

City of Bloomington Common Council

Legislative Packet

Wednesday, 19 September 2012

For background on legislation, please consult the [Budget Packet](#) and the [Legislative Packet](#) issued for the 05 September, 2012 meeting

*Regular Session immediately followed by a
Committee of the Whole*

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
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<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- Notice of Upcoming Meetings of the Joint City of Bloomington –Monroe County Deer Task Force

Legislation for Second Reading:

- **Budget and Budget-Related Legislation**
 - Please see the
 - *2013 Budget Packet* for the two appropriation ordinances, the three salary ordinances, the Transit ordinance, the Levy Appeal ordinance, and all the related background material; and
 - *Weekly Council Legislative Packet* for an overview of that legislation, including changes since the July Departmental Budget Hearings and responses to unanswered questions from those hearings;
 - Please note that these packets can be found online under Council Packets for 5 September 2012.

For Questions Regarding the:

Civil City Appropriation Ordinance - Please Contact:

*Mike Trexler, Controller, at 349-3416 or trexlerm@bloomington.in.gov
(or reach the appropriate department director)*

Utility Appropriation Ordinance - Please Contact:

*Patrick Murphy, Director, at 349-3650 or
murphyp@bloomington.in.gov*

Salary Ordinances - Please Contact:

*Daniel Grundmann, Director of Human Resources at 349-3578
or grundmad@bloomington.in.gov*

Transit Ordinance – Please Contact:

*Lew May, Director of Bloomington Transit at 332-5688
or lmay@bloomingtontransit.com*

Levy Appeal Ordinance – Please Contact:

*Mike Trexler, Controller at 349-3416
or trexlerm@bloomington.in.gov*

Legislation and Background Material for First Reading:

- **Ord 12-22** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” – Re: Stop and Yield intersections, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking, and Traffic Violation Schedule
 - Memo to the Council from Susie Johnson, Director of Public Works; Maps; Map Relating to Proposed Am 01 (which would remove parking from South Mitchell Street between Maxwell Lane and Southdowns Drive)
Contact:
Susie Johnson at 349-3411 or johnsons@bloomington.in.gov

- **Ord 12-23** To Amend Title 6 (Health And Sanitation), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) of the Bloomington Municipal Code - Re: Adjusting Fees and Fines Found in Chapter 6.06 (Refuse and Weeds), Chapter 15.48 (Removal and Impoundment of Vehicles), Section 15.60.080 (Services and Fees), and Section 17.08.050 (Fees) and Making Other Related Changes to those Provisions
 - Memo to Council from Patty Mulvihill, Assistant City Attorney; Current Chapter 6.06 (Refuse and Weeds) – without changes; Chapter 15.48 (Removal and Impoundment of Vehicles), Section 15.60.080 (Services and Fees), and Section 17.08.050 (Fees) – with Changes Annotated
Contact:
Patty Mulvihill – 349-3426; mulvihill@bloomington.in.gov

Minutes from Regular Session:

- September 5, 2012

Memo

Regular Session and Committee of the Whole on Wednesday, September 19th - Budget Package Ready for Second Reading at Regular Session and Two Ordinances Ready for Discussion at Committee of the Whole

The Council will hold a Regular Session and Committee of the Whole next Wednesday. It will not meet the following Wednesday because that Wednesday falls on Yom Kippur (the Jewish Day of Atonement). At the Regular Session, the Council is scheduled to wrap up its deliberations on the 2013 Budget. Materials for the budget can be found online as indicated above. At the Committee of the Whole, the Council is scheduled to consider to ordinances which are included in this packet and summarized herein.

First Readings

Item One – Ord 12-22 – Amending Title 15 (Vehicles and Traffic)

Ord 12-22 offers the first ordinance this year with changes to Title 15 (Vehicles and Traffic) that were considered by the Traffic Commission.¹ These changes are summarized in the following charts and affect stop and yield intersections, angle parking, no parking, limited parking, residential neighborhood permit parking, accessible parking, and traffic violation schedule.

Amendment on October 3rd Expected. Please note that an amendment will likely be introduced on October 3rd by Councilmember Rollo regarding a proposal to restrict parking on South Mitchell in order to accommodate a pedestrian lane connecting to sidewalks on Maxwell Lane and Southdowns Drive. Please see the end of the summary on this ordinance for further information on this amendment.

¹ One other ordinance (Ord 12-07) proposed the traffic-calming devices currently installed on West 3rd Street.

**STOP, YIELD AND SIGNALIZED INTERSECTIONS
(CHAPTER 15.12)**

**STOP INTERSECTIONS (SCHEDULE A – BMC 15.12.010) AND
YIELD INTERSECTIONS (SCHEDULE C – BMC 15.12.020)
(Section 1 -2 of the Ordinance)**

LOCATION AND ACTION

RATIONALE

Traffic on:

- Coppertree Drive (North Entrance)
yields for traffic on The Stands Drive
- Coppertree Drive (South Entrance)
stops for traffic on The Stands Drive
(Map 1)
- Goldin Drive *stops* for traffic on
Canada Drive
- Goldin Court *yields* for traffic on
Goldin Drive
(Map 1)
- Pierson Court *stops* for traffic on The
Stands Drive
(Map 1)
- Regents Circle *stops* for traffic on
Moores Pike
- Regents Circle (westbound) *stops* for
traffic on Regents Circle
- Regents Court *stops* for traffic on
Regents Circle
(Map 2)

These changes reflect signage already in place at these intersections. Some of the changes arose as the streets recently were accepted into the City network; others came about when old, but not yet codified, signage was discovered.

**PARKING CONTROLS
(CHAPTER 15.32)**

**SCHEDULE L – ANGLED PARKING
(Section 15.32.030)
(Section 3 of the Ordinance)**

LOCATION

ACTION AND RATIONALE

- Hillside Drive from Henderson to the first alley west of Henderson (north)
(Map 3)

This change codifies angle parking approved – but not codified - as part of the South Dunn project.

**SCHEDULE M – NO PARKING ZONES
(SECTION 15.32.080)
(Section 4 of the Ordinance)**

LOCATION

ACTION AND RATIONALE

- Matlock Road from SR 45/46 Bypass to Headly Road (both sides of the street/ any time)
(Map 4)

This change removes parking from both sides of this two-block long, narrow road (which meets Fee Lane at the Bypass).

**SCHEDULE N – LIMITED PARKING ZONES
(SECTION 15.32.090)
(Sections 5 - 6 of the Ordinance)**

LOCATION

ACTION AND RATIONALE

- Madison Street from Hillside Drive to Grimes lane (East)
(Map 5)
- Eighth Street from Fairview to Jackson Street (South)
(Map 6)

This change *removes* a 2-hour limited parking zone that was needed in the days when RCA/Thomson employees would park in that neighborhood.

This change *adds* a 2-hour limited parking zone in what was formerly a bus zone for Fairview School. This 2-hour zone operates 8:00 a.m. – 5:00 p.m. from Monday – Friday except for holders of the Near West Side Residential Neighborhood Permit Parking Zone (10).
Please see below under Residential Neighborhood Permit Parking for fuller explanation of the changes.

**SCHEDULE S – ACCESSIBLE PARKING FOR PERSONS WITH PHYSICAL DISABILITIES
(SECTION 15.32.150)
(Section 7 of the Ordinance)**

LOCATION

- 800 Block of South Auto Mall Road – one space 126’ to 148’ south of Buick Cadillac Boulevard (West)
(Map 7)

ACTION AND RATIONALE

This section adds an accessible parking space at the request of a business owner. This space is near a ramp and would serve nearby businesses. An existing accessible space in the adjacent parking lot is inconvenient because it is close to steps that approach the building. This was considered and approved by the Traffic Commission at its February 2012 meeting.

**RESIDENTIAL NEIGHBORHOOD PERMIT PARKING (15.37)
(SECTION 15.37.020)
Old Northeast Downtown University Proximate
Residential Neighborhood Permit Parking Zone – Zone 9 & Zone 10
(Sections 8 - 10 of the Ordinance)**

LOCATION

- West Eighth Street from Rogers to Fairview Street (South) – *Near West Side Residential Permit Parking Zone (Zone 10)*
(Map 6)

ACTION AND RATIONALE

This change brings the parking in this two-block stretch in line with the change in the bus loading zone for the new Fairview School. The buses now pickup and drop-off students on West Seventh Street, rather than in this area on West Eighth. Changes in Sections 8 & 9 of the ordinance now allow holders of the Near West Side Residential Neighborhood Permit Parking Zone (10) to park next to the school on its north side. Section 7 (above) restricts the general public from parking more than 2 hours, Monday-Friday, from 8:00 a.m. to 5:00 p.m.

- Second Street from Grant to Henderson (South) – *Southwest Campus Residential Permit Parking Zone (Zone 9)*
(Map 8)

This change provides parking for holders of the Zone 9 Campus Residential Parking Permits on south end of that zone along East 2nd Street. Mr. Simpson, a resident, brought the request forward because of a lack of parking on the street. At the February 2012 Traffic Commission meeting both residents and commuters spoke. Residents (and a landlord) said that off-street parking could not accommodate all of the tenants especially during the work week. Commuters mentioned that this was the closest space south of campus and suggested that, if unable to park there, they would have to park further south. The Commission voted to impose neighborhood zone from mid-block to mid-block to accommodate all concerns.

Given the problems the mid-block breaks create for signage and enforcement, this ordinance puts the entire 2-block area in the neighborhood zone.

