Common Council Regular Session Agenda
City of Bloomington, Indiana

November 18, 2026 at 6:30pm
Council Chambers #115, City Hall
401 N. Morton Street, Bloomington, IN 47404

The meeting may be accessed remotely[1].

1. **Roll Call**

2. **Agenda Summation**

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

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

   A. Councilmembers

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

      i. Presentation on Climate Action Plan Implementation – Shawn Miya, Assistant Director of Sustainability, Department of Economic and Sustainable Development (ESD)

   C. Council Committees

   D. Public*

5. **Appointments to Boards and Commissions**

   A. A Memo from Clerk Bolden on Interview Committee Team B Recommendations

6. **Legislation for First Readings**

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

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

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

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

7. Legislation for Second Readings and Resolutions

A. Resolution 2026-24 - To Affirm The City of Bloomington as a Welcoming and Inclusive Community for LGBTQ+ Residents and Visitors and to Reinforce Local Commitments to Equal Protection, Healthcare Access, and Human Rights
Council Sponsors: CM Daily and CM Zulich

B. Ordinance 2026-27 - To Fix the Salaries of All Elected City Officials for the City Of Bloomington for the Year 2027

i. Proposed Amendment 01 to Ordinance 2026-27
Council Sponsor: CM Stosberg

ii. Proposed Amendment 02 to Ordinance 2026-27
Council Sponsor: CM Stosberg

C. Ordinance 2026-31 - UDO Amendments related to Housing Attainability (ZO2026-06-0007)
Council Sponsor: CM Stosberg

i. Proposed Amendment 01 to Ordinance 2026-31
Council Sponsors: CMs Piedmont-Smith, Rollo and Ruff

D. Ordinance 2026-34 - To Vacate Public Parcels Re: Two 12-foot Wide Alley Segments Located in the Southwest Corner of West 11th Street and North Rogers Street (Trades District Community Development, LLC, Petitioner/Owner)
Council Sponsor: CM Asare

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

9. Council Schedule

10. Adjournment

Posted Date: November 13, 2026
Bloomington Common Council meetings can be watched on the following websites:

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

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

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

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

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

Climate Action Plan Implementation

City of Bloomington

Economic and Sustainable Development Department

Shawn Miya, MPH
Assistant Director of Sustainability

Jolie Perry
Sustainability Program Coordinator

November 2026

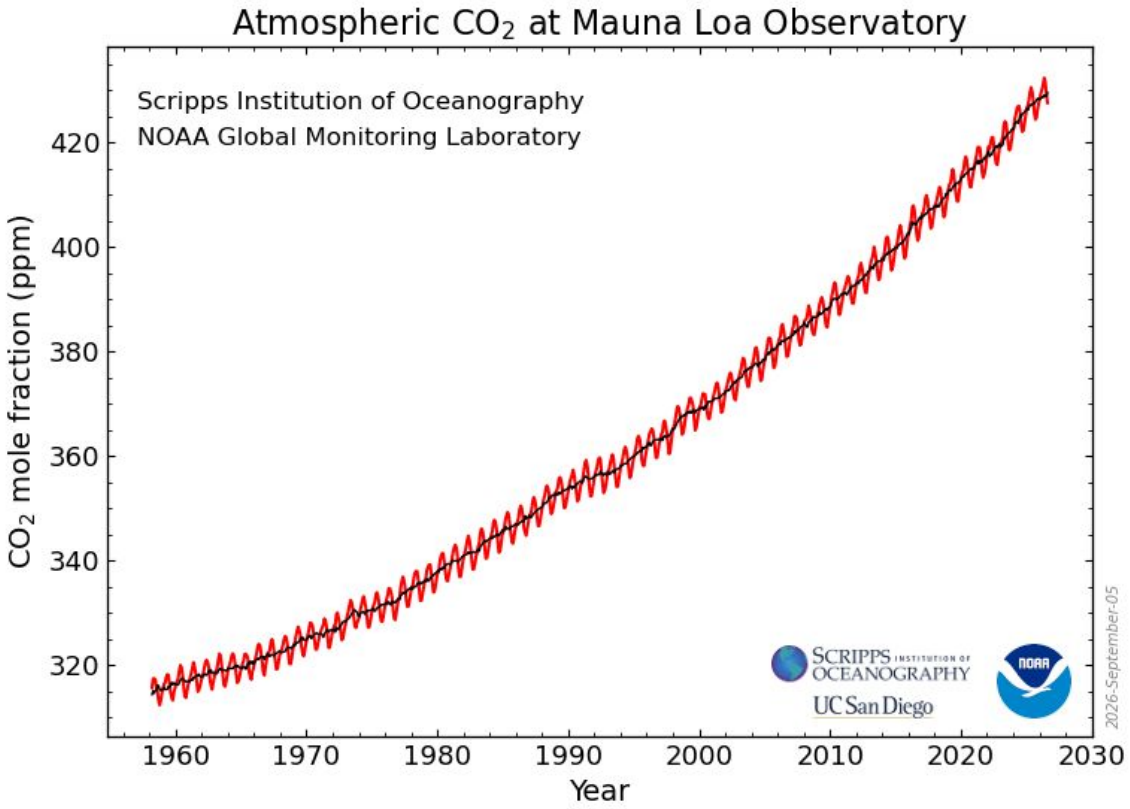
Definition of Climate Change

Climate change is a long-term shift in Earth's overall weather patterns and average temperatures.

While Earth's climate has changed naturally over long periods, human activities—primarily burning fossil fuels like coal, oil, and gas—have driven rapid global warming and environmental changes since the 1800s.

Burning fossil fuels releases heat trapping gases called greenhouse gases into the atmosphere causing global temperatures to rise.

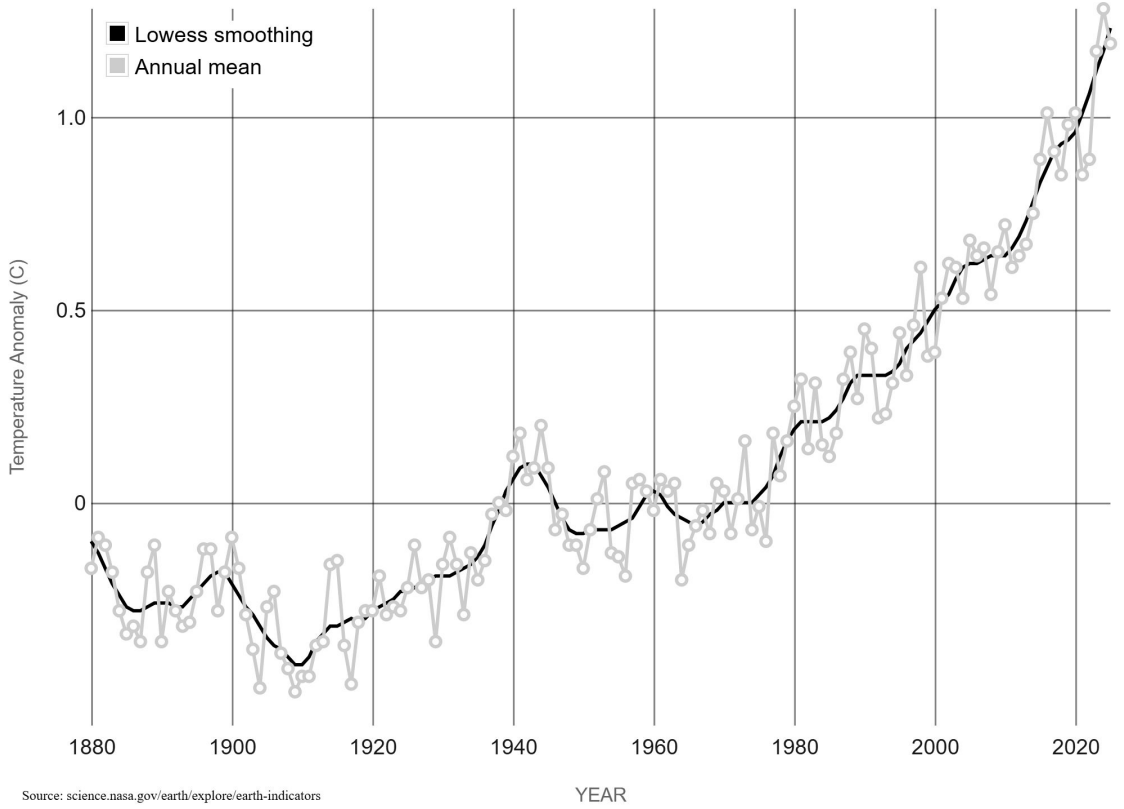
The predominant greenhouse gas emitted into our atmosphere is carbon dioxide (CO_2).



CO2 in the atmosphere has dramatically increased since the industrial revolution.

CO2 Trends: https://gml.noaa.gov/ccgg/trends/graph.html

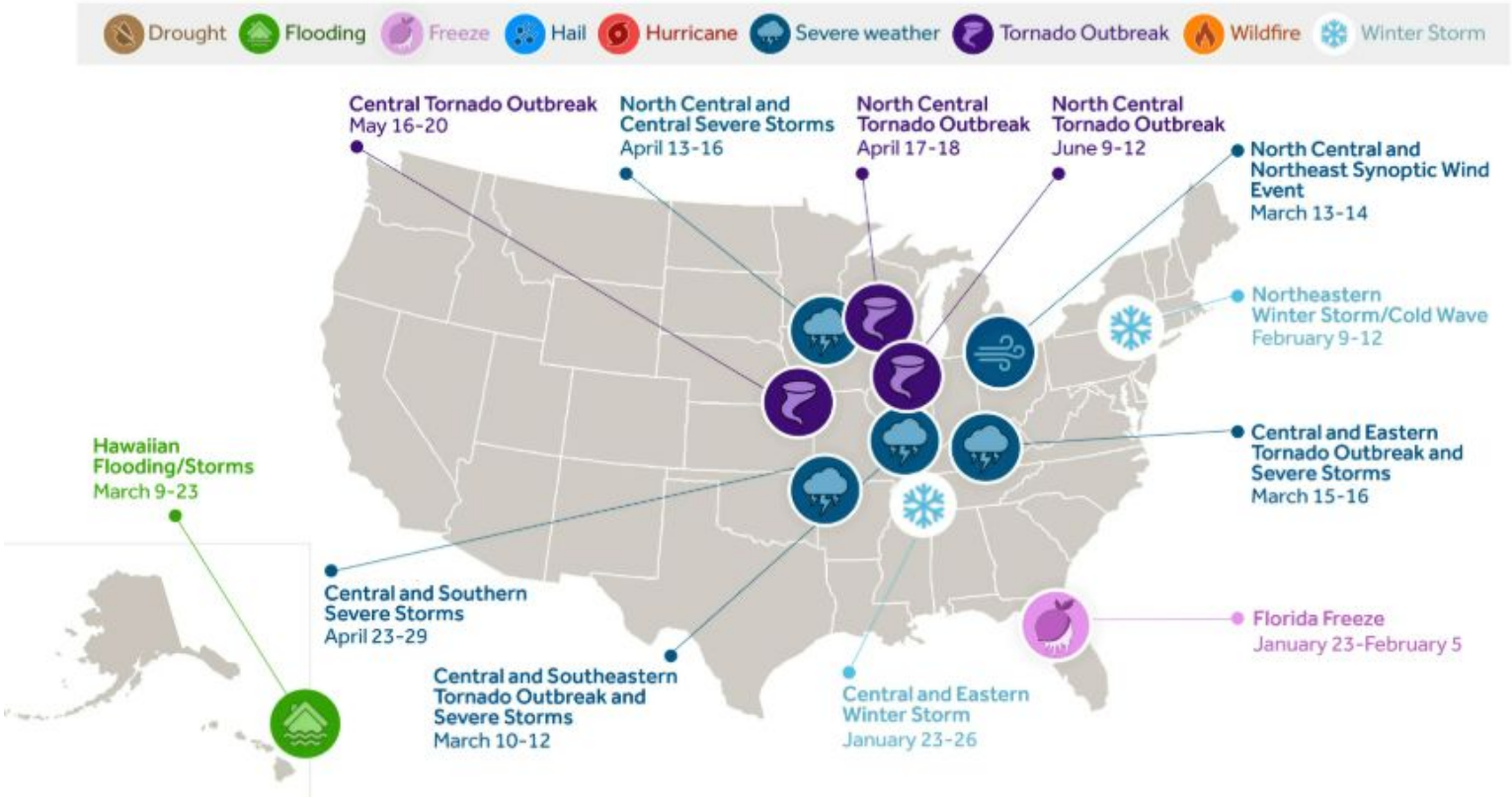
Effects of Climate Change



- The more CO2 is emitted, the higher global temperatures increase.
- Higher global temperatures causes more frequent heatwaves and more water to be evaporated which causes extreme rainfall events.

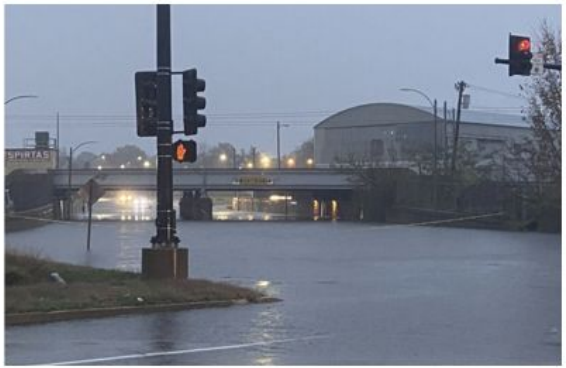
https://science.nasa.gov/earth/explore/earth-indicators/global-temperature/

U.S. 2026 Billion-Dollar Weather & Climate Disasters



2026 Billion Dollar Disasters: /www.climatecentral.org/climate-services/billion-dollar-disasters

Climate change impacts our public infrastructure, health, economy, quality of life, ecosystem, and food security.





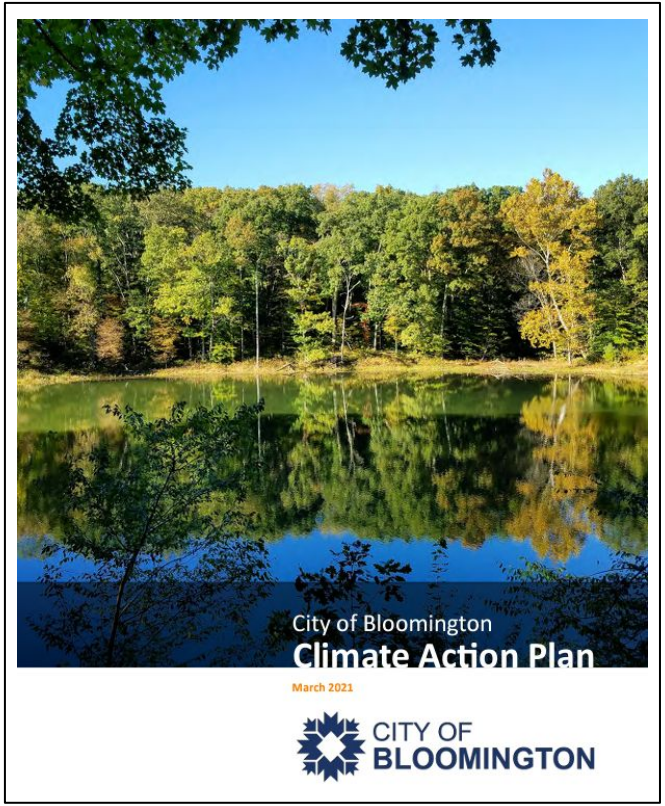


2021 Climate Action Plan

Goals are to reduce Bloomington community greenhouse gas emissions 25% below 2018 emission levels by 2030 and **achieve carbon neutrality by 2050.**

Climate action goals are divided into 8 Sectors:

- Transportation & Land Use
- Energy & Built Environment
- Waste Management
- Water & Wastewater
- Local Food & Agriculture
- Health and Safety
- Greenspace and Ecosystem
- Climate Economy



Climate Resilience = actions that mitigate and adapt to climate change

Climate Mitigation

actions that reduce or prevent greenhouse gas emissions and remove greenhouse gases from the atmosphere to slow global warming. Examples include energy efficiency upgrades, such as heat pump HVAC systems, transitioning to electric vehicles, switching to renewable energy, and protecting carbon sinks such as forests.

Climate Adaptation

actions that strengthen our built environment to withstand climate impacts such as floods, extreme heat, extreme weather events and increasing our capacity to respond to these impacts to protect human health, public infrastructure, and our local economy.

Since 2023, ESD has successfully helped the City secure **$1,023,915** in federal, state, national nonprofit, and Duke Energy reimbursement vouchers, rebates, and grants for climate mitigation projects and programs.







2023 - 2026 Funding for City of Bloomington's Climate Mitigation Projects

Year	Amount	Funding Source
2023	$141,000	US Dept. of Energy reimbursement voucher for City Hall LED lighting project (expected to be received in 2026)
2024	$508,068	Indiana Office of Energy Development grant for Buskirk Chumley Theater HVAC, Solar, Battery Energy Storage System installations
2025	$250,000	Coalition for Green Capital's Municipal Investment Fund Grant
2025	$63,908	IRS Direct Pay Reimbursement for municipal solar installations and EVs
2026	$60,937	IRS Direct Pay Reimbursement for municipal EV charging stations and EVs
Total	$1,023,915	

Renewable Energy

Energy & the Built Environment

Strategy EB 1-A: Increase solar on City facilities 20% by 2030.

Goal EB 1: Increase distributed renewable energy to 250,000 MWH of total generation annually by 2030.







35 Municipal Solar Power System Installations



Twin Lakes Recreation Center

- ★ Total production to date 27.5 Gigawatts from all sites
- ★ ESG Kiosk - publicly available solar production website
- ★ ESD hired Veregy for municipal solar Operation & Maintenance (O&M)
- ★ ESD and Veregy monitors solar production with online dashboard called PowerTrack
- ★ ESD funds the replacement of broken panels, inverters, and optimizers

Solar, Energy Efficiency, and Lighting Program

SEEL PROGRAM

SOLAR- ENERGY EFFICIENCY- LIGHTING

- ★ Grants for small businesses and nonprofits
- ★ Solar system up to max $25,000
- ★ Battery Energy Storage System up to max $20,000 (nonprofits who provide essential services only)
- ★ Contract with Solar Energy Solutions

Solar, Energy Efficiency, and Lighting Program



Bloom Magazine

- ★ Each solar system is approximately 8 kW
- ★ Daily Production: ~27 kWh
- ★ Annual Production: ~ 9,855 kWh
- ★ Annual Electric Cost Saving (Year 1 at $0.16/watt): ~ $1,576
- ★ 25-Year Total Electric Cost Savings ($0.16/watt + 3% increase annually): ~ **$56,000**
- ★ 25-year CO2 emission reductions: 217 metric tons

Solar, Energy Efficiency, and Lighting Program



The Language Conservancy



New Hope for Families

- ★ Total solar systems installed in 2026: 6 solar PV systems and 2 batteries. 65 kW total capacity installed
  - Mother Hubbard's Cupboard
  - The Language Conservancy
  - New Hope for Families
  - Boys & Girls Club
  - Heartwork Brewing
  - Bloomington Farm Stop

- ★ 2 additional installs in queue this year: 18 kW total
  - Stone Belt
  - Walnut Builders

Low Income Solar Grants





Completed in 2026

- ★ Grant to BHA to install 85.05 kW of solar on multi-family buildings at Crestmont and Early Learning Center
- ★ Daily Production: ~305.25 kWh
- ★ Annual Production: ~111,415.50 kWh
- ★ Annual Electric Cost Saving (Year 1 at $0.16/watt): ~$17,826
- ★ 25-Year Total Electric Cost Savings ($0.16/watt + 3% annual increase: ~**$620,000**
- ★ 25-year CO2 emission reductions: ~2,455 metric tons

Low Income Solar Grants



2026 Solar Grants for Income-Qualified Homeowners

- ★ Program launched 9/30/2026
- ★ Will install 5 kW systems on 22 houses
- ★ Daily Production per Home: ~21.5 kWh per day
- ★ Annual Production per Home: ~7,847 kWh
- ★ Annual Savings per Home: ~$1,255 at $0.16/kWh
- ★ Combined Annual Savings (22 homes): ~$27,623
- ★ 25-Year Total Savings: **~$690,580**
- ★ 25-Year CO2 emissions reductions: 3,804 metric tons

This grant program will provide ESD staff with excellent experience if the $3M Solar for All grant allocated to the City of Bloomington is reinstated by the EPA. Federal courts ruled EPA's grant termination was illegal in September 2026.

Low Income Solar Grants



2026 Solar Grants for Income-Qualified Homeowners

Quote from applicant:

“Saving on energy costs will allow us to use money saved on energy on childcare for our nearly one year old daughter.”

Energy Efficiency



Energy & the Built Environment

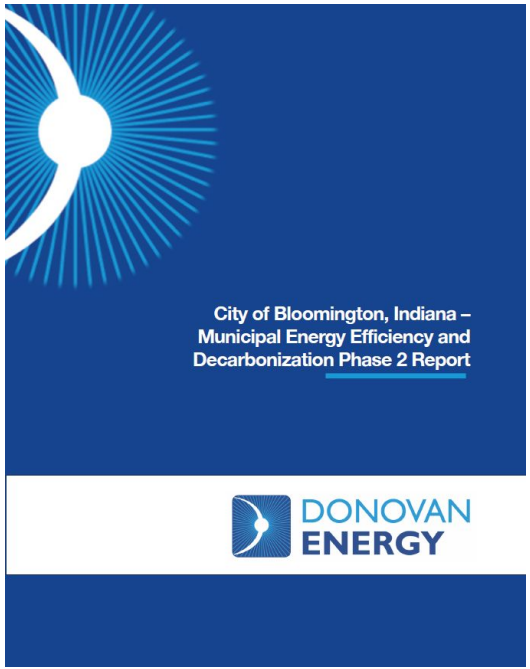


Goal EB 2 Increase energy efficiency citywide 16% for electricity and 12% for natural gas of 2018 values.

Goal EB 5: Increase financing options for Energy Efficiency and Renewable Energy projects citywide.

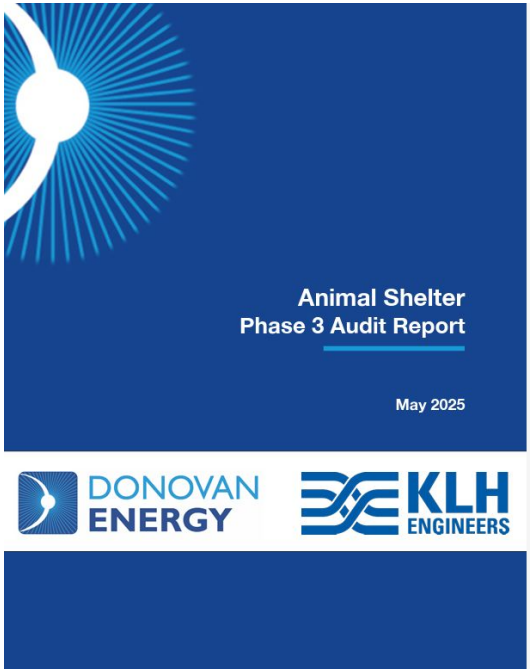


Donovan Energy: Municipal Energy Efficiency & Decarbonization Consulting Services



- ★ 2025 Completed Energy Assessment Report
- ★ Evaluated 32 municipal buildings
- ★ Determined Energy Use Index (EUI) for each building across municipal portfolio

Donovan Energy: Municipal Energy Efficiency & Decarbonization Consulting Services



2025 Completed Level 2 ASHRAE Energy Audits at 9 buildings:

- Animal Shelter
- Sanitation Building
- Fire Station #4
- Fire Station #5
- Allison Jukebox Community Center
- Banneker Community Center
- Switchyard Park Maintenance Building
- Rose Hill Cemetery - Office & Maintenance Shop
- Frank Southern Ice Rink

Recommended Energy Conservation Measures (ECMs)

- ★ LED Lighting Upgrades - **complete**
- ★ Install High Volume Low Speed (HVLS) Fan - Switchyard Park Maintenance Garage - **complete**
- ★ Seal Roof Penetrations - **complete**
- ★ Replace Roof Insulation - **complete**
- ★ Replace Cooling Units and Furnaces with High Efficiency Heat Pumps - Rosehill Maintenance Garage - **complete** & Allison Jukebox Community Center (2027)
- ★ Install Rooftop Solar - Animal Shelter (2027) & Allison Jukebox Community Center (2027)
- ★ Program Thermostats for Evening/Weekend HVAC Setbacks in Unoccupied Buildings

Recommended Energy Conservation Measures (ECMs)



LED Lighting Upgrades by City Staff - **complete**

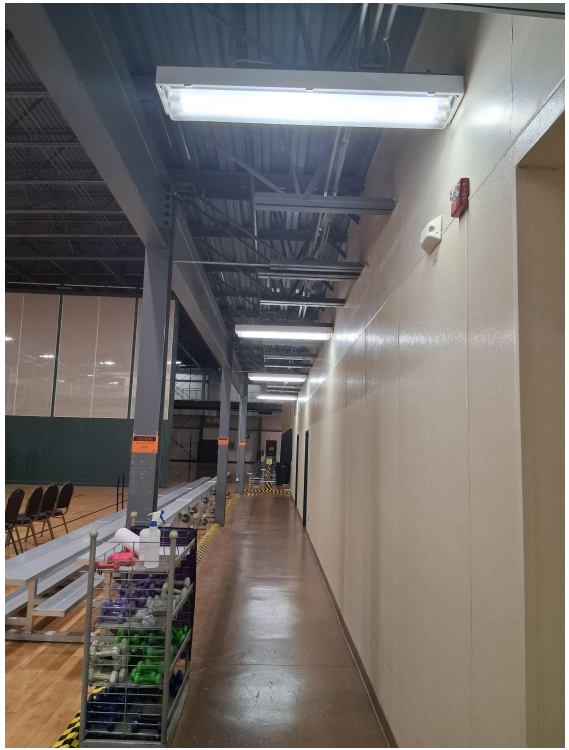
1. Allison Jukebox
2. Switchyard Park Maintenance Building

LED Lighting Upgrades by Contractor - **complete**

★ ESD issued RFP and selected Cassady Electric

1. Animal Shelter
2. Sanitation Building
3. Banneker Center
4. Fire Station 4
5. Fire Station 5

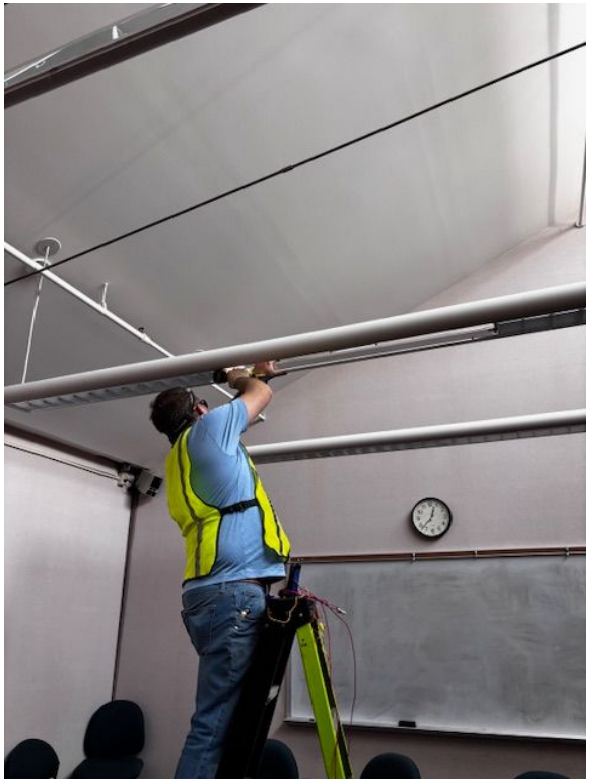
Additional LED Upgrades



LED Lighting Upgrades - **complete**

1. Twin Lakes Rec Center
2. Twin Lakes Sportsplex - Parking Lot
3. Cascades Park Sycamore Shelter

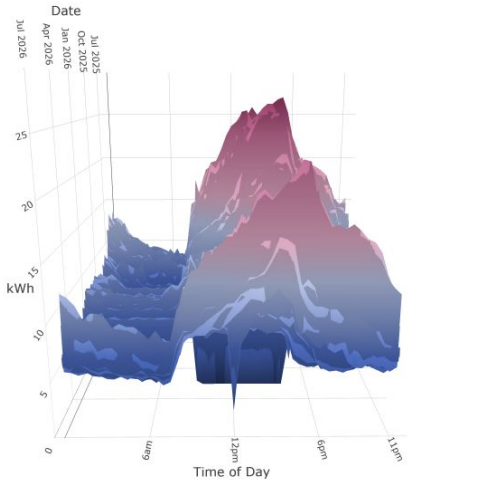
US Dept. of Energy's Energy Efficiency and Conservation Block Grant (EECBG)



- ★ $141,000 reimbursement voucher awarded (expected to receive in 2026)
- ★ Approved City Hall LED lighting retrofit project
- ★ Project completed in 2025
- ★ Requesting reimbursement from DOE
- ★ 67% estimated annual energy savings

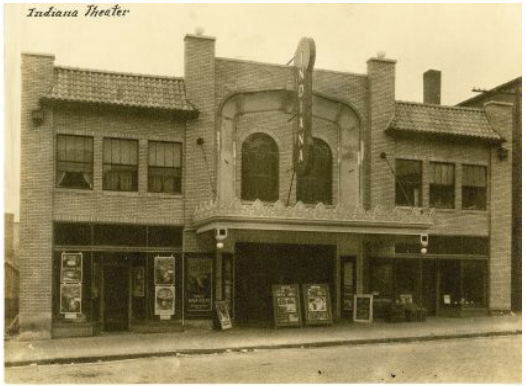
Enpira
Municipal Energy Monitoring Platform

Monitors energy consumption, provides energy utilization intensity, sends energy usage alerts, projects annual energy costs for budget planning purposes, and imports solar production data to demonstrate energy savings





Indiana Office of Energy Development
Empowering Energy Partnerships in Indiana Communities (EPIC) Grant



- ★ Awarded $508,000 grant with minimum 20% City match
- ★ Upgrade HVAC - Hired HFI
- ★ Install 24 kW solar system
- ★ Battery Energy Storage System (BESS) - removed from scope
- ★ DNR Historic Preservation Department Approval
- ★ BFD Required Structural Engineering Verification Complete
- ★ Estimated project completion April 2027
- ★ 4 Climate Talks in 2027 at BCT

Solar, **Energy Efficiency, and Lighting Program**

SEEL PROGRAM
SOLAR- ENERGY EFFICIENCY- LIGHTING

Nonprofits and small businesses can receive a free energy audit and $10,000 grant for energy efficiency projects:

- ★ LED lighting, dimmers, automated lighting systems
- ★ heat pump HVAC system
- ★ Air conditioners
- ★ Heat pump water heaters
- ★ insulation
- ★ Windows & doors
- ★ cool roof

Solar, **Energy Efficiency, and Lighting Program**



Bethel AME - Energy Star windows

- ★ IFF completes energy audits
- ★ Grant recipients approved in 2026
  - Bethel AME Church - Energy Star Windows
  - Second Baptist Church - Energy star windows & LED lighting
  - American Legion Post 18 - heat pump HVAC
  - Center for Sustainable Living - cool roof
  - Developmental Services, Inc. - LED lighting & dimmers
  - South Central Community Action Program - insulation

Solar, **Energy Efficiency, and Lighting Program**

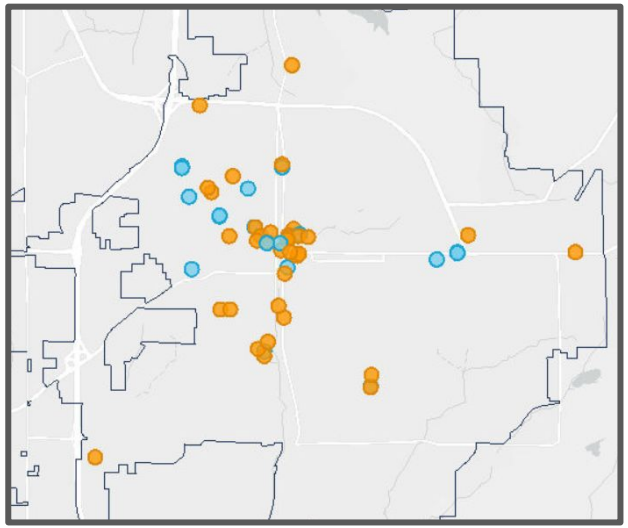


WonderLab - cool roof membrane

★ Grant recipients approved in 2026

- Nick’s English Hut - Lighting dimmers/automated switches & Smart thermostat
- Precise Capital LLC - cool roof
- Cicada Cinema - Energy efficient doors
- Turkuaz Cafe - HVAC heat pump
- Pili's Party Taco - Energy efficient windows & LED lights
- Arbutus Properties at Landmark Crossing - HVAC heat pump

Solar, Energy Efficiency, and Lighting Program



- ★ Over $1M provided to date in SEEL grants
- ★ ITS helped to create a SEEL Grants Map available on City of Bloomington GeoHub

Bloomington Green Home Improvement Program

BLOOMINGTON GREEN HOME IMPROVEMENT PROGRAM



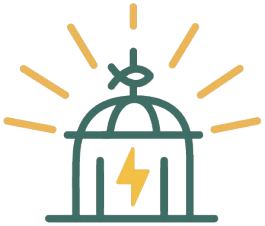
- ★ Rebates for Bloomington homeowners
- ★ Rebate covers 25% of the installation, or 40% for low income residents, up to a maximum amount depending on the project type (e.g. $5,000 for solar panels, $2,500 for heat pump)
  - Solar panels
  - Battery
  - HVAC heat pumps
  - Central AC
  - Heat Pump Water Heater
  - Doors and windows
  - Attic insulation and sealing
  - Level 2 EV Charger
  - Electrical panel upgrade

Bloomington Green Home Improvement Program

BLOOMINGTON GREEN HOME IMPROVEMENT PROGRAM



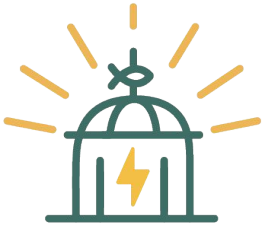
- ★ Can be combined with utility rebates and federal tax credits
- ★ Equipment required to be Energy Star certified or equivalent energy efficiency standard
- ★ Rebates approved for **32** recipients in 2025
- ★ Rebates approved for **43** recipients in 2026 (6 low income qualified)



Bloomington Energy Works

Energy That Works for Everyone

- ★ Created a robust program to promote energy efficiency and renewable energy across the city
- ★ Goal is to bring low cost capital to Bloomington for project implementation
- ★ Awarded $250,000 grant by the Coalition for Green Capital and ICLEI USA
- ★ Program partner Indiana Energy Independence Fund



Bloomington Energy Works

Energy That Works for Everyone

- ★ Free energy audits for 9 commercial, manufacturing, nonprofit building owner and MCCSC to develop list of energy efficiency and solar projects in need of funding
- ★ Volunteer community engagement program: knocked on 7k+ doors & gave group presentations
- ★ Created a robust public private partnership plan worth $69M

Climate Adaptation



Health & Safety

Goal HS 1 Educate, engage, and empower the public for climate health and safety.

Goal HS 2 Prepare Bloomington for climate risks and impacts.

Goal HS 3 Respond to climate risks and impacts.



