Passed 5-2 (Granger, Rollo)
(Sturbaum, Volan absent)

ORDINANCE 17-23

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" -

Re: Adding Active Transportation Facility Definitions; Amending Bicycle Operation Parameters; Deleting Prohibition of Coasters, Skateboards and Roller Skates on Streets and Replacing It with Regulation of Coasters; Deleting Bicycle License Requirements, Bicycle License Issuance, Bicycle License Records, and Prohibition of License Decal Removal; Amending Bicycle Rentals; Deleting Bicycle Paths Established and Replacing It with Bicycle Lanes Established; Deleting Right-of-Way of Bicycle Riders on Bicycle Lanes and Replacing It with Use of Bicycle Lanes; Adding Penalties for Violations to Bicycle Parking; Amending Violation and Penalties for Bicycles, Skateboards and Other Foot-Propelled Vehicles from a Class E to a Class G Violation; Adding a Vulnerable Road Users Section and Opening Vehicle Doors Section to the Miscellaneous Traffic Rules; Amending the Class C, D, and G Traffic Violation Sections; and, Deleting the Class E and F Traffic Violation Sections.

WHEREAS, the Traffic Commission, the Bicycle and Pedestrian Safety Commission and City staff from the following departments recommend certain changes be made in the active transportation provisions of Title 15 of the Bloomington Municipal code entitled "Vehicles and Traffic:" Planning and Transportation, Public Works, Parks and Recreation, Police Department and the Legal Department;

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

SECTION 1. Chapter 15.04 of the Bloomington Municipal Code (BMC), entitled "DEFINITIONS," shall be amended to include the following sections, which shall also be added to the table of contents for this Chapter:

15.04.051 Bicycle

"Bicycle" means a human-powered vehicle generally with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more bicycle seats on its frame. Such term also includes a human-powered vehicle designed to transport by pedaling which has more than two wheels where the vehicle is used on a public highway, multiuse path, multiuse trail, or other public right-of-way. Such term also includes similar vehicles equipped with an electric motor that is capable of propelling the vehicle at a maximum speed of 20 miles per hour.

15.04.052 Bicycle Lane

"Bicycle Lane" means a portion of the street that has been designated for the preferential use of persons riding bicycles with pavement markings and, if used, signage.

15.04.053 Coaster

"Coaster" means roller skates, in-line skates, skateboards, scooters, or other similar devices powered by human power that do not meet the definitions of pedestrian or bicycle.

15.04.055 Multiuse Path

"Multiuse Path" means a type of sidewalk designed primarily for use by pedestrians, persons riding bicycles, and persons using coasters for transportation and recreation purposes that is physically separated from motor vehicle traffic and within a highway right-of-way or adjacent easement.

15.04.056 Multiuse Trail

"Multiuse Trail" means a facility designed primarily for use by pedestrians, persons riding bicycles, and persons using coasters for transportation and recreation purposes that is physically separated from motor vehicle traffic, has all the same operational requirements of a sidewalk, and is a public facility not within a highway right-of-way or adjacent easement.

15.04.105 Pedestrian

"Pedestrian" means a person on foot or in a wheelchair.

SECTION 2. Section 15.56.015, entitled "Definitions," shall be amended by deleting the following:

"Bicycle" means a human-powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more bicycle seats on its frame. Such term also includes a human-powered vehicle designed to transport by pedaling which has more than two wheels where the vehicle is used on a public highway, public bicycle path or other public right-of-way, but does not include a tricycle.

"Tricycle" means a three-wheeled human-powered vehicle designed for use as a toy by a single child under the age of six years of age, the seat of which is no more than two feet from ground level.

SECTION 3. Section 15.56.020, entitled "Operating bicycles," shall be deleted in its entirety and replaced with the following:

15.56.020 Operating bicycles

Every person who operates a bicycle on public property shall comply with the following provisions:

(a) A person operating a bicycle on a sidewalk, multiuse path, multiuse trail, or within a crosswalk, shall yield the right-of-way to any pedestrian.

(b) A person who is operating a bicycle and who is passing a pedestrian traveling on the same facility shall pass the pedestrian at a distance of at least three feet. If a bicycle operator is unable to pass the pedestrian at a distance of at least three feet, then the bicycle operator shall stop, dismount, or exit the facility.

