



**DEPARTMENT OF
PUBLIC WORKS •
SANITATION DIVISION**

**PROPOSAL TO
ADJUST SERVICE
FEES**

Memorandum

TO: Members of the City of Bloomington Common Council

FROM: Adam Wason, Director of Public Works
Rhea Carter, Sanitation Director
Michael Large, Special Projects and Operations Manager

Date: July 20, 2023

Re: City of Bloomington - Department of Public Works Sanitation Division
Ordinance 23-14 Updating Title 6 To Adjust Service Fees

Background

After discussion and consideration of Sanitation rate adjustments by the Common Council in June of 2023, the ordinance ultimately failed. In those discussions, it was noted that there was interest from the Council in considering a rate structure that did not have a higher per gallon charge for the larger cart sizes, and that the reduction of the general fund support to the Sanitation Division budget over a longer period of time may be preferred by a majority of Council members.

Rate Proposal

This proposal to adjust rates takes into consideration the points from those conversations, and attempts to produce a rate structure that also meets the revenue needs of the division in an ever changing solid waste management environment. The rates will not be set with a range for the Board of Public Works to set annual rates within. This proposal codifies the annual rate increases from 2024-2029, meaning that if market or operating conditions change beyond the projections and forecasting included in our model, we would need to come back to Council for any rate adjustments.

We are also proposing to reduce the cart exchange fee from \$50 to \$25. All other aspects of the ordinance previously discussed in June are still in place which includes increased rates for large item and appliance pickup, as well as for additional weekly pickups.

One clarification from previous discussions is that while we have roughly 13,500 accounts at any given time, the rate models are based on the number of revenue generating carts in circulation which hovers closer to 14,600. The point of clarification comes down to the fact that one address may have multiple units, and multiple carts that are on the same account. The models previously discussed in June, and currently under consideration in this proposal were based on the 14,600 cart numbers, but we were often discussing in the context of the number of accounts.

Below is the proposed fee structure that gradually reduces the general fund support to the Sanitation Division over a six year period from 2024-2029. The model reflects rates that take into consideration annual cost increases for the division at 3% per year. Additionally, this model takes into account monthly delinquency rates, as well as an anticipated shift of account holders continuing to choose the smaller cart sizes to reduce waste and household costs.

Constant cost per gallon across cart sizes		35 gallon	64 gallon	96 gallon	Total Annual Revenue
Year	GF Subsidy	Monthly Price	Monthly Price	Monthly Price	
2023	\$1,000,000	\$6.51	\$11.61	\$18.52	\$1,688,606.88
2024	\$1,000,000	\$8.75	\$16.00	\$24.00	\$2,272,824.00
2025	\$800,000	\$9.80	\$17.92	\$26.88	\$2,545,562.88
2026	\$600,000	\$10.85	\$19.84	\$29.76	\$2,818,301.76
2027	\$400,000	\$11.90	\$21.76	\$32.64	\$3,091,040.64
2028	\$200,000	\$12.95	\$23.68	\$35.52	\$3,363,779.52
2029	\$0	\$14.00	\$25.60	\$38.40	\$3,636,518.40

Amendments to Sections of Bloomington Municipal Code Title 6 (“Health and Sanitation”) proposed by Ordinance 23-14 shown in context (proposed additions are shown in **bold**, proposed deletions are show in ~~strikeout~~)

Section 1 of Ordinance 23-14

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 sanitation division in accordance with board of public works 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 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 board of public works.
- (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** 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 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 the lids closed will not be collected.

Section 2 of Ordinance 23-14

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 subjected 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. **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.
- (d)(b) The department of public works, upon approval by the board of public works, shall prepare and promulgate annually a list of what types of paper products, metal cans, glass containers, Styrofoam and plastic **containers** bottles 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 lids removed.