Photo by Rich Janzaruk

Cool Corridors Program





- ★ ESD funds tree plantings next to sidewalks to protect pedestrians from extreme heat
- ★ Canopy Bloomington grant agreement for community engagement activities, tree plantings, and tree maintenance for 3 years
- ★ Collaborate with IU Urban Forestry Class & Haskell Smith, City of Bloomington Urban Forester
- ★ Planted 125 trees in BHA Crestmont (2025) and Walnut Woods (2026)
- ★ Will plant 100 trees north of College Mall in 2027
- ★ Will plant 100 trees along 2nd St. in 2028

Tree Assistance Program



- ESD provides funding to remove hazardous limbs or trees for low to moderate income homeowners
- Increases electric grid resilience during severe weather by removing tree hazards near power lines
- Decreases property damage
- 2025
  - 12 tree removals, 12 trees needing risk mitigation pruning, and the planting of 12 new trees.
- 2026
  - Assisting 17 homeowners with tree removals, risk mitigation pruning, and planting of new trees

ESD Bus Stop Shelter Installations







- ★ ESD installed 6 bus stop shelters in 2026
- ★ Supports sustainable transportation
- ★ Protects bus riders from extreme heat/weather
- ★ Increases safety with solar light

Residential Stormwater Grant Program



- ★ Flood prevention/mitigation
- ★ Will launch in 2026
- ★ Residential grants for rain gardens, bioswales, etc.
- ★ Collaborating with CBU

- ★ **Steering Committee Members:**
  - City of Bloomington
  - Town of Nashville
  - City of Columbus
- ★ **Advisory Committee Members:**
  - Cummins Inc.
  - Electron Charger
  - Gnarly Tree Sustainability Institute
  - Sierra Club Winding Waters Group
  - IU Environmental Resilience Institute
  - Lake Monroe Water Fund
  - Indiana Energy Independence Fund



P46 Website

July 2025

★ Steering Committee approved Bylaws and Organizational Structure

May 2026

★ Hired Lotus Engineering & Sustainability as Regional Climate Alliance Consultant

July 2026

★ Awarded $35,000 capacity building grant from The Indianapolis Foundation

November 2026

★ Applying for Climate Smart Communities Initiative Grant

★ Flood Mitigation Projects in each P46 Member City



September 2026

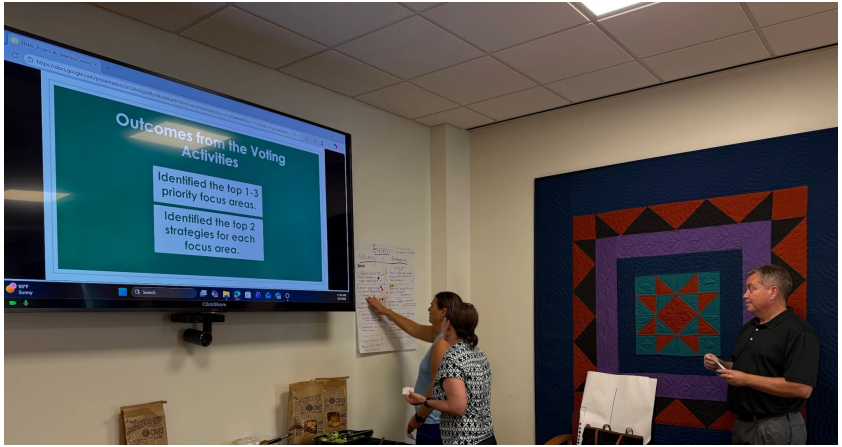
A strategic planning retreat was held in Columbus on 9/2/2026

Focus Areas Decided Upon:

- ★ Flood and Hazard Mitigation
- ★ Energy Efficiency and Renewable Energy
- ★ Waste & Materials Management
- ★ EV Adoption

Next Steps:

- ★ Partner & stakeholder mapping
- ★ Create subcommittees for each focus area
- ★ Research and apply for funding opportunities
- ★ Community outreach and education





Food Security Grants

Hoosier Hills Food Bank - $49,950

To purchase and distribute locally grown food

Mother Hubbard's Cupboard - $48,000

To support garden program





Waste Management Grant

w/ Waste Reduction District of Monroe County

- $25,000 matching funds
- 1 Sustainable Joe - Created and managed multi-family housing compost projects



Community Engagement



2026 Earth Day @ Switchyard Park

- ★ 654 attendees
- ★ 30+ sustainability/environmental vendors and organizations





ZERO IN BLOOMINGTON



Bloomington Community Orchard



Weed Wrangle at the Rail Trail

Zero in Bloomington

sustainability action platform online

Since August 2024

★ 746 new users registered

Spring into Sustainability March 1 - 31, 2025

★ 10 community groups competed to complete the most climate-friendly lifestyle choices/actions

Sustainability Spooktacular Oct 1 - 31, 2025

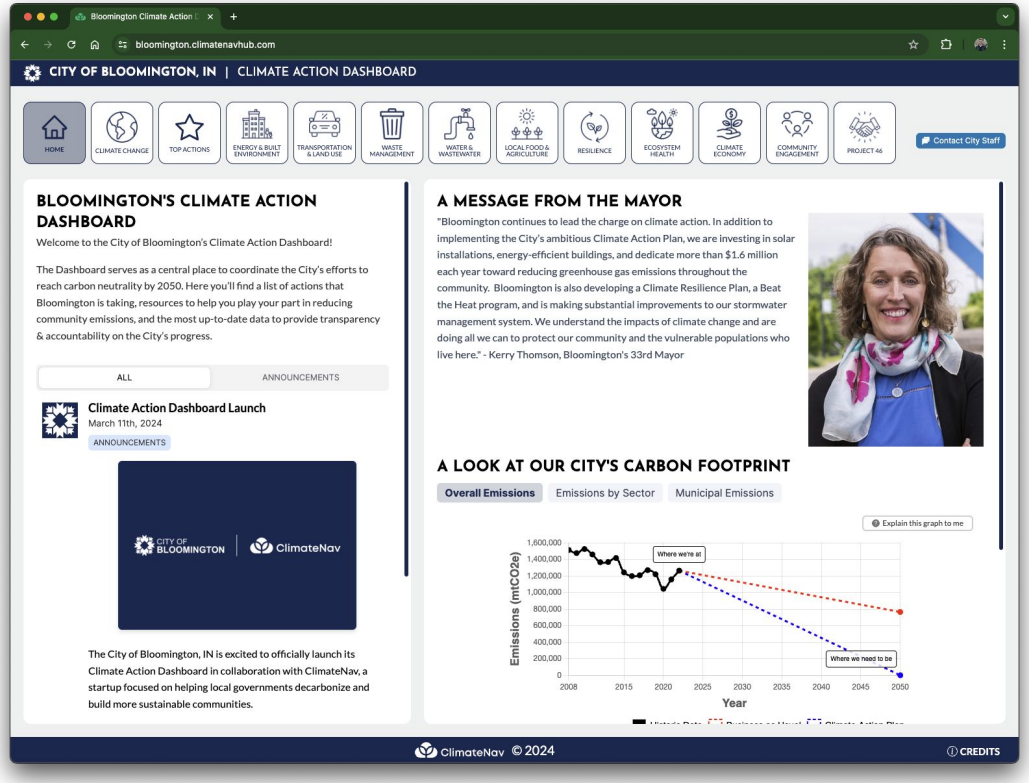
★ Mobilized 69 residents to volunteer for environmental cause or join an educational workshop

Coming fall/winter 2026: Zero Heroes group challenge

★ Residents will form groups to complete missions including volunteering

Climate Action Plan Dashboard

- ★ Designed in collaboration between the City of Bloomington and ClimateNav
- ★ Annual GHG Inventory
- ★ Climate actions & incentives



bloomington.climatenavhub.com

Climate Action Plan 5-Year Implementation Report

- ★ April 2026 was the 5 year anniversary of the Climate Action Plan
- ★ 220+ actions submitted by all departments
- ★ Publish early 2027

Climate Action Plan: Refocus

- ★ Kim Lundgren & Associates will lead internal staff workshop in January
- ★ Prioritize actions for next 5 years
- ★ Addendum to Climate Action Plan

THANK YOU.

Questions?

CITY OF BLOOMINGTON
ECONOMIC AND SUSTAINABLE DEVELOPMENT

citybloomington

Interview Committee Recommendations

To: Members of the Common Council
From: Clerk Nicole Bolden
Date: 11/12/2026
Subject: Interview Committee Recommendations for Boards and Commissions

Interview Committee Team B Recommendations:

- For the Utilities Service Board - to appoint Patrick Dierkes to seat C-3.
- For the Community Advisory on Public Safety Commission - to appoint Amanda Stone to seat C-1, Katherine Vasanth to seat C-4, and Maya Luetke to seat C-7.
- For the Environmental Commissions - to appoint Ashish Nambiar to seat C-2, and Nathaniel Hand to seat C-4.

Contact

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

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

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

Preamble

Whereas, on May 20, 2026, the Common Council passed Resolution 2026-06, directing HAND to develop long-term affordable housing solutions; and

Whereas, the state legislature, in Indiana Code § 36-7-9-4.5, provided legislative findings on the burden of vacant homes place on the state and municipalities; and

Whereas, the state legislature passed Indiana Code § 32-31-1-20, which prohibits municipalities from imposing on the relationship between a landlord and a tenant; and

Whereas, the state legislature has allowed for municipalities to regulate certain aspects of the short-term rental process in Indiana Code § 36-1-24.

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

Section 1. Chapter 16.01, entitled “Ordinance Foundation” of Title 16 “Residential Rental Unit and Ledging Establishment Inspection Program” shall be amended to read as follows:

16.01.010 - Title.

This title shall be known, cited and referenced to as the "Residential Rental Unit & Lodging Establishment Inspection Program" title.

16.01.020 - Authority.

This title is adopted by the City pursuant to its authority under the laws of the state, the Bloomington Municipal Code (BMC), and all other applicable authorities and provisions of state statutory and common law.

16.01.030 - Purpose.

This title is adopted for the following purposes:

(a) To ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises used as a residential rental unit.
(b) To protect the character and stability of the City, particularly its residential neighborhoods and its downtown.
(c) To assist in the elimination of blight, to promote maintenance of property, and to thereby ensure public health, safety, and welfare.
(d) To regulate and license the commercial business of letting rental properties to ensure the stability of approximately sixty percent (60%) of the City's housing stock.

16.01.040 - Jurisdiction.

This residential rental unit and lodging establishment inspection program title shall apply to all residential rental units and lodging establishments located within the corporate boundaries of the City.

16.01.050 - Severability.

If a section, subsection, sentence, clause, or phrase of this title is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title.

16.01.060 - Applicability.

(a) The owner, and/or their agent or designee, shall be responsible for compliance with this title.
(b) If any provisions in this title can be construed to be in conflict with provisions of the City of Bloomington Unified Development Ordinance, the more restrictive provision shall apply.
(c) Repairs, maintenance work, alterations, or installations which are caused directly or indirectly by the enforcement of this title shall be executed and installed in a workmanlike manner, and installed in accordance with the manufacturer's installation instructions and all state codes.
(d) The provisions of this title which apply to the exterior portions of residential rental units may not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when the following has occurred:

(1) The City historic preservation commission fails to issue the building or structure a certificate of appropriateness;

(2) The director judges the building or structure to be safe; and

(3) The director judges noncompliance with this title to be in the public's interest of health, safety and welfare.

(e) Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, within a residential rental unit or lodging establishment, or for the public safety, health and general welfare, not specifically covered by this title shall be determined by the director.
(f) On reasonable belief that a component or feature of a residential rental unit or lodging establishment may present a danger to the health, safety, or welfare of the occupant, the director may require documentation from a licensed person, firm, or person with equivalent knowledge or skills, to render a determination on strength, stability, or proper operation within a residential rental unit or lodging establishment.

16.01.070 - Housing and neighborhood development department (HAND).

(a) The HAND department shall be responsible for the enforcement of this title.
(b) An official or employee connected with the enforcement of this title, except one whose only connection is that of a member of the board of housing quality appeals as established in title 2, shall not be engaged in, or connected in any way with, the furnishing of labor, materials, or appliances for the maintenance of a residential rental unit or a lodging establishment unless that person is the owner of the residential rental unit or a lodging establishment, or has filed a uniform conflict of interest statement pursuant to Indiana Code Section 35-44-1-3; nor shall such officer or employee engage in any work that conflicts with their official duties or with the interests of the City.

16.01.080 - Director.

(a) The director shall enforce the provisions of this title.
(b) The director shall have authority as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this title; and, to secure the intent thereof. Such rules shall not have the effect of waiving requirements specifically provided for in this title or the Indiana Code, or of violating accepted engineering methods involving public safety.

Section 2. Chapter 16.02, entitled “Definitions” of Title 16 “Residential Rental Unit and Ledging Establishment Inspection Program” shall be amended to read as follows:

16.02.010 - General.

The definitions contained in this chapter shall be observed and applied in the interpretation of all chapters in this title, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include

the plural the plural the singular; and words used in the masculine gender shall include the feminine.

16.02.020 - Defined words.

All terms contained within this title shall have the meanings set forth in the Indiana Building Code, unless specifically defined herein below. Where terms are not defined in the Indiana Building Code or below, but are defined in any of the codes noted in Section 16.04.020(a) of this title, such terms shall have the meanings ascribed to them as in those other codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

16.02.021 - Accessory structure.

"Accessory structure" means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and which is customarily incidental to the primary building or structure or the primary use of the land.

16.02.022 - Carbon monoxide detector.

"Carbon monoxide detector" means a device that detects carbon monoxide and that produces a distinct, audible alarm and is listed by a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

16.02.023 - Complaint inspection

"Complaint inspection" means an inspection of a residential rental unit prior to the expiration of a rental permit and as the result of the HAND Department receiving a written request that indicates there is a violation of title 16 at the stated residential rental unit submitted by any resident of the City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, or the owner or the owner's agent.

16.02.024 - Condominium.

"Condominium" means a single real-estate unit, located in or attached to other real-estate units, which is individually owned and deeded.

16.02.025 - Cycle Inspection.

"Cycle inspection" means an inspection of a residential rental unit that occurs prior to the issuance of either the first rental permit granted for said unit or an inspection of a residential rental unit that occurs prior to the expiration of an already granted rental permit.

16.02.026 - Director.

"Director" means the director of the Housing and Neighborhood Development Department or their designee(s).

16.02.027 - Dwelling unit.

"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

16.02.028 - Equipment.

"Equipment" means a moveable or fixed unit of furnishings, instruments, machine or apparatus or set of articles which generally meets all of the following requirements:

(1) It retains its original shape and appearance with use;
(2) It is nonexpendable; that is if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it within an entirely new unit;

(3) It represents a substantial investment of money (two hundred fifty dollars or more for budget purposes); and
(4) It does not lose its identity through incorporation into a different or more complex unit or substance.

16.02.029 - Exterior property.

"Exterior property" means the open space on the premises and on adjoining property under the control of the owners or operators of such premises, provided said open space is made available to the occupants of the residential rental unit or lodging establishment.

16.02.030 - Family.

"Family" has the same definition as found in Bloomington Municipal Code's Unified Development Ordinance.

16.02.031 - Fuel.

"Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion."

16.02.032 - Garbage.

"Garbage" has the same definition as found in Title 6 of the Bloomington Municipal Code.

16.02.033 - HAND department or HAND.

"HAND department" or "HAND" means the housing and neighborhood development department.

16.02.034 - Infestation.

"Infestation" means the presence, within or contiguous to, a structure or premises of pests.

16.02.035 - Inoperable Vehicle.

"Inoperable vehicle" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, abandoned, in a state of disrepair, or incapable of being moved under its own power.

16.02.036 - Let for occupancy or let.

"Let for occupancy" or "let" means to permit, provide or offer possession or occupancy of a dwelling unit, building, premise or structure by a person who is not the legal owner of record thereof, not a legal dependent of the legal owner of record, or not a beneficiary of a trust if the legal owner of record is a trust, pursuant to a written or unwritten lease, agreement or license, or pursuant to an unrecorded agreement of contract for the sale of land.

16.02.037 - Lodging establishment.

"Lodging establishment" means any hotel, motel, resort, vacation cabin rental, camping cabin, or bed and breakfast.

16.02.038 - Multi-family dwelling.

"Multi-family dwelling" means any building, or group of buildings, or portion thereof containing two or more individual dwelling units where each unit is provided with an individual entrance to the outdoors or to a common hallway and in which the number of families in residence does not exceed the number of dwelling units provided. The term "multi-family dwelling" shall not include condominiums.

16.02.039 - Occupant.

"Occupant" means any person entitled to occupy a lodging establishment to the exclusion of others.

16.02.040 - Off-Cycle inspection.

"Off-cycle inspection" means an inspection of a residential rental unit prior to the expiration of a rental permit that is initiated because the director believes he has probable cause to believe the condition of the residential rental unit or premises is in such a state of deterioration or is in violation of this title.

16.02.041 - Organization.

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

16.02.042 - Owner.

"Owner" means any person, agent, or organization having a legal interest in a residential rental unit or lodging establishment; or recorded in the official records of the state, county or municipality as holding title to the residential rental unit or a lodging establishment; or otherwise having control of the residential rental unit or lodging establishment, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of the residential rental unit or lodging establishment by a court. For the purposes of this title, a person with a lease hold interest or an unrecorded contract for sale shall not be considered an owner.

16.02.043 - Owner occupied short-term rental property.

“Owner occupied short-term rental property” means property that is the owner’s primary residence and is offered to the public as a short-term rental.

16.02.044 Pest.

"Pest" means insects, rats, bed bugs, snakes, raccoons, squirrels, vermin or other similarly situated insects, reptiles or animals.

16.02.045 - Premises.

"Premises" means a lot, plot or parcel of land including the buildings or structures thereon.

16.02.046 - Residential rental unit.

"Residential rental unit" means any dwelling unit, rooming house, or rooming unit occupied by a person(s) other than the owner and/or their legal dependent, but it does not include the following arrangements unless the arrangements are created to avoid application of this title:

(1) Occupancy in a residential rental unit owned by Indiana University;
(2) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of said organization, provided the structure itself is owned by a nonprofit organization generally associated with the fraternal or social organization;
(3) Occupancy by the purchaser of a dwelling unit under a contract of sale, provided the contract for sale is properly recorded with the county;
(4) Occupancy in a lodging establishment or short-term rental, except as provided for elsewhere in this title;
(5) Occupancy in a rectory or parsonage by a person(s) generally assumed to occupy such a dwelling;
(6) Occupancy in a residential care facility or group home, provided said facility or home is licensed and inspected by the state;
(7) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with said tenant; and
(8) Cooperative housing arrangements.

16.02.047 - Rooming house/single-room occupancy.

"Rooming house/single-room occupancy" means a building, other than a dwelling unit, where lodging, with or without meals is provided for compensation; or a building designed as a

single-family dwelling that is occupied by more than one (1) family (as defined herein), but not a lodging establishment, fraternity or sorority house, residential care facility, or rectory.

16.02.048 - Rubbish.

"Rubbish" has the same definition as found in Title 6 of the Bloomington Municipal Code.

16.02.049 - Short-term rental.

“Short-term rental” means the rental of:

(1) A single family home;
(2) A dwelling unit in a single family home;
(3) A dwelling unit in a two-family or multifamily dwelling; or
(4) A dwelling unit in a condominium, cooperative, or time share;

for terms of less than thirty (30) days at a time through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single family residential use. The term does not include property that is used for any nonresidential use.

16.02.050 - Short-term rental platform.

“Short-term rental platform” means an entity that provides a platform through which unaffiliated parties offer to rent a short-term rental to an occupant, and collects consideration for the rental from the occupant.

16.02.051 - Single-family detached home.

"Single-family detached home" means a single building per lot containing a single residential dwelling unit designed for and occupied by one family which is completely separate from any other building.

16.02.052 - Smoke detector.

"Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

16.02.053 - Tenancy agreement.

"Tenancy agreement" means all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a residential rental unit and the adjoining premises.

16.02.054 - Tenant.

"Tenant" means any person entitled to occupy a residential rental unit under a tenancy agreement to the exclusion of others.

16.02.055 - Workmanlike.

"Workmanlike" means executed in a skilled or competent manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Section 3. Chapter 16.03 entitled “Administration of Residential Rental Units” of Title 16 “Residential Rental Unit and Ledging Establishment Inspection Program” shall be amended to read as follows:

16.03.010 - Compliance required.

No person shall occupy or allow the occupancy of a residential rental unit within the City unless in accordance with the provisions of this title.

16.03.020 - Registration of residential rental units.

(a) No owner of a residential rental unit shall allow such unit to be occupied without first registering the residential rental unit with the HAND department.
(b) Such registration shall be affected by furnishing the HAND department, upon a form furnished by the department, the following information:
    (1) Name of owner(s);
    (2) Street address of owner(s), said address shall be acceptable for service of process;
    (3) Phone number of owner(s);
    (4) Email address of owner(s);
    (5) Name, street address, phone number and email address of agent, if any, authorized to act on behalf of the owner(s) in regards to the residential rental unit, including service of process. Any owner(s) who does not reside in Indiana shall designate an in-state agent.
    (6) The registration form shall be signed by the owner(s) and not the owner's agent
(c) Whenever an owner(s) or agent changes his contact information (mailing address, phone number or email address) it shall be his responsibility to provide the HAND department with an updated registration form. All updated registration forms shall be signed by the owner and not the owner's agent.
(d) Whenever ownership of the residential rental unit changes, the new owner shall re-register the unit with the HAND department.

16.03.025 - Occupancy affidavit.

(a) No owner of a residential rental unit containing four (4) or less dwelling units per building shall let for occupancy or let any such dwelling unit without first completing and maintaining a fully executed occupancy affidavit for said dwelling unit on the form so provided by the HAND department.
(b) For each dwelling unit, each occupancy affidavit shall include the name of each occupant. The owner or agent shall execute the occupancy affidavit based upon personal knowledge and only after reasonable inquiry with respect to the information contained therein. Each tenant shall also sign the occupancy affidavit and affirm that information contained therein is true and accurate.
(c) For each dwelling unit, the owner or agent shall complete an updated occupancy affidavit and each tenant shall sign the same, as set forth above, within fifteen calendar days from the date of any change in the occupancy in the dwelling unit. The owner of the residential rental unit shall retain completed occupancy affidavits until the date of any further change in the occupancy in the dwelling unit. The owner of a residential rental unit shall produce and permit inspection of an occupancy affidavit during any HAND inspection, or upon request by the City.
(d) For residential rental properties containing more than four dwelling units, the requirement to complete and maintain a fully executed occupancy affidavit is waived unless a complaint is made about occupancy concerning the residential rental unit.
(e) Any residential rental unit that is subject to this section but has received from the board of housing quality appeals a variance from having to obtain a rental permit under this title must still fully comply with this section of this title.

16.03.030 - Rental permits.

(a) No owner of a residential rental unit shall allow such unit to be occupied without first obtaining a valid rental permit or temporary rental permit from the HAND department.
(b) No rental permit shall be issued by the HAND department until the residential rental unit and premises have been inspected pursuant to Section 16.03.040 and all provisions of the Bloomington Municipal Code have been met.
(c) All rental permits shall contain the following information:
    (1) Name of the owner(s);
    (2) Name of the agent;
    (3) Occupant load;
    (4) Number of bedrooms;

(5) Expiration date of the permit;
(6) Variances; and
(7) Notes.

(d) All residential rental units shall display a current rental permit in an accessible location inside said unit.

(e) Rental permits shall be issued for three, four, or five-year periods, as determined by this subsection:

(1) Three-year Permit. An owner shall apply to receive a three-year rental permit following the process outlined below:

(A) The owner must have registered the residential rental unit with the HAND department in accordance with Section 16.03.020, or if already registered, ensure the HAND department has the most updated registration form on file;

(B) The owner must schedule a cycle inspection prior to the expiration of the residential rental unit's current rental permit;

(C) If a residential rental unit has had a cycle inspection by the HAND department, and said department has issued a cycle inspection report noting violations of this title, the owner must have the residential rental unit reinspected and found in compliance with this title within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report citing the violations was mailed to the owner or within the time that may be granted by the board of housing quality appeals; and

(D) The owner must satisfy all outstanding fee assessments issued under this title within thirty (30) days from the date of billing.

(2) Four-year Permit. An owner shall be eligible to receive a four-year rental permit should they follow the process outlined below:

(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either

(B) The residential rental unit previously had a three-year rental permit and the cycle inspection uncovered no violations of this title, or all violations of this title cited on a cycle inspection report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report was mailed to the owner or within the time that may be granted by the board of housing quality appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing; or

(C) The residential rental unit is newly registered and the cycle Inspection uncovers no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within sixty days after the report was mailed to the owner, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.

(3) Five-Year Permit. An owner shall be eligible to receive a five-year rental permit should they follow the process outlined below:

(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either

(B) The residential rental unit is new construction and the cycle inspection uncovers no violations of Chapters 16.07, 16.08 and 17.16 of the Bloomington Municipal Code; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; and the HAND Department has issued an rental permit prior to the residential rental unit being occupied; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; or

(C) The residential rental unit's prior rental permit had been a four-year permit, and the Cycle Inspection uncovered no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report was mailed to the owner or within the time that may be granted by the Board of Housing Quality Appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.

16.03.040 - Inspections.

(a) Each residential rental unit and premises located within the City shall be scheduled to receive a cycle inspection conducted by the HAND department at least sixty days prior to the expiration of its rental permit to establish compliance with this title. Properties scheduled to be inspected more than six months prior to the expiration of the current rental permit shall receive a new rental permit with an expiration date of when compliance was achieved as a result of the most recent cycle inspection.

(b) Each newly constructed residential rental unit and premises located within the City shall receive a cycle inspection conducted by the HAND department prior to said unit being occupied, but after all construction on the units to be occupied have been completed. Limited Saturday cycle inspection scheduling is available on a first come first serve basis for newly constructed residential rental units and premises from June 1st through August 31st of each year, or at the discretion of the director and availability of HAND staff.

(c) Off-cycle or complaint inspections of a residential rental unit may be conducted at the discretion of the director upon the following:

(1) Receipt of a written request of any resident of the City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent provided the request indicates that there is some violation of this title at the stated residential rental unit; or

(2) The director has probable cause to believe the residential rental unit is in violation of this title.

(d) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection, unless the director has probable cause to believe the condition of the residential rental unit or its premises is in such a state of deterioration or violation of this title that a complete off-cycle inspection is required to effectuate the purposes of this title, in which a case a complete new cycle inspection of the entire residential rental unit and premises shall be performed.

(e) It shall be the responsibility of the owner of each residential rental unit to schedule all required inspections and reinspections required by this title. Failure to schedule may be treated as a failed inspection.

(f) The owner shall notify the tenant(s) of all scheduled inspections and reinspections of a residential rental unit. Failure to notify the tenant(s) may be treated as a failed inspection.

(g) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If a tenant or owner refuses entry for an inspection under this title, the HAND department may treat the visit as a failed inspection, and shall not inspect the residential rental unit without first obtaining a warrant in accordance with the laws of the state.

(h) The owner, an employee of the owner, or the unit's tenant shall remain with the HAND department employee conducting the inspection or reinspection at all times said employee is inside of a residential rental unit.

(i) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the

tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

16.03.050 - Fees.

(a) All fees for any inspection conducted under this title shall be established by the board of public works, in accordance with the directives of 16.30.050(b), and are subject to an annual review by said board.

(b) The board of public works shall establish reasonable and appropriate fees for inspections conducted under this title in accordance with the following:

(1) There shall be one fee for both the cycle inspection and a first re-inspection.

(2) Increased inspection fees may be assessed for each subsequent re-inspection.

(3) There shall be no fee for the initial and first re-inspection for a complaint inspection.

(4) Fees shall be established for the following:

(A) Single-family detached homes;

(B) Rooming houses;

(C) Condominiums;

(D) Multi-family dwellings; and

(E) Lodging establishments.

(5) In recognition of the importance of ensuring affordable housing, the board of public works shall ensure that the city continues to subsidize the inspection of certain types of low-income housing units by providing the following discounts to any inspection fees said board establishes:

(A) Public housing units owned and operated by the city housing authority shall be provided free inspections and shall not be assessed a fee;

(B) Section 8 dwelling units, low income tax credit dwelling units, HAND department subsidized dwelling units and dwelling units that have a monthly rent in accordance with the United States Department of Housing and Urban Development's low rent rates shall receive a thirty percent discount on any fee. A copy of the lease showing the unit's rental rate shall be provided in order to receive the discounted fee. A copy of the HUD Low Rent Rates is available on HAND's website; said rates are updated annually.

(6) There shall be a twenty-five (25%) percent fee reduction for any residential rental unit that has no violations on the initial cycle inspection. If the required documentation is not provided to the HAND inspector during the inspection, an owner will have until 5:00 p.m. on the day of the inspection to provide HAND with the required documentation in order to still receive the twenty-five (25%) percent fee reduction.

(7) In recognition of the additional burden vacant properties place on City enforcement officers as outlined in I.C. § 36-7-9-4.5, an annual vacancy fee of $500 shall be charged to the owner if a single-family detached home remains vacant after one (1) calendar year, and the fee shall increase by twenty-five percent (25%) each year it remains vacant, not to exceed $2,500. Appeals regarding good-faith attempts to fill the units shall follow the appeals process outlined in Section 16.10.050. The amount of the fee shall be rounded up to the nearest dollar for convenience in calculation.

(c) Effective July 1, 2027, the fees for inspections shall be as follows:

Single-family detached homes	$105.00
Rooming houses - each building	$80.00
+ each bathroom	$30.00
Condominiums	$105.00

Multi-family dwellings - each building	$80.00
+ each unit	$30.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$150.00

(d) Effective January 1, 2028, the fees for inspections shall be as follows:

Single-family detached homes	$115.00
Rooming houses - each building	$80.00
+ each bathroom	$40.00
Condominiums	$115.00
Multi-family dwellings - each building	$80.00
+ each unit	$40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$175.00

(e) Effective January 1, 2029, the fees for inspections shall be as follows:

Single-family detached homes	$125.00
Rooming houses - each building	$90.00
+ each bathroom	$40.00
Condominiums	$125.00
Multi-family dwellings - each building	$90.00
+ each unit	$40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	$200.00

(f) Annual updates of the fees, beginning on January 1, 2030, shall be determined by the board of public works. The board of public works may only increase a fee if the cost of administering and enforcing the provisions of this title are not offset by the amount of fees generated by this title. Additionally, at no time may the board of public works increase a fee by more than ten percent (10%); if HAND feels as though a fee increase of greater than ten percent is required, said fee increase shall require approval by the City common council. All fee increases shall be reasonably related to the cost of administering and enforcing the provisions of this title.

(g) The fee for Saturday inspections under Section 16.03.040(b) shall be assessed at one and one half (1.5) times the regular weekday rate for inspections.

Section 4. Chapter 16.04 entitled "Property Maintenance" of Title 16 "Residential Rental Unit and Ledging Establishment Inspection Program" shall be amended to read as follows:

16.04.010 - Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for the maintenance of residential rental units and their premises.

16.04.020 - Codes.

(a) Pursuant to Indiana Code Section 36-7-2-9, the City is legally responsible for ensuring compliance with the state building laws and fire safety laws. Pursuant to this mandate, the following codes, as amended, are hereby incorporated into this chapter by reference and made a part thereof, two copies of which are on file in the office of the clerk for the legislative body for public inspection:

(1) Indiana Building Code;
(2) Indiana Residential Code;
(3) Indiana Fire Code;
(4) Indiana Mechanical Code;
(5) Indiana Electrical Code;
(6) Indiana Plumbing Code;
(7) Indiana Fuel Gas Code;
(8) Indiana Energy Code; and
(9) Indiana Accessibility Code.

(b) All residential rental units and accessory structures thereof shall be maintained in compliance with the provisions of those codes noted in Section 16.04.020(a). Compliance shall be in accordance with those codes in effect at the time the residential rental unit or accessory structure thereof was built or remodeled.

16.04.030 - Responsibility.

The owner of a residential rental unit shall maintain the unit and its premises in compliance with the requirements of this chapter, except as otherwise provided for in this title. A person shall not occupy or permit another person to occupy a residential rental unit, or its premises, which are not in a sanitary and safe condition, and which do not comply with the requirements of this title. The tenant of a residential rental unit is responsible for keeping the unit in a clean, sanitary, and safe condition.

16.04.040 - Exterior property areas.

(a) All exterior portions of a residential rental unit shall be maintained in a clean, safe, and sanitary condition. The tenant of a residential rental unit shall keep that part of the exterior unit and premises, which such tenant occupies or controls, in a clean, safe, and sanitary condition.
(b) All residential rental unit premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any residential rental unit located thereon. Exception: Approved retention areas and reservoirs.
(c) All sidewalks, walkways, stairs, driveways, private streets, parking spaces and similar areas shall be maintained in a proper state of repair, and maintained free from hazardous conditions.
(d) All residential rental unit premises shall be maintained in accordance with Title 6 of the Bloomington Municipal Code.
(e) All residential rental unit premises which contain trees shall maintain the trees in good health so that they pose no danger to persons or property.
(f) Furniture not generally intended to be used for outdoor purposes (typically upholstered furniture), shall not be permitted to be stored on the exterior premises of residential rental units, this includes both screened-in porches and non-screened porches.
(g) All gates shall be maintained in a structurally sound manner, be in good repair, and be maintained in accordance with this title.
(h) No inoperable vehicle shall be parked, kept or stored on the premises of any residential rental unit, and no vehicle shall at any time be kept or stored on the premises of any residential rental unit if it is in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles or motor cycles is prohibited unless conducted inside of an approved spray booth.

16.04.050 - Exterior structure.

(a) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.
(b) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health safety or welfare.

(c) Exterior wood surfaces on residential rental units and their accessory structures, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
(d) All metal surfaces subject to rust or corrosion on a residential rental unit or its accessory structures shall be coated to inhibit such corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
(e) Peeling, flaking and chipped paint on the exterior of a residential rental unit or its accessory structures shall be eliminated and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.
(f) Exterior surfaces on residential rental units and their accessory structures shall be maintained free of mold.
(g) If a residential rental unit is damaged, mutilated or defaced by marking, carving or graffiti, the owner of said unit shall restore the surface to an approved state of maintenance and repair.

16.04.060 - Interior structure.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.
(b) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health, safety or welfare.
(c) All equipment contained within the interior of a residential rental unit and its accessory structures shall be maintained in good repair, in accordance with its manufacturer's guidelines and in accordance with this title.
(d) Tenants of a residential rental unit shall keep that part of the unit which they occupy or control in a clean and sanitary condition.
(e) Every owner of a rooming house, a two or more dwelling unit or a dwelling unit with a nonresidential occupancy, shall maintain the shared public areas in a clean and sanitary condition and in accordance with this title.
(f) Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.

16.04.070 - Duct systems.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

16.04.080 - Rubbish and garbage.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be free from any accumulation of rubbish or garbage.
(b) Every tenant of a residential rental unit shall dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in approved containers.
(c) The owner of every residential rental unit shall supply the unit with an approved leak proof, covered, outside garbage container in accordance with Title 6 of the Bloomington Municipal Code.

16.04.090 - Extermination/pest control.

(a) All residential rental units, their accessory structures and exterior premises shall be kept free from pests. All residential rental units or accessory structures thereof in which pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination proper precautions shall be taken to prevent reinfestation.

(b) The owner of any residential rental unit shall be responsible for extermination within the unit, its accessory structures or on the exterior premises for extermination of pests prior to letting the unit.
(c) The tenant of a single-family detached home shall be responsible for extermination of pests after occupying the premises for thirty days unless the infestation is caused by defects in the premises—in which case the owner shall be responsible for extermination of pests.
(d) The owner of a structure containing two or more dwelling units, a multiple occupancy or a rooming house shall be responsible for extermination of pests.
(e) Regardless of whose responsibility it is to exterminate any pests, if the presence of pests is determined to be the result of actions taken, or not taken, by any tenant, said tenant shall be liable for fines in accordance with Chapter 16.09 of this title.
(f) This Section pertains only to whose responsibility it is to eradicate the pests; it does not pertain to, regulate, or discuss which party to the lease is to ultimately pay for the pest eradication.

16.04.100 - Display of address.

All residential rental units shall conspicuously display the unit's address number on the front of the unit.

Section 5. Chapter 16.05 entitled “Lodging Establishments” of Title 16 “Residential Rental Unit and Ledging Establishment Inspection Program” shall be amended to read as follows:

16.05.010 - Compliance with local and state laws.

(a) Any owner of a lodging establishment shall at all times comply with all sanitary laws and regulations of the City, county, and the state.
(b) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with the codes noted in Section 16.04.020(a).
(c) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with this chapter.

16.05.020 - Inspections of lodging establishments.

(a) Inspectors of the HAND department shall have the right to inspect a lodging establishment:
    (1) Upon the director receiving a request or complaint from any resident of the city, any governmental agency or employee, or the lodging establishment’s occupant, the occupant’s legal representative, the owner, or the owner’s agent provided the request indicates that there is some violation of this title at the state lodging establishment; or
    (2) The director has probable cause to believe the lodging establishment is in violation of this title.
(b) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection.
(c) The owner shall notify the occupant(s) of all scheduled inspections and re-inspections of a lodging establishment.
(d) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If an occupant or owner refuses entry for an inspection under this title, the HAND department shall not inspect the lodging establishment without first obtaining a warrant in accordance with the laws of the state.
(e) The owner or an employee of the owner shall remain with the HAND department employee conducting the inspection or re-inspection at all times said employee is inside of a lodging establishment.

(f) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

16.05.030 - Compliance with title.

No person or organization shall operate a lodging establishment, or occupy or let to another for occupancy, any portion of a lodging establishment if said establishment is not maintained in accordance with this title.

Section 6. Chapter 16.06 entitled "Short-Term Rentals" of Title 16 "Residential Rental Unit and Ledging Establishment Inspection Program" shall be inserted after Chapter 16.05.030 and shall read as follows:

16.06.010 - Compliance with local and state laws.

Any owner of a short-term rental shall at all times comply with all sanitary laws and regulations of the City, county, and the state.

16.06.020 - Permits; application requirements.

(a) To obtain a short-term rental permit, the owner must provide the following information for each property:
    (1) The owner's name, street address, mailing address, electronic mail address (if applicable), and telephone number. If the owner is a corporation, partnership, or other legal entity, the application must require the:
        (A) owner's state of incorporation or organization; and
        (B) names, residence addresses, and telephone numbers of the owner's principal officers or partners.
    (2) If a property manager is used, the property manager's name, street address, mailing address, electronic mail address (if applicable), and telephone number.
    (3) A short description of how each of the owner's short-term rentals on the property are marketed or advertised, including the following:
        (A) The advertised occupancy limits of each short-term rental.
        (B) Whether the short-term rental is:
            (i) a single family home;
            (ii) a dwelling unit in a single family home;
            (iii) a dwelling unit in a two-family or multifamily dwelling; or
            (iv) a dwelling unit in a condominium, cooperative, or time share.
        (C) A permit application must be made by an owner. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.
(b) Subject to Section 16.06.050, if an owner submits a permit application under this section that meets the requirements set forth, the City shall issue a permit to the owner within thirty (30) days of receipt of the application.
(c) If an owner sells all or part of a permitted property, the permit may not be transferred to the new owner. The new owner must submit an application for a new permit.
(d) Owners may request an inspection with HAND. Such inspection shall be on a first-come, first-serve basis, and will be at a discounted rate determined by HAND.

16.06.030 - Duty to update permit information.

If any information provided by an owner in the permit application changes, the owner shall provide updated information to the unit in writing within thirty (30) business days.

16.06.040 - Expiration; permit fees.

(a) A permit expires one (1) year after the date the permit is issued.
(b) The cost of the permit is one hundred fifty dollars ($150), for each of the following:
    (1) An initial permit issued to an owner for the permitted property.
    (2) The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.
(c) The owner shall provide notice in writing within thirty (30) business days of the permit expiration of their intent to renew their permit. Such notice shall include any updates to permit information, or confirmation that the permit information has not changed, and the address of the short-term rental.

16.06.050 - Revocation of a permit; notice and hearing.

(a) If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the City may revoke the permit for that permitted property for a period of not more than one (1) year after the date the permit is revoked.
(b) If the City revokes the permit, the owner has the opportunity to appeal to the board of housing quality appeals as outlined in Section 16.10.050 of this title.
(c) An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked by the City. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to the use of the short-term rental or any other outstanding ordinance violations of Bloomington Municipal Code.

16.06.060 - Unregistered short-term rentals.

(a) An owner shall not rent a short-term rental without obtaining a valid permit from the City.
(b) Each short-term rental transaction that the short-term rental provider completes without a short-term rental permit constitutes a separate violation of this section.

16.06.070 - Restrictions on short-term rental usage; enforcement.

(a) The following uses are prohibited from being used as short-term rentals:
    (1) To house sex offenders;
    (2) To operate a structured sober living home;
    (3) To manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity;
    (4) To operate an adult entertainment establishment (as defined in I.C. § 12-7-2-1.8).
(b) Any housing exempted that is from the requirements of this title under Section 16.02.046(1) or (2) is prohibited from registering as a short-term rental.
(c) Any violations of this chapter shall be subject to enforcement under Chapter 16.10.

Section 7. Chapter 16.10, entitled "Enforcement, Penalties, Appeals and Variances" of Title 16 "Residential Rental Unit and Ledging Establishment Inspection Program" shall be amended to read as follows:

16.10.010 - Authority.

The director, and their designees, are the designated enforcement officials with full authority to investigate, conduct inspections, accept registration forms, issue rental permits, issue reports, and secure remedies, including but not limited to fines and injunctive relief for any violation of this title.

16.10.020 - Penalties and remedies for violations.

(a) For purposes of this title, a violation shall be defined as a violation or failure to comply with:

(1) Any provision or requirement of this title;
(2) Any condition, requirement or commitment established with the approval of a variance issued by the board of housing and quality appeals or the state fire prevention and building safety commission; or
(3) The required elements of the submission on the basis of which any rental permit has been rendered hereunder.

(b) Any violation, as defined in Section 16.10.020(a) above, shall be subject to the penalties and remedies provided in Chapter 16.10, and the City shall have recourse to any remedy available in law or equity.

(c) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in Chapter 16.10. A violation continues to exist until corrected and verified by the director or their designees. Correction includes, but is not limited to:
(1) Cessation of an unlawful practice;
(2) Remediation of a violation;
(3) Payment of fees or fines;
(4) Vacancy of a residential rental unit;
(5) Vacancy of a lodging establishment;
(6) Temporary or permanent revocation of rental permit(s); and/or
(7) Any other remedy acceptable to the City.

(d) For purposes of issuing penalties and fines in accordance with this chapter, the following persons shall be considered responsible parties, with liability for fines and responsibility for the remediation of the violation:
(1) Property owner;
(2) Any person with a possessory interest in the property; and/or
(3) Any person who has caused the violation.

(e) Remediation of a violation of this title shall be made or accomplished in accordance with the procedures and provisions with the codes listed in Section 16.04.020(a).