(c) A person operating a bicycle upon a sidewalk, multiuse path, multiuse trail, or within a crosswalk, before overtaking a person with a visual impairment who is carrying a white cane or who is guided by a service animal, shall dismount and pass on foot, if necessary to avoid startling, inconveniencing or colliding with the person.

(d) A person operating a bicycle shall give an audible signal before overtaking and passing any pedestrian while traveling in the same direction and on the same facility as the pedestrian. The audible signal may be given by voice or by bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as to not startle the person or persons being passed.

(e) A person operating a bicycle on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall not suddenly move into the path of a vehicle or pedestrian so as to constitute an immediate hazard.

(f) No person shall operate a bicycle on a sidewalk, multiuse path, or multiuse trail at a speed greater than ordinary pedestrian activity when approaching or entering a crosswalk, or approaching or crossing a driveway or alley if a vehicle is approaching the crosswalk or driveway close enough to constitute a potential hazard.

(g) Operating a bicycle on the sidewalks and within the crosswalks along the following streets is hereby declared a public nuisance and is therefore prohibited. Bicyclists in these areas shall dismount their bicycles. Signage shall be in place prior to enforcement of this requirement and shall, when practicable, be in the form of markings on the sidewalk.

STREETS:

Fourth Street from Indiana Avenue to Grant Street
Kirkwood Avenue from Indiana Avenue to Morton Street.
Sixth Street from Walnut Street to Morton Street.
Walnut Street from Fourth Street to Seventh Street.
College Avenue from Fourth Street to Seventh Street.

A violation of this provision shall be a Class G Traffic Violation, which bears a penalty listed in Section 15.64.010 (h).

SECTION 4. Section 15.56.025, entitled "Prohibition of coasters, skateboards and roller skates," shall be deleted in its entirety and replaced with the following, and this change shall be reflected in the table of contents for this chapter.

15.56.025 Regulation of Coasters:

Every person who uses a coaster on public property shall comply with the following provisions:

(a) A person using a coaster on a sidewalk, multiuse path, multiuse trail, or within a crosswalk, shall yield the right-of-way to any pedestrian.

(b) A person who is using a coaster and who is passing a pedestrian traveling on the same facility shall pass the pedestrian at a distance of at least three feet. If a coaster user is unable to pass the pedestrian at a distance of at least three feet, then the coaster user shall stop, dismount, or exit the facility.

(c) A person using a coaster upon a sidewalk, multiuse path, multiuse trail, or within a crosswalk, before overtaking a person with a visual impairment who is carrying a white cane or guided by a service animal, shall dismount and pass on foot, if necessary to avoid startling, inconveniencing or colliding with the person.

(d) A person using a coaster shall give an audible signal before overtaking and passing any pedestrian while traveling in the same direction as the pedestrian. The audible signal may be given by voice or by bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as to not startle the person or persons being passed.

(e) A person using a coaster upon a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall not suddenly move into the path of a vehicle or pedestrian so as to constitute an immediate hazard.

(f) No person shall use a coaster on a sidewalk, multiuse path, or multiuse trail at a speed greater than ordinary pedestrian activity when approaching or entering a crosswalk, or approaching or crossing a driveway or alley if a vehicle is approaching the crosswalk or driveway close enough to constitute a potential hazard.

(g) Operating a coaster on the sidewalks and within the crosswalks along the following streets is hereby declared a public nuisance and is therefore prohibited. A person operating a coaster in these areas shall dismount their coaster. Signage shall be in place prior to enforcement of this requirement and shall, when practicable, be in the form of markings on the sidewalk.

STREETS:

Fourth Street from Indiana Avenue to Grant Street
Kirkwood Avenue from Indiana Avenue to Morton Street
Sixth Street from Walnut Street to Morton Street
Walnut Street from Fourth Street to Seventh Street
College Avenue from Fourth Street to Seventh Street

PARKS:

Waldron, Hill and Buskirk Park Fountain Circle

(h) No person may use coasters upon any street, sidewalk, multiuse path, or multiuse trail while attached to any motor vehicle. No person shall knowingly drive a motor vehicle that is towing a person using a coaster.

