



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 05 May 2021

Regular Session

at 6:30 pm

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
05 May 2021

Per Executive Orders issued by the Governor, these meetings will be conducted electronically.

The public may access the meetings at the following link:

<https://bloomington.zoom.us/j/92395547109?pwd=WC8vV2NYV1A1V29kZUgrWDNWBzVBQT09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES** (*None*)
- IV. **REPORTS** (*A maximum of twenty minutes is set aside for each part of this section.*)
 - A. **Councilmembers**
 - B. **The Mayor and City Offices**
 - C. **Council Committees**
 - D. **Public***
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Ordinance 21-26 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" - Re: Amending Chapter 15.37 (Residential Neighborhood Permit Parking) to add a penalty for using a residential neighborhood parking permit in an unauthorized manner; Section 15.37.080 (Proof of permit purchase required) to add a penalty for not displaying a neighborhood parking or visitor permit when parked in a residential neighborhood zone and adding that penalty to the list of Class G traffic violations; Section 15.37.100 (Replacement of permit) to require permit holders to report stolen permits to the police before receiving a free replacement; and Section 15.48.010 (General Provisions) to require people who have their cars towed after they have accumulated six or more unpaid parking citations to pay their unpaid citations before their car will be released to them

Committee of the Whole Recommendation (28 April 2021) – Do Pass: 5-1-3
- VII. **LEGISLATION FOR FIRST READINGS** (*None*)
- 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 public comment 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.

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

As a result of Executive Orders issued by Indiana Governor Eric Holcomb, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

- *allowing members of the Council or its committees to participate in meetings electronically;*
- *posting notices and agendas for meetings solely by electronic means;*
- *using electronic meeting platforms to allow for remote public attendance and participation (when possible);*
- *encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to council@bloomington.in.gov).*

Please check <https://bloomington.in.gov/council> for the most up-to-date information on how the public can access Council meetings during the public health emergency.



**City of Bloomington
Office of the Common Council**

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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-26 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" - Re: Amending Chapter 15.37 (Residential Neighborhood Permit Parking) to add a penalty for using a residential neighborhood parking permit in an unauthorized manner; Section 15.37.080 (Proof of permit purchase required) to add a penalty for not displaying a neighborhood parking or visitor permit when parked in a residential neighborhood zone and adding that penalty to the list of Class G traffic violations; Section 15.37.100 (Replacement of permit) to require permit holders to report stolen permits to the police before receiving a free replacement; and Section 15.48.010 (General Provisions) to require people who have their cars towed after they have accumulated six or more unpaid parking citations to pay their unpaid citations before their car will be released to them

Synopsis

This ordinance amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff and the Parking and Traffic Commissions. The ordinance makes the following changes:

- It adds a penalty for using a residential neighborhood parking permit in an unauthorized manner.
- It adds a penalty for not properly displaying a neighborhood parking permit when parked in a residential neighborhood zone and adds that penalty to the list of Class G traffic violations.
- It requires permit holders to report stolen permits to the police before receiving a free replacement.
- It requires people whose cars have been towed because they have accumulated six or more unpaid citations to pay their unpaid citations before their car will be released to them.

Relevant Materials

- [Ordinance 21-26](#)
- Memo from staff
- Proposed amendments to BMC Title 15 shown in context

Summary

Ordinance 21-26 proposes amendments to various provisions in Bloomington Municipal Code (BMC) Title 15, which is entitled "Vehicles and Traffic." Title 15 can be accessed online here:

https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT15VETR



There are 5 sections of the ordinance that make text changes to Title 15. Included herein is a document that shows the additions and deletions in context by including each of the affected code sections with changes tracked. The changes made by the ordinance, in brief, are listed below.

Section 1 adds a new BMC 15.37.065 to state that using a neighborhood parking permit in any way contrary to BMC Chapter 15.37 is a Class B traffic violation subject to a fine of \$100. Staff may be able to clarify how this new section impacts the existing BMC 15.37.150, which states “Violations of this chapter shall constitute a Class D traffic violation and are subject to fines as listed in Section 15.64.010.” Base fines for Class D violations are \$30.

Section 2 adds a sentence to BMC 15.37.080 to state that failing to visibly display a neighborhood parking permit or visitor permit while parked in a neighborhood zone is a Class G traffic violation and subject to a fine of \$20. Staff may be able to clarify when an individual would be subject to this new fine as opposed to a Class D violation of \$30 for Parking in a residential permit area as currently listed in the table of violations in BMC 15.64.010(d).