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

(g) In addition to all other penalties and remedies provided for herein, it shall be a violation of this title for any person to remove batteries from, or in any way render inoperable, a carbon monoxide detector or smoke detector, except as part of a process to inspect, maintain, repair, or replace the detector or alarm or to replace the batteries in the detector or alarm.

(h) The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

16.10.030 - Penalty.

(a) Any violation that is subject to Chapter 16.10 shall be subject to a civil penalty of not more than $2,500.00 for each such violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(b) The following violations of this title shall be subject to the fines listed in the table below.

Registration form violation if not supplied within the compliance period provided for on a unit's inspection report	$25.00 flat fine
Failure to provide required documentation if not supplied within the compliance period provided for on a unit's inspection report	$100.00 per unit
Violation of any of the codes listed in Section 16.04.020	$100.00
Making a smoke detector or carbon monoxide detector inoperable	$100.00

Failing to appear for a scheduled inspection	$50.00 flat fine
Failure to timely maintain and/or knowing, intentional, reckless, or negligent completion of an incorrect occupancy affidavit	Flat fine not to exceed $500.00

16.10.040 - Enforcement procedure.

(a) If the director finds that any violation of this title is occurring, or has occurred, notice shall be given to the responsible party. For purposes of this title only, a cycle inspection report, remaining violations report or complaint inspection report is considered notice of a violation. For purposes of issuing a notice, the following persons may be considered responsible parties, with liability for fines and responsibility for remediation of the violation:
    (1) The owner of the residential rental unit;
    (2) Persons with any possessory interest in the residential rental unit;
    (3) Any person who, whether as property manager, agent, owner, lessee, tenant, or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue;
    (4) The owner of the lodging establishment; and/or
    (5) Persons with any possessory interest in the lodging establishment.

(b) The notice shall be in writing and shall be served on all of the responsible parties and shall include the following:
    (1) A description of the residential rental unit or lodging establishment sufficient for identification;
    (2) A statement of the violation(s) and why the notice is being issued;
    (3) A correction order allowing a reasonable time to make repairs and improvements required to bring the residential rental unit or accessory structures or lodging establishment into compliance with the provisions of this title; and
    (4) Informing the owner of the residential rental unit, lodging establishment, or short-term rental of their right to an appeal;

(c) The notice shall be deemed properly served if a copy thereof is:
    (1) Delivered personally;
    (2) Sent by certified or first-class mail addressed to the last known address of the responsible party;
    (3) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the residential rental unit or lodging establishment affected by such notice; or
    (4) If the owner so designates on his registration form as being appropriate, sent by email.

(d) At the end of the time period specified in the notice described in subsection (b) above, any residential rental unit or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the unit's owner after such owner has affected those corrections required by the City as a result of any previous inspection. If reinspection is not requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the residential rental unit and its premises shall not be issued a rental permit.

(e) At the end of the time period specified in the notice described in subsection (b) above, any lodging establishment or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the establishment's owner after such owner has affected those corrections required by the City as a result of any previous inspection. If reinspection is not requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the lodging establishment and its premises shall be the subject to the penalties of this chapter.

(f) Fines for all violations of this title, except for the violation of allowing a residential rental unit to be occupied without having first been inspected and permitted by the City in accordance with this title, shall only accrue from the date the timeline in the first inspection report expires.
(g) In addition to issuing a notice, the director may utilize and/or seek through legal proceedings one or more of the following remedies:
    (1) Revoke or withhold issuance of a rental permit; and/or
    (2) Any and all penalties and remedies listed in Section 16.10.020.

16.10.050 - Appeals.

(a) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a residential rental unit or short-term rental, shall have the right to appeal to the board of housing and quality appeals.
(b) An appeal filed with the board of housing and quality appeals shall be in the manner prescribed in Title 2 of the Bloomington Municipal Code and the established rules and procedures of the board.
(c) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a lodging establishment, shall have the right to file an appeal to the appropriate state governing body.
(d) Fines levied for violations of this title may be challenged in the Monroe County Circuit Court.

16.10.060 - Variances.

(a) Any person found to be in violation of any provision of this title, except for a violation of the codes listed in Section 16.04.020, may file for a variance with the board of housing and quality appeals.
(b) Any person found to be in violation of any provision of the codes listed in Section 16.04.020 may file for a variance with the appropriate state governing body.

Severability

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

Effective Date

This Ordinance shall be in full force and effect on July 1, 2027 from and after its adoption by the Common Council and approval by the Mayor.

Passed

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

Signature of Common Council President Isak Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

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

Signature of Mayor Kerry Thomson

Synopsis:

This ordinance amending Title 16 includes the following substantive changes: (1) the addition of Chapter 16.06 Short Term Rentals, per Indiana Code § 36-1-24; (2) an update to the fee schedule in Section 16.03.07 Fees; (3) inclusion of a vacancy fee for single-family detached homes; (4) removal of sections and references in accordance with Indiana Code § 32-31-1-20; and (5) grammatical, quality of life, and spelling corrections.There are no changes in HAND's inspections or in the evaluation criteria. The recommended implementation date is July 1, 2027.

Title 16
RESIDENTIAL RENTAL UNIT AND LODGING ESTABLISHMENT INSPECTION PROGRAM[1]

Chapters:

Chapter 16.01 ORDINANCE FOUNDATION

Sections:

16.01.010 - Title.

This title shall be known, cited and referenced to as the "Residential Rental Unit & Lodging Establishment Inspection Program" title.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.020 - Authority.

This title is adopted by the C~~c~~ity pursuant to its authority under the laws of the state, the Bloomington Municipal Code (BMC), and all other applicable authorities and provisions of state statutory and common law.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.030 - Purpose.

This title is adopted for the following purposes:

(a) To ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises used as a residential rental unit.

(b) To protect the character and stability of the ~~city~~City, particularly its residential neighborhoods and its downtown.

(c) To assist in the elimination of blight, to promote maintenance of property, and to thereby ensure public health, safety, and welfare.

[1]Editor's note(s)—Ord. No. 12-27, § 1, adopted Nov. 14, 2012, repealed and re-enacted Title 16 in its entirety to read as herein set out. Former Title 16 pertained to housing inspection and derived from Ord. No. 78-56, § 1 (part), 1978; Ord. No. 78-86, § 8, 1978; Ord. No. 79-17, § 1 (part), 1979; Ord. No. 79-19, § 1 (part), 1979; Ord. No. 81-97, § 1, 1981; Ord. No. 86-19, §§ 16, 19, 1986; Ord. No. 88-40, § 1, 1988; Ord. No. 90-51, § 2, 1990; Ord. No. 93-41, §§ 12, 13, 1993; Ord. No. 97-06, §§ 37—45, 1997; Ord. No. 98-09, §§ 2—4, 1998; Ord. No. 03-08, §§ 1 (part), 2, 2003; Ord. No. 03-25, §§ 9—11, 2003.

(d) To regulate and license the commercial business of letting rental properties to ensure the stability of approximately sixty percent (60%) of the ~~city's~~ City's housing stock.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.040~~.~~ - Jurisdiction.

This residential rental unit and lodging establishment inspection program title shall apply to all residential rental units and lodging establishments located within the corporate boundaries of the ~~c~~City.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.050 - Severability.

If a section, subsection, sentence, clause, or phrase of this title is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.060 - Applicability.

(a) The owner, and/or their agent or designee, shall be responsible for compliance with this title.

(b) If any provisions in this title can be construed to be in conflict with provisions of the City of Bloomington Unified Development Ordinance, the more restrictive provision shall apply.

(c) Repairs, maintenance work, alterations, or installations which are caused directly or indirectly by the enforcement of this title shall be executed and installed in a workmanlike manner, and installed in accordance with the manufacturer's installation instructions and all state codes.

(d) The provisions of this title which apply to the exterior portions of residential rental units may not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when the following has occurred:

(1) The ~~city~~City historic preservation commission fails to issue the building or structure a certificate of appropriateness;

(2) The director judges the building or structure to be safe; and

(3) The director judges noncompliance with this title to be in the public's interest of health, safety and welfare.

(e) Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, within a residential rental unit or lodging establishment, or for the public safety, health and general welfare, not specifically covered by this title~~,~~ shall be determined by the director.

(f) On reasonable belief that a component or feature of a residential rental unit or lodging establishment may present a danger to the health, safety, or welfare of the occupant, the director may require documentation from a licensed person, ~~or~~ firm, or ~~a~~ person with ~~particular~~ equivalent knowledge or skills, to render a determination on strength, stability, or proper operation within a residential rental unit or lodging establishment.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.070 - Housing and neighborhood development department (HAND).

(a) The HAND department shall be responsible for the enforcement of this title.

(b) An official or employee connected with the enforcement of this title, except one whose only connection is that of a member of the board of housing quality appeals as established in title 2, shall not be engaged in, or ~~directly or indirectly~~ connected in any way with, the furnishing of labor, materials, or appliances for the maintenance of a residential rental unit or a lodging establishment unless that person is the owner of the residential rental unit or a lodging establishment, or has filed a uniform conflict of interest statement pursuant to Indiana Code Section 35-44-1-3; nor shall such officer or employee engage in any work that conflicts with their official duties or with the interests of the C~~c~~ity.

(Ord. No. 12-27, § 1, 11-14-2012)

16.01.080 - Director.

(a) The director shall enforce the provisions of this title.

(b) The director shall have authority as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this title; and, to secure the intent thereof. Such rules shall not have the effect of waiving requirements specifically provided for in this title or the Indiana Code, or of violating accepted engineering methods involving public safety.

(Ord. No. 12-27, § 1, 11-14-2012)

Chapter 16.02 DEFINITIONS

Sections:

16.02.010 - General.

The definitions contained in this chapter shall be observed and applied in the interpretation of all chapters in this title, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural the plural the singular; and words used in the masculine gender shall include the feminine.

(Ord. No. 12-27, § 1, 11-14-2012)

16.02.020 - Defined words.

All terms contained within this title shall have the meanings set forth in the Indiana Building Code, unless specifically defined herein below. Where terms are not defined in the Indiana Building Code or below, but are defined in any of the codes noted in Section 16.04.020(a) of this title, such terms shall have the meanings ascribed to them as in those other codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

16.02.021 - Accessory structure.

"Accessory structure" means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and which is customarily incidental to the primary building or structure or the primary use of the land.

16.02.022 - Carbon monoxide detector.

"Carbon monoxide detector" means a device that detects carbon monoxide and that produces a distinct, audible alarm and is listed by a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

16.02.023 - Complaint inspection

"Complaint inspection" means an inspection of a residential rental unit prior to the expiration of a~~n occupancy~~rental permit and as the result of the HAND Department receiving a written request that indicates there is a violation of title 16 at the stated residential rental unit submitted by any resident of the ~~city~~City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, or the owner or the owner's agent.

16.02.024 - Condominium.

"Condominium" means a single real-estate unit, located in or attached to other real-estate units, which is individually owned and deeded.

16.02.025 - Cycle Inspection.

"Cycle inspection" means an inspection of a residential rental unit that occurs prior to the issuance of either the first ~~occupancy~~rental permit granted for said unit or an inspection of a residential rental unit that occurs prior to the expiration of an already granted ~~occupancy~~rental permit.

16.02.026 - Director.

"Director" means the director of the Housing and Neighborhood Development Department or their~~his~~ designee(s).

16.02.027 - Dwelling unit.

"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

16.02.028 - Equipment.

"Equipment" means a moveable or fixed unit of furnishings, instruments, machine or apparatus or set of articles which generally meets all of the following requirements:

(1) It retains its original shape and appearance with use;

(2) It is nonexpendable; that is if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it within an entirely new unit;

(3) It represents a substantial investment of money (two hundred fifty dollars or more for budget purposes); and

(4) It does not lose its identity through incorporation into a different or more complex unit or substance.

16.02.029 - Exterior property.

"Exterior property" means the open space on the premises and on adjoining property under the control of the owners or operators of such premises, provided said open space is made available to the occupants of the residential rental unit or lodging establishment.

16.02.030 - Family.

"Family" has the same definition as found in Bloomington Municipal Code's Unified Development Ordinance. ~~Section 20.11.020.~~

16.02.031 - Fuel.

"Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion."

16.02.032 - Garbage.

"Garbage" has the same definition as found in Title 6 of the Bloomington Municipal Code. ~~Section 6.04.010.~~

16.02.033 - HAND department or HAND.

"HAND department" or "HAND" means the housing and neighborhood development department.

16.02.034 - Infestation.

"Infestation" means the presence, within or contiguous to, a structure or premises of pests.

16.02.035 - Inoperable Vehicle.

"Inoperable vehicle" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, abandoned, in a state of disrepair, or incapable of being moved under its own power.

16.02.036 - Let for occupancy or let.

"Let for occupancy" or "let" means to permit, provide or offer possession or occupancy of a dwelling unit, building, premise or structure by a person who is not the legal owner of record thereof, not a legal dependent of the legal owner of record, or not a beneficiary of a trust if the legal owner of record is a trust, pursuant to a written or unwritten lease, agreement or license, or pursuant to an unrecorded agreement of contract for the sale of land.

16.02.037 - Lodging establishment.

"Lodging establishment" means any hotel, motel, resort, vacation cabin rental, camping cabin, or bed and breakfast.

16.02.038 - Multi-family dwelling.

"Multi-family dwelling" means any building, or group of buildings, or portion thereof containing two or more individual dwelling units where each unit is provided with an individual entrance to the outdoors or to a common hallway and in which the number of families in residence does not exceed the number of dwelling units provided. The term "multi-family dwelling" shall not include condominiums.

16.02.039 - Occupant.

"Occupant" means any person entitled to occupy a lodging establishment to the exclusion of others.

16.02.040 - Off-Cycle inspection.

"Off-cycle inspection" means an inspection of a residential rental unit prior to the expiration of a~~n occupancy~~rental permit that is initiated because the director believes he has probable cause to believe the condition of the residential rental unit or premises is in such a state of deterioration or is in violation of this title.

16.02.041 - Organization.

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

16.02.042 - Owner.

"Owner" means any person, agent, or organization having a legal interest in a residential rental unit or lodging establishment; or recorded in the official records of the state, county or municipality as holding title to the residential rental unit or a lodging establishment; or otherwise having control of the residential rental unit or lodging establishment, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of the residential rental unit or lodging establishment by a court. For the purposes of this title, a person with a lease hold interest or an unrecorded contract for sale shall not be considered an owner.

16.02.043 - Owner occupied short-term rental property.

"Owner occupied short-term rental property" means property that is the owner's primary residence and is offered to the public as a short-term rental.

16.02.044 Pest.

"Pest" means insects, rats, bed bugs, snakes, raccoons, squirrels, vermin or other similarly situated insects, reptiles or animals.

16.02.045 - Premises.

"Premises" means a lot, plot or parcel of land including the buildings or structures thereon.

16.02.046 - Residential rental unit.

"Residential rental unit" means any dwelling unit, rooming house, or rooming unit occupied by a person(s) other than the owner and/or their legal dependent, but it does not include the following arrangements unless the arrangements are created to avoid application of this title:

(1) Occupancy in a residential rental unit owned by Indiana University;

(2) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of said organization, provided the structure itself is owned by a nonprofit organization generally associated with the fraternal or social organization;

(3) Occupancy by the purchaser of a dwelling unit under a contract of sale, provided the contract for sale is properly recorded with the county;

(4) Occupancy in a lodging establishment or short-term rental, except as provided for elsewhere in this title;

(5) Occupancy in a rectory or parsonage by a person(s) generally assumed to occupy such a dwelling;

(6) Occupancy in a residential care facility or group home, provided said facility or home is licensed and inspected by the state;

~~(7) Owners who reside in a dwelling unit but who wish to lease to individuals or a family while they are absent from the city for short periods of time, not to exceed one year, and who intend to return to their dwelling unit at the expiration of the lease period; and~~

(~~7~~8) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with said tenant; and

(8) Cooperative housing arrangements.~~.~~

16.02.047 - Rooming house/single-room occupancy.

~~A "residential rental unit" also includes cooperative housing arrangements.~~

"Rooming house/single-room occupancy" means a building, other than a dwelling unit, where lodging, with or without meals is provided for compensation; or a building designed as a single-family dwelling that is occupied by more than one (1) family (as defined herein), but not a lodging establishment, fraternity or sorority house, residential care facility, or rectory.

16.02.048 - Rubbish.

"Rubbish" has the same definition as found in Title 6 of the Bloomington Municipal Code ~~Section 6.04.010~~.

16.02.049 - Short-term rental.

"Short-term rental" means the rental of:

(1) A single family home;

(2) A dwelling unit in a single family home;

(3) A dwelling unit in a two-family or multifamily dwelling; or

(4) A dwelling unit in a condominium, cooperative, or time share;

for terms of less than thirty (30) days at a time through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single family residential use. The term does not include property that is used for any nonresidential use.

16.02.050 - Short-term rental platform.

"Short-term rental platform" means an entity that provides a platform through which unaffiliated parties offer to rent a short-term rental to an occupant, and collects consideration for the rental from the occupant.

16.02.051 - Single-family detached home.

"Single-family detached home" means a single building per lot containing a single residential dwelling unit designed for and occupied by one family which is completely separate from any other building.

16.02.052 - Smoke detector.

"Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

16.02.053 - Tenancy agreement.

"Tenancy agreement" means all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a residential rental unit and the adjoining premises.

16.02.054 - Tenant.

"Tenant" means any person entitled to occupy a residential rental unit under a tenancy agreement to the exclusion of others.

16.02.055 - Workmanlike.

"Workmanlike" means executed in a skilled or competent manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

(Ord. No. 12-27, § 1, 11-14-2012)

Chapter 16.03 ADMINISTRATION OF RESIDENTIAL RENTAL UNITS

Sections:

16.03.010 - Compliance required.

No person shall occupy or allow the occupancy of a residential rental unit within the ~~city~~City unless in accordance with the provisions of this title.

(Ord. No. 12-27, § 1, 11-14-2012)

16.03.020 - Registration of residential rental units.

(a) No owner of a residential rental unit shall allow such unit to be occupied ~~by a tenant~~ without first registering the residential rental unit with the HAND department.

(b) Such registration shall be affected by furnishing the HAND department, upon a form furnished by the department, the following information:

(1) Name of owner(s);

(2) Street address of owner(s), said address shall be acceptable for service of process;

(3) Phone number of owner(s);

(4) Email address of owner(s);

(5) Name, street address, phone number and email address of agent, if any, authorized to act on behalf of the owner(s) in regards to the residential rental unit, including service of process. Any owner(s) who does not reside in Indiana shall designate an in-state agent.

(6) The registration form shall be signed by the owner(s) and not the owner's agent.

(c) Whenever an owner(s) or agent changes his contact information (mailing address, phone number or email address) it shall be his responsibility to provide the HAND department with an updated registration form. All updated registration forms shall be signed by the owner and not the owner's agent.

(d) Whenever ownership of the residential rental unit changes, the new owner shall re-register the unit with the HAND department.

(Ord. No. 12-27, § 1, 11-14-2012)

16.03.025 - Occupancy affidavit.

(a) No owner of a residential rental unit containing ~~up to~~ four (4) or less dwelling units per building shall let for occupancy or let any such dwelling unit without first completing and maintaining a fully executed occupancy affidavit for said dwelling unit on the form so provided by the HAND department.

(b) For each dwelling unit, each occupancy affidavit shall include the name of each occupant. The owner or agent shall execute the occupancy affidavit based upon personal knowledge and only after reasonable

inquiry with respect to the information contained therein. Each tenant shall also sign the occupancy affidavit and affirm that information contained therein is true and accurate.

(c) For each dwelling unit, the owner or agent shall complete an updated occupancy affidavit and each tenant shall sign the same, as set forth above, within fifteen calendar days from the date of any change in the occupancy in the dwelling unit. The owner of the residential rental unit shall retain completed occupancy affidavits until the date of any further change in the occupancy in the dwelling unit. The owner of a residential rental unit shall produce and permit inspection of an occupancy affidavit during any HAND inspection, or upon request by the ~~city~~City.

(d) For residential rental properties containing more than four dwelling units, the requirement to complete and maintain a fully executed occupancy affidavit is waived unless a complaint is made about occupancy concerning the residential rental unit.

(e) Any residential rental unit that is subject to this section but has received from the board of housing quality appeals a variance from having to obtain a~~n occupancy~~ rental permit under this title must still fully comply with this section of this title.

(Ord. No. 21-30, § I, 6-16-2021)

16.03.030 - ~~Occupancy~~ Rental permits.

(a) No owner of a residential rental unit shall allow such unit to be occupied ~~by a tenant~~ without first obtaining a valid ~~occupancy~~rental permit or temporary ~~occupancy~~rental permit from the HAND department.

(b) No ~~occupancy~~rental permit shall be issued by the HAND department until the residential rental unit and premises have been inspected pursuant to Section 16.03.040 and all provisions of the Bloomington Municipal Code have been met.

(c) All ~~occupancy~~rental permits shall contain the following information:

(1) Name of the owner(s);

(2) Name of the agent;

(3) Occupant load;

(4) Number of bedrooms;

(5) Expiration date of the permit;

(6) Variances; and

(7) Notes.

(d) All residential rental units shall display a current ~~occupancy~~rental permit in an accessible location inside said unit.

(e) ~~Occupancy~~Rental permits shall be issued for three, four, or five ~~-~~year periods, as determined by this subsection:

(1) Three-year Permit. An owner ~~residential rental unit~~ shall apply to receive a three-year ~~occupancy~~rental permit ~~if the criteria listed below apply~~following the process outlined below:

(A) The owner must have registered the residential rental unit with the HAND department in accordance with Section 16.03.020, or if already registered, ensure the HAND department has the most updated registration form on file;

(~~A~~B) ~~If t~~The owner ~~fails to~~ must schedule a cycle inspection prior to the expiration of the residential rental unit's current ~~occupancy~~rental permit; ~~or~~

(~~B~~C) If a residential rental unit has had a cycle inspection by the HAND department, and said department has issued a cycle inspection report noting violations of this title, ~~and~~ the owner ~~fails to~~must have the residential rental unit reinspected and found in compliance with this title within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, after the report citing the violations was mailed to the owner or within the time that may be granted by the board of housing quality appeals; ~~or~~ and

(~~C~~D) ~~If t~~The owner ~~fails to~~must satisfy all outstanding fee assessments issued under this title within thirty (30) days from the date of billing.

(2) Four-year Permit. An owner ~~residential rental unit~~ shall be eligible to receive a four-year ~~occupancy~~rental permit should they follow the process outlined below~~if the criteria listed below apply~~:

(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either

(~~A~~B) The residential rental unit previously had a three-year ~~occupancy~~rental permit and the cycle inspection uncovered no violations of this title, or all violations of this title cited on a cycle inspection report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, ~~sixty days~~ after the report was mailed to the owner or within the time that may be granted by the board of housing quality appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing; or

(~~B~~C) The residential rental unit is newly registered and the cycle Inspection uncovers no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within sixty days after the report was mailed to the owner, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.

(3) Five-year Permit. An owner ~~residential rental unit~~ shall be eligible to receive a five-year ~~occupancy~~rental permit should they follow the process outlined below~~if the criteria listed below apply~~:

(A) The owner must have an up-to-date registration on file with the HAND department in accordance with Section 16.03.020; and either

(~~A~~B) The residential rental unit is new construction and the cycle inspection uncovers no violations of Chapters 16.07, 16.08 and 17.16 of the Bloomington Municipal Code; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; and the HAND Department has issued an ~~occupancy~~rental permit prior to the residential rental unit being occupied; and the owner satisfies all outstanding fee assessments within thirty days from the date of billing; or

(~~B~~C) The residential rental unit's prior ~~occupancy~~rental permit had been a four-year permit, and the Cycle Inspection uncovered no violations of this title, or all violations of this title cited on a Cycle Inspection Report were satisfactorily corrected within fourteen (14) days to correct violations under Sections 16.04.05(b) and 16.04.06(b) under this title, and within sixty (60) days for all other violations under this title, ~~sixty days of~~ after the report was mailed to the owner or within the time that may be granted by the Board of Housing Quality Appeals, and the owner satisfies all outstanding fee assessments within thirty (30) days from the date of billing.

(Ord. No. 12-27, § 1, 11-14-2012)

16.03.040 - Inspections.

(a) Each residential rental unit and premises located within the ~~city~~City shall be scheduled to receive a cycle inspection conducted by the HAND department at least sixty days prior to the expiration of its ~~occupancy~~rental permit to establish compliance with this title. Properties scheduled to be inspected more than six months prior to the expiration of the current ~~occupancy~~rental permit shall receive a new ~~occupancy~~rental permit with an expiration date of when compliance was achieved as a result of the most recent cycle inspection.

(b) Each newly constructed residential rental unit and premises located within the ~~city~~City shall receive a cycle inspection conducted by the HAND department ~~immediately~~ prior to said unit being occupied, but after all construction on the units to be occupied have been completed. Limited Saturday cycle inspection scheduling is available on a first come first serve basis for newly constructed residential rental units and premises from ~~July~~ June 1st through August 31st ~~September 30th~~ of each year, or at the discretion of the director and availability of HAND staff.

(c) Off-cycle or complaint inspections of a residential rental unit may be conducted at the discretion of the director upon the following:

(1) Receipt of a written request of any resident of the ~~city~~City, any governmental agency or employee, or the residential rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent provided the request indicates that there is some violation of this title at the stated residential rental unit; or

(2) The director has probable cause to believe the residential rental unit is in violation of this title.

(d) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection, unless the director has probable cause to believe the condition of the residential rental unit or its premises is in such a state of deterioration or violation of this title that a complete off-cycle inspection is required to effectuate the purposes of this title, in which a case a complete new cycle inspection of the entire residential rental unit and premises shall be performed.

(e) It shall be the responsibility of the owner of each residential rental unit to schedule all required inspections and reinspections required by this title. Failure to schedule may be treated as a failed inspection.

(f) The owner shall notify the tenant(s) of all scheduled inspections and reinspections of a residential rental unit. Failure to notify the tenant(s) may be treated as a failed inspection.

(g) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If a tenant or owner refuses entry for an inspection under this title, the HAND department may treat the visit as a failed inspection, and shall not inspect the residential rental unit without first obtaining a warrant in accordance with the laws of the state.

(h) The owner, an employee of the owner, or the unit's tenant shall remain with the HAND department employee conducting the inspection or reinspection at all times said employee is inside of a residential rental unit.

(i) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

(Ord. No. 12-27, § 1, 11-14-2012; Ord. 15-13, § 1, 7-1-2015)

~~16.03.050 Inventory and damage lists.~~

~~(a) The owner of a residential rental unit shall contact the tenants and arrange a joint inspection of the unit and premises to occur within ten days of the tenant's occupancy of the unit. The owner shall at that time jointly complete an inventory and damage list, and this shall be signed by the owner and at least one tenant. Duplicate copies of the inventory and damage list shall be retained by all parties.~~

~~(b) The owner of a residential rental unit shall contact the tenant and arrange a joint inspection of the unit and premises to occur at the end of the tenant's occupancy and prior to the occupancy of the next tenant. Any damages to the unit shall be noted on the inventory and damage list, and the list shall thereupon signed by all parties.~~

~~(c) The owner shall have a duty to initiate joint inspections; however, both the owner and the tenant shall have an affirmative duty to make a good-faith effort in scheduling joint inspections.~~

~~(1) In the event the owner is unable to schedule a joint inspection with the tenant when contacting the tenant via telephone, email, personal message or personal contact, the owner may show compliance with this Section by producing the following: a copy of a letter or email to the tenant stating the time and place of the joint inspection; and, a normal business record showing that this letter was mailed to the tenant by first class mail (or if by email sent with a read receipt feature) at least two days prior to the date of the scheduled inspection.~~

~~(2) If the owner cannot arrange a joint inspection pursuant to the above procedures, the owner shall complete the inspection, noting on a signed and dated inspection report those damages which exceed normal wear and tear.~~

~~(d) The owner shall retain copies of all inspection reports for a minimum of the present lease period and the two subsequent lease periods for the residential rental unit, or for a period of four years, whichever is less.~~

~~(e) The owner shall allow the HAND Department to review a copy of the inventory and damage list in accordance with the provisions of this section upon the department's request.~~

~~(Ord. No. 12-27, § 1, 11-14-2012)~~

~~16.03.060 Disclosure.~~

~~(a) The owner of a residential rental unit shall disclose to each tenant, in writing, at or before the commencement of tenancy the name and usual address of each person who is:~~

~~(1) Authorized to manage the residential rental unit and premises; and~~

~~(2) An owner of the unit and premises, or his agent, who is authorized to act on behalf of the owner for the purpose of service of process and for the purpose of receiving all notices and demands.~~

~~(b) The information required by Section 16.30.060(a) shall be kept current.~~

~~(c) The owner of a residential rental unit shall provide to each tenant, at or before the commencement of tenancy, a summary of the tenants' and owners' rights and responsibilities, in such form as shall be prescribed by the director. The owner shall ensure that the summary contains the legally permitted occupancy load for said residential rental unit prior to the tenants signing said summary. The owner shall sign the summary, obtain the signatures of all tenants on the summary and provide a copy of that summary to the HAND department, upon the department's request.~~

~~(d) The HAND department shall furnish, upon request, to each registered owner or registered agent of a residential rental unit subject to this title a copy of this title.~~

~~(Ord. No. 12-27, § 1, 11-14-2012)~~

16.03~~.080~~050 - Fees.

(a) All fees for any inspection conducted under this title shall be established by the board of public works, in accordance with the directives of 16.30.~~080~~050(b), and are subject to an annual review by said board.

(b) The board of public works shall establish reasonable and appropriate fees for inspections conducted under this title in accordance with the following:

(1) There shall be one fee for both the cycle inspection and a first re-inspection.

(2) Increased inspection fees may be assessed for each subsequent re-inspection.

(3) There shall be no fee for the initial and first re-inspection for a complaint inspection.

(4) Fees shall be established for the following:

(A) Single-family detached homes;

(B) Rooming houses;

(C) Condominiums;

(D) Multi-family dwellings; and

(E) Lodging establishments.

(5) In recognition of the importance of ensuring affordable housing, the board of public works shall ensure that the ~~city~~City continues to subsidize the inspection of certain types of low-income housing units by providing the following discounts to any inspection fees said board establishes:

(A) Public housing units owned and operated by the ~~city~~City housing authority shall be provided free inspections and shall not be assessed a fee;

(B) Section 8 dwelling units, low income tax credit dwelling units, HAND department subsidized dwelling units and dwelling units that have a monthly rent in accordance with the United States Department of Housing and Urban Development's low rent rates shall receive a thirty percent discount on any fee. A copy of the lease showing the unit's rental rate shall be provided in order to receive the discounted fee. A copy of the HUD Low Rent Rates is available on HAND's website; said rates are updated annually.

(6) There shall be a twenty-five (25%) percent fee reduction for any residential rental unit that has no violations on the initial cycle inspection. If the required documentation is not provided to the HAND inspector during the inspection, an owner will have until 5:00 p.m. on the day of the inspection to provide HAND with the required documentation in order to still receive the twenty-five percent (25%) fee reduction.

(7) In recognition of the additional burden vacant properties place on City enforcement officers as outlined in I.C. § 36-7-9-4.5, an annual vacancy fee of $500 shall be charged to the owner if a single-family detached home remains vacant after one (1) calendar year, and the fee shall increase by twenty-five percent (25%) each year it remains vacant, not to exceed $2,500. Appeals regarding good-faith attempts to fill the units shall follow the appeals process outlined in Section 16.10.050. The amount of the fee shall be rounded up to the nearest dollar for convenience in calculation.

(c) Effective ~~January~~ July 1, ~~2013~~2027, the fees for inspections shall be as follows:

Single-family detached homes	$~~75~~105.00

Rooming houses - each building	~~$60~~80.00
+ each bathroom	~~$15~~30.00
Condominiums	~~$75~~105.00
Multi-family dwellings - each building	~~$60~~80.00
+ each unit	~~$15~~30.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	~~$65~~150.00

(d) Effective January 1, ~~2014~~2028, the fees for inspections shall be as follows:

Single-family detached homes	$~~85~~115.00
Rooming houses - each building	~~$60~~80.00
+ each bathroom	~~$25~~40.00
Condominiums	~~$85~~115.00
Multi-family dwellings - each building	~~$60~~80.00
+ each unit	~~$25~~40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	~~$70~~175.00

(e) Effective January 1, ~~2015~~2029, the fees for inspections shall be as follows:

Single-family detached homes	$~~95~~125.00
Rooming houses - each building	~~$70~~90.00
+ each bathroom	~~$25~~40.00
Condominiums	~~$95~~125.00
Multi-family dwellings - each building	~~$70~~90.00
+ each unit	~~$25~~40.00
Lodging establishments	Complaint Only
2nd & subsequent reinspection fee	~~$70~~200.00

(f) Annual updates of the fees, beginning on January 1, ~~2015~~2030, shall be determined by the board of public works. The board of public works may only increase a fee if the cost of administering and enforcing the provisions of this title are not offset by the amount of fees generated by this title. Additionally, at no time may the board of public works increase a fee by more than ten percent (10%); if HAND feels as though a fee increase of greater than ten percent is required, said fee increase shall require approval by the ~~city~~City common council. All fee increases shall be reasonably related to the cost of administering and enforcing the provisions of this title.

(g) The fee for Saturday inspections under Section 16.03.040~~-~~(b) shall be assessed at one and one~~-~~half (1.5) times the regular weekday rate for inspections.

(Ord. No. 12-27, § 1, 11-14-2012; Ord. 15-13, § 2, 7-1-2015)

Chapter 16.04 PROPERTY MAINTENANCE

Sections:

16.04.010 - Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for the maintenance of residential rental units and their premises.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.020 - Codes.

(a) Pursuant to Indiana Code Section 36-7-2-9, the ~~city~~City is legally responsible for ensuring compliance with the state building laws ~~that are adopted in the rules of the Indiana Fire Prevention and Building Safety Commission~~. Pursuant to this mandate, the following codes, as amended, are hereby incorporated into this chapter by reference and made a part thereof, two copies of which are on file in the office of the clerk for the legislative body for public inspection:

(1) Indiana Building Code;

(2) Indiana Residential Code;

(3) Indiana Fire Code;

(4) Indiana Mechanical Code;

(5) Indiana Electrical Code;

(6) Indiana Plumbing Code;

(7) Indiana Fuel Gas Code;

(8) Indiana Energy Code; and

(9) Indiana Accessibility Code.

(b) All residential rental units and accessory structures thereof shall be maintained in compliance with the provisions of those codes noted in ~~[~~Section~~]~~ 16.04.020(a). Compliance shall be in accordance with those codes in effect at the time the residential rental unit or accessory structure thereof was built or remodeled.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.030 - Responsibility.

The owner of a residential rental unit shall maintain the unit and its premises in compliance with the requirements of this chapter, except as otherwise provided for in this title. A person shall not occupy or permit another person to occupy a residential rental unit, or its premises, which are not in a sanitary and safe condition, and which do not comply with the requirements of this title. The tenant of a residential rental unit is responsible for keeping the unit in a clean, sanitary, and safe condition.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.040 - Exterior property areas.

(a) All exterior portions of a residential rental unit shall be maintained in a clean, safe, and sanitary condition. The tenant of a residential rental unit shall keep that part of the exterior unit and premises, which such tenant occupies or controls, in a clean, safe, and sanitary condition.

(b) All residential rental unit premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any residential rental unit located thereon. Exception: Approved retention areas and reservoirs.

(c) All sidewalks, walkways, stairs, driveways, private streets, parking spaces and similar areas shall be maintained in a proper state of repair, and maintained free from hazardous conditions.

(d) All residential rental unit premises shall be maintained in accordance with Title 6 of the Bloomington Municipal Code.

(e) All residential rental unit premises which contain trees shall maintain the trees in good health so that they pose no danger to persons or property.

(f) Furniture not generally intended to be used for outdoor purposes (typically upholstered furniture), shall not be permitted to be stored on the exterior premises of residential rental units, this includes both screened-in porches and non-screened porches.

(g) All gates shall be maintained in a structurally sound manner, be in good repair, and be maintained in accordance with this title.

(h) No inoperable vehicle shall be parked, kept or stored on the premises of any residential rental unit, and no vehicle shall at any time be kept or stored on the premises of any residential rental unit if it is in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles or motor cycles is prohibited unless conducted inside of an approved spray booth.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.050 - Exterior structure.

(a) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.

(b) All portions of the exterior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health safety or welfare.

(c) Exterior wood surfaces on residential rental units and their accessory structures, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

(d) All metal surfaces subject to rust or corrosion on a residential rental unit or its accessory structures shall be coated to inhibit such corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

(e) Peeling, flaking and chipped paint on the exterior of a residential rental unit or its accessory structures shall be eliminated and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.

(f) Exterior surfaces on residential rental units and their accessory structures shall be maintained free of mold.

(g) If a residential rental unit is damaged, mutilated or defaced by marking, carving or graffiti, the owner of said unit shall restore the surface to an approved state of maintenance and repair.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.060 - Interior structure.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a structurally sound manner, be in good repair and be maintained in accordance with this title.

(b) All portions of the interior of a residential rental unit and its accessory structures shall be maintained in a manner that does not pose a threat to the public health, safety or welfare.

(c) All equipment contained within the interior of a residential rental unit and its accessory structures shall be maintained in good repair, in accordance with its manufacturer's guidelines and in accordance with this title.

(d) Tenants of a residential rental unit shall keep that part of the unit which they occupy or control in a clean and sanitary condition.

(e) Every owner of a rooming house, a two or more dwelling unit or a dwelling unit with a nonresidential occupancy, shall maintain the shared public areas in a clean and sanitary condition and in accordance with this title.

(f) Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered and done in accordance with any applicable rules or regulations established by the United States Environmental Protection Agency or the state department of environmental management.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.070 - Duct systems.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.080 - Rubbish and garbage.

(a) All portions of the interior of a residential rental unit and its accessory structures shall be free from any accumulation of rubbish or garbage.

(b) Every tenant of a residential rental unit shall dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in approved containers.

(c) The owner of every residential rental unit shall supply the unit with an approved leak proof, covered, outside garbage container in accordance with Title 6 of the Bloomington Municipal Code.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.090 - Extermination/pest control.

(a) All residential rental units, their accessory structures and exterior premises shall be kept free from pests. All residential rental units or accessory structures thereof in which pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination proper precautions shall be taken to prevent reinfestation.

(b) The owner of any residential rental unit shall be responsible for extermination within the unit, its accessory structures or on the exterior premises for extermination of pests prior to letting the unit.

(c) The tenant of a single-family detached home shall be responsible for extermination of pests after occupying the premises for thirty days unless the infestation is caused by defects in the premises—in which case the owner shall be responsible for extermination of pests.

(d) The owner of a structure containing two or more dwelling units, a multiple occupancy or a rooming house shall be responsible for extermination of pests.

(e) Regardless of whose responsibility it is to exterminate any pests, if the presence of pests is determined to be the result of actions taken, or not taken, by any tenant, said tenant shall be liable for fines in accordance with Chapter 16.09 of this title.

(f) This Section pertains only to whose responsibility it is to eradicate the pests; it does not pertain to, regulate, or discuss which party to the lease is to ultimately pay for the pest eradication.

(Ord. No. 12-27, § 1, 11-14-2012)

16.04.100 - Display of address.

All residential rental units shall conspicuously display the unit's address number on the front of the unit.

