ORDINANCE 16-14

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC"
-- Re: Alley Parking; No Parking Zones; No Truck Parking Zones; Limited Parking Zones; Loading Zones; Removal and Impoundment of Vehicles; Pedestrian Crosswalks; Parking Permit Fees; Mayoral Authorization to Suspend Enforcement of Garages as Well as Meters; Fees for Law Enforcement Recordings; Class B, C, D, E, and H Traffic Violations; and, Appeals of Parking and Other Violations

WHEREAS, The Traffic Commission and City staff from the following departments recommend certain changes be made in Title 15 of Bloomington Municipal Code entitled "Vehicles and Traffic:" Planning and Transportation, Police Department, Fire Department, Legal Department, and the City Clerk;

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

SECTION 1. Section 15.32.020, "Alley parking", shall be deleted in its entirety and replaced with the following:

"No person shall park any vehicle in an alley for a period exceeding thirty minutes while loading or unloading goods or persons."

SECTION 2. Section 15.32.080, Schedule M, "No Parking Zones", shall be amended to add the following:

Street	From	To	Side of Street	Time of Restriction
First Street	High Street	Dead-End approximately 160 feet east of High Street	North	Any Time
Fourth Street	Roosevelt Street	Clark Street	Both	Any Time
Fourth Street	280' west of Hillsdale Drive	Hillsdale Drive	Both	Any Time
Fairview Street	Sixth Street	Kirkwood Avenue	East	Any Time
Gentry Street	Fourth Street	Kirkwood Avenue	East	Any Time
Gentry Street	Fourth Street	75' south of Kirkwood Avenue	West	Any Time
Third Street	Rogers Street	185' east of Fess Avenue	South	Any Time
Third Street	235' east of Fess Avenue	155' west of Woodlawn Avenue	South	Any Time
Third Street	105' west of Woodlawn Avenue	95' west of Ballantine Road	South	Any Time
Third Street	50' west of Ballantine Road	140' west of Jordan Avenue	South	Any Time
Third Street	120' west of Jordan Avenue	College Mall Road	South	Any Time
Walker Street	310' N. of First Street	260' N. of First Street	East	Any Time

SECTION 3. Section 15.32.080, Schedule M, "No Parking Zones", shall be amended to delete the following:

Street	From	To	Side of Street	Time of Restriction
Fourth Street	Roosevelt	Hillsdale Drive	Both	Any Time
Third Street	1st Alley east of Lincoln Street	College Mall Road	South	Any Time
Third Street	Rogers Street	1st Alley east of Walnut Street	South	Any Time
Third Street	Washington Street	Lincoln Street	South	Any Time

SECTION 4. A new Section, Section 15.32.085, "No Truck Parking Zones", shall be created, and shall be reflected in the Table of Contents for Chapter 15.32. The new Section shall read as follows:

The streets or parts of streets described in Schedule M-1, attached hereto and made a part hereof, are designated as no truck parking zones. When appropriate signs are erected, no person shall park a truck greater than 19' in length upon any of the streets or parts of streets at the times designated in the schedule.

SCHEDULE M-1

NO TRUCK PARKING ZONES

Street	From	To	Side of Street	Time of Restriction
Franklin Road	Third Street	End of Franklin Road	East	Any Time

SECTION 5. Section 15.32.090, Schedule N, "Limited Parking Zones", shall be amended to add the following:

Street	From	To	Side of Street	Limit
Third Street	185' east of Fess Avenue	235' east of Fess Avenue	South	15 Min. (6)
Third Street	105' west of Woodlawn Avenue	155' west of Woodlawn Avenue	South	15 Min. (6)
Third Street	50' west of Ballantine Road	95' west of Ballantine Road	South	15 Min. (6)

SECTION 6. Section 15.32.090, Schedule N, "Limited Parking Zones", shall be amended to delete the following:

Street	From	To	Side of Street	Limit
Third Street	Pull-off spaces east of Fess Avenue		South	15 Min. (6)
Third Street	Pull-off spaces west Ballantine Road		South	15 Min. (6)
Third Street	Pull-off spaces west of Woodlawn Avenue		South	15 Min. (6)

SECTION 7. Section 15.32.100(b), Schedule O, "Loading Zones", shall be amended to add the following:

1300	Block of East Third Street, from 120' to 140' west of Jordan Avenue on the south side

SECTION 8. Section 15.32.100(a), shall be amended by deleting it in its entirety and replacing it with the following:

(a) Loading zones shall be in effect twenty-four hours a day, seven days a week, except where otherwise noted in Schedule O. All vehicles shall be limited to a maximum of thirty minutes use to deliver and pick up materials.

SECTION 9. (This section was removed prior to introduction of the ordinance and remains empty.)

SECTION 10. Section 15.40.020(b), shall be amended to add the words "and parking garages" immediately after the words "parking meters" in the second sentence, such that the provision shall read as follows:

(b) The charge for the use of each on-street metered parking space shall be one dollar per hour between the hours of nine a.m. and nine p.m. every day, except Sundays and city holidays. Additionally, the Mayor may suspend enforcement of parking meters and parking garages during the holiday season, in the event of inclement weather, or under other circumstances the mayor deems appropriate and reasonable.

SECTION 11. Section 15.40.020, "Applicable times and charges", shall be amended to delete subsection (d) in its entirety and replace it with the following:

(d) The following fees for parking permit leases, hang tags, replacement hang tags, garage access cards, and replacement garage access cards shall be as follows: subject to all conditions of this Chapter and the applicable lease:

(1) Hang tags (new or replacement) -- ten dollars;

(2) Garage access cards (new or replacement) -- ten dollars; and

(3) Garage access card reactivation fee -- five dollars.

SECTION 12. Section 15.48.010(a), "General provisions", shall be amended to add the following:

(16) Any vehicle parked adjacent to a yellow-painted curb; and

(17) Equipment or machinery, whether self-propelled or towed, parked on a public street without prior approval from the Department of Public Works and in violation of Section 15.32.060.

SECTION 13. Section 15.60.050, "Pedestrians", shall be deleted in its entirety.

SECTION 14. Section 15.60.080(a)(3), shall be deleted in its entirety and replaced with the following:

(3) Law enforcement recording. The police, in accordance with the laws of the State of Indiana, shall furnish a copy of a law enforcement recording for a charge of one hundred and fifty dollars per recording.

SECTION 15. Section 15.64.010(b), "Class B Traffic Violations (Miscellaneous)", shall be amended to add the following violation to the existing table and the following subsection to follow the table:

Fine:	$100.00	
Covers:		Alteration of or falsification of any permit issued under or purported to be issued under this Title.

(1) A person may appeal the issuance of a traffic violation citation and corresponding fine provided the appeal is filed with the City Clerk's office

within fourteen calendar days immediately following the issuance date of the traffic violation citation.

(A) The City Clerk, or his or her designee(s), shall hear all appeals of Class B traffic violation citations.

(B) The City Clerk, or his or her designee(s), shall have the authority to declare any traffic violation citation which has been properly appealed null and void, or valid.

(C) If the City Clerk, or his or her designee(s), declare a properly appealed traffic violation citation to be null and void, then the traffic violation citation shall be dismissed from further prosecution.

(D) If the City Clerk, or his or her designee(s), declare a properly appealed traffic violation citation to be valid, then the traffic violation citation shall be due and payable as determined by either the City Clerk, or his or her designee(s).

(E) The decision of the City Clerk, or his or her designee(s), is final, subject to judicial determination if requested and is requested in a manner consistent with Indiana law.

SECTION 16. Section 15.64.010(c), "Class C Traffic Violations (Miscellaneous)", shall be amended to add the following below the existing table:

(1) A person may appeal the issuance of a traffic violation citation and corresponding fine provided the appeal is filed with the City Clerk's office within fourteen calendar days immediately following the issuance date of the traffic violation citation.

