res 15-01 which Designated an Economic Revitalization Area (ERA), Approved a Statement of Benefits, and Authorized a 3-Year Abatement on Real Estate
– Re: 338 South Walnut (Big O Properties, LLC, Petitioner)**

The second item under Second Readings and Resolutions is Res 15-02. It is known as a confirmatory resolution and affirms Res 15-01 (known as the declaratory resolution), which designated an economic revitalization area, approved a statement of benefits, and authorized a period of tax abatement for the redevelopment of the property located at 338 South Walnut Street at the request of Big O Properties, LLC.

The redevelopment would entail an investment of about \$2 million for the construction of a three-story, mixed use retail and residential building north of the petitioner's property at 340 South Walnut and increase the property tax revenues from \$4,000 to about \$40,000 per year. It includes 14 units with 18 bedrooms which will primarily serve student couples. Please note that the proposal was introduced in January and then tabled and reintroduced with changes in February, with adoption of the declaratory resolution on February 18th.

The changes in brief included:

- more interior bicycle storage on the first floor and a one-to-one ratio of bike storage spaces to bedrooms;
- green building features;
- café seating as a pedestrian-friendly amenity; and
- two market-rate ADA accessible housing units.

The tax abatement will be for a period of three years and will entail the payment of \$40,000 and the saving of about \$80,000 by the Petitioner.

Please also note that the public comment on this agenda item serves as the legally-advertised public hearing on this legislation.

Item Three – Res 15-03 (Extending, Expanding & Consolidating Five of the Cities Six Tax Incentive Finance (TIF) Districts – *Please See Previous Packets*)

This item was discussed at the Committee of the Whole on February 25th and the legislation and associated information and materials can be found online as indicated at the beginning of this memo.

Sole Item Under First Reading

Ord 15-05 – Amendments to Title 4 (Business Licenses and Regulations) – Addressing Solicitors, Mobile Food Vendors, and Pushcarts

This ordinance amends Title 4 of the Bloomington Municipal Code entitled “Business Licenses and Regulations” regarding solicitors, mobile food vendors, and pushcarts. It comes forward as a result of Council consideration of Ord 14-24 over a course of a series of meetings held in late fall of 2014. After adoption of some amendments and discussion of others, the Council adopted a motion to table the ordinance and consider another ordinance in the first quarter of 2015 that reflected the discussions in 2014 and addressed unresolved issues.

Carry-Over from Ord 14-24

As the memo from Wason, Alano-Martin, and Mulvihill states, the ordinance last fall was initiated because “the regulations in Title 4 are considered ineffective, inefficient and confusing for City staff, the licensed vendors, brick and mortar businesses and the community at large.” Typical examples of the problems include the need to get licenses from two departments, questions about what license within Title 4 were appropriate for applicants, and the prohibition against use of food trucks and pushcarts at Special Events.

As the ordinance synopsis indicates, the ordinance:

- “repeals the chapter regulating itinerant merchants, solicitors and peddlers and replaces it with a chapter regulating only solicitors (which) ... have been defined to mean a person who requests anything of value for the taking of orders of goods or the immediate delivery of goods...
- adds a new chapter to the Title which regulates the licensing of mobile food vendors (; and)
- adds a new chapter to the Title which regulates the licensing of pushcart operators. ...

The purposes of these changes are twofold: (1) to streamline the current licensing and permitting process for these types of activities; and (2) to encourage, within necessary parameters, the development of smaller businesses that enhance the community.”

Changes Made Since December

In addition, the ordinance makes the following changes as a result of Council deliberations last year and considerable research by staff since that time. Those changes amend:

- Sections 4.16.150, 4.28.160, and 4.30.150, regarding “Standards of Conduct” to provide examples of what is meant by “aural means” or “light producing devices;”
- Sections 4.16.160, 4.28.180, and 4.30.170 regarding “Penalties – Revocation of License,” to give enforcement officers the authority to issue warnings for a first-time violation;
- Sections 4.28.010 and 4.30.010 regarding “Definitions” and Section 4.28.140 and 4.30.130 regarding “Location Restrictions” to remove three districts and the limit of the number of mobile food vendors and push carts allowed to locate within them at the same time;
- Section 4.28.140 and 4.30.130 regarding “Location Restrictions” to reflect the statutorily-required minimum distance mobile food vendors and pushcarts must be from fire hydrants;
- Sections 4.16.030, 4.28.030 and 4.30.030 regarding “Business License – Required” to remove the requirement for obtaining a license to locate within the boundaries of a Special Event;
- Sections 4.28.050 and 4.30.050 regarding “Business License-Pre-requisites” to remove the requirement for vendors to supply the City with manufacturer specifications on any generators used by said business and inserts a new sound level standard of 70 dbl to be measured at 25 feet and in accordance with a detailed procedure;
- Sections 4.28.150 and 4.30.180 regarding “Prohibited Hours” to prohibit mobile food vendors and pushcarts from locating on public (*but not private*) property between the hours of 4:30 a.m. and 6:30 a.m.; and
- Sections 4.28.150 and 4.30.180 regarding “Restrictions on Use” to delete the maximum on the number of mobile food vendor and pushcart licenses that may be issued for the year.

Discussion of Three Areas of Concern and Further Research and Consideration – Regulations from 64 Cities

As explained in the Memo, there were three areas of concern and contention at the end of the deliberations last fall:

- Noise levels of generators;
- Emission levels of generators; and

- Location restrictions or alternate locations for mobile food vendors and pushcarts.

In order to help shed light on the issues, staff did extensive research. That, in part, entailed gathering regulations from 64 cities, which are presented in Exhibits A – H. These exhibits address noise regulations and location restrictions:

- For 64 cities which have enacted regulations regarding food trucks and pushcarts, and
- Present these cities in alphabetical order (Exh A & B) as well as by size of population (Exh E & F).

In addition, these exhibits also:

- Address a subset of 35 cities with colleges and universities, and
- Sort these cities in alphabetical order (Exh C & D) as well as by size of enrollment (Exh G & H)

The rest of this summary briefly touches on the Memo’s discussion of each of the three areas of concern.

Noise Levels of Generators

The original proposal was to limit generator noise to 60 dbl based upon manufacturers’ specifications. In order to allow for modification of the generators and after reviewing what other communities did and what might work well here, the ordinance now proposes limiting generator noise to 70 dbl as measured:

- 25 feet away from the generator and 4 feet above the ground;
- without any person standing between the meter and generator;
- at the same time of day or night (to account, I assume, for ambient noise), and
- in accordance with a calibration protocol.

Approaches from other communities varied in many ways. Some:

- didn’t regulate noise or used a “reasonableness standard;”
- established the same, higher or lower decibel levels;
- accounted for ambient noise;
- did not set a distance for measuring the sound or set it closer or further from the generator or to points like the property line or across the street.

Emission Levels for Generators

The original proposal did not specifically address emission levels for generators beyond the distance restrictions and the general prohibition against creating a nuisance. The Memo indicates that while untested, State law allows cities to have more restrictive air pollution ordinances provided they “further the express purpose of the air pollution control laws.” (citing IC 36-17-12-1[2]) However, the Memo concludes that it “would be too cumbersome and costly for the City to effectively administer and manage” an emissions program and that the Administration “would prefer to see if (the) proposed distance restrictions will provide enough safety net ... and, if not, then re-evaluate if other regulatory avenues are available and advisable.”

Upon hearing from all but three of the licensed businesses, the Memo notes that eight use gas powered generators and seven (mostly pushcarts) don't use gas powered generators.

Location Restrictions or Alternative Locations

50-Foot Buffer. The Administration “stands behind” its original proposal to restrict mobile food vendors and pushcarts from locating within 50 feet of any ground level establishment that sells food or beverages including the perimeter of any outdoor seating area they may have.

Approaches in other communities:

- had set the same or similar distance;
- specified exact locations;
- prohibited locating on public property;
- prohibited parking in front of or blocking a ground level establishment; or
- had no distance restrictions.

Maps. Two sets of maps have been included with the material. One (Exh I & J) marks areas within 50 feet of applicable ground level establishments and the other (Exh K & L) marks areas within 75 feet of those establishments. Copies are also taped up in the Council Library.

Please note that the maps and the marking of parking meters where vendors can park will be used to make these distance restrictions clear.

Parking at Closed or Consenting Ground Level Establishments. Proposals were suggested last fall to allow mobile food vendors and pushcarts to park at applicable ground level establishments with their permission or after they were closed. As was true last fall, the Memo indicates that the Administration opposes both proposals. Although the Memo addresses each separately, I have combined the discussion under one principal objection: the change removes the clarity sought by the ordinance and will be too impractical to enforce. One or more of the interested parties – vendors, bricks and mortar businesses, law enforcement officers, patrons, and other parkers – will not know or have difficulty knowing what’s allowed at the moment, and the confusion will cause more problems than it is worth. In addition, the memo raises the propriety of having users of private property broker the use of public spaces.

Alternative Locations. The Memo continues to oppose the proposal to use a public parking lot as a market place for these vendors on a regular and consistent basis (but not for the occasional use during a Special Event). Experience with the Farmers’ Market and Holiday Market make staff aware of the potential costs in arranging such use and providing the necessary infrastructure that should be well understood and accounted for before pursuing this use of public resources and funds.

Related Changes to Zoning Ordinance – Coming Next Cycle

As you may recall, there was a second piece of legislation discussed last fall at the same time as the changes to Title 4 (Business Licenses and Regulations). It amended 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. That ordinance was not adopted by the Council and should be coming forward from the Plan Commission meeting in March. Given the familiarity with this ordinance, the Council may want to consider action on this ordinance on March 25th.



City of Bloomington
Office of the Common Council

NOTICE

**COMMON COUNCIL JACK HOPKINS
SOCIAL SERVICES FUNDING COMMITTEE**

The 2015 Jack Hopkins Social Services Funding Committee will meet on the following dates:

- **Monday, 27 April 2015, 5:30pm**
Committee meets to discuss applications
Hooker Room (Room #245)
- **Thursday, 07 May 2015, 4:00pm**
Agency Presentations
Council Chambers (Suite #115)
- **Monday, 18 May 2015, 5:30pm**
Pre-allocation Meeting
Council Library (Room #110)
- **Thursday, 21 May 2015, 4:00pm**
Allocation Hearing
Council Chambers (Suite #115)
- **Wednesday, 10 June 2015, 5:30 pm**
Debriefing Meeting
Council Library (Room #110)

Per Indiana Open Door Law (I.C. §5-14-1.5), this provides notice that these meetings will occur and are open for the public to attend, observe, and record what transpires.

Dated and Posted: 27 February 2015

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

www.bloomington.in.gov/council
council@bloomington.in.gov

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, MARCH 04, 2015
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: *None*

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**
- 4. Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 15-05 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2015

Committee Recommendation: *None (Not heard by the Committee)*

2. Resolution 15-02 To Confirm Resolution 15-01 Which Designated an Economic Revitalization Area, Approved a Statements of Benefits, and Authorized a Period of Tax Abatement for Real Property Improvements - Re: Properties at 338 S. Walnut Street (Big O Properties, LLC, Petitioner)

Committee Recommendation: *None*
February 18, 2015 Regular Session action on Resolution 15-01 Adopt: 7 – 1 – 1

3. Resolution 15-03 – To Approve and Issue the Plan Commission Order Found in Plan Commission Resolution 15-01 – Re: Taking Steps to Authorize the Bloomington Redevelopment Commission to Extend, Expand, and Consolidate Five of the City’s Six Economic Development Areas

Committee Recommendation: *Do Pass* 7 – 0 – 2

VII. LEGISLATION FOR FIRST READING

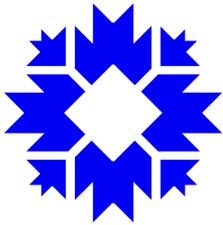
1. Ordinance 15-05 – To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses and Regulations” - Re: Chapter 4.16 (Itinerant Merchants, Solicitors and Peddlers – *deleted and replaced*); Chapter 4.28 (Mobile Vendors - *added*); and Chapter 4.30 (Pushcarts - *added*)

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

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *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 – 02-06 March 2015

Monday, 02 March

5:00 pm Redevelopment Commission McCloskey

Tuesday, 03 March

5:00 pm Women’s Leadership Development Event – “Lead with a Story”
(5pm – Reception; 5:30pm – Program & Awards), Chambers

Wednesday, 04 March

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
6:30 pm Arts Alliance of Greater Bloomington, Hooker Room
7:30 pm Common Council – Regular Session, Chambers

Thursday, 05 March

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Committee on the Status of Women, McCloskey

Friday, 06 March

1:30 pm Metropolitan Planning Organization – Policy Committee, Chambers

Posted and Distributed: Friday, 27 February 2015

RESOLUTION 15-05

TO APPROVE RECOMMENDATIONS OF THE MAYOR FOR DISTRIBUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR 2015

- WHEREAS, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the estimated amount of \$797,468 for Fiscal Year 2015 pursuant to the Housing and Community Development Act of 1974 as amended; and
- WHEREAS, the City of Bloomington, Indiana, is anticipating \$16,943 in program income this fiscal year; and
- WHEREAS, the national objectives of the Community Development Program are:
1. first and foremost, the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities principally for person of low and moderate income; and
 2. the elimination of slums and blight, and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and
 3. the elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities; and
 4. the conversion and expansion of the nation's housing stock in order to provide a decent home and suitable living environment for all persons, but principally those of low and moderate income; and
 5. the expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for development of viable urban communities; and
 6. the integration of income groups throughout the community by spreading persons of lower income into more prosperous neighborhoods and drawing persons of higher income to declining or deteriorated neighborhoods; and
 7. the alleviation of physical and economic distress through the stimulation of private investment and community revitalization; and
- WHEREAS, federal guidelines set forth a formula for funding where no more than 15% of the total grant may be allocated for social services programs, no more than 20% of the total grant may be allocated for administering these funds, and at least 65% of the total grant must be allocated for physical improvements; and
- WHEREAS, the allocation for administering the grant may be used for a broad range of direct and indirect costs which includes but is not limited to salaries, rent, and fuel; and
- WHEREAS, a proposed statement of community development objectives and projected use of the funds has been advertised; and
- WHEREAS, said statement and projected use of funds reflects programs recommended by the Mayor with input from the Citizen's Advisory Committees and the Redevelopment Commission and are consistent with local and national objectives of the Housing and Community Development Act of 1974, as amended;

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

SECTION 1. The following programs be approved as follows:

COMMUNITY DEVELOPMENT PROGRAMS FISCAL YEAR 2015 ALLOCATION
SOCIAL SERVICE PROGRAMS FUNDING

Boys and Girls Club – Crestmont Unit	\$24,999
Hoosier Hills Food Bank	\$24,999
MCUM – Child Care	\$18,040
Middle Way House – Emergency Services	\$18,040
Mother Hubbard’s Cupboard	\$18,040
Community Kitchen	\$18,040
Total	\$122,158

COMMUNITY DEVELOPMENT PROGRAMS FISCAL YEAR 2015
PHYSICAL IMPROVEMENT PROGRAMS FUNDING

Bloomington Housing Authority	Crestmont Interior Renovations	\$100,000
Boys and Girls Club	Crestmont Club Renovation	\$91,000
Stone Belt	Facility renovations at 5 locations	\$57,000
LifeDesigns	Dunn group home renovation	\$41,200
Middle Way House	New Wings –security improvements	\$8,500
Parks and Rec.	Banneker Center retaining walls	\$78,780
HAND	Curbs and Sidewalks	\$156,280
Total		\$532,760

ADMINISTRATION

Administration of Housing and Neighborhood Development Department	\$159,493
Total	\$159,493

TOTAL ALLOCATION

CDBG from Housing and Urban Development	\$797,468
CDBG Program Income	\$16,943
TOTAL	\$814,411

SECTION 2. In the event the City of Bloomington receives more or less of the anticipated funding, that amount shall be distributed in the following manner:

Physical Improvements: Any increases or decreases to the anticipated 2015 allocation of \$532,760 will be added to or taken from the City of Bloomington's Parks and Recreation Department or Housing and Neighborhood Development Department.

Social Services: If there are funds allocated in excess of \$122,158 for social services, the difference between the allocation and the \$122,158 would be distributed evenly among the last four funded agencies. If the funds allocated are less than the \$122,158 estimated for social services, the difference will be evenly subtracted from the allocation of the last four funded agencies.

Last four funded agencies:

- Monroe County United Ministries - \$18,040
- Middle Way House - \$18,040
- Mother Hubbard’s Cupboard - \$18,040
- Community Kitchen - \$18,040

SECTION 3. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 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 City of Bloomington is eligible for a Community Development Block Grant (CDBG) of \$797,468 from the U.S. Department of Housing and Urban Development. To that figure, the City wishes to add \$16,943 in CDBG program income to the total Fiscal Year 2015 CDBG allocations. This resolution outlines program recommendations by the Mayor with input from the Citizen's Advisory Committee and the Redevelopment Commission. Pursuant to federal regulations, CDBG allocations are made across the following general program areas: Social Service Programs, Physical Improvements, and Administrative Services.

Memo

To: Common Council
From: Lisa Abbott
Date: February 12, 2015
Re: 2015-2016 Community Development Block Grant Allocations

The Department of Housing and Urban Development (HUD) defines an entitlement community as one that is a metropolitan city with a population of at least 50,000. Bloomington meets that threshold and is therefore eligible for Community Development Block Grant (CDBG) funding. The annual funding is formula based and is based on several objective measures of community need; 1) poverty in the community, 2) housing overcrowding, 3) age of housing stock, and 4) population growth. These funds must be used to meet a National Objective. Those objectives are: 1) Benefit to low- and moderate-income persons; 2) Aid in the prevention or elimination of slums or blight; and 3) meet a need having a particular urgency (referred to as Urgent Need). Seventy percent (70%) of the funds MUST be used to benefit low- and moderate-income persons. I have included in this packet excerpts from the CDBG regulations on eligible and ineligible activities.

HUD requires each entitlement community to develop a citizen participation plan as part of its Consolidated Plan. This plan sets out procedures for public input into the allocation process. The City of Bloomington has an extremely open process for public input. The allocation recommendations are made by the Citizen Advisory Council (CAC) which is made up of citizens from various councils and commissions, as well as interested parties who apply for appointments. A membership list is included in this packet. The CAC is divided into two sub-committees, one to review physical improvement applications and one to review social service applications. Attached please find copies of the schedules. In addition to each sub-committee's public hearing, the Redevelopment Commission meeting is also open to public comment.