TRAFFIC VIOLATION SCHEDULE (15.64)
(VIOLATIONS AND PENALTIES - SECTION 15.64.010)
(Part (d) – Class D Traffic Violations - \$20 Fine Escalating to \$40 if Unpaid after 7 Days)
(Section 11 of the Ordinance)

ACTION AND RATIONALE

- BMC 15.32.175 (Parallel and Angle Parking) does not currently appear in the Traffic Violation Schedule. This change adds it as a Class D Violation. These violations result in a \$20 fine which escalates to a \$40 fine if not paid (or appealed) within 7 days.

Amendment 01 – Expected to be Introduced on October 3rd

At its March 2012 meeting, the Traffic Commission considered a proposal brought forward by the 2012 Council Sidewalk Committee Report. The Report recommended that a pedestrian lane be installed on the west side of Mitchell Street to connect with sidewalks on Maxwell Lane on the north and Southdowns Drive on the south. This recommendation was conditioned on the removal of sufficient parking along this block to accommodate vehicular traffic. Staff recommended removal of parking on both sides of the street. After hearing from residents along this block as well as members of the neighborhood association, whose opinions and concerns varied, the Commission denied the request. Issues raised by these speakers included adequate parking for the rental units along the block, the presence of commuter parking, effect on drainage, and the value of installing this pedestrian connection. Bringing this forward as an amendment follows a long-standing practice of offering amendments to handle matters where the staff and Commission disagree. Given the length of the meeting on September 19th, Councilmember Rollo is expected to wait until October 3rd to introduce this amendment. Please see the enclosed map for information on the width of the right-of-way and location of rental properties.

Item Two - Ord 12-23 – Adjusting Various Fees and Fines and Associated Changes to the City Code

Ord 12-23 is, according to the memo from Patty Mulvihill, Assistant City Attorney, “an omnibus piece of legislation which amends portions of Title 6 (Health and Sanitation), 15 (Vehicles and Traffic), and 17 (Construction Regulations).”

The ordinance primarily:

- Increases fines and removes a “loophole” relating to Chapter 6.06 (Refuse and Weeds), but also makes other, more extensive changes, triggered by those amendments as required by statute;
- adds one fee relating to the towing of vehicles when arranged by the Bloomington Police Department as authorized in Chapter 15.48 (Removal and Impoundment of Vehicles);
- increases fees relating to fingerprinting, accident reports, and gun permits as found in Section 15.60.080 (Service and Fees) in a chapter entitled “Miscellaneous Traffic Rules”; and
- increases fees relating to the permitting of signs as found in Chapter 17.08 (Construction Regulations - Administration and Enforcement).

The increase in fines is intended to improve compliance with code and reduce the incidence of nuisance properties. The increase in fees is intended to help recover the costs for providing the underlying services.

The following summarizes the memo and ordinance provided to the Council Office by Mulvihill.

Deleting and Replacing Chapter 6.06 – Garbage and Weeds

The changes to Chapter 6.06 (Garbage and Weeds) delete and replace the entire chapter. This serves two purposes. First, the changes are intended to improve compliance with the code and reduce the incidence of nuisance properties by raising fines and closing what is described as a “loophole of sorts.” Second, they are intended to make other changes that statute requires once localities amend their ordinance provisions regarding and weeds and trash.

To Improve Compliance and Reduce Incidence of Nuisance Properties

In order to improve compliance with the weed and garbage regulations, the ordinance replaces the current \$50 fine with escalating fines that start at \$50 for the first offense, increase to \$100 for the second offense, and then to \$150 to the third and subsequent offenses that occur in a 12-month period running from August 1st of one year to July 31st of the next.

The ordinance also closes a “loophole” that has allowed “habitual nuisance properties” to escape fines. Under the current provisions, citations may be issued to the landlord (non-possessory owner), tenant or person who caused the violation, but fines need not be paid if the violation is corrected within 7 days or the landlord provides a copy of the lease within 7 days of issuance. The ordinance removes the 7-day correction period and will have the effect of allowing the City to fine the tenants for the violation rather than give them a week to fix the problem and avoid any payment.

The ordinance also:

- Makes it a violation to deposit trash in a private dumpster without consent of the owner. (It’s my understanding this change will allow HAND to continue existing practice with better grounding in our code.)

Statutory Requirements Triggered with Aforementioned Amendments

City Legal has concluded that once the City amends Chapter 6.06 of the BMC, it must comply with I.C. 36-7-10.1, which deals with “weeds and rank vegetation.” This statute requires ordinances adopted after mid-May of 1991 to define “weeds” and set forth procedures under which the violations will be enforced. The remainder of the changes to Chapter 6.06, which are quite substantial, are *largely* driven by those requirements. Those changes:

Definitions

- Define a “weed” by referring to what the State and federal government consider detrimental plants, invasive plants and noxious weeds as well as by citing the list of such plants located in BMC 20.05.059.
 - Please note that this change is not intended to change the City’s enforcement policies in regard to “natural lawns.”
- Broaden definition of “garbage” to include “rubbish” and “refuse” (and broaden “refuse” to include the other two);
- Add definitions for “recyclable materials” and “yard waste.”

Enforcement

- Set forth the procedures for issuing a Notice of Violation (NOV) and the contents of the NOV. Those contents now mention:
 - the abatement of the nuisance by the City or a private contractor hired by the City as an additional remedy; and
 - the clarify the procedure for appealing the violation within seven days to the Board of Public Works;
- Set forth the procedure for the City to abate the problem, which is all new and includes the:
 - Manner for providing notice of the abatement (which shall be by certified mail and, if that is not deliverable, then by other means including giving it in person, mailing it to the person or his/her agent, and leaving it at their usual place of abode);
 - Content of the notice, which informs the person about the:
 - Violation;
 - Intent to pursue an abatement by the City or a private 3rd party contractor;
 - Liability for costs and that failure to pay of the costs will result in the amount appearing on the person's tax bill;
 - Hearing before the Board of Public Works and the right of the person to appear and defend against the action;
 - Role of the Board of Public Works to hear evidence and render a decision in writing;
 - Availability of an appeal to court within 10 days of the decision; and
 - Prospect that the notice may be in force for 12 months and serve as continuous notice of abatement.

Adding One Fee Related to the Removal and Impoundment of Vehicles at the Request of the Bloomington Police Department (in Chapter 15.48)

The ordinance amends BMC Chapter 15.48 (Removal and Impoundment of Vehicles) by adding an Administrative Fee of \$25. Currently, this chapter authorizes police officers to arrange for private companies to tow nuisance vehicles and sets forth the maximum amount companies may charge for towing and storing the vehicles. Officers often must stay on the scene until the towing company arrives. The owner or last operator of the vehicle typically recovers the vehicle by obtaining an Abandoned/ Impounded Vehicle Report (Report) from the Police Department and presenting it to the towing company. The new fee would be paid

when the person obtains the Report from the department and is intended to help offset the cost associated with these on-site and administrative duties.

Increasing Fees Related to Fingerprinting, Accident Reports, and Handguns (in Section 15.60.080)

The ordinance amends Section 15.60.080 (located in Title 15, entitled “Vehicles and Traffic,” but containing “miscellaneous fees”) by adjusting fees to help cover the costs of providing the service or by making the section consistent with changes in statute. In particular, the ordinance:

- Increases the fee for obtaining Accident Reports from \$5 to \$8 and directs the money to be deposited into the Local Law Enforcement Continuing Education Fund (rather than the Accident Report Account) – the depositing into that fund being required by IC 5-2-8²;
- Increases the fee for fingerprinting a person (for non-criminal purposes)³ from \$5 per card to \$15 per card for residents and to \$25 for the first card for non-residents and \$15 for subsequent cards;
- Elaborates on the fees for handgun licenses and directs the money to be deposited in the same fund mentioned above, both as required by IC 35-47-2-3; and
- Corrects or deletes other provisions in order to comport with State statute.

Increasing Fees Related to Signs (in Section 17.08.050)

Lastly, the ordinance amends Section 17.08.050 (which contains fees relating to construction) by increasing the fees for signs to help cover the cost for the service and which, I am told, are comparable to fees elsewhere. In particular, the ordinance:

- Increases the fees for a temporary sign from \$55 (with no additional charge for a 15 day renewal) to \$75 per application;
- Increases the fee for a permanent sign from \$55 to \$125 per sign

² Also, in accordance with this statute, the ordinance directs the \$5 fee for inspecting vehicles prior to the owner seeking a certificate of title from the Bureau of Motor Vehicles to be deposited into this same fund (rather than a special vehicle inspection fund).

³ Please note that fingerprinting of children is exempt from this fee.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, SEPTEMBER 19, 2012
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: September 5, 2012, Regular 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. Ordinance 12-17 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2013

Do Pass Recommendation: 8 – 0 – 0

2. Ordinance 12-18 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2013

Do Pass Recommendation: 8 – 0 – 0

3. Ordinance 12-19 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2013

Do Pass Recommendation: 8 – 0 – 0

4. Ordinance 12-21 Petition to Appeal For An Increase To The Maximum Levy (A Request for Permission from the Department of Local Government Finance to Impose an Excess Levy as a Result of a Revenue Shortfall)

Do Pass Recommendation: 8 – 0 – 0

5. Appropriation Ordinance 12-02 An Ordinance for Appropriations and Tax Rates (Establishing 2013 Civil City Budget for the City of Bloomington)

Do Pass Recommendation: 8 – 0 – 0

6. Appropriation Ordinance 12-03 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2013

Do Pass Recommendation: 8 – 0 – 0

7. Ordinance 12-20 Appropriations and Tax Rates for Bloomington Transportation Corporation for 2013

Do Pass Recommendation: 8 – 0 – 0

VII. LEGISLATION FOR FIRST READING

1. Ordinance 12-22 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic”- Re: Stop and Yield intersections, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking, and the Traffic Violation Schedule

--- Over---

2. Ordinance 12-23 To Amend Title 6 (Health and Sanitation), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) of the Bloomington Municipal Code - Re: Adjusting Fees and Fines Found in Chapter 6.06 (Refuse and Weeds), Chapter 15.48 (Removal and Impoundment of Vehicles), Section 15.60.080 (Services and Fees), and Section 17.08.050 (Fees) and Making Other Related Changes to those Provisions

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.

