

Amended under 0.72  
by 47-103 12/15/77  
re. Telecommunications

ORDINANCE NO. 77-62

AN ORDINANCE CREATING A DEPARTMENT OF PUBLIC WORKS  
WITHIN THE CITY OF BLOOMINGTON

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
BLOOMINGTON, INDIANA, THAT:

SECTION 1. That there is hereby created a Chapter 2.09 of  
the Bloomington Municipal Code which is enacted as follows:

Section Summary

- 2.09.010 Created - Established
- 2.09.020 Duties
- 2.09.030 Relationship Between Board of Public Works and Department of Public Works
- 2.09.040 Head - Title -Appointed
- 2.09.050 Budget
- 2.09.060 Functions
- 2.09.070 Departments Generally

CHAPTER 2.09

Department of Public Works

2.09.010 Created - Established. A new department to be known and designated as the Department of Public Works is created and established with the full power and authority of all departments within the administration of the corporate City of Bloomington, Indiana.

2.09.020 Duties. The scope of duties of the Department of Public Works shall include assumption of the responsibility as the general administrative department for the following divisions: Engineering, Sanitation, Transit, Street, Fleet Maintenance, for the following Councils and Commissions, Telecommunications, Traffic, Environmental and the following physical facilities, Animal Shelter and Rosehill Cemetery. General administrative responsibility includes formulation, adoption and implementation of policies, principles and standards for the administration of divisions included herein.

2.09.030 Relationship Between Board of Public Works and Department of Public Works. The Department of Public Works is hereby deemed to be subject to the powers and duties of the Board of Public Works as enumerated in IC 18-1-6-15 and IC 18-1-6-16.

2.09.040 Head - Title - Appointed. The Head of the Department of Public Works shall be Coordinator of the Department of Public Works to be appointed by the Mayor. Said Coordinator will be subject to any rules promulgated by the mayor and the Board of Public Works which do not conflict with state law.

A. Duties. The Coordinator shall assume administrative responsibility for the divisions, councils and commissions and physical facilities as enumerated in 2.09.020.

B. Powers. The Coordinator shall have the full power and authority as other department heads in the administration of the City of Bloomington. Powers and duties conferred by state statute or municipal ordinance are not affected by the sections contained herein.

2.09.050 Budget. The mayor of the City of Bloomington shall annually prepare the budget of the Department of Public Works based upon proposals submitted by the Director. The budget shall be submitted to the Common Council for approval in accordance with State Law.

2.09.060 Functions. The Department of Public Works shall function continuously from July 1, 1977 and shall perform all functions necessary to carry out the intent of this Chapter. The functions to be carried out shall not conflict with retirement and other fringe benefit created by state law.

2.09.070 Departments Generally. Pursuant to IC 18-1-1.5-17 the Street Department, the Transit Department and the Engineering Department are hereby subject to administrative and organizational promulgations of the Department of Public Works. Powers and duties conferred by state statute or municipal ordinance are not affected by the sections contained herein.

SECTION 2. Section 2.72.030 is amended to read as follows:

2.72.030 Commission Established. There is hereby established in the Department of Public Works an Environmental Quality and Conservation Commission.

SECTION 3. The clause before subsection (a) of section

2.77.010 is amended to read as follows:

2.77.010 Appointment - Duties. The Mayor, with advice and consent of the Common Council shall appoint a five (5) member Telecommunications council as part of the Department of Public Works.

- (a) Appointment shall be for two years, and renewable, with terms running concurrently and beginning with enactment of the chapter. In the event of a resignation, the Mayor shall appoint a replacement member for the remainder of the vacated term.
- (b) Council members shall serve without remuneration, save for expenses encountered directly in pursuit of the purposes of this chapter.
- (c) The duties and responsibilities of this Council shall be as follows:
  - (1) To evaluate the quality of subscriber service by cable television companies.
  - (2) To evaluate whether the company is operating in satisfaction of the terms of the cable television franchise and the applicable state and federal rules and regulations.
  - (3) To study the communication needs of the Bloomington community and explore ways of using cable television to meet these needs.
  - (4) To assist members of the public and non-profit organizations in the use of cable television, including, to the extent of the Council's ability, programing advice, production advice and assistance, and cable-casting arrangements.

(5) To seek out and retain the services of other persons, organizations and companies for purposes of satisfying the responsibilities laid upon the council by this chapter.

(6) To report at least once a year to the Mayor, the Common Council, and the Board of Public Works, in writing on the Council's activities and expenditures, such report to include the evaluations provided for in subsections 2.77.010 (c) (2) and (3) above, and such report further being made available to the public upon request.

(7) And to pursue the preceding responsibilities in the best public interest of the citizens of Bloomington.

(8) In order to carryout the above enumerated duties, the telecommunications council is empowered to expend such funds as the Common Council may appropriate and budget to the telecommunications council each year.

SECTION 4. Section 15.08.010 is amended to read as follows:

15.08.010 Established. There is established as a part of the Department of Public Works a Traffic Commission consisting of fifteen members who shall serve without compensation.

SECTION 5. Section 2.85.010 is amended to read as follows:

2.85.010 Created - Established. A new division of the Department of Public Works to be known as and designated as the Fleet Maintenance Department is created and established with the full power and authority of all departments within the Administration of the corporate City of Bloomington, Indiana.

SECTION 6. Section 2.85.030 is amended to read as follows:

2.85.030 Governed. The Department shall be governed by administrative rules and regulations formulated by the Board of Public Works and the Department of Public Works.