The activities that will receive funding are divided into 3 distinct categories: physical improvements, social services and administration. By law, no more than 15% of the total grant plus any program income may be used for social services and no more than 20% may be used for administration. The other 65% is used for physical improvements. Program income is defined as gross income received by the grantee and its subrecipients directly generated from the use of CDBG funds. We have enough program income to allocate a little more than the expected amount of the grant into social services and physical improvements. Therefore, for fiscal year 2014-2015, the estimated allocations are as follows:

Expected Allocation	\$797,468
Program Income	\$16,943

Physical Improvements	\$532,760
Social Services	\$122,158
Administration	<u>\$159,493</u>
Total	\$814,411

I have included in this packet, a brief description of each program and recommended allocation amount. Also attached is Redevelopment Commission Resolution 15-04 in which they unanimously forwarded on the CAC recommendations to Mayor Kruzan. Please note that at the time of the CAC recommendations and the passing of Resolution 15-04 the CDBG annual allocation amount was an estimation. On February 11, 2015 we received notice from HUD of the actual allocation amount expected for FY 2015. Common Council Resolution 15-0X will confirm the recommendations of the CAC, the Redevelopment Commission and the Mayor.

CDBG ELIGIBLE AND INELIGIBLE PROJECTS

(Excerpts from the CDBG regulations)

570.201 – Basic Eligible Activities

- (a) Acquisition of real property.
- (b) Disposition of real property.
- (c) Public facilities and improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements.
- (d) Clearance activities.
- (e) Public services: Provision of public services (including labor, supplies, and materials) which are directed toward improving the community's public services and facilities; including, but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare, or recreational needs.
- (f) Interim assistance. Activities undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration. And activities to alleviate emergency conditions threatening the public health and safety.
- (n) Homeownership assistance. Acquisition, down payment and closing cost assistance to low- or moderate-income homebuyers.
- (o) Microenterprise Assistance.

570.202 – Eligible Rehabilitation and Preservation Activities

- (a) CDBG funds may be used to finance the rehabilitation of :
 - (1) Privately owned buildings and improvements for residential purposes;
 - (2) Low-income public housing and other publicly owned residential buildings and improvements; and
 - (3) Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvements to the exterior of the building and the correction of code violations.
 - (4) Nonprofit-owned nonresidential building and improvements not eligible under 570.201 (c).
- (b) Types of assistance. To assist various types of rehabilitation activities, and related cost for buildings and improvements described in paragraph (a) of this section.

- (c) Code enforcement.
- (d) Historic Preservation: CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned.
- (f) Lead-based paint hazard evaluation and reduction.

570.203 – Eligible Special Economic Development Activities

- (a) The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements.

570.204 – Special Activities by Community-Based Development Organizations (CDBOs)

- (a) Eligible activities.
 - (1) Neighborhood revitalization projects.
 - (2) Community economic development projects.
 - (3) Energy conservation projects.

570.205 – Eligible Planning, Urban Environmental Design and Policy-Planning-Management-Capacity Building Activities

- (a) Costs of data-gathering, studies, analysis, and preparation of plans and identification of actions that will implement such plans.
- (b) Policy-planning-management-capacity building activities.

570.206 – Program Administration Costs

570.207 – Ineligible Activities

- (a) The following activities may not be assisted with CDBG funds:
 - (1) Buildings or portions thereof, used for the general conduct of government;
 - (2) General government expenses; and
 - (3) Political activities.
- (b) The following activities are generally ineligible for CDBG funds:
 - (1) Purchase of equipment;
 - (2) Operating and maintenance expenses; and
 - (3) Construction of new permanent residential structures.

**15-04
RESOLUTION
OF THE
REDEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

WHEREAS, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the approximate amount of \$846,650 of grant funds for Fiscal Year 2015, the following allocations are recommended:

\$550,322 for Physical Improvements
\$126,998 for Social Services
\$169,330 for the Administration of the program; and

WHEREAS, the advice and input of the community as to the allocation of the Community Development Block Grant funds has been solicited and received through the efforts of the Citizens' Advisory Committee; and

WHEREAS, the Citizens' Advisory Committee has made recommendations on how to distribute any funds received that are over or less than the estimated amount; and

WHEREAS, current information indicates the possibility of a reduction in funding beyond what could be anticipated at the time of the estimate; and

WHEREAS, the Redevelopment Commission has reviewed the recommendations of the Citizens' Advisory Committee for allocation of funds to be received;

NOW, THEREFORE, BE IT RESOLVED BY THE BLOOMINGTON REDEVELOPMENT COMMISSION THAT:

The Redevelopment Commission hereby approves:

- 1) Recommendations of the programs (attached hereto and made a part herein as Exhibit A and Exhibit B) that will best serve the local and national objectives of the program;
- 2) If the received allocation is more or less than expected, the adjustment will be made to all of the approved social service programs and the approved physical improvement housing programs.

BLOOMINGTON REDEVELOPMENT COMMISSION

David Walter, President

ATTEST:

Elizabeth Kehoe, Secretary

Date

Exhibit A

PHYSICAL IMPROVEMENT RECOMMENDATIONS

	<u>2015 Request</u>	<u>CAC Recommendation</u>
<u>HOUSING ASSISTANCE</u>		
BHA – Crestmont Interior Renovations	\$200,000.00	\$100,000.00
LifeDesigns – 2727 N Dunn St	\$60,000.00	\$41,200.00
<i>SUBTOTAL</i>	\$260,000.00	\$141,200.00
<u>FACILITY IMPROVMENTS</u>		
Boys and Girls Club - Crestmont Club Renovation (803 N Monroe St)	\$175,000.00	\$91,000.00
Middle Way House – New Wings	\$15,000.00	\$8,500.00
Stone Belt – facility renovations at 5 locations	\$56,959.00	\$57,000.00
South Central Community Action Program – Growing Opportunities	\$110,225.00	\$0.00
<i>SUBTOTAL</i>	\$357,184.00	\$156,500.00
<u>COMMUNITY-WIDE INFRASTRUCTURE PROGRAMS</u>		
Parks and Rec. – Banneker Center Retaining Walls	\$175,000.00	\$87,561.00
HAND - Curbs & Sidewalks	\$400,000.00	\$165,061.00
<i>SUBTOTAL</i>	\$ 575,000.00	\$252,622.00
TOTAL REQUESTED:	\$1,192,184.00	\$550,322.00
TOTAL AMOUNT ALLOCATED		\$550,322.00

Exhibit B

SOCIAL SERVICE RECOMMENDATIONS

	<u>2015 Request</u>	<u>CAC</u> <u>Recommendations</u>
<u>EMERGENCY NEEDS</u>		
Hoosier Hills Food Bank – Food Distribution	\$25,000.00	\$24,999.00
Community Kitchen – Free Meals Service	\$25,000.00	\$19,250.00
Mother Hubbard’s Cupboard – Food Pantry Program	\$25,000.00	\$19,250.00
Middle Way House - Emergency Services	\$25,000.00	\$19,250.00
Stepping Stones Youth Shelter – Independent Living Program	\$25,000.00	\$0.00
New Hope Family Shelter – New Hope Works	\$25,000.00	\$0.00
<i>SUBTOTAL</i>	\$150,000.00	\$82,749.00
<u>NON-EMERGENCY NEEDS</u>		
Boys & Girls Club – Crestmont Club	\$25,000.00	\$24,999.00
MCUM – Child Care	\$25,000.00	\$19,250.00
SCCAP –Growing Opportunities	\$25,000.00	\$0.00
Big Brothers Big Sisters – One to One Program	\$25,000.00	\$0.00
<i>SUBTOTAL</i>	\$100,000.00	\$44,249.00
TOTAL REQUESTED	\$250,000.00	
TOTAL AMOUNT OF FUNDS AVAILABLE		\$126,998.00
TOTAL AMOUNT ALLOCATED		\$126,998.00

2015 CAC Recommendations

Social Service Funding

Program	Recommended Funding
1. Boys and Girls Club of Bloomington Boys & Girls Club will provide after school programs at its Crestmont Club to assist participants in three areas: academic success, healthy lifestyles, and character & leadership.	\$24,999
2. Hoosier Hills Food Bank Hoosier Hills Food Bank collects stores and distributes donated food to non-profit organizations with feeding programs who serve needy people.	\$24,999
3. Middle Way House Middle Way provides crisis intervention, advocacy, supportive services, and emergency shelter to abused women and their dependent children.	\$18,040
4. Monroe County United Ministries (MCUM) MCUM provides affordable childcare to low-income, working families in Monroe County.	\$18,040
5. Mother Hubbard's Cupboard MHC is a community food pantry that provides wholesome, healthful food to people in need, as well as nutrition and gardening education.	\$18,040
6. Community Kitchen of Monroe County The Community Kitchen provides free hot meals, including carry-out meals, to needy Bloomington residents from their Rogers Street and West 11 th Street locations.	\$18,040
Total	\$122,158

Physical Improvements

Project	Recommended Funding
1. Bloomington Housing Authority – Crestmont Interior Building Renovations Funds will be used to renovate eight, two or three bedroom units in two buildings in the Crestmont complex.	\$100,000
2. Middle Way House — New Wings Funds will be used to install additional lighting and security cameras.	\$8,500
3. LifeDesigns – Dunn Group Home (2727 N Dunn) Funds will be used to rehabilitate the group home. The scope of work involves replacing windows, roof, front porch, and HVAC, new landscaping, increase drainage, and remodel the kitchen	\$41,200
4. Parks and Rec. – Banneker Center’s Retaining Wall Reconstruction Funds will be used to disassemble the current west and north retaining walls, install drainage systems, and reconstruct the walls. .	\$78,780
5. HAND – Curbs and Sidewalks Funds will be used to replace existing or construct new curb and sidewalks in Redevelopment Target Areas, areas where 51% of the residents are low/moderate income households, for department eligible projects, and for income eligible households who are required to repair adjacent curbs and sidewalks. HAND will use funds to pay for material costs and partner with other departments to provide labor and equipment. HAND may on occasion bid out some projects to a private contractor.	\$156,280

<p>6. Boys and Girls Club – Crestmont Club Renovation Funds will be used to renovate the former IU Eye Clinic (803 N Monroe St) to function as a Club unit to offer youth development programming to an increased number of youth. Additionally the renovation will allow the agency to move its administrative offices to the building</p>	<p>\$91,000</p>
<p>7. Stone Belt – Window replacement in five group homes Funds will be used to purchase and install energy efficient windows for five group homes (4417 Blackstone Ct, 1006 W 11th St, 4100 E Deckard Dr, 1835 S Maxwell St, 713 E Miller Dr, and 214 E Southern Dr).</p>	<p>\$57,000</p>
<p>Total</p>	<p>\$532,760</p>

**CDBG
Social Services Citizen Advisory
Committee**

Supplemental Material

Calendar

Funding Criteria and Ranking System

Allocation Work Sheet

Membership

**Social Service
Citizen Advisory Committee
WORKING CALENDAR
For
CDBG Funding – Fiscal Year 2015**

AGENCY SCHEDULE

September 4 (Thursday)	CDBG Informational Meeting at 9:00 a.m. in the McCLOSKEY ROOM Application and submission information available to be picked up in HAND.
October 3 (Friday)	<i>Letter of Intent</i> due in HAND by 4:00 p.m. Agency Mandatory Training (2 sessions – plan to attend ONE)
October 16 (Thursday)	9:00 A.M. (McCLOSKEY ROOM)
October 20 (Monday)	5:00 P.M. (McCLOSKEY ROOM)
December 5 (Friday)	<i>Completed Applications Due in HAND by 4:00 p.m.</i>

SOCIAL SERVICE CAC SUBCOMMITTEE SCHEDULE

November 17 (Monday)	CAC Organizational & Con Plan Meeting (McCLOSKEY ROOM @ 5:30 p.m.)
December 15 (Monday)	Social Service Subcommittee Mandatory Meeting to review ranking system and pick up packets (McCloskey Room @ 5:30 p.m.)
January 6, 2015 (Tuesday)	Pre Public Hearing Meeting McCLOSKEY ROOM @ 5:30 p.m.)
January 13, 2015 (Tuesday)	PUBLIC HEARING for Social Service Applications (COUNCIL CHAMBERS @ 5:30 p.m.) Mandatory Attendance
January 16, 2015 (Friday)	Rankings due to Dan Niederman in HAND by 4:00 p.m. (Fax # 349-3582)
January 20, 2015 (Tuesday)	Social Service Subcommittee meeting (McCLOSKEY ROOM @ 5:30 p.m.)

CDBG FUNDING APPLICATION SCHEDULE

February 2, 2015 (Monday) (Tentative)	PUBLIC HEARING – CAC recommendations presented to Bloomington Redevelopment Commission (McCLOSKEY ROOM @ 5 p.m.)
February 11, 2015 (Wednesday) (Tentative)	PUBLIC HEARING – City Council Discussion Meeting (date tentative)
February 18, 2015 (Wednesday) (Tentative)	PUBLIC HEARING – City Council Final Action Meeting (date tentative)
June, 2015 (Tentative)	FUNDING AVAILABLE

Application Forms and Instructions available at:
http://bloomington.in.gov/documents/viewDocument.php?document_id=885

Social Service CDBG Application Scoring Criteria

Total number of points available is **100**.

- A. Question 3 – Program Need – **35** points total
 - Organization has documented need for program in the community.
 - Organization has described how the program fits within the need of the community.

- B. Question 4 – Evaluation Methodology/Outcome Measurement – **30** points total
 - Agency describes how it evaluates its program or has a measurement tool in place to evaluate program effectiveness.
 - Agency provides documentation of program effectiveness within the community using its evaluation or outcome measurement tool.

- C. Question 5 – Client Data – **20** points total
 - Agency serves large number/**percentage** of low income individuals (refer to Part I Question 1(b) and 2(b)).
 - A large percentage of their clients are city residents (check Part II, question 1 vs. Part II, question 1(a))

- D. Question 6 – Budget Information – **15** points total
 - All requested budget information was provided.
 - Budget information clearly shows how requested funds will be utilized for this program.
 - Budget shows that this program does not rely heavily on CDBG funds for the project (50% or more of funding comes from other sources).

**Community Development Block Grant
Citizen Advisory Committee
Program Year 2015
Updated 11/1/2014**

Name	Subcommittee	Term Expires
Chris Hazel United Way 441 S. College Avenue Bloomington, IN 47403 W:812-334-8370 x12 chris@monroeunitedway.org	Social Services (Mayor)	August 31, 2015
Susie Hamilton 1101 E. Winslow Bloomington, IN 47401 Home812-332-3992 Email: abshamil@indiana.edu	Social Services (Mayor)	August 31, 2015
Sue Sgambelluri Redevelopment Commission 3909 N Whitewood Way Bloomington, IN 47404 C: 345-3215 ssgambel@indiana.edu	Social Services RDV Commission	Annual Appointment
Susan Sandberg Council Office C: 320-8552 sandbers@bloomington.in.gov	Social Services Council Appointment	Annual Appointment
Susan Bollman 800 S. Eastside Dr Bloomington, IN 47401 C:812-361-4225 sbollman@indiana.edu	Social Services (Mayor)	August 31, 2015
Hal Turner 2220 E. Wimbleton Ln, Bloomington, IN 47401 C: 812-606-9593 haltturner12@gmail.com	Social Services works in Congressional 9th District Office	Annual Appointment

CDBG
Physical Improvements
Citizen Advisory Committee

Supplemental Material

Calendar

Citations to the Consolidated Plan

Allocation Work Sheet

Membership

WORKING CALENDAR
for
**Community Development Block Grant Physical Improvement Funding
Program Year 2015**

AGENCY SCHEDULE

- September 4**
(Thursday) CDBG Informational Meeting (**McCLOSKEY ROOM @ 9:00 A.M.**) Applications and submission information available to be picked up by Applicants in HAND
- October 3**
(Friday) **Letter of Intent** due in HAND by 4:00 P.M.
- October 16 or**
October 20 **Agency Mandatory Training** (agencies must attend one of these two meetings)
Thursday, October 16 @ 9:00 A.M. in the **McCLOSKEY ROOM**
Monday, October 20 @ 5:00 P.M. in the **McCLOSKEY ROOM**
- December 5**
(Friday) **Completed Applications Due from Agencies to HAND by 4:00 P.M.**
- December 15-**
December 19 CAC members make site visits to proposed projects.
- January 8, 2015**
(Thursday) **PUBLIC HEARING** for Physical Improvement Applications (**COUNCIL CHAMBERS @ 5:30**) **ATTENDENCE IS MANDATORY**

PHYSICAL IMPROVEMENT SUBCOMMITTEE SCHEDULE

- November 17**
(Monday) CAC Organizational and Con Plan Meeting (**McCLOSKEY ROOM @ 5:30**)
- December 15**
(Monday) Physical Improvement Sub-Committee Mandatory Meeting to review ranking system and pickup Packets (**KELLY ROOM @ 6:00 P.M.**)
- December 19** CAC members make site visits to proposed projects. Meet at **City Hall's Atrium @ 10:00.**
- January 8, 2015**
(Thursday) **PUBLIC HEARING** for Physical Improvement Applications (**COUNCIL CHAMBERS @ 5:30**)
- January 12, 2015**
(Monday) **Applicant Ranking due to Bob Woolford in HAND Department by 4:00 (FAX 349-3582)**
- January 15, 2015**
(Thursday) Physical Improvement Sub-Committee Meeting for allocations (**McCLOSKEY ROOM @ 5:30 P.M.**)

CDBG FUNDING APPLICATION SCHEDULE

- February 2, 2015
(Tentative date) **PUBLIC HEARING - CAC recommendations presented to the Redevelopment Commission (McCLOSKEY ROOM @ 5:00 P.M.)**
- February 11, 2015
(Tentative date) **PUBLIC HEARING - City Council Committee Discussion Meeting**
- February 18, 2015
(Tentative date) **PUBLIC HEARING - City Council Final Action Meeting**
- June 2015
(Tentative date) **FUNDING AVAILABLE**

CONSOLIDATED PLAN REFERENCES
FOR
CDBG PHYSICAL IMPROVEMENT APPLICATIONS

CAC members should review the following sections of the Consolidated Plan for scoring the Physical Improvement applications.