---Immediately followed by ---

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, SEPTEMBER 19, 2012
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

Chair: Chris Sturbaum

1. Ordinance 12-22 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"- Re: Stop and Yield intersections, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking, and the Traffic Violation Schedule

Asked to Attend: Susie Johnson, Director of Public Works

2. Ordinance 12-23 To Amend Title 6 (Health and Sanitation), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) of the Bloomington Municipal Code - Re: Adjusting Fees and Fines Found in Chapter 6.06 (Refuse and Weeds), Chapter 15.48 (Removal and Impoundment of Vehicles), Section 15.60.080 (Services and Fees), and Section 17.08.050 (Fees) and Making Other Related Changes to those Provisions

Asked to Attend: Patty Mulvihill, Assistant City Attorney, Legal Department



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 17–22 September 2012

Monday, 17 September

12:00 pm BEAD Advisory Committee, McCloskey
3:00 pm Joint City of Bloomington - Monroe County Deer Task Force teleconference with Humane Society of the United States, Council Library
5:00 pm Farmers' Market Advisory Council, Parks
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room

Tuesday, 18 September

8:00 am 2013 Community Development Block Grant—Mandatory Training Session, McCloskey
11:30 am Plan Commission Work Session, Kelly
4:00 pm Bloomington Community Farmers' Market, Madison St. between 6th and 7th
4:00 pm Board of Public Safety, McCloskey
5:30 pm Commission on the Status of Children and Youth, Hooker Room
5:30 pm Animal Control Commission, McCloskey

Wednesday, 19 September

9:30 am Tree Commission, Henderson Shelter, Bryan Park, 1001 S. Henderson St.
2:00 pm Hearing Officer, Kelly
4:00 pm Housing and Neighborhood Development, *Proposed Changes to Title XVI Open House*, Council Chambers
4:00 pm Board of Housing and Quality Appeals, McCloskey
5:30 pm Joint City of Bloomington - Monroe County Deer Task Force, McCloskey
7:30 pm Common Council, Regular Session *followed by* Committee of the Whole, Council Chambers

Thursday, 20 September

8:00 am Bloomington Housing Authority Board of Commissioners, Community Room, Bloomington Housing Authority, 1007 N. Summit
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, 21 September

12:00 pm Domestic Violence Taskforce, McCloskey
12:00 pm Staff - Council Internal Work Session, Council Library

Saturday, 22 September

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

Posted and Distributed: Friday, 14 September 2012



City of Bloomington
Office of the Common Council

NOTICE

Joint City of Bloomington-Monroe County Deer Task Force

Upcoming Meetings

The Joint City of Bloomington-Monroe County Deer Task Force will meet on the following dates:

- **Monday, 17 September 2012, 3:00pm**
Teleconference with Humane Society of the United States
Council Library (Suite #110)
- **Wednesday, 19 September 2012, 5:30pm**
Regular Meeting
McCloskey Room (Room #135)
- **Wednesday, 26 September 2012, 5:30pm**
Regular Meeting
Council Chambers (Suite #115)
- **Tuesday, 02 October 2012, 5:30pm**
Regular Meeting
McCloskey Room (Room #135)

Per Indiana Open Door Law (I.C. §5-14-1.5), this provides notice that these meetings will occur and are open for the public to attend, observe, and record what transpires.

Dated and Posted: Wednesday, 12 September 2012

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

www.bloomington.in.gov/council
council@bloomington.in.gov

ORDINANCE 12-22

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “VEHICLES AND TRAFFIC”**

**- Re: Stop and Yield intersections, Angle Parking, No Parking, Limited
Parking, Residential Neighborhood Permit Parking, Accessible Parking, and
the Traffic Violation Schedule**

WHEREAS, the Traffic Commission has recommended certain changes be made in Title 15 of 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 shall be amended to add the following:

STOP INTERSECTIONS

Traffic on	Shall Stop for Traffic on
Coppertree Drive (South)	The Stands Drive
Goldin Drive	Canada Drive
Pierson Court	The Stands Drive
Regents Circle	Moores Pike
Regents Circle (Westbound)	Regents Circle
Regents Court	Regents Circle

SECTION 2. Section 15.12.020 Schedule C shall be amended to add the following:

YIELD INTERSECTIONS

Traffic on	Shall Yield to Traffic on
Goldin Court	Goldin Drive
Coppertree Drive (North)	The Stands Drive

SECTION 3. Section 15.32.030 Schedule L shall be amended to add the following:

ANGLE PARKING

Street	From	To	Side of Street
Hillside Drive	Henderson Street	1 st Alley West of Dunn Street	North

SECTION 4. Section 15.32.080 Schedule M shall be amended to add the following:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Matlock Road	SR 45/46	Headley Road	North/South	Any Time

SECTION 5. Section 15.32.090 Schedule N shall be amended to delete the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
Madison Street	Hillside Drive	Grimes Lane	East	2 Hr. (2)

SECTION 6. Section 15.32.090 Schedule N shall be amended to add the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
Eighth Street	Fairview Street	Jackson Street	South	2 Hr. (13)

SECTION 7. Section 15.32.150 Schedule S shall be amended to add the following:

ACCESSIBLE PARKING FOR PERSONS WITH PHYSICAL DISABILITIES

800 Block of South Auto Mall Road – one space 126’ to 148’ South of Buick Cadillac Blvd. on the west side of the street.

SECTION 8. Section 15.37.020 entitled “Applicability” shall be amended to delete the following area from Near West Side Residential Neighborhood Permit Parking Zone (Zone 10):

Street	From	To	Side of Street
Eighth Street	Rogers Street	Jackson Street	South

SECTION 9. Section 15.37.020 entitled “Applicability” shall be amended to add the following area to Near West Side Residential Neighborhood Permit Parking Zone (Zone 10):

Street	From	To	Side of Street
Eighth Street	Rogers Street	Fairview Street	South

SECTION 10. Section 15.37.020 entitled “Applicability” shall be amended to add the following area to Southwest Campus Residential Neighborhood Zone (Zone 9):

Street	From	To	Side of Street
Second Street	Grant Street	Henderson Street	South

SECTION 11. Section 15.64.010 Violations and penalties, subsection (d) “Class D Traffic Violations (most parking violations)” shall be amended by adding the following to the list of violations:

15.32.175 Parallel and angle parking

SECTION 12. 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 13. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and the approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana,
upon this _____ day of _____, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to the Bloomington Municipal Code. This includes stop intersections, yield intersections, angle parking, no parking zones, limited parking zones, accessible parking for persons with physical disabilities, residential neighborhood permit parking zones, and violations.

To: Common Council
From: Susie Johnson
Re: Ordinance 12-15
Date: July 30, 2012

The following outlines the specific changes proposed to Title 15 of the Municipal Code.

Section 1: This section adds stop control at intersections recently accepted into our street inventory as well as some older intersections that need to be represented in Schedule A 'Stop Intersections'.

Section 2: This section adds yield control at intersections where stop control is not necessary as the approach street has low volume vehicular traffic and adequate visibility for safe stopping distance.

Section 3: This section codifies existing angle parking on Hillside Drive that was approved with the South Dunn Street Development.

Section 4: This section removes parking along a narrow section of roadway on Matlock Road.

Section 5: This section deletes an area near the old RCA Plant site from 'Limited Parking Zones' currently listed in Schedule N. The restriction is no longer necessary.

Section 6: This section adds 'Limited Parking Zones' (2 hour parking) on Eighth Street adjacent to Fairview Elementary School. This is where the bus stop used to be and is now unrestricted which has lead to warehousing of vehicles.

Section 7: This section creates an accessible parking space in the 800 block of South AutoMall Road.

