Passed
Volan, Sandberg absent

ORDINANCE 14-11

TO AMEND VARIOUS CHAPTERS OF THE BLOOMINGTON MUNICIPAL CODE LOCATED IN TITLE 2 (ADMINISTRATION AND PERSONNEL), TITLE 6 (HEATLH AND SANITATION), TITLE 10 (WASTEWATER), TITLE 11 (LAKES AND RESERVOIRS), TITLE 12 (STREETS, SIDEWALKS AND STORM SEWERS), TITLE 14 (PEACE AND SAFETY), TITLE 15 (VEHICLES AND TRAFFIC), AND TITLE 17 (CONSTRUCTION REGULATIONS)
(Codifying Departmental Reorganization Proposed in Ordinance 14-10 and Using this Occasion to Fix Typographical Errors and Reflect Actual Practices and Policies in Affected Sections)

WHEREAS, in an effort to effectively and efficiently operate, the City's Administration has proposed Ordinance 14-10, an ordinance which seeks to amend Ordinance 13-16, which fixed salaries for certain City of Bloomington Employees for the year 2014;

WHEREAS, if the Common Council passes Ordinance 14-10, several changes to the Bloomington Municipal Code will be necessitated;

WHEREAS, the Administration believes the adoption of Ordinance 14-10, will necessitate three types of changes to the Bloomington Municipal Code: renaming City departments and reassigning job duties; fixing typographical errors; and making other changes which will allow the City's municipal code to mirror the current reality of how the City operates;

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

SECTION 1. Section 2.09.000, entitled "Establishment", shall be amended by adding the words "or her" immediately after the word "his".

SECTION 2. Section 2.09.030, entitled "Duties", shall be amended by adding the phrase "for the department of public works and the transportation and traffic engineering services division of the planning and transportation department" immediately after the word "claims".

SECTION 3. Section 2.10.000, entitled "Establishment", shall be amended by deleting the following words and punctuation: "cemetery,"; "engineering,"; "parking enforcement,"; "telecommunications,"; "traffic,"; "environmental,"; and "parks and recreation"; and shall be further amended by adding the words "care and" immediately after the word "animal"; and shall be further amended by adding the words "of parks commissioners" to the end of the section.

SECTION 4. Section 2.11.010, entitled "Engineering Department", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 2.11.

SECTION 5. Section 2.11.020, entitled "Sanitation Department", shall be amended by adding the following words, "in accordance with Title 6 of this Code" immediately after the word "City".

SECTION 6. Section 2.11.030, entitled "Street Department/Fleet Maintenance Department", shall be amended by deleting the following words "Director of Transportation who is appointed by the"; and shall be further amended by deleting the comma after the word "maintenance" in the third sentence; and shall be further amended by deleting the word "acquisition" in the third sentence.

SECTION 7. Section 2.11.040, entitled "Parking Enforcement Division", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 2.11.

SECTION 8. The Section heading for Section 2.11.050, currently entitled "Animal Control Department", shall be renamed to read "Animal Care and Control Department" and the name change shall be reflected in the table of contents for Chapter 2.11.

SECTION 9. Section 2.11.050, newly entitled "Animal Care and Control Department", shall be amended to change the first sentence in the following manner: the words "Care and" shall be added before the words "Control Department"; and, the words "the Senior Animal Control Officer" shall be deleted and be replaced with the words "a director of animal care and control".

SECTION 10. Section 2.11.050(2) shall be amended so as to add the words "care and" before the words "control officers"; and shall be further amended to delete the semicolon after the word "officer"; and shall be further amended by deleting the words "carrying firearms; or making arrests of human beings".

SECTION 11. Section 2.12.000, entitled "Establishment", shall be amended by deleting the words "under the jurisdiction of the Board of Public Works"; and shall be further amended by deleting the second sentence of the Section in its entirety.

SECTION 12. The Section heading for Section 2.12.010, currently entitled "Animal control commission", shall be renamed to read as "Animal care and control commission" and the same shall be renamed in the table of contents for Chapter 2.12.

SECTION 13. Section 2.12.010(4)(b) shall be amended by deleting the word "senior" and replacing it with the following words "director of animal care and control department and any"; and shall be further amended by adding the words "care and" before the words "control officer"; and shall be further amended by adding the word "and" immediately after the semicolon.

SECTION 14. Section 2.12.020(c) shall be amended by deleting the words "Bloomington Arts".

SECTION 15. Section 2.12.020(f)(1) shall be amended by deleting the word "arts" as it appears before the word "commission".

SECTION 16. Section 2.12.020(f)(2) shall be amended by deleting the word "arts".

SECTION 17. Section 2.12.021(b) shall be amended by deleting the word "community" within the definition of the word "Commission".

SECTION 18. Section 2.12.021(c)(2) shall be amended to add the word "common" immediately before the word "council".

SECTION 19. Section 2.12.021(d)(4) shall be amended to include "and," immediately after the semicolon.

SECTION 20. Section 2.12.050, entitled "Environmental Quality and Conservation Commission, shall be amended by deleting any references to the words "ordinance" and "chapter" and replacing any such references with the word "section".

SECTION 21. Section 2.12.050(6)(b) shall be amended by deleting the word "Attorney" and replacing it with the words "legal department".

SECTION 22. Section 2.12.050(d) shall be amended by deleting the fourth "or" and replacing it with the word "of"; and shall be further amended by changing the letter "f" in the word "federal" from an upper case letter to a lower case letter; and shall be further amended by changing the letter "g" in the word "government" from an upper case letter to a lower case letter.