- Antipoverty Strategy—pg. 55+
- Community Development Objectives—pg. 54 +
- Homeless Strategy —pg.68+
- Housing Market Analysis—pg. 30+
- Barriers to Affordable Housing (inc. infrastructure) —pg. 42+
- Lead Base Paint—pg. 39+
- Public Housing Strategy —pg. 36+
- Priority Housing Needs—pg. 25+
- Housing Needs —pg. 23+
- Specific Special Needs Objectives—pg. 80+

**PHYSICAL IMPROVEMENT FUNDING REQUESTS and RECOMMENDATIONS
FROM
COMMUNITY DEVELOPMENT BLOCK GRANT
PY - 2015**

PROJECT	2014	2015 Request	CAC's 2015 Recommendations	FINAL ALLOCATIONS to Council
HOUSING ASSISTANCE				
BHA -- Crestmont Interior Rehabilitation--Rehab 8 units in 2 buildings	48,975	200,000	100,000	100,000.00
Housing Assistance Subtotal:		200,000	100,000	100,000.00
FACILITY IMPROVEMENTS				
Boys and Girls Club -- Facility Rehabilitation		175,000	91,000	91,000.00
LifeDesigns -- Facility Rehabilitation	59,000	60,000	41,200	41,200.00
Middle Way House -- Security Devices		15,000	8,500	8,500.00
South Central Community Action Program -- Greenhouse construction		110,225	0	0.00
Stone Belt -- Facility Rehabilitation		56,959	57,000	57,000.00
Facility Improvements Subtotal:		417,184	197,700	197,700.00
COMMUNITY-WIDE INFRASTRUCTURE PROGRAMS				
City of Bloomington: Parks and Recreation -- Banneker Center's Retaining Wall (west side)		175,000	87,561	78,780.00
City of Bloomington: HAND -- Curb and Sidewalks		400,000	165,061	156,280.00
Community-wide infrastructure projects Subtotal:		575,000	252,622	235,060.00
TOTAL REQUESTED/ALLOCATED		1,192,184	550,322	532,760.00
2015 ESTIMATED ALLOCATION		518,355		
Any increases or decreases to the anticipated 2015 allocation of \$550,322 will added to or taken from the City of Bloomington's Parks and Recreation Department or Housing and Neighborhood Development Department.				

**Community Development Block Grant
Citizen Advisory Committee
for Physical Improvements
Program Year 2015
Updated December 2, 2013**

Name	Subcommittee	Term Expires
Rick Coppock 3800 S. Bainbridge Drive Bloomington, IN 47401 H: 334-2119 W: 332-8030 rcoppock@bynumfanyo.com	Physical Improvements (Mayor)	August 31, 2015
Scott Robinson P.O. Box 100 Bloomington, IN 47402 W: 349-3423 robinsos@bloomington.in.gov	Physical Improvements (Mayor)	Annual Appointment
Renee Chambers Community Foundation of Bloomington and Monroe County 101 W. Kirkwood Ave Bloomington, IN 47404 W: 333-9016 renee@cfbmc.org	Physical Improvements (Mayor)	August 31, 2015
Skip Sluder 2301 S. Rogers Street Bloomington, IN 47403 H: 332-7323 sluderc@indiana.edu	Physical Improvements (Mayor)	August 31, 2015
John West jwest@tuckerobr.com	Physical Improvements RDV Commission	Annual Appointment
Tim Mayer City Council P.O. Box 100 Bloomington, IN 47408 W: 349-3409 mayert@bloomington.in.gov	Physical Improvements Council Appointment	Annual Appointment

RESOLUTION 15-02

**TO CONFIRM RESOLUTION 15-01 WHICH DESIGNATED AN
ECONOMIC REVITALIZATION AREA, APPROVED A STATEMENTS OF BENEFITS,
AND AUTHORIZED A PERIOD OF TAX ABATEMENT
FOR REAL PROPERTY IMPROVEMENTS
- Re: Properties at 338 S. Walnut Street
(Big O Properties, LLC, Petitioner)**

- WHEREAS, Big O Properties, LLC, (“Petitioner”) has filed an application for designation of the property at 338 S. Walnut Street, Bloomington, Indiana, and identified by the Parcel Number listed below, as an “Economic Revitalization Area” (“ERA”) pursuant to IC 6-1.1-12.1 et. seq.; and
- WHEREAS, the subject site is currently identified by the following Monroe County Parcel Number:
- 53-08-04-200-013.000-009; Alt Parcel Number (015-47810-00); and
- WHEREAS, the Petitioner has also submitted a statement of benefits form to the Common Council;
- WHEREAS, according to this material, the Petitioner wishes to invest \$1.95 million to construct a three-story mixed use building including 1,663 square feet of ground-floor retail and commercial space and 18 units of market-rate residences, (the “Project”); and
- WHEREAS, as required by Indiana Code, Bloomington Municipal Code and a Memorandum of Understanding to be executed pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with the Statement of Benefits, complied with the City of Bloomington’s Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding; and
- WHEREAS, the Economic Development Commission has reviewed the Petitioner’s application and Statement of Benefits and passed Resolution 15-02 recommending that the Common Council designate the area as an ERA, approve the Statement of Benefits, and authorize a three-year period of abatement for the real estate improvements; and
- WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part of this Resolution and has found the following:
- A. the estimate of the value of the redevelopment or rehabilitation is reasonable;
 - B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
 - C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
 - D. the redevelopment or rehabilitation has received approval from the Planning Department, is consistent with the Growth Policies Plan, is expected to be developed and used in a manner that complies with local code, and provides housing in the downtown area; and
 - E. the totality of benefits is sufficient to justify the deduction; and
- WHEREAS, the Common Council has further found that the Project will not negatively impact the ability of the Downtown Tax Increment Finance (TIF) district to meet its debt obligations; and
- WHEREAS, the property described above has experienced a cessation of growth; and
- WHEREAS, the Common Council adopted Resolution 15-01 on February 18, 2015, which designated the above property as an "Economic Revitalization Area," approved the Statement of Benefits, and authorized a three (3) year period of tax abatement for real estate improvements;
- WHEREAS, the City Clerk published notice of the passage of that resolution, which requested that persons having objections or remonstrance to the designation, statement of benefits submission, and findings of fact appear before the Common Council at its meeting on March 4, 2015; and
- WHEREAS, the Common Council has reviewed and heard all such objections and remonstrance to such designation;

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

1. Pursuant to Indiana Code 6-1.1-12.1-1 et seq., the Common Council hereby affirms its determination made in Resolution 15-01 that the area described above is an "Economic Revitalization Area" and that the totality of benefits of the Project entitle the owner of the property or its successor(s) to a deduction from the assessed value of the real estate improvements for a period of three (3) years.

2. Pursuant to Indiana Code 6-1.1-12.1-17, the Common Council hereby sets the following abatement schedule for the Project for real estate improvements;

Year 1	100%
Year 2	66%
Year 3	33%

3. In granting this designation and deduction the Common Council incorporates I.C. 6-1.1-12.1-12. It also expressly exercises the power set forth in I.C. 6-1.1-12.1-2(I)(5) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the capital investment of at least \$1.95 million for real estate improvements shall be completed before or within twelve months of the completion date as listed on the application; and
- b. the land and improvements shall be developed and used in a manner that complies with local code; and
- c. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code, Bloomington Municipal Code, and by the Memorandum of Understanding.

4. This designation shall expire no later than December 31, 2020, unless extended by action of the Common Council and upon recommendation of the Bloomington Economic Development Commission.

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

DAVID ROLLO, President
Bloomington Common Council

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

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution confirms Resolution 15-01 and designates a parcel owned by Big O Properties LLC and known as 338 S. Walnut Street as an Economic Revitalization Area (ERA). This designation was recommended by the Economic Development Commission and will enable the proposed mixed use redevelopment project, which includes newly constructed retail/commercial and upper-story market-rate residential units, to be eligible for tax abatement. The resolution also approves a three-year period of abatement for real property improvements and sets its deduction schedule. The public comment on this resolution at the Regular Session on March 4, 2015 will constitute the statutorily required public hearing on this legislation.



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1						TAXPAYER INFORMATION					
Name of taxpayer Mary & Daniel P. Friedman											
Address of taxpayer (Number and street, city, state, and ZIP code) 629 Woodcrest Dr. Bloomington IN 47401											
Name of contact person Mary Friedman				Telephone number (812) 219.3348				E-mail address mfried00@gmail.com			
SECTION 2						LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body						Resolution number					
Location of property 338 South Walnut				County Monroe				DLGF taxing district number			
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) See additional Sheet						Estimated start date (month, day, year) March 1, 2015			Estimated completion date (month, day, year) August 16, 2015		
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT											
Current number		Salaries		Number retained		Salaries		Number additional		Salaries	
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT											
						REAL ESTATE IMPROVEMENTS					
						COST			ASSESSED VALUE		
Current values						\$ 350,000 (LOT)					
Plus estimated values of proposed project						\$ 1,950,000					
Less values of any property being replaced											
Net estimated values upon completion of project						\$ 2,300,000					
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER											
Estimated solid waste converted (pounds) None						Estimated hazardous waste converted (pounds) None					
Other benefits See additional Sheet											
SECTION 6						TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.											
Signature of authorized representative Mary Friedman								Date signed (month, day, year) 1/16/2015			
Printed name of authorized representative Mary Friedman						Title Owner					

Section 2:

The development at 338 South Walnut will be a mixed use building, residential and commercial, with a total of 14,400 square feet. It replaces a small temporary office structure of approximately 2,400 square feet. The development will include some on street landscaping, giving a more welcome feel to the area. Currently there is a vacant lot. The building that will replace it will continue to enhance the look and vibrancy of the downtown South Walnut Street area.

Other Benefits:

The largest benefit of this project to the area is this new mixed use building itself. It is located in the BEAD district and it's in an area that we feel the city would like to see infill and growth. This is our second building in this part of the South Walnut Street area and we hope that there will be other developments to follow.

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed 5 calendar years* (*see below*). The date this designation expires is December 31, 2020.
- B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements Yes No
 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (*specify*) (See Resolution 15-01 and 15-02)
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4-1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Material Regarding Tax Abatement for Mixed Use Project at 338 South Walnut Street (Big O Properties, LLC, Petitioner) – with Notes on Changes between January and February Submissions

- Memo to Council from Danise Alano-Martin, Director, and Jason Carnes, Assistant Director for Small Business, Economic and Sustainable Development Department (*Revised*)
 - Aerial Photo of Site;
 - Application for Tax Abatement (*Resubmitted with Revisions*);
 - Statement of Benefits for Abatement on Real Estate (*Resubmitted with Revisions*);
 - Estimate of Property Tax Calculations;
 - Building Elevations and Site Plan Documents (*Revised*); and
 - Tax Abatement Program: General Standards.
- **Res 15-01** To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements - Re: Properties at 338 South Walnut Street (Big O Properties, LLC, Petitioner) (*Revised*)
 - EDC Res 15-02 (*formerly EDC Res 14-02*)
 - **Ord 15-01** To Designate an Economic Development Target Area (EDTA) - Re: Property Located at 338 S. Walnut Street and Identified by the Monroe County Parcel ID Number 015-47810-00 (Big O Properties, LLC, Petitioner) (*To be Amended – See Am 01*)
 - EDC Res 15-01 (*formerly EDC Res 14-03*)
 - Am 01 (Adopted February 18th) – *primarily reflected actions taken since introduction in January*

Please see the links to the Council Legislative Packets issued for the following two meetings for the materials regarding this tax abatement:

- [February 11, 2015](#) – *after the proposal was changed*
- [January 14, 2015](#) – *before the proposal was tabled and changed for consideration in February*

Upon Adoption of Res 15-01 and Ord 15-01 - For Action on March 4th

- **Res 15-02** To Confirm Resolution 15-01 Which Designated an Economic Revitalization Area, Approved a Statements of Benefits, and Authorized a Period of Tax Abatement for Real Property Improvements - Re: Properties at 338 S. Walnut Street (Big O Properties, LLC, Petitioner)
 - Statement of Benefits

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*)**

- 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, the Supreme Court of the United States and other federal courts have determined that door-to-door solicitation is commercial speech, protected under the First Amendment to the Constitution of the United States; and
- Whereas, the Mayor and Common Council recognize the First Amendment protection door-to-door solicitors have; however, both the Mayor and Common Council further recognize the need to protect the health, safety, peace and welfare of the citizens of the City of Bloomington; and
- Whereas, the proposed ordinance balances the First Amendment protection of the commercial solicitors and the health, safety, pace and welfare of the citizens of the City of Bloomington; and
- Whereas, the purpose of the regulations contained in this Ordinance is to regulate activities which are commercial in nature and are not intended to prohibit free speech or any other constitutional right; and
- Whereas, the primary purpose of the public streets and sidewalks is the use by vehicular and pedestrian traffic; and
- Whereas, the number of persons using the public streets and sidewalks in the City of Bloomington in recent years has increased dramatically due to an expanded commercial use and a growing tourism industry and has resulted in an increase in congestion on these streets and sidewalks; and
- Whereas, 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; and
- Whereas, licensing and regulating door-to-door sales seeks to protect the residents of the City of Bloomington from possible fraud, misrepresentation, and nuisance; and
- Whereas, in an effort to defray the costs of regulating the businesses identified in this Ordinance reasonable fees are being proposed; and
- Whereas, one of the primary purposes of this Ordinance is to promote the public interest by enhancing the attractiveness of the City and by providing opportunities for creative, colorful and pedestrian-focused commercial activities.

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

Provision regarding existing Chapter 4.16 Itinerant Merchants, Solicitors and Peddlers

SECTION 1. Chapter 4.16, entitled Itinerant Merchants, Solicitors and Peddlers, shall be deleted in its entirety and replaced with a new Chapter 4.16, entitled Solicitors, which shall be listed as such in the Table of Contents for that title and shall read as follows:

Sections:

- | | |
|-----------------|-----------------------------------|
| 4.16.010 | Definitions |
| 4.16.020 | Operations generally. |
| 4.16.030 | Business License—Required. |

- 4.16.040 Business License—Application.**
- 4.16.050 Business License—Prerequisites**
- 4.16.060 Business License—Duration and Fees.**
- 4.16.070 Application Fee—Refund on Denial.**
- 4.16.080 Effect of Cessation of Business.**
- 4.16.090 Business License—Insurance and Indemnity**
- 4.16.100 Business License—Issuance.**
- 4.16.110 Business License—Transferability.**
- 4.16.120 Business License—Identification.**
- 4.16.130 Location Restrictions.**
- 4.16.140 Prohibited Hours.**
- 4.16.150 Standards of Conduct.**
- 4.16.160 Penalties—Revocation of License.**

4.16.010 Definitions.

The following terms shall have the following meanings:

“Political” means on behalf of a political party or candidate or for the purpose of influencing legislation or personal belief.

“Religious” means on behalf of an established religion which means a particular system of faith and worship recognized and practiced by a particular church, sect or denomination.

“Solicitation”

(a) Means the act of any person traveling by foot, vehicle or any other type of conveyance who goes on private or public property to:

- (1) Request, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value;
- (2) Take or attempt to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets;
- (3) Sell and make immediate delivery of any goods, wares, merchandise or services of any kind or description; or
- (4) Communicate or otherwise convey ideas, views or beliefs or otherwise disseminate oral or written information to a person willing to directly receive such information, provided that such information is of a commercial nature.

(b) Does not mean the following:

- (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature;
- (2) A person seeking to influence the personal belief of the occupant of any residence regarding any political or religious matter;
- (3) A person seeking to obtain, from any occupant of any residence, an indication of the occupant’s belief in regard to any political or religious matter;
- (4) A person conducting a poll, survey or petition drive in regard to any political matter;
- (5) A person carrying, conveying, delivering or transporting food or beverage products, newspapers or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products or goods and is entitled to receive the same;
- (6) A person whose business is to solicit dealers or permanent merchants in the usual course of business; or
- (7) Any person exempted from this Chapter’s requirement under Ind. Code 8-1-34-30.

“Solicitor” means a person, whether a resident of the City or not, engaged in solicitation.

“Special Event” is any event so designated by the City of Bloomington Board of Public Works.

4.16.020 Operations generally.

It is unlawful to locate as a solicitor in the City except in accordance with the provisions of this Chapter.

4.16.030 Business License—Required.

- (a) It is unlawful to locate as a solicitor in the City without first having secured a license to do so as provided by this Chapter.
- (b) This Chapter does not apply to any recognized participant of a Special Event.
- (c) It is not necessary to obtain a temporary use permit under Chapter 20 of the Bloomington Municipal Code in order to obtain a license to locate as a solicitor under this Chapter.

4.16.040 Business License—Application.

Any person desiring a license under this Chapter shall submit a fully completed application to the City Controller at least fourteen days prior to the proposed date of operating as a solicitor. The application must set forth or have attached the following information as specified:

- (a) The applicant’s name, current physical address, telephone number, email address and date of birth;
- (b) The name, current physical address, and telephone number of the person, firm, limited liability company, corporation or organization which the applicant is employed by or represents, and the length of time of such employment or representation;
- (c) If the applicant is employed by or represents a firm, limited liability company or corporation, the applicant shall provide the name and current physical address of all members of the firm or limited liability company, or all officers of the corporation, as the case may be;
- (d) If the applicant is employed by or represents a corporation or limited liability company then there shall be stated on the application the date of incorporation or organization, the state of incorporation or organization, and if the applicant is a corporation or limited liability company formed in a state other than the State of Indiana, the date on which such corporation or limited liability company qualified to transact business as a foreign corporation or foreign limited liability company in the State of Indiana;
- (e) The type of products or services to be sold and the hours of the day the applicant plans to conduct business;
- (f) The place or places where said business may be conducted, and a written statement, if applicable, from the owner of any private property wherein the business may be conducted authorizing the applicant to use the property;
- (g) The duration of the license being sought;
- (h) A statement as to whether or not a license, under the provisions of this Chapter, or any other similar ordinance of the City of Bloomington or any other county, town or municipality, or the State of Indiana has been revoked, together with the details thereof; and
- (i) The designation of a resident of the State of Indiana as a registered agent for purposes of receiving notices from the City of Bloomington or other service of process, as a result of doing business in the City of Bloomington

4.16.050 Business License—Prerequisites.

An application for a license under this Chapter shall not be considered unless proof of the following are provided with the application:

- (a) All applicable permits required by the Monroe County Health Department, including but not limited to a Food Service Establishment License or a Certified Food Handler Certificate;
- (b) Proof of registration as a business with the Indiana Secretary of State;
- (c) Proof of an Employer Identification Number;

- (d) If business is to be conducted on City property, a resolution from the City's Board of Public Works;
 - (e) If business is to be conducted on or in property owned or managed by the City of Bloomington Parks Department, including those portions of the B-Line Trail not specifically permitted by this Chapter, a letter of approval from said Department;
 - (f) Proof of insurance in accordance with the amounts established by this Chapter;
- and
- (g) Proof of payment for, or exemption from, the applicable fee.

4.16.060 Business License—Duration and Fee.

(a) Each applicant shall pay a license fee in accordance with the schedule set forth below (all licenses are for a consecutive period of time):

- (1) One Day License: \$25.00;
- (2) Three Day License: \$30.00;
- (3) Seven Day License: \$50.00;
- (4) Thirty Day License: \$75.00;
- (5) Three Month License: \$150.00;
- (6) Six Month License: \$200.00; and
- (7) One Year License: \$350.00.