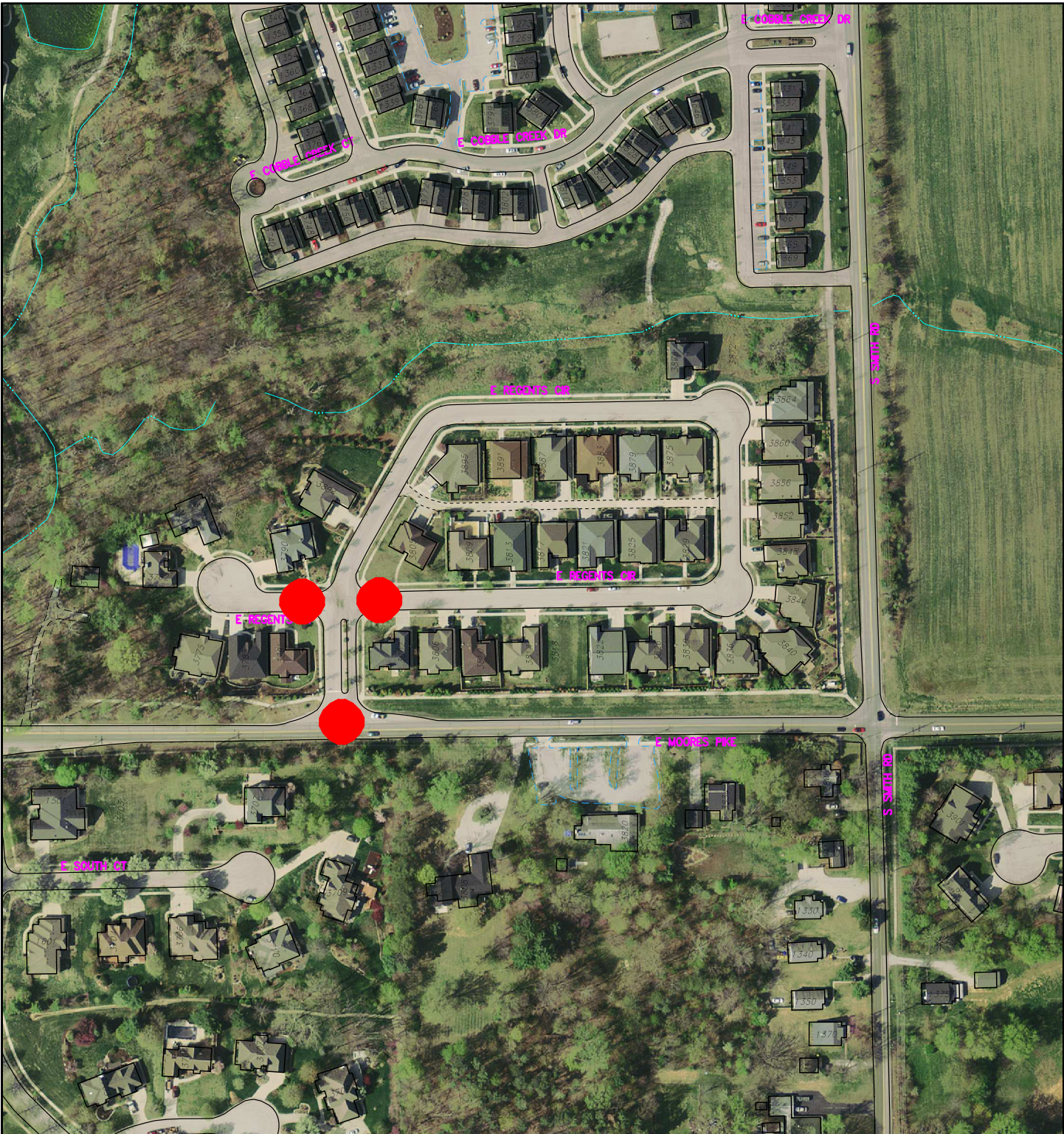
Section 8 and 19: These sections add a section of Eighth Street (Rogers Street to Jackson Street) to the Near West Side Residential Neighborhood Permit Parking Zone that was previously not included. It was formerly the bus zone for Fairview School.

Section 10: This section adds a section of Second Street (Henderson Street to Grant Street) to the Southwest Campus Residential Neighborhood Permit Parking Zone (Zone 9).

Section 11: This section adds parallel and angle parking violations to "Class D Traffic Violations" in the Bloomington Municipal Code.

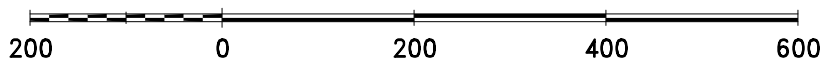
Section 12: Severability clause

Section 13: Effective Date

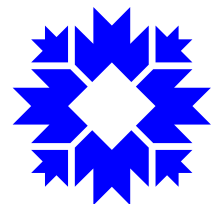


Map 2

By: wykoffj
11 Sep 12

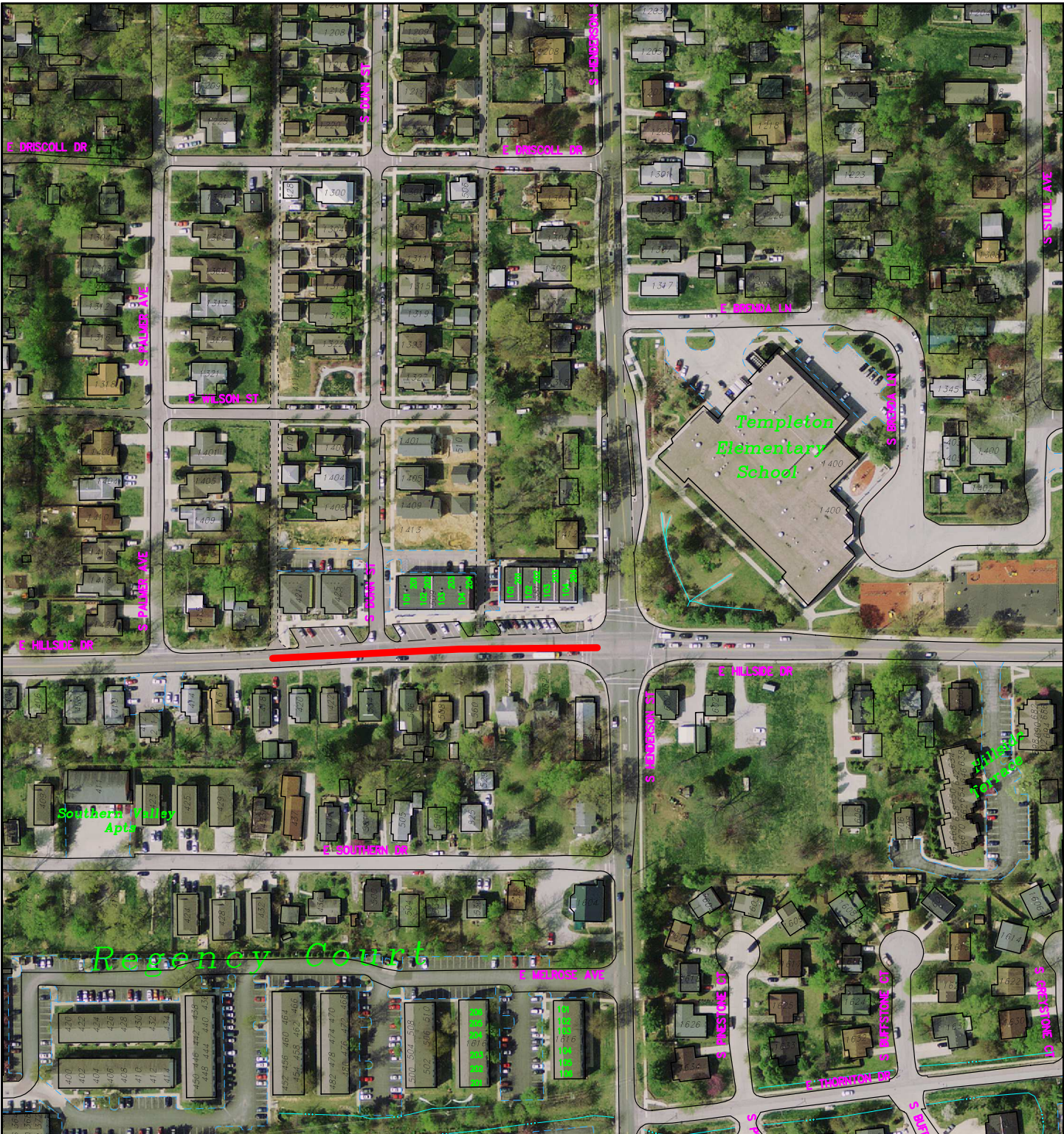


City of Bloomington
Engineering



Scale: 1" = 200'

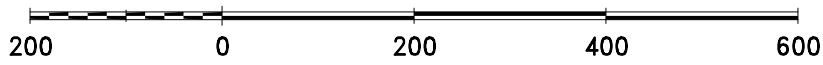
For reference only; map information NOT warranted.



