



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 23-11 – To Amend Title 6 of the Bloomington Municipal Code Entitled "Health and Sanitation" – Re: Updating and Harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code**

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#### **Synopsis**

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

#### **Relevant Materials**

- [Ordinance 23-11](#)
- Staff Memo from Adam Wason, Director of Public Works
- Strikethrough document showing proposed amendments to Title 6
- Sanitation Division 2023 Budget Memo provided in August 2022

#### **Summary**

[Ordinance 23-11](#) amends [Title 6](#) ("Health and Sanitation") of the Bloomington Municipal Code (BMC) to make several updates to [Chapter 6.04](#) of that title related to trash, recycling, and yard waste collection services, including the adjustment of fees for trash service. One change to [Chapter 6.05](#) is also included related to the hours during which commercial refuse collection should occur.

There are ten sections of the ordinance that make text changes to Title 6. The changes made by the ordinance, in brief, are listed below.

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

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

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



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

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

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

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

The ordinance proposes to increase the rates to the following amounts:

- (i) Thirty-five gallon solid waste cart fee range: \$10.31—\$12.37.
- (ii) Sixty-four gallon solid waste cart fee range: \$20.42—\$24.50.
- (iii) Ninety-six gallon solid waste cart fee range: \$36.19—\$43.43.

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

The increase in service fees would help cover increased expenses the City has seen to provide trash service (described in more detail in the included staff memo). It would also reduce the amount of support out of the City’s General Fund needed to provide trash service, which was mentioned as a goal for the Sanitation Division during the 2023 budget hearings conducted in August, 2022. The Sanitation Division’s 2023 budget memo from last August is included in this packet for reference. This includes an organizational chart, a narrative memo with activity descriptions and goals, and expenditure sheets for both the Solid Waste Fund and General Fund showing actual expenditures (2019-2021) and budgeted expenditures (2022-2023). The administration may provide more recent information during discussion of [Ordinance 23-11](#).

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



**City of Bloomington Indiana**

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

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

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

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

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

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

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

**Contact**

Adam Wason, Public Works Director, [wasona@bloomington.in.gov](mailto:wasona@bloomington.in.gov), 812-349-3410

Aleksandrina Pratt, Assistant City Attorney, [aleksandrina.pratt@bloomington.in.gov](mailto:aleksandrina.pratt@bloomington.in.gov), 812-349-3426