(b) The following listed organizations and/or entities while required to obtain a license under this Chapter are exempt from having to pay any fees, so long as the proceeds thereof are to be used exclusively for religious, charitable, educational or scientific purposes:

- (1) Churches;
- (2) Schools;
- (3) Benevolent organizations;
- (4) Fraternal organizations; and
- (5) Other similarly situated organizations.

(c) Pursuant to Ind. Code 25-25-2-1, while all honorably discharged veterans are required to obtain a license under this Chapter they are exempt from having to pay any fees.

4.16.070 Application Fee—Refund on Denial.

An applicant shall pay an application fee in the minimum amount of \$25.00, unless exempted under Section 4.16.060. In the event the license is granted, the application fee shall be retained by the City and applied toward the license fee. In the event the license is denied, \$20.00 of the application fee shall be retained to defray the administrative expense incurred in investigating and processing the application, and any remainder shall be refunded to the applicant.

4.16.080 Effect of Cessation of Business.

No deductions shall be allowed from the fee for a license issued pursuant to this Chapter for any part of the term of which the licensee does not engage in such business.

4.16.090 Business License—Insurance and Indemnity.

(a) Each applicant for a license shall provide a certificate of liability insurance to the City Controller upon a form approved by the Corporation Counsel of the City of Bloomington, insuring the applicant, and naming the City of Bloomington as co-insured, against the following liabilities and in the following amounts relative to such activity:

- (1) Personal injury: \$100,000.00 per occurrence and \$300,000.00 in the aggregate; and
- (2) Property damage: \$25,000.00 per occurrence and \$50,000.00 in the aggregate.

(b) Each applicant shall provide a document approved by the Corporation Counsel for the City of Bloomington, in which the applicant agrees to indemnify and hold harmless the City of Bloomington for losses or expenses arising out of the operation of his/her business.

4.16.100 Business License—Issuance.

(a) The Controller shall within fourteen days of receipt of the completed application issue the business license to the applicant if the Controller finds the following:

- (1) Compliance with all provisions of this Chapter;
- (2) The applicant has not had a prior license issued under this Chapter, or any other similar licensed authorized by a different governmental entity, suspended or revoked; and
- (3) The applicant has not been previously found to be in violation of this Chapter, or any other similar law promulgated by a different governmental entity.

(b) The Controller may, upon a finding of appropriateness, issue a business license to an applicant who has been found to meet the terms of the above subsections 4.16.100(a) (1)-(2).

(c) Failure of the Controller to issue a license within fourteen days of completion of the application constitutes denial of the application. The applicant may appeal the denial by filing a written statement to the City’s Board of Public Works within ten days after passage of those fourteen days. The Board of Public Works shall, within the next thirty days, determine whether the applicant has complied with all provisions of Section 4.16.100(a), and if so, shall authorize the Controller to issue the license if there is such compliance. Prior to this determination, which is final and conclusive, the applicant will have an opportunity to be heard regarding the denial.

4.16.110 Business License—Transferability.

A license issued pursuant to this Chapter shall not be transferable to another licensee.

4.16.120 Business License—Identification.

(a) All licenses issued by the Controller under this Chapter shall be shown to any person who requests to see the license.

(b) Failure to display or exhibit a license in accordance with this Section may be grounds for suspension or revocation of said license.

4.16.130 Location Restrictions.

(a) No solicitor shall locate in any parking lot, parking space, or parking facility owned, leased or managed by the City of Bloomington unless approval has been given by the City’s Board of Public Works.

(b) No solicitor shall locate in a street, street median strip or alleyway.

(c) No solicitor shall locate within a one block radius of a Special Event unless prior approval has been granted by either the operator of the Special Event or the City’s Board of Public Works.

(d) No solicitor shall be located in a manner which would significantly impede or prevent the use of any City of Bloomington property, or which would endanger the safety or property of the public.

(e) No solicitor shall locate in a neighborhood or on property wherein a sign reading “No Solicitation”, or something of a similar nature, has been duly erected and displayed.

(f) No solicitor shall locate on the B-Line Trail except in the following permitted areas:

- (1) Between the north side of Dodds Street and the south side of 2nd Street;
- (2) Between the north side of 3rd Street and the south side of 4th Street; and
- (3) Between the north side of 6th Street and the south side of Fairview Street.

4.16.140 Prohibited Hours.

No solicitor shall locate in any residential neighborhood or building between the hours of dusk and 8:00 a.m., unless a resident in the neighborhood or building has requested or invited the solicitor onto the premises.

4.16.150 Standards of Conduct.

All solicitors shall conform to the following standards of conduct:

- (a) Solicitors shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any unreasonable noise of such volume as to be in violation of the City of Bloomington Noise Ordinance as stated in Title 14 of the Bloomington Municipal Code;
- (b) A device may not be used which would amplify sounds nor may attention be drawn to the solicitor by an aural means or a light-producing device (examples of such devices may include, but are not meant to be limited to the following: bull horns and strobe lights);
- (c) No solicitor shall expose any person to any undue safety or health hazards nor create a public nuisance;
- (d) Solicitors shall be required to obey the commands of law enforcement officers or fire officials with respect to activity carried out inside of the City’s jurisdiction;
- (e) No person shall engage in abusive solicitation. Such abusive activity shall mean to do one or more of the following while soliciting or immediately thereafter:
 - (1) Coming closer than three feet to the person solicited unless and until the person solicited indicates that the person wishes to make a purchase or otherwise receive the solicitation;
 - (2) Blocking or impeding the passage of the person solicited;
 - (3) Repeating the solicitation after the person solicited has indicated an objection to the solicitation;
 - (4) Following the person solicited by proceeding behind, ahead or alongside such person after the person has indicated an objection to the solicitation;
 - (5) Threatening the person solicited with physical harm by word or gesture;
 - (6) Abusing the person solicited with words which are offensive and inherently likely to provide an immediate violent reaction; or
 - (7) Touching the solicited person without the solicited person’s consent.
- (f) No solicitor shall approach any vehicle driving upon, stopped upon, or parked upon any public or private street or alley; and
- (g) No solicitor shall conduct his/her business from a street, alley, traffic island, or median.

4.16.160 Penalties—Revocation of License.

(a) Any person, partnership, limited liability company or corporation which violates any provision of this Chapter, shall be subject to the following penalties:

- (1) Soliciting without a license:

First offense	\$2,500.00
Second offense within any 12-month period	\$5,000.00
Third offense, or each thereafter, within any 12-month period	\$7,500.00

- (2) Failure to comply with any other provision of this Chapter:

First offense	\$250.00
Second offense within any 12-month period	\$500.00
Third offense, or each thereafter, within any 12-month period	\$1,000.00

(b) In addition, the Controller’s Office shall, after notice and hearing before the City’s Board of Public Works, suspend or revoke, by written order, any license issued hereunder if the Board of Public Works finds:

- (1) The licensee has violated any provision of this Chapter or any rule or regulation lawfully made under and within the authority of this Chapter;

- (2) The licensee is operating the solicitor license under this Chapter in a manner contrary to State or local code; or
- (3) Any fact or condition exists which, if it had existed at the time of the original application for such license, would have permitted the Controller’s Office to refuse originally to issue such license.

(c) Any person charged with violating the provisions of this Chapter may, in the discretion of the enforcement officer, be issued an official warning. If an official warning is issued it shall be considered as affording the violator one opportunity to comply with this Chapter's provisions.

Provision regarding new Chapter 4.28 Mobile Vendors

SECTION 2. A new chapter shall be added to Title 4 entitled “Chapter 4.28 Mobile Vendors” which shall be listed as such in the Table of Contents for that title and shall read as follows:

Chapter 4.28 – Mobile Vendors

Sections:

- 4.28.010 Definitions**
- 4.28.020 Operations generally.**
- 4.28.030 Business License—Required.**
- 4.28.040 Business License—Application.**
- 4.28.050 Business License—Prerequisites**
- 4.28.060 Business License—Duration and Fees.**
- 4.28.070 Application Fee—Refund on Denial.**
- 4.28.080 Effect of Cessation of Business.**
- 4.28.090 Business License—Insurance and Indemnity**
- 4.28.100 Business License—Issuance.**
- 4.28.110 Business License—Transferability.**
- 4.28.120 Business License—Identification.**
- 4.28.130 Business License—Safety Inspection Required.**
- 4.28.140 Location Restrictions.**
- 4.28.150 Prohibited Hours.**
- 4.28.160 Standards of Conduct.**
- 4.28.170 Safety Requirements.**
- 4.28.180 Penalties—Revocation of License.**
- 4.28.190 Restriction on Use and Licenses.**

4.28.010 Definitions.

The following terms shall have the following meanings:

“Beverage” means any nonalcoholic liquid, hot or cold, intended for use in whole or in part for human consumption.

“City property” means all outdoor areas which are owned, or leased as lessee, by the City or one of the City’s departments, or upon which the City or one of its departments has an easement or right-of-way including, but not limited to, streets, sidewalks, plazas or other areas adjacent to buildings owned by the City or one of its departments.

“Food” means any raw, cooked, frozen or processed edible substance or beverage intended for use in whole or in part for human consumption.

“Mobile food vendor unit” means a person who sells, serves, offers for sale, or gives away food or beverages from any self-contained mobile unit, independent with respect to water, sewer and power utilities, capable of moving or being moved, is meant to be portable and is not permanently attached to the ground, consisting of an enclosed truck, trailer, bus, or similar vehicle that contains equipment used for the sale and/or preparation of food or beverages merchandise and is closed up when not in operation. An ice cream truck that does not park or

locate in any one place for longer than ten minutes is not considered a mobile food vendor unit for purposes of this Chapter.

“Private property” means all outdoor areas which are not owned or leased by any governmental agency or entity, including, but not limited to, streets, sidewalks, plazas, parking lots, or other areas adjacent to buildings not owned by a governmental agency or entity.

“Special Event” is any event so designated by the City of Bloomington Board of Public Works.

4.28.020 Operations generally.

It is unlawful to locate a mobile food vendor unit in the City except in accordance with the provisions of this Chapter.

4.28.030 Business License—Required.

- (a) It is unlawful to locate a mobile food vendor unit in the City without first having secured a license to do so as provided by this Chapter.
- (b) A separate license shall be required for each mobile food vendor unit.
- (c) This Chapter does not apply to any recognized participant of a Special Event.
- (d) It is not necessary to obtain a temporary use permit under Chapter 20 of the Bloomington Municipal Code in order to obtain a license for a mobile food vendor unit under this Chapter.

4.28.040 Business License—Application.

Any person desiring a license under this Chapter shall submit a fully completed application to the City Controller at least fourteen days prior to the proposed date of utilizing the mobile food vendor unit. The application must set forth or have attached the following information as specified:

- (a) The applicant’s name, current physical address, telephone number, email address and date of birth;
- (b) The name, current physical address, and telephone number of the person, firm, limited liability company, corporation or organization which the applicant is employed by or represents, and the length of time of such employment or representation;
- (c) If the applicant is employed by or represents a firm, limited liability company or corporation, the applicant shall provide the name and current physical address of all members of the firm or limited liability company, or all officers of the corporation, as the case may be;
- (d) If the applicant is employed by or represents a corporation or limited liability company then there shall be stated on the application the date of incorporation or organization, the state of incorporation or organization, and if the applicant is a corporation or limited liability company formed in a state other than the State of Indiana, the date on which such corporation or limited liability company qualified to transact business as a foreign corporation or foreign limited liability company in the State of Indiana;
- (e) The type of products to be sold and the hours of the day the applicant plans to conduct business;
- (f) The place or places where said business may be conducted, and a written statement, if applicable, from the owner of any private property wherein the business may be conducted authorizing the applicant to use the property;
- (g) The duration of the license being sought;
- (h) A statement as to whether or not a license, under the provisions of this Chapter, or any other similar ordinance of the City of Bloomington or any other county, town, municipality, or State has been revoked, together with the details thereof; and
- (i) The designation of a resident of the State of Indiana as a registered agent for purposes of receiving notices from the City of Bloomington or other service of process, as a result of doing business in the City of Bloomington.

4.28.050 Business License—Prerequisites.

An application for a license under this Chapter shall not be considered unless proof of the following are provided with the application:

- (a) All applicable permits required by the Monroe County Health Department, including but not limited to a Food Service Establishment License or a Certified Food Handler Certificate;
- (b) Proof of registration as a business with the Indiana Secretary of State;
- (c) Proof of an Employer Identification Number;
- (d) If business is to be conducted on City property, a resolution from the City’s Board of Public Works;
- (e) If business is to be conducted on or in property owned or managed by the City of Bloomington Parks Department, a letter of approval from said Department;
- (f) If any type of spark, flame or fire will be produced, proof of an Open Burn Permit issued by the City of Bloomington Fire Department;
- (g) Proof of insurance in accordance with the amounts established by this Chapter;
- (h) A copy of the Indiana registration for the vehicle;
- (i) Copy of a valid driver’s license;
- (j) Copy of an Indiana Driver’s Record and/or equivalent of whatever State has issued the applicant his/her driver’s license;
- (k) Proof of an independent safety inspection of all vehicles to be used in the business in accordance with the provisions of this Chapter;
- (l) A scaled site plan showing the location of the proposed mobile food vendor unit and the properties: drives, parking access aisles, fire lanes, sidewalks and accessible routes; and
- (m) Proof of payment for, or exemption from, the applicable fee.

4.28.060 Business License—Duration and Fee.

(a) Each applicant shall pay a license fee in accordance with the schedule set forth below (all licenses are for a consecutive period of time):

- (1) One Day License: \$25.00;
- (2) Three Day License: \$30.00;
- (3) Seven Day License: \$50.00;
- (4) Thirty Day License: \$75.00;
- (5) Three Month License: \$150.00;
- (6) Six Month License: \$200.00; and
- (7) One Year License: \$350.00.

(b) The following listed organizations and/or entities while required to obtain a license under this Chapter are exempt from having to pay any fees, so long as the proceeds thereof are to be used exclusively for religious, charitable, educational or scientific purposes:

- (1) Churches;
- (2) Schools;
- (3) Benevolent organizations;
- (4) Fraternal organizations; and
- (5) Other similarly situated organizations.

(c) Pursuant to Ind. Code 25-25-2-1, while all honorably discharged veterans are required to obtain a license under this Chapter they are exempt from having to pay any fees.

4.28.070 Application Fee—Refund on Denial.

An applicant shall pay an application fee in the minimum amount of \$25.00, unless exempted under Section 4.28.060. In the event the license is granted, the application fee shall be retained by the City and applied toward the license fee. In the event the license is denied, \$20.00 of the application fee shall be retained to defray the administrative expense incurred in investigating and processing the application, and any remainder shall be refunded to the applicant.

4.28.080 Effect of Cessation of Business.

No deductions shall be allowed from the fee for a license issued pursuant to this Chapter for any part of the term of which the licensee does not engage in such business.

4.28.090 Business License—Insurance and Indemnity.

(a) Each applicant for a license shall provide a certificate of liability insurance to the City Controller upon a form approved by the Corporation Counsel of the City of Bloomington, insuring the applicant, and naming the City of Bloomington as co-insured, against the following liabilities and in the following amounts relative to such activity:

- (1) Personal injury: \$100,000.00 per occurrence and \$300,000.00 in the aggregate;
- (2) Property damage: \$25,000.00 per occurrence and \$50,000.00 in the aggregate; and
- (3) Indiana minimum, at least, for motor vehicle insurance coverage.

(b) Each applicant shall provide a document approved by the Corporation Counsel for the City of Bloomington, in which the applicant agrees to indemnify and hold harmless the City of Bloomington for losses or expenses arising out of the operation of his/her business.

4.28.100 Business License—Issuance.

(a) The Controller shall within fourteen days of receipt of the completed application issue the business license to the applicant if the Controller finds the following:

- (1) Compliance with all provisions of this Chapter;
- (2) The applicant has not had a prior license issued under this Chapter, or any other similar license authorized by a different governmental entity, suspended or revoked; and
- (3) The applicant has not been previously found to be in violation of this Chapter, or any other similar law promulgated by a different governmental entity.

(b) The Controller may, upon a finding of appropriateness, issue a business license to an applicant who has been found to meet the terms of the above subsections 4.28.100(a) (1)-(2).

(c) Failure of the Controller to issue a license within fourteen days of completion of the application constitutes denial of the application. The applicant may appeal the denial by filing a written statement to the City's Board of Public Works within ten days after passage of those fourteen days. The Board of Public Works shall, within the next thirty days, determine whether the applicant has complied with all provisions of Section 4.28.100(a), and if so, shall authorize the Controller to issue the license if there is such compliance. Prior to this determination, which is final and conclusive, the applicant will have an opportunity to be heard regarding the denial.

4.28.110 Business License—Transferability.

A license issued pursuant to this Chapter shall not be transferable to another licensee.

4.28.120 Business License—Identification.

(a) All licenses issued by the Controller under this Chapter shall be prominently displayed on the mobile food vendor unit and shall be shown to any person who requests to see the license.

(b) Failure to display or exhibit a license in accordance with this Section may be grounds for suspension or revocation of said license.

4.28.130 Business License—Safety Inspection Required.

(a) No license shall be issued to locate a mobile food vendor unit unless each vehicle to be used by the business has undergone an independent safety inspection within the last two years; a copy of the safety inspection report shall be included with the application.

(b) It is unlawful to locate a mobile food vendor unit which has not undergone and passed an independent safety inspection in accordance with this Section.

(c) If, at any time, the City of Bloomington has probable cause to believe that a mobile food vendor unit is unsafe or in a mechanically unsound condition, the Chief of Police or his/her designee may order a mobile food vendor unit licensed under this Chapter to undergo an immediate safety inspection. The immediate safety inspection must occur within five business days and a copy of the safety inspection report shall be promptly submitted to the Chief of Police or his/her designee. If the safety inspection reveals deficiencies with the mobile food vendor unit, the mobile food vendor unit can not be used until such time as the deficiencies have been remedied.

4.28.140 Location Restrictions. Except as provided for in Section 4.28.030(d) of this Title, the following location restrictions apply:

(a) No mobile food vendor unit shall locate in any parking lot, parking space, or parking facility owned, leased or managed by the City of Bloomington unless approval has been given by the City's Board of Public Works.

(b) No mobile food vendor unit shall locate within fifty feet of any facade of a ground level establishment that also sells food or beverages, or locate within fifty feet of the perimeter of such an establishment's outdoor seating area, regardless of whether or not the mobile food vendor unit is currently conducting business.

(c) No mobile food vendor unit shall locate in an alleyway.

(d) Mobile food vendor units shall be located a reasonable distance from all posted bus stops, crosswalks, driveways, alleyways, right-of-way lines of two or more intersecting streets and building entrances or walk-up windows.

(e) Mobile food vendor units shall only be located on private property if the private property owner has provided both the business operator and the City written permission for the mobile food vendor unit to locate on said property.