SECTION 23. Section 2.12.050(l) shall be amended by changing the letter "f" in the word "federal" from an upper case letter to a lower case letter; and shall be further amended by changing the letter "g" in the word "government" from an upper case letter to a lower case letter.

SECTION 24. Section 2.12.060(3)(b) shall be amended by deleting the word "or" and replacing it with the word "of".

SECTION 25. Section 2.12.070(2) shall be amended by adding the words "transportation and" immediately before the word "traffic"; and shall be further amended by deleing the word "transportation" and replacing it with the words "public works".

SECTION 26. Section 2.12.070(3) shall be amended to add the word "common" immediately before the word "council".

SECTION 27. Section 2.12.080(2)(A) shall be amended by changing the letter "t" in the words "the", which immediately precede the words "Bloomington", from an upper case letter to a lower case letter.

SECTION 28. Section 2.12.080(2)(B) shall be amended by changing the letter "t" in the word "the", which immediately precedes the word "Indiana", from an upper case letter to a lower case letter.

SECTION 29. Section 2.12.080(4) shall be amended by changing the letters in the word "or", located in the second sentence, from upper case letters to lower case letters.

SECTION 30. Section 2.12.080(6)(B) shall be amended by deleting the words "Public Works" and replacing them with the words "Planning and Transportation".

SECTION 31. Section 2.12.080(6)(C) shall be amended by adding "and," immediately after the semicolon.

SECTION 32. Section 2.12.100, entitled "Bloomington Commission on Sustainability", shall be amended by deleting any references to the word "chapter" and replacing any such references with the word "section" wherever that word appears in the section.

SECTION 33. Section 2.12.100(3) shall be amended by adding the word "common" immediately before the word "council" in the third sentence of this section.

SECTION 34. Section 2.12.100(7) shall be amended by deleting the words "assistant director of economic development" and replacing them with the words "sustainability coordinator".

SECTION 35. Section 2.12.100(8)(F) shall be amended by adding "and," immediately after the semicolon.

SECTION 36. Chapter 2.14, currently entitled "Planning Department", shall be renamed "Planning and Transportation Department" and this name shall be reflected in the chapter heading as well as in table of contents for Title 2 (Administration and Personnel).

SECTION 37. Section 2.14.000, entitled "Establishment", shall be amended to add the words "and transportation" immediately following the word "planning"; and shall be further amended by deleting the words "under the city plan commission".

SECTION 38. Section 2.14.010, entitled "Appointment of director", shall be amended to add the words "and transportation" immediately following the word "planning".

SECTION 39. A new section shall be added to Chapter 2.14, said section shall be entitled "Section 2.14.020 Divisions", and the same shall be added to the table of contents for Chapter 2.14, and shall read as follows:

2.14.020 Divisions.

The planning and transportation department shall be comprised of four divisions: planning and transportation administration; planning services; development services; and transportation and traffic engineering services.

(1) The planning services and development services divisions operate under the city's plan commission.

(2) The transportation and traffic engineering services division shall be led by the traffic and transportation engineer.

(a) The traffic and transportation engineer is appointed by and serves at the pleasure of the mayor;

(b) The traffic and transportation engineer serves as the city's civil engineer for purposes of Ind. Code 36-4-9-6.

(c) The traffic and transportation engineer serves as the city's traffic engineer for purposes of Ind. Code 36-9-7-3.

SECTION 40. Section 2.15.000, entitled "Establishment" shall be amended by deleting the following words "plan department, and engineering department," and replacing them with the following words "planning and transportation department".

SECTION 41. Section 2.15.040, currently entitled "Procedure - Meetings - Oaths - Attendance" shall be renamed "Procedure - Meetings", and the same shall be renamed in the table of contents for Chapter 2.15.

SECTION 42. Section 2.15.040(a) shall be amended to add the words "or her" immediately after the word "his".

SECTION 43. Section 2.15.040(b) shall be amended to delete the numbers "20.03.04.00" and replace them with "20.01.380".

SECTION 44. Section 2.16.010(b) shall be amended by adding the words "and transportation" immediately after the word "planning" in the first sentence; and shall be further amended by adding the word "the" immediately before the words "staff to the commission" in the first sentence.

SECTION 45. Section 2.16.010(c) shall be amended by deleting any reference to the words "of the city".

SECTION 46. Section 2.16.010(d) shall be amended by changing the letter "t" in the word "three" which immediately follows the colon from an upper case letter to a lower case letter.

SECTION 47. Section 2.16.020(d) shall be amended by deleting the word "title" and replacing it with the word "chapter".

SECTION 48. Section 2.16.030(g) shall be amended by deleting the words "according to Section 8.08.020 of this code".

SECTION 49. Section 2.16.030(i) shall be amended by deleting the word "title" and replacing it with the word "chapter".

SECTION 50. Section 2.17.040, entitled "Police Department - Establishment", shall be amended by adding the words "and parking enforcement" immediately before the word "function"; and shall be further amended by deleting the word "function" and replacing it with the word "functions".

SECTION 51. Section 2.27.000, entitled "Establishment of bureau", shall be amended by deleting the words "one hundred" and replacing them with the words "two hundred and fifty".

SECTION 52. Section 2.27.010, entitled "Appointment of administrator of bureau and designation of agents for collection of civil penalties", shall be deleted in its entirety and replaced with the following:

2.27.010 Appointment of administrator of bureau and designation of agents for collection of civil penalties.

The ordinance violations bureau shall be administered by the city controller. The following divisions and departments are designated to act as agents of the administrator for collection of civil ordinance violation penalties.