(Ord. No. 12-27, § 1, 11-14-2012)

Chapter 16.05 LODGING ESTABLISHMENTS

Sections:

16.05.010 - Compliance with local and state laws.

(a) Any owner of a lodging establishment shall at all times comply with all sanitary laws and regulations of the ~~city~~City, ~~the~~ county, and the state.

(b) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with the codes noted in ~~[~~Section~~]~~ 16.04.020(a).

(c) Any owner of a lodging establishment shall at all times maintain said establishment in accordance with this chapter.

(Ord. No. 12-27, § 1, 11-14-2012)

16.05.020 - Inspections of lodging establishments.

(a) Inspectors of the HAND department shall have the right to inspect a lodging establishment:

(1) Upon the director receiving a ~~written and signed~~ request or complaint ~~of~~from any resident of the ~~city~~City, any governmental agency or employee, or the lodging establishment's occupant, the occupant's legal representative, the owner, or the owner's agent provided the request indicates that there is some violation of this title at the stated lodging establishment; or

(2) The director has probable cause to believe the lodging establishment is in violation of this title.

(b) A complaint inspection shall be confined to the defects complained of by the person requesting the complaint inspection.

(c) The owner shall notify the occupant(s) of all scheduled inspections and re-inspections of a lodging establishment.

(d) The owner shall be responsible for granting access for any inspection required by this title in compliance with state law. If an occupant or owner refuses entry for an inspection under this title, the HAND department shall not inspect the lodging establishment without first obtaining a warrant in accordance with the laws of the state.

(e) The owner or an employee of the owner shall remain with the HAND department employee conducting the inspection or re-inspection at all times said employee is inside of a lodging establishment.

(f) Employees of the HAND department shall not enter into residential rental units or onto their premises where there is a concern for their physical safety or if the tenant is engaging in inappropriate or illegal activities, e.g., where the tenant may be inadequately clothed or using illegal substances.

(Ord. No. 12-27, § 1, 11-14-2012)

16.05.030 - Compliance with title.

No person or organization shall operate a lodging establishment, or occupy or let to another for occupancy, any portion of a lodging establishment if said establishment is not maintained in accordance with this title.

(Ord. No. 12-27, § 1, 11-14-2012)

Chapter 16.06 SHORT-TERM RENTALS

Sections:

16.06.010 - Compliance with local and state laws.

Any owner of a short-term rental shall at all times comply with all sanitary laws and regulations of the City, county, and the state.

16.06.020 - Permits; application requirements.

(a) To obtain a short-term rental permit, the owner must provide the following information for each property:

(1) The owner's name, street address, mailing address, electronic mail address (if applicable), and telephone number. If the owner is a corporation, partnership, or other legal entity, the application must require the:

(A) owner's state of incorporation or organization; and

(B) names, residence addresses, and telephone numbers of the owner's principal officers or partners.

(2) If a property manager is used, the property manager's name, street address, mailing address, electronic mail address (if applicable), and telephone number.

(3) A short description of how each of the owner's short-term rentals on the property are marketed or advertised, including the following:

(A) The advertised occupancy limits of each short-term rental.

(B) Whether the short-term rental is:

(i) a single family home;

(ii) a dwelling unit in a single family home;

(iii) a dwelling unit in a two-family or multifamily dwelling; or

(iv) a dwelling unit in a condominium, cooperative, or time share.

(C) A permit application must be made by an owner. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.

(b) Subject to Section 16.06.050, if an owner submits a permit application under this section that meets the requirements set forth, the City shall issue a permit to the owner within thirty (30) days of receipt of the application.

(c) If an owner sells all or part of a permitted property, the permit may not be transferred to the new owner. The new owner must submit an application for a new permit.

(d) Owners may request an inspection with HAND. Such inspection shall be on a first-come, first-serve basis, and will be at a discounted rate determined by HAND.

16.06.030 - Duty to update permit information.

If any information provided by an owner in the permit application changes, the owner shall provide updated information to the unit in writing within thirty (30) business days.

16.06.040 - Expiration; permit fees.

(a) A permit expires one (1) year after the date the permit is issued.

(b) The cost of the permit is one hundred fifty dollars ($150), for each of the following:

(1) An initial permit issued to an owner for the permitted property.

(2) The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.

(c) The owner shall provide notice in writing within thirty (30) business days of the permit expiration of their intent to renew their permit. Such notice shall include any updates to permit information, or confirmation that the permit information has not changed, and the address of the short-term rental.

16.06.050 - Revocation of a permit; notice and hearing.

(a) If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the City may revoke the permit for that permitted property for a period of not more than one (1) year after the date the permit is revoked.

(b) If the City revokes the permit, the owner has the opportunity to appeal to the board of housing quality appeals as outlined in Section 16.10.050 of this title.

(c) An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked by the City. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to the use of the short-term rental or any other outstanding ordinance violations of Bloomington Municipal Code.

16.06.060 - Unregistered short-term rentals.

(a) An owner shall not rent a short-term rental without obtaining a valid permit from the City.

(b) Each short-term rental transaction that the short-term rental provider completes without a short-term rental permit constitutes a separate violation of this section.

16.06.070 - Restrictions on short-term rental usage; enforcement.

(a) The following uses are prohibited from being used as short-term rentals:

(1) To house sex offenders;

(2) To operate a structured sober living home;

(3) To manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity;

(4) To operate an adult entertainment establishment (as defined in I.C. § 12-7-2-1.8).

(b) Any housing exempted that is from the requirements of this title under Section 16.02.046(1) or (2) is prohibited from registering as a short-term rental.

(c) Any violations of this chapter shall be subject to enforcement under Chapter 16.10.

Chapter 16.10 ENFORCEMENT, PENALTIES, APPEALS AND VARIANCES

Sections:

16.10.010 - Authority.

The director, and ~~his~~ their designees, are the designated enforcement officials with full authority to investigate, conduct inspections, accept registration forms, issue ~~occupancy~~rental permits, issue reports, and secure remedies, including but not limited to fines and injunctive relief for any violation of this title.

(Ord. No. 12-27, § 1, 11-14-2012)

16.10.020 - Penalties and remedies for violations.

(a) For purposes of this title, a violation shall be defined as a violation or failure to comply with:

(1) Any provision or requirement of this title;

(2) Any condition, requirement or commitment established with the approval of a variance issued by the board of housing and quality appeals or the state fire prevention and building safety commission; or

(3) The required elements of the submission on the basis of which any ~~occupancy~~rental permit has been rendered hereunder.

(b) Any violation, as defined in Section 16.10.020(a) above, shall be subject to the penalties and remedies provided in Chapter 16.10, and the ~~city~~City shall have recourse to any remedy available in law or equity.

(c) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in Chapter 16.10. A violation continues to exist until corrected and verified by the director or ~~his~~ their designees. Correction includes, but is not limited to:

(1) Cessation of an unlawful practice;

(2) Remediation of a violation;

(3) Payment of fees or fines;

(4) Vacancy of a residential rental unit;

(5) Vacancy of a lodging establishment;

(6) Temporary or permanent revocation of rental permit(s); and/or

(~~6~~7) ~~Other~~ Any other remedy acceptable to the ~~c~~City.

(d) For purposes of issuing penalties and fines in accordance with this chapter, the following persons shall be considered responsible parties, with liability for fines and responsibility for the remediation of the violation:

(1) Property owner;

(2) Any person with a possessory interest in the property; and/or

(3) Any person who has caused the violation.

(e) Remediation of a violation of this title shall be made or accomplished in accordance with the procedures and provisions with the codes listed in ~~[~~Section~~]~~ 16.04.020(a).

(f) The ~~city~~ City legal department may institute appropriate action to impose and collect fines, fees, and/or other penalties; to enforce or defend any action taken pursuant to ~~Section 16.10.050(e)~~this Title; and to prevent, enjoin, abate, remove, or correct any violation of, or noncompliance with, this ~~title~~Title.

~~(g) In addition to all other penalties and remedies provided for herein, it shall be a violation of this title for any owner to bring or threaten to bring an action for possession of the tenant's residential rental unit for the purpose of retaliating against a tenant for requesting an inspection as provided for in this title.~~

~~(h) In addition to all other penalties and remedies provided for herein, it shall be a violation of this title for any owner to bring or threaten to bring an action for possession of the occupant's lodging establishment for the purpose of retaliating against an occupant for requesting an inspection as provided for in this title.~~

(~~i~~g) In addition to all other penalties and remedies provided for herein, it shall be a violation of this title for any person to remove batteries from, or in any way render inoperable, a carbon monoxide detector or smoke detector, except as part of a process to inspect, maintain, repair, or replace the detector or alarm or to replace the batteries in the detector or alarm.

(~~j~~h) The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

(Ord. No. 12-27, § 1, 11-14-2012)

16.10.030 - Penalty.

(a) Any violation that is subject to Chapter 16.10 shall be subject to a civil penalty of not more than $2,500.00 for each such violation, in addition to any and all other remedies available to the ~~city~~City, except where a lesser fine is specified herein.

(b) The following violations of this title shall be subject to the fines listed in the table below.

Registration form violation if not supplied within the compliance period provided for on a unit's inspection report	$25.00 flat fine
Failure to provide required documentation if not supplied within the compliance period provided for on a unit's inspection report	$100.00 per unit
~~Failure to supply signed tenant and owner rights and responsibility form~~	~~$25.00 flat fine assessed if not supplied within the compliance period provided by HAND~~
~~Failure to supply signed inventory and damage list~~	~~$25.00 flat fine assessed if not supplied within the compliance period provided by HAND~~
Violation of any of the codes listed in Section 16.04.020	$100.00
Making a smoke detector or carbon monoxide detector inoperable	$100.00
Failing to appear for a scheduled inspection	$50.00 flat fine
Failure to timely maintain and/or knowing, intentional, reckless, or negligent completion of an incorrect occupancy affidavit	Flat fine not to exceed $500.00

(Ord. No. 12-27, § 1, 11-14-2012; Ord. No. 21-30, § II, 6-16-2021)

16.10.040 - Enforcement procedure.

(a) If the director finds that any violation of this title is occurring, or has occurred, notice shall be given to the responsible party. For purposes of this title only, a cycle inspection report, remaining violations report or complaint inspection report is considered notice of a violation. For purposes of issuing a notice, the following persons may be considered responsible parties, with liability for fines and responsibility for remediation of the violation:

(1) The owner of the residential rental unit;

(2) Persons with any possessory interest in the residential rental unit;

(3) Any person who, whether as property manager, agent, owner, lessee, tenant, or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue;

(4) The owner of the lodging establishment; and/or

(5) Persons with any possessory interest in the lodging establishment.

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

(1) ~~Include a~~A description of the residential rental unit or lodging establishment sufficient for identification;

(2) ~~Include a~~ A statement of the violation(s) and why the notice is being issued;

(3) ~~Include a~~A correction order allowing a reasonable time to make repairs and improvements required to bring the residential rental unit or accessory structures or lodging establishment into compliance with the provisions of this title; and

(4) Informing the owner of the residential rental unit, ~~or~~ lodging establishment, or short-term rental of ~~his~~ their right to an appeal;

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

(1) Delivered personally;

(2) Sent by certified or first-class mail addressed to the last known address of the responsible party;

(3) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the residential rental unit or lodging establishment affected by such notice; or

(4) If the owner so designates on his registration form as being appropriate, sent by email.

(d) At the end of the time period specified in the notice described in subsection (b) above, any residential rental unit or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the unit's owner after such owner has affected those corrections required by the ~~city~~City as a result of any previous inspection. If reinspection is not requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the residential rental unit and its premises shall not be issued a~~n occupancy~~rental permit.

(e) At the end of the time period specified in the notice described in subsection (b) above, any lodging establishment or its premises found to be in violation of this title shall be reinspected by the HAND department at the request of the establishment's owner after such owner has affected those corrections required by the ~~city~~City as a result of any previous inspection. If reinspection is not requested by the owner at the end of the time period specified in the notice described in subsection (b) above, or upon reinspection, the lodging establishment and its premises shall be the subject to the penalties of this chapter.

(f) Fines for all violations of this title, except for the violation of allowing a residential rental unit to be occupied without having first been inspected and permitted by the ~~city~~City in accordance with this title, shall only accrue from the date the timeline in the first inspection report expires.

(g) In addition to issuing a notice, the director may utilize and/or seek through legal proceedings one or more of the following remedies:

(1) Revoke or withhold issuance of a~~n occupancy~~rental permit; and/or

(2) Any and all penalties and remedies listed in Section 16.~~09~~10.020.

(Ord. No. 12-27, § 1, 11-14-2012)

16.10.050 - Appeals.

(a) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a residential rental unit or short-term rental, shall have the right to appeal to the board of housing and quality appeals.

(b) An appeal filed with the board of housing and quality appeals shall be in the manner prescribed in ~~Section 2.19.030~~Title 2 of the Bloomington Municipal Code and the established rules and procedures of the board.

(c) Any person directly affected by a decision of the director or a notice or order issued under this title, and related to a lodging establishment, shall have the right to file an appeal to the appropriate state governing body.~~fire prevention and building safety commission.~~

(d) Fines levied for violations of this title may be challenged in the Monroe County Circuit Court.

(Ord. No. 12-27, § 1, 11-14-2012)

16.10.060 - Variances.

(a) Any person found to be in violation of any provision of this title, except for a violation of the codes listed in ~~[~~Section~~]~~ 16.04.020, may file for a variance with the board of housing and quality appeals.

(b) Any person found to be in violation of any provision of the codes listed in ~~[~~Section~~]~~ 16.04.020 may file for a variance with the appropriate state governing body.~~ fire prevention and building safety commission.~~

(Ord. No. 12-27, § 1, 11-14-2012)

Title 16 Update

Taylor Brown
Assistant City Attorney

November 18, 2026

CITY OF BLOOMINGTON

citybloomington

Summary of Changes

- Addition of Chapter 16.06 Short Term Rentals
- Update to the fee schedule
- Inclusion of a vacancy fee for single-family detached homes
- Removal of sections and references
- Grammatical, readability, and spelling corrections

Short-Term Rentals

Short-Term Rental Definition (pg 7)

- Legislature provided program in I.C. § 36-1-24
- Defined as:
  - Dwelling unit
  - Rented for less than 30 day terms
  - Through a short-term rental platform

Short-Term Rental Registration (pg 19-20)

- Registers with HAND
- One-time $150 fee per dwelling unit
- Issued within 30 days; good for 1 year
- No fee to renew

Restrictions, Enforcement, and Appeals (pg 21)

- If 3 or more ordinance violations in calendar year, can be revoked for no more than 1 year
- Appeals through the BHQA (OVs still through BPW)
- Certain restricted uses allowed under state law

Other Title 16 Changes

Short-Term Rental Program Questions?

CITY OF BLOOMINGTON

Vacancy Fee and Fee Schedule (pg 14-15)

- Single-family detached homes that are vacant for longer than 1 year will be charged a $500 vacancy fee
  - Appeals will be taken to BHQA
- Fee Schedule Chart on the next slide

Inspection Fee Category	Current Fee	New Fee (2027)	2028	2029
Single-Family Detached Homes	$105	**$105**	$115	$125
Rooming Houses - Each Building	$77	**$80**	$80	$90
+ Each Bathroom	$28	**$30**	$40	$40
Condominiums	$105	**$105**	$115	$125
Multi-Family Dwellings - Each Building	$77	**$80**	$80	$90
+ Each Unit	$28	**$30**	$40	$40
Lodging Establishments	Complaint Only	**Complaint Only**	Complaint Only	Complaint Only
2nd and Subsequent Reinspection Fee	$77	**$150**	$175	$200

Removal of Sections and References (various)

- Legislature passed I.C. § 32-31-1-20, which prohibits regulation of landlord and tenant relationships
- Indiana Fire Prevention and Building Safety Commission also removed this year

THANK YOU.

Questions?

CITY OF BLOOMINGTON

citybloomington

Memorandum on Update to Title 16 – Residential Rental Unit and Lodging Establishment Inspection Program

To: Common Council of Bloomington, Indiana
From: Taylor Brown, Assistant City Attorney
Date: 11/18/2026
Subject: Ordinance 2026-38: Update to Title 16 – Residential Rental Unit and Lodging Establishment Inspection Program
Staff Contact: Taylor Brown; taylor.brown@bloomington.in.gov; (812) 349-3555

CC: Kerry Thomson, Mayor
Gretchen Knapp, Deputy Mayor
Nicole Bolden, City Clerk
Geoff McKim, City Controller
Margie Rice, Corporation Counsel
Anna Killion-Hanson, Director of Housing and Neighborhood Development

Introduction

The last full update for Title 16 was in 2012. In the subsequent fourteen years, there have been some changes in state code that necessitate updates to Title 16. This update includes the following changes:

1. Adding an owner's agent/designee as responsible for compliance with the title. (16.01.060(a))
2. Substituting "equivalent" instead of "particular" when describing those permitted to perform repairs. (16.01.060(f))
3. Changes "directly or indirectly" to "in any way" when discussing conflicts of interest for employees. (16.01.070(b))
4. Addition of code numbers for each defined word. (16.02.020)
5. Change of "occupancy permit" to "rental permit" to avoid confusion with the county building department. (Throughout)
6. Changing the specific section citation to a more general "Unified Development Ordinance" for the definition of family. (16.02.030)
7. Addition of definition of owner occupied short-term rental property. (16.02.043)
8. Addition of short-term rental to residential rental unit exceptions. (16.02.046)
9. Addition of short-term rental definition. (16.02.049)
10. Addition of short-term rental platform definition (16.02.050)
11. Change "up to four" to "four or less" for ease of understanding when describing occupancy affidavits. (16.03.025(a))

12. Changes grammar to be in the positive rather than negative tense, requires the rental unit to have up-to-date information on file with HAND, and enumerates fourteen days to correct life and safety violations and sixty days for all other violations. (16.03.030)
13. Clarifies the timeline for newly constructed units to be inspected; allows inspections at other times during the year at HAND's discretion. (16.03.040(b))
14. Specifies a failure to appear for an inspection, failure to notify tenants of inspection, or if entry is refused at a scheduled time, then HAND may treat the visit as a failed inspection for purposes of enforcement. (16.03.040(e)-(g))
15. Removal of Sections 16.03.050 (Inventory and damages list) and 16.03.060 (Disclosure) in accordance with Indiana Code § 32-31-1-20.
16. Inclusion of a vacancy fee for single-family detached homes. (16.03.050(b)(7))
17. Updates to the fee schedule. (16.03.050(c)-(f))
18. Removal of reference to "Indiana Fire Prevention and Building Safety Commission" and changed to "state" due to the removal of the commission. (16.04.020(a), 16.10.050(c), and 16.10.060(b))
19. Removal of the requirement for a complaint regarding a lodging establishment to be written and signed. (16.05.020(a)(1))
20. Addition of Short-Term Rental Chapter per Indiana Code § 36-1-24. (16.06.010-16.06.070)
21. Specifically enumerates a temporary or permanent revocation of a rental permit as a permitted penalty. (16.10.020(c)(6))
22. Removal of penalties relating to inventory and damages lists and disclosures in accordance with Indiana Code § 32-31-1-20. (16.10.020(g)-(h))
23. Removal of fines relating to inventory and damages lists and disclosures in accordance with Indiana Code § 32-31-1-20. (16.10.030(b))
24. Updates to notice and appeal requirements to include short-term rentals. (16.10.040(b)(4) and 16.10.050(a))
25. Various grammatical and punctuation corrections. (Throughout)

The full update has been presented to the Board of Housing Quality Appeals (hereinafter "BHQA"), and received their endorsement at their October 20, 2026 meeting. There are no changes in the inspections or in the evaluation criteria. The recommended implementation date is July 1, 2027. This allows for the Housing and Neighborhood Development Department (hereinafter "HAND") time to send out notification in newsletters, announcements in meetings, etc. Additionally, in the event there is any need for clarification, edits, or feedback, this gives enough time to come back to the Common Council to make the necessary changes before full implementation.

Background/Justification for Action

Short-Term Rentals

On May 20, 2026, the Common Council passed Resolution 2026-06, directing HAND to develop long-term affordable housing solutions. As part of that effort, one of the significant challenges is the prevalence of short-term rentals occupying single-family detached homes. At last evaluation, there were approximately 705 short-term rentals in the City. Of those, eighty percent are single-family detached homes, and only forty-four percent of those were occupied. The first step in finding long-term solutions is gathering empirical information.

The state legislature has limited what local legislatures may do in terms of banning short-term rentals, but has allowed for municipalities to regulate certain aspects of the short-term rental process in Indiana Code § 36-1-24. For instance, municipalities can regulate the areas in which short-term rentals are permitted. Before effective policy can be enacted, the first step is to find out where the short-term rentals are located. Only once we have the full picture can we effectively determine the impact of short-term rentals on long-term affordable housing solutions in Bloomington.

This legislation requires owners of short-term rentals to register with HAND, and pay a one-time fee of $150. The permits are for one-year terms, and there is no fee for renewal. In the event the short-term rental receives three or more citations for ordinance violations in a calendar year, the permit can be revoked for a maximum of one year, or longer if fines remain unpaid. The enforcement structure will follow the same format as other Title 16 appeals processes, in which any appeals will go to the BHQA. Ordinance violations for noise, trash, etc. will still be heard at the Board of Public Works (BPW). The only appealable matters are the loss of a permit, which is in very specific circumstances. There are also restrictions on short-term rental usage to house sex offenders, operate structured sober living homes, business involving liquor, pornography, obscenity, or adult entertainment establishment. Additionally, properties owned by IU cannot be registered as short-term rentals.

Update to the Fee Schedule

The fee schedule has been the same since 2015, with one ten percent increase by the Board of Public Works in 2019. The current fee schedule has been rounded up to the nearest five-dollar increment, but will not change for 2027 with one exception. There will be two additional updates in 2028 and 2029, following the same increase rate as 2012.

Inspection Fee Category	Current Fee	New Fee (2027)	2028	2029
Single-Family Detached Homes	$105	$105	$115	$125

Rooming Houses - Each Building	$77	$80	$80	$90
+ Each Bathroom	$28	$30	$40	$40
Condominiums	$105	$105	$115	$125
Multi-Family Dwellings - Each Building	$77	$80	$80	$90
+ Each Unit	$28	$30	$40	$40
Lodging Establishments	Complaint Only	Complaint Only	Complaint Only	Complaint Only
2nd and Subsequent Reinspection Fee	$77	$150	$175	$200

The one significant change to the fee schedule is in secondary and subsequent inspections. Certain property owners and landlords have taken advantage of the low fee for secondary inspection, preferring to schedule multiple inspections instead of making costly repairs. The increased fee will help deter these bad actors, compensate for the staff time, and assist in responsible unsafe building fund usage.

Vacancy Fee for Single-Family Detached Homes

The state legislature, in Indiana Code § 36-7-9-4.5, provided legislative findings on the burden that vacant homes place on the state and municipalities. Recognizing that burden, a $500 fee is recommended for single-family detached homes that are vacant continuously for periods of one year, with a twenty-five percent increase for every year it remains vacant, not to exceed $2,500. To ensure there is no additional burden placed on home owners attempting to sell or rent, the BHQA will hear appeals to provide extensions based on extenuating circumstances.

Removal of Certain References and Other Updates

In 2021, the state legislature passed Indiana Code § 32-31-1-20, which prohibits municipalities from imposing regulations on the relationship between a landlord and a tenant. These updates to Title 16 reflect those changes.

There are various other updates, such as the removal of the Indiana Fire Prevention and Building Safety Commission, and adding specific code headings to the definitions section. There are also various grammatical, formatting, and spelling corrections.

Fiscal Impact Statement

The one-time registration fee for short term rentals will have a significant impact on revenues in 2027. There are approximately 705 short term rental units currently in the City. With a $150 one-time fee for registration set by the state, that is approximately $105,750.00 in revenue in the next fiscal year. Because there is no fee for renewal, this is a one-time revenue impact.

Conclusion

This ordinance amending Title 16 is scheduled for first reading on November 18, 2026. The BHQA has provided their endorsement of this Title 16 update at their October 20, 2026 meeting. There are no changes in HAND's inspections or in the evaluation criteria. The recommended implementation date is July 1, 2027.

BLOOMINGTON COMMON COUNCIL ORDINANCE NUMBER 2026-39 - TO AMEND TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE TITLED "WASTEWATER" REGARDING FATS, OILS, AND GREASE

Preamble

Whereas, the City of Bloomington (the "City"), has previously established and constructed and now owns and operates, through its Utility Service Board (the "Board") a sewage works utility system for the City and its inhabitants, in accordance with the provisions of Indiana Code 36-9-23, as amended, which is administered through the City of Bloomington Utilities Department ("CBU"); and

Whereas, CBU operates a pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and

Whereas, as part of that pretreatment program, the City has enacted under Bloomington Municipal Code Title 10 at Chapter 10.17 a fats, oils, and grease ("FOG") program which is intended to minimize the introduction of fats, oils, and grease into the wastewater collection system; and

Whereas, Chapter 10.17 requires all food service establishments to properly size, install and maintain FOG retention devices and establishes appropriate administrative and inspection requirements of the food service establishments; and

Whereas, the General Assembly recently passed House Enrolled Act 1348, introducing new legislation at I.C. 8-1-46.1 for the statewide regulation of fats, oils, and grease which necessitates certain amendments to the CBU's FOG program; and

Whereas, on November 2, 2026, the Board considered the proposed amendments to Title 10 of the Bloomington Municipal Code, determined that the amendments are appropriate and necessary, and adopted a resolution recommending that the Common Council adopt this ordinance in substantially the same form. A copy of the resolution is attached as Exhibit "A"; and

Whereas, the proposed amendments to Title 10 of the Bloomington Municipal Code have been duly considered by the Common Council of the City of Bloomington.

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

Section 1: Section 10.17.020 shall be amended by adding the following additional definitional language within the alphabetical ordering of that section as follows:

"Fats, Oils, and Grease or 'FOG'" means any organic substance derived from animal or

vegetable sources that may:

(a) Solidify;
(b) Congeal; or
(c) Become viscous at ambient temperatures;

and can obstruct, accumulate, or interfere in a wastewater collection or a sewer system.

"Gravity grease trap" means a watertight device typically located indoors and installed above ground or recessed in the floor, typically constructed of stainless steel or high density plastic, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

“Grease control equipment” refers to the necessary combination of: 1) grease interceptors; 2) hydromechanical grease interceptors; 3) hydromechanical grease traps; and 4) grease traps; to prevent fats, oils, grease, and food solids from being discharged into a sewer system.

“Properly sized” refers to the sizing and configuration of grease control equipment to handle flow and FOG production in accordance with:

(a) good engineering practice;
(b) state plumbing codes;
(c) manufacturer specifications;

sufficient to prevent fats, oils, and grease from entering a sewer system or a nonresidential onsite sewage system in quantities that cause blockages, interference, or maintenance problems.

“Regulated entity” refers to all commercial establishments that discharge fats, oils, or grease into the city’s sewer system and all food service establishments.

“Sewer system” has the meaning set forth in Indiana Code 36-9-22.5-3.

Section 2: Section 10.17.020 shall be further amended by deleting the following definitional term:

"Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oils, and grease, or FOG, shall be deemed as grease by definition.

Section 3: Section 10.17.020 shall be further amended to have the following definitional terms read as follows:

"Food service establishment" or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes and includes new and newly remodeled food service establishments. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the director.

"Grease hauler or transporter" means a person or company regulated and permitted by the Indiana Department of Environmental Management and that engages in the collection,

transport, or disposal of material removed from a grease trap or grease interceptor. The hauler is responsible for ensuring that all federal, state, and local regulations are followed regarding waste transport and disposal.

"Grease interceptor" means a watertight device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Grease trap" means a watertight device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Hydromechanical grease interceptor" means a watertight device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

Section 4: Delete and replace Section 10.17.030 in its entirety to read as follows:

10.17.030 - Applicability.

This chapter shall apply to all food service establishments and to all commercial

establishments that discharge fats, oils, or grease into the city's sewer system.

Section 5: Add the following new Section 10.17.051:

10.17.051 - Regulated entity responsibilities.

In addition to any other responsibilities set forth in this chapter, all regulated entities shall do the following:

(a) install, operate, and maintain grease control equipment designed to prevent fats, oils, and grease from entering the wastewater system or a nonresidential onsite sewage system.
(b) Ensure that grease control equipment is properly sized and maintained in compliance with applicable Indiana State Code.
(c) Maintain for two (2) years records that include the date of each haul, the volume of FOG removed, and the grease hauler's name.

Section 6: Delete and replace Section 10.17.060 in its entirety to read as follows:

10.17.060 - Installation requirements for new food service establishments.

All new FSEs that discharge wastewater into the city sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed

access to the manhole covers for maintenance and inspection activities.

Section 7: Delete and replace Section 10.17.070 in its entirety to read as follows:

10.17.070 - Installation requirements for newly remodeled food service establishments.

Newly remodeled FSEs that discharge into the city sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 8: Delete and replace Section 10.17.080 in its entirety to read as follows:

10.17.080 - Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the city's sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 9: Delete and replace Section 10.17.090 in its entirety to read as follows:

10.17.090 - Installation requirements for commercial establishments.

All commercial establishments that discharge fats, oils, or grease wastewater into the city’s sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 10: Delete and replace Section 10.17.100 in its entirety to read as follows:

10.17.100 - Installation requirements for food service establishments causing or contributing to a sanitary sewer overflow.

All FSEs causing or contributing to a sanitary sewer overflow into a building, on a private lateral, sewer main, or the POTW shall own and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 11: Delete and replace Section 10.17.110 in its entirety to read as follows:

10.17.110 - Design criteria for grease control equipment.

(a) Domestic wastewater shall not be discharged into a grease retention device.
(b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.
(c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.
(d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.
(e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred fifty gallons.
(f) All grease control equipment shall be sized for total flow rate and grease holding capacity.
    (1) Total Flow Rate shall be the sum of the two minute drain time in gallons per minute for all fixtures discharging to the grease control device.
    (2) Grease Holding Capacity shall be calculated using the following formula: Grease Holding Capacity = (Sizing Coefficient x Grease Production Value x Cleanout Frequency)
        (a) Where:
            i) Sizing Coefficient = ((Number of Seats x 4) + (Number of Meals Served Per Day) + ([Sq. Ft of Facility x 0.6)/14] x 4))/3.
            ii) Grease Production Value = Lbs of Grease per Meal determined as follows:

Category	Grease Production Values
Low A	0.005 lbs/meal (no flatware)
Low B	0.0065 lbs/meal (with flatware)

Category	Grease Production Values
Medium A	0.025 lbs/meal (no flatware)
Medium B	0.0325 lbs/meal (with flatware)
High A	0.035 lbs/meal (no flatware)
High B	0.0455 lbs/meal (with flatware)

1) Low: Serves food prepared offsite or food that requires minimal preparation and/or warming; sandwich shop, convenience store (no kitchen), hotel breakfast bar, frozen yogurt, coffee shop, take & bake pizza, bar (limited food service), cafeteria (no prep), grocery meat department, sushi (no grill).
2) Medium: Serves foods from a limited menu and/or with a limited amount of onsite preparation; pizza, ice cream parlor, fast food hamburger (pre-cooked), caterer, Greek, Japanese, Vietnamese (pho), grocery store (no fryer), cafeteria (limited prep), low category restaurants with fryer.
3) High: Serves a full menu of food prepared onsite; American traditional, hamburger (with grill), BBQ, Mexican, Italian, steak/seafood house, hibachi, buffet, fast food fried chicken, bakery/donut shop (with fryer), Chinese, Indian, grocery store (with fryer), cafeteria (full prep), medium category restaurants with fryer.

(g) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.
(h) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.
(i) Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.
(j) When required according to 10.17.111, a sampling port shall be installed in the grease waste drainline downstream from all kitchen fixtures. Domestic wastewater shall not discharge to the sampling port. Sampling ports shall be installed to allow for unobstructed access for sampling by CBU.
(k) Garbage disposals are prohibited in all FSEs.
(l) All grease control equipment shall be designed or approved by a licensed professional engineer under I.C. 25-31 or a professional architect under I.C. 25-4.

Section 12: Add the following new Section 10.17.111.

10.17.111 - Exemptions.

A regulated entity that demonstrates through operational characteristics, inspection, and sampling that the regulated entity does not generate fats, oils, or grease in quantities requiring interception:

(a) is exempt from the requirements of Section 10.17.051; and
(b) is not required to install grease control equipment; but
(c) is required to install a sampling port that meets design criteria listed in Section 10.17.110(j).

If a regulated entity's characteristics change and the regulated entity begins to generate fats, oils, or grease in quantities requiring interception, the regulated entity shall install grease control equipment pursuant to this Chapter.

Section 13: Add the following new Section 10.17.112.

10.17.112 - Design Review.

(a) Before construction or a major renovation of a regulated entity, the owner of the regulated entity or the owner's agent shall submit the proposed grease control equipment design to the applicable regulating authority for review before installation.
(b) Upon receiving the grease control equipment design described in subsection (a), the regulating authority shall review the proposed design and provide:
(1) a written approval;
(2) a written denial; or
(3) modification recommendations;

based on performance standards under this chapter within sixty (60) days.

Section 14: Add the following new section 10.17.116.

10.17.116 - Grease Hauler Responsibilities.

A grease hauler shall do the following:

(a) Take before and after time stamped photographs of each service of a regulated entity.
(b) Maintain the time stamped photographs and share the time stamped photographs with the Indiana department of environmental management and regulating authority if requested by the Indiana department of environmental management or regulating authority.
(c) Maintain records showing that the total volume of FOG pumped from a regulated entity matches the total disposed of by the grease hauler.
(d) Provide documentation or an invoice to a regulated entity after service is completed with the following information:
(1) The date of the haul.
(2) The volume of FOG removed.
(3) The grease hauler’s name.

Section 15: Delete and replace Section 10.17.120 in its entirety to read as follows:

10.17.120 - Best management practices.

The following best management practices or BMPs shall be implemented and adhered to by all regulated entities:

(a) Installation, maintenance and operation. All regulated entities shall install, maintain and operate all properly sized grease control equipment in compliance with the best practices that meet applicable state plumbing codes, manufacturer specifications, equipment performance standards, and CBU sizing formulas.
(b) Pumping. All grease control equipment shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
(c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
(d) FOG control devices shall be pumped out completely at least as frequently as determined using CBU’s sizing formula. Gravity Grease Interceptors and Gravity Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
(e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumpouts must be submitted to the city's FOG software within fourteen days of the date of grease interceptor maintenance. The report shall include date, volume of waste removed, hauler name, and disposal site.
(f) Hydromechanical Grease Interceptors and Grease Trap Maintenance. Hydromechanical Grease Interceptors and Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when the unit has accumulated waste, both floatable and settleable, equal to or exceeding the manufacturer's specifications.
(g) Grease Trap and Hydromechanical Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site.
(h) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site. The report must be submitted within fourteen days of the date of grease trap maintenance.
(i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.

Section 16: Add the following new Section 10.17.125.

10.17.125 - Variances.

FSEs that believe their device should be serviced less frequently than as determined using

CBU's sizing formulas may submit a written request for a variance. The following conditions must be met before CBU will consider a variance in maintenance frequency:

(a) The FSE shall demonstrate 12 months of compliance with BMC 10.17.120 prior to their variance request.
(b) CBU must perform a physical inspection of the grease retention device at the end of their 1st adjusted maintenance period.
(c) The FSE shall demonstrate that the device effluent complies with BMC 10.12.020 at the end of the adjusted maintenance period. Including, but not limited to, sampling for pH and Oil & Grease content.

If the above listed conditions are met, then CBU may grant a maintenance variance of not more than twice the time-frame specified in BMC 10.17.120.

Variances may be revoked at any time if the FSE fails to maintain their device or report maintenance in a timely manner.

Variances are non-transferrable.

Section 17: Delete and replace Section 10.17.140 in its entirety to read as follows:

10.17.140 - Retrofitting and replacement of grease control equipment.
Whenever a regulated entity's FOG discharge exceeds the allowable concentration at least two (2) times within a thirty (30 day period, the regulated entity shall retrofit or replace grease control equipment in accordance with this chapter.

Section 18: Add the following new Section 10.17.150.

10.17.150 - Location of grease control equipment.
Where installation of an exterior grease interceptor is impractical due to available space, the structure or other site constraints, the regulated entity may elect to comply with this chapter using alternative grease control equipment or maintenance protocols approved by CBU.

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

Effective Date.
This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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

Signature of the Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of the Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of the Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of the Mayor Kerry Thomson

Synopsis:
This ordinance amends Title 10 of the Bloomington Municipal Code at Chapter 10.17 to bring the City's FOG program into compliance with recently enacted House Enrolled Act 1348, which established new legislation at I.C. 8-1-46.1 for the regulation of fats, oils, and grease.

UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON
RESOLUTION 2026-19
TO RECOMMEND AMENDMENTS TO TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE TITLED "WASTEWATER" AT CHAPTER 10.17 - FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGERS

Whereas, the City of Bloomington (the "City"), has previously established and constructed and now owns and operates, through its Utility Service Board (the "Board") a sewage works utility system for the City and its inhabitants, in accordance with the provisions of Indiana Code 36-9-23, as amended, which is administered through the City of Bloomington Utilities Department ("CBU"); and

Whereas, CBU operates a pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and

Whereas, as part of that pretreatment program, the City has enacted under Bloomington Municipal Code Title 10 at Chapter 10.17 a fats, oils, and grease ("FOG") program which is intended to minimize the introduction of fats, oils, and grease into the wastewater collection system; and

Whereas, Chapter 10.17 requires all food service establishments to properly size, install and maintain FOG retention devices and establishes appropriate administrative and inspection requirements of the food service establishments; and

Whereas, the General Assembly recently passed House Enrolled Act 1348, introducing new legislation at I.C. 8-1-46.1 for the regulation of fats, oils, and grease which necessitates certain amendments to CBU's FOG program; and

Whereas, CBU staff recommends amendments to Chapter 10.17 that will bring CBU's FOG program into compliance with House Enrolled Act 1348 and a copy of the proposed ordinance containing those amendments is attached hereto, marked as **Exhibit "A"** and incorporated herein; and

Whereas, the Board has duly considered the proposed ordinance amending Chapter 10.17 and finds that the amendments are appropriate and necessary; and

Whereas, the Board now desires to recommend to the Common Council of the City of Bloomington ("Common Council") the adoption of the proposed ordinance.

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Now, therefore, be it resolved by the Utilities Service Board of the City of Bloomington, Indiana, as follows:

1. The Board approves this Resolution and requests that the Common Council adopt the proposed ordinance, in substantially the form attached hereto as Exhibit “A”.
2. This Resolution shall be in full force and effect upon its adoption by the Board.

Passed and Adopted on the _____ day of _____, 2026.

Signed by:
Kirk White
0DAD16ADB35049F...

Kirk White, chair
Utility Service Board

ATTEST:

DocuSigned by:
Phil Peden
E50D8806C7F1460...

