City of Bloomington
Common Council

Legislative Packet

Wednesday, 17 May 2017

Regular Session

Found in the 10 May 2017 Legislative Packet:

- Legislation and background material regarding Resolution 17-25
- Legislation and background material regarding Ordinance 17-08
- Background material regarding Ordinance 17-22

Included in this Legislative Packet:

- Revised legislation regarding Ordinance 17-22 as introduced at the 10 May 2017 Special Session
- Legislation and background material regarding Ordinance 17-23
- Legislation and background material regarding Ordinance 17-24

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City of Bloomington Indiana

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To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **May 12, 2017**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
None

Legislation for Second Reading *(which can be found in the Weekly Council Legislative Packet issued for the 10 May 2017 Special Session and Committee of the Whole)*:

- **Res 17-25** To Approve Refunding Bonds of the City of Bloomington Redevelopment District to Refund 2011 Bonds
  Contact: Philippa Guthrie at 812-349-3426, guthriep@bloomington.in.gov
  Jeffrey Underwood at 812-349-3412, underwoj@bloomington.in.gov

- **Ord 17-22** To Amend Title 15 of the Bloomington Municipal Code – Re: Stop, Multi-Stop, and Yield Intersections, One-Way Streets, Increased or Decreased Speed Limits, Angle Parking Zones, No Parking Zones; Limited Parking Zones; Loading Zones; Parking Near Intersections, Parallel and Angle Parking Regulations, Resident-Only Parking Permits, and Removal of Abandoned Vehicles (Including Maximum Towing and Storage Charges for such Vehicles) - *Revised Version has been included in this packet*
  - Am 01 (Sponsor, Cm. Piedmont-Smith) – adjusts no parking on the west side of Fairview from Dodds to Wylie;
  - Am 02 (Submitted by Andrew Cibor) – clarifies that the loading zone on North Washington will be in force from 5:00 am – 5:00 pm Monday – Saturday;
  - Am 03 (Submitted by the Council Office) – would standard provisions left out of the distributed copy[1]

  Contacts: Barbara McKinney, 812-349-349-3426 or mckinneb@bloomington.in.gov
  Andrew Cibor at 812-349-3598 or cibora@bloomington.in.gov

[1] It's possible that the contents of this amendment could be added to one of the previous two amendments.

- **<u>Ord 17-08</u>** To Amend the Approved Planned Unit Development (PUD) District Ordinance and the Preliminary Plan Attached to Parcel I of the Woolery PUD (Allowing Multi-family Dwellings as a Permitted Use and Approving Development Standards Associated with Such Use) - Re: 2182 W. Tapp Road (Regency Consolidated Residential, LLC, Petitioner)
    - Zoning Commitment (memorializing the workforce housing terms [definition and time period]) voluntarily made by the petitioner) – *forthcoming*

  Contact: Eric Greulich at 812-349-3526, greulice@bloomington.in.gov

<u>Legislation and Background Material for First Reading *(included in this packet and summarized below)*</u>:

- **<u>Ord 17-23</u>** 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.
    - Memo to Council
    - Excerpts of Material and Minutes from the October 26, 2016 Traffic Commission
    - Excerpts from Title 15 – with Annotation of Proposed Changes

  Contact: Barbara McKinney, 812-349-3426, mckinneb@bloomington.in.gov
  Andrew Cibor, 812-349-3423, cibora@bloomington.in.gov

- **<u>Ord 17-24</u>** To Amend Title 15 of the Bloomington Municipal Code (BMC) Entitled "Vehicles and Traffic" - Re: Deleting BMC Chapter 15.36 (Resident-Only Parking Permits)
    - Memo to the Council
    - Excerpts of Title 15 – Annotating the Removal of this Chapter

  Contact: Barbara McKinney, 812-349-3426, mckinneb@bloomington.in.gov
  Andrew Cibor, 812-349-3423, cibora@bloomington.in.gov

<u>Minutes from Regular and Special Sessions</u>:

- May 03, 2017 (Regular Session)
- May 10, 2017 (Special Session)

<u>Memo</u>

Three Items Ready for Second Reading (Some with Amendments or Commitments) and Two Ordinances Ready for First Reading at the Regular Session on Wednesday, May 17th

There are three items ready for Second Readings and two items ready for First Reading at the Regular Session next Wednesday. The three items for Second Reading were included and summarized in last week's packet (with an online link set forth above). Additional documents – revised ordinance, amendments, etc. – are included in this packet or will be provided before next Wednesday's meeting. The two items for First Reading are included in this packet and summarized below.

Second Readings (Additional Materials)

<u>Ord 17-22</u> – Revised Ordinance and Amendments (in this Packet)

This packet includes material for your use when considering the traffic ordinance (<u>Ord 17-22</u>) which is up for Second Reading next Wednesday. The material includes:

- **<u>Ord 17-22</u>** as revised and introduced last Wednesday night;
- **Am 01** – sponsored by Cm. Piedmont-Smith – which adjusts the no parking restrictions on the west side of Fairview as a result of her communications with constituents;
- **Am 02** – submitted by Andrew Cibor, Transportation and Traffic Engineer – which clarifies that the loading zone on North Washington Street by the Monroe County Museum will be in force from 5 am to 5 pm Monday through Saturday; and

- **Am 03 –** submitted by the Council Office – which adds two standard ordinance provisions that were omitted from this legislation.

Please let the Council Office if there are other amendments you wish to be considered.

Ord 17-08 – Zoning Commitment (forthcoming)

Ord 17-08, which amends the Woolery Planned Unit Development. It provides for workforce housing agreed upon by the petitioner and the elements of a voluntary zoning commitment will be ready for next Wednesday night.

First Readings

Item One – Ord 17-23 – Amending Title 15 (Vehicles and Traffic) – To Elaborate Upon the Operation of Bicycles and Coasters on Sidewalks, Crosswalks, Multiuse Paths (and Trails), and Bicycle Lanes, and Add Other Bicycle-Related Regulations

The first item for First Reading next Wednesday is **Ord 17-23**. It proposes a package of changes to Title 15 (Vehicles and Traffic) relating to bicycles and other human-powered vehicles. One of the more significant changes would broaden the use of these vehicles on public ways and provides some new "rules for the road" in order to make the public ways safe and convenient for this larger mix of users. This mix of users, by the way, includes vulnerable persons who are accorded additional deference by this ordinance.

Definitions (Section 1 and 2 of the Ordinance – Affecting BMC Chapter 15.04 and Section 15.56.015)

The ordinance adds, deletes, revises, moves, or a combination of the foregoing in regard to definitions found in Title 15. For the following definitions, the ordinance:

- Bicycle – *moves* the definition from BMC 15.56 (Bicycles, Skateboards and Other Foot-Propelled Vehicles) to the general definitions of Title 15 *and revises* the definition to account for multi-use paths and trails, vehicles with more than two wheels,[2] and to

[2] With this broader definition of "bicycle," the ordinance also deletes the definition of "tricycle" from BMC

include motorized vehicles incapable of exceeding 20 mph;

- Bicycle Lane – *adds a new definition* to Title 15, which includes a portion of the street designated (by striping or signage) for preferential use by bicyclists;
- Coaster – *adds a new definition* to include human-powered devices not included in the definition of pedestrians[3] or bicycles;
- Multiuse Path and Multiuse Trail – *adds two new definitions:*
    - These definitions *both refer to* facilities designed primarily for use by pedestrians and persons on bicycles or coasters;
    - These definitions *differ* in that "multiuse paths" are adjacent to, and physically separated from, a street and that "multiuse trails" meet the operational requirements of a sidewalk, but are not within the right-of-way of an adjacent street; and
- Pedestrian – *adds a new definition* which includes persons on foot or in a wheelchair.

<u>Operation of Bicycles (Section 3 of the Ordinance – Affecting BMC Section 15.56.020)</u>

The code currently prohibits persons from operating most adult-size bicycles[4] on city sidewalks and also requires them to comply with basic traffic regulations (e.g. obeying stop signs, yield signs, traffic signals, and one-way traffic regulations). This ordinance allows persons to operate bicycles on sidewalks and other pedestrian facilities[5] as long as they comply with what might be called some new "rules of the road" to help make the additional mix of users safe and convenient for all. These "rules of the road" specify what bicyclists must do in regard to pedestrians:

- In areas congested with pedestrians - dismount and walk their bicycles;
- When near pedestrians - yield the right-of-way to them;
- When passing pedestrians going in the same direction – give an audible signal and pass in a manner not to startle them;
- When exceeding the pace of ordinary pedestrian traffic - pass them at a distance of 3'.

15.56.015.

[3] The term "pedestrian" encompasses persons in wheel chairs.

[4] Bicycles with wheel radiuses in excess of 14".

[5] This includes mutiuse paths, multiuse trails and crosswalks.

In addition, bicyclists must:

- Not operate a bicycle in a manner that constitutes an immediate hazard for pedestrians and vehicles (by, for example, moving suddenly into their path); and
- Not exceed the speed of ordinary pedestrian traffic at an intersection [6] if on course to create a potential hazard with an approaching vehicle.

Note: These are Class G violations and are subject to a $20 fine.

Regulation of Coasters (Section 4 of the Ordinance – Affecting BMC 15.56.025)

The code currently prohibits persons from riding on what are now defined as coasters on the roadway except in a crosswalk and restricts the operation of skateboards in certain areas in the downtown and in Third Street fountain circle.

In a similar approach as taken with bicyclists, this ordinance allows persons to use a coaster on sidewalks and other pedestrian facilities as long as they comply with some new "rules of the road" to help make the broader mix of users safe and convenient for all. In addition to the rules set forth for bicyclists, those using coasters must also:

- Avoid startling, inconveniencing, or colliding with visually impaired persons (as evidenced by persons carrying a white cane or being guided by a dog);
- Avoid the areas already restricted for skateboarders;
- Not hang on or be attached to a motor vehicle while in motion (and motorists must not knowingly tow persons on coasters), and
- Wear a protective help in a secure manner if under the age of 18.

Note: These are Class G violations and are subject to a $20 fine.

Elimination of License, Records, and Decal Requirements for Bicycles and the Rental of Bicycles (Section 5 and 6 of the Ordinance – Affecting BMC Sections 15.56.030, 040, 050, 060 & 070)

The code currently requires persons riding a bicycle to obtain a license and decal (issued and recorded by the Controller) and attach the decal to the bike. These requirements are rarely followed and are all removed by this ordinance. In addition, the ordinance revises the regulation of bicycle rentals to remove the licensing requirement and update references to state safety requirements.

[6] The term "intersection" here applies to alleys, drives, and private roads as well as public streets.

Removing Reference to Bike Paths and Introducing "Use of Bike Lanes" (Section 7 of the Ordinance – Affecting BMC Sections 15.080 and 085)

The code currently defines and identifies the locations for designated bike paths and also provides that bicyclists have the right-of-way on these paths.

This ordinance eliminates reference to "bike paths" and introduces a section entitled "Use of Bike Lanes," which are a "separate traffic lane on designated streets for preferential use of persons riding bicycles." It also specifies that motorists:

may not do the following in "bike lanes:

- Park, stop, or stand there (unless done by a public transit bus loading or unloading passengers) with violations being a Class D Traffic violation subject to n $20 - $40 escalating fine;
- Drive on or across a bike lane unless necessary to access a right-of-way, parking space, or bus stop (if a public transit bus) with violations being a Class C Traffic violation (potentially dangerous violations) which are subject to a $50 fine and

Must:

- Yield to bicyclists with violations being a Class D traffic violation subject to $20 - $40 escalating fine.

Amending Bicycle Parking Provision (Sections 9 and 10 of the Ordinance (Affecting BMC Sections 15.56.090)

This ordinance amends the "Bicycle Parking" provision to remove the duty of keeping records of bicycle parking permits from the Planning and Transportation Engineer. [7] It also establishes that violation of this provision or the abandoned vehicle provision is subject to a Class D Traffic violation (with a $20 - $40 escalating fine).

Amending the General Violation and Penalty Provision for Chapter 15.56 (Section 10 of the Ordinance – Affecting BMC Section 15.56.110)

Currently the code makes the default violation of Chapter 15.56 – absent where otherwise specified – a Class E Traffic Violation, which is subject to a $3.00 fine.

[7] Please note that the ordinance still requires that records be kept but does not indicate which staff will be responsible for that duty.

This ordinance makes those unspecified violations a Class G Traffic Violation with a $10 fine.

Adding a Vulnerable Road User Provision (Section 11 of the Ordinance – Affecting BMC Section 15.60.090)

This ordinance adds a provision which specifies the manner in which motorists drive when near vulnerable road users.[8] Under these regulations, motorists must take steps to lessen the likelihood of harm to vulnerable persons by:

- Vacating the lane the vulnerable road user occupies if another lane is available
- Passing them at distance of 3' if driving a car or light truck and at a distance of 6' if driving a heavier vehicle;
- If traveling in the opposite direction, yielding the right-of-way to a vulnerable road user who is making a turn at an intersection into the motorist's lane of traffic and posing an immediate hazard;
- Safely clearing a vulnerable road user when passing and turning in front of them; and
- Not operating a vehicle in a manner that is intended intimidate, threaten, or harass vulnerable users.[9]

Note: These are Class C (potentially dangerous) traffic violations and subject to a $50 fine.