(i) All persons using a coaster, while on a public street, shall yield to approaching vehicles by moving to the curb or shoulder of the street.

(j) All persons using a coaster upon any street, sidewalk, multiuse path, or multiuse trail who are under age 18 must at all times when so engaged wear a protective helmet of good fit fastened securely upon the head with straps of the helmet.

A violation of this provision shall be a Class G Traffic Violation, which bears a penalty listed in Section 15.64.010 (h).

SECTION 5. Sections 15.56.030, "Bicycle license required," 15.56.040, "Issuance of license," 15.56.050, "Bicycle license records," and 15.56.060, "Removal of license decal prohibited," shall be deleted in their entirety and also be removed from the table of contents for this chapter.

SECTION 6. Section 15.56.070, "Bicycle rentals," shall be amended so that the section shall read as follows:

(a) No person may rent a bicycle to another person unless the bicycle is equipped as required by state law.

(b) Any person or business renting or offering a bicycle for rent in this City shall indemnify any person renting such bicycle for fines incurred due to any noncompliance with state equipment requirements. Failure to indemnify renter for any fines incurred is a Class B Traffic Violation subject to the penalty listed in Section 15.64.010(b).

SECTION 7. Section 15.56.080, "Bicycle Paths Established," and Section 15.56.085, "Right-of-way of Bicycle Riders on Bicycle Lanes," shall be deleted in their entirety and replaced with the following and the changes shall be reflected in the table of contents for this chapter:

15.56.080 Use of Bicycle Lanes

(a) Bicycle lanes are established for the purpose of providing a separate traffic lane on designated city streets for the preferential use of persons riding bicycles.

(b) No parking, stopping or standing by motor vehicles is permitted in bicycle lanes, except for public transit buses actively loading or unloading passengers.

(c) A person shall not drive a motorized vehicle in, on or across a bicycle lane except
(1) to enter or exit an intersecting driveway, alley, or street;
(2) to enter or exit a parking space; or
(3) for public transit to enter or leave a bus stop.

(d) A person may not drive on or cross a bicycle lane without first yielding the right-of-way, if necessary, to avoid collision or interference with traffic legally in the bicycle lane.

A violation of 15.56.080 (b) shall be a Class D Traffic Violation, which bears a penalty listed in 15.64.010(d).

A violation of 15.56.080 (c) or (d) shall be a Class C Traffic Violation, which bears a penalty listed in Section 15.64.010(c).

SECTION 8. Section 15.56.090, "Bicycle Parking," shall be amended by deleting the following text from 15.56.090 (b):

who shall be responsible for keeping sufficient records of permits and specifications

SECTION 9. Section 15.56.090, "Bicycle Parking," shall be amended by adding the following sentence at the end of 15.56.090 (c):

A violation of this provision shall be a Class D Traffic Violation, which bears a penalty listed in Section 15.64.010 (d).

SECTION 10. Section 15.56.110, "Violation and Penalty," shall be amended by removing the reference to a "Class E Traffic Violation" and replacing it with "a Class G Traffic Violation" and by removing reference to "Section 15.64.010(e)" and replacing it with "Section 15.64.010(h)."

SECTION 11. Chapter 15.60, "Miscellaneous Traffic Rules," shall be amended by adding new sections as follows:

15.60.090, Vulnerable Road Users

(a) In this section, a vulnerable road user means the following
(1) a pedestrian, including, but not limited to, a runner, person with a disability, child, stranded motorist or passenger, highway construction or maintenance worker, a tow truck operator, utility worker, or any other worker with legitimate business in or near the road or right-of-way;
(2) a person on horseback;
(3) a person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, coaster, horse-driven conveyance or unprotected farm equipment; or
(4) a person operating a motorcycle, moped, motor-driven cycle or motor-assisted scooter.

(b) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall
(1) vacate the lane in which the vulnerable road user is located if the highway has two or more marked lanes in the same direction; or
(2) pass the vulnerable road user at a distance of at least three feet for cars and light trucks and at least six feet for heavy trucks and buses.

(c) An operator of a motor vehicle who is making a turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a vulnerable road user who is traveling in the opposite direction of the motor vehicle and who is approaching or close enough to the intersection as to be an immediate hazard.

(d) An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the turn.