Katherine Zaiger, Director
City of Bloomington Utilities Department

Exhibit “A”

BLOOMINGTON COMMON COUNCIL ORDINANCE NUMBER 2026-XX - TO AMEND TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE TITLED “WASTEWATER” REGARDING FATS, OILS, AND GREASE

Preamble
Whereas, the City of Bloomington (the “City”), has previously established and constructed and now owns and operates, through its Utility Service Board (the “Board”) a sewage works utility system for the City and its inhabitants, in accordance with the provisions of Indiana Code 36-9-23, as amended, which is administered through the City of Bloomington Utilities Department (“CBU”); and

Whereas, CBU operates a pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and

Whereas, as part of that pretreatment program, the City has enacted under Bloomington Municipal Code Title 10 at Chapter 10.17 a fats, oils, and grease (“FOG”) program which is intended to minimize the introduction of fats, oils, and grease into the wastewater collection system; and

Whereas, Chapter 10.17 requires all food service establishments to properly size, install and maintain FOG retention devices and establishes appropriate administrative and inspection requirements of the food service establishments; and

Whereas, the General Assembly recently passed House Enrolled Act 1348, introducing new legislation at I.C. 8-1-46.1 for the statewide regulation of fats, oils, and grease which necessitates certain amendments to the CBU’s FOG program; and

Whereas, on November 2, 2026, the Board considered the proposed amendments to Title 10 of the Bloomington Municipal Code, determined that the amendments are appropriate and necessary, and adopted a resolution recommending that the Common Council adopt this ordinance in substantially the same form. A copy of the resolution is attached as Exhibit “A”; and

Whereas, the proposed amendments to Title 10 of the Bloomington Municipal Code have been duly considered by the Common Council of the City of Bloomington.

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

Section 1: Section 10.17.020 shall be amended by adding the following additional definitional language within the alphabetical ordering of that section as follows:

“Fats, Oils, and Grease or ‘FOG’” means any organic substance derived from animal or vegetable sources that may:

(a) Solidify;
(b) Congeal; or
(c) Become viscous at ambient temperatures;

and can obstruct, accumulate, or interfere in a wastewater collection or a sewer system.”

"Gravity grease trap" means a watertight device typically located indoors and installed above ground or recessed in the floor, typically constructed of stainless steel or high density plastic, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

“Grease control equipment” refers to the necessary combination of: 1) grease interceptors; 2) hydromechanical grease interceptors; 3) hydromechanical grease traps; and 4) grease traps; to prevent fats, oils, grease, and food solids from being discharged into a sewer system.”

“Properly sized” refers to the sizing and configuration of grease control equipment to handle flow and FOG production in accordance with:

(a) good engineering practice;
(b) state plumbing codes;
(c) manufacturer specifications;

sufficient to prevent fats, oils, and grease from entering a sewer system or a nonresidential onsite sewage system in quantities that cause blockages, interference, or maintenance problems.”

“Regulated entity” refers to all commercial establishments that discharge fats, oils, or grease into the city’s sewer system and all food service establishments.”

“Sewer system” has the meaning set forth in Indiana Code 36-9-22.5-3.”

Section 2: Section 10.17.020 shall be further amended by deleting the following definitional term:

"Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oils, and grease, or FOG, shall be deemed as grease by definition.

Section 3: Section 10.17.020 shall be further amended to have the following definitional terms read as follows:

"Food service establishment" or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes and includes new and newly remodeled food service establishments. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the director.

"Grease hauler or transporter" means a person or company regulated and permitted by the Indiana Department of Environmental Management and that engages in the collection, transport, or disposal of material removed from a grease trap or grease interceptor. The hauler is responsible for ensuring that all federal, state, and local regulations are followed regarding waste transport and disposal.

"Grease interceptor" means a watertight device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Grease trap" means a watertight device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Hydromechanical grease interceptor" means a watertight device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

Section 4: Delete and replace Section 10.17.030 in its entirety to read as follows:

10.17.030 - Applicability.

This chapter shall apply to all food service establishments and to all commercial establishments that discharge fats, oils, or grease into the city’s sewer system.

Section 5: Add the following new Section 10.17.051:

10.17.051 - Regulated entity responsibilities.

In addition to any other responsibilities set forth in this chapter, all regulated entities shall

do the following:

(a) install, operate, and maintain grease control equipment designed to prevent fats, oils, and grease from entering the wastewater system or a nonresidential onsite sewage system.
(b) Ensure that grease control equipment is properly sized and maintained in compliance with applicable Indiana State Code.
(c) Maintain for two (2) years records that include the date of each haul, the volume of FOG removed, and the grease hauler's name.

Section 6: Delete and replace Section 10.17.060 in its entirety to read as follows:

10.17.060 - Installation requirements for new food service establishments.

All new FSEs that discharge wastewater into the city sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 7: Delete and replace Section 10.17.070 in its entirety to read as follows:

10.17.070 - Installation requirements for newly remodeled food service establishments.

Newly remodeled FSEs that discharge into the city sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 8: Delete and replace Section 10.17.080 in its entirety to read as follows:

10.17.080 - Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the city's sanitary sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 9: Delete and replace Section 10.17.090 in its entirety to read as follows:

10.17.090 - Installation requirements for commercial establishments.

All commercial establishments that discharge fats, oils, or grease wastewater into the city's sewer system shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.
Section 10: Delete and replace Section 10.17.100 in its entirety to read as follows:

10.17.100 - Installation requirements for food service establishments causing or contributing to a sanitary sewer overflow.

All FSEs causing or contributing to a sanitary sewer overflow into a building, on a private lateral, sewer main, or the POTW shall own and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) Blockages;
(b) overflows; or
(c) interference;

in a sewer system. Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

Section 11: Delete and replace Section 10.17.110 in its entirety to read as follows:

10.17.110 - Design criteria for grease control equipment.

(a) Domestic wastewater shall not be discharged into a grease retention device.
(b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.
(c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.
(d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.
(e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred fifty gallons.
(f) All grease control equipment shall be sized for total flow rate and grease holding capacity.
    (1) Total Flow Rate shall be the sum of the two minute drain time in gallons per minute for all fixtures discharging to the grease control device.
    (2) Grease Holding Capacity shall be calculated using the following formula: Grease Holding Capacity = (Sizing Coefficient x Grease Production Value x Cleanout Frequency)
        (a) Where:
            i) Sizing Coefficient = ((Number of Seats x 4) + (Number of Meals Served Per Day) + ([Sq. Ft of Facility x 0.6)/14] x 4))/3
            ii) Grease Production Value = Lbs of Grease per Meal determined as follows:

Category	Grease Production Values
Low A	0.005 lbs/meal (no flatware)
Low B	0.0065 lbs/meal (with flatware)
Medium A	0.025 lbs/meal (no flatware)
Medium B	0.0325 lbs/meal (with flatware)
High A	0.035 lbs/meal (no flatware)
High B	0.0455 lbs/meal (with flatware)

1) Low: Serves food prepared offsite or food that requires minimal preparation and/or warming; sandwich shop, convenience store (no kitchen), hotel breakfast bar, frozen yogurt, coffee shop, take & bake pizza, bar (limited food service), cafeteria (no prep), grocery meat

department, sushi (no grill).

2) Medium: Serves foods from a limited menu and/or with a limited amount of onsite preparation; pizza, ice cream parlor, fast food hamburger (pre-cooked), caterer, Greek, Japanese, Vietnamese (pho), grocery store (no fryer), cafeteria (limited prep), low category restaurants with fryer.

3) High: Serves a full menu of food prepared onsite; American traditional, hamburger (with grill), BBQ, Mexican, Italian, steak/seafood house, hibachi, buffet, fast food fried chicken, bakery/donut shop (with fryer), Chinese, Indian, grocery store (with fryer), cafeteria (full prep), medium category restaurants with fryer.

(g) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.
(h) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.
(i) Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.
(j) When required according to 10.17.111, a sampling port shall be installed in the grease waste drainline downstream from all kitchen fixtures. Domestic wastewater shall not discharge to the sampling port. Sampling ports shall be installed to allow for unobstructed access for sampling by CBU.
(k) Garbage disposals are prohibited in all FSEs.
(l) All grease control equipment shall be designed or approved by a licensed professional engineer under I.C. 25-31 or a professional architect under I.C. 25-4.

Section 12: Add the following new Section 10.17.111.

10.17.111 - Exemptions.

A regulated entity that demonstrates through operational characteristics, inspection, and sampling that the regulated entity does not generate fats, oils, or grease in quantities requiring interception:

(a) is exempt from the requirements of Section 10.17.051; and
(b) is not required to install grease control equipment; but
(c) is required to install a sampling port that meets design criteria listed in Section 10.17.110(j).

If a regulated entity's characteristics change and the regulated entity begins to generate fats, oils, or grease in quantities requiring interception, the regulated entity shall install grease control equipment pursuant to this Chapter.

Section 13: Add the following new Section 10.17.112

10.17.112 - Design Review.

(a) Before construction or a major renovation of a regulated entity, the owner of the regulated entity or the owner's agent shall submit the proposed grease control equipment design to the applicable regulating authority for review before installation.

(b) Upon receiving the grease control equipment design described in subsection (a), the regulating authority shall review the proposed design and provide:

(1) a written approval;
(2) a written denial; or
(3) modification recommendations;

based on performance standards under this chapter within sixty (60) days.

Section 14: Add the following new section 10.17.116

10.17.116 - Grease Hauler Responsibilities.

A grease hauler shall do the following:

(a) Take before and after time stamped photographs of each service of a regulated entity.
(b) Maintain the time stamped photographs and share the time stamped photographs with the Indiana department of environmental management and regulating authority if requested by the Indiana department of environmental management or regulating authority.
(c) Maintain records showing that the total volume of FOG pumped from a regulated entity matches the total disposed of by the grease hauler.
(d) Provide documentation or an invoice to a regulated entity after service is completed with the following information:
(1) The date of the haul.
(2) The volume of FOG removed.
(3) The grease hauler’s name.

Section 15: Delete and replace Section 10.17.120 in its entirety to read as follows:

10.17.120 - Best management practices.

The following best management practices or BMPs shall be implemented and adhered to by all regulated entities:

(a) Installation, maintenance and operation. All regulated entities shall install, maintain and operate all properly sized grease control equipment in compliance with the best practices that meet applicable state plumbing codes, manufacturer specifications, equipment performance standards, and CBU sizing formulas.
(b) Pumping. All grease control equipment shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
(c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
(d) FOG control devices shall be pumped out completely at least as frequently as determined using CBU’s sizing formula. Gravity Grease Interceptors and Gravity Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
(e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumpouts must be submitted to the city's FOG software within fourteen days of the date of grease interceptor maintenance. The report shall include date, volume of waste removed, hauler name, and disposal site.
(f) Hydromechanical Grease Interceptors and Grease Trap Maintenance. Hydromechanical Grease Interceptors and Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when the unit has accumulated waste, both floatable and settleable, equal to or exceeding the manufacturer's specifications.
(g) Grease Trap and Hydromechanical Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site.
(h) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site. The report must be submitted within fourteen days of the date of grease trap maintenance.
(i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve,

purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.

Section 16: Add the following new Section 10.17.125

10.17.125 - Variances.
FSEs that believe their device should be serviced less frequently than as determined using CBU's sizing formulas may submit a written request for a variance. The following conditions must be met before CBU will consider a variance in maintenance frequency:

(a) The FSE shall demonstrate 12 months of compliance with BMC 10.17.120 prior to their variance request.

(b) CBU must perform a physical inspection of the grease retention device at the end of their 1st adjusted maintenance period.

(c) The FSE shall demonstrate that the device effluent complies with BMC 10.12.020 at the end of the adjusted maintenance period. Including, but not limited to, sampling for pH and Oil & Grease content.

If the above listed conditions are met, then CBU may grant a maintenance variance of not more than twice the time-frame specified in BMC 10.17.120.

Variances may be revoked at any time if the FSE fails to maintain their device or report maintenance in a timely manner.

Variances are non-transferrable.

Section 17: Delete and replace Section 10.17.140 in its entirety to read as follows:

10.17.140 - Retrofitting and replacement of grease control equipment.
Whenever a regulated entity's FOG discharge exceeds the allowable concentration at least two (2) times within a thirty (30 day period, the regulated entity shall retrofit or replace grease control equipment in accordance with this chapter.

Section 18: Add the following new Section 10.17.150

10.17.150: Location of grease control equipment.
Where installation of an exterior grease interceptor is impractical due to available space, the structure or other site constraints, the regulated entity may elect to comply with this chapter using alternative grease control equipment or maintenance protocols approved

by CBU.

Section 19: Severability.
If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, or provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 20: Effective Date.
This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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

Signature of the Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of the Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of the Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of the Mayor Kerry Thomson

Synopsis:
This ordinance amends Title 10 of the Bloomington Municipal Code at Chapter 10.17 to bring the City's FOG program into compliance with recently enacted House Enrolled Act 1348, which established new legislation at I.C. 8-1-46.1 for the regulation of fats, oils, and grease.

Chapter 10.17 FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGERS

Sections:

10.17.010 Purpose and intent.

The purpose of this chapter is to minimize the introduction of fats, oils, and grease (FOG) into the city's wastewater collection system. The main components of the chapter are proper sizing, installation, and maintenance of grease traps and grease interceptors. The administrative and inspection requirements of the food service establishments are written herein as well.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 17, 2-20-2019)

10.17.020 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

"Automatic grease removal device" means a mechanical device that automatically separates grease from wastewater into a container and is usually set on a timer.

"Best management practice" or "BMP" means management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in Sections 40 Code of Federal Regulations (CFR) 403.5(a)(1) and (b).

"City" or "CBU" means the City of Bloomington, Indiana acting through its utilities service board.

"Director" means the director of the utility or any duly authorized representative acting on his behalf.

"Domestic wastewater" means wastewater from sanitary fixtures such as toilets and urinals.

"Fats, Oils, and Grease or 'FOG'" means any organic substance derived from animal or vegetable sources that may:

(1) Solidify;
(2) Congeal; or
(3) Become viscous at ambient temperatures;
and can obstruct, accumulate, or interfere in a wastewater collection or sewer system.

"Food service establishment" or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes **and includes new and newly remodeled food service establishments**. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the director.

"Garbage disposal" means a device that shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer.

"Gravity grease interceptor" means a device typically located outdoors and underground, typically constructed of concrete, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

~~**"Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oils, and grease, or FOG, shall be deemed as grease by definition.**~~

"Grease control equipment" refers to the necessary combination of: 1) grease interceptors; 2) hydromechanical grease interceptors; 3) hydromechanical grease traps; and 4) grease traps; to prevent fats, oils, grease, and food solids from being discharged into a sewer system.

"Grease hauler or transporter" means ~~one who transfers grease waste from the site of a user to an approved site for disposal and treatment~~ **a person or company regulated and permitted by the Indiana Department of Environmental Management and that engages in the collection, transport, or disposal of material removed from a grease trap or grease interceptor**. The hauler is responsible for ~~assuring~~ **ensuring** that all federal, state, and local regulations are followed regarding waste transport and disposal.

"Grease interceptor" means a **watertight** device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Grease retention device" means a device so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer. Grease retention devices include both gravity and hydromechanical grease interceptors, grease traps, and alternative grease retention devices.

"Grease trap" means a **watertight** device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Hydromechanical grease interceptor" means a **watertight** device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

"Hydromechanical grease trap" means a device usually located under or in close proximity to sinks and uses a flow control mechanism to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"New FSE" means a food service establishment that is opening for the first time, opening in a new location, or opening under new ownership or a new name.

"Newly remodeled FSE" means an FSE that is repairing, replacing, rearranging or installing:

(1) Any kitchen plumbing system;

(2) Any kitchen appliances, fixtures or units that attach to the plumbing system; and/or

(3) Any sanitary sewer lateral.

"Properly sized" refers to the sizing and configuration of grease control equipment to handle flow and FOG production in accordance with:
(a) good engineering practice;
(b) state plumbing codes;
(c) manufacturer specifications;
sufficient to prevent fats, oils, and grease from entering a sewer system or a nonresidential onsite sewage system in quantities that cause blockages, interference, or maintenance problems.

"Regulated entity" refers to all commercial establishments that discharge fats, oils, or grease into the city's sewer system and all food service establishments.

"Sewer system" has the meaning set forth in Indiana Code 36-9-22.5-3.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 17, 18, 2-20-2019; Ord. No. 20-27, §§ I, II, 11-4-2020; Ord. No. 2025-23, § III, 7-30-2025)

10.17.030 Applicability.

This chapter shall apply to all food service establishments and to ~~new~~ all commercial establishments ~~being constructed in an area zoned for food service establishments~~ that discharge fats, oils, or grease into the city's sewer system.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 19, 2-20-2019)

10.17.040 Responsibility for administration.

The city shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor of the authorized enforcement agency to persons or entities acting in the beneficial interest of, or in the employ of the agency.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.050 Ultimate responsibility.

The standards set forth in this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.051 Regulated Entity Responsibility.

In addition to any other responsibilities set forth in this chapter, all regulated entities shall do the following:

(a) install, operate, and maintain grease control equipment designed to prevent fats, oils, and grease from entering the wastewater system or a nonresidential onsite sewage system.

(b) Ensure that grease control equipment is properly sized and maintained in compliance with applicable Indiana State Code.

(c) Maintain for two (2) years records that include the date of each haul, the volume of FOG removed, and the grease hauler's name.

10.17.060 Installation requirements for new food service establishments.

All new FSEs that discharge wastewater into the city sanitary sewer system shall be required to install ~~an approved, properly operated, and maintained grease interceptor. All interceptor units shall be of the type and capacity approved by the city~~ and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) blockages;

(b) overflows; or

(c) interference;

in a sewer system. Grease ~~interceptors~~ control equipment shall be located so as to provide ~~easy~~ unobstructed access to the manhole covers for maintenance and inspection activities.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 20, 2-20-2019)

10.17.070 Installation requirements for newly remodeled food service establishments.

Newly remodeled FSEs that discharge into the city sanitary sewer system ~~are required to~~ shall install ~~an approved, properly operated, and maintained grease interceptor~~ and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) blockages;

(b) overflows; or

(c) interference;

in a sewer system. Grease ~~interceptors~~ control equipment shall be located so as to provide ~~easy~~ unobstructed access to the manhole covers for maintenance and inspection activities. ~~All interceptor units shall be installed outdoors of the FSE's building unless the user can demonstrate to the city that an outdoor interceptor would not be feasible.~~

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.080 Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the city's sanitary sewer system ~~are required to~~ shall install ~~an approved, properly maintained grease trap unless specifically exempted by the city~~ and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) blockages;

(b) overflows; or

(c) interference;

in a sewer system. ~~All grease trap units shall be of the type and capacity approved by the director~~ Grease control equipment shall be located so as to provide unobstructed access to the manhole covers for maintenance and inspection activities.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 2025-23, § IV, 7-30-2025)

10.17.090 Installation requirements for ~~new~~ commercial establishments.

All ~~proposed new~~ commercial establishments ~~located within an area zoned for food service establishments~~ that discharge fats, oils, or grease wastewater into the city's sanitary sewer system shall ~~be required to~~ install ~~an approved, properly operated, and maintained grease interceptor~~ and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

(a) blockages;

(b) overflows; or

(c) interference;

in a sewer system. ~~All interceptor units shall be of the type and capacity approved by the city.~~ Grease ~~interceptors~~ control equipment shall be located so as to provide ~~easy~~ unobstructed access to the manhole covers for maintenance and inspection activities.

(Ord. No. 19-05, § 21, 2-20-2019)

Editor's note(s)—Ord. No. 19-05, § 21, adopted Feb. 20, 2019 added a new § 10.17.090 and renumbered former § 10.17.090 as 10.17.110.

10.17.100 Installation requirements for food service establishments causing or contributing to a sanitary sewer overflow.

All FSEs causing or contributing to a sanitary sewer overflow into a building, on a private lateral, sewer main, or the POTW ~~must install an approved, properly operated, and maintained grease interceptor~~ **shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:**

(1) blockages;
(2) overflows; or
(3) interference;

in a sewer system. Grease ~~interceptors~~ control equipment shall be located so as to provide ~~easy~~ unobstructed access to the manhole covers for maintenance and inspection activities. ~~All interceptor units shall be installed outdoors of the FSE's building unless the user can demonstrate to the city that an outdoor interceptor would not be feasible.~~

(Ord. No. 19-05, § 22, 2-20-2019)

Editor's note(s)—Ord. No. 19-05, § 22, adopted Feb. 20, 2019 added a new § 10.17.100 and renumbered former § 10.17.100 as 10.17.120.

10.17.110 Design criteria.

(a) Domestic wastewater shall not be discharged into a grease retention device.

(b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.

(c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.

(d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.

(e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred fifty gallons.

(f) ~~All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer~~. All grease control equipment shall be sized for total flow rate and grease holding capacity.

(1) Total Flow Rate shall be the sum of the two minute drain time in gallons per minute for all fixtures discharging to the grease control device.

(2) Grease Holding Capacity shall be calculated using the following formula: Grease Holding Capacity = (Sizing Coefficient x Grease Production Value x Cleanout Frequency)

(a) Where:

(i) Sizing Coefficient = ((Number of Seats x 4) + (Number of Meals Served Per Day) + ([Sq. Ft of Facility x 0.6)/14] x 4))/3

(ii) Grease Production Value = Lbs of Grease per Meal determined as follows:

Category	Grease Production Values
Low A	0.005 lbs/meal (no flatware)
Low B	0.0065 lbs/meal (with flatware)
Medium A	0.025 lbs/meal (no flatware)
Medium B	0.0325 lbs/meal (with flatware)
High A	0.035 lbs/meal (no flatware)
High B	0.0455 lbs/meal (with flatware)

1) Low: Serves food prepared offsite or food that requires minimal preparation and/or warming; sandwich shop, convenience store (no kitchen), hotel breakfast bar, frozen yogurt, coffee shop, take & bake pizza, bar (limited food service), cafeteria (no prep), grocery meat department, sushi (no grill).

2) Medium: Serves foods from a limited menu and/or with a limited amount of onsite preparation; pizza, ice cream parlor, fast food hamburger (pre-cooked), caterer, Greek, Japanese, Vietnamese (pho), grocery store (no fryer), cafeteria (limited prep), low category restaurants with fryer.

3) High: Serves a full menu of food prepared onsite; American traditional, hamburger (with grill), BBQ, Mexican, Italian, steak/seafood house, hibachi, buffet, fast food fried chicken, bakery/donut shop (with fryer), Chinese, Indian, grocery store (with fryer), cafeteria (full prep), medium category restaurants with fryer.

(g) ~~Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.~~ All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.

(h) ~~Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.~~ Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device or hydromechanical grease trap. Dishwashers shall not be connected to grease traps.

(i) ~~Garbage disposals are prohibited in all FSEs.~~ Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(j) ~~Hydromechanical grease interceptors shall be of the type and capacity approved by CBU. The minimum capacity for a hydromechanical grease interceptor is two hundred fifty gallons.~~ When required under 10.17.111, a sampling port shall be installed in the grease waste drainline downstream from all kitchen fixtures. Domestic wastewater shall not discharge to the sampling port. Sampling ports shall be installed to allow for unobstructed access for sampling by CBU.

(k) Garbage disposals are prohibited in all FSEs.

(l) All grease control equipment shall be designed or approved by a licensed professional engineer under I.C. 25-31 or a professional architect under I.C. 25-4.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 21, 23, 2-20-2019; Ord. No. 20-27, § III, 11-4-2020; Ord. No. 2025-23, §§ V—VII, 7-30-2025)

Editor's note(s)—See note at § 10.17.090.

Editor's note(s)—Ord. No. 19-05, § 23, adopted Feb. 20, 2019 renumbered former § 10.17.110 as 10.17.130.

10.17.111 Exemptions.

A regulated entity that demonstrates through operational characteristics, inspection, and sampling that the regulated entity does not generate fats, oils, or grease in quantities requiring interception:

(a) is exempt from the requirements of this chapter; and

(b) is not required to install grease control equipment; but

(c) is required to install a sampling port that meets design criteria listed in 10.17.110 (i)

If a regulated entity's characteristics change and the regulated entity begins to generate fats, oils, or grease in quantities requiring interception, the regulated entity shall install grease control equipment pursuant to this Chapter.

10.17.112. Design Review.

(a) Before construction or a major renovation of a regulated entity, the owner of the regulated entity or the owner's agent shall submit the proposed grease control equipment design to the applicable regulating authority for review before installation.

(b) Upon receiving the grease control equipment design described in subsection (a), the regulating authority shall review the proposed design and provide:

(1) a written approval;

(2) a written denial; or

(3) modification recommendations;

based on performance standards under this chapter within sixty (60) days.

10.17.115 Grease hauling permits.

Any and all grease haulers shall apply for and receive a grease hauling permit from CBU prior to hauling any and all fats, oils and grease content, including floating materials, wastewater and bottom sludges and solids from any and all grease retention devices.

(1) A grease hauling permit for grease waste hauling may be obtained by:

(A) Submitting an application on a form provided by CBU; and

(B) Completing a mandatory operator training course provided by CBU.

(2) Along with the application, the applicant shall submit a copy of the IDEM registration license receipt issued to each vehicle that the applicant wants registered under the permit.

(3) The grease hauling permit shall identify the person permitted to haul grease waste, the vehicles the grease hauler may use to haul grease waste, and the expiration date.

(4) A copy of the permit shall be kept with each grease hauling vehicle at all times.

(5) Grease hauling permits are not transferrable.

(6) Grease hauling permits expire two years from issuance. Grease hauling permits may be renewed for an additional two-year period by following CBU renewal policies.

(7) Grease hauling permits do not authorize any person from hauling any materials that are hazardous in nature.

(8) The director may revoke any permit.

(Ord. No. 20-27, § IV, 11-4-2020)

10.17.120 Best management practices.

The following best management practices or BMPs shall be implemented and adhered to by all ~~FSEs~~ regulated entities:

~~(1)~~(a) Installation, maintenance and operation. All ~~new and existing FSEs are required to~~ regulated entities shall install, maintain and operate ~~a grease retention device~~ all properly sized grease control equipment in compliance with the best practices that meet applicable state plumbing codes, manufacturer specifications, equipment performance standards, and CBU sizing formulas.

~~(2)~~(b) Pumping. All grease ~~retention devices~~ control equipment shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.

~~(3)~~(c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.

~~(4)~~(d) FOG control devices shall be pumped out completely at least as frequently as determined using CBU's sizing formula. Gravity Grease Interceptors and Gravity Grease Traps shall be considered full to their grease holding capacity and shall be pumped out when ~~Maintenance Frequency. Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if~~ the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.

~~(5)~~(e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumpouts must be submitted to the city's FOG software within fourteen days of the date of grease interceptor maintenance. The report shall include date, volume of waste removed, hauler name, and disposal site.

~~(6)~~(f) Hydromechanical Grease Interceptors and ~~Gravity Grease Interceptor~~ Grease Trap Maintenance Frequency. Hydromechanical Grease Interceptors and ~~Gravity Grease Interceptor~~ Grease Traps shall be considered full to their grease holding capacity and shall ~~must~~ be pumped out when ~~completely a minimum of once every ninety days or more frequently if~~ the unit has accumulated waste, both floatable and settleable, equal to or exceeding the manufacturer's specifications.

~~(7)~~ ~~**Grease Trap and Hydromechanical Grease Trap Maintenance Frequency. Grease traps and hydromechanical grease traps must be pumped/cleaned out completely a minimum of once every thirty days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty five percent of its wetted depth, as measured from the static water level to the interior tank bottom**~~.

~~(8)~~(g) Grease Trap and Hydromechanical Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site.

~~(9)~~(h) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit a cleanout report to the city's FOG software. The report shall include date, volume of waste removed, who removed the waste, and disposal site. The report must be submitted within fourteen days of the date of grease trap maintenance.

~~(10)~~(i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.

~~(11) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed of as solid waste.~~

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 22, 24, 2-20-2019; Ord. No. 20-27, § V, 11-4-2020; Ord. No. 2025-23, § VIII, 7-30-2025)

Editor's note(s)—See note at § 10.17.100.

Editor's note(s)—Ord. No. 19-05, § 24, adopted Feb. 20, 2019 repealed former § 10.17.120 which pertained to enforcement of food service establishment wastewater discharger regulations, and derived from Ord. No. 12-28, adopted Dec. 19, 2012.

10.17.125 Variances.

FSEs that believe their device should be serviced less frequently than as determined using CBU's sizing formulas may submit a written request for a variance. The following conditions must be met before CBU will consider a variance in maintenance frequency:

(a) The FSE shall demonstrate 12 months of compliance with BMC 10.17.120 prior to their variance request.

(b) CBU must perform a physical inspection of the grease retention device at the end of their 1st adjusted maintenance period.

(c) The FSE shall demonstrate that the device effluent complies with BMC 10.12.020 at the end of the adjusted maintenance period. Including, but not limited to, sampling for pH and Oil & Grease content.

If the above listed conditions are met, then CBU may grant a maintenance variance of not more than twice the time-frame specified in BMC 10.17.120.

Variances may be revoked at any time if the FSE fails to maintain their device or report maintenance in a timely manner.

Variances are non-transferrable.

10.17.130 Inspections.

Authorized personnel of the city, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 23, 25, 2-20-2019)

Editor's note(s)—See note at § 10.17.110.

10.17.140 ~~Exemptions.~~ Retrofitting and replacement of grease control equipment.

~~Exemptions shall be made at the director's discretion for FSEs.~~ Whenever a regulated entity's FOG discharge exceeds the allowable concentration at least two (2) times within a thirty (30 day period, the regulated entity shall retrofit or replace grease control equipment in accordance with this chapter.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 26, 2-20-2019)

Editor's note(s)—Ord. No. 19-05, § 26, adopted Feb. 20, 2019 renumbered former § 10.17.130 as 10.17.140.

10.17.150 Location of grease control equipment.

Where installation of an exterior grease interceptor is impractical due to available space, the structure or other site constraints, the regulated entity may elect to comply with this chapter using alternative grease control equipment or maintenance protocols approved by CBU.

ORDINANCE 2026-39

CITY OF BLOOMINGTON UTILITIES





Fats, Oils, & Grease

House Enrolled Act 1348 (HEA 1348) Enacting I.C. 8-1-46.1

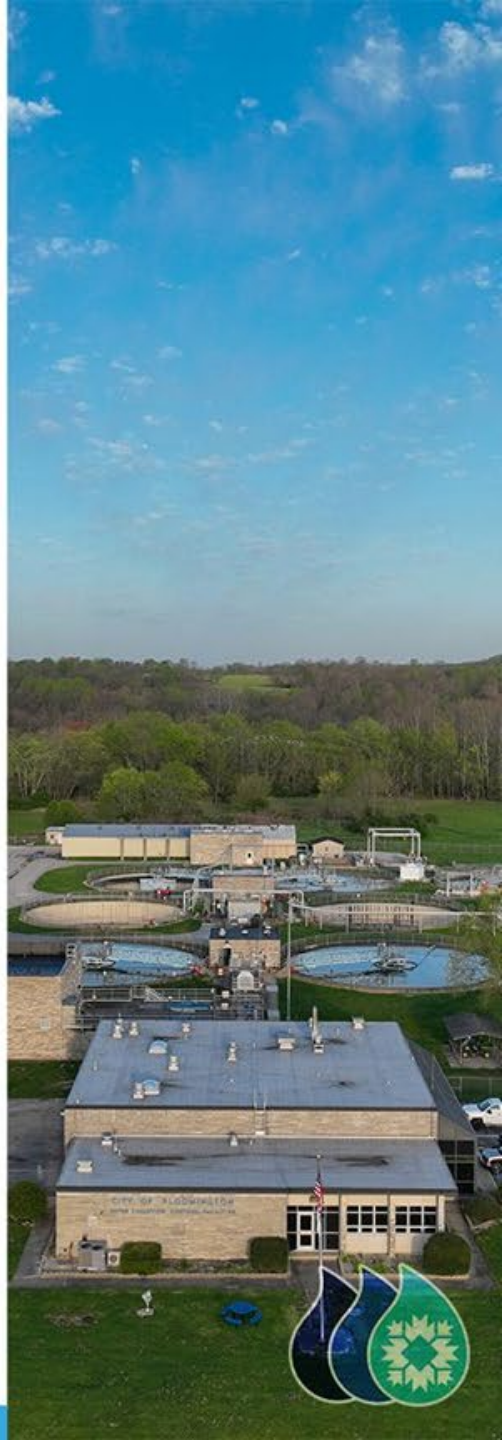


History and Background

- The City of Bloomington has regulated fats, oils, and grease (FOG) producing food service establishments since 2012.
- Chapter 10.17 of the Bloomington Municipal Code regulates the discharge of FOG into the City's sanitary sewer system.

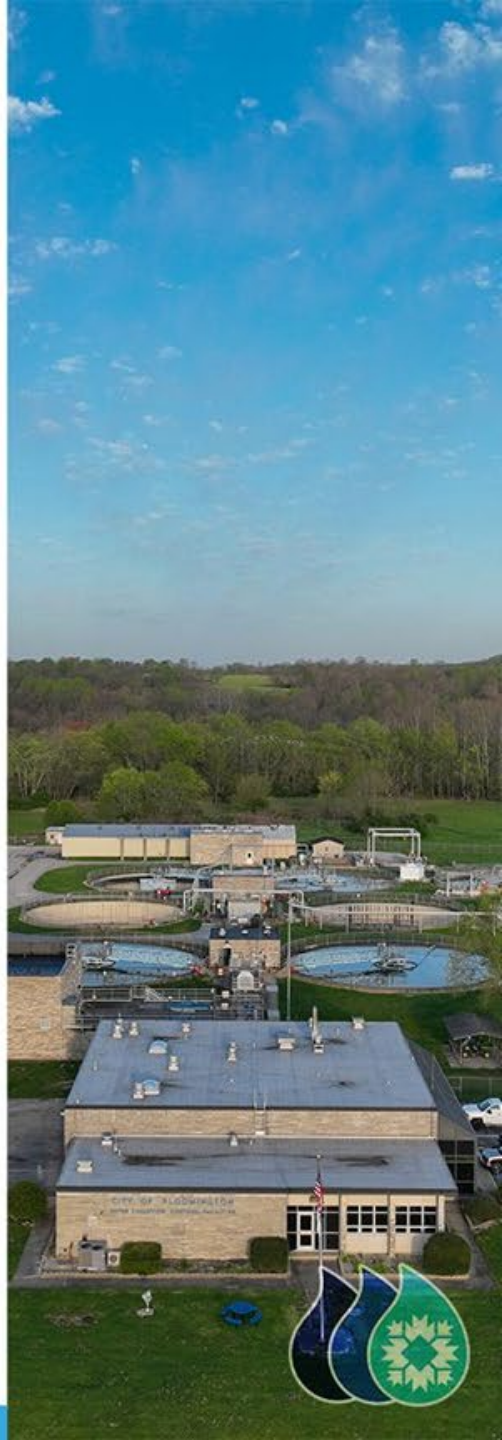
The New State Law

- HEA 1348 signed into law on March 4, 2026 (Public Law 95).
- Establishes a statewide regulatory framework for the discharge of FOG that cause or contribute to sewer blockages, overflows, or interference.
- It also requires the continued acceptance of septage.



Proposed Ordinance Amendments

- To reconcile Title 10.17 with new state law:
  - Adopt certain state definitions.
  - Require grease control equipment to be designed or approved by professional engineers or architects.
  - Adopt a grease control device sizing equation.
  - Establish procedures for exemptions and alternative service frequency.
  - Adopt a time limitation (60 days) for reviewing utility construction permit applications.
  - Eliminate blanket mandate for new commercial properties.



Fiscal Impact

- Developers of new commercial space may save the cost of a grease interceptor ($15,000 to $30,000) if the property excludes food service. CBU notes that the expense of retrofitting such a property for food service use is likely to exceed the amount of the up front savings.
- Developers or operators may seek approval for smaller grease control devices, reducing capital costs by 50 to 66 percent of the cost of a full-size grease interceptor.

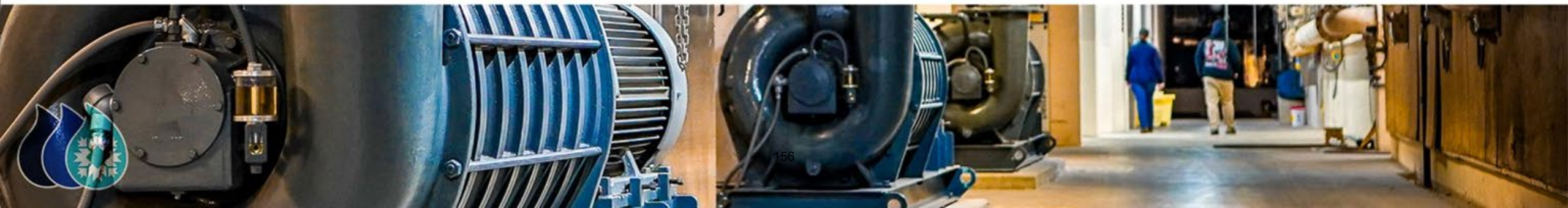


Fiscal Impact

- Maintenance of smaller devices (indoor grease interceptors) tends to be less regular than for full size interceptors. CBU anticipates that increased FOG discharges may require more frequent sewer cleaning at an estimated cost of $250 to $2,500 per event.
- If a new sewer jet/vac truck and crew is found necessary for increased grease-related sewer cleaning, CBU estimates that its annual operating costs could increase by $200,000 to $250,000.



CBU Thanks the Council for its consideration!



Memorandum on Ordinance 2026-39

To: Bloomington Common Council
From: Steven Standford, Pretreatment Program Coordinator
Christopher J. Wheeler, Assistant City Attorney
Date: 11/18/2026
Subject: Ordinance 2026-39: Amendments to Title 10 of the Bloomington Municipal Code

Introduction

The CBU Pretreatment Group recommends updates to Title 10 of the Bloomington Municipal Code at chapter 17 to bring local regulation of fats, oils, and grease, or “FOG” into compliance with recently enacted state legislation.

The City of Bloomington has had a FOG ordinance in place since 2012. Chapter 10.17 of the Bloomington Municipal Code regulates the discharge of FOG into the City’s sanitary sewer system.

The State recently passed House Enrolled Act 1348 (HEA 1348) which enacted a new statute (I.C. 8-1-46.1) which took effect on July 1, 2026, and establishes a uniform statewide framework for regulating the discharge of FOG that cause or contribute to blockages, overflows, or interference in sewer systems.

Certain sections of Chapter 10.17 are now in conflict with state code and CBU desires to eliminate those conflicts through these proposed amendments to Chapter 10.17.

BACKGROUND INFORMATION AND PURPOSE

The City of Bloomington Utilities (CBU) has historically sought to control discharges of FOG from food service establishments (FSEs) as provided for in Chapter 10.17 of the Bloomington Municipal Code. Like many of its peer wastewater utilities across the state, CBU tailored the requirements of its Chapter 10.17 to meet conditions specific to the City’s FSEs and the publicly owned treatment works (POTW). IC 8-1-46.1 is stated by the legislature to establish a statewide system for grease control equipment that is presumably more uniform than the locality-specific system of ordinances currently in place.

IC 8-1-46.1 requires "regulated entities" (FSEs in the language of Chapter 10.17) to install and maintain properly sized grease control equipment, with exceptions for those who can demonstrate they don't generate significant FOG. It also sets rules for how much "regulating authorities" (entities such as CBU) can charge for FOG programs, how they evaluate compliance, and it prevents blanket mandates on specific equipment types or sizes where existing equipment is adequate. Furthermore, this new statute creates a process for "septage haulers" (companies collecting and transporting waste from septic tanks and similar units) to resolve disputes with wastewater treatment plants regarding the acceptance of septage, requiring plants that have accepted septage since January 1, 2023, to continue doing so under certain conditions, unless it would violate permits or operational capabilities.