Section 3 adds a sentence to BMC 15.37.100 to clarify that a permit holder whose permit is stolen can get a replacement permit at no charge by showing proof that the theft was reported to law enforcement.

Section 4 replaces BMC 15.48.010(a)(8). BMC 15.48.010(a)(8) lists one of 17 circumstances that detail when a vehicle is considered a public nuisance and subject to removal and impoundment. Currently, (a)(8) provides that any vehicle that has accumulated four or more parking tickets, all of which remain unpaid after sixty calendar days of issuance of the tickets, is subject to removal. The ordinance would delete and replace this passage. The proposed language would provide that any vehicle which has accumulated six or more unpaid citations would be subject to removal. It also provides that the owner of the vehicle must provide proof that the parking citations have been paid before the vehicle will be released. Parking officials would also provide notice to the vehicle owner when issuing a fifth parking citation to the owner who has four unpaid citations.

Section 5 amends the title of BMC 15.64.010(h) and inserts the violation added by Section 1 of the ordinance into the appropriate table of violations.

Contacts

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michelle.wahl@bloomington.in.gov

RayeAnn Cox, Parking Enforcement Supervisor, 812-349-3436, coxr@bloomington.in.gov

Amir Farshchi, Long Range Planner, 812-349-3423, farshchs@bloomington.in.gov

ORDINANCE 21-26

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

- Re: Amending Chapter 15.37 (Residential Neighborhood Permit Parking) to add a penalty for using a residential neighborhood parking permit in an unauthorized manner; Section 15.37.080 (Proof of permit purchase required) to add a penalty for not displaying a neighborhood parking or visitor permit when parked in a residential neighborhood zone and adding that penalty to the list of Class G traffic violations; Section 15.37.100 (Replacement of permit) to require permit holders to report stolen permits to the police before receiving a free replacement; and Section 15.48.010 (General Provisions) to require people who have their cars towed after they have accumulated six or more unpaid parking citations to pay their unpaid citations before their car will be released to them

WHEREAS, the Parking Commission and City staff from the Planning and Transportation, Engineering, Parking Services division of Public Works, and 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. Chapter 15.37, entitled "Residential Neighborhood Permit Parking," shall be amended by adding a new section 15.37.065 as follows, and the additional section shall be reflected in the Table of Contents for the Chapter:

15.37.065 – Unauthorized use of neighborhood permits.

Using a neighborhood parking permit in any way contrary to this chapter constitutes an unauthorized use of a neighborhood permit, a Class B Traffic Violation subject to the penalty listed in Section 15.64.010(b).

SECTION 2. Section 15.37.080, entitled "Proof of permit purchase required," shall be amended by adding the following after the last sentence:

Failure to visibly display a neighborhood parking zone permit or visitor permit while parked in a regulated area shall constitute a Class G Traffic Violation, subject to the penalty listed in Section 15.64.010(h).

SECTION 3. Section 15.37.100, entitled "Replacement of Permit," shall be amended by adding the following after the last sentence:

A permit holder whose permit is stolen may receive a replacement permit at no charge, upon presenting proof that the theft of the permit was reported to law enforcement.

SECTION 4. Section 15.48.010, entitled "General Provisions," shall be amended by deleting 15.48.010(a)(8) in its entirety and replacing it with the following:

(8) Any vehicle which has accumulated six or more unpaid citations. The owner of the vehicle must provide proof that the parking citations have been paid before the vehicle will be released. Parking officials will provide notice to the vehicle owner when issuing a fifth parking citation to the owner who has four unpaid citations.

SECTION 5. Section 15.64.010(h), entitled “Class G Traffic Violations (Bicycle and motorized scooter safety violations),” shall be amended by replacing the current title of the subsection with a new title that shall read “Class G Traffic Violations (Bicycle, motorized scooter safety and failure to display vehicle permit violations),” and by adding the following to the table of violations:

Fine:		
Covers:	15.37.080	Failure to display vehicle permit

SECTION 6. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, 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 _____, 2021.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 15, “Vehicles and Traffic,” of the Bloomington Municipal Code and comes forth at the request of City staff and the Parking Commission. The ordinance makes the following changes:

- It adds a penalty for using a residential neighborhood parking permit in an unauthorized manner.
- It adds a penalty for not properly displaying a neighborhood parking permit when parked in a residential neighborhood zone and adds that penalty to the list of Class G traffic violations.
- It requires permit holders to report stolen permits to the police before receiving a free replacement.
- It requires people whose cars have been towed because they have accumulated six or more unpaid citations to pay their unpaid citations before their car will be released to them.