Restrictions on Opening Vehicle Doors When on the Street (Section 11 of the Ordinance – Affecting BMC Section 16.06.100)

The ordinance also prohibits both the opening of vehicle doors and the keeping of vehicle doors open in a manner that interferes with pedestrian and vehicular traffic on streets, shoulders, bike lanes, multiuse paths and multiuse trails.
Note: These, too, are Class C (potentially dangerous) traffic violations and subject to a $50 fine.

[8] A vulnerable road user includes a range of persons including pedestrians, highway or utility workers, bicyclists, persons using a coaster or similar device, persons operating equipment or a motorized two-wheeled vehicle, and persons on horseback or operating a horse-driven conveyance.
[9] Note: this provision also requires anyone operating a "conveyance" to "yield to anyone legally using a crosswalk."

Reflecting the Changes to Class of Traffic Violations in the Traffic Violation Schedule – Sections 12 – 15 of the Ordinance – Affecting BMC Sections 15.64.010 (c, d, e, g, & h)

Throughout the ordinance, a class of traffic violations has been assigned to new requirements, reassigned to existing or modified requirements, and (in some cases) eliminated from the code. The latter sections of the ordinance reflect those changes in the Traffic Violation Schedule which is found at the end of the title (BMC 15.64.010).

Item Two – Ord 17-24 – Amending Title 15 of the BMC (Vehicles and Traffic) to Remove Chapter 15.36 (Resident-Only Parking Permits)

The second item for First Reading next Wednesday is **Ord 17-24**. It amends BMC Title 15 (Vehicles and Traffic) to remove Chapter 15.36, regarding resident-only parking permits, effective January 1, 2018. This proposal appeared in Ord 17-23, but was removed through a revision, in order to give Planning and Transportation staff some time to contact current permit holders about these changes and give them a chance to discuss with staff why it is being done and what might be done in their particular circumstances.

As noted in the summary for Ord 17-23, this change was recommended by the Traffic Commission at it October 26, 2016 meeting. [10] Although not often sought or granted,[11] for decades the City has offered the opportunity for persons living in a single household detached dwelling, located anywhere in the City, to obtain this annual permit for one passenger vehicle to park at a designated space on the street when there is a lack of "adequate off-street parking at the applicant's place of residence." (BMC Chapter 15.36)

Applicants apply through the Office of Controller and the decision on granting the permit rests with the Planning and Transportation Engineer (with an appeal to the Board of Public Works available). There is an initial administrative fee of $25, an annual permit fee of $26, and decal which is placed on the sign posted for the designated parking space.

The memo from Andrew Cibor, Transportation and Traffic Engineer, and Barbara McKinney, Assistant City Attorney, provides three reasons for this proposal:

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[10] Excerpts from the Traffic Commission packet and minutes are attached for your benefit.
[11] It appears that there 19 spaces around the City at this time.

- These parking spaces do not "comply with national accessibility rules which require if on-street parking spaces are marked or metered, then at least one accessible parking space must be provided;"
- Setting aside these on-street parking spaces removes this "valued public resource" from use by others;
- About half of the current 19 permit holders "do not meet the criteria …either because adequate off-street parking is available or because the property is not a single household detached dwelling."

Please know that Cibor has sent letters to these permit holders alerting them to the proposed change.

Happy Birthday Tim and Sue Mayer (May 14th)

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
6:30 P.M., WEDNESDAY, MAY 17, 2017
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES May 03, 2017 (Regular Session)
May 10, 2017 (Special Session)

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)
1. **Councilmembers**
2. **The Mayor and City Offices**
3. **Council Committees**
4. **Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 17-25 - To Approve Refunding Bonds of the City of Bloomington Redevelopment District to Refund 2011 Bonds

Committee Recommendation Do Pass 9-0-0

2. Ordinance 17-22 - To amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Stop, Multi-Stop, and Yield Intersections, One-Way Streets, Increased or Decreased Speed Limits, Angle Parking Zones, No Parking Zones; Limited Parking Zones; Loading Zones; Parking Near Intersections, Parallel and Angle Parking Regulations, Resident-Only Parking Permits, and Removal of Abandoned Vehicles (Including Maximum Towing and Storage Charges for such Vehicles)

Committee Recommendation Do Pass 8-0-1
Am01 Do Pass 9-0-0

3. Ordinance 17-08 - To Amend the Approved Planned Unit Development (PUD) District Ordinance and the Preliminary Plan Attached to Parcel I of the Woolery PUD (Allowing Multi-family dwellings as a Permitted Use and Approving Development Standards Associated with such Use) - Re: 2182 W. Tapp Road (Regency Consolidated Residential, LLC, petitioner)

Committee Recommendation Do Pass 5-1-3

VII. LEGISLATION FOR FIRST READING

1. 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.

2. Ordinance 17-24 - To Amend Title 15 of the Bloomington Municipal Code (BMC) Entitles "Vehicles and Traffic" - Re: Deleting BMC Chapter 15.36 (Resident-Only Parking Permits)

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

**Members of the public may speak on matters of community concern not listed on the agenda at one of the two Reports from the Public opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.*

***Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call (812)349-3409 or e-mail council@bloomington.in.gov.*

Posted & Distributed: May 12, 2017

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 14-20 May 2017

Sunday, 14 May

Happy Birthday Councilmember Tim (and Sue) Mayer!

Monday, 15 May

12:00 pm Board of Public Works – Work Session, McCloskey
12:00 pm Affordable Living Subcommittees, Hooker Conference Room
5:00 pm Redevelopment Commission, McCloskey
5:00 pm Utilities Service Board, 600 E. Miller Dr., Board Room

Tuesday, 16 May

10:00 am Central Emergency Dispatch Policy Board, Bloomington Police Department - Training Room, 220 E. 3rd St.
4:00 pm Board of Public Safety, McCloskey
5:30 pm Jack Hopkins Social Services Funding Committee – Pre-Allocation Meeting, Council Library
5:30 pm Animal Control Commission, Kelly
5:30 pm Commission on the Status of Children and Youth, Hooker Conference Room
5:30 pm Board of Public Works, Chambers
5:30 pm Bloomington Public Transportation Corporation, 130 W. Grimes Ln.

Wednesday, 17 May

2:00 pm Hearing Officer, Kelly
4:00 pm Board of Housing Quality Appeals, McCloskey
4:15 pm Economic Development Commission, Hooker Conference Room
6:00 pm Council on Neighborhood Associations, Hooker Conference Room
6:30 pm Common Council – Regular Session, Chambers

Thursday, 18 May

8:00 am Bloomington Housing Authority Board of Commissioners, 1007 N. Summit, Community Room
5:00 pm Jack Hopkins Allocation Hearing, Chambers
5:15 pm Solid Waste Management District Citizens Advisory Committee, McCloskey
5:30 pm Board of Zoning Appeals, Chambers
7:00 pm Environmental Commission, McCloskey

Friday, 19 May

12:00 pm Domestic Violence Task Force, McCloskey
12:00 pm Common Council – Internal Work Session, Council Library

Saturday, 20 May

8:00 am Bloomington Community Farmers' Market, 401 N. Morton St.

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please contact the applicable board or commission or call (812) 349-3400.

Posted and Distributed: Friday, 12 May 2017

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ORDINANCE 17-22

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC"
- Re: Stop, Multi-Stop, and Yield Intersections, One-Way Streets, Increased or Decreased Speed Limits, Angle Parking Zones, No Parking Zones; Limited Parking Zones; Loading Zones; Parking Near Intersections, Parallel and Angle Parking Regulations, and Removal of Abandoned Vehicles (Including Maximum Towing and Storage Charges for such Vehicles)

WHEREAS, the Traffic Commission, the Bicycle and Pedestrian Commission, and City staff from the Planning and Transportation, Police, Public Works, and the Legal departments recommend certain changes be made in Title 15 of the Bloomington Municipal code entitled "Vehicles and Traffic;"

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

SECTION 1. Section 15.12.010, Schedule A, "Stop Intersections" shall be amended to add and delete the following:1

Additions to Schedule A

TRAFFIC ON	SHALL STOP FOR TRAFFIC ON
Acuff Road	Kinser Pike
Alley between Walnut Street and Washington Street	Smith Avenue
Circle Drive	Mitchell Street
Crescent Road	Seventeenth Street
Crescent Road	Fountain Drive
Eighth Street	Fountain Drive
Eighth Street	Grant Street
Fountain Drive	Adams Street
Fountain Drive (Westbound)	Eleventh Street
Fourteenth Street	Woodlawn Avenue
Grey Street	Fountain Drive
Lemon Lane	Fountain Drive
Ninth Street	Grant Street
Thirteenth Street	Woodlawn Avenue
Twelfth Street	Woodlawn Avenue
Walnut Grove	Eleventh Street

Deletions from Schedule A

TRAFFIC ON	SHALL STOP FOR TRAFFIC ON
Crescent Road	Vernal Pike
Eighth Street	Adams Street
Eleventh Street	Walnut Grove
Grant Street	Eighth Street
Grant Street	Ninth Street
Gray Street	Vernal Pike
Lemon Lane	Vernal Pike
Longview Avenue	Pete Ellis Drive
Madison Street	Kirkwood Avenue
Rex Grossman Blvd.	Cota Drive

1 Note to Codifier: Some sections of this ordinance add and delete intersections or street segments to or from various schedules. Please know that the Additions and Deletions are indicated by a heading but are not, as a part of the section, numbered or lettered.

Revised Version - Released for May 10th SS - COW

Rex Grossman Blvd.	Tapp Road
Southdowns Drive	Mitchell Street
Vernal Pike	Adams Street
Vernal Pike (Westbound)	Eleventh Street
Woodlawn Avenue	Fourteenth Street
Woodlawn Avenue	Seventeenth Street
Woodlawn Avenue	Tenth Street
Woodlawn Avenue	Thirteenth Street

SECTION 2. Section 15.12.010, Schedule B, "Multi-Stop Intersections" shall be amended to add the following:

MULTI-STOP INTERSECTIONS	
Kirkwood Avenue & Madison Street	4-Way
Mitchell Street & Southdowns Drive	3-Way
Pete Ellis Drive & Longview Avenue	4-Way

SECTION 3. Section 15.12.020, Schedule C, "Yield intersections," shall be amended to delete the following:

TRAFFIC ON	SHALL YIELD TO TRAFFIC ON
Twelfth Street	Woodlawn Avenue (Eastbound)

SECTION 4. Section 15.16.010, Schedule E, "One-Way Streets" shall be amended to add and delete the following:

Additions to Schedule E

STREET	**FROM**	**TO**	**DIRECTION OF TRAVEL**
Eighth Street	College Avenue	Woodlawn Avenue	East
Eleventh Street	Washington Street	Woodlawn Avenue	East
Smith Avenue	Washington Street	College Avenue	West (1)

(1) – One-way travel for motor vehicle traffic only. Two-way bicycle traffic permitted.

Deletions from Schedule E

STREET	**FROM**	**TO**	**DIRECTION OF TRAVEL**
Eighth Street	Morton Street	Woodlawn Avenue	East
Eleventh Street	Washington Street	Forrest Avenue	East
Smith Avenue	Walnut Street	College Avenue	West
Smith Avenue	Washington Street	Walnut Street	West

SECTION 5. Section 15.24.020, Schedule I, "Increased or Decreased Speed Limits" shall be amended to add and delete the following:

Additions to Schedule I

STREET	**FROM**	**TO**	**POSTED SPEED**
Dunn Street	SR 45/SR 46 Bypass	Old SR 37	30 MPH

Revised Version - Released for May 16th SS - COW

Eleventh Street	Walnut Street	Fountain Drive	30 MPH
Fountain Drive	Adams Street	Western Terminus	30 MPH
Old SR 37	College Avenue	Walnut Street	20 MPH
Old SR 37	Walnut Street	City Limits	30 MPH

Deletions from Schedule I

STREET	FROM	TO	POSTED SPEED
Eleventh Street	Walnut Street	Vernal Pike	30 MPH
Jordan Avenue	Atwater Avenue	Seventeenth Street	30 MPH
Vernal Pike	Adams Street	SR 37	30 MPH

SECTION 6. Section 15.32.030, Schedule L, "Angle Parking" shall be amended to:

(a) add a new column entitled, "Angle Type" to the entire schedule;
(b) designate the "Angle Type" of all of the non-header rows as "Pull In"; and
(c) add the following angle parking zones to the schedule:

STREET	FROM	TO	SIDE OF STREET	ANGLE TYPE
Henderson Street	Hillside Street	275' South of Hillside Street	East	Pull In
Hillside Drive	Henderson Street	420' East of Henderson Street	South	Pull In

SECTION 7. Section 15.32.080, Schedule M, "No parking zones" shall be amended to add and delete the following:

Additions to Schedule M

STREET	FROM	TO	SIDE OF STREET	TIME OF RESTRICTION
College Avenue	Eighth Street	80' North of Eighth Street	West	Any Time
Eighth Street	Fountain Drive	Spring Street	North	Any Time
Eleventh Street	Woodlawn Avenue	Forrest Avenue	North	Any Time
Fess Avenue	Hunter Avenue	Third Street	West	Any Time
Fess Avenue	University Street	Hunter Avenue	East	Any Time
Fess Avenue	First Street	University Street	West	Any Time
Fourth Street	Elm Street	Jackson Street	North	Any Time
Grant Street	Tenth Street	Twelfth Street	East	Any Time
Grant Street	210' South of Tenth Street	Tenth Street	West	Any Time
Grant Street	Alice Street	210' South of Tenth Street	East	Any Time
Grant Street	165' North of Seventh Street	Alice Street	West	Any Time
Grant Street	University Street	165' North of Seventh Street	East	Any Time
Highland Avenue	Third Street	105' South of Third Street	West	Any Time
Indiana Avenue	Thirteenth Street	85' North of Thirteenth Street	East	Any Time
Moravec Way	Southwest corner of 977 Moravec	East property line of 936 Moravec	East/South	Any time

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	Way Property Line	Way		
Moravec Way	South Sidewalk Ramp Adjacent to 917 Moravec Way	North Sidewalk Ramp Adjacent to 917 Moravec Way	West	Any Time
Rogers Street	300’ South of Hillside Drive	75’ North of Sixth Street	West	Any Time
Rogers Street	90’ South of Eighth Street	95’ North of Eighth Street	West	Any Time
Walnut Street	110’ North of Fifteenth Street	Sixteenth Street	West	Any Time
Walnut Street	80’ North of Sixteenth Street	SR 45/SR 46 Bypass	West	Any Time
Woodlawn Avenue	Fourteenth Street	Seventeenth Street	West	Any Time
Woodlawn Avenue	Twelfth Street	Thirteenth Street	East/West	Any Time

Deletions from Schedule M

STREET	**FROM**	**TO**	**SIDE OF STREET**	**TIME OF RESTRICTION**
College Avenue	Eighth Street	40’ North of Eighth Street	West	Any Time
Eighth Street	Vernal Pike	Spring Street	North	Any Time
Fairview Street	Dodds Street	140’ North of Dodds Street	East	Any Time
Fairview Street	Private Property Line	Dixie Street	East/West	Any Time
Fairview Street	Wylie Street	130’ South of Wylie Street	West	Any Time
Fess Avenue	First Street	Third Street	West	Any Time
Grant Street	University Street	Twelfth Street	East	Any Time
Highland Avenue	50’ S. of Third	Third Street	West	Any Time
Rogers Street	300’ South of Hillside Drive	Thirteenth Street	West	Any Time
Walnut Street	Eleventh Street	Fourteenth Street	West	Any Time
Walnut Street	Fourteenth Street	Fifteenth Street	West	Any Time

SECTION 8. Section 15.32.090, Schedule N, “Limited parking zones,” shall be amended to add and delete the following:

Additions to Schedule N

STREET	**FROM**	**TO**	**SIDE OF ST.**	**LIMIT**
College Avenue	90’ South of Seventeenth Street	300’ South of Seventeenth Street	East	2 Hr. (6)
College Avenue	Seventeenth Street	90’ South of Seventeenth Street	East	15 Min. (6)

Deletions from Schedule N

STREET	**FROM**	**TO**	**SIDE OF ST.**	**LIMIT**

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College Avenue	50' South of Seventeenth Street	270' South of Seventeenth Street	East	2 Hr. (1)
College Avenue	30' South of Seventeenth Street	300' South of Seventeenth Street	East	2 Hr. (6)
College Avenue	Seventeenth Street	50' South of Seventeenth Street	East	15 Min.
Rogers Street	Kirkwood Avenue	Sixth Street	West	2 Hr. (8)

SECTION 9. Section 15.32.100, Schedule O, "Loading Zones," shall be amended to add the following:

100	Block of North Washington Street, the first space north of the alley on the east side

SECTION 10. Section 15.32.130, entitled, "Parking near intersections," shall be deleted in its entirety.

SECTION 11. The text of Section 15.32.175, entitled "Parallel and angle parking," shall be deleted in its entirety and replaced with the following:

(a) Parallel parking: Where parallel parking is permitted, vehicles shall park facing the direction required for adjacent traffic. Vehicles must park entirely within a marked parking area when present. When a marked parking area is not present, vehicles must park parallel with the curb or edge of roadway, and wheels must be within one foot of the curb or edge of roadway.

(b) Pull-in angle parking: Where pull-in angled parking is permitted, vehicles shall be parked with the front of the vehicle closest to the curb or edge of the roadway. The parked vehicle shall be as close as practical to the curb or edge of the roadway, and be within the marked space.

(c) Back-in angle parking: Where back-in angle parking is required, vehicles shall be parked with the rear of the vehicle closest to the curb or edge of the roadway. The parked vehicle shall be as close as practical to the curb or edge of the roadway, and be within the marked space.

SECTION 12. *(This section contained a change that was not ready for Council consideration and is left blank in order to preserve the numbering of the remaining sections.)*

SECTION 13. Section 15.52.040, "Removal of abandoned vehicles," shall be amended to add the words "or parking enforcement officer" after each use of the word "officer" in 15.52.040 (a), (b), (c) and (d), and to add the words "or parking enforcement officer's" after the word "officer's" in 15.52.040 (a) (1).

SECTION 14. 15.52.060 "Maximum towing and storage charges," shall be amended to add the words "or parking enforcement officer" after the word "officer" as it appears in that section.

Revised Version - Released for May 10th SS - COW

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

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2017.

_____
JOHN HAMILTON, Mayor
City of Bloomington

Revised Version - Released for May 10th SS - COW

SYNOPSIS

This ordinance seeks to amend several sections of Title 15 of the Bloomington Municipal Code. The changes were suggested by the Planning and Transportation Department, the Bicycle and Pedestrian Commission, the Traffic Commission, the Public Works Department, the Police Department, and the Legal Department. Many of the changes implement 90-day orders pertaining to stop intersections, yield intersections, no parking zones, limited parking zones, loading zones, and modifications to previous one-way streets, as those temporary measures proved effective at solving identified traffic and parking problems. Some of the changes are necessary as the result of capital projects such as I-69 and the Woodlawn Avenue connection, reflect the changing of the name of Vernal Pike to Fountain Drive, or to improve intersection line of sight. Additional changes include adding new multi-way stop intersections and modifying speed limits in code. They provide for angled parking in specified locations, label all existing angle parking as "pull in," and provide parameters for parallel, pull-in angle, and back-in angle on-street parking. They delete §15.32.130, "Parking near intersections." They also allow parking enforcement officers to facilitate removal of abandoned vehicles and generate a fee for the performance of those duties.

Note: Ord 17-22 was revised after release in the Council Packet on Friday, May 5, 2016 and introduction at the Special Session on May 10, 2017. The revisions made minor changes to the Whereas clause and removed Section 12 (Resident-Only Parking Permits) along with references to it from the ordinance.

*** Amendment Form ***

Ordinance #: 17-22

Amendment #: Am 01

Submitted By: Cm. Piedmont-Smith, District 5

Date: May 10, 2017

Proposed Amendment:

1. Section 7 of Ord 17-22 shall be amended in the following manner:

Under Additions to Schedule M , "No Parking Zones," the following shall be added:

STREET	FROM	TO	SIDE OF STREET	TIME OF RESTRICTION
Fairview Street	Dodds Street	50' north of Dodds Street	West	Any Time

Under Deletions from Schedule M, "No Parking Zones," the following shall be deleted:

STREET	FROM	TO	SIDE OF STREET	TIME OF RESTRICTION
Fairview Street	Wylie Street	130' South of Wylie Street	West	Any Time

Synopsis

This amendment is sponsored by Cm. Piedmont-Smith. It attempts to address sight distance by making two adjustments to the No Parking Zones on the west side of Fairview. The first adjustment would keep the current no parking restriction from Wylie Street to 130' south of Wylie Street and the second would remove the proposed no parking zone fom Dodds to 50' north of Dodds.

5/10/17 Committee Action: Do Pass: 9 – 0
5/17/17 Regular Session Action: Pending

(May 10, 2017)

*** Amendment Form ***

Ordinance #: 17-22

Amendment #: Am 02

Submitted By: Andrew Cibor, Transportation and Traffic Engineer

Date: 5/10/17

Proposed Amendment:

1. Section 9 of Ord 17-22, regarding BMC 15.32.100, Schedule O, "Loading Zones," shall be amended by adding the words "from the hours of 5:00 a.m. to 5:00 p.m, Monday through Saturday" to end the description of the one proposed change, so that the entry into Schedule O, shall read:

100	Block of North Washington Street, the first space north of the alley on the east side from the hours of 5:00 a.m. to 5:00 p.m., Monday through Saturday.

Synopsis

This amendment is proposed by Andrew Cibor, Transportation and Traffic Engineer. It provides that the first parking space on North Washington Street north of the alley on the east side is a loading zone from 5:00 a.m. to 5:00 p.m., Monday through Saturday.

5/10/17 Committee Action: N/A
5/17/17 Regular Session Action: Pending

5/10/2017

*** Amendment Form ***

Ordinance #: 17-22

Amendment #: Am 03

Submitted By: Council Office

Date: 5/12/17

Proposed Amendment:

1. Ord 17-22 shall be amended by adding following two sections at the end of the ordinance:

SECTION 15. 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 16. 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.

Synopsis

This amendment is proposed by the Council Office. It adds some standard provisions overlooked in the preparation of this ordinance.

5/10/17 Committee Action: N/A
5/17/17 Regular Session Action: Pending

5/17/2017

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:

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

(a) It shall be legal to operate a bicycle upon a sidewalk when sidewalks are not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, the bicycle operator shall walk the bicycle.

(b) 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 and 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.

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

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

(e) 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 the bicycle is traveling at a speed faster than ordinary pedestrian activity.

(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.

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, "Prohibition of coasters, skateboards and roller skates," shall be deleted in its entirely 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:

(a) Except as provided in 15.56.025 (g), it shall be legal to use a coaster upon a sidewalk when sidewalks are not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, the coaster user shall not travel at a speed greater than ordinary pedestrian activity.

(b) 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 and 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.

(c) A person using a coaster upon a sidewalk, multiuse path, multiuse trail, or within a crosswalk, before overtaking a visually impaired person carrying a white cane or guided by a dog, shall slow to a speed not faster than ordinary pedestrian activity if necessary to avoid startling, inconveniencing or colliding with the visually impaired person.

(d) 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.

(e) A person using a coaster shall not pass a pedestrian on the same facility within a distance of three feet if the person using a coaster is traveling at a speed faster than ordinary pedestrian activity.

(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) Using coasters in the following locations is hereby declared a public nuisance and is therefore prohibited:

STREETS:

Kirkwood Avenue from Indiana Avenue to College Avenue
Sixth Street from Walnut Street to College Avenue
Walnut Street from Third Street to Seventh Street
College Avenue from Third 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. Section 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 traveling in the opposite direction of a vulnerable road user 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 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 _____ day of _____, 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 _____ day of _____, 2017.

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 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.

MEMO:

To: City of Bloomington Common Council
From: Barbara McKinney, Assistant City Attorney
Andrew Cibor, Transportation & Traffic Engineer
Date: April 26, 2017
Re: Ordinance 17-23, Updates to Title 15 of the Bloomington Municipal Code

The attached ordinance is the first proposed update of Title 15 of the calendar year. It contains changes recommended by Planning & Transportation Department Staff, the Bicycle and Pedestrian Safety Commission, and the Traffic Commission with input and review from the Legal, Parks & Recreation, Public Works, and Police Departments. Changes proposed by this ordinance include:

- Updating definitions;
    - Bicycle – *updated definition,* a human-powered vehicle, generally with two wheels in tandem, designed to transport one or more persons by pedaling (term includes vehicles with more than two wheels and allows use of an electric motor capable of achieving a maximum speed of 20mph)
    - Bicycle Lane – *new definition,* a striped portion of a street for preferential use by persons riding bicycles
    - Coaster – *new definition,* in-line skates, skateboards, scooters, or other human-powered devices that do not meet the definitions of pedestrian or bicycle
    - Multiuse Path – *new definition,* a sidewalk adjacent to and physically separated from a street that is designed for use by pedestrians, persons riding bicycles, and persons using coasters
    - Multiuse Trail – *new definition,* similar to a multiuse path but not located adjacent to a street
    - Pedestrian – *new definition,* a person on foot or in a wheelchair
    - Tricycle – *delete definition*
    -

- Amending the operational requirements of persons riding bicycles to allow riding on sidewalks, multiuse paths, multiuse trails, and crosswalks when complying with specified requirements;
    - May not operate bicycle on a sidewalk congested with pedestrian traffic (shall dismount and walk)
    - Must yield right of way to any pedestrian and give audible warning when passing a pedestrian
    - Must dismount in order to pass a visually impaired person if necessary to avoid startling, inconvenience, or collision
    - May not suddenly move into the path of a vehicle or pedestrian so as to constitute an immediate hazard

    - Must pass a pedestrian at a distance of at least three feet if the bicycle is traveling faster than ordinary pedestrian activity
    - May not approach a driveway, alley, or street crosswalk at a speed faster than ordinary pedestrian activity if a vehicle is approaching close enough to constitute a potential hazard

- Amending the operational requirements of persons using coasters to allow riding on sidewalks, multiuse paths, multiuse trails, streets, and crosswalks when complying with specified requirements;

