

ORDINANCE 23-11

**TO AMEND TITLE 6 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"HEALTH AND SANITATION"- Re: Updating and increasing fees for service and
harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code**

WHEREAS, a review of Title 6 of the Bloomington Municipal Code (BMC), Chapter 6.04, entitled "Solid Waste, Recycling and Yard Waste Collection by the City" and Chapter 6.05, entitled "Commercial Refuse Hauling and Collection," indicates that there are several sections that require maintenance, and a review of such has determined that multiple sections should be updated and amended; and

WHEREAS, changes to local practice warrant an update to Title 6 to reflect current and best practices; and

WHEREAS, increased operational costs warrant an adjustment to service fees and fines;

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

SECTION 1. Section 6.04.030, entitled "Solid waste collection" shall be amended as follows:

Subsection (e) shall be amended by adding the words "be bagged and" in the first sentence and "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 the container. A cart that is over-filled with solid waste such that its lid does not rest flush with the container is not considered closed" as a third and fourth sentence" so that the subsection reads as follows:

(e) All solid waste, before being placed in said carts, shall be bagged and have drained from it all liquids. Solid waste must be free of vermin and pests, and said cart 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 the container. A cart that is over-filled 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 lids closed will not be collected.

SECTION 2. Section 6.04.040, entitled "Recycling collection," shall be amended as follows:

Subsection (a) shall be amended such that the first and second sentences will be the new subsection (a), the third sentence will be the new subsection (b), and the fourth and subsequent sentences will be the new subsection (c). The original subsection (b) will become the new subsection (d).

The new subsection (b) shall be amended by adding the words "loosely, and not bagged" in the first sentence and "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 subjected to fines in accordance with Section 6.04.100" as the second and third sentences so that the new subsection reads as follows:

(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 subjected to fines in accordance with Section 6.04.100.

The new subsection (c) shall be amended by inserting "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 the container. A cart that is over-filled with recycling such that its lid does not rest flush with the container is not considered closed" as third and fourth sentences so that the new subsection reads as follows:

(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. 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 the container. A cart that is over-filled 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.

The new subsection (d) shall be amended by deleting the word “Styrofoam” and replacing the word “bottles” with the word “containers” in the first sentence.

SECTION 3. Section 6.04.050, entitled “Yard waste collection,” shall be amended to delete subsection (c) in its entirety.

SECTION 4. Section 6.04.060, entitled “Large item collection,” shall be amended to add the words “for an additional cost, as stated in Section 6.04.090” at the end of the first sentence, to replace the word “call” with the word “contact” and the words “by 8:00 p.m. on the” with the words “during operating hours Monday through Thursday at least one business” in the third sentence, and delete the last sentence in its entirety so that the section reads as follows:

Large items, other than appliances, may be placed on the curb on the customer’s assigned collection day for an additional cost as stated in Section 6.04.090. The department of public works, upon approval by the board of public works, 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.

SECTION 5. Section 6.04.080, entitled “General collection practices and guidelines,” shall be amended as follows:

Subsection (c)(1) shall be amended by adding the words “the” and “option” to the last sentence of the subsection so that the sentence reads as follows: “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.”

Subsection (c)(2) shall be amended by replacing the word “cars” with the word “vehicles” in the last sentence.

Insert a new subsection (e) to read as follows: “Items that are infested with vermin, including but not limited to bedbugs, cockroaches, or rodents, will not be collected.”

Subsection (e) is renamed subsection (f), subsection (f) is renamed subsection (g), subsection (g) is renamed subsection (h), subsection (h) is renamed subsection (i), subsection (i) is renamed subsection (j), and subsection (j) is renamed subsection (k).

The new subsection (h), entitled “Disposal of Diapers, Animal Feces, and Cat Litter” shall be amended by replacing the word “adequately” with the word “completely.”

The new subsection (j) shall be amended by replacing the time of “10:00 p.m.” with “9:00 p.m.”

SECTION 6. Section 6.04.090, entitled “Fees and billing,” shall be amended as follows:

Subsection (1) shall be amended by deleting the words “beginning the month following the commencement of automated collection services by the city sanitation division” at the end of the sentence.

Subsection (1)(A)(i) shall be amended by replacing “\$4.82-\$6.51” with “\$10.31 - \$12.37”

Subsection (1)(A)(ii) shall be amended by replacing “\$8.60-\$11.61” with “\$20.42 - \$24.50”

Subsection (1)(A)(iii) shall be amended by replacing “\$13.72-\$18.52” with “\$36.19 – \$43.43”

Subsection (2)(C) shall be amended by replacing “\$10.00” with “\$25.00.”

Subsection (2)(D) shall be amended by replacing “\$10.00” with “\$35.00.”

Subsection (2)(E) shall be amended by inserting “(4.30)” in the first sentence and adding “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” as a second sentence so that the subsection reads as follows:

Additional pick up requests: one hundred twenty-five (125) percent of regular weekly solid waste charges based on four and three-tenths (4.30) 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.

Subsection (3) shall be amended by inserting the word “the” in the first sentence so that it reads as follows: “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.” The final sentence of subsection (3) shall remain in place and unaltered.

SECTION 7. Section 6.04.100, entitled “Enforcement procedures,” shall be amended as follows:

Subsection (a) shall be amended by adding “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” as the second sentence so that the subsection reads as follows:

(a) If the director of public works, sanitation division director, director of the housing and neighborhood development department, 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.

Subsection (b)(7) shall be amended by adding “appealed to the board of public works within seven days of the date of the NOV” and deleting “contested in the county circuit courts” so that the subsection reads as follows: “That the fine may be appealed to the board of public works within seven days of the date of the NOV.”

Subsection (c), entitled “Schedule of Fines” shall be amended by replacing “\$15.00” with “25.00” in the first sentence.

Subsection (d) shall be deleted in its entirety and replaced with “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.”

A new subsection (e) shall be added and shall read as follows: “All appeals shall be filed to the board of public works within seven days of the day of the NOV.”

A new subsection (f) shall be added and shall read as follows: “All appeals from the written findings of the board of public works shall be made to courts of competent jurisdiction within sixty (60) days.”

A new subsection (g) shall be added and shall read as follows: “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 board of public works.”

SECTION 8. Section 6.04.110, entitled “Removal of solid waste and recycling carts and yard waste containers,” shall be amended by adding “to ensure the public right-of-way is passable” to the end of the second sentence.

SECTION 9. Section 6.04.130, entitled “Capital recovery fund,” shall be amended by inserting the words “items of the sanitation division” in the second sentence so that the sentence reads as follows: “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.”

SECTION 10. Section 6.05.020, entitled “Collection practices,” shall be amended by replacing the words “five” and “ten” with the numbers “5:00” and “9:00” respectively, so that the section reads as follows: “Collection shall be made only during the hours of 5:00 a.m. and 9:00 p.m.”

SECTION 11. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application 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 12. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law. The changes in this ordinance shall take effect on September 1, 2023.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUE SGAMBELLURI, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

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.

Note: This ordinance was revised after distribution in the Legislative Packet but before introduction at the May 17, 2022 Regular Session. The revision added “and increasing fees for service” to the title to more clearly reflect the nature of the ordinance subject matter.