Map 3

Red Line = Angle Parking Area

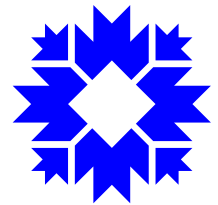
By: wykoffj
11 Sep 12



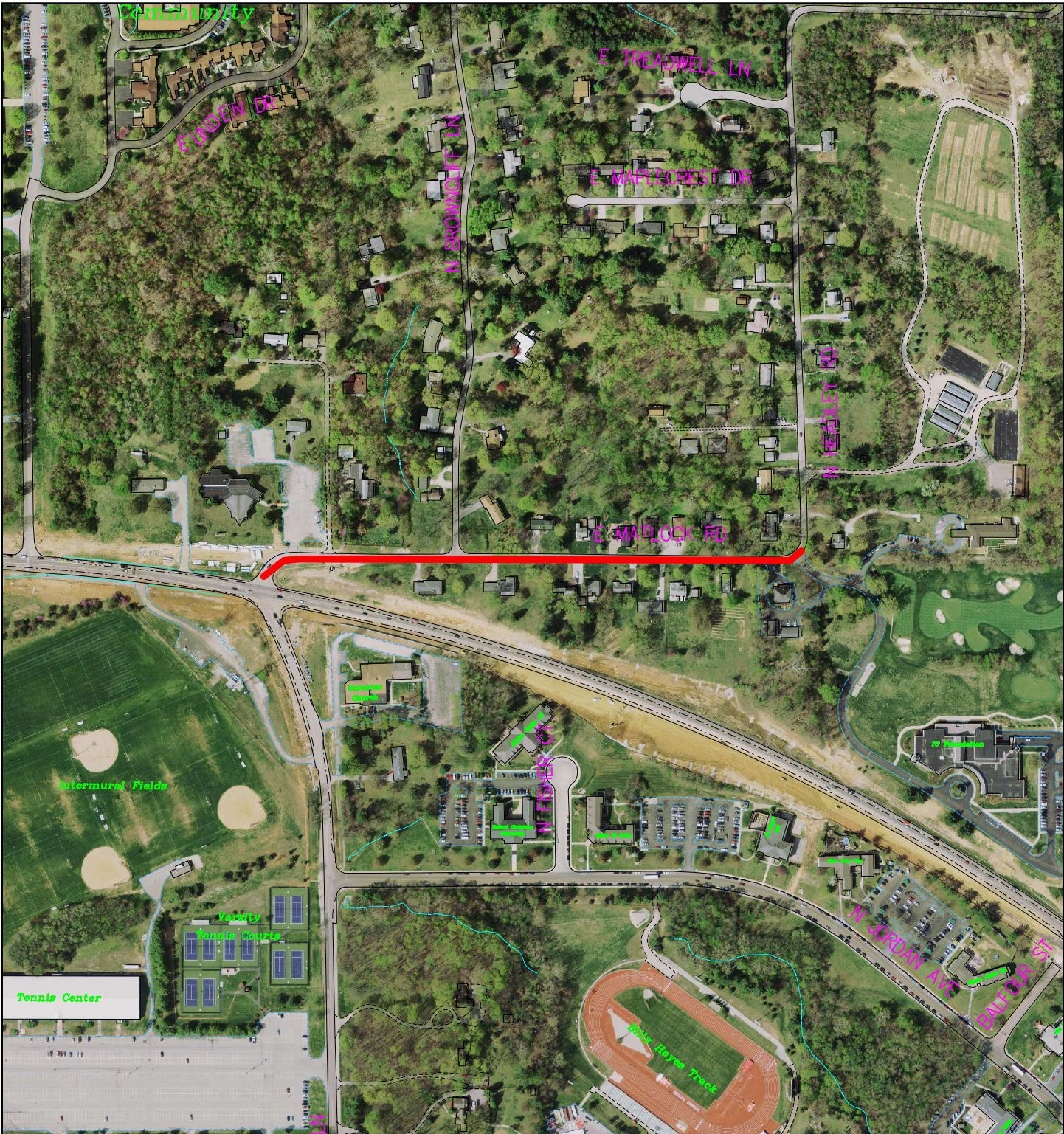
For reference only; map information NOT warranted.



City of Bloomington
Engineering



Scale: 1" = 200'

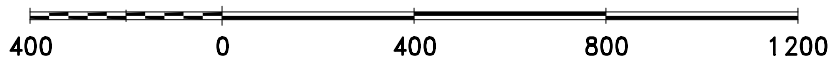


Map 4

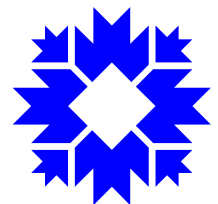
Red = No Parking Zone

By: wykoffj

11 Sep 12



City of Bloomington
Engineering



Scale: 1" = 400'

For reference only; map information NOT warranted.

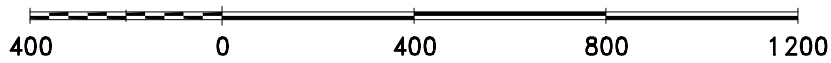


Map 5

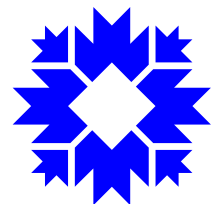
Red = Limited Parking Zone - 2 Hour Parking

By: wykoffj

11 Sep 12

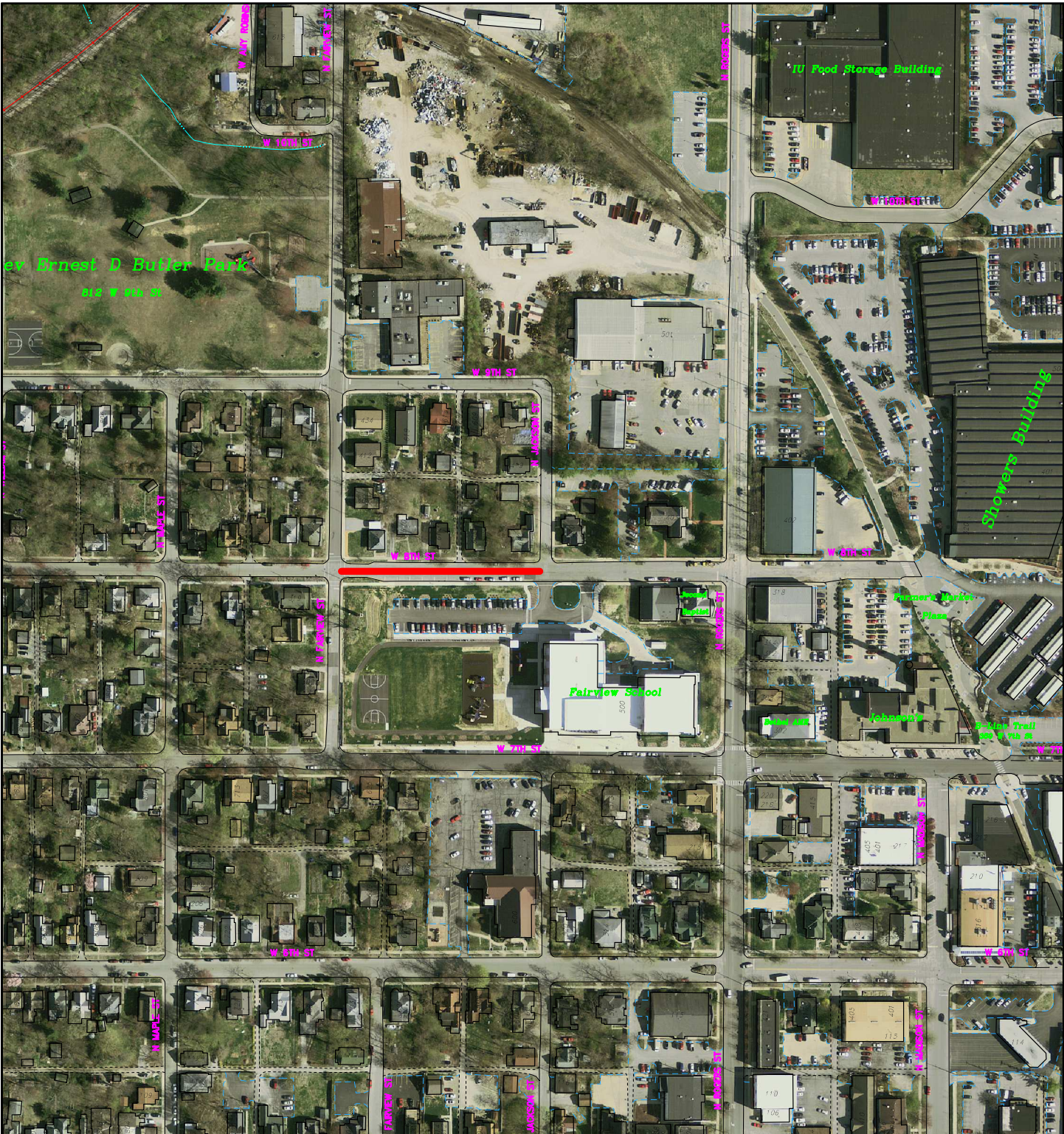


City of Bloomington
Engineering



Scale: 1" = 400'

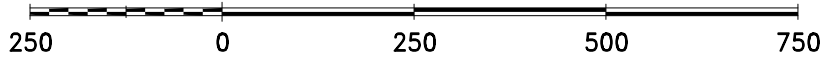
For reference only; map information NOT warranted.



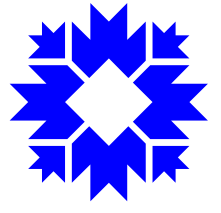
Map 6

Red = Limited Parking Zone and Residential Zone 10 Addition

By: wykoffj
11 Sep 12



City of Bloomington
Engineering



Scale: 1" = 250'

For reference only; map information NOT warranted.