(a) Animal care and control department: for receipt of penalties for violations or fees described in Bloomington Municipal Code Title 7, Animals;

(b) Fire department: for receipt of penalties for violations of Bloomington Municipal Code Section 15.32.160(e), Emergency vehicle lanes, and for violations of Bloomington Municipal Code Title 18, Fire Prevention;

(c) Housing and neighborhood development department: for the receipt of penalties for violations of Bloomington Municipal Code Chapter 6.04,

Refuse and Yard Waste Collection by the City, Chapter 6.06, Garbage and Weeds, Chapter 6.07, Snow and Ice Removal; Title 8 Historic Preservation; Title 16, Residential Rental and Lodging Establishment Inspection Program; and Title 17, Construction Regulations;

(d) Police department: for receipt of penalties for violations of Bloomington Municipal Code Title 14, Peace and Safety, and Title 15, Vehicles and Traffic;

(e) Planning and transportation department: for receipt of penalties for violations of Bloomington Municipal Code Chapter 12.06, Sidewalk Seating and Merchandise Encroachments; Chapter 12.08, Excavations; and Title 20, Unified Development Ordinance.

(f) Legal department: for receipt of penalties for any of the above violations which have been referred to the department for collection, and for the receipt of all other penalties for violations of the ordinances of the city.

All penalties collected by agent of the administrator shall be collected, receipted, and accounted to the administrator in accordance with Indiana statute.

SECTION 53. Section 2.27.020, entitled "Limitations on powers of bureau", shall be amended by deleting any references to the words "one hundred" and replacing all such references with the words "two hundred and fifty".

SECTION 54. Section 2.76.040, entitled "Boundaries", shall be amended by deleting the words "Bloomington City" and replacing them with the words "Transportation and Traffic"; and shall be further amended by adding the words "or her" immediately after the word "his".

SECTION 55. A new chapter shall be added to Title 6 (Health and Sanitation), entitled "Chapter 6.07 Snow and Ice Removal" which shall be listed as such in the table of contents for this Title and shall read as follows:

Chapter 6.07 SNOW AND ICE REMOVAL

Sections:

6.07.010 Snow and ice removal -- Duty of abutting property owner.
6.07.020 Enforcement procedures and appeal.

6.07.010 Snow and ice removal -- Duty of abutting property owner.

(a) It shall be the duty of every owner of any premises abutting a sidewalk in all parts of the City to remove, or cause to be removed, all snow and ice from the sidewalk to allow safe and reasonable travel on said sidewalk within twenty-four hours after snow or ice has ceased to fall or in any way accumulate.

(b) In the downtown snow removal area, the minimum clear width of the path shall be the lesser of fifty-four inches or the full-paved width of the sidewalk, while in the remainder of the City the minimum clear width of the path shall be thirty-six inches.

(c) For purposes of this section, the downtown snow removal area is defined as:
(1) College Avenue and Walnut Street from 3rd Street to 10th Street
(2) Gentry Street from 4th Street to 5th Street;
(3) Morton Street from 5th Street to 10th Street;
(4) 3rd Street between Walnut Street and College Avenue;
(5) 4th Street between Walnut Street and Gentry Avenue;
(6) Segments of 5th, 6th, 7th, 8th, 9th, and 10th Streets from Walnut Street to Morton Street; and
(7) Kirkwood Avenue from Indiana Avenue to Rogers Street.

(d) Where the ownership of the premises abutting a sidewalk is being transferred by means of a sales contract that has been recorded in the office of the Monroe

County Recorder, the duty to remove snow and ice shall be on the purchaser of the premises, who shall be considered the owner for the purposes of this section.

6.07.020 Enforcement procedure and appeal.

(a) If the director of HAND, the assistant director, any neighborhood compliance officer, or any other designee of the director (collectively referred to as "staff") determines that there is a violation of this chapter, that person shall issue a notice of violation (NOV) to the property owner.

(b) The NOV shall be in writing and shall be served on the property owner 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 NOV shall state:

(1) The location of the violation;
(2) The nature of the violation;
(3) The fine assessed for the violation;
(4) That the fine is to be paid at HAND;
(5) That the fine may be contested in the monroe county circuit courts; and
(6) That the NOV may be appealed to the board of public works, provided the appeal is in writing and filed with the board of public works no later than seven days from the date of the NOV.

(c) Schedule of Fines. The initial penalty or fine for all violations of this chapter shall be fifty dollars. A second violation of this chapter in any twelve-month period shall be subject to a penalty or fine of one hundred dollars. A third and all subsequent violations of this chapter in any twelve-month period shall be subject to a penalty or fine of one hundred fifty dollars. The twelve-month period described above shall begin on August 1 of each year and end on July 31 of the following year.

(d) If the property owner fails to pay any accumulated fines, the city legal department may collect said fines in any manner authorized by law.

SECTION 56. Section 10.04.020, entitled "Definitions", shall be amended by adding the words "or her" immediately after the word "his" located in the definition of "Director".

SECTION 57. Section 10.04.070, entitled "Personal sewer sludge use", shall be amended by adding the words "or her" immediately after the words "him" and "his".

SECTION 58. Section 10.04.095(h) shall be amended by adding the word "the" immediately before the words "city" and "county" as those words appear in the first three lines of this section; and shall be further amended by adding the words "planning and transportation department" immediately after the word "city"; and shall be further amended by adding the word "department" immediately after the word "engineering; and shall be further amended by deleting the following words ", and either an excavating or plumbing permit from the city engineering. Permits will not be issued by the city engineering unless a paid receipt for the tapping fee is presented."