    - May not operate coaster on a sidewalk congested with pedestrian traffic (if congested, operator shall slow to pedestrian speed)
    - Must yield right of way to any pedestrian and give audible signals when passing a pedestrian
    - Must slow to pedestrian speed in order to pass a visually impaired person if necessary to avoid startling, inconvenience, or collision
    - May not suddenly move into the path of a vehicle or pedestrian so as to constitute an immediate hazard
    - Must pass a pedestrian at a distance of at least three feet if the coaster is traveling faster than ordinary pedestrian activity
    - May not approach a driveway, alley, or street crosswalk at a speed faster than ordinary pedestrian activity if a vehicle is approaching close enough to constitute a potential hazard
    - May not use coasters on a specific list of streets and parks (list unchanged from existing code)
    - May not use a coaster while attached to a motor vehicle
    - Must yield to approaching vehicles when operating on a public street
    - Must wear a helmet if under 18 years of age

- Deleting requirement for bicycle license, issuance of license, records of license, and the prohibition of removing license decals (includes deletion of license requirement for bicycle rentals);

- Amending requirements for the use of bicycle lanes;

    - Bicycle lanes are for the preferential use of persons riding bicycles
    - Motor vehicle parking is not allowed in a bicycle lane, except for public transit buses actively loading or unloading passengers
    - Driving motor vehicles in or across bicycle lanes is not allowed except
        - To enter or exit an intersecting driveway, alley, or street
        - To enter or exit a parking space
        - For public transit to enter or leave a bus stop
    - Motor vehicle drivers may not drive on or cross a bicycle lane without first yielding to traffic legally in the bicycle lane

- Amending bicycle parking to remove the requirement on the Transportation and Traffic Engineer to maintain records on bicycle parking permits and specifications (these records are still maintained by the Planning and Transportation Department, but the Transportation and Traffic Engineer does not keep them);

- Creating requirements for motor vehicles operations near vulnerable road users (vulnerable road users include pedestrians; persons on bicycle, coasters, and motorcycles; street maintenance workers; etc);

    - Motor vehicle operators passing a vulnerable road user shall vacate the lane in which a vulnerable road user is located or 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
    - Motor vehicle operators must yield the right of way to a vulnerable road user when turning at a street, driveway, or alley intersection
    - All vehicle operators must yield to anyone legally using a crosswalk
    - Motor vehicle operators may not operate their vehicle in a manner intended to intimidate, threaten, or harass a vulnerable road user

- Creating requirements for opening vehicle doors on streets;

    - Must not open a door unless it can be done without interfering with the movement of other traffic, including pedestrians and bicycles
    - Must not leave a door open that is adjacent to moving traffic, including pedestrians and bicycles, for longer than necessary to unload or load passengers and goods

- Deleting Class E and Class F Traffic Violations (all requirements covered by these violation classes are no longer relevant or have been changed to another violation class); and

- Amending Class G Traffic Violations to include a fine of $20 (raised from $10, some of the regulations now covered by Class G were previously covered by the $20 Class F fine).

- Updating the Class of Traffic Violation for all aforementioned changes so they are in a Class with similar violations.

MEMORANDUM

To: Traffic Commission

From: Scott Robinson, Planning Services Manager

Date: October 18, 2016

Re: Bicycle related Bloomington Municipal Code Amendments

Background

The following are Title 15 amendments that are specifically related to bicycles. Staff has reviewed Title 15 for consistency with state laws and to address local needs. A summary of the Title 15 sections are reviewed below along with the staff proposal on the general intent to amend each section.

15.56.010 Applicability of state laws - Every person who operates a bicycle upon any street or road shall be subject to the state laws concerning bicycles as set out in Title 9 of the Indiana Code and to all city traffic ordinances except where additional requirements are imposed by this chapter, or the nature of such rules or ordinances renders them inapplicable to bicycles or bicycle traffic.

- Staff does not proposes to change to this section, but this provides the basis to change other applicable sections.

15.56.015 Definitions – Add "roller skates" to the list of definitions. The draft definition includes the following information "roller skates and riders using similar roller skates and riders using similar devices such as skateboards, in-line skates, scooters and similar devices propelled by human power.

- Staff is proposing to add this definition as roller skates are not currently defined.

15.56.020 Operating bicycles – This section is being deleted and replaced. Draft material will allow people to legally operate a bicycle on a sidewalk with some safety conditions. The draft material includes the following provisions: (a) It shall be legal to operate a bicycle upon a sidewalk when sidewalks are not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, the bicycle operator shall walk the bicycle. (b) A person operating a bicycle on a sidewalk, or across a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any 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. (c) A person operating a bicycle upon a sidewalk or crosswalk, before overtaking a blind person carrying a white cane or guided by a dog, shall dismount and overtake or pass on foot, if necessary for safety. (d) A person shall not operate a bicycle upon a sidewalk so as to suddenly leave a curb or other place of safety and move into the path of a vehicle or pedestrian so as to constitute an immediate hazard. (e) No person shall operate a bicycle on a sidewalk at a speed greater than most pedestrian activity when approaching or entering a crosswalk or approaching or crossing a driveway if a vehicle, including a cyclist, is approaching the crosswalk or driveway close enough to constitute a potential hazard. (f) A person operating a bicycle shall have the same rights and responsibilities as pedestrians lawfully within an adjacent crosswalk, when the person or persons in the crosswalk is upon the half of the roadway upon which the vehicle is traveling or when the person or persons are approaching closely from the opposite half of the roadway. (g) A person operating a bicycle shall not pass a pedestrian within three feet of the pedestrian.

- Staff is proposing these changes to better reflect operating bicycles in Bloomington with enforcement priorities and to address safety concerns of pedestrians.

<u>15.56.025 Prohibition of coasters, skateboards and roller skates</u> – This section is being deleted and replaced. Draft material will allow people to legally operate these modes of transportation. The draft material includes the following provisions: (a) Operating roller skates, including in-line skates, skateboards, scooters or other similar devices powered by human power in the following locations is hereby declared a public nuisance and is therefore prohibited on (streets)Kirkwood Avenue from Indiana Avenue to College Avenue, Sixth Street from Walnut Street to College Avenue, Walnut Street from Third Street to Seventh Street, College Avenue from Third Street to Seventh Street, and (parks) Waldron, Hill, and Buskirk Park Fountain Circle. (b) The City shall have the discretion to post signs as necessary and appropriate. (c) Violation of Section 15.56.025 is a Class G Traffic Violation and subject to the penalty listed in Section 15.64.010(h). (d) No person may use roller skates, as defined in 15.56.015, upon any street, roadway or sidewalk while attached to any motor vehicle on the roadway. No person shall knowingly drive a motor vehicle that is towing a person using roller skates. (e) All persons using roller skates, while on a public street and traveling at less than the speed limit of the roadway, shall yield to vehicles approaching from the rear by moving to the right curb or shoulder of the street. (f) All persons operating roller skates on public streets from one-half hour after sunset to one-half hour before sunrise must be equipped with the following: (1) A device exhibiting a white light visible from a distance of at least 500 feet to the front. (2) A device exhibiting a red light visible from a distance of at least 500 feet to the rear or a red reflector visible from a distance of 500 feet to the rear. (g) All persons operating roller skates on public streets 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.

- Staff is proposing to delete many of the prohibitions for these modes and add minimum safety requirements.

<u>15.56.030 Bicycle license required</u> – No person shall ride a bicycle on any road, street, or bicycle path within the city unless the bicycle has been licensed and a valid license decal firmly attached to the seat tube of such bicycle. Bicycles owned by non-residents of Bloomington and bicycles validly registered by Indiana University, Bloomington, are exempt from this license requirement.

- Staff is proposing to delete this requirement.

<u>15.56.040 Issuance of license</u> - The city controller shall, upon receiving proper application, issue a bicycle license decal, at no charge to the applicant.

- Staff is proposing to delete this requirement.

<u>15.56.050 Bicycle license records</u> - The city controller shall maintain a record of all bicycle licenses issued. Such record shall contain the number of the license decal issued, the date of issue, the name and address of the owner, the make and serial number of the bicycle, and any other information deemed necessary.

- Staff is proposing to delete this requirement.

<u>15.56.060 Removal of license decal prohibited</u> - No person shall remove a license decal from a bicycle during the period for which the license was issued except upon a transfer of ownership of the bicycle, or in the event the bicycle is dismantled and is no longer operated upon any street, road or bicycle path in the city.

- Staff is proposing to delete this requirement.

15.56.070 Bicycle rentals – This section is being amended. Draft material includes the following: (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).

- Staff is proposing to amend the license requirement.

15.56.080 Bicycle lanes established – This section is being amended. The draft material will amend the title and first paragraph to include: Bicycle lanes are established for the purpose of providing a separate traffic lane on designated city streets for the sole use of persons riding bicycles. No parking, stopping or standing by automobiles is permitted on a bicycle lane. The location of bicycle lanes shall be designated by signs and/or appropriate markings on the surface of the street.

- Staff is proposing to rewrite this section to include accurate definitions of bike lanes and not confused with off street paths or trails. The rewrite can further help address the prohibition of vehicular operation and parking within bike lanes as well as other legal protections for bicyclists within a bike lane.

15.56.085 Right-of-way of bicycle riders – This section is being deleted, renamed to "Driving on bike paths", and replaced. This new section will focus on the use of bike paths and not focus on prohibiting motorized bicycles. State code defines what size engine determines a motorized vehicle. The draft material will include the following: (a) A person shall not drive a motor-propelled vehicle in, on or across a bike path except (1) to enter or leave a driveway, building or alley; (2) to enter or leave a parking space; or (3) for a bus, to enter or leave a bus stop. (b) Subsection (a) does not apply to a bicycle, scooter or similar vehicle equipped with an electric motor that is capable of propelling the bicycle, scooter or vehicle at a maximum speed of 20 miles an hour. (c) A person may not drive or cross a bicycle path under this section without first yielding the right-of-way, if necessary, to avoid collision or interference with bicycle traffic.

- Staff is proposing to delete this section as these are redundant and covered by other sections or state code and replace it with regulations on the use of bike paths (bike lanes).

15.60.090 Opening Vehicle Doors – This is a new section within 15.60 that provides legal protections for users within bike paths. Draft language includes the following: No person shall open a door of a motor vehicle on the roadways streets or highways of this City, unless and until it can be done without interfering with the movement of other traffic, including pedestrians and bicycles on sidewalks, shoulders or bike lanes. No person shall leave a door open on the side of a vehicle available to moving traffic, including pedestrians and bicycles on sidewalks, shoulders or bicycle lanes, for a period of time longer than necessary to unload or load passengers.

- Staff is proposing to add a new section to cover the opening of vehicle doors and how this can be a hazard to bicyclists, pedestrians, and moving vehicles. This problem is often referred to as dooring accidents. This provision can help mitigate poor behaviors and improve safety.

15.60.100, Vulnerable Road Users – This is another new section within 15.60 that provides legal protections for vulnerable road users. Draft language includes the following: a pedestrian, including, but not limited to, runner, a person with a disability, a child, a stranded motorist or passenger, a highway construction or maintenance worker, a tow truck operator, a 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,

handcycle, 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 safe distance. (c) An operator of a motor vehicle who is making a left 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 approaching from the opposite direction and is in the intersection 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 right-hand 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 right-hand turn. (e) An operator of a motor vehicle may not maneuver the vehicle in a manner that is intended to intimidate, threaten or harass a vulnerable road user. (f) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway or in an intersection of roadways.

- Staff is proposing to add a new section to cover vulnerable road users. There are many users within the roadway. This provides additional clarification on legal protections for the most vulnerable road users typically under very broad protections.

Recommendations

Staff is seeking approval with these proposals to amend Title 15. Staff presented the intent of these proposals to the Bicycle and Pedestrian Safety Commission at their October 10th meeting. There was consensus to support these concepts. Staff is working with the City Legal Department on the exact amendment language for these proposals. Some new additions may include updating the violations, fines, and definitions. A detailed Title 15 amendment proposal will be prepared for the Common Council to consider at a later date. Staff is seeking a recommendation on these proposals to include with the next Title 15 update.

Excepts from October 26, 2016 Traffic Commission
Re – Bicycle-Related Changes to Title 15 (Vehicles and Traffic)

C. Bike Code Changes – Mr. Robinson presented the proposed changes to Title 15 regarding bicycles. He noted that it is draft language and that he is working with the City's Legal Department to further refine. The Bicycle and Pedestrian Safety Commission already reviewed these changes. Mr. Batcho said that the current requirements for City bicycle registration and decals are not very helpful. Ms. Ryterband mentioned concern about bicyclists going the wrong way on a street when a sidewalk is available. She has often seen this on Bloomfield Road at night many times. She voiced her support for this measure. Mr. Cobine noted that bicyclists are already allowed to ride on the sidewalk if they are under a certain wheel diameter. Mr. Batcho said that kids are safer riding on sidewalks versus the street. Ms. Maki said that many sidewalks have a low pedestrian volume, like Jordan Avenue, so it would be more safe and efficient to have bicyclists use them rather than the street. Mr. Farrand noted that bicyclists are not allowed on the sidewalk on the Indiana University campus because there are so many people walking. He is an active pedestrian and is concerned about the mix of bicyclists and pedestrians being problematic. Ms. Maki asked about skate boards and roller skates being in compliance with the City Code. Mr. Robinson said that the City is trying to acknowledge all users of the transportation system. The goal is that if you are in the street, you should operate as a vehicle. This increases the safety context for all versus simply tailoring rules to the mode of travel. Mr. Kopper noted that this proposal also would bring the City's Code into better compliance with the State's Code. Ms. Ryterband noted that lack of lights are an issue for many skateboarders and that education on the rules of the road is very important. Mr. Robinson agreed, noting the Civil Streets campaign to address this. Mr. Cobine motioned to make a positive recommendation to the City Council to approve the Title 15 changes and Mr. Farrand seconded. The motion passed 7-0.