(f) No mobile food vendor unit shall locate within a one block radius of a Special Event unless prior approval has been granted by either the operator of the Special Event or the City's Board of Public Works.

(g) No mobile food vendor unit shall park on City property in violation of any City parking regulation, restriction, or ordinance. For example, if parking at one, or multiple, parking meters, the operator of the mobile food vendor unit shall feed all relevant parking meters with the required monetary amount.

(h) No mobile food vendor unit shall be located in a manner which would significantly impede or prevent the use of any City of Bloomington property, or which would endanger the safety or property of the public.

(i) No mobile food vendor unit shall be located within fifteen feet of any fire hydrant.

(j) No mobile food vendor shall locate within any zoning district except the following: Commercial General; Commercial Arterial; Commercial Downtown; Industrial General; Business Park; and Institutional.

(k) No mobile food vendor operating on private property shall displace required parking or landscaping nor block any drives, parking access aisles, fire lanes, sidewalks, or accessible routes required for the private parking by the City's zoning code.

(l) No mobile food vendor unit shall be located more than one foot away from the curb of the street on which it is parked.

(m) No mobile food vendor unit shall park near an intersection and in a manner that blocks the line-of-sight of drivers using adjacent roadways.

4.28.150 Prohibited Hours.

No mobile food vendor unit shall be located on any public property between the hours of 4:30 a.m. and 6:30 a.m.

4.28.160 Standards of Conduct.

All mobile food vendor unit operators shall conform to the following standards of conduct:

- (a) Mobile food vendor unit operators shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any unreasonable noise of such volume as to be in violation of the City of Bloomington Noise Ordinance as stated in Title 14 of the Bloomington Municipal Code;
- (b) A device may not be used which would amplify sounds nor may attention be drawn to the mobile food vendor unit by an aural means or a light-producing device (examples of such devices may include, but are not meant to be limited to the following: bull horns and strobe lights);
- (c) No mobile food vendor unit may be permanently or temporarily affixed to any object, including but not limited to buildings, trees, telephone poles, streetlight poles, traffic signal poles or fire hydrants;
- (d) No mobile food vendor unit may be used to advertise any product which is not authorized to be sold from that unit;
- (e) Each mobile food vendor unit shall be limited to one sandwich board sign that meets the provisions of Section 20.05.086 of the Bloomington Municipal Code regardless of the zoning district in which it locates, provided a sign permit is obtained from the City's Planning and Transportation Department;
- (f) No mobile food vendor unit may make use of any public or private electrical outlet while in operation;
- (g) Each mobile food vendor unit shall protect against littering and shall have both an adequate trash receptacle and a separate receptacle for recyclable materials:
 - (1) The trash and recyclable receptacles shall be emptied sufficiently often to allow disposal of litter and waste by the public at any time;
 - (2) The trash and recyclable receptacles on the mobile food vendor unit shall not be emptied into trash or recyclable receptacles owned by the City of Bloomington;
 - (3) Liquid from the mobile food vendor unit shall not be discharged on or in a City sewer or drain or elsewhere on City property, nor on private property without the express written consent of the owner thereof;
- (h) Before leaving any location each mobile food vendor unit shall first pick up, remove and dispose of all trash, refuse and/or recyclable materials, including products spilled on the ground within twenty feet of the mobile food vendor unit.
- (i) No mobile food vendor unit shall expose any pedestrian to any undue safety or health hazards nor shall it be maintained so as to create a public nuisance;
- (j) Each mobile food vendor unit shall be maintained free and clear of dirt, and finishes shall not be chipped, faded or unduly marred;
- (k) Foods or beverages which present a substantial likelihood that liquid matter or particles will drop to the street or sidewalk during the process of carrying or consuming the food or beverage shall be sold in proper containers so as to avoid falling to the street or sidewalk;
- (l) Mobile food vendor units which utilize a grill or device that may result in a spark, flame or fire shall adhere to the following additional standards:
 - (1) Be placed approximately 20 feet from a building or structure;
 - (2) Provide a barrier between the grill or device and the general public;
 - (3) The spark, flame or fire shall not exceed 12 inches in height;
 - (4) A fire extinguisher shall be within reaching distance of the mobile food vendor unit operator at all times;
- (m) Mobile food vendor unit operators shall be required to obey the commands of law enforcement officers or fire officials with respect to activity carried out inside of the City's jurisdictional limits, including, where possible, the removal of the mobile food vendor unit and cessation of such sales;
- (n) No mobile food vendor unit shall ever be left unattended;
- (o) Mobile food vendor units shall not be stored, parked or left overnight on any City property;
- (p) All mobile food vendor units which are food service establishments as defined by Title 10.17 of the Bloomington Municipal Code shall install an approved grease interceptor or grease trap. Foods, oils and greases shall never be discharged into the City's sewer or storm drains;

- (q) All mobile food vendor unit operators are required to collect and pay all applicable and appropriate sales taxes;
- (r) No mobile food vendor shall provide customer seating unless approval has been provided by the City's Board of Public Works and the City's Planning and Transportation Department;
- (s) All mobile food vendors shall comply with the lighting standards found in Chapter 20.05 of the Bloomington Municipal Code;
- (t) All mobile food vendors shall comply with the vision clearance standards found in Chapter 20.05 of the Bloomington Municipal Code;
- (u) No mobile food vendor shall have a drive-thru; and
- (v) The decibels of any generator(s) associated with a mobile food vendor unit shall not exceed "70dBA".
 - (1) Such noise measurement shall be made at a height of at least four (4) feet above the ground and at a point approximately twenty-five (25) feet away from where the noise is being emitted on a sound level meter operated on the "A" weighting network (scale).
 - (2) No person other than the operators shall be within twenty-five (25) feet of the sound level meter during the sample period.
 - (3) Sound measurements shall be conducted at that time of day or night when the relevant noise source is emitting sound.
 - (4) The sound level measurement shall be determined as follows:
 - (A) Calibrate the sound level meter within one (1) hour before use.
 - (B) Set the sound level meter on the "A" weighted network at slow response.
 - (C) Set the omnidirectional microphone in an approximately seventy-degree position in a location which complies with subsections (1) and (2) herein. The operator of the sound level meter shall face the noise source and record the meter's instantaneous response.
 - (D) Recalibrate the sound level meter after use.
 - (5) It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurement.

4.28.170 Safety Requirements.

All mobile food vendor units shall comply with the following safety requirements:

- (a) All equipment installed shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
- (b) All utensils shall be stored in a manner to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided by the vendor to avoid loose storage of knives and other sharp or bladed instruments.
- (c) All foods and beverages to be used, prepared, cooked, displayed, sold, served, offered for sale or stored in a mobile food vendor unit, or during transportation to or between locations shall be from sources approved by the health authorities of the point of origin and must be clean, wholesome, free from spoilage, adulteration, contamination or misbranding and safe for human consumption. The standards for judging wholesomeness for human food shall be those promulgated and amended from time to time by the United States Food and Drug Administration, United States Department of Agriculture, the State Department of Health, the State Department of Agriculture, and the Monroe County Health Department and published in the United States Code of Federal Regulations, the Indiana Code Annotated or the Indiana Administrative Code, and the Monroe County Code.
- (d) Each mobile food vendor unit shall be constructed so that the portions of the unit containing food shall be covered so that no dust or dirt will settle on the food; and such portions of the unit which are designed to contain food shall be at least eighteen inches above the surface of the public way while the unit is being used for the conveyance of food.
- (e) The food storage areas of each mobile food vendor unit shall be kept free from rats, mice, flies and other insects and vermin. No living animals, birds, fowl, reptiles or amphibians shall be permitted in any area where food is stored.
- (f) Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the mobile food vendor unit.

4.28.180 Penalties—Revocation of License.

(a) Any person, partnership, limited liability company or corporation which violates any provision of this Chapter, shall be subject to the following penalties:

(1) Operating a mobile food vendor unit without a license:

First offense	\$2,500.00
Second offense within any 12-month period	\$5,000.00
Third offense, or each thereafter, within any 12-month period	\$7,500.00

(3) Failure to comply with any other provision of this Chapter:

First offense	\$250.00
Second offense within any 12-month period	\$500.00
Third offense, or each thereafter, within any 12-month period	\$1,000.00

(b) In addition, the Controller’s Office shall, after notice and hearing before the City’s Board of Public Works, suspend or revoke, by written order, any license issued hereunder if the Board of Public Works finds:

- (1) The licensee has violated any provision of this Chapter or any rule or regulation lawfully made under and within the authority of this Chapter;
- (2) The licensee is operating the mobile food vendor unit licensed under this Chapter in a manner contrary to State or local code; or
- (3) Any fact or condition exists which, if it had existed at the time of the original application for such license, would have permitted the Controller’s Office to refuse originally to issue such license.

(c) Any person charged with violating the provisions of this Chapter may, in the discretion of the enforcement officer, be issued an official warning. If an official warning is issued it shall be considered as affording the violator one opportunity to comply with this Chapter's provisions.

4.28.190 Restriction on Use and Licenses.

The City of Bloomington has exclusive authority to restrict the use of mobile food vendor units and the issuance of business licenses for mobile food vendor units under the following conditions:

(a) The City may restrict the use of mobile food vendor units in certain designated areas of the City in the event of an emergency declared by the Mayor, the Chief of Police, the Fire Chief, the Director Public Works, the Director of Utilities, and/or any of the aforementioned duly appointed designees.

(b) Absent an emergency as described above, the City may restrict the use of mobile food vendor units in certain designated areas of the City provided the City has given each mobile food vendor unit licensee written notice of the restriction at least seventy-two hours in advance of the restriction going into effect.

Provision regarding new Chapter 4.30 Pushcarts

SECTION 3. A new chapter shall be added to Title 4 entitled “Chapter 4.30 Pushcarts” which shall be listed as such in the Table of Contents for that title and shall read as follows:

Chapter 4.30 – Pushcarts

Sections:

- 4.30.010 Definitions**
- 4.30.020 Operations generally.**
- 4.30.030 Business License—Required.**

4.30.040	Business License—Application.
4.30.050	Business License—Prerequisites
4.30.060	Business License—Duration and Fees.
4.30.070	Application Fee—Refund on Denial.
4.30.080	Effect of Cessation of Business.
4.30.090	Business License—Insurance and Indemnity
4.30.100	Business License—Issuance.
4.30.110	Business License—Transferability.
4.30.120	Business License—Identification.
4.30.130	Location Restrictions.
4.30.140	Prohibited Hours.
4.30.150	Standards of Conduct.
4.30.160	Safety Requirements.
4.30.170	Penalties—Revocation of License.
4.30.180	Restriction on Use and Licenses.

4.30.010 Definitions.

The following terms shall have the following meanings:

“Beverage” means any nonalcoholic liquid, hot or cold, intended for use in whole or in part for human consumption.

“City property” means all outdoor areas which are owned, or leased as lessee, by the City or one of the City’s departments, or upon which the City or one of its departments has an easement or right-of-way including, but not limited to, streets, sidewalks, plazas or other areas adjacent to buildings owned by the City or one of its departments.

“Food” means any raw, cooked, frozen or processed edible substance or beverage intended for use in whole or in part for human consumption.

“Private property” means all outdoor areas which are not owned or leased by any governmental agency or entity, including, but not limited to, streets, sidewalks, plazas, parking lots, or other areas adjacent to buildings not owned by a governmental agency or entity.

“Pushcart” means a non-motorized wheeled cart which may be moved by one person and which is designed and used for displaying, keeping or storing any food or beverage for sale by a vendor.

“Special Event” is any event so designated by the City of Bloomington Board of Public Works.

4.30.020 Operations generally.

It is unlawful to locate a pushcart in the City except in accordance with the provisions of this Chapter.

4.30.030 Business License—Required.

- (a) It is unlawful to locate a pushcart in the City without first having secured a license to do so as provided by this Chapter.
- (b) A separate license shall be required for each pushcart.
- (c) This Chapter does not apply to any recognized participant of a Special Event.
- (d) It is not necessary to obtain a temporary use permit under Chapter 20 of the Bloomington Municipal Code in order to obtain a license for a pushcart under this Chapter.

4.30.040 Business License—Application.

Any person desiring a license under this Chapter shall submit a fully completed application to the City Controller at least fourteen days prior to the proposed date of utilizing the pushcart. The application must set forth or have attached the following information as specified:

- (a) The applicant's name, current physical address, telephone number, email address and date of birth;
- (b) The name, current physical address, and telephone number of the person, firm, limited liability company, corporation or organization which the applicant is employed by or represents, and the length of time of such employment or representation;
- (c) If the applicant is employed by or represents a firm, limited liability company or corporation, the applicant shall provide the name and current physical address of all members of the firm or limited liability company, or all officers of the corporation, as the case may be;
- (d) If the applicant is employed by or represents a corporation or limited liability company then there shall be stated on the application the date of incorporation or organization, the state of incorporation or organization, and if the applicant is a corporation or limited liability company formed in a state other than the State of Indiana, the date on which such corporation or limited liability company qualified to transact business as a foreign corporation or foreign limited liability company in the State of Indiana;
- (e) The type of products to be sold and the hours of the day the applicant plans to conduct business;
- (f) The place or places where said business may be conducted, and a written statement, if applicable, from the owner of any private property wherein the business may be conducted authorizing the applicant to use the property;
- (g) The duration of the license being sought;
- (h) A statement as to whether or not a license, under the provisions of this Chapter, or any other similar ordinance of the City of Bloomington or any other county, town, municipality, or State has been revoked, together with the details thereof; and
- (i) The designation of a resident of the State of Indiana as a registered agent for purposes of receiving notices from the City of Bloomington or other service of process, as a result of doing business in the City of Bloomington

4.30.050 Business License—Prerequisites.

An application for a license under this Chapter shall not be considered unless proof of the following are provided with the application:

- (a) All applicable permits required by the Monroe County Health Department, including but not limited to a Food Service Establishment License or a Certified Food Handler Certificate;
- (b) Proof of registration as a business with the Indiana Secretary of State;
- (c) Proof of an Employer Identification Number;
- (d) If business is to be conducted on City property, a resolution from the City's Board of Public Works;
- (e) If business is to be conducted on or in property owned or managed by the City of Bloomington Parks Department, including those portions of the B-Line Trail not specifically permitted by this Chapter, a letter of approval from said Department;
- (f) If any type of spark, flame or fire will be produced, proof of an Open Burn Permit issued by the City of Bloomington Fire Department;
- (g) Proof of insurance in accordance with the amounts established by this Chapter;
- (h) A scaled site plan showing the location of the proposed pushcart and the property's: drives, parking access aisles, fire lanes, sidewalks and accessible routes; and
- (i) Proof of payment for, or exemption from, the applicable fee.

4.30.060 Business License—Duration and Fee.

- (a) Each applicant shall pay a license fee in accordance with the schedule set forth below (all licenses are for a consecutive period of time):
 - (1) One Day License: \$25.00;
 - (2) Three Day License: \$30.00;
 - (3) Seven Day License: \$50.00;

- (4) Thirty Day License: \$75.00;
- (5) Three Month License: \$150.00;
- (6) Six Month License: \$200.00; and
- (7) One Year License: \$350.00.

(b) The following listed organizations and/or entities while required to obtain a license under this Chapter are exempt from having to pay any fees, so long as the proceeds thereof are to be used exclusively for religious, charitable, educational or scientific purposes:

- (1) Churches;
- (2) Schools;
- (3) Benevolent organizations;
- (4) Fraternal organizations; and
- (5) Other similarly situated organizations.

(c) Pursuant to Ind. Code 25-25-2-1, while all honorably discharged veterans are required to obtain a license under this Chapter they are exempt from having to pay any fees.

4.30.070 Application Fee—Refund on Denial.

An applicant shall pay an application fee in the minimum amount of \$25.00, unless exempted under Section 4.30.060. In the event the license is granted, the application fee shall be retained by the City and applied toward the license fee. In the event the license is denied, \$20.00 of the application fee shall be retained to defray the administrative expense incurred in investigating and processing the application, and any remainder shall be refunded to the applicant.

4.30.080 Effect of Cessation of Business.

No deductions shall be allowed from the fee for a license issued pursuant to this Chapter for any part of the term of which the licensee does not engage in such business.

4.30.090 Business License—Insurance and Indemnity.

(a) Each applicant for a license shall provide a certificate of liability insurance to the City Controller upon a form approved by the Corporation Counsel of the City of Bloomington, insuring the applicant, and naming the City of Bloomington as co-insured, against the following liabilities and in the following amounts relative to such activity:

- (1) Personal injury: \$100,000.00 per occurrence and \$300,000.00 in the aggregate; and
- (2) Property damage: \$25,000.00 per occurrence and \$50,000.00 in the aggregate.

(b) Each applicant shall provide a document approved by the Corporation Counsel for the City of Bloomington, in which the applicant agrees to indemnify and hold harmless the City of Bloomington for losses or expenses arising out of the operation of his/her business.

4.30.100 Business License—Issuance.

(a) The Controller shall within fourteen days of receipt of the completed application issue the business license to the applicant if the Controller finds the following:

- (1) Compliance with all provisions of this Chapter;
- (2) The applicant has not had a prior license issued under this Chapter, or any other similar licensed authorized by a different governmental entity, suspended or revoked; and
- (3) The applicant has not been previously found to be in violation of this Chapter, or any other similar law promulgated by a different governmental entity.

(b) The Controller may, upon a finding of appropriateness, issue a business license to an applicant who has been found to meet the terms of the above subsections 4.30.100(a) (1)-(2).

(c) Failure of the Controller to issue a license within fourteen days of completion of the application constitutes denial of the application. The applicant may appeal the denial by

filing a written statement to the City's Board of Public Works within ten days after passage of those fourteen days. The Board of Public Works shall, within the next thirty days, determine whether the applicant has complied with all provisions of Section 4.30.100(a), and if so, shall authorize the Controller to issue the license if there is such compliance. Prior to this determination, which is final and conclusive, the applicant will have an opportunity to be heard regarding the denial.

4.30.110 Business License—Transferability.

A license issued pursuant to this Chapter shall not be transferable to another licensee.

4.30.120 Business License—Identification.

(a) All licenses issued by the Controller under this Chapter shall be prominently displayed on the pushcart and shall be shown to any person who requests to see the license.

(b) Failure to display or exhibit a license in accordance with this Section may be grounds for suspension or revocation of said license.

4.30.130 Location Restrictions.

(a) No pushcart shall locate in any parking lot, parking space, or parking facility owned, leased or managed by the City of Bloomington unless approval has been given by the City's Board of Public Works.

(b) No pushcart serving food or beverages shall locate within fifty feet of any facade of a ground level establishment that also sells food or beverages, or located within fifty feet of the perimeter of such an establishment's outdoor seating area, regardless of whether or not the pushcart is currently conducting business.

(c) No pushcart shall locate in a street, street median strip or alleyway.