SECTION 59. Section 10.04.100, entitled "Enforcement and procedures", shall be amended by deleting any references to the words "corporation counsel" and replacing any such references with the words "city legal department".

SECTION 60. Section 10.04.100(c) shall be amended by adding the word "or she" immediately after the word "he".

SECTION 61. Section 10.08.110(b) shall be amended by changing the "Nonexcessive strength rate" from "$6.52" to "$6.36".

SECTION 62. Section 10.21.060(a)(1) shall be amended by deleting any references to the word "engineering" and replacing any such references with the words "planning and transportation".

SECTION 63. Section 10.21.150, entitled "Civil penalty", shall be amended by adding a comma immediately after the word "fees".

SECTION 64. Section 10.21.180, entitled "Additional requirements", shall be amended by deleting the word "Zoning" and replacing it with the words "Unified Development Ordinance".

SECTION 65. Section 11.04.160, entitled "Subdivisions in vicinity - Inspection of sanitary facilities", shall be amended by deleting any references to the words "city engineer" and replacing any such references with the words "transportation and traffic engineer".

SECTION 66. Section 12.04.001, entitled "Sidewalks required - New buildings", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 12.04.

SECTION 67. Section 12.04.002, entitled "Waiver - New buildings", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 12.04.

SECTION 68. Section 12.04.003, entitled "Sidewalks required - Building permits", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 12.04.

SECTION 69. Section 12.04.004, entitled "Appeal", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 12.04.

SECTION 70. Section 12.04.005, entitled "Determinate variance - Sidewalk construction deferred", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 12.04.

SECTION 71. Section 12.04.010, entitled "Repair of sidewalks - Duty of adjacent owner", shall be amended by adding the words "or her" immediately after the word "him"; and shall be further amended by deleting the words "city engineer" and replacing them with the words "transportation and traffic engineer".

SECTION 72. Section 12.04.070, entitled "Snow and ice removal - Duty of abutting property owner", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 12.04.

SECTION 73. Section 12.04.080, entitled "Snow and ice removal - Failure to remove", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 12.04.

SECTION 74. Section 12.04.085, entitled "Appeal", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 12.04.

SECTION 75. Section 12.04.110, entitled "Obstructing sidewalk - Walkaround - To be provided", shall be amended by deleting the word "four" and replacing it with the word "five".

SECTION 76. Section 12.04.120, currently entitled "Obstructing sidewalk - Walkaround - Approval of chief of police", shall be renamed "Obstructing sidewalk - Walkaround - Approval of transportation and traffic engineer", with the same being changed in the table of contents for Chapter 12.04.

SECTION 77. Section 12.04.120, herein renamed "Obstructing sidewalk - Walkaround - Approval of transportation and traffic engineer", shall be amended by deleting the words "chief of police" and replacing them with the words "transportation and traffic engineer".

SECTION 78. Section 12.04.140, entitled "Street assemblies", shall be amended by adding the words "unless permission has first been obtained from the board of public works" immediately after the word "city"; and shall be further amended by adding a second sentence to the section, which shall read as follows: "This section shall not in any way be interpreted to infringe upon those rights guaranteed by the First Amendment to the United States Constitution."

SECTION 79. Section 12.04.150, entitled "Moving buildings", shall be deleted in its entirety and replaced with the following:

12.04.150 Moving buildings.

Any person desiring to move any building within the city shall first obtain approval from the transportation and traffic engineer to do so. Such approval shall establish rules and regulations for the moving, including, but not limited to, time and route. As a prerequisite to this approval, the transportation and traffic engineer may require a bond for the protection of city property and the property of others in an amount deemed by the transportation and traffic engineer to be sufficient.

SECTION 80. Section 12.04.160, entitled "Storm sewers", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 12.04.

SECTION 81. Section 12.06.020, entitled "Definitions", shall be amended by adding the words "Planning and Transportation" immediately before the word "Department" in the definition of "Department"; and shall be further amended by deleting the words "of Public Works" in the same definition.

SECTION 82. Section 12.06.020, entitled "Definitions", shall be amended by adding the words "Planning and Transportation" immediately before the word "Department" in the definition of "Staff"; and shall be further amended by deleting the words "of Public Works" in the same definition.

SECTION 83. Section 12.06.030(c)(1) shall be amended by deleting the word "the" immediately before the word "determining".

SECTION 84. Section 12.06.030(k) shall be amended by deleting the word "Beverage" and replacing it with the words "and Tobacco"; and shall be further amended by deleting the period after the word "separation" and replacing said period with a comma.

SECTION 85. Section 12.06.040(d) shall be amended by deleting the words "of Public Works"; and shall be further amended by replacing the periods at the end of the numbered subsections with semicolons; and shall be further amended by adding "and," to the end of subsection (4).

SECTION 86. Section 12.06.040(e)(4) shall be amended by deleting the word "and".

SECTION 87. 12.06.050(a) shall be amended by changing the letter "p" in the word "Permittee" from a capital case letter to a lower case letter.

SECTION 88. Section 12.06.050(e) shall be amended by changing the semicolon to a period.

SECTION 89. Section 12.06.060(a)(2) shall be amended by deleting the word "or" that immediately follows the semicolon.

SECTION 90. Section 12.06.060(a)(3) shall be amended by deleting the period and replacing it with the following "; or,".