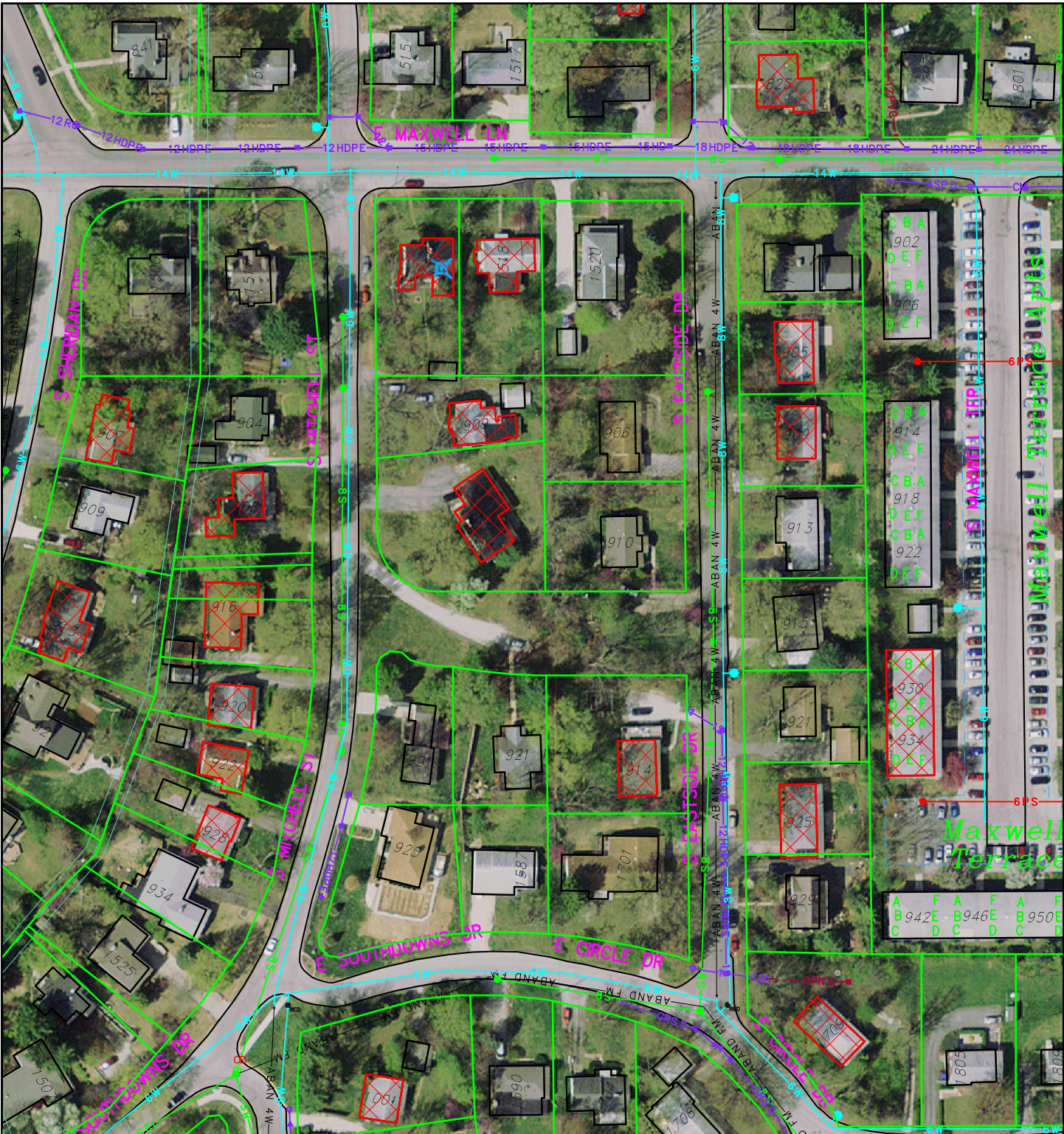
Ord 12-22

**To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic”
– Re: Stop and Yield intersections, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking, and Traffic Violation Schedule**

Map Pertaining To Amendment 01

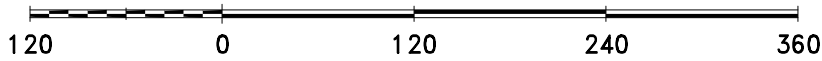
Councilmember Rollo is intending to introduce an amendment on October 3rd (since the evening on September 19th will probably run long) regarding the removal of parking on South Mitchell Street between Maxwell Lane and Southdowns Drive. Should the amendment pass, then a recommendation of the 2012 Council Sidewalk Committee Report for a pedestrian lane would be implemented.

Please see the attached map of the block which, among other information, indicates the width of the right-of-way as well as the presences of rental properties (see red cross-hatched structures).



Ord 12- 22 - Am 01 - Removal of Parking
 South Mitchell Street from Maxwell Lane to Southdowns Drive

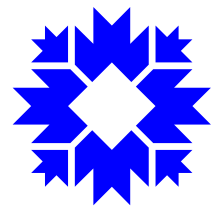
By: shermand
 13 Sep 12



For reference only; map information NOT warranted.



City of Bloomington
 Clerk & Council



Scale: 1" = 120'

ORDINANCE 12-23

TO AMEND TITLE 6 (HEALTH AND SANITATION), TITLE 15 (VEHICLES AND TRAFFIC), AND TITLE 17 (CONSTRUCTION REGULATIONS) OF THE BLOOMINGTON MUNICIPAL CODE

- Re: Adjusting Fees and Fines Found in Chapter 6.06 (Refuse and Weeds), Chapter 15.48 (Removal and Impoundment of Vehicles), Section 15.60.080 (Services and Fees), and Section 17.08.050 (Fees) and Making Other Related Changes to those Provisions

- WHEREAS, Chapter 6.06 of the Bloomington Municipal Code sets forth provisions regarding the regulation of refuse and weeds in the City’s jurisdictional limits; and
- WHEREAS, the City of Bloomington is concerned with properties which regularly and consistently fail to comply with the requirements of Chapter 6.06, which negatively impacts the Bloomington community’s livability, and the City therefore feels modification to the current Chapter’s penalty section is in order; and
- WHEREAS, Indiana Code Chapter 36-8-10.1 requires a municipality, when substantially altering an existing ordinance which regulates the removal of weeds and rank vegetation, to comply with certain notice requirements not presently found within Chapter 6.06; and
- WHEREAS, Bloomington Municipal Code Chapter 15.48 regulates the removal and impoundment of vehicles, and the City of Bloomington Police Department wishes to offset the cost of enforcing and administering said Chapter through imposition of an administrative fee; and
- WHEREAS, to the extent practical, the City of Bloomington wishes to offset the cost of the Police Department providing accident reports under Bloomington Municipal Code Section 15.60.080(a)(1) by increasing an administrative fee; and
- WHEREAS, to the extent practical, the City of Bloomington wishes to offset the cost of the Police Department providing fingerprinting services under Bloomington Municipal Code Section 15.60.080(a)(5) by increasing an administrative fee; and
- WHEREAS, Bloomington Municipal Code Sections 15.60.080(a)(1), (6), (7), (10), (12) and (14) reference Indiana Code provisions which have been modified or repealed, which therefore requires the aforementioned municipal code sections to also be modified or repealed; and
- WHEREAS, Bloomington Municipal Code Section 17.08.050(e) sets a fee of fifty-five dollars to obtain a permit for either a temporary or a permanent sign, which does not cover the considerable amount of time and resources taken in processing and issuing these sign permits and should be raised; and
- WHEREAS, Bloomington Municipal Code Section 17.08.050(e) also references provisions in Bloomington Municipal Code Title 20 which have since been amended and are no longer applicable and should be amended to accurately reflect these prior changes and to ensure consistency in the overall municipal code;

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

SECTION 1. Chapter 6.06 of the Bloomington Municipal Code entitled “Refuse and Weeds” shall be deleted and replaced with Chapter 6.06 “Garbage and Weeds.” The codifier shall insert the title in the Table of Contents for Title 6 “Health and Sanitation.” Chapter 6.06 shall read as follows:

CHAPTER 6.06

GARBAGE AND WEEDS

Sections:

- 6.06.010** **Definitions.**
- 6.06.020** **Deposit of garbage.**
- 6.06.030** **Use of city garbage containers.**
- 6.06.040** **Use of private garbage containers.**
- 6.06.050** **Excessive growth.**
- 6.06.060** **Inspections.**
- 6.06.070** **Enforcement procedures.**

- 6.06.080** **Failure to remedy.**
- 6.06.090** **Cost of removal by city.**
- 6.06.100** **Vehicles hauling garbage.**
- 6.06.110** **Violations.**

6.06.010 **Definitions.**

As used in this chapter, the following terms have the following meanings unless otherwise designated:

“Board” means the City of Bloomington Board of Public Works.

“Garbage” means putrescible animal and vegetable wastes, resulting from handling, preparation, cooking and consumption of food; refuse; and rubbish.

“HAND” means the City of Bloomington’s Housing and Neighborhood Development Department.

“Owner” means a person holding legal title to real property within the City of Bloomington.

“Person” means an individual, partnership, corporation, trust, or any commercial association or venture, however defined.

“Putrescible” means substances which are subject to organic decomposition.

“Recyclable materials” means those materials designated by the Board or its designee as those which may be collected for recycling purposes. Such materials may include, but may not be limited to, aluminum products, clean glass containers, bimetal containers, newspapers, magazines and periodicals, and plastic containers. What constitutes “recyclable materials” may change depending on what the Board or its designee is able to dispose of through their recycling efforts.

“Refuse” means all putrescible and nonputrescible solid wastes, including animal wastes, garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes.

“Rubbish” means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, construction debris, and similar materials.

“Weed” means any plant or vegetation classified as a detrimental plant, invasive plant or noxious weed by either the State of Indiana under authority of I.C. 15, entitled “Agriculture and Animals” or the United States government in accordance with 7 USC 7701. The term shall also include the vegetation listed in Section 20.05.059 of the Bloomington Municipal Code

“Yard waste” means grass, weeds, leaves, brush, tree trimmings, hedge clippings, and other yard and garden materials.

6.06.020 **Deposit of garbage.**

It is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to later remove, cover, or burn it. This provision shall not restrict the filling of low lands within the city with brick, stone, sand, gravel, cold ashes, or dirt after the appropriate permit has been obtained from the City Engineering Department.

6.06.030 **Use of city garbage containers.**

It is unlawful for any person to deposit any household or commercial garbage, recyclable materials or yard waste in any receptacle maintained on a sidewalk or at any other public location by the city for disposal of refuse by pedestrians.

6.06.040 **Use of private garbage containers.**

It is unlawful for any person to deposit garbage, recyclable materials or yard waste in a receptacle or dumpster unless said person has permission from the owner of the receptacle or dumpster to use it for garbage, recyclable materials or yard waste disposal.

6.06.050 **Excessive growth.**

It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of eight inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

6.06.060 Inspections.

It shall be the duty of the police department or HAND to make a careful inspection of any lots, grounds and tracts of land situated within the corporate limits of the city for the purpose of determining whether there is a violation of this chapter.

