



MEMO FROM COUNCIL OFFICE ON:

Ordinance 23-14 – 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

Synopsis

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

Relevant Materials

- Ordinance 23-14
- 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

Background

Public Works proposed adjustments to sanitation rates, among other changes to [Title 6](#) ("Health and Sanitation") of the Bloomington Municipal Code (BMC), in [Ordinance 23-11](#). That ordinance came forward to the Council for first reading on May 17, 2023, was considered in a committee of the whole meeting on June 7, 2023, and returned to the Council for second reading on June 14, 2023 with no committee recommendation. The ordinance failed by a vote of 3-5-0 on June 14, 2023. Council discussion of [Ordinance 23-11](#) is available at the following links: [June 7, 2023 Committee of the Whole meeting](#) and [June 14, 2023 Regular Session](#).

Public Works is now bringing forward [Ordinance 23-14](#), which is almost identical to [Ordinance 23-11](#) with the exception of the proposed rate increases for sanitation fees. Instead of providing for a range of rates as is currently included in local code and was proposed in [Ordinance 23-11](#), [Ordinance 23-14](#) incorporates fee schedules that increase on an annual basis through 2029. This change, from rate ranges to an annual fee schedule, is being proposed by Public Works in response to council discussions of [Ordinance 23-11](#).

Summary

[Ordinance 23-14](#) amends Title 6 of the Bloomington Municipal Code 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. All of the proposed changes are identical to what was proposed in [Ordinance 23-11](#), with the exception of the rate adjustments in Section 6.

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 sanitation rates along a fee schedule instead of rate ranges that were subject to the determination of the board of public works. Fees will instead increase on an annual basis according to the fee schedule listed below. The proposed schedule of rate increases is as follows:



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

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

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



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. 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).

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.

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 that Public Works has indicated it intends to propose decreasing the fee for exchanging sanitation carts from \$50 to \$25 through the board of public works. Costs for the replacement of carts for other reasons are set forth in the rate structure set by the board of public works.

For more information on the rate models used by Public Works and the gradual reduction of general fund support to Sanitation, please consult Adam Wason's staff memo.



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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

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