SECTION 91. Section 12.06.100(a) shall be amended by adding the words "Planning and Transportation" immediately before the word "Director"; and shall be further amended by deleting the words "of Public Works"; and shall be further amended by deleting the phrase "the Permittee(s)," and replacing it with "the permittee(s);"

SECTION 92. Section 12.06.100(b)(7) shall be amended by adding the words "Planning and Transportation" immediately before the word "Department"; and shall be further amended by deleting the words "of Public Works"; and shall be further amended by adding "and," after the semicolon.

SECTION 93. Section 12.06.100(c) shall be amended by changing the letter "p" in the word "Permittee" from an upper case letter to a lower case letter.

SECTION 94. Section 12.06.110(a)(1) shall be amended by changing the letter "p" in any references to the word "Permittee" from a capital case letter to a lower case letter wherever that word appears in part (a)(1).

SECTION 95. Section 12.06.120, entitled "Appeal of citation and fine", shall be amended by adding the words "(NOVs) may be appealed to the board of public works, provided the appeal is submitted to the board, via the planning and transportation department, with seven calendar days of the citation (NOV) being issued" immediately before the word "and".

SECTION 96. Section 12.08.030, entitled "Permit fee", shall be amended by deleting the word "city" and replacing it with the words "transportation and traffic"; and shall be further amended by deleting the words "the sum of fifteen dollars per excavation" and replacing those words with the following "the fee specified in Section 17.08.050".

SECTION 97. Section 12.08.040, currently entitled "Petition to be filed with city engineer", shall be renamed "Petition to be filed with transportation and traffic engineer", with the same being changed in the table of contents of Chapter 12.08.

SECTION 98. Section 12.08.040, herein renamed "Petition to be filed with transportation and traffic engineer", shall be amended by deleting the word "city" and replacing it with the words "transportation and traffic".

SECTION 99. Section 12.08.050, entitled "Bond required - Amount - Conditions", shall be amended by deleting any reference to the words "City Engineer" and replacing said references with the words "Transportation and Traffic Engineer".

SECTION 100. Section 12.08.060, entitled "Deposit for restoration of surfaces", shall be deleted in its entirety and the section heading shall be deleted from the table of contents for this chapter.

SECTION 101. Section 12.08.070, entitled "Restoration of surface to be accomplished by permittee", shall be amended by deleting the words "in compliance with Bloomington Municipal Code Section 17.08.080,"; and shall be further amended by deleting any references to the words "city engineer" and replacing said references with the words "transportation and traffic engineer".

SECTION 102. Section 12.08.080, entitled "Return of excess deposit after payment of cost - Liability permitted to continue for two years", shall be amended by deleting any references to the words "city engineer" and replacing said references with the words "transportation and traffic engineer".

SECTION 103. Section 12.08.090, entitled "Permit issuance", shall be amended by deleting the word "city" and replacing it with the words "transportation and traffic".

SECTION 104. Section 12.08.100, entitled "Location of mains and pipes - Supervision of work", shall be amended by deleting the word "City" and replacing it with the words "Transportation and Traffic".

SECTION 105. Section 12.08.120, entitled "Refilling of excavations", shall be amended by adding the words "or she" immediately after the word "he"; and shall be further amended by deleting the word "city" and replacing it with the words "transportation and traffic".

SECTION 106. Section 12.08.130, entitled "Tunneling", shall be amended by deleting the word "city" and replacing it with the words "transportation and traffic".

SECTION 107. Section 12.08.140, entitled "Barricade - Danger lights", shall be amended by deleting the word "Highways" and replacing it with the word "Transportation"; and shall be further amended by deleting any references to "City Engineer" and replacing any such references with the words "Transportation and Traffic Engineer".

SECTION 108. Section 12.08.170, entitled "Violations", shall be amended by adding the word "liable" immediately after the word "severally"; and shall be further amended by deleting the word "City" and replacing it with the following words "Transportation and Traffic".

SECTION 109. Chapter 12.12, entitled Marquees and Signs", shall be deleted in its entirety and the same shall be deleted from the table of contents for Title 12 (Streets, Sidewalks, and Storm Sewers).

SECTION 110. Section 12.20.010, entitled "Designation", shall be amended by deleting "Resolution 81-1" and replacing it with "MP-02-02"; and shall be further amended by adding the words "on December 16, 2002, with an effective date of December 19, 2002" immediately after the word "Commission".

SECTION 111. Section 12.20.020, entitled "Incorporation by reference - Description", shall be amended by deleting the number "1982" and replacing it with the number "2002"; and shall be further amended by deleting the words ", city engineer and department of" and replacing it with the following "and planning and transportation department".

SECTION 112. Chapter 14.50, entitled "Prohibition of Open Containers of Alcoholic Beverages in Motor Vehicles", shall be deleted in its entirety and the same shall be deleted from the table of contents for Title 14 (Peace and Safety).

SECTION 113. Section 15.08.010, entitled "Traffic Engineer", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 15.08.

SECTION 114. Section 15.08.020, entitled "Authority to install traffic control devices", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 15.08.

SECTION 115. Section 15.08.030, entitled "Traffic control devices", shall be amended by deleting the words "Indiana Department of Highways" and replacing it with the words "Indiana Department of Transportation".

SECTION 116. Section 15.08.040, entitled "Temporary, experimental or emergency traffic regulations", shall be amended by deleting the first reference to the word "city" and replacing it with the words "transportation and"; and shall be further amended by adding the words "transportation and" immediately preceding the word "traffic" in the second sentence of the Section.