Section 3 of Ordinance 23-14

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.
- ~~(c) During the free leaf collection period in the fall of each year, residents may obtain biodegradable two-ply wet strength paper bags from their choice of local retail establishments. Those bags may be filled with leaves only and placed out for collection on the customer's assigned collection day. The bags may not contain trash or other refuse. Yard waste in plastic bags will not be collected.~~

Section 4 of Ordinance 23-14

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 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** ~~call~~ the sanitation division **during operating hours Monday through Thursday at least one business** ~~by 8:00 p.m. on the day prior to their assigned collection day to request large item collection.~~ **Items such as clothesline poles and swing sets must be broken down before being placed at the curb.**

Section 5 of Ordinance 23-14

6.04.080 General collection 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 board of public works. 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 5:00 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 cars** 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 department of public works 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) ~~(e)~~ 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) ~~(f)~~ Highly flammable, combustible, explosive or hazardous materials shall not be placed in refuse carts or dumpsters and shall not be collected by the department of public works as a part of regular collection. Such materials shall be disposed of as prescribed by state and local laws.
- (h) ~~(g)~~ 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** ~~adequately~~ sealed before being placed in a refuse cart.
- (i) ~~(h)~~ Collection shall not be made from alleyways.
- (j) ~~(i)~~ Collection shall be made only between the hours of 5:00 a.m. and **9:00 p.m.** ~~10:00 p.m.~~
- (k) ~~(j)~~ 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 board of public works 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.

Section 6 of Ordinance 23-14

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 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 ~~beginning the month following the commencement of automated collection services by the city sanitation division.~~
- (A) The following fee schedule ~~ranges~~ will apply based on the solid waste cart size chosen by customers. ~~The board of public works shall determine the final fee for each of the three solid waste cart sizes. At no time shall the individual cart size fees exceed the highest amount of the following ranges, without amendment of this chapter by the common council.~~
 - ~~(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.~~

Schedule of Service Fees for Disposal of Solid Waste

(i) Thirty-five gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$6.51
Beginning January 1, 2024	\$8.75
Beginning January 1, 2025	\$9.80
Beginning January 1, 2026	\$10.85
Beginning January 1, 2027	\$11.90
Beginning January 1, 2028	\$12.95
Beginning January 1, 2029	\$14.00

(ii) Sixty-four gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$11.61
Beginning January 1, 2024	\$16.00
Beginning January 1, 2025	\$17.92
Beginning January 1, 2026	\$19.84
Beginning January 1, 2027	\$21.76
Beginning January 1, 2028	\$23.68
Beginning January 1, 2029	\$25.60

(iii) Ninety-six gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$18.52
Beginning January 1, 2024	\$24.00
Beginning January 1, 2025	\$26.88
Beginning January 1, 2026	\$29.76
Beginning January 1, 2027	\$32.64
Beginning January 1, 2028	\$35.52
Beginning January 1, 2029	\$38.40

(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 5:00 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: \$1.00 per approved container, bag or bundle.
- (C) Large items: ~~\$25.00~~ \$10.00 per approved large item.

- (D) Appliances: **\$35.00** ~~\$10.00~~ per approved appliance.
- (E) Additional pickup 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.**
- (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 7 of Ordinance 23-14

6.04.100 Enforcement procedures.

- (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.

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 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 violation;
 - (6) That the fine is to be paid at the city controller's office;
 - (7) That the fine may be **appealed to the board of public works within seven days of the date of the NOV** ~~contested in the county circuit courts.~~
- (c) Schedule of Fines. The fine for any violation of Section 6.04.110 shall be **\$25.00** ~~\$15.00~~. 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.**

~~If the responsible party fails to remedy the violation cited in the NOV, the city legal department may bring suit in a court of competent jurisdiction to collect the accumulated fines, any other costs associated with remedy of the violation as are allowed by law, and obtain any other legal remedy available at law.~~
- (e) **All appeals shall be filed to the board of public works within seven days of the day of the NOV.**
- (f) **All appeals from the written findings of the board of public works shall be made to courts of competent jurisdiction within sixty (60) 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 board of public works.**

Section 8 of Ordinance 23-14

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.**

Section 9 of Ordinance 23-14

6.04.130 Capital recovery fund.

The revenue deposited into the non-reverting enterprise fund, which is intended for capital re-placement 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.

Section 10 of Ordinance 23-14

6.05.020 Collection practices.

Collection shall be made only during the hours of **5:00** ~~five~~ a.m. and **9:00** ~~ten~~ p.m.