RECOMMENDED ORDINANCE AMENDMENTS

CBU recommends the following changes to Chapter 10.17 to not only reconcile the City's local FOG program with the new statewide regulatory system but to also ensure that the POTW remains protected from the harmful effects of FOG discharges.

The primary changes recommended by this ordinance are as follows:

- Adoption of definitions included in the new state standard,
- Adoption of the State's requirement that all grease control equipment shall be designed or approved by a professional engineer or architect,
- Adoption of a grease control device sizing equation,
- Adoption of a procedure by which an FSE can justify a maintenance interval variance request or demonstrate that they don't need to control FOG discharges, and
- Adoption of a time limitation (60 days) for reviewing utility construction applications.

CBU's recommended changes also eliminate the City's blanket grease control device mandate on all commercial facilities located in zones that permit FSE operations, and eliminates fixed pump out frequencies in favor of pump out frequencies determined by using a defined device sizing equation.

Insomuch as CBU already accepts septage from Monroe County and surrounding counties, no septage-related changes to the sewer use ordinance are proposed at this time. CBU's recommended amendments relating to FOG control are provided in both the redlined text of the current ordinance, and are cross referenced by section in the attached Amendment Summary Table.

FISCAL IMPACT

CBU notes that the amendments recommended herein are driven entirely by the State's new mandates codified at IC 8-1-46.1. As such, the resulting fiscal impacts that may be visited upon CBU and/or the City are non-discretionary. CBU has nevertheless considered the fiscal impacts of the recommended amendments and lists the following findings in the approximate order of cost certainty:

1. A developer of a new commercial property located in an area where zoning allows FSE shall no longer be required to install a grease control device simply because a tenant space could be leased to an FSE operator. Under this example, a developer with no intention to lease space for use as an FSE stands to avoid an expense on the order of $15,000 for the installation of a 250-gallon hydromechanical grease interceptor or $25,000 to $30,000 for a 1,000-gallon gravity grease interceptor.
2. CBU anticipates that developers and FSE operators may tend to seek approval for smaller grease control devices in lieu of more capital-intensive grease interceptors. Installation of a smaller grease control device such as a hydromechanical or gravity grease trap typically costs $5,000 to $7,500, saving

an FSE operator 50 to 66 percent of the cost for a large grease interceptor. However, such savings might be partly offset by the State's new requirement that grease control equipment be designed or approved by a licensed professional engineer or architect.

3. Smaller grease control devices such as hydromechanical or gravity grease traps typically require more frequent pump outs than large grease interceptors, and can be self-cleaned by an operator rather than subscribing for a grease hauler to less frequently remove a large volume of solids and liquids. A downside of smaller control devices, in CBU's direct experience, is that FSE operators more often stretch their pump out or cleaning intervals, or forego device maintenance entirely in the absence of a subscription-based pump out service. CBU anticipates that this shift towards smaller devices will lead to a net increase in FOG discharges to the sewage collection system, thereby increasing CBU's costs for maintaining unobstructed flow in the City's sewer system. CBU's Pretreatment Group estimates that each additional cleaning of an obstructed sewer branch line is at a cost ranging from $250 to $2,500, depending on the size, length, and severity of a grease-related sewer blockage. If a new sewer jet/vac truck and crew is found necessary for increased grease-related sewer maintenance, CBU estimates that its annual operating costs could increase by $200,000 to $250,000.

If there are questions or comments, please reach out to Steven Stanford at 812-349-3946, steven.stanford@bloomington.in.gov, or Christopher J. Wheeler, 812-349-3549, wheelech@bloomington.in.gov.

Bloomington Common Council Ordinance 2026-41 - Amending Title 6 of the Bloomington Municipal Code to update fees and billing and define new requirements

Preamble

Whereas, the City of Bloomington Public Works Department is responsible for managing the Sanitation Division, which oversees solid waste, recycling, and yard waste collection;

Whereas, Ordinance 6.04.090 was last updated in 2023, and the City's expenditures related to solid waste, recycling, and yard waste collection have since increased;

Whereas, certain City Council members have indicated an interest in eliminating financial support from the City's General Fund to offset shortfalls between solid waste cart revenues, service fee income, and overall operating expenses;

Whereas, in order to address increased costs of solid waste, recycling, and yard waste collection and to address the interests of Council, fees associated with sanitation services outlined in Ordinance 6.04.090 must be increased;

Whereas, due to this new approach, it is operationally beneficial to allow the Board of Public Works to approve changes in the amounts outlined in chapter 6.04 as long as the proposed change does not exceed 10% of the amount listed in this ordinance;

Whereas, the Public Works Department has identified other minor changes to the General Collection Practices and Guidelines and other sections that would help Sanitation Division staff run a more efficient and effective operation, including requiring access to containers during periods of snow and ice, imposing responsibility for the cost of acquiring new containers, and clarifying timelines to refer to "calendar" days;

Whereas, further minor technical and grammatical changes have been made throughout, as indicated on the attached redline document; and

Whereas, the Sanitation Division of the Public Works Department believe these changes will improve collection efficiency and safety, ensure residents are properly equipped to receive City sanitation services, clarify landlord and developer responsibilities, and reduce collection delays during winter weather.

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

Section 1: "6.04.020 - Collection supervised by the Board of Public Works and Department of Public Works" shall be amended to read as follows:

All solid waste, recyclables, and yard waste accumulated in the city that meet the requirements of this chapter shall be collected, conveyed and disposed of by the city under the supervision of the Board of Public Works and the Department of Public Works. The Board of Public Works shall have the authority to make regulations concerning the days of collection, type and location of carts and containers, and such other matters pertaining to the collection, conveyance and disposal as it finds necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions of this chapter.

Ordinance 6.04.090 sets the fees for collection of solid waste and other services as provided by the Sanitation Division for the years 2027, 2028, and 2029. The Board of Public Works may adjust those rates and fees on an annual basis and within 10% of the annual fees and rates as outlined herein.

Yard waste, recyclables and other solid waste must be separated from one another when placed at the curb for collection. It is a violation of this chapter to mix these items,

subject to fines as set forth in Section 6.04.100 of this chapter. The sanitation division will not collect these items if they are mixed together.

Section 2: "6.04.080 - General collection practices and guidelines" shall be amended to add the following sections:

(l) During periods of snow, ice or other winter weather conditions, a clear path is maintained from public right-of-way or designated collection. Waste and recycling containers are not placed on or behind snowbanks.

(m) The owner or landlord of a residential rental property shall be responsible for ensuring that all City-issued waste and recycling containers are present and accounted for when a new tenant takes possession of the property. The owner or landlord shall be charged at full cost of replacement for unaccounted-for waste or recycling containers.

(n) New residential developments that are eligible to receive City of Bloomington sanitation services shall be responsible for fully purchasing and providing all City-issued trash and recycling carts for each address or unit within the development prior to full acceptance for City of Bloomington sanitation services to begin.

Section 3: "6.04.090 - Fees and billing" shall be amended to read as follows:

Service fees for the disposal of solid waste shall be prepared, billed and collected by the City of Bloomington Utilities Department (CBU) as agreed to by the utilities service board and the board of public works.

(1) The service fees for all users shall be prepared and billed monthly in accordance with the established billing procedures of CBU.

(A) The following fee schedule will apply based on the solid waste cart size chosen by customers:

Schedule of Service Fees for Disposal of Solid Waste. Fees listed below shall increase 16.7% on January 1, 2028, and 11% on January 1, 2029.

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

$10.72 Beginning January 1, 2027

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

$19.40 beginning January 1, 2027

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

$29.10 beginning January 1, 2027

(2) The monthly bill will also include service fees for the disposal of additionally requested solid waste carts, yard waste, large items, appliances, and additional pickup requests (including pickups requested due to not having carts properly placed for pickup by five a.m.). Additional fees will not be charged if the sanitation division changes the collection day due to inclement weather or holidays. The following fees will apply:

(A) Additional carts will cost the full amount of the solid waste cart fee set forth in the fee schedule approved by the board of public works.

(B) Yard waste: $2.00 per approved container, bag or bundle.

(C) Large items: $30.00 per approved large item.

(D) Appliances: $40.00 per approved appliance.

(E) Cart Exchanges: 30.00 per cart.

(F) Additional pickup requests: $3.23 per week for 35 Gallon; $5.91 per week for 64 Gallon; and $8.86 per week for 96 Gallon. In the event a resident schedules an additional pick-up and fails to place the cart at the curbside prior to the collection time, said resident will still be charged the full rate for the additional pick-up.

(G) New cart delivery shall be subject to a $75 fee per container, for solid waste and recycling carts that are required for any new address added as part of residential developments accepted for City services.

(3) The fees for solid waste collection and disposal services provided to single-family residential dwellings shall be billed directly to the customer of record with CBU. In the event that the single-family residential dwelling of four units or fewer is not a current customer of CBU, or receives billings through a master meter, the customer shall receive a monthly bill for solid waste disposal services only.

(4) Bills shall be paid in accordance with the policies and procedures set forth by CBU and the Board of Public Works.

(5) Late fees of three percent of the unpaid balance will be assessed to any account holder that fails to pay the amount due within twenty days of billing. This is modeled from the late fee procedures used by CBU. Partial payments shall be allocated in accordance with the interdepartmental agreement between the City of Bloomington and CBU.

(6) In the event a customer of the CBU requests to shut down the water meter to his/her residential premises, CBU shall also contemporaneously discontinue the billing of service fees for the collection performed at the residential premises in accordance with this chapter. In the event that service is discontinued, it is the responsibility of the account holder to notify the sanitation division for removal of the solid waste and recycling carts. If the account holder fails to do so, a replacement fee in accordance with the fee schedule approved by the Board of Public Works will be applied to the account holder's final CBU bill.

Section 4: In “6.04.100(a) - Enforcement procedures” the second paragraph shall be amended to read as follows:

Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven days following issuance of the NOV, provided that the violation is remedied, or that the nonpossessory property owner(s) presents to HAND, within seven calendar days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.

Section 5: “6.04.100(b)(7) - Enforcement procedures” shall be amended to read as follows:

That the fine may be appealed to the Board of Public Works within seven calendar days of the date of the NOV.

Section 6: “6.04.100(c) - Enforcement procedures” shall be amended to read as follows:

The fine for all violations of this chapter shall be $50.00. Nonpossessory property owners shall not be subject to fines for the seven-day period after issuance of the NOV, provided that the provisions outlined in subsection (a) of this section are met. Each day that a violation continues shall constitute a separate violation.

Section 7: "6.04.100(e) - Enforcement procedures" shall be amended to read as follows:

All appeals shall be filed to the Board of Public Works within seven calendar days of the day of the NOV.

Section 8: Technical and Grammatical Changes.

Technical and grammatical changes have been made throughout chapters 6.04, 6.05, and 6.06, as reflected in the attached redline document.

Severability.

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

Effective Date.

This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Passed

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

Signature of Common Council President Isak Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

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

Signature of Mayor Kerry Thomson

Synopsis: Ordinance 2026-41 amends Title 6 of the Bloomington Municipal Code with regards to the costs and specifications of specific services provided by the Sanitation Division of the Public Works Department.

Title 6 - HEALTH AND SANITATION

Chapter 6.04 - SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION BY THE CITY[1]

Footnotes:

*--- (**1**) ---*

Editor's note— *Ord. No. 17-06, § 1, adopted March 22, 2017, repealed the former Ch. 6.04, §§ 6.04.010—6.04.080, and enacted a new Ch. 6.04 as set out herein. The former Ch. 6.04 pertained to similar subject matter and derived from Ord. 79-1 § 2(part), adopted in 1979; Ord. 84-33 § 2(a)—(d), adopted in 1984; Ord. 87-46 § 1, adopted in 1987; Ord. 90-10 §§ 2—9, 12, 13, adopted in 1990; Ord. 91-62 § 1, adopted in 1991; Ord. 93-13 §§ 1—6, 8, adopted in 1993; Ord. 00-18 § 4, adopted in 2000; Ord. 02-40 §§ 1—4, 6—8, adopted in 2002; and Ord. 04-23 §§ 1—12, adopted in 2004.*

6.04.010 - Definitions.

As used in this chapter, the following terms have the following meanings unless otherwise designated:

"Appliances" includes refrigerators, stoves, washers and dryers and similar items. Construction materials, tires, automobile parts, and electronics such as televisions, home entertainment equipment**,** and computer equipment are not included and will not be collected.

"Ashes" means the residue of combustion of such fuels as wood, coal, coke, charcoal and similar materials.

"City-approved container" means a watertight thirty-five gallon or less container or two-ply biodegradable wet strength paper bag for the placement of yard waste collection by the city.

"City-owned or city-approved cart" means those city-owned or city-approved carts which the city purchases and provides to the owners or occupants of residential premises for the placement of solid waste and recycling collection by the city.

"Combustible waste" means all waste substances capable of burning, including garbage, paper, rags, excelsior, wood, grass, leaves and similar materials. At no time will the city collect propane, butane or other combustible or pressurized gas carts.

"Garbage" means all putrescible animal solid, vegetable solid and semisolid wastes resulting from processing, handling, preparation, cooking, serving or consumption of food or food materials.

"Hazardous waste" means a solid waste or a combination of solid wastes that because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. This may include but is not limited to automobile fluids, gasses, oils, all batteries, paints, solvents, stains or other items considered hazardous to humans or the environment.
"Noncombustible waste" means all waste substances incapable of burning, including tin cans, tin ware and other metallic substances, bottles, glassware, earthenware, ashes and similar materials and, also, discarded articles, the greater part of which is incapable of burning, such as roofing material, electric batteries, etc.
"Owner" means and includes the record titleholder or any person residing in or occupying any residential premises, and as between such parties the duties, responsibilities, liabilities and obligations imposed in this chapter shall be joint and severable.
"Putrescible waste" means waste that is subject to organic decomposition.
"Recycling" means a process by which materials that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or resale.
"Refuse" means all putrescible and non-putrescible solid wastes, including animal wastes, garbage, solid waste, ashes, dead animals, abandoned vehicles as defined in Section 15.04.020 of the Bloomington Municipal Code.
"Residential premises" means and includes single-family dwellings and any multiple-family dwelling up to and including four separate living units or family quarters per parcel.
"Responsible party" means person or persons held accountable for any violation of this chapter.
"Solid waste" means any garbage, refuse, other discarded material including solid, liquid, semisolid or contained gaseous material.
"Yard waste" means all vegetative matter including grass, weeds, leaves, brush, tree trimmings, hedge clippings and garden waste.
(Ord. No. 17-06, § 1, 3-22-2017)

6.04.020 - Collection supervised by the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks and ~~d~~**D**epartment of ~~p~~**P**ublic ~~w~~**W**orks.

All solid waste, recyclables, and yard waste accumulated in the city that meet the requirements of this chapter shall be collected, conveyed and disposed of by the city under the supervision of the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks and the ~~d~~**D**epartment of ~~p~~**P**ublic ~~w~~**W**orks. The ~~b~~**B**oard **of Public Works** shall have the authority to make regulations concerning the days of collection, type and location of carts and containers, and such other matters pertaining to the collection, conveyance and disposal as it finds necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions of this chapter.
Ordinance 6.04.090 sets the fees for collection of solid waste and other services as provided by the Sanitation Division for the years 2027, 2028, and 2029. The Board of Public Works may adjust those rates and fees on an annual basis and within 10% of the annual fees and rates as outlined herein.
Yard waste, recyclables and other solid waste must be separated from one another when placed at the curb for collection. It is a violation of this chapter to mix these items, subject to

fines as set forth in Section 6.04.100 of this chapter. The sanitation division will not collect these items if they are mixed together.
(Ord. No. 17-06, § 1, 3-22-2017)

6.04.030 - Solid waste collection.

(a) Solid waste carts shall be provided by the City of Bloomington. Said carts shall be maintained in good and sanitary condition, with no ragged or sharp edges or any other defect that could hamper or injure the person collecting the contents thereof.
(b) Solid waste will only be collected from the cart provided by the city on the customer's assigned collection day unless the owner or occupant arranges for an additional pickup on another day with the ~~s~~**S**anitation ~~d~~**D**ivision in accordance with ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks policies . Items outside of the cart will not be collected. Residents shall choose a cart they deem appropriate for their needs from the following sizes: thirty-five gallon, sixty-four gallon, or ninety-six gallon.
(c) It will be the responsibility of the resident to notify the sanitation division should a cart become damaged and unusable. The cost of replacing a damaged cart not due to normal wear and tear **will**~~may~~ be the responsibility of the resident, subject to the discretion of the sanitation division director. The replacement cost will be set forth in the rate structure set by the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.
(d) Solid waste scattered by animals or weather shall be removed promptly by the owner or occupant of the premises or be subject to fines in Section 6.04.100.
(e) All solid waste, before being placed in said carts, shall be bagged and shall have drained from it all liquids. Solid waste must be free of vermin and pests, and said cart lid must be closed and facing the street for collection. In order for a cart to be considered closed, its lid must be completely flush with the container so that there is no gap between the lid and container. A cart that is overfilled with solid waste such that its lid does not rest flush with the container is not considered closed. Carts not placed appropriately at the curb or without the lids closed will not be collected.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 1, 8-9-2023)

6.04.040 - Recycling collection.

(a) Recycling collection is provided to recipients of solid waste collection. Collection occurs every week on the customer's assigned collection day.
(b) Recyclable items must be placed loosely, and not bagged, into the recycling cart provided by the City of Bloomington. Solid waste items should never be placed in recycling carts. Failure to comply with these provisions will result in non-collection of the recycling container and the owner or occupant of the premises will be subject~~ed~~ to fines in accordance with Section 6.04.100.
(c) Residents shall choose a cart they deem appropriate for their needs from the following sizes: sixty-four gallon, or ninety-six gallon. The lid must be closed with the cart facing the street for collection to occur. Carts not placed appropriately at the curb or without the lids closed will not be collected. A cart that is ~~over-filled~~**overfilled** with recycling such that its lid

does not rest flush with the container is not considered closed. Carts not placed appropriately at the curb or without the lids closed will not be collected.
(d) The ~~đ~~**D**epartment of ~~þ~~**P**ublic ~~ẇ~~**W**orks, upon approval by the ~~ƀ~~**B**oard of ~~þ~~**P**ublic ~~ẇ~~**W**orks, shall prepare and promulgate annually a list of what types of paper products, metal cans, glass containers, and plastic containers are recyclable. The list may change from time to time as the recycling market adjusts to shifting demands and technologies. All paper products must be clean and dry. All metal cans, glass containers and plastic containers must be clean, rinsed out and ~~with the~~ **have their** lids removed.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 2, 8-9-2023)

6.04.050 - Yard waste collection.

(a) All grass, weeds, leaves**,** and other similar yard and garden materials shall be placed in appropriate watertight thirty-five**-**gallon or less container or two-ply biodegradable wet strength paper bag with each weighing less than forty pounds separate from solid waste and recycling and shall not be mixed with any other substances. Said container shall be maintained in good and sanitary condition, with no ragged or sharp edges or any other defect that could hamper or injure the person collecting the contents thereof. Yard waste will be collected weekly on the customer's assigned collection day.
(b) Brush, tree trimmings, hedge clippings and similar materials shall be cut to a length not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 3, 8-9-2023)

6.04.060 - Large item collection.

Large items, other than appliances, may be placed at the curb on the customer's assigned collection day for an additional cost as stated in Section 6.04.090. The ~~đ~~**D**epartment of ~~þ~~**P**ublic ~~ẇ~~**W**orks, upon approval by the ~~ƀ~~**B**oard of ~~þ~~**P**ublic ~~ẇ~~**W**orks, shall prepare and promulgate annually a list of what types of items are considered large items. For the purposes of route optimization, customers are required to contact the sanitation division during operating hours Monday through Thursday at least one business day prior to their assigned collection day to request large item collection.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 4, 8-9-2023)

6.04.070 - Appliance collection.

(a) Appliances as defined in Section 6.04.010 will be collected weekly on Fridays. For the purposes of route optimization, customers are required to call the sanitation division by 12:00 noon on Thursdays. Appliances may be placed at the curb no more than twenty-four hours before the day of collection.
(b) Any appliance containing engine oil and/or gasoline shall be drained of these substances prior to placement at the curb for collection.
(Ord. No. 17-06, § 1, 3-22-2017)

6.04.080 - General collection **requirements** ~~practices~~ and guidelines.

(a) Collection of solid waste, recycling, yard waste, large items and appliances shall be made at least once each week or more often as may be ordered by the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks. Collection schedules shall be established and published by the board.
(b) Collection shall be made from all places of residence within the city limits except for the following:
(1) Buildings containing more than four residential units;
(2) Residences located above or in the same structure as a business or businesses;
(3) Residential units located on private streets.
However, collection may be provided to the above-listed residences if specifically authorized in writing by the director of public works. Before authorizing such collection, the director of public works may require terms and conditions to protect the city and residents. The director of public works may revoke such authorization in writing at his or her discretion.
(c) Collection shall be made from curbs or, where there are no curbs, the property line immediately adjacent to the public thoroughfare. In order to be collected, all carts, yard waste, and other items must be placed adjacent to the curbs, facing the street and suitable for automated collection.
(1) All residents except those approved for special assistance for a person with a disability, illness or infirmity shall place their solid waste and recycling carts and yard waste containers at curbside or at the edge of the street no later than five a.m. on the day of collection. Any resident requesting to be an assisted stop shall contact the sanitation division to receive the necessary paperwork and instructions in order to be approved to receive the assisted service option.
(2) The cart or container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Carts and containers are to be at least four feet from any tree, pole, mailbox, fire hydrant, etc., and at least ten feet away from any vehicles parked in the street.
(3) The cart is not to be painted, abused, mutilated, altered or modified in any manner.
(d) Paints, stains and similar materials still in their liquid form shall not be placed in refuse carts or dumpsters and shall not be collected by the ~~d~~**D**epartment of ~~p~~**P**ublic ~~w~~**W**orks as a part of regular collection.
(e) Items that are infested with vermin, including but not limited to bedbugs, cockroaches, or rodents, will not be collected.
(f) No person shall remove or attempt to remove materials from any refuse cart or dumpster belonging to another person or business. All materials placed in a refuse cart or dumpster shall be the property of the city.
(g) Highly flammable, combustible, explosive or hazardous materials shall not be placed in refuse carts or dumpsters and shall not be collected by the ~~d~~**D**epartment of ~~p~~**P**ublic ~~w~~**W**orks as a part of regular collection. Such materials shall be disposed of as prescribed by state and local laws.
(h) Disposal of Diapers, Animal Feces, and Cat Litter. All diapers, animal feces, cat litter and similar wastes shall be placed in durable plastic bags completely sealed before being placed in a refuse cart.
(i) Collection shall not be made from alleyways.

(j) Collection shall be made only between the hours of five a.m. and nine p.m.
(k) It shall be a violation of this chapter for any unauthorized commercial enterprise to collect, obtain, possess, pick up or cause to be collected, obtained, possessed or picked up any refuse, solid waste, garbage or yard waste from places of residence on routes within the city limits that are served by the city sanitation division. Occasional removal of bulk trash associated with construction, moving, or seasonal cleaning does not require authorization other than for approval of placement of dumpsters within the right-of-way. The ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks shall determine such authorization. Any and each such violation hereof from one or more locations shall constitute a separate and distinct violation of this chapter.
(l) During periods of snow, ice or other winter weather conditions, a clear path is maintained from public right-of-way or designated collection. Waste and recycling containers are not placed on or behind snowbanks.
(m) The owner or landlord of a residential rental property shall be responsible for ensuring that all City-issued waste and recycling containers are present and accounted for when a new tenant takes possession of the property. The owner or landlord shall be charged at full cost of replacement for unaccounted-for waste or recycling containers.
(n) New residential developments that are eligible to receive City of Bloomington sanitation services shall be responsible for fully purchasing and providing all City-issued trash and recycling carts for each address or unit within the development prior to full acceptance for City of Bloomington sanitation services to begin.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 5, 8-9-2023)

6.04.090 - Fees and billing.

Service fees for the disposal of solid waste shall be prepared, billed and collected by the City of Bloomington Utilities Department (CBU) as agreed to by the ~~u~~**U**tilities ~~s~~**S**ervice ~~b~~**B**oard and the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.
(1) The service fees for all users shall be prepared and billed monthly in accordance with the established billing procedures of CBU.
(A) The following fee schedule will apply based on the solid waste cart size chosen by customers:

Schedule of Service Fees for Disposal of Solid Waste. Fees listed below shall **be $10.72 beginning January 1,** ~~in~~ 2027, **shall increase** 16.7% **on January 1,**~~in~~ 2028, and **shall increase** 11% **on January 1,**~~in~~ 2029 ~~on January 1st, beginning January 1, 2027~~.

(i) Thirty-five gallon solid waste cart fee schedule: **$10.72 beginning January 1, 2027.**

~~Year~~	~~Fee~~
~~Prior to January 1, 2026~~	~~$9.38~~
~~Beginning January 1, 2027~~	~~$10.72~~

(ii) Sixty-four gallon solid waste cart fee schedule: **$19.40 beginning January 1, 2027**

~~Year~~	~~Fee~~
~~Prior to January 1, 2026~~	~~$16.97~~
~~Beginning January 1, 2027~~	~~$19.40~~

(iii) Ninety-six gallon solid waste cart fee schedule: **$29.10 beginning January 1, 2027**

~~Year~~	~~Fee~~
~~Prior to January 1, 2026~~	~~$25.46~~
~~Beginning January 1, 2024~~	~~$29.10~~

(2) The monthly bill will also include service fees for the disposal of additionally requested solid waste carts, yard waste, large items, appliances, and additional pickup requests (including pickups requested due to not having carts properly placed for pickup by five a.m.). Additional fees will not be charged if the sanitation division changes the collection day due to inclement weather or holidays. The following fees will apply:
(A) Additional carts will cost the full amount of the solid waste cart fee set forth in the fee schedule approved by the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.
(B) Yard waste: $~~1~~**2**.00 per approved container, bag or bundle.
(C) Large items: $~~25~~**30**.00 per approved large item.
(D) Appliances: $~~35~~**40**.00 per approved appliance.
(E) Cart Exchanges: $30.00 per cart.
(**F** ~~E~~) Additional pickup requests: one hundred twenty-five percent of regular weekly solid waste charges based on four and three-tenths weeks on average per month, per year. In the event a resident schedules an additional pick-up and fails to place the cart at the curbside prior to the collection time, said resident will still be charged the full rate for the additional pick-up.
(G) New cart delivery shall be subject to a $75 fee per container, for solid waste and recycling carts that are required for any new address added as part of residential developments accepted for City services.
(3) The fees for solid waste collection and disposal services provided to single-family residential dwellings shall be billed directly to customer of record with CBU. In the event that the single-family residential dwelling of four units or fewer is not a current customer of CBU, or receives billings through a master meter, the customer shall receive a monthly bill for solid waste disposal services only.
(4) Bills shall be paid in accordance with the policies and procedures set forth by CBU and the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.

(5) Late fees of three percent of the unpaid balance will be assessed to any account holder that fails to pay the amount due within twenty days of billing. This is modeled from the late fee procedures used by CBU. Partial payments shall be allocated in accordance with the interdepartmental agreement between the City of Bloomington and CBU.
(6) In the event a customer of the CBU requests to shut down the water meter to his/her residential premises, CBU shall also contemporaneously discontinue the billing of service fees for the collection performed at the residential premises in accordance with this chapter. In the event that service is discontinued, it is the responsibility of the account holder to notify the sanitation division for removal of the solid waste and recycling carts. If the account holder fails to do so, a replacement fee in accordance with the fee schedule approved by the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks will be applied to the account holder's final CBU bill.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 21-40, § 1, 10-6-2021; Ord. No. 23-14, § 6, 8-9-2023)

6.04.100 - Enforcement procedures.

(a) If the director of ~~p~~**P**ublic ~~w~~**W**orks, ~~s~~**S**anitation ~~d~~**D**ivision director, director of the ~~h~~**H**ousing and ~~n~~**N**eighborhood ~~d~~**D**evelopment ~~d~~**D**epartment, the assistant director, any neighborhood compliance officer, or any other designee of the directors (collectively referred to as "staff") determines that there exists a violation of this chapter, that person shall issue a notice of violation (NOV) to the responsible party. The NOV may be in the form of a citation from the neighborhood compliance officer or a notice of non-collection that is left on the cart by sanitation division staff. For purposes of issuing an NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: persons with any possessory interest in the property; property owner(s); and/or any persons who have caused the violation.
Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven days following issuance of the NOV, provided that the violation is remedied, or that the nonpossessory property owner(s) presents to HAND, within seven **calendar** days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.
(b) The NOV shall be in writing and shall be served on one or more of the responsible parties in one or more of the following manners: delivery in person; by first-class mail; and/or by placement in a conspicuous place on the property where a violation occurs. The notice shall state:
(1) The location of the violation;
(2) The nature of the violation;
(3) The period of correction (if any);
(4) The fine assessed for the violation;
(5) Additional remedies the city may seek for **the** violation;
(6) That the fine is to be paid at the city controller's office;
(7) That the fine may be appealed to the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks within seven **calendar** days of the date of the NOV.
(c) Schedule of Fines. ~~The fine for any violation of Section 6.04.110 shall be $25.00.~~ The fine for all ~~other~~ violations of this chapter shall be $50.00. Nonpossessory property owners

shall not be subject to fines for the seven-day period after issuance of the NOV, provided that the provisions outlined in subsection (a) of this section are met. Each day that a violation continues shall constitute a separate violation.
(d) Any person issued a written NOV of this chapter shall pay the total amount of the penalty to the City of Bloomington within seven days of such notice, unless such notice is appealed in conformity with this chapter.
(e) All appeals shall be filed to the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks within seven **calendar** days of the day of the NOV.
(f) All appeals from the written findings of the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks shall be made to courts of competent jurisdiction within sixty days.
(g) Upon failure to appeal an adverse finding or failure to comply with a written order or assessed penalty, the city legal department shall be empowered to take all appropriate action necessary to enforce the written findings of the enforcement officer or of the ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 7, 8-9-2023)

6.04.110 - Removal of solid waste and recycling carts and yard waste containers.

Carts, containers and other articles to be picked up shall not be placed upon the street or sidewalk so as to be visible from the street more than twenty-four hours prior to the time when such solid waste, recycling or yard waste is to be collected. Carts and containers shall be removed from the street or sidewalk on the same day as the collection is made to ensure the public right-of-way is passable.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 8, 8-9-2023)

6.04.120 - Enterprise fund.

The revenue generated by the sanitation services performed at residential premises in accordance with this chapter shall be deposited in the non-reverting enterprise fund. This fund was established for the purpose of accounting and paying for the costs of services performed by the sanitation division. When necessary, the common council may approve additional operating transfers into this fund.
(Ord. No. 17-06, § 1, 3-22-2017)

6.04.130 - Capital recovery fund.

The revenue deposited into the non-reverting enterprise fund, which is intended for capital ~~re-placement~~ **replacement** of vehicles, equipment and other capital-related expenses, shall be transferred by the controller into a non-reverting capital replacement fund. This fund shall be established for the purpose of paying for the costs of capital equipment purchases necessary to replace capital items of the sanitation division on schedules outlined by industry standards.
(Ord. No. 17-06, § 1, 3-22-2017; Ord. No. 23-14, § 9, 8-9-2023)

Chapter 6.05 - COMMERCIAL REFUSE HAULING AND COLLECTION

6.05.010 - Refuse containers.

All establishments and institutions which are served by commercial refuse collection services shall keep their containers covered and sanitary at all times.
(Ord. 79-1 § 3 (part), 1979).

6.05.020 - Collection practices.

Collection shall be made only during the hours of 5:00 a.m. and 9:00 p.m.
(Ord. 79-1 § 3 (part), 1979).
(Ord. No. 23-14, § 10, 8-9-2023)

6.05.030 - Violations.

Any person, firm, or corporation who violates any of the provisions of this chapter shall be subject to a fine of not less than ten dollars and not more than one hundred dollars for each violation. Each day that a violation continues shall constitute a separate violation.
(Ord. 79-1 § 3 (part), 1979).

Chapter 6.06 - GARBAGE AND WEEDS

6.06.010 - Definitions.

As used in this chapter, the following terms have the following meanings unless otherwise designated:
"Board" means the City of Bloomington ~~b~~**B**oard of ~~p~~**P**ublic ~~w~~**W**orks.
"Garbage" means putrescible animal and vegetable wastes, resulting from handling, preparation, cooking and consumption of food; refuse; and rubbish.
"HAND" means the City of Bloomington's housing and neighborhood development department.
"Owner" means a person holding legal title to real property within the City of Bloomington.
"Person" means an individual, partnership, corporation, trust, or any commercial association or venture, however defined.
"Putrescible" means substances which are subject to organic decomposition.
"Recyclable materials" means those materials designated by the board or its designee as those which may be collected for recycling purposes. Such materials may include, but may not be limited to, aluminum products, clean glass containers, bimetal containers, newspapers, magazines and periodicals, and plastic containers. What constitutes "recyclable materials" may change depending on what the board or its designee is able to dispose of through their recycling efforts.

"Refuse" means all putrescible and nonputrescible solid wastes, including animal wastes, garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes.
"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, construction debris, and similar materials.
"Weed" means any plant or vegetation classified as a detrimental plant, invasive plant or noxious weed by either the state under authority of IC 15, entitled Agriculture and Animals, or the United States government in accordance with 7 USC 7701. The term shall also include the vegetation listed in Section 20.05.059 of the Bloomington Municipal Code.
"Yard waste" means grass, weeds, leaves, brush, tree trimmings, hedge clippings, and other yard and garden materials.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.020 - Deposit of garbage.

It is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to later remove, cover, or burn it. This provision shall not restrict the filling of low lands within the city with brick, stone, sand, gravel, cold ashes, or dirt after the appropriate permit has been obtained from the city engineering department.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.030 - Use of city garbage containers.

It is unlawful for any person to deposit any household or commercial garbage, recyclable materials or yard waste in any receptacle maintained on a sidewalk or at any other public location by the city for disposal of refuse by pedestrians.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.040 - Use of private garbage containers.

It is unlawful for any person to deposit garbage, recyclable materials or yard waste in a receptacle or dumpster unless said person has permission from the owner of the receptacle or dumpster to use it for garbage, recyclable materials or yard waste disposal.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.050 - Excessive growth.

It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of eight inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.060 - Inspections.

It shall be the duty of the police department or HAND to make a careful inspection of any lots, grounds and tracts of land situated within the corporate limits of the city for the purpose of determining whether there is a violation of this chapter.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.070 - Enforcement procedures.

(a)
If the director of HAND, the assistant director, any neighborhood compliance officer, or any other designee of the director (collectively referred to as "staff") determines that there is a violation of this chapter, that person shall issue a notice of violation (NOV) to the responsible party. For purposes of issuing a NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: persons with any possessory interest in the property; property owner(s); and/or any persons who have caused the violation.

Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven **calendar** days following issuance of the NOV, provided that the nonpossessory property owner(s) presents to HAND, within seven days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.

(b) The NOV shall be in writing and shall be served on one or more of the responsible parties in one or more of the following manners: delivery in person; by first-class mail; and/or by placement in a conspicuous place on the property where a violation occurs. The notice shall state:
(1) The location of the violation;
(2) The nature of the violation;
(3) The period of correction (if any);
(4) The fine assessed for the violation;
(5) Additional remedies the city may seek for **the** violation (including abatement of the violation by HAND or by a private contractor hired by HAND);
(6) That the fine is to be paid at HAND;
(7) That the fine may be contested in the Monroe County Circuit Court~~s~~;
(8) That the NOV may be appealed to the board, provided the appeal is in writing and filed with the board no later than seven days from the date of the NOV.
(c) Schedule of Fines. The initial penalty or fine for all violations of this chapter shall be fifty dollars. A second violation of this chapter in any twelve-month period shall be subject to a penalty or fine of one hundred dollars. A third and all subsequent violations of this chapter in any twelve-month period shall be subject to a penalty or fine of one hundred fifty dollars. The twelve-month period described above shall begin on August 1 of each year and end on July 31 of the following year.
(d) If the responsible party fails to pay any accumulated fines, the city's legal department may collect said fines in any manner authorized by law.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.080 - Failure to remedy.

(a) HAND may file a request with the board for the abatement of any property still in violation of a NOV after the correction period in the NOV has expired.
(b) The property owner who is the subject of an abatement request by HAND shall be notified of the request; said notice shall state the following:
(1) The location of the violation;
(2) The nature of the violation;
(3) A statement that abatement of the violation is being sought;
(4) A statement that the abatement may be provided by the city or by a private third-party contractor hired by the city to perform the abatement;
(5) A statement that the property owner will be liable for any and all costs associated with the city, and/or the city's contractor, abating the property;
(6) A statement that if the property owner fails to reimburse the city for any and all costs associated with an abatement of his property, said costs shall be filed with the county auditor and placed on the tax duplicate for the property at issue; said costs being collected as taxes are collected;
(7) The date, time and location of the board's hearing; and
(8) A statement indicating that the property owner is entitled to appear at said hearing and is entitled to present arguments and evidence in his defense at said hearing.

The abatement notice described in the above subsection (b) shall be in writing and shall be served on the property owner via certified mail, return receipt requested. If the abatement notice is returned as undeliverable the notice shall be given by personally delivering a copy of the abatement notice to the property owner; leaving a copy of the abatement notice at the usual place of abode of the property owner; sending by first-class mail a copy of the abatement notice to the last known address of the property owner; or by serving the agent of the property owner.

(c) At the abatement hearing the board shall hear evidence from all parties and render its decision in writing.
(d) All appeals from the board's decision on an abatement request shall be made to courts of competent jurisdiction within ten days.
(e) If an initial notice of abatement was provided in accordance with this Section, and Section 6.06.070 was first followed, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail. A continuous abatement notice serves as notice to the property owner that each subsequent violation of this chapter during the same twelve-month period for which the initial NOV was provided may be abated by the city or its private third-party contractors.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.090 - Cost of removal by city.

If the landowner fails to remedy a violation under this chapter, the controller shall make a certified statement of the actual cost incurred by the city for any abatement conducted by the city or its private third-party contractor. The statement shall be served on the property owner by certified mail, return receipt requested. The property owner shall pay the amount in the statement to the city legal department within ten days after receiving it. If the landowner should fail to pay within the ten-day period, a certified copy of the statement of costs shall be filed in the office of the county auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work. The amount shall be collected and disbursed to the general fund of the city.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.100 - Vehicles hauling garbage.

(a) It is unlawful to transport garbage, recyclable material, yard waste, stone or other materials that are likely to fall from a vehicle unless such materials are covered and secured so as to prevent their deposit on public and private property.
(b) Any materials falling from a vehicle shall be promptly removed by the person responsible for their deposit. If such person neglects or refuses to remove the materials, the city shall cause such materials to be removed at the expense of the person responsible, who shall be liable to pay the city the cost of the removal.
(Ord. No. 12-23, § 1, 10-3-2012)

6.06.110 - Violations.