TITLE 15 (VEHICLES AND TRAFFIC)
ANNOTATION OF AMENDMENTS PROPOSED BY ORD 17-23

Guide to Annotations

Text Shaded in Yellow = Text Changed by Ordinance
~~Strikeout Text~~ = Deleted Text
Bold Text = Added Text

Title **15** VEHICLES AND TRAFFIC

Chapters:

Chapter 15.04 - DEFINITIONS

Chapter 15.08 - ADMINISTRATION

Chapter 15.12 - STOP, YIELD AND SIGNALIZED INTERSECTIONS

Chapter 15.16 - ONE-WAY STREETS AND ALLEYS

Chapter 15.20 - TURN RESTRICTIONS

Chapter 15.24 - SPEED REGULATIONS

Chapter 15.26 - NEIGHBORHOOD TRAFFIC SAFETY PROGRAM

Chapter 15.28 - TRUCK ROUTES

Chapter 15.32 - PARKING CONTROLS

Chapter 15.34 - ACCESSIBLE PARKING FOR PEOPLE WITH PHYSICAL DISABILITIES

Chapter 15.36 - RESIDENT-ONLY PARKING PERMITS

Chapter 15.37 - RESIDENTIAL NEIGHBORHOOD PERMIT PARKING

Chapter 15.38 - CITY EMPLOYEE PARKING*

Chapter 15.40 - MUNICIPAL PARKING LOTS, GARAGES AND ON-STREET METERED PARKING

Chapter 15.48 - REMOVAL AND IMPOUNDMENT OF VEHICLES*

Chapter 15.52 - ABANDONED VEHICLES

Chapter 15.56 - BICYCLES, SKATEBOARDS AND OTHER FOOT-PROPELLED VEHICLES

Chapter 15.60 - MISCELLANEOUS TRAFFIC RULES

Chapter 15.64 - TRAFFIC VIOLATION SCHEDULE

Chapter 15.04 DEFINITIONS

Sections:

15.04.010 Definitions generally.
15.04.020 Abandoned vehicle.
15.04.030 Alley.
15.04.040 Authorized towing service.
15.04.050 Automobile scrapyard.
15.04.051 Bicycle
15.04.052 Bicycle Lane
15.04.053 Coaster
15.04.055 Multiuse Path
15.04.056 Multiuse Trail
15.04.105 Pedestrian
15.04.060 Officer.
15.04.070 Parked.
15.04.080 Parking meter.
15.04.090 Parking space.
15.04.100 Parts.
15.04.110 Physically handicapped person or person with physical disabilities.
15.04.120 Private property.
15.04.130 Public property.
15.04.140 Residential neighborhood permit.
15.04.150 Soliciting.
15.04.160 Special events parking permit.
15.04.170 Truck route.

15.04.010 Definitions generally.

(a) Terms used in this title shall have the meanings defined for such terms by the Indiana Statutes, Title 9, "Motor Vehicles", unless specifically provided otherwise.

(b) Any reference in this title to a specific street, avenue or drive shall be deemed to be a reference to the exact and correct name of such street so long as the first part of the name before the word "street", "avenue", or "drive", as the case may be, is correctly stated.

(Ord. 82-1 § 1 (part), 1982).

15.04.020 Abandoned vehicle.

"Abandoned vehicle" means:

(1) A vehicle located on public property illegally;

(2) A vehicle left on public property continuously without being moved for three days;

(3) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight hours;

(4) A vehicle from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or inoperable and left on public property;

(5) A vehicle that has been removed by an authorized towing service upon request of a police officer enforcing a statute or ordinance other than Chapter 15.52, if the vehicle once impounded is not claimed or redeemed by the owner or his agent within twenty days of its removal; or

(6) A vehicle that is three or more model years old and mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty days.

(Ord. 08-19 §§ 2, 3, 2008; Ord. 82-1 § 1 (part), 1982).

15.04.030 Alley.

"Alley" means a public way for vehicular travel located at the rear or side of residences or businesses.

(Ord. 82-1 § 1 (part), 1982).

15.04.040 Authorized towing service.

"Authorized towing service" means a business that engages in moving or removing disabled vehicles, and, once removed, to store or impound vehicles, and that has been requested by the Bloomington police department to tow vehicles.

(Ord. 82-1 § 1 (part), 1982)

15.04.050 Automobile scrapyard.

"Automobile scrapyard" means a business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.

(Ord. 82-1 § 1 (part), 1982).

Ord 17-23 – Section 1

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, ~~**public bicycle path,**~~ **multiuse path, multiuse trail,** or other public right-of-way~~, but does not include tricycle~~. **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.**[1]

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.

15.04.060 Officer.

"Officer" means every officer of the Bloomington Police Department or any other duly constituted law officer who may be aiding the Bloomington Police Department at any time, including state, county and university officers.

(Ord. 89-14 § 5, 1989: Ord. 82-1 § 1 (part), 1982).

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[1] The strikeouts compare this definition of "Bicycle" with the one currently set forth in Chapter 15.56 (Bicycles, Skateboards and Other Foot-Propelled Vehicles), Section 15.56.015, which is deleted by a subsequent provision of this ordinance.

15.04.070 Parked.

"Parked" means allowing a motor vehicle to remain stationary on a public way, public parking area or street, whether attended or unattended, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or freight.

(Ord. 08-19 § 4, 2008: Ord. 82-1 § 1 (part), 1982).

15.04.080 Parking meter.

"Parking meter" means any mechanical device, not inconsistent with the provisions of this title, placed or erected on any parking area of the city for regulation of parking.

(Ord. 82-1 § 1 (part), 1982).

(Ord. No. 13-03, § 1, 3-20-2013)

15.04.090 Parking space.

"Parking space" means any space that is designated for the parking of a single vehicle by lines painted or marked on the curb or surface of the street or parking facility or, in the event spaces are not marked, a space intended for parking that shall not exceed twenty-two feet in length.

(Ord. 08-19 § 1 (part), 2008).

15.04.100 Parts.

"Parts" means all components of a vehicle that as assembled do not constitute a complete vehicle.

(Ord. 08-19 § 1 (part), 2008; Ord. 82-1 § 1 (part), 1982).

15.04.105 Pedestrian

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

15.04.110 Physically handicapped person or person with physical disabilities.

"Physically handicapped person" or "person with physical disabilities" means a person who has been issued a special handicapped or disabled registration plate or decal for a motor vehicle, by the state of Indiana, or any other state or province, which limits eligibility to one who is severely and permanently restricted in mobility, or visually impaired.

(Ord. 08-19 § 1 (part), 2008; Ord. 98-40 § 3, 1998: Ord. 89-14 § 6, 1989: Ord. 82-1 § 1 (part), 1982).

15.04.120 Private property.

"Private property" means all property other than public property.

(Ord. 08-19 § 1 (part), 2008; Ord. 82-1 § 1 (part), 1982).

15.04.130 Public property.

"Public property" means a public right-of-way, street, highway, alley or park owned or operated by a governmental unit.

(Ord. 08-19 § 1 (part), 2008; Ord. 82-1 § 1 (part), 1982).

15.04.140 Residential neighborhood permit.

"Residential neighborhood permit" means a permit that is issued to persons residing in an area with streets or boundaries designated by ordinance of the city council establishing the area wherein vehicles displaying a valid permit shall be allowed to be parked.

(Ord. 08-19 § 1 (part), 2008).

15.04.150 Soliciting.

"Soliciting" means any one or more of the following activities:

(1) Seeking to obtain gifts or contributions for the support or benefits of any charitable or nonprofit association, organization, corporation, or project;

(2) Seeking to obtain contribution, support, votes or political support for any candidate;

(3) Seeking to sell or obtain orders or subscriptions of goods, wares, merchandise, foodstuffs, publications, or services; or

(4) Seeking to distribute any advertising, literature, or other materials.

(Ord. 08-19 § 1 (part), 2008; Ord. 82-1 § 1 (part), 1982).

15.04.160 Special events parking permit.

"Special events parking permit" means a permit that is issued to reserve parking spaces for buses and other vehicles which are used for purposes including but not limited to the transportation of guests to and from lodging establishments and for the transportation of performers and/or their equipment used in association with the production or presentation of performances at entertainment venues.

(Ord. 08-19 § 1 (part), 2008).

15.04.170 Truck route.

"Truck route" means a way over certain streets along which trucks coming into and going out of the city must operate.

(1) "Through routes" means those truck routes intended for use by trucks which do not have destination points inside the perimeter of the community.

(2) "Destination routes" means those truck routes intended for use by trucks which do not have destination points inside the perimeter of the community.

(3) "Emergency routes" means those truck routes intended for use by trucks only when necessitated by closure of the associated through or associated destination route.

(Ord. 08-19 § 1 (part), 2008; Ord 91-67 § 3, 1991; Ord. 82-1 § 1 (part), 1982).

Chapter 15.56 BICYCLES, SKATEBOARDS AND OTHER FOOT-PROPELLED VEHICLES

Sections:

15.56.010 Applicability of state laws.

15.56.015 Definitions.

15.56.020 Operating bicycles.

15.56.025 ~~Prohibition of coasters, skateboards and roller skates.~~ **Regulation of Coasters**

~~**15.56.030 Bicycle license required.**~~

~~**15.56.040 Issuance of license.**~~

~~**15.56.050 Bicycle license records.**~~

~~**15.56.060 Removal of license decal prohibited.**~~

~~**15.56.070 Bicycle rentals.**~~

~~15.56.080 Bicycle paths established.~~

15.56.085 ~~**Right-of-way of bicycle riders.**~~

15.56.090 Bicycle parking.

15.56.095 Abandoned bicycles.

15.56.100 Requirements for helmet and restraining seat use.

15.56.110 Violations and penalty.

15.56.010 Applicability of state laws.

Every person who operates a bicycle upon any street or road shall be subject to the state laws concerning bicycles as set out in Title 9 of the Indiana Code and to all city traffic ordinances except where additional requirements are imposed by this chapter, or the nature of such rules or ordinances renders them inapplicable to bicycles or bicycle traffic.

(Ord. 00-16 § 1, 2000; Ord. 82-1 § 1 (part), 1982).

Ord 17-23 – Section 2

15.56.015 Definitions.

When appearing in this chapter the following words shall have the following meanings:

"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.

"Bicycle trailer" means a vehicle with two or more wheels that is attached to a bicycle and pulled in whole or in part by the pedaling action of the operator of the bicycle.

"Operator" means a person who travels on a bicycle seated on a bicycle seat from which that person is intended to and can pedal the bicycle.

"Passenger" means any person who travels on a bicycle in any manner except as an operator.

"Protective bicycle helmet" means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

"Restraining seat" means a seat separate from the seat of the operator of the bicycle that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in such seat and protect such passenger from the moving parts of the bicycle.

~~"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.~~

(Ord. 96-07 § 1, 1996)

Ord 17-23 – Section 3

15.56.020 Operating bicycles.

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

~~(a) No person shall operate a two-wheeled bicycle on a sidewalk if the wheel diameter of the bicycle exceeds fourteen inches. All persons riding bicycles on sidewalks permitted by this section shall yield to pedestrians. Such restrictions do not apply to officers of the Bloomington police department who are in the act of performing their duties. A violation of this provision shall be a Class G Traffic Violation, which bears a penalty listed in Section 15.64.010(h).~~

~~(b) No person shall operate a bicycle in violation of:~~

~~(i) 15.12.010 (running a stop sign);~~

~~(ii) 15.12.020 (running a yield sign);~~

~~(iii) 15.12.030 (running a traffic light);~~

~~(iv) 15.16.010 (going the wrong way on a one-way street);~~

~~(v) 15.16.020 (going the wrong way on a one-way alley).~~

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

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

(a) It shall be legal to operate a bicycle upon a sidewalk when sidewalks are not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, the bicycle operator shall walk the bicycle.

(b) 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 and 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.

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

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

(e) 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 the bicycle is traveling at a speed faster than ordinary pedestrian activity.

(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.

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

(Ord. 00-16 § 2, 2000: Ord. 97-17 § 10, 1997; Ord. 82-1 § 1 (part), 1982).

Ord 17-23 – Section 4

~~**15.56.025 Prohibition of coasters, skateboards and roller skates.**~~

~~(a) No person upon roller skates, skateboards, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street in a crosswalk, and when so crossing such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians.~~

~~(b) Operating a skateboard in the following locations is hereby declared a public nuisance and is therefore prohibited.~~

~~STREETS:~~

~~Kirkwood Avenue from Indiana Avenue to College Avenue.~~

~~Sixth Street from Walnut Street to College Avenue.~~

~~Walnut Street from Third Street to Seventh Street.~~

~~College Avenue from Third Street to Seventh Street.~~

~~PARKS:~~

~~Third Street Park fountain circle.~~

~~(c) The city shall have the discretion to post signs as necessary and appropriate.~~

~~(d) Violation of Section 15.56.025 is a Class G Traffic Violation and subject to the penalty listed in Section 15.64.010(h).~~

15.56.025 <u>Regulation of Coasters</u>:

(a) Except as provided in 15.56.025 (g), it shall be legal to use a coaster upon a sidewalk when sidewalks are not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, the coaster user shall not travel at a speed greater than ordinary pedestrian activity.

