Passed 7-0
Ruff-out from
Rollo-absent

ORDINANCE 11-18

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC"
Re: To Allow Emergency Responders to Operate Various Types of Motor Vehicles on the B-Line, City Parks and Similar Areas and to Allow Emergency Responders to Operate Off-Road Vehicles on City Streets

WHEREAS, the City of Bloomington Police Department recently acquired an off-road vehicle to quickly and efficiently monitor and patrol the B-Line Trail; and

WHEREAS, the operation of an off-road vehicle is regulated by Ind. Code § 14-16; and

WHEREAS, in order for the City of Bloomington to allow an off-road vehicle to be operated on a public street within its territorial jurisdiction, it must adopt an ordinance in accordance with Ind. Code § 14-16-1-22.; and

WHEREAS, at limited times, the off-road vehicle owned by the City of Bloomington Police Department will be operated on a public street; and

WHEREAS, it is in the best interest of the public to permit only emergency responders to operate off-road vehicles on public streets within the territorial jurisdiction of the City of Bloomington; and

WHEREAS, it is in the best interest of the public to permit only emergency responders to operate motor vehicles, motorcycles, motorized bicycles or off-road vehicles on the B-Line Trail, City parks and similar City property not intended for motor vehicle use;

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

SECTION 1. Section 15.60.020 of the Bloomington Municipal Code "Driving in park, picnic ground or golf course" shall be amended to read as follows:

(a) No person, except an emergency responder shall operate a motor vehicle, motorcycle, motorized bicycle, or off-road vehicle across any part of a public park, picnic ground, golf course, the B-Line Trail, or any other public property not designed and intended to be used by a motor vehicle, motorcycle, motorized bicycle or off-road vehicle.

(b) "Emergency responder" includes:
(1) firefighters, including hazardous materials personnel, specialized rescue personnel, extrication personnel, water rescue personnel and other specialized personnel;
(2) emergency medical services personnel;
(3) law enforcement officers;
(4) emergency management personnel; and
(5) public works personnel

(c) "Off-road vehicle" shall have the meaning assigned in Ind. Code § 14-8-2-185, as amended.

(d) Any violation of this section is a Class C Traffic Violation and subject to the penalty listed in Section 15.64.010(c).

SECTION 2. A new Section 15.60.025 entitled "Operating off-road vehicles on public streets, alleys and highways" shall be added to the Bloomington Municipal Code and to table of contents of Chapter 15.60. The new section shall read as follows.

(a) No person, except an emergency responder, shall operate an off-road vehicle on any public street, alley or highway.

(b) "Emergency responder" and "off-road vehicle" shall have the meanings assigned in 15.60.020

(b) Any violation of this section is a Class C Traffic Violation and subject to the penalty listed in Section 15.64.010(c).

SECTION 3. Section 15.64.010 Violations and penalties, subsection (c) "Class C Traffic Violations (Potentially dangerous violations)" shall be amended to add Section 15.60.025 "Operating off-road vehicles on public streets, alleys and highways" to the table of violations.

SECTION 4. 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 provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of OCTOBER, 2011.

Susan Sandberg

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20th day of OCTOBER, 2011.

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20th day of October, 2011.

Mark K

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the Bloomington Municipal Code to prohibit the operation of a motor vehicle, motorcycle, motorized bicycle and off-road vehicle on the B-Line trail, parks, golf courses and similar City property unless the person operating the vehicle is an emergency responder. It also prohibits the operation of an off-road vehicle on any public street, alley or highway, unless the person operating the off-road vehicle is an emergency responder .

Copies to:

Controller	Parks	CA/CA
legal multi hill	fire	Clerk
BPD	P.W.	BMC