(d) Pushcarts shall be located a reasonable distance from all posted bus stops, crosswalks, driveways, alleyways, right-of-way lines of two or more intersecting streets and building entrances or walk-up windows.

(e) No pushcart shall locate within a one block radius of a Special Event unless prior approval has been granted by either the operator of the Special Event or the City's Board of Public Works.

(f) No pushcart shall be located in a manner which would significantly impede or prevent the use of any City of Bloomington property, or which would endanger the safety or property of the public.

(g) No pushcart shall be located within fifteen feet of any fire hydrant.

(h) No pushcart shall locate within any zoning district except the following: Commercial General; Commercial Arterial; Commercial Downtown; Industrial General; Business Park; and Institutional.

(i) Pushcarts shall only be located on private property if the private property owner has provided both the business operator and the City written permission for the pushcart to locate on said property.

(j) No pushcart operating on private property shall displace required parking or landscaping nor block any drives, parking access aisles, fire lanes, sidewalks, or accessible routes required for the private parking by the City's zoning code.

(k) No pushcart shall park near an intersection and in a manner that blocks the line-of-sight of drivers using adjacent roadways.

(l) No pushcart shall locate on the B-Line Trail except in the following permitted areas:

- (1) Between the north side of Dodds Street and the south side of 2nd Street;
- (2) Between the north side of 3rd Street and the south side of 4th Street; and
- (3) Between the north side of 6th Street and the south side of Fairview Street.

4.30.140 Prohibited Hours.

No pushcart shall be located on any public property between the hours of 4:30 a.m. and 6:30 a.m.

4.30.150 Standards of Conduct.

All pushcart operators shall conform to the following standards of conduct:

- (a) Pushcart operators shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any unreasonable noise of such volume as to be in violation of the City of Bloomington Noise Ordinance as stated in Title 14 of the Bloomington Municipal Code;
- (b) A device may not be used which would amplify sounds nor may attention be drawn to the pushcart by an aural means or a light-producing device (examples of such devices may include, but are not meant to be limited to the following: bull horns and strobe lights);
- (c) No pushcart may be permanently or temporarily affixed to any object, including but not limited to buildings, trees, telephone poles, streetlight poles, traffic signal poles or fire hydrants;
- (d) No pushcart may be used to advertise any product or service which is not authorized to be sold from that pushcart;
- (e) Each pushcart unit shall be limited to one sandwich board sign that meets the provisions of Section 20.05.086 of the Bloomington Municipal Code regardless of the zoning district in which it locates, provided a sign permit is obtained from the City's Planning and Transportation Department;
- (f) No pushcart may make use of any public or private electrical outlet while in operation;
- (g) Each pushcart shall protect against littering and shall have both an adequate trash receptacle and a separate receptacle for recyclable materials:
 - (1) The trash and recyclable receptacles shall be emptied sufficiently often to allow disposal of litter and waste by the public at any time;
 - (2) The trash and recyclable receptacles on the pushcart shall not be emptied into trash or recyclable receptacles owned by the City of Bloomington;
 - (3) Liquid from the pushcart shall not be discharged on or in a City sewer or drain or elsewhere on City property, nor on private property without the express written consent of the owner thereof;
- (h) Before leaving any location each pushcart shall first pick up, remove and dispose of all trash, refuse and/or recyclable materials, including products spilled on the ground within twenty feet of the pushcart;
- (i) No pushcart shall expose any pedestrian to any undue safety or health hazards nor shall it be maintained so as to create a public nuisance;
- (j) Each pushcart shall be maintained free and clear of dirt, and finishes shall not be chipped, faded or unduly marred;
- (k) Foods or beverages which present a substantial likelihood that liquid matter or particles will drop to the street or sidewalk during the process of carrying or consuming the food or beverage shall be sold in proper containers so as to avoid falling to the street or sidewalk;
- (l) Pushcarts which utilize a grill or device that may result in a spark, flame or fire shall adhere to the following additional standards:
 - (1) Be placed approximately 20 feet from a building or structure;
 - (2) Provide a barrier between the grill or device and the general public;
 - (3) The spark, flame or fire shall not exceed 12 inches in height;
 - (4) A fire extinguisher shall be within reaching distance of the pushcart operator at all times;
- (m) Pushcart operators shall be required to obey the commands of law enforcement officers or fire officials with respect to activity carried out on City property, including, where possible, the removal of the pushcart and cessation of such sales;
- (n) No pushcart shall ever be left unattended;
- (o) Pushcarts shall not be stored, parked or left overnight on any City property;
- (p) All pushcarts which are food service establishments as defined by Title 10.17 of the Bloomington Municipal Code shall install an approved grease interceptor or grease trap. Foods, oils and greases shall never be discharged into the City's sewer or storm drains;

- (q) All pushcart operators are required to collect and pay all applicable and appropriate sales taxes;
- (r) No pushcart shall provide customer seating unless approval has been given by the City's Board of Public Works and the City's Planning and Transportation Department;
- (s) All pushcarts shall comply with the lighting standards found in Chapter 20.05 of the Bloomington Municipal Code;
- (t) All pushcarts shall comply with the vision clearance standards found in Chapter 20.05 of the Bloomington Municipal Code;
- (u) No pushcarts shall have a drive-thru; and
- (v) The decibels of any generator(s) associated with a pushcart shall not exceed "70dBA".
 - (1) Such noise measurement shall be made at a height of at least four (4) feet above the ground and at a point approximately twenty-five (25) feet away from where the noise is being emitted on a sound level meter operated on the "A" weighting network (scale).
 - (2) No person other than the operators shall be within twenty-five (25) feet of the sound level meter during the sample period.
 - (3) Sound measurements shall be conducted at that time of day or night when the relevant noise source is emitting sound.
 - (4) The sound level measurement shall be determined as follows:
 - (A) Calibrate the sound level meter within one (1) hour before use.
 - (B) Set the sound level meter on the "A" weighted network at slow response.
 - (C) Set the omnidirectional microphone in an approximately seventy-degree position in a location which complies with subsections (1) and (2) herein. The operator of the sound level meter shall face the noise source and record the meter's instantaneous response.
 - (D) Recalibrate the sound level meter after use.
 - (5) It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurement.

4.30.160 Safety Requirements.

All pushcarts shall comply with the following safety requirements:

- (a) All equipment installed shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
- (b) All utensils shall be stored in a manner to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided by the vendor to avoid loose storage of knives and other sharp or bladed instruments.
- (c) All foods and beverages to be used, prepared, cooked, displayed, sold, served, offered for sale or stored in a pushcart, or during transportation to or between locations shall be from sources approved by the health authorities of the point of origin and must be clean, wholesome, free from spoilage, adulteration, contamination or misbranding and safe for human consumption. The standards for judging wholesomeness for human food shall be those promulgated and amended from time to time by the United States Food and Drug Administration, United States Department of Agriculture, the State Department of Health, the State Department of Agriculture, and the Monroe County Health Department and published in the United States Code of Federal Regulations, the Indiana Code Annotated or the Indiana Administrative Code, and the Monroe County Code.
- (d) Each pushcart shall be constructed so that the portions of the pushcart containing food shall be covered so that no dust or dirt will settle on the food; and such portions of the pushcart which are designed to contain food shall be at least eighteen inches above the surface of the public way while the pushcart is being used for the conveyance of food.
- (e) The food storage areas of each pushcart shall be kept free from rats, mice, flies and other insects and vermin. No living animals, birds, fowl, reptiles or amphibians shall be permitted in any area where food is stored.
- (f) Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the pushcart.

4.30.170 Penalties—Revocation of License.

(a) Any person, partnership, limited liability company or corporation which violates any provision of this Chapter, shall be subject to the following penalties:

(1) Operating a pushcart without a license:

First offense	\$2,500.00
Second offense within any 12-month period	\$5,000.00
Third offense, or each thereafter, within any 12-month period	\$7,500.00

(4) Failure to comply with any other provision of this Chapter:

First offense	\$250.00
Second offense within any 12-month period	\$500.00
Third offense, or each thereafter, within any 12-month period	\$1,000.00

(b) In addition, the Controller’s Office shall, after notice and hearing before the City’s Board of Public Works, suspend or revoke, by written order, any license issued hereunder if the Board of Public Works finds:

- (1) The licensee has violated any provision of this Chapter or any rule or regulation lawfully made under and within the authority of this Chapter;
- (2) The licensee is operating the pushcart licensed under this Chapter in a manner contrary to State or local code; or
- (3) Any fact or condition exists which, if it had existed at the time of the original application for such license, would have permitted the Controller’s Office to refuse originally to issue such license.

(c) Any person charged with violating the provisions of this Chapter may, in the discretion of the enforcement officer, be issued an official warning. If an official warning is issued it shall be considered as affording the violator one opportunity to comply with this Chapter's provisions.

4.30.180 Restriction on Use and Licenses.

The City of Bloomington has exclusive authority to restrict the use of pushcarts and the issuance of business licenses for pushcarts under the following conditions:

(a) The City may restrict the use of pushcarts in certain designated areas of the City in the event of an emergency declared by the Mayor, the Chief of Police, the Fire Chief, the Director Public Works, the Director of Utilities, and/or any of the aforementioned duly appointed designees.

(b) Absent an emergency as described above, the City may restrict the use of pushcarts in certain designated areas of the City provided the City has given each pushcart licensee written notice of the restriction at least seventy-two hours in advance of the restriction going into effect.

SECTION 4. 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 5. 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 repeals the chapter regulating itinerant merchants, solicitors and peddlers and replaces it with a chapter regulating only solicitors. Solicitors have been defined to mean a person who requests anything of value for the taking of orders of goods or the immediate delivery of goods. Second, it adds a new chapter to the Title which regulates the licensing of mobile food vendors. Third, it adds a new chapter to the Title which regulates the licensing of pushcart operators. The purposes of these changes are twofold: (1) to streamline the current licensing and permitting process for these types of activities; and (2) to encourage, within necessary perimeters, the development of smaller businesses that enhance the community.

Please note that the ordinance comes forward as a result of Council consideration of Ord 14-24 over a course of meetings held in late fall of 2014. After adoption of some amendments and discussion of others, the Council adopted a motion to table the ordinance and consider another ordinance in the first quarter of 2015 that reflected the discussions in 2014. This ordinance incorporates additional changes to Title 4 as a result of those deliberations.

MEMO:

To: City of Bloomington Common Council
From: Adam Wason, Deputy Mayor
Danise Alano-Martin, Economic & Sustainable Development Director
Patty Mulvihill, City Attorney
Date: February 19, 2015
Re: Mobile Food Vendors, Pushcarts & Solicitors

When the City Administration first brought forward legislation regarding the regulation of mobile food vendors, pushcarts and solicitors it did so for one primary reason, the current regulations in Title 4 are considered to be ineffective, inefficient and confusing for City staff, the licensed vendors, brick and mortar businesses and the community at large. For example, if a mobile food vendor has permission to operate his or her truck on a private parking lot, the operator not only needs a business license under Title 4 of the BMC, the operator also needs a Temporary Use Permit under Title 20 of the BMC. Second, the current Title 4 ordinance often times leaves citizens, potential businesses and staff confused as to what type of license is needed—itinerant merchant, solicitor or peddler. Third, the current ordinance does not permit the City to hold special events that involve more than one mobile food vendor or pushcart operator. These examples are just a sampling of the difficulties posed by the current regulation.

During the presentation and discussion of the Administration's proposal in 2014 there were several amendments put forth which the Administration supported. Each of those amendments, described below, has been incorporated into the Administration's 2015 proposal.

- Sections 4.16.150; 4.28.160; and 4.30.150, entitled "Standards of Conduct". The following language was added to explain what the ordinance means when it refers to "aural means" or "light producing devices": (*examples of such devices may include, but are not meant to be limited to the following: bull horns and strobe lights*).
- Sections 4.16.160; 4.28.180; and 4.30.170, entitled "Penalties-Revocation of License". A new subsection, subsection (c), was added to specifically codify that enforcement officials have the authority to issue a warning for a first-time violation.
- Sections 4.28.010 and 4.30.010, entitled "Definitions" and Sections 4.28.140 and 4.30.130, entitled "Location Restrictions". The sections were amended to delete any reference to specific districts (Courthouse Square District; Kirkwood District; and Restaurant Row District) and specific limitations on mobile food vendors and pushcarts in those districts.
- Sections 4.28.030 and 4.30.030, entitled "Business License-Required". The ordinance now allows a mobile food vendor or pushcart who participates in a Special Event to locate anywhere within the Special Event's boundaries, even if

that location is within fifty feet of a ground floor establishment that sells food or beverages.

- Sections 4.28.050 and 4.30.05, entitled "Business License-Prerequisites". The ordinance no longer requires mobile food vendors and pushcarts to supply the City with manufacturer specifications on any generators used by said businesses.
- Sections 4.28.140 and 4.30.130, entitled "Location Restrictions". The ordinance now specifies that mobile food vendors and pushcarts must locate fifty feet from both the facade of a ground level establishment that sells food or beverages and fifty feet from the perimeter of such an establishment's outdoor seating area.
- Sections 4.28.150 and 4.30.140, entitled "Prohibited Hours". The ordinance now only prohibits mobile food vendor units and pushcarts from operating on **public** property between the hours of 4:30 a.m. and 6:30 a.m.
- Sections 4.28.190 and 4.30.180, entitled "Restriction on Use". The Administration deleted the cap on the amount of licenses that the City may issue for mobile food vendor units and pushcarts.

During the discussion of the Administration's first proposal in 2014, there appeared to be three main areas of concern or contention: (1) noise levels of generators; (2) emission levels of generators; and (3) location restrictions or alternative locations for mobile food vendors and pushcarts. In response to the discussions put forward in 2014 the City's Administration spent a considerable amount of time researching each of the aforementioned issue areas. Staff is now able to provide the Common Council with additional information and the Administration's position on each of these issues.

Noise Levels of Generators

The Administration's original proposal was to limit generator noise to no more than 60 dbL. There were several concerns that this limit was too low and that the ordinance needed to contain specific instructions on how and where from the decibel level should be measured. In response to these concerns, and based upon data obtained from staff's research, the new proposal recommends limiting generator noise to no more than 70 dbL, establishes that the decibel level shall be measured from a distance of twenty-five (25) feet, and provides specific instructions on how the measurement is to occur. The specific ordinance language can be found at **Sections 4.28.160(v) and 4.30.150(v)**.

Staff reviewed sixty-four (64) cities and towns which regulate mobile food vendors, pushcarts or similarly situated businesses. Exhibits listing those cities and towns, along with their respective populations, and manner of noise regulation are included with this Memorandum as **Exhibits A and B**. Exhibit A lists the cities and towns in alphabetical order while Exhibit B lists the cities and towns in order of their respective populations.

Both exhibits show the following in regards to noise limitations:

- There are nine (9) cities or towns who also require 70 dbl.
- There are eleven (11) cities or towns who require lower decibel levels than the Administration's proposal.
- There are eight (8) cities or towns who permit a higher decibel level than the Administration's proposal.
- Three (3) cities or towns regulate the decibel in some relation to the ambient noise level near the generator.
- Eighteen (18) cities or towns have no known noise regulation for generators.
- Fifteen (15) cities or towns utilize a "reasonableness" standard for generator noise.

The exhibits also show the following in regards to how far away from the generator the noise level is to be measured:

- There is one (1) other city (Ames, Iowa) which measures the noise level from a distance of twenty-five (25) feet.
- There are eight (8) cities or towns who measure the level of noise from a shorter distance than the Administration's proposal.
- There are four (4) cities or towns who measure the level of noise from a greater distance than the Administration's proposal.
- There are nine (9) cities or towns who measure the level of noise from the adjacent property line.
- There are two (2) cities or towns who measure the level of noise from across the street from where the noise is being emitted.
- There are forty (40) cities or towns who do not have an established distance for measuring the noise level.

Thirty-five (35) of the sixty-four (64) cities and towns noted above are cities or towns which contain a publicly funded state university or college. Exhibits listing those cities and towns, along with their respective populations, associated college or university, school enrollment, and manner of noise regulation are included with this Memorandum as **Exhibits C and D**. Exhibit C lists the cities and towns in order of their respective populations while Exhibit D lists the cities and towns in order of their school's enrollment numbers.

Both exhibits show the following in regards to noise limitations:

- There are three (3) cities or towns who also require 70 dbl.
- There are seven (7) cities or towns who require lower decibel levels than the Administration's proposal.
- There are four (4) cities or towns who permit a higher decibel level than the Administration's proposal.
- Two (2) cities or towns regulate the decibel in some relation to the ambient noise level near the generator.
- Eight (8) cities or towns have no known noise regulation for generators.
- Ten (10) cities or towns utilize a "reasonableness" standard for generator noise.

The exhibits also show the following in regards to how far away from the generator the noise level is to be measured:

- There is one (1) other city (Ames, Iowa) which measures the noise level from a distance of twenty-five (25) feet.
- There are four (4) cities or towns who measure the level of noise from a shorter distance than the Administration's proposal.
- There are three (3) cities or towns who measure the level of noise from a greater distance than the Administration's proposal.
- There are seven (7) cities or towns who measure the level of noise from the adjacent property line.
- There is one (1) city or town who measure the level of noise from across the street from where the noise is being emitted.
- There are nineteen (19) cities or towns who do not have an established distance for measuring the noise level.

Emission Levels for Generators

The Administration's original proposal in 2014 did not specifically address or regulate emission levels for generators used by mobile food vendors or pushcarts. During the original proposals discussion staff was asked to determine if the City can legally regulate emission levels on generators and to consider if emission regulation is needed.

Ind. Code § 13-17-12-1(2) advises that the State of Indiana's air pollution control law do not prevent cities from adopting and enforcing ordinances which are more restrictive than the State's air pollution laws, provided the ordinance "further the expressed purpose of air pollution control laws". The stated purpose of the State's air pollution control laws is located at Ind. Code § 13-17-1-1 and reads as follow:

It is the intent and purpose of air pollution control laws to maintain the purity of the air resource of Indiana, which shall be consistent with protection of the public health and welfare and the public employment of the air resource, physical property and other resources, flora and fauna, maximum employment, and full industrial development of Indiana. The air pollution control board and the department shall safeguard the air resource through the prevention, abatement, and control of air pollution by all practical and economically feasible methods.

There have been no judicial interpretations on the above two Indiana statutes so staff cautions the Council on moving forward with an ordinance which regulates the emissions of generators.

In reviewing emission standards and how such standards are measured staff has determined that any such regulation would be too cumbersome and costly for the City to effectively administer and manage. The Administration's proposal does not recommend regulating the amount of emissions produced by generators. Instead, the Administration would prefer to see if its proposed distance restrictions provide enough of a safety net for pedestrians and users of the City's streets and sidewalks, and if not, then reevaluate if other regulatory avenues are available and advisable.