6.06.070 Enforcement procedures.

(a) If the director of HAND, the assistant director, any neighborhood compliance officer, or any other designee of the director (collectively referred to as “staff”) determines that there is a violation of this chapter, that person shall issue a notice of violation (NOV) to the responsible party. For purposes of issuing a NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: persons with any possessory interest in the property; property owner(s); and/or any persons who have caused the violation.

Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven days following issuance of the NOV, provided that the nonpossessory property owner(s) presents to HAND, within seven days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.

(b) The NOV shall be in writing and shall be served on one or more of the responsible parties in one or more of the following manners: delivery in person; by first class mail; and/or by placement in a conspicuous place on the property where a violation occurs. The notice shall state:

- (1) The location of the violation;
- (2) The nature of the violation;
- (3) The period of correction (if any);
- (4) The fine assessed for the violation;
- (5) Additional remedies the city may seek for violation (including abatement of the violation by HAND or by a private contractor hired by HAND);
- (6) That the fine is to be paid at HAND;
- (7) That the fine may be contested in the Monroe County Circuit Courts;
- (8) That the NOV may be appealed to the Board, provided the appeal is in writing and filed with the Board no later than seven (7) days from the date of the NOV.

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

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

6.06.080 Failure to remedy.

(a) HAND may file a request with the Board for the abatement of any property still in violation of a NOV after the correction period in the NOV has expired.

(b) The property owner who is the subject of an abatement request by HAND shall be notified of the request; said notice shall state the following:

- (1) The location of the violation;
- (2) The nature of the violation;
- (3) A statement that abatement of the violation is being sought;
- (4) A statement that the abatement may be provided by the city or by a private third-party contractor hired by the city to perform the abatement;
- (5) A statement that the property owner will be liable for any and all costs associated with the city, and/or the city’s contractor, abating the property;
- (6) A statement that if the property owner fails to reimburse the city for any and all costs associated with an abatement of his property, said costs shall be filed with the county auditor and placed on the tax duplicate for the property at issue; said costs being collected as taxes are collected;
- (7) The date, time and location of the Board’s hearing; and
- (8) A statement indicating that the property owner is entitled to appear at said hearing and is entitled to present arguments and evidence in his defense at said hearing.

The abatement notice described in the above subsection (b) shall be in writing and shall be served on the property owner via certified mail, return receipt requested. If the abatement notice is returned as undeliverable the notice shall be given by personally delivering a copy of the abatement notice to the property owner; leaving a copy of the abatement notice at the usual place of abode of

the property owner; sending by first class mail a copy of the abatement notice to the last known address of the property owner; or by serving the agent of the property owner.

(c) At the abatement hearing the Board shall hear evidence from all parties and render its decision in writing.

(d) All appeals from the Board's decision on an abatement request shall be made to courts of competent jurisdiction within ten days.

(e) If an initial notice of abatement was provided in accordance with this Section, and Section 6.06.070 was first followed, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail. A continuous abatement notice serves as notice to the property owner that each subsequent violation of this chapter during the same twelve-month period for which the initial NOV was provided may be abated by the City or its private third-party contractors.

6.06.090 Cost of removal by city.

If the landowner fails to remedy a violation under this chapter, the controller shall make a certified statement of the actual cost incurred by the city for any abatement conducted by the city or its private third-party contractor. The statement shall be served on the property owner by certified mail, return receipt requested. The property owner shall pay the amount in the statement to the city legal department within ten days after receiving it. If the landowner should fail to pay within the ten-day period, a certified copy of the statement of costs shall be filed in the office of the county auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work. The amount shall be collected and disbursed to the general fund of the city.

6.06.100 Vehicles hauling garbage.

(a) It is unlawful to transport garbage, recyclable material, yard waste, stone or other materials that are likely to fall from a vehicle unless such materials are covered and secured so as to prevent their deposit on public and private property.

(b) Any materials falling from a vehicle shall be promptly removed by the person responsible for their deposit. If such person neglects or refuses to remove the materials, the city shall cause such materials to be removed at the expense of the person responsible, who shall be liable to pay the city the cost of the removal.

6.06.110 Violations.

Violations of the provisions of this chapter are declared a public nuisance. Each day that a violation continues shall constitute a separate violation.

SECTION 2. A new Section 15.48.070 entitled "Administrative Fee" shall be created and shall read as follows:

(a) If a vehicle is removed and impounded pursuant to Section 15.48.020, then in addition to any towing and storage charges assessed under Section 15.48.030, an administrative fee of twenty-five dollars (\$25.00) shall be levied when the vehicle owner or last operator obtains a copy of the Abandoned/Impounded Vehicle Report from the Police Department.

(b) This administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing and administering the provisions of this Chapter.

(c) The administrative fee shall be deposited into the City's General Fund.

SECTION 3. Section 15.60.080(a)(1) shall be deleted and replaced with the following:

(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.

SECTION 4. Section 15.60.080(a)(5) shall be amended to read as follows:

(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.

SECTION 5. Section 15.60.080(a)(6) shall be amended by deleting “a special vehicle inspection fund. Appropriation by the Common Council shall only be used for law enforcement purposes” in the second sentence and replacing it with “the local law enforcement continuing education fund established by Indiana code 5-2-8” so that the section shall read as follows:

(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.

SECTION 6. Section 15.60.080(a)(9) shall be amended by deleting the word “Division” and replacing it with the word “Bureau” and shall be further amended by deleting the phrase “State Department of Public Welfare” and replacing it with “department of child services” so that the section will read as follows:

(9) 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.

SECTION 7. Section 15.60.080(a)(12) shall be amended to read as follows:

(12) 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.”

SECTION 8. Sections 15.60.080(a)(7), (10), and (14) shall be deleted and the entire Section shall be renumbered accordingly.

SECTION 9. Section 17.08.050(e) shall be amended by deleting all present references to sign permits and replacing said references to read as follows:

Temporary Sign Permits	\$75.00 per application
Temporary signs erected under Title 20 of this Code.	
Permanent Sign Permits	\$125.00 per sign
Permanent signs erected under Title 20 of this Code.	

SECTION 10. 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 11. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This is an omnibus piece of legislation which has four essential parts.

The first part is a proposed repeal and replacement of Chapter 6.06 which has seven key components. First, because a substantial modification of an already existing ordinance which regulates the removal of weeds and rank vegetation requires the presence of certain notice provisions under Indiana Code Chapter 36-7-10.1 the following must be added to the Chapter: (a) the word “weed” must be defined, and the City has chosen to use a definition utilized by the State and Federal governments and provide a further list established by the City’s environmental planner; (b) if the City abates a violation notice of that abatement must occur in a certain manner; and (c) if a property has already been the subject of an abatement, the City can post a continuous abatement notice without having to seek Board of Public Work approval for each new abatement request. Second, the current ordinance repeatedly uses the phrase “rubbish, trash and refuse.” In an effort to consolidate this phrase and make it more identifiable to the average public the ordinance rolls all of those words into one commonly defined word called “garbage”. Third, the ordinance adds a new prohibition against dumping trash into a private dumpster without having the owner of said dumpster’s permission to do so. Fourth, the ordinance clarifies how and when a person can appeal a Notice of Violation versus an Abatement Order. Fifth, while not required by State law, in an effort to provide the community with a more open and transparent government, the ordinance specifically advises citizens that an abatement can be effectuated by either the City or by a private contractor hired by the City. Sixth, the ordinance adopts a new fine schedule—(a) the first violation in a 12-month period results in a \$50.00 fine; (b) the second violation in a 12-month period results in a \$100.00 fine; (c) the third and all subsequent violations in a 12-month period results in a \$150.00 fine; and (d) the 12-month period will run from August 1 to the following July 31. Seventh, “habitual nuisance” properties can regularly avoid penalties under the current ordinance. The current ordinance prohibits a fine from being issued to a rental property if one of two things occur; either the landlord provides HAND with a copy of a valid lease within 7 days of the notice of violation or the violation is remedied within 7 days. What happens is that “habitual nuisance” properties will regularly clean up the violation within 7 days of getting a notice, but since there is no penalty assessed for the violation, the violations continue to occur on a regular and consistent basis. In an effort to alleviate the “habitual nuisance” properties, this ordinance provides that the only way

a landlord can avoid being fined for his tenants violation of the ordinance is to provide the City with a copy of a valid lease within 7 days of the notice—this will allow the City to always pass along a penalty to the tenants who violate the ordinance, thereby hopefully reducing the number of “habitual nuisance” properties within the community.

The second part adds a new section to Chapter 15.48 (Removal and Impoundment of Vehicles). Specifically the newly created Section 15.48.070 imposes a \$25.00 administrative fee upon any person whose vehicle is towed pursuant to Chapter 15.48. The purpose of the administrative fee is to offset, to the extent practicable, the cost to the City’s Police Department of implementing, enforcing and administering the provisions of Chapter 15.48.

The third part amends Section 15.60.080 (Miscellaneous Traffic Rules) in five key ways. First, it raises the fee for fingerprinting services provided by the Police Department. Second, it provides differing fees for City residents requesting this service versus non-City residents requesting the service. The fee for City residents shall be \$15.00 per card. The fee for non-City residents shall be \$25.00 for one card, and \$15.00 for each additional card. Third, it raises the fee for obtaining accident reports from \$5.00 to \$8.00. Fourth, it amends the City’s ordinance to accurately reflect the Indiana Code’s mandate as to which funds certain collected fees are to be deposited. Fifth, it amends the City’s ordinance to accurately reflect the Indiana Code’s requirement on how much of a fee the City is to charge for handgun applications. Sixth, it deletes those provisions of the ordinance that were the result of Indiana Code requirements which have now been repealed by the Indiana General Assembly.