SECTION 117. Section 15.08.040(b) shall be amended be deleting the word "city" and replacing it with the words "transportation and".

SECTION 118. Section 15.12.030(a) shall be amended by deleting the words "city engineer" and replacing it with the words "transportation and traffic engineer".

SECTION 119. Section 15.24.030, entitled "School speed zones", shall be amended by adding the words "transportation and" immediately preceding the word "traffic"; and shall be further amended by deleting the words "State Highway Commission" and replacing them with the words "Indiana Department of Transportation".

SECTION 120. Section 15.26.020, entitled "Neighborhood traffic safety program", shall be amended by deleting the word "developed" and replacing it with the word "administered"; and shall be further amended by deleting the words "city engineering" and replacing them with the words "planning and transportation".

SECTION 121. Section 15.28.040(b) shall be amended by adding the words "transportation and" immediately preceding the word "traffic".

SECTION 122. Section 15.32.090(f) shall be amended by deleting the words "department of public works" and replacing them with "planning and transportation department" wherever they appear in part (f).

SECTION 123. Section 15.32.160(b) shall be amended by adding the words "transportation and" immediately preceding the word "traffic"; and shall be further amended by adding the words "or she" immediately after the word "he".

SECTION 124. Section 15.32.160(c) shall be amended by deleting the word "department" and replacing it with the word "departments" as it appears in the first sentence; and shall be further amended by deleting the words "attorney's office" and replacing them with the words "legal department".

SECTION 125. Section 15.32.180(f) shall be amended by adding the words "planning and transportation" immediately preceding the word "department"; and shall be further amended by deleting the words "of public works".

SECTION 126. Section 15.32.185(a) shall be amended by deleting the words "parking enforcement manager" and replacing them with the words "planning and transportation department".

SECTION 127. Section 15.32.185(c) shall be amended by deleting the words "parking enforcement " and replacing them with the words "the planning and transportation department".

SECTION 128. Section 15.34.050(c) shall be amended by deleting the words "the parking enforcement" as they appear in the first line and replacing them with "parking enforcement officers"; and shall be further amended by deleting the words "division, and members of the citizens' accessible parking enforcement patrol".

SECTION 129. Section 15.34.080, entitled "Citizens' accessible parking enforcement patrol", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 15.34.

SECTION 130. Section 15.36.070 (a) shall be amended by adding the words "transportation and" immediately preceding the words "traffic".

SECTION 131. Section 15.37.040, entitled "Eligibility", shall be amended by deleting the words "parking enforcement officer manager" and replacing them with the words "planning and transportation department"; and shall be further amended by deleting the words "his or her".

SECTION 132. Section 15.37.080, entitled "Decal required", shall be amended by deleting the words "parking enforcement office manager" and replacing them with the words "planning and transportation department".

SECTION 133. Section 15.37.100, entitled "Replacement of permit", shall be amended by deleting the words "parking enforcement office" and replacing them with the words "planning and transportation department".

SECTION 134. Section 15.37.130, entitled "Precedence of no parking zones", shall be amended by deleting the words "engineering department" and replacing them with the words "planning and transportation department".

SECTION 135. Section 15.37.140, entitled "Special exceptions", shall be amended by deleting the words "parking enforcement office manager" and replacing them with the words "planning and transportation department".

SECTION 136. Section 15.37.190, entitled "All zone permits", shall be amended by deleting any reference to the words "director of parking enforcement" and replacing all such references with the words "planning and transportation department".

SECTION 137. Section 15.38.010, entitled "City employee parking", shall be amended by adding the words "planning and transportation" immediately preceding the word "department"; and shall be further amended by deleting the words "of public works".

SECTION 138. Section 15.38.020, entitled "Restrictions", shall be amended by deleting the words "department of public works" wherever they appear in this section and replacing them with the words "planning and transportation department."

SECTION 139. Section 15.40.015(c) shall be amended by deleting the words "and shall be budgeted through the department of public works".

SECTION 140. Section 15.40.020(a) shall be amended by adding the words "planning and transportation" immediately preceding the word "department"; and shall be further amended by deleting the words "of public works".

SECTION 141. Section 15.40.060, entitled "Violations", shall be amended by adding the words "planning and transportation" before any references to the word "department"; and shall be further amended by deleting any references to the words "of public works".

SECTION 142. Section 15.48.020(a) shall be amended by adding the words "or parking enforcement officer" immediately after the word "Department".

SECTION 143. Section 15.56.090(b) shall be amended by deleting the words "office of the city engineer" and replacing them with the words "planning and transportation department"; and shall be further amended by deleting the words "city engineer" and replacing them with the words "transportation and traffic engineer".

SECTION 144. Section 15.56.095(a)(2) shall be amended by deleting the words "manager of parking enforcement" as well as the words "department of parking enforcement" and replacing both references with the words "police department".

SECTION 145. Section 15.56.095(a)(3) shall be amended by deleting the words "department of parking enforcement" and replacing them with the words "police department".

SECTION 146. Section 15.64.010(d) shall be deleted in its entirety and replaced with the following:

15.64.010 Violations and penalties.

(d) Class D Traffic Violations (most parking violations).