The Administration reached out to mobile food vendor units and pushcarts to determine what type of generators, if any, are being used by these businesses. As of today's date, the Administration has learned the following:

- All but three (3) licensed businesses provided the City with specific information on their generators.
- Eight (8) vendors utilize a gas powered generator.
- Seven (7) vendors do not utilize a gas powered generator, all but two (2) of those vendors are pushcarts.

Location Restrictions or Alternative Locations

Distance From Ground Level Establishments That Sell Food or Beverages

The Administration's 2014 proposal recommended prohibiting mobile food vendor units and pushcarts from operating within fifty (50) feet of any ground level establishment that sells food or beverages, and that if said establishment has an outdoor seating area, the fifty (50) feet be measured from the perimeter of the outdoor seating area. Mobile food vendors and pushcarts argued that the distance was too great; that they should be allowed to operate at any location of their choosing; or at a minimum they should be allowed to operate closer to a ground level establishment that sells food or beverages if said establishments provides permission. On the other side of the argument downtown businesses, community members and Common Council representatives pondered if fifty (50) feet is too close to ground level establishments and thought that seventy-five (75) feet may be more appropriate. Staff listened and reviewed all concerns raised, reviewed the regulations of other cities and towns, and determined that Administration stands behind its original proposal.

Staff reviewed sixty-four (64) cities and towns which regulate mobile food vendors, pushcarts or similarly situated businesses. Exhibits listing those cities and towns, along with their respective populations, and distance restrictions are included with this Memorandum as **Exhibits E and F**. Exhibit E lists the cities and towns in alphabetical order while Exhibit F lists the cities and towns in order of their respective populations.

Both exhibits show the following in regards to distance limitations:

- Five (5) cities or towns prohibit vendors from locating within fifty (50) feet of ground level establishments, like the Administration's proposal.
- Eighteen (18) cities or towns prohibit vendors from locating within **more than** fifty (50) feet of ground level establishments.
- Six (6) cities or towns prohibit vendors from locating on any **public** property.
- Three (3) cities or towns prohibit vendors from blocking a ground level establishment, parking adjacent to a ground level establishment, or parking on the same side of the street as a ground level establishment.
- Eight (6) cities or towns have no restrictions on where vendors may locate.
- Twenty (20) cities or towns provide exact and specific locations on where vendors may locate. Vendors may locate only in those locations and nowhere else.

Thirty-five (35) of the sixty-four (64) cities and towns noted above are cities or towns which contain a publicly funded state university or college. Exhibits listing those cities and towns, along with their respective populations, associated college or university, school enrollment, and location restrictions are included with this Memorandum as **Exhibits G and H**. Exhibit G lists

the cities and towns in order of their respective populations while Exhibit H lists the cities and towns in order of their school's enrollment numbers.

Both exhibits show the following in regards to noise limitations:

- Three (3) cities or towns prohibit vendors from locating within fifty (50) feet of ground level establishments, like the Administration's proposal.
- Nine (9) cities or towns prohibit vendors from locating within **more than** fifty (50) feet of ground level establishments.
- Four (4) cities or towns prohibit vendors from locating on any **public** property.
- Two (2) cities or towns prohibit vendors from blocking a ground level establishment, parking adjacent to a ground level establishment, or parking on the same side of the street as a ground level establishment.
- Two (2) cities or towns have no restrictions on where vendors may locate.
- Twelve (12) cities or towns provide exact and specific locations on where vendors may locate. Vendors may locate only in those locations and nowhere else.

In order to be able to visualize the permitted and prohibited locations in the downtown area the Administration has prepared two maps for the Common Council and public to review. The maps, attached as **Exhibits I and J**, delineate the meter locations where vendors can and cannot park. The maps are somewhat small, so to that end, the Administration has prepared larger maps that more clearly delineate the specific parking meter locations, also labeled **Exhibits I and J**, which will be available in the Common Council office for viewing and presented during the Common Council meetings concerning the proposed legislation.

To show the difference between a fifty (50) foot prohibition and a seventy-five (75) foot prohibition, the Administration has also prepared two maps which provide the permitted and prohibited parking spaces if the regulation is seventy-five (75) feet. Attached are **Exhibits K and L**, which delineate the meter locations where vendors can and cannot park in the downtown area. Again these maps are small so the Administration has prepared larger maps that more clearly delineate the specific parking meter locations, these maps are also labeled **Exhibits K and L**, which will be available in the Common Council office for viewing and presented during the Common Council meetings concerning the proposed legislation.

If the ordinance is adopted with these location restrictions in place, the City will mark those parking meters where mobile food vendor units are permitted to locate and conduct business. It is the Administration's belief that marking these parking meters will better assist the mobile food vendors units and citizens in knowing where the units can and cannot locate.

Locating Near Closed Ground Level Establishments That Sell Food or Beverages

Permitting mobile food vendor units and pushcarts to operate near or in front of closed ground level establishment that sell food or beverages creates ambiguity (which defeats the overall and primary purpose of this Title 4 update) and requires costly, if even feasible, administrative oversight.

- While it may seem reasonable to allow mobile food vendor units and pushcarts to locate in front of closed restaurants and bars, from a City staff perspective it creates a policy and environment that is unenforceable. One of the products resulting from this ordinance is a map of the downtown that shows where mobile food vendor units and pushcarts are allowed to park, based on the 50' rule (among others). This map will be an easy reference tool that aims to eliminate any ambiguity for mobile food vendors, City staff, the Bloomington Police Department, downtown businesses and the public with regards to where a food truck or pushcart may park.
- A policy that allows mobile food vendor units and pushcarts to locate within 50' of a ground level establishment that sells food or beverages when it is closed creates a "moving target" from an enforcement perspective. The map described within and attached to this Memo becomes virtually worthless if it is not accurate. As soon as a ground level establishment that sells food or beverages closes for the day the map will be incorrect and therefore not a good tool for enforcement. The allowable parking spaces need to be consistent.
- The only theoretically conceivable way to allow vendors to park in front of closed ground level establishments that sell food or beverages will be to create a different map for each hour of the day that will hopefully reflect allowable parking spaces for mobile food vendor units and pushcarts based on the hours of operation of said ground level establishments. Some of the aforementioned ground level establishments vary their hours based on the different days of the week (or times of the year, or presence or absence of basketball or football games, etc.), so in theory the City will need to create 168 different maps (24hrs/day x 7 days a week), and this still will not account for holiday hours, or new businesses opening or closing throughout the year.

Private Agreements with Ground Level Establishments That Sell Food or Beverages

Again, permitting mobile food vendor units and pushcarts to enter into private agreements with ground level establishment that sell food or beverages to operate inside the fifty (50) foot perimeter creates ambiguity (which defeats the overall and primary purpose of this Title 4 update) and requires costly, if even feasible, administrative oversight.

- Much like a policy of allowing mobile food vendor units and pushcarts to park in front of closed ground level establishments that sell food or beverages, allowing

them to have private agreements with such establishments that do not mind if they park less than 50' from their business will be difficult to track and monitor and therefore unenforceable.

- The main enforcement tool for where a mobile food vendor unit or pushcart is allowed to locate is the downtown map described and attached herein. This map is what enforcement officers will use to settle any dispute over location. If private agreements between mobile food vendors and ground level establishments that sell food or beverages are allowed this will have a direct impact on the accuracy of the map since the map will then not apply to all mobile food vendors. It is not technologically feasible to modify the map to reflect which specific mobile food vendors are allowed to park in front of which ground level establishments. It will muddy enforcement and ***leave mobile food vendors, City staff, BPD, downtown businesses and the public unclear about who can park where.*** A single map with universal rules is the best option.
- Another reason allowing private contractual agreements between ground level establishments and licensed vendors will be unfeasible is that said establishments do not have the right to dictate the use of the public right-of-way. If a ground level establishment can decide who is allowed to park in front of them (on a public street) this assigns legal power and discretion to the establishment that it ought not have.

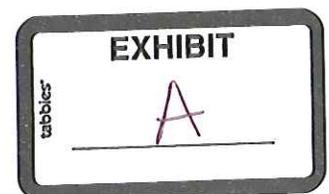
Mobile Food Vendors and Pushcarts in Dunkirk Square Parking Lot

The Administration does not support using a publicly owned parking lot for use by private businesses on a regular and consistent basis. However, staff could support limited and the occasional use of such space during and for Special Events.

- Allowing mobile food vendor units and pushcart to utilize the City parking lot behind Dunkirk Square is feasible, but could potentially cause costs to be incurred by the City. Such potential costs, timing, impacts of each proposed use, and also the organizational and physical infrastructure needed must first be well understood.
- If the expectation is that utilizing this parking lot by the vendors is to be organized and run by City staff (which is not recommended or supported by the Administration), what resources are necessary for the event organization and where will these resources come from? (think Farmers' Market or Holiday Market – these things require dedicated staff time and significant resources to organize).
- Infrastructure costs are not known and the Administration does not support tax dollars being used to cover the cost of any such infrastructure.

Noise Regulations

City	Population	Regulation Level	Distance
Ames, Iowa	62,000	75	25 feet
Ann Arbor, Michigan	117,000	71	Property Line
Appleton, Wisconsin	73,500	N/A	N/A
Asheville, North Carolina	87,000	65	N/A
Athens, Georgia	120,000	Unreasonable Standard	N/A
Austin, Texas	885,000	70	Across Street
Birmingham, Alabama	212,000	60	N/A
Blacksburg, Virginia	44,000	Unreasonable Standard	N/A
Bloomington, Indiana	82,600	70	25 feet
Boston, Massachusetts	646,000	70	N/A
Boulder, Colorado	103,000	N/A	N/A
Champaign, Illinois	83,000	75	10 feet
Chapel Hill, North Carolina	60,000	65	Property Line
Chattanooga, Tennessee	173,000	92	4 feet
Chicago, Illinois	2,719,000	70	10 feet
Cicero, Illinois	84,000	N/A	N/A
College Park, Maryland	31,000	65	N/A
College Station, Texas	100,000	Above Ambient	Property Line
Columbia, Missouri	115,000	Unreasonable Standard	N/A
Columbus, Ohio	823,000	66	9 feet
Concord, North Carolina	83,000	N/A	N/A
Cranston, Rhode Island	80,000	Unreasonable Standard	N/A
Dallas, Texas	1,258,000	Unreasonable Standard	N/A
Des Moines, Iowa	207,000	N/A	N/A
Dripping Springs, Texas	2,000	70	Across Street
Durham, North Carolina	245,000	N/A	N/A
East Lansing, Michigan	49,000	N/A	N/A
Eugene, Oregon	159,000	N/A	N/A
Evanston, Illinois	76,000	N/A	N/A

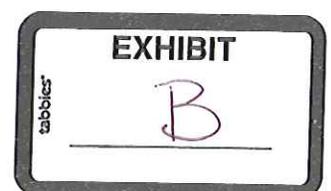


Fayetteville, Arkansas	79,000	Unreasonable Standard	150 feet
Greeley, Colorado	97,000	N/A	N/A
Hammond, Indiana	80,000	N/A	N/A
Houston, Texas	2,196,000	68	Property Line
Indianapolis, Indiana	843,000	100	N/A
Iowa City, Iowa	72,000	N/A	N/A
Ithaca, New York	30,000	Unreasonable Standard	N/A
Jacksonville, Florida	843,000	Unreasonable Standard	Property Line
Kalamazoo, Michigan	75,000	50	N/A
Lakeville, Minnesota	59,000	70	N/A
Lawrence, Kansas	90,000	Unreasonable Standard	N/A
Lexington, Kentucky	308,400	Unreasonable Standard	N/A
Lincoln, Nebraska	269,000	Unreasonable Standard	30 feet
Los Angeles, California	3,884,000	Unreasonable Standard	10 feet
Madison, Wisconsin	243,000	60	N/A
Mankato, Minnesota	41,000	60	50
Miami, Florida	418,000	N/A	N/A
Minneapolis, Minnesota	400,000	10 Above Ambient	50
Morgantown, West Virginia	31,000	65	Property Line
Nashville, Tennessee	634,000	85	N/A
New Brunswick, New Jersey	56,000	Unreasonable Standard	N/A
New Orleans, Louisiana	379,000	75	N/A
Orem, Utah	91,000	N/A	N/A
Parma, Ohio	80,000	N/A	N/A
Portland, Oregon	609,000	70	Property Line
Raleigh, North Carolina	432,000	70	10 feet
Regina, Canada	180,000	65	Property Line
Rochester, New York	110,000	N/A	N/A
San Antonio, Texas	1,409,000	70	Property Line
San Francisco, California	837,000	Limited to Area	N/A
Siloam Springs, Arizona	16,000	80	At Source
Spokane, Washington	210,000	N/A	N/A
State College, Pennsylvania	42,000	Unreasonable Standard	N/A

Temecula, California	106,000	Unreasonable Standard	N/A
West Lafayette, Indiana	31,000	N/A	N/A
Yuma, Arizona	92,000	70	10 feet

Noise Regulations

City	Population	Regulation Level	Distance
Dripping Springs, Texas	2,000	70	Across Street
Siloam Springs, Arizona	16,000	80	At Source
Ithaca, New York	30,000	Unreasonable Standard	N/A
College Park, Maryland	31,000	65	N/A
Morgantown, West Virginia	31,000	65	Property Line
West Lafayette, Indiana	31,000	N/A	N/A
Mankato, Minnesota	41,000	60	50
State College, Pennsylvania	42,000	Unreasonable Standard	N/A
Blacksburg, Virginia	44,000	Unreasonable Standard	N/A
East Lansing, Michigan	49,000	N/A	N/A
New Brunswick, New Jersey	56,000	Unreasonable Standard	N/A
Lakeville, Minnesota	59,000	70	N/A
Chapel Hill, North Carolina	60,000	65	Property Line
Ames, Iowa	62,000	75	25 feet
Iowa City, Iowa	72,000	N/A	N/A
Appleton, Wisconsin	73,500	N/A	N/A
Kalamazoo, Michigan	75,000	50	N/A
Evanston, Illinois	76,000	N/A	N/A
Fayetteville, Arkansas	79,000	Unreasonable Standard	150 feet
Cranston, Rhode Island	80,000	Unreasonable Standard	N/A
Hammond, Indiana	80,000	N/A	N/A
Parma, Ohio	80,000	N/A	N/A
Bloomington, Indiana	82,600	70	25 feet
Champaign, Illinois	83,000	75	10 feet
Concord, North Carolina	83,000	N/A	N/A
Cicero, Illinois	84,000	N/A	N/A
Asheville, North Carolina	87,000	65	N/A
Lawrence, Kansas	90,000	Unreasonable Standard	N/A
Orem, Utah	91,000	N/A	N/A

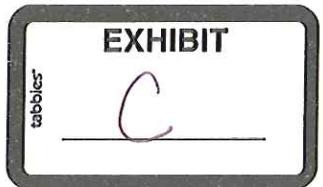


Yuma, Arizona	92,000	70	10 feet
Greeley, Colorado	97,000	N/A	N/A
College Station, Texas	100,000	Above Ambient	Property Line
Boulder, Colorado	103,000	N/A	N/A
Temecula, California	106,000	Unreasonable Standard	N/A
Rochester, New York	110,000	N/A	N/A
Columbia, Missouri	115,000	Unreasonable Standard	N/A
Ann Arbor, Michigan	117,000	71	Property Line
Athens, Georgia	120,000	Unreasonable Standard	N/A
Eugene, Oregon	159,000	N/A	N/A
Chattanooga, Tennessee	173,000	92	4 feet
Regina, Canada	180,000	65	Property Line
Des Moines, Iowa	207,000	N/A	N/A
Spokane, Washington	210,000	N/A	N/A
Birmingham, Alabama	212,000	60	N/A
Madison, Wisconsin	243,000	60	N/A
Durham, North Carolina	245,000	N/A	N/A
Lincoln, Nebraska	269,000	Unreasonable Standard	30 feet
Lexington, Kentucky	308,400	Unreasonable Standard	N/A
New Orleans, Louisiana	379,000	75	N/A
Minneapolis, Minnesota	400,000	10 Above Ambient	50
Miami, Florida	418,000	N/A	N/A
Raleigh, North Carolina	432,000	70	10 feet
Portland, Oregon	609,000	70	Property Line
Nashville, Tennessee	634,000	85	N/A
Boston, Massachusetts	646,000	70	N/A
Columbus, Ohio	823,000	66	9 feet
San Francisco, California	837,000	Limited to Area	N/A
Indianapolis, Indiana	843,000	100	N/A
Jacksonville, Florida	843,000	Unreasonable Standard	Property Line
Austin, Texas	885,000	70	Across Street
Dallas, Texas	1,258,000	Unreasonable Standard	N/A
San Antonio, Texas	1,409,000	70	Property Line

Houston, Texas	2,196,000	68	Property Line
Chicago, Illinois	2,719,000	70	10 feet
Los Angeles, California	3,884,000	Unreasonable Standard	10 feet

Noise Regulations for Communities with State Colleges or Universities

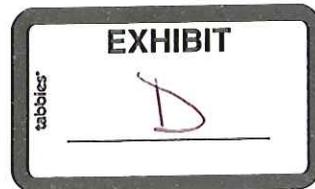
City	Population	State College or University	Enrollment	Regulation Level	Distance
Morgantown, West Virginia	31,000	West Virginia University	29,200	65	Property Line
College Park, Maryland	31,000	University of Maryland	37,200	65	N/A
West Lafayette, Indiana	31,000	Purdue University	38,800	N/A	N/A
Mankato, Minnesota	41,000	Minnesota State University	15,400	60	50
State College, Pennsylvania	42,000	Penn State	96,000	Unreasonable Standard	N/A
Blacksburg, Virginia	44,000	Virginia Tech	31,200	Unreasonable Standard	N/A
East Lansing, Michigan	49,000	Michigan State University	50,000	N/A	N/A
New Brunswick, New Jersey	56,000	Rutgers University	65,500	Unreasonable Standard	N/A
Chapel Hill, North Carolina	60,000	University of North Carolina	29,100	65	Property Line
Ames, Iowa	62,000	Iowa State University	34,700	75	25 feet
Iowa City, Iowa	72,000	University of Iowa	31,200	N/A	N/A
Appleton, Wisconsin	73,500	University of Georgia	35,200	N/A	N/A
Kalamazoo, Michigan	75,000	Western Michigan University	25,000	50	N/A
Fayetteville, Arkansas	79,000	University of Arkansas	25,400	Unreasonable Standard	150 feet
Bloomington, Indiana	82,600	Indiana University	46,400	70	25 feet
Champaign, Illinois	83,000	University of Illinois	44,500	75	10 feet
Lawrence, Kansas	90,000	University of Kansas	28,000	Unreasonable Standard	N/A
Orem, Utah	91,000	Utah State University	27,800	N/A	N/A
Greeley, Colorado	97,000	University of Northern Colorado	12,000	N/A	N/A
College Station, Texas	100,000	Texas A & M	58,800	Above Ambient	Property Line
Boulder, Colorado	103,000	University of Colorado	30,300	N/A	N/A
Columbia, Missouri	115,000	University of Missouri	35,400	Unreasonable Standard	N/A
Ann Arbor, Michigan	117,000	University of Michigan	43,700	71	Property Line
Eugene, Oregon	159,000	University of Oregon	24,500	N/A	N/A
Madison, Wisconsin	243,000	University of Wisconsin	43,300	60	N/A
Lincoln, Nebraska	269,000	University of Nebraska	24,200	Unreasonable Standard	30 feet