Violations of the provisions of this chapter are declared a public nuisance. e**E**ach day that a violation continues shall constitute a separate violation.
(Ord. No. 12-23, § 1, 10-3-2012)

Staff Memo

To: Members of the Common Council

From: Adam Wason, Director of Public Works; Joe VanDeventer, Deputy Director of Public Works; Lazarus Sears, Director of Sanitation

Date: October 23, 2026

Re: Proposed Ordinance Updates including Sanitation Rate Changes for 2027–2029

In response to interest from the City Council, staff have been reviewing the effects of eliminating the annual General Fund financial support to the Public Works Department's Sanitation Division.

This funding traditionally has been used to offset the shortfall between solid waste cart revenues, service fee income, and overall operating expenses. No longer utilizing funding from the General Fund would require that both solid waste cart revenue and service fee income increase to fill this now substantial operating funding gap.

Additionally other ordinance updates are being proposed for operational reasons that are outlined at the end of this memo.

Factors Considered

Sanitation currently provides weekly curbside solid waste and recycling collection. Using a volume based pay-as-you-throw model, residents pay for solid waste based on container size and have three size options (summarized in the "Phased Approach" section). Additional fees are collected for large items, appliances and for yard waste pickup during the spring and summer months (also summarized under "Phased Approach"). There is currently no fee for recycling, replacement containers, the seasonal fall bagged leaf pickup and holiday tree disposal.

Expenses

- Labor costs and annual increases required by collective bargaining agreements
- Annual capital replacement cycle for trucks, vehicles and solid waste/recycling containers
- Unpredictable fuel, oil, parts, casualty insurance and workers' compensation insurance premium costs
- Utility expenses for the Sanitation facility: power, natural gas, telecommunications and water/sewer
- Solid waste and recycling collection transfer costs (performed by a third-party vendor).This covers the costs of transporting all the collected recycling materials from a transfer facility in Bloomington to the Indianapolis MRF (Material Recovery Facility) and the collected solid waste to a landfill near Terre Haute.

- Planned and unplanned building expenses, infrastructure upkeep, and needed repairs (i.e., HVAC replacement and emergency building repairs)

Other Services Currently Supported by Solid Waste Fees

Revenue is currently generated by monthly solid waste fees, but Sanitation performs many other services for the community. If the goal is for Sanitation to be self-sustaining on solid waste fees only, the City should consider how subsidizing, discontinuing, and/or charging for these services will impact resident satisfaction, public health, climate goals, and overall costs to residents.

- Weekly curbside recycling collection and processing are expensive operations for the City to undertake, but residents are not specifically charged for this service. Private solid waste services do charge for recycling and typically offer biweekly pickup only.
- Free citywide leaf collection is provided for 3 months each year in order to keep the stormwater drainage system clear.
- Large gatherings, celebrations, and events downtown produce high volumes of solid waste. Sanitation is responsible for post-event clean up and absorbs the full cost of this service.
- Sanitation also bears the operational costs of providing solid waste and recycling services to all City parks, trailheads, fire stations, Police Headquarters, City Hall, parking garages, municipal surface lots and downtown street containers.
- Sanitation seasonally collects a high volume of holiday trees at no extra cost to residents.
- Any solid waste or recycling containers that are stolen, damaged or go missing must be replaced or fixed by Sanitation, which currently bears the entire cost (over 100 are missing so far this year).
- All new single family residential developments built inside City limits must be serviced by Sanitation, adding additional costs and expenses.

Expense v Revenue Projections, Shortfalls, and Impacts 2027–2029

This section shows the gap between projected expenses and revenues from proposed rate increases, and summarizes the impact of proposed phased reduction in General Fund financial support over 3 years. Details on user rates contained in these projections follow in a separate section.

Core Assumptions

- The City will continue to collect recycling weekly without a separate fee, and to offer smaller container sizes to encourage recycling and composting.

- The General Fund would be billed to support community solid waste services such as downtown event cleanups, collection of street and parks solid waste, and solid waste services to City buildings, starting in 2027 at $200,000 and increasing 3% each year for inflation.

- Rate increases would be phased in over 3 years as follows, with a pricing glideslope proposed for a gradual implementation of the program. This phasing would also allow for evaluation of program costs and an opportunity to course correct if expenses significantly exceed initial estimates:
    - 11% increase in 2027
    - 16.7% increase in 2028
    - 11% increase in 2029
    - Additional increases suggested for yard waste, large items, and cart replacement

- The General Fund subsidy would then be phased out over 3 years as follows:
    - Cut $600K in 2027
    - Cut $600K in 2028
    - Cut $400K in 2029

- Another option would be to completely eliminate the entire $1.6 million General Fund subsidy next year with no gradual phasing option.

Projected Expenses

A capital replacement recovery amount of $850,000 is included each year for the purchase of trucks and equipment. Phased replacement of older trucks and containers is essential for seamless municipal solid waste and recycling operations. (The average life of a sanitation truck is approximately 7–10 years.) This capital replacement recovery amount would increase to $875,000 in 2029 to keep pace with the anticipated rising costs for trucks and equipment.

Expense Type	2027 Projected Cost	2028 Projected Cost	2029 Projected Cost
Sanitation budget	$4,066,605	$4,127,604	$4,189,518
Annual capital replacement	$850,000	$850,000	$875,000
TOTAL EXPENSE	**$4,916,605**	**$4,977,604**	**$5,064,518**

Projected Revenue

An annual $200,000 billing support charge to the General Fund is being proposed to help defray the costs of delivering solid waste and recycling services to municipal facilities and parks. This would increase 3% each year to keep pace with costs and inflation.

Revenue Source	2027 (No Rate Change)	2027 Proposed (11%)	2028 (No Rate Change)	2028 Proposed (16.7%)	2029 (No Rate Change)	2029 Proposed (11%)
Fees collected	$2,430,700	$4,037,852	$2,503,621	$4,712,211	$2,578,730	$5,230,905
General Fund billing for facilities and community cleanups	$0.00	$200,000	$0.00	$206,000	$0.00	$212,180
General Fund subsidy	$1,600,000	$1,000,000	$1,600,000	$400,000	$1,600,000	$0.00
TOTAL REVENUE	**$4,030,700**	**$5,237,852**	**$4,103,621**	**$5,318,211**	**$4,178,730**	**$5,443,085**

Projected Deficit/Surplus with New Rates

Expense/Revenue Item	2027	2028	2029
Projected Expenses	($4,916,605)	($4,977,604)	($5,064,518)
Projected Revenue With Rate Increases	$4,037,852	$4,712,211	$5,230,905
Proposed GF Billing for Facilities & Community Cleanups	$200,000	$206,000	$212,180
Proposed GF Subsidy	$1,000,000	$400,000	$0
PROPOSED DEFICIT/SURPLUS	**$321,247**	**$340,607**	**$378,567**
Deficit with No Rate Changes	*($885,905)*	*($873,983)*	*($885,789)*

Phased Approach

As a reminder, staff suggest an incremental phasing out of General Fund financial support (currently $1.6 million in the 2027 proposed budget) as follows:

- Cut $600K in 2027
- Cut $600K in 2028
- Cut $400K in 2029

Gradual increase in solid waste container pricing over 3 years would result in a new sanitation collection rate structure. This rate would be utilized to cover both solid waste and recycling services combined.

Current Sanitation Rate Structure

For comparison purposes, here are the current 2026 sanitation rates, as well as the 2027 sanitation rates that incorporate the required automatic 3% annual increase. Without any legislative changes, these are the rates that will go into effect on January 1, 2027.

Container Sizes	2026 Monthly Rate	2027 Default Monthly Rate (3% Increase)	2027 Yearly Rate
35 gallon	$9.38	$9.66	$115.92
64 gallon	$16.97	$17.48	$209.76
96 gallon	$25.46	$26.22	$314.64

Proposed New Sanitation Collection Rate Structure for 2027–2029

The projections below are to incorporate changes over the next 3 years. Several assumptions have been made, including that the number of carts in the inventory will stay at or near the same as 2026 levels. If this data point fluctuates towards more residents choosing the smallest cart sizes, revenues will begin to lag behind these models.

Our volume based pay as you throw model encourages residents to recycle by basing monthly rates on the size of the solid waste cart. By offering weekly recycling and this pay as you throw model, recycling volumes remain high, while also keeping landfill costs down, through higher diversion rates. We should also note that private services typically only offer 96-gallon containers, but the majority of Bloomington residents choose smaller containers: a benefit that allows users to control their solid waste volume through recycling and composting.

Given market uncertainties, staff will review the financial position of the Sanitation Division throughout the year, and as part of the annual budget process to keep the Common Council updated on the progress of eliminating the General Fund support. Such changes could include large spikes in costs associated with fuel and oil, vehicle maintenance, new vehicle costs, insurance premiums, building repairs, utilities and others that affect the Sanitation Division's operational budget. Any major increases could have substantial financial impacts on the operating budget and as a result, rates would potentially need to be increased to stay on par with these new unplanned or unforeseen expenses. As part of these ordinance updates staff proposes that the Board of Public Works be given the authority to review and set all annual solid waste rates in Title 6 within 10% of the proposed amounts in 2028, and 2029.

2027 Proposed Rates

Container Sizes	2027 Default New Monthly Rate	2027 Proposed Monthly Rate (11% increase from Default rate)	2027 Proposed Yearly Cost	Total Carts in Inventory	Total Proposed Annual Revenue from Carts
35 gallon	$9.66	$10.72	$128.64	1,155	$148,579
64 gallon	$17.48	$19.40	$232.80	7,255	$1,688,964
96 gallon	$26.22	$29.10	$349.20	6,301	$2,200,309
TOTAL REVENUE					**$4,037,852**

2028 Proposed Rates

Container Sizes	2028 Proposed Monthly Rate (16.7% increase from proposed 2027)	Proposed 2028 Yearly Cost	Total Carts in Inventory	Total Proposed Annual Revenue from Carts
35 gallon	$12.51	$150.12	1,155	$173,389
64 gallon	$22.64	$271.68	7,255	$1,971,038
96 gallon	$33.96	$407.52	6,301	$2,567,784

Container Sizes	2028 Proposed Monthly Rate (16.7% increase from proposed 2027)	Proposed 2028 Yearly Cost	Total Carts in Inventory	Total Proposed Annual Revenue from Carts
TOTAL REVENUE				**$4,712,211**

2029 Proposed Rates

Container Sizes	2029 Proposed Monthly Rate (11% increase from proposed 2028)	Proposed 2029 Yearly Cost	Total Carts in Inventory (2027 Inventory)	Total Proposed Annual Revenue from Carts
35 gallon	$13.89	$166.68	1,155	$192,515
64 gallon	$25.13	$301.56	7,255	$2,187,818
96 gallon	$37.70	$452.40	6,301	$2,850,572
TOTAL REVENUE				**$5,230,905**

Potential 2027 Rates with Both Full General Fund Support Elimination and No General Fund Billing for Municipal Services Included (for illustrative purposes only)

Container Sizes	2027 Potential Monthly Rate (38.7% Increase)	Potential 2027 Yearly Cost	2027 Total Carts in Inventory	Total Annual Revenue from Carts
35 gallon	$13.40	$160.80	1,155	$185,724
64 gallon	$24.24	$290.88	7,255	$2,110,334
96 gallon	$36.37	$436.44	6,301	$2,750,008
TOTAL REVENUE				$5,046,066

Yard Waste, Large Items, Appliances, Extra Pickups, New Cart Delivery, and Cart Exchanges

Service fees for large items and appliances have not been raised since 2023; yard waste rates have been unchanged since 2017. In addition to the new Sanitation Collection rate structure, these fees would also need to be adjusted to meet the new expense requirements from eliminating General Fund financial support.

- Staff propose changes for 2027, with new rates as follows: $2 for yard waste, $30 for large items, $40 for appliances, $75 for new cart delivery, and $30 for cart exchanges. This will allow for better cost recovery as prices for Sanitation services continue to increase.
- Prices for extra weekly pickups, per size, would also be adjusted to fully recover costs of additional pickups.
- As with the annual rates, these service fees should be reviewed annually and adjusted, as needed. As part of these ordinance updates staff proposes that the Board of Public Works be given the authority to review and set service fees in Title 6 within 10% of the proposed amounts in 2028, and 2029.
- Because collection volume is unpredictable and varies considerably each year, the revenue collected would be used exclusively to provide a financial cushion for any major unforeseen cost fluctuations that occur in the future.
- The chart below shows totals from the last full year of collection (2025) and how these amounts would potentially change under a new rate structure.
- It should be noted that yard waste, large items, appliance collection and cart exchange usage varies widely each year, making it difficult to accurately project revenue, but these 2025 collection totals help to illustrate the potential impact of a fee increase.
- Increased revenue in these items would be in addition to the increased revenue shown in earlier revenue projection charts in this memo.

Service	Current Rate	Number of Items Collected in 2025	Total 2025 Revenue	Proposed 2027 Rate	Projected 2027 Revenue
Yard Waste	$1.00	45,353	$45,353	$2.00	$90,706
Large Items	$25.00	1,484	$37,100	$30.00	$44,520
Appliances	$35.00	184	$6,440	$40.00	$7,360
Cart	$25.00	252	$6,300	$30.00	$7,560

Service	Current Rate	Number of Items Collected in 2025	Total 2025 Revenue	Proposed 2027 Rate	Projected 2027 Revenue
Exchanges					
Cart 35 gallon Extra Pickup	$2.54	413	$1,049	$3.23	$1,334
Cart 64 gallon Extra Pickup	$4.65	1,409	$6,552	$5.91	$8,327
Cart 96 gallon Extra Pickup	$6.98	273	$1,906	$8.86	$2,419
Grand Total			**$104,700**		**$162,226**

Current Recycling Program Expenses

Weekly curbside single-stream recycling services are currently provided to eligible Bloomington residents, who have the option of choosing a container from three separate sizes (35, 64 or 96 gallons). Residents do not receive an itemized bill for recycling services and are not billed specifically for these services.

Recycling Processing

The City of Bloomington switched to single stream recycling as part of the 2017 Sanitation Modernization Program. The reason for the program was to make operations more efficient, safer for workers and make it easier for residents to recycle. After collection, recyclables are consolidated and loaded into transfer trailers for transport to Republic Service's MRF (Material Recovery Facility). At the MRF, the mixed recyclables are unloaded onto a conveyor belt where they are separated. After the material is separated, it is then compressed into large bales.

However, the full costs of providing this program are completely absorbed by the Sanitation Division's annual budget. Because these are weekly, curbside collections, these costs are not inconsequential. Full operational costs include recycling transfer fees as well as personnel, fuel, vehicle maintenance, insurance, equipment, cart purchases, building and utility costs, etc.

For cost estimation purposes, staff looked to the 2025 collection tonnage totals to offer a reasonable benchmark. This would show a summary for the last full year of collection, from which a more focused idea of recycling service provision could be made.

Type of Service Provided	2025 Tonnage Total	Overall % of Tonnage Collected
Solid waste	7,914.81	73.2%
Recycling	2,126.33	19.7%
Yard Waste	770	7.1%

Recycling constitutes 19.7% of the overall tonnage of items collected by the Sanitation Division. As such, staff took 19.7% and applied it to the total 2026 Sanitation Division budget. This would allow a better specific monetary amount to be extracted that would highlight the true costs of providing the residential recycling program.

The total approved 2026 Sanitation Division budget (including the General Fund subsidy) is $5,591,068. Applying the 19.7% for recycling tonnage, this amounts to the recycling program's most recent annual operating cost being $1,101,440.

An additional $425,000 should also be included to cover the capital costs associated with purchasing a truck for recycling collection operations, as well for new recycling containers and lid replacements. Including the capital costs, this would be a total of $1,526,440.

If yard waste was added to the recycling percentage, which it could reasonably be considered as being since it diverts items from entering the waste stream (yard waste is sent to a private compost facility), then the percentage of recycling tonnage would increase to 26.8%. This would make the recycling program annual operating cost $1,498,406. Adding in the capital expense of $425,000, this would make an overall total of $1,923,406.

Solid Waste and Recycling Program Private Market Comparisons

Staff researched the recycling program options of 2 large private haulers, and 1 local hauler that are available to single-family residents in areas outside of the Bloomington corporate limits. This can shed light on both cost comparisons and service differences in recycling collection programs between private haulers and the City of Bloomington Sanitation Division.

Some notable highlights of pricing structures of the the private haulers include the following observations:

- Recycling collection is provided to customers only on an every other week basis, as compared to the City's recycling service that is provided on a weekly basis.
- Container size is generally limited to the largest 96-gallon container only, with only one provider offering two container sizing options (64 and 96 gallon containers).

- Billing is conducted quarterly, and price ranges between $25 and $31 (between $100 to $124 annually).
- Fuel surcharges and administrative recovery fees are assessed on each quarterly invoice - these billing amounts are variable based on fuel and other costs that change frequently. For the bills examined, these currently ranged between $25 and $57 (between $100 and $228).
- Unlike the City, private haulers do not offer either a small 35-gallon solid waste or recycling container size. Having a smaller 35-gallon solid waste container size through the City of Bloomington Sanitation Division helps residents save costs on solid waste services and encourages greater recycling. Approximately 43% of residents currently utilize the small solid waste and recycling container sizes.
- Regarding the larger 96 gallon solid waste containers, City rates are on par with private hauler rates ($25.46 per month for City service and between $18-$27.27 monthly for private service). Additionally, the City also provides weekly recycling collection instead of bi-weekly collection and does not charge for a fuel surcharge or environmental recovery fee.

Additional Ordinance Updates Requested for Consideration

Staff initiated a review of the Title 6 Health and Sanitation Ordinance as part of a periodic assessment of City of Bloomington sanitation services. It has now been nearly a decade since Title 6 was last formally changed and there are several elements that would benefit from an update to meet current operating conditions.

These proposed changes are meant to improve collection efficiency, maintain safe working conditions for Sanitation Division employees, establish clear responsibilities for waste and recycling container replacement, and ensure new residential developments are properly equipped to receive City of Bloomington sanitation services.

Additionally, these changes will help reduce collection delays during winter weather, clarify landlord responsibilities for missing containers, and ensure developers provide the necessary carts before sanitation services begin. Establishing these requirements will promote consistency, improve operational efficiency, and help prevent unnecessary costs to the City and its residents.

Summary of all proposed ordinance changes:

1. Section 6.04.080 - Winter Weather Collection Access: Require property owners or occupants to maintain a clear, unobstructed path to waste and recycling containers during snow, ice, and other winter weather conditions. Containers may not be placed on or behind snowbanks or in locations that prevent safe collection.

2. Section 6.04.080 - Residential Rental Property Container Accountability: Require property owners or landlords to ensure all City-issued waste and recycling containers are present when a new tenant takes possession of a rental property. Landlords will be responsible for the full replacement cost of any missing or unaccounted-for containers.

3. Section 6.04.080 - New Residential Development Cart Requirements: Require developers of new residential developments eligible for City sanitation services to purchase and provide all required City-approved waste and recycling carts for each residential address or dwelling unit before sanitation services begin. The 2027 rate for this will be set at $75 per container delivered ($150 for solid waste and recycle containers per new address added).

4. Section 6.04.080 - New Residential Development Cart Requirements: Changed title from General collection ‘practices’ to General collection ‘requirements’.

5. Section 6.04.090 - Revised Fees and Billing: With the cut of $600,000 from the General Fund subsidy to the Sanitation Division that was approved in the 2027 budget, there will be a gap between projected expenses and revenue. As a result, a new rate structure will need to be implemented and phased in over a 3 year period.

6. Sections 6.06.100 and 6.06.070 - Enforcement Procedures: Change to appeal submission deadline to Board from 7 days to 7 ‘calendar’ days.

These proposed amendments establish clear expectations for property owners, landlords, and developers while supporting the City’s sanitation operations. The changes are intended to improve employee safety, ensure reliable collection services, protect City resources, and establish consistent requirements for residential waste and recycling collection. Revising the sanitation rate structure will provide a solution needed to close the funding gap between operating expenses and a reduction in the annual subsidy amount that is received from the General Fund.

Bloomington Common Council Resolution 2026-24 - TO AFFIRM THE CITY OF BLOOMINGTON AS A WELCOMING AND INCLUSIVE COMMUNITY FOR LGBTQ+ RESIDENTS AND VISITORS AND TO REINFORCE LOCAL COMMITMENTS TO EQUAL PROTECTION, HEALTHCARE ACCESS, AND HUMAN RIGHTS

Preamble

WHEREAS, The City of Bloomington is committed to fostering an inclusive, equitable, and safe community where all residents and visitors, regardless of sexual orientation, gender identity, or gender expression, are treated with dignity and respect; and

WHEREAS, Recent federal and state policy shifts, legislative measures, and executive actions restricting gender-affirming healthcare, limiting legal recognition of transgender individuals, and altering civil rights interpretations have generated heightened uncertainty and vulnerability for LGBTQ+ individuals and families across Indiana and the nation; and

WHEREAS, According to national public health and advocacy data, transgender and gender-diverse individuals continue to experience disproportionate rates of discrimination, bias, and violence; and

WHEREAS, On June 12, 2024, the Common Council unanimously adopted Resolution 2024-09, declaring the City of Bloomington a Safe Haven for Gender-Affirming Healthcare and establishing a policy recognizing that access to gender-affirming care is evidence-based, medically necessary, and essential to public health and safety; and

WHEREAS, Mayor Kerry Thomson issued official proclamations on June 6, 2024, and October 31, 2024, affirming the City's solidarity with the LGBTQ+ community, endorsing local observance of Transgender Day of Remembrance, and committing municipal support toward an inclusive future; and

WHEREAS, Bloomington Municipal Code Section 2.23.110 establishes the official policy of the City prohibiting discrimination in housing, employment, and public accommodations on the basis of sex, sexual orientation, or gender identity; and

WHEREAS, The Bloomington/Monroe County Human Rights Commission plays a critical role in promoting mutual respect, investigating complaints of unlawful discrimination, and enforcing civil rights protections within its jurisdiction,

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

SECTION 1: The Common Council of the City of Bloomington hereby re-affirms its steadfast commitment to protecting the civil rights, equal protections, and dignity of all LGBTQ+ residents, workers, and visitors.

SECTION 2: The City of Bloomington reaffirms its adherence to the Gender-Affirming Healthcare Policy adopted under Resolution 24-09 and supports the continued lawful availability and protection of gender-affirming care within municipal authority.

SECTION 3: The City affirms the protections set forth in the Bloomington Human Rights Ordinance and declares its ongoing intent to uphold nondiscrimination policies across all municipal operations, programs, and services.

SECTION 4: The City recommits to annually recognizing and supporting key community observances, including Transgender Day of Visibility on March 31, LGBTQ+ Pride Month in August, and Transgender Day of Remembrance on November 20th, to honor contributions, raise awareness, and promote safety.

SECTION 5: The Common Council encourages local educational institutions, businesses, and community organizations to utilize the Bloomington/Monroe County Human Rights

Commission as an educational resource for promoting equity, inclusion, and affirmative civil rights practices.

SECTION 6: To all LGBTQ+ Hoosiers seeking safety, support, and community: the City of Bloomington opens its doors, values your presence, and welcomes you home.

SECTION 7: Severability.

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

SECTION 8: Effective Date.

This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Passed

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

Signature of Common Council President Isak Nti Asare

Attestation of the Clerk:

Signature of Clerk Nicole Bolden

Presentation by the Clerk:

Signature of Clerk Nicole Bolden

Approval by the Mayor:

Signature of Mayor Kerry Thomson

Synopsis: Sponsored by Councilmembers Daily and Zulich, this resolution affirms the City of Bloomington as a welcoming and inclusive community for LGBTQ+ residents, workers, and visitors, and reaffirms the City's commitment to protecting their civil rights, equal protections, and dignity. Specifically, it reiterates Bloomington's Gender-Affirming Healthcare Policy (Resolution 2024-09); upholds nondiscrimination protections across municipal operations, programs, and services; and recommits to annual recognition of Transgender Day of Visibility, LGBTQ+ Pride Month, and Transgender Day of Remembrance.

CITY OF BLOOMINGTON
OFFICE OF THE COMMON COUNCIL

MEMORANDUM

To: Bloomington Common Council
From: Hopi Stosberg, Chair, Special Fiscal Committee
Date: October 22, 2026
RE: Elected Official Salaries 2027

Colleagues,

The Special Fiscal Committee has had multiple conversations this year regarding elected official salaries. We revisited the Elected Official Compensation Framework created by the 2024 Ad Hoc Salary Committee in collaboration with consultants from Crowe and made some adjustments to the framework. We acknowledge further adjustments are needed. The original framework was primarily split into 3 areas of consideration: Guiding Principles, Basis of Salary Setting, and Relevant Information. As a committee we were able to agree on slightly revised Guiding Principles to forward to the full council for consideration, but we have not settled on a recommendation to the full council on a basis for salary setting. The draft document is attached.

Though the framework is not yet complete, at the committee meeting on October 2 we voted on a recommendation for the 2027 Elected Salary Ordinance and moved that council staff be directed to study the matter for a 2028 recommendation. Ordinance 2026-27 this evening is the result of a 2-1 (Stosberg opposed, Flaherty absent) vote to recommend a 2.7% cost of living increase for all elected positions in 2027. A 2.7% increase aligns with the COLA increase for civil city staff. Both the mayor and clerk gave feedback that they would support no more than the 2.7% COLA increase, though neither were able to attend the meeting on October 2. By state statute, elected official salaries for 2027 must be set by ordinance by December 31, 2026.

Please contact me if you have any questions about this legislation or the discussions we have engaged in during this year. Thank you.

DRAFT

Elected Official Compensation Framework-2026

Guiding Principles: (in final draft form)

Values:

1) **Accessibility of Public Service:** Service in elected office is financially viable for community members at all socioeconomic levels, taking into account compensation relative to time spent.
2) **Quality Community Service:** Elected officials are paid a rate that motivates them to prioritize their city work and to do their best work. The compensation level leads highly qualified candidates to seek the office.
3) **Equitable Pay:** Elected officials are compensated equitably according to their respective levels of responsibility and relative to other Bloomington elected officials and departmental leadership.

Process:

1) **Informed Decisions:** Council makes informed decisions about elected official compensation in alignment with the above values and based on relevant objective data such as budgetary limitation, city compensation levels, comparisons with other cities, and historic inequities.
2) **Transparency and Consistency:** Council follows a transparent, repeatable process to make compensation decisions for elected officials and clearly explains this process to the public and all city elected officials.

Annual Process (draft)

March/April: Fiscal Committee validates and updates the Compensation Framework.

May-July: Fiscal Committee gathers and analyzes relevant data and information.

August: Preliminary numbers are available for budget presentations

October: Fiscal Committee drafts the Elected Salary Ordinance and presents it to the full council.

Relevant Information/Data (draft)

- City Budget Constraints/Capacity
- Civil City pay ranges
- Peer City data/analysis
- Bloomington Area Median Income
- Bloomington Cost of Living
- State law (elected salaries may never be decreased)
- Consultation with all Bloomington Elected Officials

Basis of Salary Setting (draft)

The ad hoc committee in 2024 ended up with the following recommendation:

- Mayor's salary was the midpoint of the salary range for the highest civil city pay grade
- Clerk's salary was the midpoint of the salary range for "leaders of civil city departments"
- Council Member salary was set as a percentage of the mayor's salary

Ultimately those recommendations were not taken due to the salary increase that would have resulted in for all three elected roles.

Considerations for 2027:

This year we have looked into comparisons to other second class cities.

There has been discussion of increasing council salaries in 2027 since it is an election year and higher salaries could encourage more highly qualified candidates to run for election.

We are facing future financial uncertainty and funding changes.

The viewpoints of Clerk Bolden and Mayor Thomson (neither wanted increases in excess of the 2.7% COLA for 2027).

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA,

ORDINANCE NO. 2026-27

TO FIX THE SALARIES OF ALL ELECTED CITY OFFICIALS FOR THE CITY OF BLOOMINGTON FOR THE YEAR 2027

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

Section 1. Pursuant to Indiana Code 36-4-7-2, the annual salaries of elected officials of the City of Bloomington for the year beginning January 1, 2027, and extending to December 31, 2027, shall be:

Mayor	$149,953
Clerk	$94,926
Council Members	$26,368

Section 2. The City Council President shall receive an additional $1,500 per year, and the City Council Vice President shall receive $800 per year.

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

Passed

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

Isak Nti Asare
President, City of Bloomington

Attestation of Bloomington City Clerk:

Nicole Bolden
Clerk, City of Bloomington

Presentation by Bloomington City Clerk:

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

Nicole Bolden
Clerk, City of Bloomington

Approval by Mayor

Signed and approved by me upon this day of , 2026:

Kerry Thomson

Mayor, City of Bloomington

Synopsis

This Ordinance, recommended by the Special Fiscal Committee, sets the 2027 salaries for all elected city officials for the City of Bloomington.

****Amendment****

Ordinance #:	2026-27
Amendment #:	Am. 01
Submitted by:	Cm. Stosberg
Date:	October 22, 2026

Proposed Amendment:

1. The salaries in Section 1 shall be amended as follows:

Mayor:	$147,163
Clerk:	$93,582
Council:	$26,827

Synopsis:

This amendment, sponsored by Councilmember Stosberg, gives each elected position a flat increase of $1,152 above 2026 salaries. This number was determined by adding the 2.7% COLA increases for each of the separate positions and splitting that increase evenly across the 3 elected positions.

****Amendment****

Ordinance #:	2026-27
Amendment #:	Am. 02
Submitted by:	Cm. Stosberg
Date:	October 22, 2026

Proposed Amendment:

2. The salaries in Section 1 shall be amended as follows:

Mayor:	$146,011
Clerk:	$92,430
Council:	$25,675

Synopsis:

This amendment, sponsored by Councilmember Stosberg, maintains the 2026 salary levels across each of the elected positions.

To: Bloomington Common Council
From: Eric Greulich, Development Services Manager
Date: October 21, 2026
Re: Ordinance #2026-31; ZO2026-06-0007

This petition involves amendments to the Unified Development Ordinance to adjust standards related to Accessory Dwelling Units, Cottage Home Developments, and Use Specific Standards for duplexes, triplexes, and fourplexes.

Accessory Dwelling Units

The Department is proposing to adjust the Use Specific standards for the use "Dwelling, Accessory unit" to allow for attached ADU's for single family residences to be 1,000 square feet and detached ADU's to be 1,000 square feet or 75% of the primary structure, whichever is less. This adjustment, as well as adjusting the definition, aligns the Unified Development Ordinance with language within House Bill 1001 that was passed this year.

Cottage Development

The Department is proposing to adjust the Use Specific standards for the use "Dwelling, Cottage Development" to adjust some of the restrictions for this use that have limited the use of this section of the UDO. This use has seen very limited utilization due to several of the restrictions in the Use Specific Standards and provides an opportunity for a unique housing type that can help increase housing options within the community. The proposed changes would increase the allowable density, remove minimum and maximum project size requirements, and modify some of the related standards.

Use Specific Standards for Duplexes, Triplexes, and Fourplexes

The Department is proposing to adjust the Use Specific standards for the use "Dwelling, Duplex" to remove the limit on the number of duplexes approved per calendar year and spatial buffer requirements. The Unified Development Ordinance currently restricts the number of duplexes that can be approved in one calendar year to 15. There is also a 150 foot buffer that is created around each duplex which prohibits the creation of any new duplexes within that buffer for 2 years. A clarification to one of the Use Specific standards regarding the roof pitch has been added to include the roof orientation. The proposed amendments also include removing the restriction on the number of entrances facing a public street for the use "Dwelling, Triplex" and "Dwelling, Fourplex" to allow for each unit to have its own entrance and enable a townhome style design that is desirable for owner occupancy. The Plan Commission also added language to state that for the evaluation of the Use Specific standards for duplexes, triplexes, and fourplexes that both sides of the street along the block face are included.

Recommendation: The Plan Commission voted 5-0 to forward this petition to the Common Council with a favorable recommendation.

Bloomington Common Council Ordinance 2026-31 – UDO Amendments related to Housing Attainability (ZO2026-06-0007).

Preamble

Whereas, the Common Council by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect March 21, 2018; and

Whereas, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled "Unified Development Ordinance" (UDO); and

Whereas, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

Whereas, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and

Whereas, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

Whereas, on April 18, 2020, the Unified Development Ordinance became effective; and

Whereas, on October 12, 2026, the Plan Commission heard case #ZO2026-06-0007 and voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

Whereas, the Plan Commission certified this amendment proposal to the Common Council on October 21, 2026; and

Whereas, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

1) The Comprehensive Plan;
2) Current conditions and the character of current structures and uses in each zoning district;
3) The most desirable use of land in each zoning district;
4) The conservation of sensitive environmental features;
5) The conservation of property values throughout the jurisdiction; and
6) Responsible development and growth.

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

Section 1.

Title 20, entitled "Unified Development Ordinance", is amended.

Section 2.

An amended Title 20 of the Bloomington Municipal Code, entitled "Unified Development Ordinance", including other materials that are incorporated therein by reference, is hereby

adopted. Said ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
    A. ZO2026-06-0007 Amended Unified Development Ordinance (hereinafter "Attachment A")
    B. Any Council amendment thereto (Attachment "B").

Section 3.

The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

Section 4: Severability.

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

Section 5: Effective Date.

This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Section 6.

The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

Passed

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

Signature of Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

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

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of Mayor Kerry Thomson

Synopsis:
This Ordinance contains amendments to the Unified Development Ordinance to amend the Use Specific standards regulating the use “Dwelling, Accessory Unit”, “Dwelling, Cottage home”, “Dwelling, duplex”, “Dwelling, Triplex”, and “Dwelling, Fourplex”.

Title 20
UNIFIED DEVELOPMENT ORDINANCE[1]

Chapters:

Chapter 20.01 ORDINANCE FOUNDATION

20.01.010 Title, purpose, and effective date.

(a) Title. The ordinance codified in this UDO shall be known, cited, and referred to as the "Bloomington Unified Development Ordinance" and may also be cited or referred to as the "Unified Development Ordinance," the "UDO," the "zoning ordinance," or the "subdivision control ordinance."

(b) Purpose. This UDO is adopted to:

(1) Promote the orderly, responsible, and sustainable development and redevelopment of the areas within the City in accordance with the Comprehensive Plan and its components, including but not limited to the Transportation Plan, and subarea plans, which include among others the Downtown Vision and Infill Strategy Plan, along with such additions and revisions as may be made to such plans after the effective date, and with all other City land use policy;

(2) Reduce greenhouse gas emissions and prepare for the impacts of climate change on our community;

(3) Promote the public health, safety, morals, ecosystem services, comfort, convenience, and general welfare;

(4) Protect the character and stability of residential, institutional, business, employment, and natural areas;

(5) Provide a safe, efficient, accessible, and connected system of transportation that emphasizes public transit, walking, and biking to enhance options to reduce overall dependence on the automobile;

(6) Secure adequate light, air, convenience of access, and safety from fire, natural disasters, and other danger, which may include providing adequate open spaces for light, air, and outdoor uses;

(7) Preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the City;

[1]Editor's note(s)—An amendment of Jan. 14, 2020, amended in entirety Tit. 20, Ch. 20.01, §§ 20.01.010—20.01.050; Ch. 20.02, §§ 20.02.010—20.02.060; Ch. 20.03, §§ 20.03.010—20.03.030; Ch. 20.04, §§ 20.04.010—20.04.120; Ch. 20.05, §§ 20.05.010—20.05.050; Ch. 20.06, §§ 20.06.010—20.06.100; and Ch. 20.07, § 20.07.010; and enacted a new Tit. 20 as set out herein. The former Tit. 20 pertained to similar subject matter and derived from Ord. 06-24, adopted 2006; Ord. No. 09-12, adopted Sept. 16, 2009; Ord. No. 10-20, adopted Dec. 15, 2010; Ord. No. 13-02, adopted Jan. 16, 2013; Ord. No. 14-05, adopted June 11, 2014; Ord. No. 14-12, adopted July 9, 2014; Ord. No. 14-17, adopted Sept. 17, 2014; Ord. No. 15-06, adopted April 1, 2015; Ord. No. 15-26, adopted Dec. 16, 2015; Ord. No. 16-01, adopted May 18, 2016; Ord. No. 16-04, adopted May 4, 2016; Ord. No. 16-44, adopted Dec. 14, 2016; Ord. No. 17-28, adopted June 28, 2017; Ord. No. 17-29, adopted Sept. 6, 2017; Ord. No. 17-35, adopted Nov. 1, 2017; Ord. No. 17-45, adopted Dec. 20, 2017; Ord. No. 18-01, adopted March 7, 2018; Ord. No. 18-04, adopted April 18, 2018; and Ord. No. 19-24, adopted Dec. 18, 2019.

Detached garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								20.03.030(g)(3)
Drive-through										A*	A							20.03.030(g)(4)
Dwelling, accessory unit	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*			20.03.030(g)(5)
Electric vehicle charging facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Greenhouse, noncommercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Home occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(g)(6)
Outdoor retail and display									T*	T*	T*			T*		A*		20.03.030(g)(7)
Outdoor trash and recyclables receptacles					A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		20.03.030(g)(8)
Recycling drop-off, self-serve					A	A		A	A	A	A	A	A	A	A	A		
Swimming pool	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20.03.030(g)(9)
Temporary Uses																		20.03.030(h)(1)
Book buyback								T*	T*	T*	T*		T*	T*				20.03.030(h)(2)
Construction support activities	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	20.03.030(h)(3)
Farm produce sales	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(4)
Real estate sales or model home	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		20.03.030(h)(5)
Seasonal sales								T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(6)
Special event	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		T*	23.03.030(h)(7)

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-17, § II(Att. A), 4-21-2021; Ord. No. 21-22, § II(Att. A), 4-21-2021; Ord. No. 21-23, § II(Atts. A, B), 6-14-2021; Ord. No. 2024-05, § II(Att. A), 4-10-2024; Ord. No. 2025-25, § II(Att. A), 8-6-2025; Ord. No. 2025-27, § II(Att. A), 8-6-2025; Ord. No. 2025-29, § II(Att. A), 8-6-2025; Ord. No. 2025-41, § II(Att. A), 11-19-2025; Ord. No. 2025-26, § II(Att. A), 8-6-2025; Ord. No. 2025-28, § II(Att. A), 8-6-2025)

20.03.030 Use-Specific Standards.

(a) Generally.

(1) The Use-Specific Standards listed in this Section 20.03.030 apply to those uses listed on the same line of Table 03-1, regardless of whether those uses are shown as Permitted, Conditional, Conditional Accessory, Accessory, or Temporary uses. These Use-Specific Standards cannot be modified through

of existing structures shall have at least one exterior entrance facing a public or private street.

ii. The following design elements of the duplex dwelling shall be similar in general shape, size, and design with the majority of existing single-family or duplex structures on the same block face on which it is located (for purposes of this section, both sides of the street along the block face shall be included):

1. Roof pitch and orientation;

2. Front porch width and depth;

3. Front building setback; and

4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).

iii. No duplex dwelling structure shall contain more than six bedrooms total.

(D) ~~Approval. In the R1, R2, and R3 zoning districts, upon Conditional Use approval, a one hundred fifty foot buffer shall be created around the approved duplex dwelling. No newly created or expanded (through addition or habitable space) duplex dwellings shall be allowed in said buffer in the R1, R2, and R3 zoning districts for a period of two years after the date of the Conditional Use approval. For purposes of this section, the one hundred fifty feet shall be measured from the property lines of the parcel receiving approval.~~

~~(E) Maximum Number. In the R1, R2, and R3 zoning districts, the BZA shall approve a maximum of fifteen duplex dwellings (newly created or expanded through addition or habitable space) per calendar year.~~

(4) Dwelling, Triplex and Fourplex.