Fine:	$20.00, $40.00 (depending upon when paid)	
Covers:	15.32.010	Parking adjacent to yellow curb
	15.32.020	Parking in alley beyond limit
	15.32.030	Violating angle parking
	15.32.040	Parking car in street for washing, repairing
	15.32.080	Parking in no parking zone
	15.32.090	Parking beyond time limit
	15.32.100	Parking beyond loading zone limit
	15.32.110	Parking in bus zone
	15.32.120	Parking in official vehicle zone
	15.32.130	Parking near intersections
	15.32.140	Obstructing traffic
	15.32.170	Parking facing traffic
	15.32.175	Parallel and angle parking
	15.36.100	Parking in resident-only space
	15.37.150	Parking in residential permit area; Permit displayed in an ineligible motor vehicle (plate non-match)
	15.38.020	City employee parking; unauthorized parking in city employee parking lots including during Farmers' Market
	15.40.025(a)	Parking beyond time restrictions

	15.40.025(b)	Overnight parking in city parks and recreation parking lots between eleven p.m. and five a.m.
	15.40.050	Parking in space designated for city hall visitors when not in city hall or moving between vehicle and city hall
	15.40.060(a), (c), (d), (e), (f), (g), (h)	Backing in and overtime parking in municipal parking lots, garages and on-street metered parking spaces; defacing parking meters; depositing or causing to be deposited in a parking meter a substitute for proper payment; and unauthorized parking in a municipal lot or garage
	15.60.020	Parking illegally in park, picnic ground, or golf course
	15.60.040	Parking on sidewalk

(1) The fine for Class D traffic violations shall be twenty dollars if paid within seven calendar days. The fine shall automatically increase to forty dollars if not paid within the seven calendar days.

(2) 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 the seven 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 D traffic violation citations and all violations of the Neighborhood Residential Permit Parking Program (15.37.150).

(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 such a determination is requested and is requested in a manner consistent with Indiana law.

(3) For purposes of this section, the following persons are the only persons which may challenge a traffic violation citation:

(A) The registered owner of the motor vehicle which received the traffic violation citation;

(B) An attorney representing the owner of the motor vehicle which received the traffic violation citation;

(C) The person who was legally responsible for the motor vehicle which received the traffic violation citation; or

(D) An attorney representing the person who was legally responsible for the motor vehicle which received the traffic violation citation.

SECTION 147. Section 17.04.010, entitled "Title", shall be amended to add the word "and" immediately preceding the word "may".

SECTION 148. Section 17.04.050(b) shall be amended by deleting the word "city engineer" and replacing it with the words "transportation and traffic engineer"; and shall be further amended by adding the words "or her" immediately after the word "his".

SECTION 149. Section 17.04.050(d) shall be deleted in its entirety and all remaining subsections shall be renumbered accordingly.

SECTION 150. The newly relettered Section 17.04.050(e), regarding "planning jurisdiction," shall be amended by deleting the words "and the two mile fringe as defined by the plan commission".

SECTION 151. Section 17.04.090, entitled "Property owner doing own work", shall be amended by adding the words "or she" immediately after all references to the word "he".

SECTION 152. Section 17.04.100, entitled "Appeals and variances", shall be amended by deleting the first sentence of the Section in its entirety; and shall be further amended by deleting the word "city engineer" in the second sentence and replacing it with the words "transportation and traffic engineer".

SECTION 153. Section 17.08.010, currently entitled "Engineering Department", shall be renamed the "Planning and transportation department" and this section heading shall be reflected in the table of contents for Chapter 17.08 (Administration and Enforcement).

SECTION 154. Section 17.08.010, herein renamed "Planning and transportation department", shall be amended by deleting all references to the "City Engineer" and replacing any such references with "transportation and traffic engineer"; and, shall be further amended by inserting a new subsection (d) which shall read as follows:

(d) Street cuts. Street cuts shall be permanently repaired within forty-eight hours of completion on an arterial street and within five days on all other streets after all subgrade work has been completed. Until subgrade work is completed, temporary repairs to the satisfaction of the Transportation and Traffic Engineer shall be made to the street daily in order that traffic may proceed across the cut after hours. Street cut repairs shall conform to the standards established by the Planning and Transportation Department. The Planning and Transportation Department shall be notified twenty-four hours in advance of placement of a permanent patch so that an inspector may be present at the time of its placement. Any street settling that occurs within one year of completion of the cut shall be repaired to the satisfaction of the Transportation and Traffic Engineer at the applicant's expense. Failure to repair shall result in suit being filed against the contractor's bond.

SECTION 155. Section 17.08.020, entitled "Scope and permits required", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 17.08.

SECTION 156. Section 17.08.030, entitled "Permit application", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 17.08.

SECTION 157. Section 17.08.050(a) shall be amended by deleting all but the first sentence of this Section.

SECTION 158. Section 17.08.050(b) shall be deleted in its entirety, with all remaining subsections being relettered accordingly.

SECTION 159. Section 17.08.050(c), regarding the Affordable Housing Permit Program," shall be deleted in its entirety, with all remaining subsections being renumbered accordingly.

SECTION 160. The newly relettered Section 17.08.050(b) shall be amended by deleting the words "city engineer" and replacing them with the words "transportation and traffic engineer".

SECTION 161. The newly relettered Section 17.08.050(c), regarding fees, shall be amended by deleting the line referring to "all earth grading under Section 20.06.05.03, $115 minimum".

SECTION 162. Section 17.08.060, entitled "Certificate of occupancy", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 17.08.

SECTION 163. Section 17.08.070, entitled "Inspections", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 17.08.

SECTION 164. Section 17.08.080, entitled "Special plumbing regulations", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 17.08.
SECTION 165. Section 17.08.090, entitled "Special electrical regulation", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 17.08.