SECTION 7. Section 6.04.013 is amended to read as follows:

6.04.013 Collection Supervised by Board of Public Works. All refuse accumulated in the City shall be collected, conveyed and disposed of by the City under the supervision of the Board of Public Works and the Department of Public Works. The Board shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as it shall find necessary, and to change and modify the same after notice as required by law provided that such regulations are not contrary to the provisions hereof.

SECTION 8. Section 6.08.010 is amended to read as follows:

1. 6.08.010 Use and Maintenance. The following rules and regulations are fixed and established by the Department of Public Works for the use and maintenance of Rosehill Cemetery in the City:

- (1) Wooden boxes for burials are barred. Only cement or metal boxes or vaults may be used;
- (2) All marker foundations shall be three feet deep. All monument foundations shall be from three to five feet deep. All stones and monuments shall be set in concrete foundations;

- (3) All graves shall be level;
- (4) In Section "H" of Rosehill Cemetery only one stone over ten inches in height shall be allowed to a lot; such stone shall be placed in the center of the lot, unless the lot is to contain one grave only, in which case such stone shall be placed at the head of the grave;
- (5) No foot stones shall be permitted on any lot in Section "H" of Rosehill Cemetery;
- (6) No flowers, shrubbery or metal markers shall be planted in graves or lots except by consent of the sexton;
- (7) No additional curbing or fencing shall be erected about graves or lots, and no additional seats on lots will be allowed;
- (8) All work and care of lots or graves shall be done exclusively by the sexton;
- (9) No burials shall be allowed on Sundays;
- (10) Any additional overtime cost must be taken care of at the time of opening of the grave, if burial is to occur after four p.m.;
- (11) No lots shall be sold in any unplotted section;
- (12) Rosehill Cemetery gates will be open from seven a.m., to seven p.m., from May first to September thirtieth; and from seven a.m., to five p.m., from October first to April thirtieth;
- (13) Each deed to a grave or lot in Rosehill Cemetery shall contain the following condition: "Subject to the rules and regulations of Rosehill Cemetery as prescribed by City ordinance."

SECTION 9. Section 7.04.010(c) is amended to read as follows:

7.04.010(c) Employ personnel to carry out the purposes herein set forth, except that the Senior Humane Officer shall be appointed by the ~~Coordinator~~ of Public Works with the advice and consent of the Commission.

SECTION 10. Section 7.08.010 is amended to read as follows:

7.08.010 Position Created-Appointment. The positions of the Senior Humane Officer and Staff Humane Officers are hereby created. The Senior Humane shall be appointed by the ~~Coordinator~~ of Public Works with the advice and consent of the Animal Control Commission and shall hold office under the provisions and regulations of the City. He shall be authorized to appoint Staff Humane Officers with the advice and consent of the ~~Coordinator~~ of Public Works.

SECTION 11. Chapter 7.52 is amended to include a new section 7.52.050, to read as follows:

7.52.050 Animal Shelter. The physical facility known as the Animal Shelter of City of Bloomington shall be under the administrative control of the Department of Public Works and shall constitute a division of said Department. The Senior Humane Officer and Animal Control Commission shall retain all powers and duties conferred by this Title for the detailed supervision of matters relating to animal control. It is the intent of this Title that the Animal Control Commission be an advisory body to formulate, adopt and implement policies, principles and standards for humane treatment and control of all animals in the City of Bloomington.

SECTION 12. That Section 2.77.020 of the Bloomington Municipal Code is repealed and re-enacted as follows:

Section 2.77.020 Budget and Administration. The Telecommunications Council shall be responsible to the Board of Public Works in the interest of reviewing and evaluating the performance of city franchise agreements.

- (a) The Board of Public Works shall furnish the Telecommunications Council with rules and regulations for the administration of the Telecommunications Council.
- (b) The Telecommunications Council shall submit annual budget requests to the Board of Public Works for incorporation into the Board's annual budget request.
- (c) It is the object of this chapter that the Telecommunications Council will be supported from the receipt of cable television franchise fees.

SECTION 13. Severability. If any section, sentence or provision of this Ordinance, or the application thereof to any person or circumstance 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 chapter are declared to be severable.

SECTION 14. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, Indiana, this 18 day of August, 1977.

ATTEST:

Karel Dolnick  
Karel Dolnick, City Clerk

Thomas O Middleton  
Thomas O Middleton, President  
Bloomington Common Council

Presented by me to the Mayor of the City of Bloomington, Indiana, this 19 day of August, 1977, at the hour of 9 o'clock a.m.

Nora M. Connors  
Nora M. Connors, Deputy City Clerk

SIGNED AND APPROVED by me upon the 19 day of August, 1977, at the hour of 1 o'clock p.m.

Francis X. McCloskey  
Francis X. McCloskey, Mayor  
City of Bloomington

Synopsis  
Ordinance 77-62

An Ordinance Creating a  
Department of Public Works

Indiana law allows cities to organize its executive functions by Ordinance as long as that Ordinance does not conflict with State law and is necessary and desirable for efficient and effective governance. The present Ordinance, if approved, would create a Department of Public Works to be responsible for the general administration of the following functions: Engineering, Transportation, Streets, Transit, Sanitation, Fleet Maintenance, Animal Shelter, Rosehill Cemetery, Telecommunications Council, Traffic Commission and Enviromental Commission. The Board responsible for overseeing the operation would be the Board of Public Works. The chief administrator of the the department would be known as the Coordinator of Public Works.

I HEREBY MOVE THAT ORDINANCE # 77-62

BE INTRODUCED AND READ FOR FIRST READING BY TITLE

ONLY AT THE COUNCIL MEETING HELD ON Aug 4, 1977

David W. DeCott

(Signature)