Lexington, Kentucky	308,400	University of Kentucky	29,000	Unreasonable Standard	N/A
Raleigh, North Carolina	432,000	North Carolina State University	34,000	70	10 feet
Portland, Oregon	609,000	Portland State University	29,500	70	Property Line
Columbus, Ohio	823,000	Ohio State University	57,500	66	9 feet
San Francisco, California	837,000	San Francisco State University	29,500	Limited to Area	N/A
Jacksonville, Florida	843,000	University of North Florida	14,000	Unreasonable Standard	Property Line
Indianapolis, Indiana	843,000	IUPUI	31,000	100	N/A
Austin, Texas	885,000	University of Texas	52,200	70	Across Street
Houston, Texas	2,196,000	University of Houston	39,500	68	Property Line
Los Angeles, California	3,884,000	UCLA	42,000	Unreasonable Standard	10 feet

Noise Regulations for Communities with State Colleges or Universities

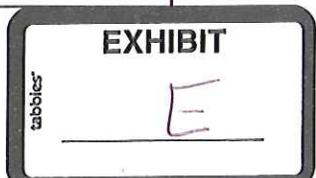
City	Population	State College or University	Enrollment	Regulation Level	Distance
Greeley, Colorado	97,000	University of Northern Colorado	12,000	N/A	N/A
Jacksonville, Florida	843,000	University of North Florida	14,000	Unreasonable Standard	Property Line
Mankato, Minnesota	41,000	Minnesota State University	15,400	60	50
Lincoln, Nebraska	269,000	University of Nebraska	24,200	Unreasonable Standard	30 feet
Eugene, Oregon	159,000	University of Oregon	24,500	N/A	N/A
Kalamazoo, Michigan	75,000	Western Michigan University	25,000	50	N/A
Fayetteville, Arkansas	79,000	University of Arkansas	25,400	Unreasonable Standard	150 feet
Orem, Utah	91,000	Utah State University	27,800	N/A	N/A
Lawrence, Kansas	90,000	University of Kansas	28,000	Unreasonable Standard	N/A
Lexington, Kentucky	308,400	University of Kentucky	29,000	Unreasonable Standard	N/A
Chapel Hill, North Carolina	60,000	University of North Carolina	29,100	65	Property Line
Morgantown, West Virginia	31,000	West Virginia University	29,200	65	Property Line
Portland, Oregon	609,000	Portland State University	29,500	70	Property Line
San Francisco, California	837,000	San Francisco State University	29,500	Limited to Area	N/A
Boulder, Colorado	103,000	University of Colorado	30,300	N/A	N/A
Indianapolis, Indiana	843,000	IUPUI	31,000	100	N/A
Blacksburg, Virginia	44,000	Virginia Tech	31,200	Unreasonable Standard	N/A
Iowa City, Iowa	72,000	University of Iowa	31,200	N/A	N/A
Raleigh, North Carolina	432,000	North Carolina State University	34,000	70	10 feet
Ames, Iowa	62,000	Iowa State University	34,700	75	25 feet
Appleton, Wisconsin	73,500	University of Georgia	35,200	N/A	N/A
Columbia, Missouri	115,000	University of Missouri	35,400	Unreasonable Standard	N/A
College Park, Maryland	31,000	University of Maryland	37,200	65	N/A
West Lafayette, Indiana	31,000	Purdue University	38,800	N/A	N/A
Houston, Texas	2,196,000	University of Houston	39,500	68	Property Line
Los Angeles, California	3,884,000	UCLA	42,000	Unreasonable Standard	10 feet



Madison, Wisconsin	243,000	University of Wisconsin	43,300	60	N/A
Ann Arbor, Michigan	117,000	University of Michigan	43,700	71	Property Line
Champaign, Illinois	83,000	University of Illinois	44,500	75	10 feet
Bloomington, Indiana	82,600	Indiana University	46,400	70	25 feet
East Lansing, Michigan	49,000	Michigan State University	50,000	N/A	N/A
Austin, Texas	885,000	University of Texas	52,200	70	Across Street
Columbus, Ohio	823,000	Ohio State University	57,500	66	9 feet
College Station, Texas	100,000	Texas A & M	58,800	Above Ambient	Property Line
New Brunswick, New Jersey	56,000	Rutgers University	65,500	Unreasonable Standard	N/A
State College, Pennsylvania	42,000	Penn State	96,000	Unreasonable Standard	N/A

Distance Restrictions

City	Population	Distance
Ames, Iowa	62,000	No Blocking Business
Ann Arbor, Michigan	117,000	75 feet
Appleton, Wisconsin	73,500	No Regulation
Asheville, North Carolina	87,000	No Regulation
Athens, Georgia	120,000	Specific Locations
Austin, Texas	885,000	20 feet
Birmingham, Alabama	212,000	150 feet
Blacksburg, Virginia	44,000	No Public Property
Bloomington, Indiana	82,600	50 feet
Boston, Massachusetts	646,000	Specific Locations
Boulder, Colorado	103,000	150 feet
Champaign, Illinois	83,000	Specific Locations
Chapel Hill, North Carolina	60,000	100 feet
Chattanooga, Tennessee	173,000	Specific Locations
Chicago, Illinois	2,719,000	200 feet
Cicero, Illinois	84,000	No Public Property
College Park, Maryland	31,000	100 feet
College Station, Texas	100,000	100 feet
Columbia, Missouri	115,000	Specific Locations
Columbus, Ohio	823,000	Specific Locations
Concord, North Carolina	83,000	Specific Locations
Cranston, Rhode Island	80,000	1000 feet
Dallas, Texas	1,258,000	Specific Locations
Des Moines, Iowa	207,000	Permission from Business
Dripping Springs, Texas	2,000	Adjacent to
Durham, North Carolina	245,000	50 feet
East Lansing, Michigan	49,000	Specific Locations
Eugene, Oregon	159,000	Specific Locations
Evanston, Illinois	76,000	No Regulation
Fayetteville, Arkansas	79,000	No Same Side of Street

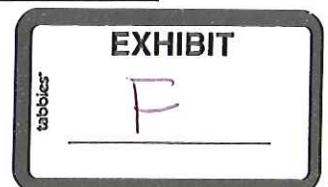


Greeley, Colorado	97,000	No Public Property
Hammond, Indiana	80,000	No Regulation
Houston, Texas	2,196,000	Specific Locations
Indianapolis, Indiana	843,000	50 feet
Iowa City, Iowa	72,000	Specific Locations
Ithaca, New York	30,000	Specific Locations
Jacksonville, Florida	843,000	50 feet
Kalamazoo, Michigan	75,000	150 feet
Lakeville, Minnesota	59,000	No Public Property
Lawrence, Kansas	90,000	No Public Property
Lexington, Kentucky	308,400	100 feet
Lincoln, Nebraska	269,000	No Congested Streets; Arterial Streets; or Streets with 25+ mph limits
Los Angeles, California	3,884,000	No Regulation
Madison, Wisconsin	243,000	Specific Locations
Mankato, Minnesota	41,000	Specific Locations & Permission from Business
Miami, Florida	418,000	Specific Locations
Minneapolis, Minnesota	400,000	100 feet
Morgantown, West Virginia	31,000	Specific Locations
Nashville, Tennessee	634,000	150 feet
New Brunswick, New Jersey	56,000	1,000 feet
New Orleans, Louisiana	379,000	Specific Locations
Orem, Utah	91,000	Specific Locations
Parma, Ohio	80,000	No Regulation
Portland, Oregon	609,000	Specific Locations
Raleigh, North Carolina	432,000	50 feet
Regina, Canada	180,000	164 feet
Rochester, New York	110,000	Specific Locations
San Antonio, Texas	1,409,000	300 feet
San Francisco, California	837,000	75 feet
Siloam Springs, Arizona	16,000	200 feet
Spokane, Washington	210,000	50 feet

State College, Pennsylvania	42,000	No Public Property
Temecula, California	106,000	No Regulation
West Lafayette, Indiana	31,000	No Regulation
Yuma, Arizona	92,000	150 feet

Distance Restrictions

City	Population	Distance
Dripping Springs, Texas	2,000	Adjacent to
Siloam Springs, Arizona	16,000	200 feet
Ithaca, New York	30,000	Specific Locations
College Park, Maryland	31,000	100 feet
Morgantown, West Virginia	31,000	Specific Locations
West Lafayette, Indiana	31,000	No Regulation
Mankato, Minnesota	41,000	Specific Locations & Permission from Business
State College, Pennsylvania	42,000	No Public Property
Blacksburg, Virginia	44,000	No Public Property
East Lansing, Michigan	49,000	Specific Locations
New Brunswick, New Jersey	56,000	1,000 feet
Lakeville, Minnesota	59,000	No Public Property
Chapel Hill, North Carolina	60,000	100 feet
Ames, Iowa	62,000	No Blocking Business
Iowa City, Iowa	72,000	Specific Locations
Appleton, Wisconsin	73,500	No Regulation
Kalamazoo, Michigan	75,000	150 feet
Evanston, Illinois	76,000	No Regulation
Fayetteville, Arkansas	79,000	No Same Side of Street
Cranston, Rhode Island	80,000	1000 feet
Hammond, Indiana	80,000	No Regulation
Parma, Ohio	80,000	No Regulation
Bloomington, Indiana	82,600	50 feet
Champaign, Illinois	83,000	Specific Locations
Concord, North Carolina	83,000	Specific Locations
Cicero, Illinois	84,000	No Public Property
Asheville, North Carolina	87,000	No Regulation
Lawrence, Kansas	90,000	No Public Property
Orem, Utah	91,000	Specific Locations



Yuma, Arizona	92,000	150 feet
Greeley, Colorado	97,000	No Public Property
College Station, Texas	100,000	100 feet
Boulder, Colorado	103,000	150 feet
Temecula, California	106,000	No Regulation
Rochester, New York	110,000	Specific Locations
Columbia, Missouri	115,000	Specific Locations
Ann Arbor, Michigan	117,000	75 feet
Athens, Georgia	120,000	Specific Locations
Eugene, Oregon	159,000	Specific Locations
Chattanooga, Tennessee	173,000	Specific Locations
Regina, Canada	180,000	164 feet
Des Moines, Iowa	207,000	Permission from Business
Spokane, Washington	210,000	50 feet
Birmingham, Alabama	212,000	150 feet
Madison, Wisconsin	243,000	Specific Locations
Durham, North Carolina	245,000	50 feet
Lincoln, Nebraska	269,000	No Congested Streets; Arterial Streets; or Streets with 25+ mph limits
Lexington, Kentucky	308,400	100 feet
New Orleans, Louisiana	379,000	Specific Locations
Minneapolis, Minnesota	400,000	100 feet
Miami, Florida	418,000	Specific Locations
Raleigh, North Carolina	432,000	50 feet
Portland, Oregon	609,000	Specific Locations
Nashville, Tennessee	634,000	150 feet
Boston, Massachusetts	646,000	Specific Locations
Columbus, Ohio	823,000	Specific Locations
San Francisco, California	837,000	75 feet
Indianapolis, Indiana	843,000	50 feet
Jacksonville, Florida	843,000	50 feet
Austin, Texas	885,000	20 feet

Dallas, Texas	1,258,000	Specific Locations
San Antonio, Texas	1,409,000	300 feet
Houston, Texas	2,196,000	Specific Locations
Chicago, Illinois	2,719,000	200 feet
Los Angeles, California	3,884,000	No Regulation

Distance Restrictions for Communities with State Colleges or Universities

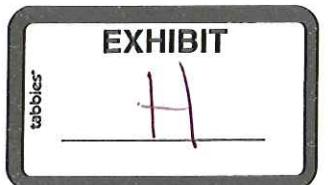
City	Population	State College or University	Enrollment	Distance
Morgantown, West Virginia	31,000	West Virginia University	29,200	Specific Locations
College Park, Maryland	31,000	University of Maryland	37,200	100 feet
West Lafayette, Indiana	31,000	Purdue University	38,800	No Public Property
Mankato, Minnesota	41,000	Minnesota State University	15,400	Specific Locations & Permission from Business
State College, Pennsylvania	42,000	Penn State	96,000	No Public Property
Blacksburg, Virginia	44,000	Virginia Tech	31,200	No Public Property
East Lansing, Michigan	49,000	Michigan State University	50,000	Specific Locations
New Brunswick, New Jersey	56,000	Rutgers University	65,500	1,000 feet
Chapel Hill, North Carolina	60,000	University of North Carolina	29,100	100 feet
Ames, Iowa	62,000	Iowa State University	34,700	No Blocking Business
Iowa City, Iowa	72,000	University of Iowa	31,200	Specific Locations
Kalamazoo, Michigan	75,000	Western Michigan University	25,000	150 feet
Fayetteville, Arkansas	79,000	University of Arkansas	25,400	No Same Side of Street
Bloomington, Indiana	82,600	Indiana University	46,400	50 feet
Champaign, Illinois	83,000	University of Illinois	44,500	Specific Locations
Lawrence, Kansas	90,000	University of Kansas	28,000	No Public Property
Orem, Utah	91,000	Utah State University	27,800	Specific Locations
Greeley, Colorado	97,000	University of Northern Colorado	12,000	No Public Property



College Station, Texas	100,000	Texas A & M	58,800	100 feet
Boulder, Colorado	103,000	University of Colorado	30,300	150 feet
Columbia, Missouri	115,000	University of Missouri	35,400	Specific Locations
Ann Arbor, Michigan	117,000	University of Michigan	43,700	75 feet
Athens, Georgia	120,000	University of Georgia	35,200	Specific Locations
Eugene, Oregon	159,000	University of Oregon	24,500	Specific Locations
Madison, Wisconsin	243,000	University of Wisconsin	43,300	Specific Locations
Lincoln, Nebraska	269,000	University of Nebraska	24,200	No Congested Streets; Arterial Streets: or
Lexington, Kentucky	308,400	University of Kentucky	29,000	100 feet
Raleigh, North Carolina	432,000	North Carolina State University	34,000	50 feet
Portland, Oregon	609,000	Portland State University	29,500	Specific Locations
Columbus, Ohio	823,000	Ohio State University	57,500	Specific Locations
San Francisco, California	837,000	San Francisco State University	29,500	75 feet
Jacksonville, Florida	843,000	University of North Florida	14,000	50 feet
Indianapolis, Indiana	843,000	IUPUI	31,000	50 feet
Austin, Texas	885,000	University of Texas	52,200	20 feet
Houston, Texas	2,196,000	University of Houston	39,500	Specific Locations
Los Angeles, California	3,884,000	UCLA	42,000	No Regulation

Distance Restrictions for Communities with State Colleges or Universities

City	Population	State College or University	Enrollment	Distance
Greeley, Colorado	97,000	University of Northern Colorado	12,000	No Public Property
Jacksonville, Florida	843,000	University of North Florida	14,000	50 feet
Mankato, Minnesota	41,000	Minnesota State University	15,400	Specific Locations & Permission from Business
Lincoln, Nebraska	269,000	University of Nebraska	24,200	No Congested Streets; Arterial Streets; or Streets with 25+ mph limits
Eugene, Oregon	159,000	University of Oregon	24,500	Specific Locations
Kalamazoo, Michigan	75,000	Western Michigan University	25,000	150 feet
Fayetteville, Arkansas	79,000	University of Arkansas	25,400	No Same Side of Street
Orem, Utah	91,000	Utah State University	27,800	Specific Locations
Lawrence, Kansas	90,000	University of Kansas	28,000	No Public Property
Lexington, Kentucky	308,400	University of Kentucky	29,000	100 feet
Chapel Hill, North Carolina	60,000	University of North Carolina	29,100	100 feet
Morgantown, West Virginia	31,000	West Virginia University	29,200	Specific Locations
Portland, Oregon	609,000	Portland State University	29,500	Specific Locations
San Francisco, California	837,000	San Francisco State University	29,500	75 feet
Boulder, Colorado	103,000	University of Colorado	30,300	150 feet
Indianapolis, Indiana	843,000	IUPUI	31,000	50 feet
Blacksburg, Virginia	44,000	Virginia Tech	31,200	No Public Property
Iowa City, Iowa	72,000	University of Iowa	31,200	Specific Locations



Raleigh, North Carolina	432,000	North Carolina State University	34,000	50 feet
Ames, Iowa	62,000	Iowa State University	34,700	No Blocking Business
Athens, Georgia	120,000	University of Georgia	35,200	Specific Locations
Columbia, Missouri	115,000	University of Missouri	35,400	Specific Locations
College Park, Maryland	31,000	University of Maryland	37,200	100 feet
West Lafayette, Indiana	31,000	Purdue University	38,800	No Public Property
Houston, Texas	2,196,000	University of Houston	39,500	Specific Locations
Los Angeles, California	3,884,000	UCLA	42,000	No Regulation
Madison, Wisconsin	243,000	University of Wisconsin	43,300	Specific Locations
Ann Arbor, Michigan	117,000	University of Michigan	43,700	75 feet
Champaign, Illinois	83,000	University of Illinois	44,500	Specific Locations
Bloomington, Indiana	82,600	Indiana University	46,400	50 feet
East Lansing, Michigan	49,000	Michigan State University	50,000	Specific Locations
Austin, Texas	885,000	University of Texas	52,200	20 feet
Columbus, Ohio	823,000	Ohio State University	57,500	Specific Locations
College Station, Texas	100,000	Texas A & M	58,800	100 feet
New Brunswick, New Jersey	56,000	Rutgers University	65,500	1,000 feet
State College, Pennsylvania	42,000	Penn State	96,000	No Public Property



tabbles®

EXHIBIT

4

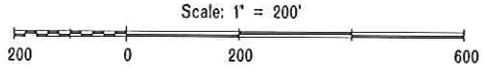


Mobile Food Vendor Parking

Parking Spaces:

- Metered - Vendors Allowed
- Vendors Allowed After 5 pm
- No Vendors Allowed
- 75 ft Restaurant Buffer

Feb 11, 2015
TtrkvendBP



City of Bloomington
ESD Department
Geographic Information System

EXHIBIT

K

tabbles