(b) 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 and 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.

(c) A person using a coaster upon a sidewalk, multiuse path, multiuse trail, or within a crosswalk, before overtaking a visually impaired person carrying a white cane or guided by a dog, shall slow to a speed not faster than ordinary pedestrian activity if necessary to avoid startling, inconveniencing or colliding with the visually impaired person.

(d) 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.

(e) A person using a coaster shall not pass a pedestrian on the same facility within a distance of three feet if the person using a coaster is traveling at a speed faster than ordinary pedestrian activity.

(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) Using coasters in the following locations is hereby declared a public nuisance and is therefore prohibited:

STREETS:

Kirkwood Avenue from Indiana Avenue to College Avenue
Sixth Street from Walnut Street to College Avenue
Walnut Street from Third Street to Seventh Street
College Avenue from Third 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).

(Ord. 01-09 § 24, 2001; Ord. 00-16 §§ 3, 4, 2000; Ord. 91-54 § 1, 1991; Ord. 90-42 §§ 1—3, 1990; Ord. 82-1 § 1 (part), 1982).

Ord 17-23 – Section 5

~~**15.56.030 Bicycle license required.**~~

~~(a) No person shall ride a bicycle on any road, street, or bicycle path within the city unless the bicycle has been licensed and a valid license decal firmly attached to the seat tube of such bicycle. Bicycles owned by non-residents of Bloomington and bicycles validly registered by Indiana University, Bloomington, are exempt from this license requirement.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~**15.56.040 Issuance of license.**~~

~~The city controller shall, upon receiving proper application, issue a bicycle license decal, at no charge to the applicant.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~**15.56.050 Bicycle license records.**~~

~~(a) The city controller shall maintain a record of all bicycle licenses issued. Such record shall contain the number of the license decal issued, the date of issue, the name and address of the owner, the make and serial number of the bicycle, and any other information deemed necessary.~~

~~(b) A duplicate of the record provided for in subsection (a) of this section shall be maintained by the city police department.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~**15.56.060 Removal of license decal prohibited.**~~

~~No person shall remove a license decal from a bicycle during the period for which the license was issued except upon a transfer of ownership of the bicycle, or in the event the bicycle is dismantled and is no longer operated upon any street, road or bicycle path in the city.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

Ord 17-23 – Section 6

15.56.070 Bicycle rentals.

~~**(a) Any person or business who rents or offers a bicycle for rent in this city shall be responsible for compliance with all license and safety equipment requirements and shall indemnify any person renting such bicycle for fines incurred due to any noncompliance with these requirements.**~~

~~**(b) Failure to license rental bicycles and to indemnify renter for any fines incurred is a Class B Traffic Violation subject to the penalty listed in Section 15.64.010(b).**~~

(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).

(Ord. 82-1 § 1 (part), 1982).

Ord 17-23 – Section 7

~~**15.56.080 Bicycle paths established.**~~

~~Bicycle paths are established for the purpose of providing a separate traffic lane on designated city streets for the sole use of persons riding bicycles. Bicycle paths shall be located on a strip four feet wide~~

~~and shall be separated from the automobile traffic lane by solid lane-marking strips. The location of bicycle paths shall be designated by signs and/or appropriate markings on the surface of the street. The following are designated bicycle paths:~~

~~(1) East side bicycle path: the path that runs parallel to and south of the Illinois Central and Gulf Railroad tracks between the State Road 46 bypass and the Park Ridge subdivision.~~

~~(2) Tenth Street bicycle path: the path that runs parallel to and north of Tenth Street between the University Elementary and Middle Schools and the extension of Pete Ellis Drive.~~

~~(3) Path running between Maxwell Lane and Binford Middle School.~~

~~(4) Path running between Wexley Road and Winslow Sports Complex.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~(Ord. No. 11-03, § 8, 4-6-2011)~~

~~**15.56.085 Right-of-way of bicycle riders.**~~

~~(a) Any bicycle rider legally within a bicycle path shall have the right-of-way.~~

~~(b) The use of motorized vehicles on bicycle paths is prohibited; provided, however, that motorized bicycles of less than fifty cubic centimeters (cc) engine displacement shall not be considered motorized vehicles for purposes of this section.~~

~~(c) Rules and regulations applying to pedestrians, bicycles, and motorized bicycles of less than 50 cc engine displacement shall apply on bicycle paths.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~(Ord. No. 11-03, § 9, 4-6-2011)~~

15.56.080 <u>Use of Bicycle Lanes</u>

(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).

Editor's note— Ord. No. 11-03, adopted April 6, 2011, renumbered the former § 15.56.090 as § 15.56.085 and enacted new §§ 15.56.090 and 15.56.095 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Ord 17-23 – Sections 8 and 9

15.56.090 Bicycle parking.

(a) No person shall park a bicycle:

(1) In a manner as to hinder or obstruct pedestrian traffic or to damage public property in any manner; or

(2) In any space designed and intended for use by motor vehicles unless such area shall be specifically allocated to bicycle parking by placement of a bicycle rack.

(b) Bicycle racks may be installed in the public rights-of-way upon application for a no-charge permit from the planning and transportation department and approval of the board of public works. All bicycle racks constructed pursuant to this section shall be located, constructed and maintained in accordance with the specifications of the transportation and traffic engineer ~~**who shall be responsible for keeping sufficient records of permits and specifications**~~.

(c) Any bicycle parked in violation of this chapter or abandoned pursuant to Section 15.56.095 is subject to impoundment. It is lawful for the city to remove locking devices in order to impound a bicycle. The city shall not be responsible for damage done to locks during impoundment**. A violation of this provision shall be a Class D Traffic Violation, which bears a penalty listed in Section 15.64.010 (d).**

(Ord. No. 11-03, § 10, 4-6-2011; Ord. No. 14-11, § 143, 7-2-2014)

Note— See the editor's note to § 15.56.085.

15.56.095 Abandoned bicycles.

(a) Abandoned Bicycles.

(1) No person shall abandon any bicycle on any public way within the city. A bicycle shall be deemed abandoned if it: (i) is in such a state of disrepair as to be incapable of being operated in its present condition, (ii) has not been moved for at least two weeks; or (iii) bears physical indicia of having been abandoned.

(2) Any bicycle deemed abandoned pursuant to subsection (1) of this section may have a notice affixed to it which informs the bicycle's owner that the bicycle appears to be abandoned. The police department or designee is authorized to affix such notices upon bicycles. This notice shall indicate: (i) a telephone number for the owner to call to inform the police department that the bicycle is not abandoned; and (ii) the date after which the bicycle may be removed if it is not claimed by its owner. A bicycle shall not be deemed to be abandoned if the owner of the bicycle, within seven days of the affixing of a notice of abandonment, notifies the police department that the bicycle is not abandoned.

(3) If a bicycle is not relocated or claimed by its owner within seven days of the affixing of a notice of abandonment, that bicycle may be removed and impounded by the police department.

(b) Reclaiming Impounded Bicycle. Impounded bicycles may be reclaimed by the owner of the bicycle. A fee of thirty dollars shall be paid before the bicycle is released to the owner.

(c) An impounded bicycle shall be subject to disposal in accordance with state law if the bicycle has remained unclaimed for at least one year.

(Ord. No. 11-03, § 11, 4-6-2011; Ord. No. 14-11, §§ 144, 145, 7-2-2014)

Note— See the editor's note to § 15.56.085.

15.56.100 Requirements for helmet and restraining seat use.

With regard to any bicycle used on a public highway, public bicycle path, or other public right-of-way:

(a) It shall be a violation of this chapter for any person under the age of eighteen to operate or be a passenger on a bicycle or bicycle trailer unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit fastened securely upon the head with straps of the helmet.

(b) It shall be a violation of this chapter for any person under the age of eighteen (18) to be a passenger on a bicycle or bicycle trailer unless at all times:

(1) The person is able to maintain a seated position on the bicycle or bicycle trailer; and

(2) The person is properly seated alone on a bicycle seat separate from that of the operator; or

(3) With respect to any person who weighs less than forty pounds, or who is less than forty inches in height, the person can be and is properly seated in and adequately secured to a restraining seat.

(c) It shall be a violation of this chapter for any parent or legal guardian of a person below the age of eighteen to permit such person to operate or be a passenger on a bicycle in violation of subsection (a) or (b) of this section.

(d) It shall be a violation of this chapter to rent or lease any bicycle to or for the use of any person under the age of eighteen unless:

(1) The person is in possession of a protective bicycle helmet of good fit at the time of such rental or lease; or

(2) The rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by subsection (a), at all times while operating or being a passenger on the bicycle.

(e) Any person violating the requirements of parts (a) through (c) of this section shall be subject to a Class G Traffic Violation, which bears the penalty listed in Section 15.64.010(h). And, any person violating the requirements of part (d) of this section shall be subject to a Class B Traffic Violation, which bears the penalty listed in Section 15.64.010(b).

(f) In the case of a person's first citation under parts (a), (b), or (c) of this section, the fine may be waived upon receipt of satisfactory proof that the cited person has since the date of the violation purchased or otherwise obtained, as appropriate, a protective bicycle helmet or a restraining seat, and uses and intends to use the same whenever required to do so under the terms of this chapter.

(Ord. 96-07 § 2, 1996).

Ord 17-23 – Section 10

15.56.110 Violations and penalty.

Unless a provision refers to another penalty, a violation of any provision of this chapter shall be a Class ~~E~~ G Traffic Violation and is subject to the penalty listed in Section 15.64.010(~~e~~ h). Except for those violations which, by their very nature, can occur more than once in one day, each day that a violation continues shall constitute a separate violation.

(Ord. 00-16 § 5, 2000: Ord. 96-97 § 3, 1996: Ord. 82-1 § 1 (part), 1982).

Chapter 15.60 MISCELLANEOUS TRAFFIC RULES

Sections:

15.60.010 Soliciting in roadway.

15.60.020 Driving or parking in park, picnic ground or golf course.

15.60.025 Operating off-road vehicles on public streets, alleys and highways.

15.60.040 Driving or parking on sidewalks.

15.60.050 Reserved.

15.60.070 Permit required.

15.60.080 Service and fees.

15.60.010 Soliciting in roadway.

Soliciting in the roadway shall be unlawful. Violation of this section is a Class C Traffic Violation and subject to the penalty listed in Section 15.64.010(c). Each day that a violation occurs shall constitute a separate offense.

(Ord. 82-1 § 1 (part), 1982).

15.60.020 Driving or parking in park, picnic ground or golf course.

(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 Indiana Code Section 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).

(Ord. 82-1 § 1 (part), 1982).

(Ord. No. 11-03, §§ 12, 13, 4-6-2011; Ord. No. 11-18, § 1, 10-19-2011)

15.60.025 Operating off-road vehicles on public streets, alleys and highways.

(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 Section 15.60.020.

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

(Ord. No. 11-18, § 2, 10-19-2011)

15.60.040 Driving or parking on sidewalks.

No person shall park a vehicle within any sidewalk area. No person shall drive a vehicle within any sidewalk area, except upon a permanent or temporary driveway. Any driving violation under this section is a Class C Traffic Violation and subject to the penalty listed in Section 15.64.010(c). Any parking violation under this section is a Class D Traffic Violation and subject to the penalty listed in Section 15.64.010(d).

(Ord. 87-14 § 2, 1987).

15.60.050 Reserved.

Editor's note— Ord. No. 16-14 § 13, adopted July 12, 2016, repealed § 15.60.050, which pertained to pedestrians. See code comparative table for complete derivation.

15.60.070 Permit required.

No parade except the forces of the United States Army or Navy, the military forces of this state, and forces of the police and fire department, shall occupy, march or proceed along any street, except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this title which may apply. An application for a parade permit shall be filed with the chief of police at least fourteen days prior to the parade date.

(a) The chief of police shall issue a permit provided for herein when he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the city;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line or march and areas contiguous thereto;

(4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire;

(6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(b) The chief of police shall act upon the application for a parade permit within five days after the filing thereof. Any person shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within five days after notice of denial, and the Common Council shall act upon appeal within five days after its receipt.

(Ord. 83-13 § 1, 1983).

15.60.080 Service and fees.

(a) Unless directed otherwise, all fees shall be deposited in the general fund. All fees shall be deposited weekly.

(1) Accident Reports. The police department is authorized to charge a fee of eight dollars for copies of accident reports in accordance with the Indiana Code. The fee shall be deposited into the local law enforcement continuing education fund established by Indiana Code 5-2-8.

(2) Police Photographs. The police shall furnish for trial purposes to litigants photographs no larger than eight inches by ten inches for a charge of five dollars each. Larger photographs shall be furnished for ten dollars each.

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

(4) Clearance Letters. On request the police shall furnish clearance letters on payment of a five-dollar fee for each letter.