To: Common Council
MEMO

Ordinance #: 21-26
Date: April 16, 2021

From: Raye Ann Cox, Parking Enforcement Manager; Amir Farshchi, Long Range Planner; Barbara E. McKinney, Assistant City Attorney; Beth Rosenbarger, Planning Services Manager; Michelle Wahl, Parking Services Director

Request: Title 15 Amendments

REPORT

The City staff from the Planning and Transportation, Parking Services division of Public Works, and Legal departments have compiled recommendations for changes to Title 15, the vehicle and traffic section of the Bloomington Municipal Code. Link to the current Title 15 of the Bloomington Municipal Code:
https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT15VETR

The purpose of these recommendations is to address issues that have come to staff's attention through public requests and commissions' recommendations. The ordinance amending Title 15 is included in the meeting packet. This request for changes to Title 15 was presented to the Parking Commission on February 25, March 11, and March 25, 2021. The Parking Commission voted to forward with a positive recommendation to the Common Council on March 25, 2021.

The ordinance includes the following changes:

- Section 1 adds a penalty for using a residential neighborhood parking permit in an unauthorized manner. *Michelle Wahl and Raye Ann Cox*
- Section 2 adds a penalty for not properly displaying a neighborhood parking permit when parked in a residential neighborhood zone. *Michelle Wahl and Raye Ann Cox*
- Section 3 requires permit holders to report stolen permits to the police before receiving a free replacement. *Michelle Wahl and Raye Ann Cox*
- Section 4 requires people whose cars have been towed because they have accumulated six or more unpaid citations which remain unpaid to pay their unpaid citations before their car will be released to them. *Michelle Wahl and Raye Ann Cox*
- Section 5 adds a new Class G traffic violation, failure to display vehicle permit. *Michelle Wahl and Raye Ann Cox*

Recommendation: Staff recommends that the Common Council adopts the changes to Title 15.

Amendments to Bloomington Municipal Code Title 15 proposed by Ordinance 21-26 in context
(additions are shown in **Bold**, deletions are show in ~~strikeout~~)

Section 1 of Ordinance 21-26

[New Section]

15.37.065 – Unauthorized use of neighborhood permits.

Using a neighborhood parking permit in any way contrary to this chapter constitutes an unauthorized use of a neighborhood permit, a class B Traffic Violation subject to the penalty listed in Section 15.64.010(b).

Section 2 of Ordinance 21-26

15.37.080 Proof of permit purchase required.

Residential neighborhood permit parking zone permits and visitor permits shall be visibly displayed in a manner determined by the parking services director or his or her designee. A valid license plate shall be required to be affixed to a vehicle registered in the residential neighborhood permit parking zone in a manner consistent with Indiana law. **Failure to visibly display a neighborhood parking zone permit or visitor permit while parked in a regulated area shall constitute a Class G Traffic Violation, subject to the penalty listed in Section 15.64.010(h).**

Section 3 of Ordinance 21-26

15.37.100 Replacement of permit.

If the make, model or license tag number of a permitted vehicle changes during the year, an applicant may bring in the new information along with the previously-issued permit to the parking services director, or his or her designee, to obtain a replacement permit. The fee for a replacement permit will be \$10.00. **A permit holder whose permit is stolen may receive a replacement permit at no charge, upon presenting proof that the theft of the permit was reported to law enforcement.**

Section 4 of Ordinance 21-26

15.48.010 General provisions.

(a) Vehicles parked in any of the following circumstances are declared public nuisances and shall be subject to removal and impoundment in accordance with this chapter, as well as any fines set by state law or city ordinance:

~~(8) Any vehicle which has accumulated four or more parking tickets all of which remain unpaid after sixty calendar days of issuance of the tickets;~~

(8) Any vehicle which has accumulated six or more unpaid citations. The owner of the vehicle must provide proof that the parking citations have been paid before the vehicle will be released. Parking officials will provide notice to the vehicle owner when issuing a fifth parking citation to the owner who has four unpaid citations.

Section 5 of Ordinance 21-26

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

Class G Traffic Violations (Bicycle, motorized scooter safety and failure to display vehicle permit violations).

Fine:	\$20.00	
Covers:	15.37.080	Failure to display vehicle permit
	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
	15.58.060	Motorized scooter use
	15.58.070	Shared-use motorized scooter, age
	15.58.080	Shared-use motorized scooter, single rider