(A) Generally.

i. The property owner (or HAND registered agent) shall have no Notices of Violation on file in the Planning and Transportation Department for the prior three years at the time of Conditional Use application.

(B) Occupancy. Occupancy of each unit in a triplex and fourplex dwelling is subject to the definition of "Family" in Chapter 20.07 (Definitions).

(C) Design.

i. ~~Triplex and fourplex dwellings shall have a minimum of one exterior entrance and no more than two exterior entrances facing a public or private street.~~

ii. The following design elements of the triplex or fourplex dwelling shall be similar in general size, shape, and design with the majority of existing structures on the same block face on which it is located (for purposes of this section, both sides of the street along the block face shall be included):

1. Roof pitch and orientation;

2. Front porch width and depth;

3. Front building setback; and

4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).

iii. In the R4 zoning district, no triplex dwelling structure shall contain more than nine bedrooms total, and no fourplex dwelling structure shall contain more than twelve bedrooms total.

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(5) Dwelling, Multifamily.

(A) Ground Floor Parking. Any portions within the ground floor of a structure used for vehicular parking and drive aisles directly accessing parking spaces shall be located at least twenty feet behind the building facade facing a public street, except that drive aisles are excluded for development sites of one-half acre or less. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.

(B) Size. In the MN and R4 zoning districts, no more than eight multifamily or student housing or dormitory dwelling units shall be constructed on one single lot or parcel.

(C) Building Floor Plate. Buildings with more than twenty dwelling units cannot have a floor plate larger than ten thousand square feet. Buildings that utilize either the affordable housing or sustainable incentive shall be allowed a maximum of fifteen thousand square feet per qualified building. Buildings that utilize both the affordable housing and sustainable incentives shall be allowed a maximum of thirty thousand square feet per qualified building.

(D) Ground Floor Units.

i. Ground floor dwelling units shall be prohibited in the MD-ST (Showers Technology) and MD-CS (Courthouse Square) Downtown Character Overlays, and the ME zoning district.

ii. In the MD zoning district, each dwelling unit located on the ground floor within twenty feet of the front property line shall be constructed with the first floor elevated a minimum of three feet above adjacent sidewalk grade. Any dwelling unit located at least twenty feet from the front property line does not have to meet the three-foot elevation requirement.

(6) Dwelling, Live/Work.

(A) The residential unit shall be located above or behind the nonresidential areas of the structure.

(B) The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.

(C) The resident owner or employee is responsible for the commercial or manufacturing activity performed.

(D) In the R4, RM, and RH zoning districts, the commercial activity area shall not exceed fifty percent of the gross floor area of the unit.

(E) Signs are limited to not more than two internally illuminated wall or window signs not exceeding ten square feet in total area.

(F) The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

(7) Dwelling, Cottage Development.

(A) Ownership. Individual cottage lots or portions of the project may not be subdivided for sale.

(B) Bulk and Density Standards.

Table 03-2. Cottage Development Bulk and Density Standards

Zoning District	Maximum Density (dwelling units/acre)	~~Minimum Project Size~~	~~Maximum Project Size~~
R1	~~3~~ 9	~~1 acre~~	~~2 acres~~
R2	~~5~~ 24		

R3	~~6~~ 35		
R4	~~11~~ 43		
RM	~~15~~ No Maximum	~~1 acre~~	~~5 acres~~
RH	~~20~~ No Maximum		
RMH	20		
MN	~~15~~ 43		

(C) Setbacks.

i. Parking Lot. Minimum of thirty feet from the right-of-way.

ii. ~~Minimum Dwelling Separation. Minimum of ten feet between dwelling units.~~

iii. Building Setbacks. Cottage developments shall have their rear setback reduced to 5'. All other setbacks for the project site (not individual units) shall comply with those applicable in the underlying zoning district.

iv. ~~R3 Zoning District.~~ Cottage developments ~~within the R3 zoning district~~ shall include a minimum of one dwelling unit that is built at the build-to-line.

(D) Central Open Space. Each cottage development shall include at least one centrally located open space area of at least ~~four hundred~~ 200 square feet per dwelling unit. Parking areas cannot be counted toward this open space requirement.

(E) Parking and Access.

i. Parking shall be designed to limit curb cuts and most efficiently park vehicles.

ii. Parking may take place on a shared, paved parking lot or in shared driveways.

iii. Shared driveways may access individual garages.

iv. External sidewalks and tree plots with street trees along adjacent public roads are required and internal sidewalks shall connect each cottage to the project external sidewalks ~~Project perimeter sidewalks may be required, and internal walkways shall connect each cottage unit to the project perimeter sidewalks.~~

(F) Landscaping and Buffering.

i. All cottage developments located in the RM, RH, RMH, or MN districts shall install a bufferyard type 1 along rear and side lot lines if adjacent to R1, R2, R3, or R4 districts per Section 20.04.080 (Landscaping, Buffering, and Fences).

ii. Parking lot landscaping shall be provided per the requirements of Section 20.04.060 (Parking and Loading).

(G) Architecture/Design.

i. All structures shall meet the design standards applicable to single-family homes in the zoning district where the property is located. No more than two units are allowed in one building.

~~ii. Dwelling units shall have a maximum one to three width to depth ratio for the first floor.~~

~~iii. Each unit shall have a maximum cumulative area of one thousand two hundred square feet~~

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(5) Dwelling, Accessory Unit.

(A) Purpose. These accessory dwelling unit ("ADU") standards are intended to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the City's workforce, seniors, families with changing needs, and others for whom ADUs present an affordable housing option.

(B) Generally.

i. This use shall be accessory to a single-family or duplex dwelling that is the principal use on the same lot or parcel.

ii. Not more than one ADU may be located on one lot.

iii. ADUs shall not contain more than two bedrooms.

iv. No more than one family, as defined in Chapter 20.07 (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07 (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date. For purposes of this section, attached ADUs with internal access that were approved under this section shall be considered one dwelling unit.

v. A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department, if no building permit is processed for the ADU.

(C) Utilities. All ADUs shall be connected to the public water main and sanitary sewer that are adjacent to the property on which the ADU is located, per City of Bloomington Utilities' Rules and Regulations or Construction Specifications. Where water or sanitary sewer mains are not adjacent to the property and the primary dwelling on the lot uses a septic system, the ADU may use the septic system in compliance with Monroe County Health Department standards.

(D) Standards for Attached ADUs.

i. The maximum square footage of any attached ADU shall be 1,000 ~~eight hundred forty~~ square feet.

ii. The maximum height of any attached ADU shall be the same as that applicable to the primary dwelling structure in the zoning district where the ADU is located.

iii. Each ADU shall be set back from each property line by at least the same setback distance applicable to the primary dwelling structure in the zoning district where the ADU is located.

(E) Standards for Detached ADUs. Detached ADUs shall meet the architectural and foundation requirements for a single-family dwelling within the applicable zoning district as found in Section 20.04.070(d)(3) (Residential).

i. The maximum gross floor area of the detached ADU portion of any accessory structure for the use "dwelling, single family" shall be ~~eight hundred forty square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.030(g) (Accessory Uses and Structures), whichever is less.~~ 1,000 square feet or seventy-five (75%) percent of the interior habitable square footage of the primary structure whichever is less. The maximum gross floor area of the detached ADU portion of any accessory structure for the use "dwelling, duplex" shall be 75% of the interior habitable square footage of the primary structure.

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(C) Request the county building department to issue a stop work order and suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred; and/or

(D) Draw on a performance or maintenance bond, as necessary, to affect any remedial actions required to abate the violations; and/or

(E) Revoke the permits, certificates and/or approvals that have been violated; and/or

(F) Any and all penalties and remedies listed in Section 20.06.100(b) (Penalties and Remedies for Violations).

(f) Appeals.

(1) Appeals of notices of violation shall be made to the Board of Zoning Appeals as set forth in Section 20.06.080(d) (Administrative Appeal).

(2) Fines levied for zoning violations may be challenged in the Monroe County Circuit Court.

(Amd. of 1-14-2020; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

Chapter 20.07 DEFINITIONS[2]

20.07.010 Defined words.

The following terms shall have the following meanings:

"A zone" means portions of the special flood hazard areas (SFHAs) in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as zone A, zone AE, zones A1-A30, zone AO, zone AH, zone AR and zone A99 on a FIRM. The definitions are presented below:

"Zone A" means areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

"Zone AE and A1-A30" means areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of zones A1-A30.)

"Zone AH" means areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

"Zone AO" means areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

"Zone AR" means areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

"Zone A99" means areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These

[2]Note(s)—This Chapter 20.07 includes definitions for words and phrases used in this UDO. The general rules of interpretation for this UDO are in Section 20.01.030(a) (Rules of Interpretation). Any words or phrases not defined in this Chapter 20.07 shall be given their customary meanings, as determined by the Planning and Transportation Director.

(8) Storage of materials; or

(9) Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

"Development plan, PUD" means the name for PUD final plans under the Bloomington Zoning Ordinance effective 1973—1995. See "final plan, PUD."

"Development standards" means height, bulk, density, environmental performance standards, and other standards for development as set forth in this UDO, including landscaping, parking, and other required improvements, excluding those provisions that specifically regulate the use of property.

"Diameter at breast height (DBH)" means the diameter of an existing tree trunk or the cumulative diameter of multiple trunks measured four and one-half feet or fifty-four inches above natural grade.

"Display window" means a window of a store facing onto the street that is used to display merchandise or signage. Display windows typically include a kick plate and are not typically double-hung windows.

"Distribution, warehouse, or wholesale facility" means a facility that is used for storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, but not involved in manufacturing or production. This does not include "bottled gas storage or distribution."

"District, mixed-use or nonresidential" refers to all zoning districts, including Planned Unit Developments, other than those defined as a "residential district."

"District, residential" refers to the R1, R2, R3, R4, RM, RH, and RMH zoning districts and residential portions of Planned Unit Developments.

"DNR" means the Indiana Department of Natural Resources.

"Dripline" means the perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

"Drive" means a vehicular access to a development site, including private streets or roads and excluding an aisle serving as direct access to a row of parking spaces.

"Drive apron" means the driving surface area, typically located within the public right-of-way, between the edge of a paved street and the driveway accessing a private property.

"Drive-through" means a facility, building feature, or equipment at which an occupant of a vehicle may make use of the service or business without leaving their vehicle. This use includes drive-by parcel pickup facilities.

"Drive-through bay" means the portion of a drive-through use or structure, including any awnings, structures, or service windows, where individual vehicles are parked to receive service.

"Driveway" means a surfaced area intended solely for the purpose of accessing a garage or parking area, other than an aisle serving as direct access to a row of parking spaces.

"Dwelling, accessory unit (duplex)" means a self-contained living unit internal to or on the same lot or parcel as a "dwelling, duplex" unit that does not exceed the lesser of seventy-five percent (75%) of the smallest interior habitable area (gross floor area) of a unit in of the "dwelling, duplex" ; includes its own cooking, sleeping, and sanitation facilities; and complies with or is otherwise exempt from any applicable building codes, fire safety codes, and other public health and safety laws. The terms does not include a manufactured home (as defined in IC 36-7-4-1106(b)) that is subject to the standards and requirements set forth in IC 36-7-4-1106 .

"Dwelling, accessory unit (single family) " means a self-contained living unit internal to or on the same lot or parcel as a single family dwelling unit that does not exceed the lesser of seventy-five percent (75%) of the interior

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habitable area (gross floor area) of the single family dwelling or one thousand (1,000) square feet; includes its own cooking, sleeping, and sanitation facilities; and complies with or is otherwise exempt from any applicable building codes, fire safety codes, and other public health and safety laws. The terms does not include a manufactured home (as defined in IC 36-7-4-1106(b)) that is subject to the standards and requirements set forth in IC 36-7-4-1106 ~~, an additional residential dwelling unit, but not a mobile home, camper, or recreational vehicle, that is located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Without limiting the generality of the previous sentence, this definition includes a transportable living unit that meets either the applicable City building code or the construction standards of the Federal Manufactured Housing Act, contains less than five hundred square feet of gross floor area, is mounted on a permanent foundation, and is connected to City utilities as required for other types of dwelling units.~~

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"Dwelling, cottage development" means a cluster of at least five attached or detached single-family dwellings located within a common development that use shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use can include communities of five or more factory built small single-family detached dwellings containing less than five hundred square feet of gross floor area, commonly referred to as tiny homes, provided that each home meets either the Indiana Building Code or the Federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.), and that each dwelling has any wheels removed, is mounted on a permanent foundation, and is connected to City water, sewer, and electric services. This definition shall not include a "manufactured home park."

"Dwelling, duplex" means a single building on a single lot containing two dwelling units under one roof, each of which is occupied by one family.

"Dwelling, fourplex" means a single building on a single lot containing four dwelling units under one roof, each of which is occupied by one family.

"Dwelling, live/work" means a dwelling unit containing an integrated living and working space in different areas of the unit.

"Dwelling, manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and that was constructed after January 1, 1981, and that exceeds nine hundred fifty square feet of occupied space. This definition includes double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit that is defined as a "Dwelling, Mobile Home."

"Dwelling, mobile home" means any factory-fabricated portable structure, residential or nonresidential, designed to be towed or transported on its own chassis for placement on a temporary or permanent foundation, or on its own structure or elements thereof, without the aid of house moving equipment or other specialized but separate supporting apparatus, and that is not a "dwelling, manufactured home" as defined by this UDO.

"Dwelling, multifamily" means one or more buildings or portion of buildings on a single lot that contains one or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-Family Detached", "Dwelling, Single-family Attached", "Dwelling Duplex", "Dwelling, Triplex", "Dwelling, Fourplex" "Student Housing or Dormitory", or "Dwelling Accessory Unit".

"Dwelling, short-term rental" means the rental of an entire dwelling unit for monetary consideration for a period of time less than thirty consecutive days, not including a "bed and breakfast," single room occupancy," or" hotel/motel." This definition does not include offering the use of one's property where no fee is charged or collected.

Ordinance Certification

In accordance with IC 36-7-4-604, I hereby certify that the attached Ordinance 2026-31 is a true and complete copy of Plan Commission Case Number ZO2026-06-0007 which was given a favorable recommendation by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on October 12, 2026.

Type of Legislation: Zoning Code Amendment

Fiscal Impact Statement:

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

If not, briefly explain why. If yes, briefly explain what the effect of city costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible.

The proposed legislation should not have any fiscal impact, as implementing proposed legislation will not require any additional resources, nor produce any savings, nor create any revenue impact. Approval of Ordinance #2026-31 amends text within the Unified Development Ordinance (UDO). This ordinance is in accordance with Indiana Code 36-7-4-600.

Date: October 21, 2026

Lynn H. Coyne, JD

Signature of Plan Commission Secretary Lynn Coyne

Received by the Common Council Office on:

Date: October 21, 2026

Nicole Bolden

Signature of Bloomington City Clerk Nicole Bolden

Audit trail

Details

FILE NAME	Ordinance Certification 2026-31 - 10/21/26, 2:35 PM
STATUS	Signed
STATUS TIMESTAMP	2026/10/21 21:31:46 UTC

Activity

SENT	greulice@bloomington.in.gov **sent** a signature request to: • Lynn H. Coyne, JD (lynn.coyne@bloomington.in.gov) • Nicole Bolden (boldenn@bloomington.in.gov)	2026/10/21 18:36:14 UTC
SIGNED	**Signed** by Nicole Bolden (boldenn@bloomington.in.gov)	2026/10/21 21:31:46 UTC
SIGNED	**Signed** by Lynn H. Coyne, JD (lynn.coyne@bloomington.in.gov)	2026/10/21 18:37:22 UTC
COMPLETED	This document has been signed by all signers and is **complete**	2026/10/21 21:31:46 UTC

The email address indicated above for each signer may be associated with a Google account, and may either be the primary email address or secondary email address associated with that account.

Amendment Form

Legislation: Ordinance 2026-31

Amendment: 01

Sponsor: Councilmembers Piedmont-Smith, Rollo, and Ruff

Date: November 10, 2026

Amendment text:

The proposal adopted by the Plan Commission shall be amended to NOT delete the following sections of 20.03.030(b)(3):

> (D) Approval. In the R1, R2, and R3 zoning districts, upon Conditional Use approval, a one hundred fifty foot buffer shall be created around the approved duplex dwelling. No newly created or expanded (through addition or habitable space) duplex dwellings shall be allowed in said buffer in the R1, R2, and R3 zoning districts for a period of two years after the date of the Conditional Use approval. For purposes of this section, the one hundred fifty feet shall be measured from the property lines of the parcel receiving approval.
>
> (E) Maximum Number. In the R1, R2, and R3 zoning districts, the BZA shall approve a maximum of fifteen duplex dwellings (newly created or expanded through addition or habitable space) per calendar year.

Synopsis: This amendment, sponsored by Councilmember Piedmont-Smith, eliminates the deletion of sections 20.03.030(b)(3)(D) and 20.03.030(b)(3)(C) from the proposal forwarded to the Council from the Plan Commission.

Rationale: While the main argument in favor of allowing duplexes in R1, R2, and R3 zoning districts in 2021 was that higher density housing in these districts would bring down housing prices, what has actually occurred is that old, affordable rental homes have been torn down and replaced with new duplexes with much higher lease rates. In addition, the replacement of single-family homes with duplexes has led to a shortage of on-street parking in some neighborhoods that has not been adequately addressed through city policies.

TO: Bloomington Common Council
FROM: John Fernandez, CEO, Amplify Bloomington
DATE: September 29, 2026
SUBJECT: Petition to Vacate Alley ROW

On behalf of the Trades District Community Development, LLC owner of the subject properties, I am requesting that the City of Bloomington vacate the following platted alley right aways:

1. Platted alley running south of 11th Street terminating at the 621 N. Rogers Street parcel property line; and
2. Platted alley running west of N. Rogers Street terminating at the "Bender Property." See attached Exhibit A. *[Note a new updated plat reflecting the change of ownership is in progress and will be forwarded to the City prior to the public hearing.]*

Rationale for Partial Alley Vacation

This petition complies with the City's alley vacation policy (See attached Appendix One Resolution 87-02). The subject properties are not improved alleys utilized for transportation or other public purposes.

Resolution 87-02 established the Common Council's criteria for reviewing a public right-of-way vacation. This criterion includes:

a. "Current status-access to property:

   The current utilization of the right-of-way in question—as means of providing vehicular or pedestrian access to private property, churches, schools or other public places, for public utility or drainage purposes, or for other public purpose."

Historically, the subject property was part of a larger parcel owned by Indiana University. We have not uncovered any historic evidence that the platted alley right of ways were ever improved by the City of Bloomington. Neither of the platted alley easements indicated in Exhibit A connect to an existing alley network to the north/south nor east/west. Following acquisition by the City of Bloomington, the houses located along 11th Street were removed. The City subsequently sold the adjacent property to the south of 621 N. Rogers Street for the B-Line Heights apartment building eliminating the feasibility of extending a new public alley south from W. 11th Street to the B-Line. See Exhibit B.

b. "Necessity for growth of the City:

   Future Status: The future potential for public utilization, possible future need for the future changes in the land use;

> Proposed Private Ownership Utilization: The proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to City growth);
>
> Compliance with Regulations: The effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance of anticipated development of change-of-use?);
>
> Relation to Plans: The relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

In 2022, the City of Bloomington Redevelopment Commission entered partnership agreement with the Dimension Mill, Inc., an Indiana 501(c) organization (currently known as Amplify Bloomington), for the marketing and development of Bloomington's innovation district commonly known as the Trades District. Subsequently, Amplify Bloomington acquired the Trades District West Phase properties with the intent to advance the City's vision for the Trades District as innovation hub that supports the growth of our tech sector employment opportunities. (The Trades District Community Development, LLC is wholly owned by Amplify Bloomington.)

Amplify Bloomington commits to advancing development of Trades District West Phase consistent with the City's stated vision for the Trades District with states:

> Bloomington's downtown **Certified Technology Park** will be a sought-after model of modern, sustainable urban redevelopment that **nurtures creativity and entrepreneurship** among its citizens and workforce, helps **brand Bloomington** as a **lively tech sector hub, attracts private investment, employment and visitors**, and provides welcoming living options for Bloomingtonians." Master Plan and Redevelopment Strategy | Certified Technology Park (2013)

These platted alleys create obstacles to securing private investment in the Trades District and further the City's growth plans for downtown Bloomington. The parcels comprising the Trades District West Phase are unimproved properties generating zero economic benefit to the City. Securing private investment for the development of this property will enable a higher best use for the land.

Any new private development of these properties will require approval of the City of Bloomington's Planning and Transportation Department and the City's Plan Commission. The public review and approval process will certainly require any future development to adequately address vehicular, bike and pedestrian access, as well as public and private utilities infrastructure.

Preparing professional development plan submissions, including engineering and architectural designs, require potential buyers of this property to make significant investments to obtain the City's approval. As has been well-documented, the City's site development process can be extremely expensive and take many months due to the complexity of Bloomington's Urban

Development Ordinance("UDO") and the amount of uncertainty embedded in this process. Adding more uncertainty regarding the potential vacation of undeveloped alley right of ways, represents a significant impediment to the redevelopment of these properties. Two prior development prospects did not advance in part due to the fact that they could not advance specific site plans without assuming significant financial risks related to the future of these platted alleys.

Approving this petition to vacate the existing alley public right aways will remove a major impediment to the redevelopment of these properties and thereby accelerate Amplify Bloomington's ability to advance the City's vision for this important part of Downtown Bloomington.

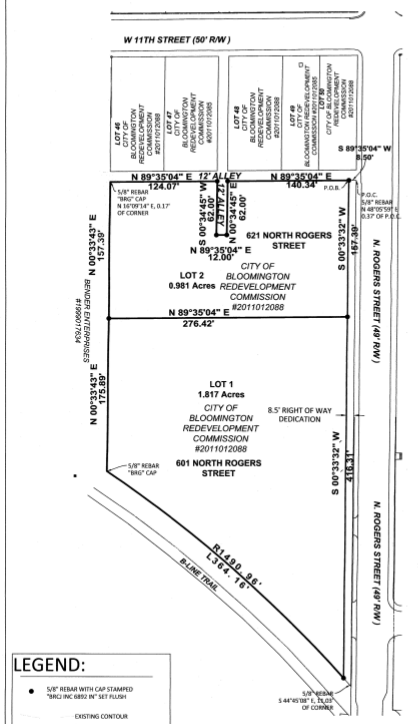
We respectively request approval for this petition.

Exhibit A

Trades District West Phase

PLAT CABINET "D", ENVELOPE 161

TRADES DISTRICT WEST PHASE
ONE SUBDIVISION - FINAL PLAT
A PART OF THE EAST HALF OF SECTION 32
TOWNSHIP 9 NORTH, RANGE 1 WEST
MONROE COUNTY, INDIANA



OWNER CERTIFICATION

The undersigned, the City of Bloomington Redevelopment Commission, being the owner of the above described real estate, do hereby layoff and plat the same into two lots in accordance with the plat and certificate.

This plat shall be known and designated as Trades District West Phase One Subdivision.

In Witness Whereof, the City of Bloomington Redevelopment Commission, have executed this instrument and caused their names to be subscribed thereto, this 25 day of May 2017.

The City of Bloomington Redevelopment Commission
By: DONALD GRIFFIN, JR.

STATE OF INDIANA COUNTY OF MONROE

Before me, a Notary Public for said County and State, Donald Griffin personally appeared and acknowledged the execution of this instrument this 25 day of May 2017.

Notary Signature
My commission expires: 4-9-23
County of Residence: Monroe

APPROVED BY THE CITY PLAT COMMITTEE AT A MEETING HELD: MAY 8, 2017

Terri Porter, Director Planning & Transportation Department
Adam Wason, Director of Public Works

OWNER/DEVELOPER:

City of Bloomington Redevelopment Commission
401 West 17th Street
Bloomington, IN 47404
Phone: 812-349-3420

RECORD INFORMATION:

City of Bloomington Redevelopment Commission
Instrument Number 2011012088
53-05-32-100-018.000-005, 53-05-32-100-036.000-005,
53-05-32-100-036.000-005

ZONING:

Subject: CD
Adjoiners: CD

2017007363 SPL $20.00
05/01/2017 02:37:18P 1 PGS
Eric Schmitz
Monroe County Recorder IN
Recorded as Presented

SUBJECT PROPERTY

LOCATION MAP
NOT TO SCALE
W 7th STREET
W 11th STREET
N ROGERS STREET
N WALNUT STREET

DULY ENTERED FOR TAXATION
MAY 31 2017
Auditor Monroe County, Indiana
AUDITOR'S STAMP

LEGAL DESCRIPTION

A part of the East half of Section 32, Township 9 North, Range 1 West, Monroe County, Indiana, and described as follows:

Commencing at the intersection of the south alley line, said alley running East and West south of Lots 46, 47, 48, 49 and 50 in Maple Heights Second Addition to the City of Bloomington, and the west line of North Rogers Street, said point being 144 feet south of West Eleventh Street; thence coincident with said south alley line SOUTH 89 degrees 35 minutes 04 seconds WEST a distance of 8.50 feet to the **Point of Beginning**; thence leaving said south alley line SOUTH 00 degrees 33 minutes 32 seconds WEST a distance of 573.70 feet to the north right-of-way line of the CSX Railroad Corridor, said point being on a non-tangent curve having a radius of 1450.86 feet; thence northwesterly along said curve 384.16 feet (chord bearing NORTH 48 degrees 58 minutes 52 seconds WEST a distance of 363.26 feet); thence leaving said north right-of-way line NORTH 00 degrees 33 minutes 43 seconds EAST a distance of 333.28 feet to the south line of the aforementioned alley; thence coincident with said south line NORTH 89 degrees 35 minutes 04 seconds EAST a distance of 124.07 feet to the intersection of said south line and the southerly extension of the west line of a 12 foot wide north-south alley extended south between Lots 47 and 48 in Maple Heights Second Addition to the City of Bloomington; thence coincident with said southerly extension of said west line SOUTH 00 degrees 34 minutes 45 seconds WEST a distance of 62.00 feet to the southwest corner of said north-south 12 foot alley; thence coincident with the South line of said alley NORTH 89 degrees 35 minutes 04 seconds EAST a distance of 12.00 feet to the southeast corner of said alley; thence coincident with the southerly extension of the east line of said 12 foot wide alley NORTH 00 degrees 34 minutes 45 seconds EAST a distance of 62.00 feet to the south line of the aforementioned East and West alley; thence coincident with said south line NORTH 89 degrees 35 minutes 04 seconds EAST a distance of 140.34 feet to the point of beginning and containing 2.798 acres, more or less.

FLOOD ZONE:

FEMA HAS NOT DESIGNATED THIS PROPERTY AS A FLOOD HAZARD AREA, PROPERTY IS LOCATED IN FLOOD ZONE X PER COMMUNITY PANEL NO. 180169 0141 D DATED DECEMBER 17, 2011.

NOTES:

1. FIELD WORK PERFORMED MARCH 2014 THROUGH OCTOBER, 2016.
2. ALL REBAR SET ARE ½ INCH WITH YELLOW PLASTIC CAP STAMPED "BRCJ INC 0850IN"
3. BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH ESTABLISHED FROM STATIC GPS OBSERVATIONS DATED SEPTEMBER 13, 2016 AND POST-PROCESSED USING OPUS (NGS ONLINE POSITIONING USER SERVICE). REFERENCE FRAME NAD 83(2011) EPOCH 2010.0000, INDIANA STATE PLANE COORDINATES ZONE 1302 WEST, U.S. SURVEY FEET. THESE COORDINATES DIFFER BY AS MUCH AS 1.0 FEET FROM THE PUBLISHED DATA ESTABLISHED BY THE CITY OF BLOOMINGTON UTILITIES CONTROL MONUMENTATION SURVEY DATED APRIL 30, 1998.
4. THIS PLAT IS NOT COMPLETE WITHOUT THE ASSOCIATED RETRACEMENT BOUNDARY SURVEY AND REPORT OF SURVEY RECORDED SIMULTANEOUSLY AS INSTRUMENT NO. 2017003363.

REPORT OF SURVEY

A report of survey was included with the retracement boundary survey of the subject property by Ben E. Bledsoe of Bledsoe Riggert Guenettaz, Inc., dated August 10, 2011 and recorded in the Office of the Recorder as Instrument No. 2017003363. The purpose of this Subdivision is to divide the subject parcel into Lot 1 and Lot 2 as directed by the property owners.

SURVEYOR'S CERTIFICATION

This survey was executed according to survey requirements contained in Section 1 through 19 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

Certified May 5, 2017

Christopher L. Porter
Professional Surveyor No. LS21200022
State of Indiana

CHRISTOPHER L. PORTER REGISTERED No. LS21200022 STATE OF INDIANA LAND SURVEYOR

Bledsoe Riggert Cooper James
LAND SURVEYING • CIVIL ENGINEERING • GIS
1351 West Tapp Road p: 812-336-8277
Bloomington, Indiana 47403 f: 812-336-0817

PLAT DATED: May 5, 2017 JOB # 9371

S:\jobs\9301-9400\9371 TECH PARK-PEDCOR\DRAW\9371_TECH PARK-PEDCOR PLAT_CARLSON.dwg

SHEET 1 OF 1

Exhibit B

Trades District West Phase Aerial Photo



Appendix One
Resolution 87-02

PROCEDURE

The procedure for right-of-way vacation petitions involves two basic steps. First, a pre-petition review of the petition by Planning Department staff; second, review and action by the Common Council. This procedure is detailed as follows:

I. Pre-Petition Review by Planning Staff

A. Petitioner should submit the following information to the planning staff:

1. A letter requesting pre-petition review, explaining and justifying the proposed utilization of the right-of-way and addressing, in detail, the criteria for vacation;

2. An accurate legal description of the proposed vacation;

3. A site plan or sketch map, drawn to scale, showing the right-of-way for which vacation is requested, and the adjoining properties;

4. A listof the names and addresses of owners of all property abutting the proposed vacation.

B. The Planning staff will then commence review of the submitted information and will consult with the various utilities (list is included in this packet) who may use the right-of-way. A recommendation will be made and petitioner will be notified that planning review is completed. Please allow 2-3 weeks for this review. The Petition for Vacation of Right of Way should be filed, by the Petitioner, with the Common Council office following completion of this review by the Planning Staff.

C. If easements for utilities within the right of way to be vacated are needed, the Planning Department will contact the Petitioner so that the documents can be prepared prior to Petition to the Common Council.

II. Common Council Review and Action.

A. The Petitioner should submit the following to the Common Council Office following completion of review by the Planning Staff:

1. A Completed Petition for Vacation of Right of Way;

2. The Planning Staff will forward additional information provided by the Petitioner and the Planning Staff recommendation to the Council Office.

B. Upon submission of the above Petition, the Council Office will set a date for the public hearing. This date will likely be a Committee meeting following first reading of the vacation Ordinance. Following first reading and committee/public hearing, action will be taken at the following Council meeting when the Ordinance is scheduled for second reading and vote. At that meeting, The Council may vacate the public way or place, in which case the City Clerk shall furnish a copy of the vacation ordinance to the County Recorder and the County Auditor.

III. Appeal

Any person aggrieved by a vacation of public right-of-way may appeal the vacation to the Monroe County Circuit Court within 30 days of adoption of the Ordinance.

Suggested format of letter to adjacent property owners and specified utilities and City agencies.

BLOOMINGTON COMMON COUNCIL

Notice of Public Hearing

Date: _____

The Bloomington Common Council will hold public hearings at 7:30 p.m. on Wednesday, _____, and _____ 198___, in the Council Chambers of the Bloomington Municipal Building at 220 East Third Street concerning the petition of _____ for the purpose of considering a public right-of-way vacation request for a(n)

_____

_____

for the right-of-way located at _____

_____

and to which you are an adjacent property owner.

Under provisions of Indiana law, you may appear and speak on the merits of this proposal at the public hearings at the times and dates as set out herein. If you have any questions concerning this matter, you may telephone the City Council Office at 339-2261, ext. 13 or 14.

Bloomington Common Council

_____
Petitioner/Attorney for Petitioner

_____
Address

_____
Phone

ATTACHMENT A

UTILITIES AND CITY SERVICES TO BE NOTIFIED OF VACATION REQUESTS

Board of Public Works
339-2261 (Ext. 74)
Director
P.O. Box 100
Bloomington, IN 47402

Fire & Ambulance
332-9763
Fire Chief
P.O. Box 100
Bloomington, IN 47402

Indiana Gas
332-1443
Superintendent
205 South Madison
Bloomingotn, IN 47401

Public Service Indiana
336-6371
Manager
P.O. Box 1028
Bloomington, IN 47402

Utilities Department
339-1444 (Ext. 206)
Utility Engineer
P.O. Box 100
Bloomington, IN 47402

Police Department
339-4477
Chief of Police
P.O. Box 100
Bloomington, IN 47402

Monroe Cable TV
332-9486
Manager
1600 West 3rd Street
P.O. Box 729
Bloomington, IN 47402

Memorandum of Planning Review

To: Bloomington Common Council
From: Jackie Scanlan, AICP Planning and Transportation Assistant Director
Date: October 9, 2026
Re: 11th and Rogers Alley Right-of-Way Vacation Request

The Trades District Community Development LLC (wholly owned Amplify Bloomington entity) requests a vacation of a north/south 12 foot wide platted alley right-of-way and an east/west 12 foot wide platted alley right-of-way located south of 11th Street and west of Rogers Street. The north/south alley right-of-way runs 206 feet in length, south of 11th Street. The east/west alley right-of-way runs 285 feet in length, west of Rogers Street. The parcels immediately facing 11th Street previously contained single-family detached homes, and the parcels and alleys are still platted for that development design. However, the parcels are part of the Trades District, and are no longer used or intended for that use. The parcel to the south of the 11th Street parcels has 62 feet of alley right-of-way extending into the parcel from the north, a remnant of previous development.

The Planning and Transportation Department notified utilities of the right-of-way vacation application. The utility and service agencies that replied (Bloomington Fire Department, City of Bloomington Utilities, and Centerpoint) have no issues with the vacation request. No other responses were received. No future right-of-way needs at this location were reported.

The request is being made as discussions for development of this portion of the Trades District are ongoing. The location of the existing alley rights-of-way would make adequate construction area for the parcels along 11th Street extremely difficult and also add difficulty to development of the lot immediately to the south (Lot 2 of Trades District West Phase 1). Neither alley right-of-way is improved to alley standards.

The Department recommends vacation of the platted alley rights-of-way.

Bloomington Common Council
Ordinance 2026-34 – To Vacate Public Parcels

Re: Two 12-foot Wide Alley Segments Located in the Southwest Corner of West 11th Street and North Rogers Street (Trades District Community Development, LLC, Petitioner/Owner)

Preamble

WHEREAS, Ind. Code § 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, on September 6, 2011, the City of Bloomington Redevelopment Commission purchased the real estate abutting the alleys referred to herein from Indiana University for inclusion as part of the Trades District redevelopment project; and

WHEREAS, in 2024, through a subaward of funds from the Lilly Endowment, Indiana University partnered with the City of Bloomington, the Bloomington Redevelopment Commission, and Dimension Mill, Inc. d.b.a. Amplify Bloomington (Amplify) to further redevelop the Trades District, including the subject real estate that is part of the Trades District West Phase of redevelopment; and

WHEREAS, in February of 2025, the Bloomington Redevelopment Commission transferred the remaining Trades District real estate in its ownership to a separate legal entity run by Amplify–Trades District Community Development, LLC;

WHEREAS, Amplify has offered Trades District real estate for sale, including the land west of Rogers Street that surrounds the two 12-foot wide alleys located in the southwest corner of West 11th Street and North Rogers Street;

WHEREAS, Amplify by and through Trades District Community Development LLC is interested in furthering the development of land and the existing alleys would negatively impact the potential sale and development of the real estate; and

WHEREAS, Trades District Community Development obtained a survey of the alleys it is requesting to be vacated which is more particularly described below.

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

Section 1: Rights of Way Vacation.

Through the authority of Ind. Code § 36-7-3-12, two (2) City-owned properties shall be vacated as described below:

> A part of the East Half of Section 32, Township 9 North, Range 1 West, Bloomington Township, Monroe County, Indiana, as shown on an alley vacation exhibit certified by Christopher L. Porter, LS21200022, on October 5, 2026, as part of Bledsoe Riggert Cooper James, Inc. Job Number 12376, being the 12 foot wide alley located between Lots 47 and 48 of Amended Maple Heights Second Addition as recorded in Plat Cabinet B, Envelope 21 in the office of the Monroe County Recorder and the extension of said alley as shown on the Trades District West Phase One Subdivision Final Plat as recorded in Instrument Number 2017007383 in said Recorder's Office, and also being the 12 foot wide alley located between Lots 46, 47, 48, 49 and 50 of said Amended Maple Heights Second Addition and the northernmost line of Lot 2 of said Trades District West Phase One Subdivision, said alleys more particularly described as follows: Beginning at the northeast corner of Lot 47 of said Amended Maple Heights Second Addition; thence easterly along the south right of way of West Eleventh (11th) Street to the northwest corner of Lot 48 of said Amended Maple Heights Second Addition; thence leaving said south right of way, southerly along the

west line of said Lot 48 to the southwest corner of said Lot 48; thence leaving said west line, easterly along the south line of said Lot 48, the south line of Lot 49, and the south line of Lot 50 of said Amended Maple Heights Second Addition to the southeast corner of said Lot 50 on the west right of way of North Rogers Street; thence leaving said south line, southerly along said west right of way to the intersection of said west right of way and the extended north line of Lot 2 of said Trades District West Phase One Subdivision; thence leaving said west right of way, westerly along said extended north line to the northeast corner of the 12 foot wide alley shown on said Trades District West Phase One Subdivision Final Plat; thence leaving said extended north line, southerly along the east line of said alley to the southeast corner thereof; thence leaving said east line, westerly along the south line of said alley to the southwest corner thereof; thence leaving said south line, northerly along the west line of said alley to the northwest corner thereof; thence leaving said west line, westerly along the north line of said Lot 2 to the northwest corner thereof; thence leaving said north line, northerly to the southwest corner of Lot 46 of said Amended Maple Heights Second Addition; thence easterly along the south line of said Lot 46 and along the south line of said Lot 47 to the southeast corner of said Lot 47; thence leaving said south line, northerly to said northeast corner of said Lot 47, being the Point of Beginning, containing 0.13 acre, more or less.

Section 2: Severability.

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

Section 3: Effective Date.

This Ordinance shall be in full force and effect from and after its passage and adoption by the Common Council and approval by the Mayor.

Passed

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

Signature of Common Council President Isak Asare

Attestation of the Clerk:

Signature of Clerk Nicole Bolden

Presentation by the Clerk:

Signature of Clerk Nicole Bolden

Approval by the Mayor:

Signature of Mayor Kerry Thomson

Synopsis:

The Petitioner/Owner, Trades District Community Development, LLC, (operated by Dimension Mill Inc. d.b.a. Amplify Bloomington) requests vacation of two alleys that are in the Southwest Corner of West 11th Street and North Rogers Street. These parcels are part of the Trades District West Phase and are being prepared for redevelopment.