(5) Fingerprinting for Noncriminal Purpose. The police department shall charge a fee of fifteen dollars per card to fingerprint any city resident who requires the prints for reasons other than official business of the city. The police department shall charge a fee of twenty-five dollars per card to fingerprint any non-city resident who requires the prints for reasons other than official business of the city; additional cards for non-city residents shall be charged a fee of fifteen dollars per additional card. Requests for fingerprints for child protection shall be exempt from these fees.

(6) Certificate of Title—Vehicle Inspections. In accordance with Indiana Code 9-29-4-2 the police department shall charge a fee of five dollars to inspect a vehicle prior to the owner's application to the bureau of Motor Vehicles for a certificate of title. Revenues shall be deposited in the local law enforcement continuing education fund established by Indiana Code 5-2-8.

(7) Limited Criminal History Inspection. In accordance with Indiana Code 10-13-3-30(a)(2) the fee for processing a request for inspection of a limited criminal history shall be three dollars.

(8) Limited Criminal History Release. The fee for processing a request for release is seven dollars in accordance with Indiana Code 10-13-3-30(a)(3). Requests from the parent locator service of the Child Support Bureau of the Department of Child Services are exempt from this fee.

(9) Miscellaneous Case Reports. The fee for providing a copy of miscellaneous case report shall be five dollars. Copies of comments attached to the report shall be fifty cents per page.

(10) Handgun Applications. In accordance with Indiana Code 35-47-2-3 the fee for processing handgun applications shall be as follows:

(A) From a person applying for a four year handgun license, a ten dollar application fee, five dollars of which shall be refunded if the license is not issued;

(B) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar application fee, thirty dollars of which shall be refunded if the license is not issued; and

(C) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar application fee, thirty dollars of which shall be refunded if the license is not issued.

(D) These fees shall be deposited in the local law enforcement continuing education fund established by Indiana Code 5-2-8.

(11) Vehicle Checks for Private Towers. The police department shall charge a fee of five dollars to inspect and fill out the forms required of private towers by the Bureau of Motor Vehicles in those instances where the tow was not requested by the police department.

(b) The above fees do not apply for copies of records furnished under Indiana Code 5-14-3-5 in which case charges are limited by Indiana Code 5-14-3-8(d).

(Ord. 03-25 §§ 5—8, 2003; Ord. 91-50 § 10, 1991; Ord. 90-20 § 5, 1990; Ord. 89-16 §§ 1, 2, 1989; Ord. 88-47 §§ 1, 2, 1988; Ord. 88-18 § 1, 1988).

(Ord. No. 12-23, §§ 3—8, 10-3-2012; Ord. No. 16-14, § 14, 7-12-2016)

Ord 17-23 – Section 11

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 traveling in the opposite direction of a vulnerable road user 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 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, <u>Opening Vehicle Doors</u>

(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).

Chapter 15.64 TRAFFIC VIOLATION SCHEDULE

Sections:

15.64.005 Multiple unpaid parking citations.

15.64.010 Violations and penalties.

15.64.005 Multiple unpaid parking citations.

(a) This section shall apply to parking tickets received for violation of any of the provisions of any of the following chapters of this title:

Chapter 15.32	PARKING CONTROLS
Chapter 15.34	ACCESSIBLE PARKING FOR PEOPLE WITH PHYSICAL DISABILITIES
Chapter 15.36	RESIDENT-ONLY PARKING PERMITS
Chapter 15.37	RESIDENTIAL NEIGHBORHOOD PERMIT PARKING
Chapter 15.38	CITY EMPLOYEE PARKING
Chapter 15.40	MUNICIPAL PARKING LOTS, GARAGES AND ON-STREET METERED PARKING

(b) No vehicle shall accumulate more than three parking tickets in violation of any of the provisions of any of the chapters listed in subsection (a) of this section if:

(1) The penalty for three or more of those parking tickets accumulated by the vehicle remain unpaid; and

(2) The penalty for three or more of these unpaid tickets has remained unpaid for a period of more than sixty calendar days from the date the tickets were issued.

(c) Violation of subsection (b) of this section shall constitute an additional and separate violation.

(d) Each individual and additional parking ticket received by the same vehicle in violation of any of the provisions of any of the chapters listed in subsection (a) of this section shall constitute an additional and separate violation of subsection (b) of this section, if the conditions of subsection (b) hold.

(e) Violations of this section constitute a Class H Traffic Violation and are subject to the fines listed in Section 15.64.010.

(Ord. 04-14 § 28, 2004).

15.64.010 Violations and penalties.

The penalties for the classes of traffic violations referred to in this title are as follows:

(a) Class A Traffic Violations (Speeding).

Fine:	1-15 mph over speed limit:	court costs plus $10 fine;
	16-20 mph	court costs plus $19 fine;
	21-25 mph	court costs plus $34 fine;
	26 mph and over	court costs plus $59 fine.
	15.24.020	Violating city speed limits
	15.24.030	School speed zones
	15.24.040	Park and playground speed zones

(b) Class B Traffic Violations (Miscellaneous).

Fine:	$100.00	
Covers:	15.32.160(d)	Failure to erect fire lane signs
	15.34.040	Parking illegally in an accessible parking space for persons with disabilities
	15.56.070	Failure of bike rental to license, indemnify
	15.56.100(d)	Failure of bike rental to assure possession of helmet by person under the age of eighteen
		Alteration of or falsification of any permit issued under or purported to be issued under this title.

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

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

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

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

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

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

Ord 17-23 – Section 12

(c) Class C Traffic Violations (Potentially dangerous violations).

Fine:	$50.00	
Covers:	15.12.010	Running stop sign
	15.12.020	Running yield sign
	15.12.030	Running traffic light
	15.16.010 & 15.16.020	Wrong way on one-way street or alley
	15.20.020	Violating restricted turn on red
	15.28.020 & 15.28.030	Failure to follow established truck route
	15.32.025	Parking on an unimproved surface
	15.32.050	Parking in violation of snow removal ordinance
	15.32.060	Parking equipment/ machinery in street
	15.32.070	Parking large vehicles beyond 2 hours
	15.32.150	Accessible parking for person with physical disabilities
	15.32.160	Emergency vehicle lanes

	15.56.080 (c,d)	**Use of Bicycle Lanes**
	15.60.090	**Vulnerable Road Users**
	15.60.010	Soliciting in roadway
	15.60.020	Driving illegally in park
	15.60.025	Operating off-road vehicles on public streets, alleys and highways
	15.60.040	Driving on sidewalk
	15.60.100	**Opening Vehicle Doors**

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

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

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

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

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

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

Ord 17-23 – Section 13

(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
	15.32.155	Parking for specially endangered persons
	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
	15.56.080 (b)	**Use of Bicycle Lanes**
	15.56.090	**Bicycle Parking**
	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 fourteen calendar days. The fine shall automatically increase to forty dollars if not paid within the fourteen 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 fourteen calendar days immediately following the issuance date of the traffic violation citation.

(A) The city clerk, or his or her designee(s), shall hear all appeals of Class 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.

(E) A representative of any of the persons listed in subsections (A) through (D) above.

Ord 17-23 – Section 14

(~~e) Class E Traffic Violations (Miscellaneous minor offenses).~~

~~Fine:~~	~~$3.00~~	
~~Covers:~~	~~15.56.030~~	~~Unregistered bikes~~
	~~15.56.060~~	~~Removing license decal from bicycle~~
	~~15.56.090~~	~~Bike path violations~~

(f) Class C Infraction under State Law.

15.32.150	Illegal parking in space reserved for handicapped

~~(g) Class F Traffic Violation.~~

~~Fine:~~	~~$20.00~~	
~~Covers:~~	~~15.56.025(b)~~	~~Disregarding certain traffic control devices without a permit~~
	~~15.56.100(a)~~	~~Failure to wear protective bicycle helmet by person under the age of eighteen~~
	~~15.56.100(b)~~	~~Improper seating on bicycle by person under the age of eighteen~~
	~~15.56.100(c)~~	~~Permitting child under the age of eighteen to violate 15.56.100(a) or (b)~~

Ord 17-23 – Section 15

~~(h) Class G Traffic Violations (Bicycle safety violations).~~

~~Fine:~~	~~$10.00~~	
~~Covers:~~	~~15.56.020(a)~~	~~Operating bicycle on sidewalk~~
	~~15.56.025~~	~~Prohibition of coasters, skateboards, and roller skates~~
	~~15.56.100(a), (b), and (c)~~	~~Bicycle helmet and restraining seat use~~

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**

(i) Class H Traffic Violations.

Fine:	$50.00	
Covers:	15.40.060(b)	Parking in leased stall without a permit
	15.64.005	Multiple unpaid parking citations
	15.40.060(j)	Parking vehicle with a reserved space permit in a city parking facility in any space in the same facility other than that reserved space

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

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

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

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

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

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

(j) Other Penalties. In addition to any other penalty provided for herein, violations of Section 15.40.030 may result in revocation of garage and lot permits as provided for in that section.

(Ord. 08-19 §§ 56—60, 2008; Ord. 07-05 §§ 11, 12, 2007; Ord. 04-14 § 29, 2004; Ord. 03-38 §§ 9, 10, 2003; Ord. 03-17 §§ 11—15, 2003; Ord. 00-46 §§ 8, 9, 2000; Ord. 00-16 §§ 6—9, 2000; Ord. 99-24 § 4, 1999; Ord. 99-02 § 10, 1999; Ord. 98-52 §§ 12, 13, 1998: Ord. 98-40 § 7, 1998; Ord. 97-36 §§ 32, 33, 1997; Ord. 96-07 § 5, 1996; Ord. 92-06 § 4, 1992; Ord. 91-67 §§ 5, 6, 1991; Ord. 91-4 § 2, 1991; Ord. 90-42 § 5, 1990; Ord. 90-37 § 10, 1990; amended in 7/90 supplement; Ord. 88-36 §§ 1, 3, 1988; Ord. 87-16 § 3, 1987; Ord. 86-11 § 1, 1986; Ord. 85-28 § 8, 1985; Ord. 83-61 § 3, 1983; Ord. 82-76 § 1, 1982).

(Ord. No. 09-06, §§ 11—15, 12-2-2009; Ord. No. 11-03, §§ 14, 16, 17, 4-6-2011; Ord. No. 11-18, § 3, 10-9-2011; Ord. No. 12-22, § 11, 10-3-2012; Ord. No. 13-03, §§ 16, 17, 3-20-2013; Ord. No. 13-10, § 22, 7-17-2013; Ord. No. 13-22, §§ 13—16, 12-11-2013; Ord. No. 14-11, § 146, 7-2-2014; Ord. No. 14-22, § 12, 10-29-2014; Ord. 15-08, § 7, 4-8-2015; Ord. 15-09, § 4, 4-15-2015; Ord. No. 16-14, §§ 15—19, 7-12-2016)

ORDINANCE 17-24

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE (BMC) ENTITLED "VEHICLES AND TRAFFIC" -
Re: Deleting BMC Chapter 15.36 (Resident-Only Parking Permits)

WHEREAS, On October 26, 2016, the Traffic Commission considered and, by a vote of 7-0, recommended that this change to the Bloomington Municipal Code be forwarded to the Council;

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

SECTION 1. Bloomington Municipal Code Chapter 15.36, "Resident-only parking permits," shall be deleted in its entirety (including from the table of contents for this title), effective January 1, 2018. The codifier shall make note of this deletion in the code with the next supplement to the municipal code and remove this provision with the first supplement delivered after January 1, 2018.

SECTION 2. 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 3. This ordinance shall be in effect after its passage by the Common Council and approval by the Mayor and, as noted in Section 1, BMC Chapter 15.56 "Resident-only parking permits," shall be deleted from the code effective January 1, 2018.

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

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2017.

_____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance comes forward at the recommendation of the Traffic Commission and would remove Chapter 15.36 (Resident-Only Parking Permits) of the BMC effective January 1, 2018.

MEMO:

TO: City of Bloomington Common Council
FROM: Andrew Cibor, Transportation & Traffic Engineer
Barbara E. McKinney, Assistant City Attorney
DATE: 5/10/17
RE: Ordinance 17-XX, Update to Title 15 of the Bloomington Municipal Code

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The attached ordinance deletes Chapter 15.36, Resident-Only Parking Permits, from the Bloomington Municipal Code, effective January 1, 2018.

This section, which dates back to 1982, allows residents who meet specified criteria, including living in a single household detached dwelling without adequate off-street parking (i.e., space for one parked automobile), to have a reserved on-street parking space adjacent to or near to their homes. The Bloomington Traffic Commission is recommending that it be eliminated for several reasons:

--It does not comply with national accessibility rules which require if on-street parking spaces are marked or metered, then at least one accessible parking space must be provided.

--On-street parking spaces are a valued public resource. The resident-only parking permit program effectively makes some of this public resource private and under-utilized.

--Currently, there are 19 resident-only parking permit spaces in Bloomington. About half of the permits do not meet criteria specified by the BMC, either because adequate off-street parking is available or because the property is not a single household detached dwelling.

Andrew Cibor sent a letter to all 19 current resident-only parking permit holders, inviting them to contact him with any questions or comments and/or to attend the Council meetings when this will be discussed.