(A) The City Clerk, or his or her designee(s), shall hear all appeals of Class C traffic violation citations.

(B) The City Clerk, or his or her designee(s), shall have the authority to declare any traffic violation citation which has been properly appealed null and void, or valid.

(C) If the City Clerk, or his or her designee(s), declare a properly appealed traffic violation citation to be null and void, then the traffic violation citation shall be dismissed from further prosecution.

(D) If the City Clerk, or his or her designee(s), declare a properly appealed traffic violation citation to be valid, then the traffic violation citation shall be due and payable as determined by either the City Clerk, or his or her designee(s).

(E) The decision of the City Clerk, or his or her designee(s), is final, subject to judicial determination if requested and is requested in a manner consistent with Indiana law.

SECTION 17. Subsections 15.64.010(d)(1) and (2), shall be amended by deleting the words "seven" and replacing them with the words "fourteen".

SECTION 18. Section 15.64.010(e), "Class E Traffic Violations (Miscellaneous minor offenses)", shall be amended by deleting the following: "15.60.050 Jaywalking".

SECTION 19. Section 15.64.010(i), "Class H Traffic Violations", shall be amended to add the following below the existing table:

(1) A person may appeal the issuance of a traffic violation citation and corresponding fine provided the appeal is filed with the City Clerk's office

within fourteen calendar days immediately following the issuance date of the traffic violation citation.

(A) The City Clerk, or his or her designee(s), shall hear all appeals of Class H traffic violation citations.

(B) The City Clerk, or his or her designee(s), shall have the authority to declare any traffic violation citation which has been properly appealed null and void, or valid.

(C) If the City Clerk, or his or her designee(s), declare a properly appealed traffic violation citation to be null and void, then the traffic violation citation shall be dismissed from further prosecution.

(D) If the City Clerk, or his or her designee(s), declare a properly appealed traffic violation citation to be valid, then the traffic violation citation shall be due and payable as determined by either the City Clerk, or his or her designee(s).

(E) The decision of the City Clerk, or his or her designee(s), is final, subject to judicial determination if requested and is requested in a manner consistent with Indiana law."

SECTION 20. 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, provisions, or applications of this ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 21. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and publication in accordance with State law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 12th day of July, 2016.

ANDY RUFF, President
City of Bloomington

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 13th day of July, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 13th day of July, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance seeks to amend several sections of Title 15 of the Bloomington Municipal Code in order to make changes suggested by the following entities: City of Bloomington Planning & Transportation Department, City of Bloomington Legal Department, the City of Bloomington Traffic Commission, and the City Clerk. Changes include: modifying alley parking restrictions; adding in new areas to the no parking zones; deleting areas from the no parking zones; creating a no truck parking zone; adding new areas to the limited parking zones; deleting areas from the no parking zones; adding in a new loading zone; modifying loading zone restrictions; allowing the Mayor to waive the enforcement of parking garage restrictions; adding fees for parking garage passes; clarifying the authority to tow and impound illegally parked vehicles and machinery; deleting sections related to pedestrian crosswalks; modifying the fees charged for copies of law enforcement recordings; penalizing the alteration or falsification of parking permits issued under Title 15; creating an appeal process for citations with $50 and $100 fines; increasing the time in which a person has to appeal citations from seven to fourteen days; and, increasing the length of time it takes for a Class D violation to escalate from a $20 to $40, from seven to fourteen days.

Note: This ordinance was revised after being distributed in the Weekly Council Legislative Packet and introduced at the Regular Session on June 29, 2016. The revisions deleted the substance of Section 9, which proposed an increase in Residential Neighborhood Parking Permits and reference to that change in the synopsis, and will provide time for the Administration to further study the issue.

Note: This ordinance was amended with the adoption of Am 01 at the Special Session on July 12, 2016. Am 01 removed the limited parking proposed for the south side of first block of First Street immediately west of Binford and Rogers schools.