(e) Anyone operating a motor vehicle, bicycle or other method of conveyance upon a roadway must yield to anyone legally using a crosswalk.

(f) An operator of a motor vehicle may not operate the vehicle in a manner that is intended to intimidate, threaten or harass a vulnerable road user.

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

15.60.100, Opening Vehicle Doors

(a) No person shall open a door of a motor vehicle on the streets of this City, unless and until it can be done without interfering with the movement of other traffic, including but not limited to pedestrians and bicycles on sidewalks, multiuse paths, shoulders or bicycle lanes.

(b) No person shall leave a door open on the side of a vehicle adjacent to moving traffic, including but not limited to pedestrians and bicycles on sidewalks, shoulders or bicycle lanes, for a period of time longer than necessary to unload or load passengers and goods.

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

SECTION 12. Section 15.64.010(c), "Class C Traffic Violations (Potentially dangerous violations)", shall be amended to add the following:

Covers:	15.56.080 (c,d)	Use of Bicycle Lanes
	15.60.090	Vulnerable Road Users
	15.60.100	Opening Vehicle Doors

SECTION 13. Section 15.64.010(d), "Class D Traffic Violations (most parking violations)", shall be amended to add the following:

Covers:	15.56.080 (b)	Use of Bicycle Lanes
	15.56.090	Bicycle Parking

SECTION 14. Section 15.64.010, "Violations and penalties," shall be amended by deleting all contents of 15.64.010 (e) "Class E Traffic Violations" and 15.64.010 (g) "Class F Traffic Violation".

SECTION 15. Section 15.64.010(h), "Class G Traffic Violations (Bicycle safety violations)", shall be amended so that the section shall read as follows:

Fine:	$20	
Covers:	15.56.020	Operating Bicycles
	15.56.025	Regulation of Coasters
	15.56.100(a), (b), and (c)	Bicycle helmet and restraining seat use
	15.56.110	Violations with penalties not otherwise specified in BMC 15.56

SECTION 16. 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 17. This ordinance shall be in full force and effect after its passage by the Common Council and approval by the Mayor and, as necessary, promulgation in accordance with law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 9th day of August, 2017.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 15th day of August, 2017.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 15th day of August, 2017.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance seeks to amend several sections of Title 15 of the Bloomington Municipal Code pertaining to bicyclists and other human-powered methods of transportation. The changes were suggested by the City of Bloomington Traffic Commission, the Bicycle and Pedestrian Safety Commission, the Planning and Transportation Department, and the Legal Department. The changes include defining bicycle lanes, multiuse paths, trails, pedestrians, bicycles, and coasters for improved clarity. They permit bicyclists to operate on sidewalks, paths, and trails provided they comply with specified requirements. They provide regulations for users of roller skates, in-line skates, skateboards, scooters and other similar devices under human power, to operate on certain City facilities, provided they comply with specified requirements. They repeal the bicycle licensing and related requirements. They prohibit parking in bicycle lanes and prohibit driving on bicycle lanes, with limited exceptions. They modify the requirements associated with bicycle parking permits. They protect vulnerable road users, including pedestrians and bicyclists, by requiring motorists to provide a safe distance when passing vulnerable road users, yield when turning across the path of a vulnerable road user, and exercise due care when operating or exiting a motor vehicle. They also specify penalties for violations of the code.

(Over)

Note: Ord 17-23 was revised after it was distributed in the weekly Council Legislative Packet on May 12, 2017 and introduced at the Regular Session on May 17, 2017. The revision affected Section 11 of the ordinance.

Note: After postponement from the Regular Session on May 31, 2017 to the Regular Session on August 9, 2017, the Council considered six amendments and adopted three of them, which are identified below:

- *Am 01 made a minor change to Section 4 (BMC 15.56.025 – Regulation of coasters);*
- *Am 04 deleted and replaced Section 3 (BMC 15.56.020 – Operating bicycles) to better mediate the potential conflicts between bicyclists and pedestrian; and*
- *Am 06 deleted and replaced Section 4 (BMC 15.56.025 – Regulation of coasters) to parallel, in part, changes made in Section 3.*

Distributed to: Mayor, Clerk, Council Administrator, Legal, Controller, Planning, Police, Public Works, Parks and Recreation