TITLE 15 (VEHICLES AND TRAFFIC)
ANNOTATION OF AMENDMENTS PROPOSED BY ORD 17-24

Guide to Annotations

Text Shaded in Yellow = Text Changed by Ordinance
~~Strikeout Text~~ = Deleted Text
Bold Text = Added Text

Title **15** VEHICLES AND TRAFFIC

Chapters:

Chapter 15.04 - DEFINITIONS

Chapter 15.08 - ADMINISTRATION

Chapter 15.12 - STOP, YIELD AND SIGNALIZED INTERSECTIONS

Chapter 15.16 - ONE-WAY STREETS AND ALLEYS

Chapter 15.20 - TURN RESTRICTIONS

Chapter 15.24 - SPEED REGULATIONS

Chapter 15.26 - NEIGHBORHOOD TRAFFIC SAFETY PROGRAM

Chapter 15.28 - TRUCK ROUTES

Chapter 15.32 - PARKING CONTROLS

Chapter 15.34 - ACCESSIBLE PARKING FOR PEOPLE WITH PHYSICAL DISABILITIES

~~**Chapter 15.36 - RESIDENT-ONLY PARKING PERMITS**~~

Chapter 15.37 - RESIDENTIAL NEIGHBORHOOD PERMIT PARKING

Chapter 15.38 - CITY EMPLOYEE PARKING*

Chapter 15.40 - MUNICIPAL PARKING LOTS, GARAGES AND ON-STREET METERED PARKING

Chapter 15.48 - REMOVAL AND IMPOUNDMENT OF VEHICLES*

Chapter 15.52 - ABANDONED VEHICLES

Chapter 15.56 - BICYCLES, SKATEBOARDS AND OTHER FOOT-PROPELLED VEHICLES

Chapter 15.60 - MISCELLANEOUS TRAFFIC RULES

Chapter 15.64 - TRAFFIC VIOLATION SCHEDULE

>>>>>>

~~Chapter 15.36 RESIDENT-ONLY PARKING PERMITS~~

~~**Sections:**~~

~~15.36.010 Eligibility.~~

~~15.36.020 Information required in application.~~

~~15.36.030 Information contained on permit.~~

~~15.36.040 Decal required.~~

~~15.36.050 Expiration of permits.~~

~~15.36.060 Fees.~~

~~15.36.070 Issuance and revocation of permits.~~

~~15.36.080 Regulations for permit holders.~~

~~15.36.090 Disposition of revenue.~~

~~15.36.100 Violations.~~

~~15.36.010 Eligibility.~~

~~(a) Any person residing in a single household detached dwelling in an area of the city zoned for residential purposes who owns an automobile may apply to the city controller for a permit for one parking space adjacent to such residential property. At the time of application, a valid automobile registration shall be shown.~~

~~(b) "Adjacent" means abutting the property of the residence or, if no such space is available, then directly across the street and within the same block as the residence.~~

~~(c) "Household" means a single individual living upon the premises as a single housekeeping unit or a collective body of persons living upon the premises as a single housekeeping unit.~~

~~(d) "Single household detached dwelling" means a building designed for the occupancy of no more than five adults, i.e., persons sixteen years of age or older and any dependent children of the household. Such dwellings shall be characterized by, but not limited to:~~

~~(1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;~~

~~(2) A single kitchen adequate for the preparation of meals;~~

~~(3) A tenancy based upon a legal relationship of a unitary nature, i.e., single lease, mortgage or contractual sales agreement for the entire premises.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~15.36.020 Information required in application.~~

~~The application form shall contain the name and address of the applicant; the year, make, and license number of the automobile owned by the applicant which is authorized to use the private parking space; and a signed statement from the applicant that he resides at the address given in the application, that he owns the listed automobile, and that he does not have adequate off-street parking as defined in this chapter. Should the automobile and/or its license number change while a permit is in force, the applicant shall amend the application.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~15.36.030 Information contained on permit.~~

~~The permit provided for in this chapter shall contain the following information: number of the permit; name and address of the person to whom the permit is issued; year, make, and license number of vehicle authorized to use space; and month and date of issuance and date of expiration.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~15.36.040 Decal required.~~

~~A small, self-adhesive, colored decal bearing the expiration date of the permit will be issued and the decal shall be affixed to the sign at the location of the private residential parking space. The color of the decal shall change each year. The absence of the decal shall be presumptive evidence that the permit has expired.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~15.36.050 Expiration of permits.~~

~~All permits expire on December 31st of the year of issuance. Permits previously issued must be renewed by February 15th or the application and permit expire.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~15.36.060 Fees.~~

~~An initial administrative fee of twenty-five dollars and an annual permit fee of twenty-six dollars shall be paid upon issuance of a permit. An annual permit fee of twenty-six dollars shall be paid thereafter (thirteen dollars after July 1st).~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~15.36.070 Issuance and revocation of permits.~~

~~(a) The application for a permit under the provisions of this chapter shall be submitted to the city controller who shall forward it to the transportation and traffic engineer. The transportation and traffic engineer shall approve or disapprove the application in accordance with the provisions of this chapter. An adverse ruling may be appealed to the board of public works, whose decision shall be final.~~

~~(b) The board of public works shall have the authority to revoke any permit upon finding violation of the regulations in this chapter and to order the forfeiture of all fees paid.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~(Ord. No. 14-11, § 130, 7-2-2014)~~

~~15.36.080 Regulations for permit holders.~~

~~The following regulations shall be in effect:~~

~~(1) A permit shall be issued only when there is a lack of adequate off-street parking at applicant's place of residence. "Adequate off-street parking" shall be defined as space for one automobile, including adequate access to that space.~~

~~(2) Permits shall be restricted to one per residence.~~

~~(3) Permits shall be valid only for the calendar year in which they are issued.~~

~~(4) Private parking spaces shall be used for passenger vehicles only.~~

~~(5) Private parking spaces shall not be subleased or rented, for consideration or gratuitously, to individuals outside the applicant's household.~~

~~(6) A permit shall not be issued for any space in which there is a parking meter installed by the city.~~

~~(7) The permit holder will purchase and maintain a standard sign as designated by the city.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~15.36.090 Disposition of revenue.~~

~~All funds derived from the granting of permits under the provisions of this chapter shall be placed in the general fund of the city.~~

~~(Ord. 82-1 § 1 (part), 1982).~~

~~15.36.100 Violations.~~

~~Any violations of this chapter constitute a Class D Violation and are subject to the fines listed in Section 15.64.010 as well as enforced removal of the vehicle.~~

~~(Ord. 98-52 § 5, 1998: Ord. 92-06 § 3, 1992: Ord. 82-1 § 1 (part), 1982).~~

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 3, 2017 at 6:30pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 3, 2017

Roll Call: Sturbaum, Ruff, Chopra, Granger, Sandberg, Mayer, Piedmont-Smith, Volan (left at 7:07pm)
Members Absent: Rollo

ROLL CALL
[6:31pm]

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION
[6:31pm]

It was moved and seconded to approve the minutes of April 19, 2017 as corrected. The motion was approved by voice vote.

APPROVAL OF MINUTES
[6:32pm]

April 19, 2017 (Regular Session)

REPORTS

- COUNCIL MEMBERS
  [6:33pm]

Councilmember Chris Sturbaum spoke about the proposed changes to the national health care law.

Councilmember Dorothy Granger shared her disappointment with the state legislature and its last minute change to the budget bill that voided the annexation process for Bloomington.

Councilmember Steve Volan also spoke about his disappointment with the actions of the state legislature.

Councilmember Isabel Piedmont-Smith explained her disappointment in the president of the United States, explained that the Civil War was fought about slavery, and spoke of the need for people to learn about history and from history.

Councilmember Tim Mayer spoke about IU Graduation weekend and wished all graduates well.

Councilmember Susan Sandberg echoed the sentiments of her colleagues, and stated that she would be speaking the following night along with the Mayor about the impact of the state legislative session. She then welcomed Deputy Mayor Mick Reneissen to speak about the results of a recently completed citywide survey.

- The MAYOR AND CITY OFFICES
  [6:49pm]

Mick Reneissen, Deputy Mayor, thanked the Council for allowing the City to conduct the first ever survey of the entire community for citywide services. He noted that the Parks and Recreation Department had used similar surveys in the past to gauge satisfaction levels of citizens with Parks services. He said those surveys helped the department to allocate resources and set priorities. He said that in October 2016 the City contracted with the National Research Center (NRC) to create a citywide survey. In addition to the scientific survey that was mailed out to residents, there was also a non-scientific opt-in survey (available online bloomington.in.gov/communitysurvey) that anyone could fill out. He commended Mayor Hamilton for taking a risk, as it was the first citywide survey of its kind to find out what citizens thought about city services. He introduced Ashley Perez de Tejada, with the NRC, to speak about the results of the survey.

For Approval

Ashley Perez de Tejada thanked Reneissen, Matthew Wolf, and Mary Catherine Carmichael for their help in the survey process. She explained that she would be giving a high level review of the survey results and encourages people to read the 120 page report. She spoke about the response rate and survey methods. She noted the results had been broken down by geography, demographics, and certain benchmarks by which the City could measure itself.

Perez de Tejada explained that her discussion of the results would touch on four key findings. The first finding was that Bloomington residents enjoyed a high quality of life. She detailed the survey questions and answers that led to that finding. The second finding was that aspects of mobility were appreciated, but residents supported transportation improvements. She explained the reasons for that finding as well.

Councilmember Allison Chopra asked what residents said they liked the least.

Perez de Tejada said the lowest-rated item was anything related to traffic, mobility and parking.

Chopra asked what the second least-liked thing was.

Perez de Tejada said affordable housing and built environment.

Perez de Tejada continued and explained that the third finding was that a majority of residents commended the job city government was doing and were pleased with the quality of most services. She explained the evidence for that finding.

Councilmember Chris Sturbaum clarified how benchmarking services to the national average and other comparable cites worked.

Perez de Tejada explained how the NRC used the rating to determine whether Bloomington was above or below the average ratings for other communities.

Perez de Tejada said the final finding was that respondents were concerned about the homeless and overwhelmingly supported the city assisting supportive housing. She displayed a slide which detailed priorities and planning opinions of residents. She then said she was available for additional questions.

Sturbaum asked if there was a national benchmark for the concerns related to homelessness and housing.

Perez de Tejada said unfortunately not, as there had to have been at least five other communities that had asked that question for there to be a benchmark.

Sturbaum asked whether other communities were not experiencing those problems or were not talking about them.

Perez de Tejada said other communities had not included a similar question in their surveys.

Chopra asked if there was any data on how Bloomington's shopping and retail opportunities compared to other peer cities.

Perez de Tejada explained that Bloomington had asked about shopping and retail opportunities in a way that prevented that metric from being benchmarked.

Reneissen directed people to the City's website should they wish to view the full report. He said the administration would like to repeat the survey every two years to measure progress and would like to continue trying to improve upon all of the numbers.

For Approval

Sandberg thanked Reneissen and said she looked forward to future such surveys.

- PUBLIC [7:19pm]

Sandberg called for public comment.

Jim Burton spoke in opposition to the previously planned annexation.

Bill Schmalz thanked the Council for its stewardship and for the sense of responsibility it brought to the community. He spoke on behalf of some residents from Area 2 related to the previously planned annexation.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There was no legislation for second reading.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

Sandberg reminded councilmembers of an upcoming internal work session, and determined who would be available to attend.

COUNCIL SCHEDULE [7:25pm]

It was moved and seconded to hold a Special Session before the Committee of the Whole on Wednesday, May 10, 2017. The motion was approved by voice vote.

The meeting was adjourned at 7:31pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2017.

APPROVE:

_____
Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

_____
Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 10, 2017 at 6:31pm with Council President Susan Sandberg presiding over a Special Session of the Common Council.	COMMON COUNCIL SPECIAL SESSION May 10, 2017
Roll Call: Sturbaum, Ruff, Chopra, Granger, Sandberg, Mayer, Piedmont-Smith, Volan, Rollo Members Absent: None	ROLL CALL [6:31pm]
Council President Susan Sandberg gave a summary of the agenda.	AGENDA SUMMATION [6:32pm]
There were no appointments to boards or commissions.	APPOINTMENTS TO BOARDS AND COMMISSIONS
	LEGISLATION FOR FIRST READING
It was moved and seconded that Ordinance 17-08 be introduced and read by title and synopsis only. Clerk Nicole Bolden read the legislation by title and synopsis.	Ordinance 17-08 To Amend the Approved Planned Unit Development (PUD) District Ordinance and the Preliminary Plan Attached to Parcel I of the Woolery PUD (Allowing Multi-family Dwellings as a Permitted Use and Approving Development Standards Associated with Such Use) - Re: 2182 W. Tapp Road (Regency Consolidated Residential, LLC, Petitioner)
It was moved and seconded that Ordinance 17-22 be introduced and read by title and synopsis only. Clerk Bolden read the legislation by title and synopsis.	Ordinance 17-22 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Stop, Multi-Stop, and Yield Intersections, One-Way Streets, Increased or Decreased Speed Limits, Angle Parking Zones, No Parking Zones; Limited Parking Zones; Loading Zones; Parking Near Intersections, Parallel and Angle Parking Regulations, Resident-Only Parking Permits, and Removal of Abandoned Vehicles (Including Maximum Towing and Storage Charges for such Vehicles)
There were no changes to the Council schedule.	COUNCIL SCHEDULE
The meeting was adjourned at 6:37pm.	ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2017.

APPROVE:

_____

Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

_____

Nicole Bolden, CLERK
City of Bloomington

For Approval