SECTION 166. Section 17.08.100, entitled "Permits involving demolition", shall be amended by deleting the words "city engineering" and replacing them with the words "the planning and transportation department"; and shall be further amended by deleting any references to the word "planning director" and replacing them with the word "director"; and shall be further amended by adding the words "or her" immediately after the word "his".

SECTION 167. Chapter 17.12, entitled "License Requirements and Boards", shall be deleted in its entirety and the same shall be deleted from the table of contents for Title 17.

SECTION 168. Section 17.16.030, entitled "Public nuisance", shall be amended by deleting any references to the words "city engineer or" and replacing any such references with the words "housing and"; and shall be further amended by deleting any references to the word "manager" and replacing any such references with "department"; and shall be further amended be deleting the word "are" in the second sentence and replacing it with the word "is".

SECTION 169. Section 17.16.040(a) shall be amended by deleting the word "engineering" and replacing it with the words "housing and neighborhood development".

SECTION 170. Section 17.16.040(b) shall be amended by deleting the words "the city engineer"; and shall be further amended by deleting the words "of either".

SECTION 171. Section 17.16.130, entitled "Legal proceedings", shall be amended by deleting the words "engineering department or".

SECTION 172. If any section, sentence, chapter or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any other section, sentence, chapter, provision 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 173. The City Clerk is authorized to work with the codifier to correct scrivener's errors after consultation with the Council Office and review of strikeout documents used to prepare the ordinance.

SECTION 174. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, with approval of the Mayor, and after any required waiting and/or notice periods under Indiana law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day July, 2014.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of July, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 3rd day of July, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance is a sister ordinance to Ordinance 14-10. Because of the changes enacted by Ordinance 14-10, multiple sections and chapters of the Bloomington Municipal Code need to be changed. Three types of changes occur with this ordinance: (1) the renaming of departments, job titles, and the reassignment of job duties; (2) fixing of typographical errors; and (3) changes which allow the municipal code to reflect the actual practices and policies of the City. The Titles and Chapters affected by this ordinance include:

- Title 2 (Administration and Personnel) -
  - Chapter 2.09 (Board of Public Works - *Revised*), Chapter 2.10 (Department of Public Works -- Establishment - *Revised*), Chapter 2.11 (Department of Public Works -- Divisions - *Revised*), Chapter 2.12 (Boards, Commissions and Councils - *Revised*), Chapter 2.14 (Planning Department - *Revised*), Chapter 2.15 (Advisory Board of Zoning Appeals - *Revised*), Chapter 2.16 (Historical Preservation Commission - *Revised*), Chapter 2.17 (Board of Public Safety - *Revised*), Chapter 2.27 (Ordinance Violations Bureau - *Revised*), and Chapter 2.76 (Bloomington Public Transportation Corporation - *Revised*);
- Title 6 (Health and Sanitation) –
  - Chapter 6.07 (Snow and Ice Removal – *Relocated and revised*);
- Title 10 (Waste Water) –
  - Chapter 10.04 (General Rules - *Revised*), and Chapter 10.21 (Construction Site and Post Construction Stormwater Control - *Revised*);
- Title 11 (Lakes and Reservoirs) –
  - Chapter 11.04 (Lakes and Reservoirs - *Revised*);
- Title 12 (Streets, Sidewalks and Storm Sewers) –
  - Chapter 12.04 (General Regulations - *Revised*), Chapter 12.06 (Sidewalk Seating and Merchandising Encroachments - *Revised*), Chapter 12.08 (Excavations - *Revised*), Chapter 12.12 (Marquees and Signs - *Deleted*), and Chapter 12.20 (Thoroughfare Plan - *Revised*);
- Title 14 (Peace and Safety) –
  - Chapter 14.50 (Prohibition of Open Containers of Alcoholic Beverages in Motor Vehicles - *Deleted*);
- Title 15 (Vehicles and Traffic) –
  - Chapter 15.08 (Administration - *Revised*), Chapter 15.12 (Stop, Yield and Signalized Intersections - *Revised*), Chapter 15.24 (Speed Regulations - *Revised*), Chapter 15.26 (Neighborhood Traffic Safety Program - *Revised*), Chapter 15.28 (Truck Routes - *Revised*), Chapter 15.32 (Parking Controls - *Revised*), Chapter 15.34 (Accessible Parking for People with Physical Disabilities - *Revised*), Chapter 15.36 (Resident-Only Parking Permits - *Revised*), Chapter 15.37 (Residential Neighborhood Permit Parking - *Revised*), Chapter 15.38 (City Employee Parking - *Revised*), Chapter 15.40 (Municipal Parking Lots, Garages and On-Street Metered Parking - *Revised*), Chapter 15.48 (Removal and Impoundment of Vehicles - *Revised*), Chapter 15.56 (Bicycles, Skateboards & Other Foot-Propelled Vehicles - *Revised*), Chapter 15.64 (Traffic Violation Schedule - *Revised*); and
- Title 17 (Construction Regulations) –
  - Chapter 17.04 (General - *Revised*), Chapter 17.08 (Administration and Enforcement - *Revised*), Chapter 17.12 (License Requirements and Boards - *Deleted*), and Chapter 17. 16 (Unsafe Building Law - *Revised*)

Note: On July 2, 2014, Ordinance 14-11 was amended by the passage of Am 01, which corrected oversights affecting Sections 52, 100 & 154.

Signed copies to:
(Legal (4)
Controller
HT for publication

CA/CAC (1)
Clerk (2)
BMC (2)