The fourth and final part amends Section 17.08.050 (Fees) by increasing the fee for a temporary sign permit and a permanent sign permit in Part (e). The temporary sign permit fee is raised from \$55.00 an application to \$75.00 an application and the permanent sign permit fee is raised from \$55.00 a sign to \$125.00 a sign. In addition to raising the fee, the change makes it clear that each new application, regardless of whether or not it’s a renewal application, will be charged the same fee. Finally, the ordinance changes an incorrect reference to a Title 20 provision and replaces it with the correct statement of the law.

MEMO:

To: Bloomington Common Council
From: Patty Mulvihill, Assistant City Attorney
CC: Mark Kruzan, Mayor
Maria Heslin, Deputy Mayor
Date: August 24, 2012
Re: Omnibus Legislation Amending Title 6, 15 and 17

Attached to this Memo is an omnibus piece of legislation which amends portions of Titles 6, 15 and 17. The legislation covers the following topics

- (1) Amendments to Chapter 6.06--Weed/Trash Ordinance;
- (2) Creation of a Towing Administration Fee;
- (3) Increase to the Established Fingerprinting Fee;
- (4) Increase to the Established Accident Report Fee; and
- (5) Increase to the Established Sign Permit Fee.

Chapter 6.06 Proposal

General synopsis: The proposal's main thrust is to increase the fines assessed for violations of Chapter 6.06 (weed and trash ordinance) in an effort to better gain compliance with the Chapter and to hopefully assist in the alleviation of nuisance properties. The fines are currently \$50.00 a violation. The proposal suggests the following fine schedule: (1) \$50.00 for a first violation in a 12-month period; (2) \$100 for a second violation in a 12-month period; and (3) \$150 for a third or subsequent violation in a 12-month period. The 12-month period runs from August 1 to the following July 31. In addition to the increase in fines the proposal seeks to eliminate a "loophole" of sorts. Currently a fine will not be assessed for a rental property if one of two things occurs: (1) the violation is remedied in 7 days; or (2) the landlord provides the City a lease in 7 days. Several problem properties are never fined because the violation is remedied in 7 days, and therefore residents continue to violate the ordinance. In order to close this "loophole" the proposal suggests that the owner of rental properties can only avoid a fine if they provide the City with a lease, the option to fix the violation will be removed. Hopefully if the tenants are finally fined, they will stop violating the ordinance.

Worth noting: Because this Chapter of Title 6 is being amended the Legal Department believes that the requirements of Ind. Code 36-7-10.1 are triggered. What this means is that by amending this Chapter of Title 6, the Legal Department has concluded that the City's ordinance is now required to adhere to certain notice standards found in Ind. Code 36-7-10.1. Because this portion of the Indiana Code now applies, the proposal must also do two things: (1) define the word "weed"; and (2) follow very specific guidelines on how notices of violation of the ordinance and notices of abatement are to be issued and delivered to property owners. The proposal uses the State and Federal definition of "weed" and further provides a list of prohibited plants--this list was prepared by the City's environmental planner. In terms of new notice requirements, Ind. Code 36-7-10.1 requires all property owners who are the subject of an abatement notice to be notified via certified mail. If that certified mail is not returned to the City, the City must then take the extra step of trying to track down the property owner and provide notice by either personal service, by leaving a copy at the owner's last known address and sending a regular

Notice to the same address as a back-up or finally via publication in the newspaper. Both defining the word “weed” and codifying the required Notice procedures is required with an amendment. Ind. Code 36-7-10.1 makes it clear that an ordinance which regulates the removal of weeds or rank vegetation (which Chapter 6.06 does) must comply with the specific standards and requirements of the Ind. Code. Since these changes are somewhat significant, and the whole Chapter was already being amended, the Legal Department recommended that a repeal and replacement of the Chapter would be more efficient and "reader friendly" than a traditional amendment process.

Towing Administration Fee Proposal

General synopsis: The proposal suggests assessing a \$25.00 towing administration fee to any vehicle owner whose vehicle is towed. This fee will be in addition to any fees the owner already incurs from the towing agency. The \$25.00 will be used to offset the administrative costs of enforcing Title 15 and monitoring the towing of vehicles by the Police Department.

Worth noting: In order to effectuate this fee a new Section to the municipal code will need to be created. This new Section will be labeled 15.48.070. The fee will be levied when the vehicle owner or last operator comes to BPD to obtain an Abandoned/Impounded Vehicle Report (which is needed for the tow company to release the vehicle).

Fingerprint Fee Proposal

General synopsis: The proposal suggests raising the current fingerprinting fee from \$5.00 per card to \$15.00 a card for City residents and \$25.00 a card for non-City residents. Note that second and subsequent cards for non-City residents will be at a rate of \$15.00.

Worth noting: The fingerprinting fees are located in Section 15.60.080 of the municipal code. When putting forth this proposal the Legal Department determined that other subsections of 15.60.080 were not consistent with the Indiana Code. Since Section 15.60.080 is being amended, the Legal Department believes it prudent and legally responsible to correct those other provisions of 15.60.080 that are inconsistent with State law. These fixes essentially do the following: change the account name certain fees are deposited into; delete sections that referenced Indiana Code provisions which have since been repealed; and change the handgun fees to reflect what we actually charge (as mandated by the State).

Accident Report Fee Proposal

General synopsis: The proposal suggests raising the current fee for obtaining an accident report from the Police Department from \$5.00 per report to \$8.00 per report.

Worth noting: Ind. Code 9-29-11-1 requires local police departments to assess a fee of no less than \$5.00 per accident report and that any revenue generated from providing accident reports is to be deposited into the local law enforcement continuing education fund.

Sign Permit Fee Proposal

General synopsis: The proposal suggests raising the current temporary sign permit application fee from \$55.00 an application to \$75.00 an application. It further suggests raising the current permanent sign permit fee from \$55.00 a sign to \$125.00 a sign.

Worth noting: The sign permit fees are located in Section 17.08.050(e) of the municipal code. When putting forth this proposal the Legal Department determined that Section 17.08.050(e) referenced incorrect Title 20 sections. Since Section 17.08.050(e) is being amended, the Legal Department believes it prudent and legally responsible to fix these incorrect references and has done so in the proposal.

**CHAPTER 6.06 AS IT CURRENTLY APPEARS IN THE CODE
PROVIDED HERE FOR PURPOSES OF COMPARISON WITH CHANGES
PROPOSED BY ORD 12-23 –**

*(Please Note that the Proposed Changes are so Extensive that a Presentation of a
Strikeout Version Would Have Been Unhelpful)*

Chapter 6.06 - REFUSE AND WEEDS

Sections:

[6.06.010 - Deposit of refuse.](#)

[6.06.020 - Use of city refuse containers.](#)

[6.06.030 - Excessive growth.](#)

[6.06.040 - Inspections.](#)

[6.06.050 - Enforcement procedures.](#)

[6.06.060 - Failure to remedy.](#)

[6.06.070 - Cost of removal by city.](#)

[6.06.080 - Appeal of removal notice.](#)

[6.06.090 - Vehicles hauling refuse.](#)

[6.06.100 - Violations.](#)

6.06.010 - Deposit of refuse.

It is unlawful for any person to throw, place, or scatter any garbage, rubbish, trash, or other refuse over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, rubbish, trash or other refuse to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to later remove, cover, or burn it. This provision shall not restrict the filling of low lands within the City with brick, stone, sand, gravel, cold ashes, or dirt after the appropriate permit has been obtained from the City Engineering Department.

(Ord. 79-1 § 4 (part), 1979).

6.06.020 - Use of city refuse containers.

It is unlawful for any person to deposit household or commercial refuse in any receptacle maintained on a sidewalk or at any other public location by the city for disposal of refuse by pedestrians.

(Ord. 79-1 § 4 (part), 1979).

6.06.030 - Excessive growth.

It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of eight inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

(Ord. 00-18 § 5, 2000; Ord. 79-1 § 4 (part), 1979).

6.06.040 - Inspections.

It shall be the duty of the police department or the Housing Code Enforcement Office to make a careful inspection of any lots, grounds and tracts of land situated within the corporate limits of the City for the purpose of determining whether there is a violation of this chapter.

(Ord. 00-18 § 6, 2000; Ord. 87-46 § 2, 1987; Ord. 79-1 § 4 (part), 1979).

6.06.050 - Enforcement procedures.

(a) If the director of the housing and neighborhood development department, the assistant director, any neighborhood compliance officer, or any other designee of the director (collectively referred to as "staff") determines that there exists refuse, weeds or other vegetation on property within the city which violates this chapter, that person shall issue a notice of violation (NOV) to the responsible party. For purposes of issuing a NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: persons with any possessory interest in the property; property owner(s); and/or any persons who have caused the violation. Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven days following issuance of the NOV, provided that the violation is remedied, or that the nonpossessory property owner(s) presents to HAND, within seven days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.

(b) The NOV shall be in writing and shall be served on one or more of the responsible parties in one or more of the following manners: delivery in person; by first class mail; and/or by placement in a conspicuous place on the property where a violation occurs. The notice shall state:

- (1) The location of the violation;
- (2) The nature of the violation;
- (3) The period of correction (if any);
- (4) The fine assessed for the violation;
- (5) Additional remedies the city may seek for violation;
- (6) That the fine is to be paid at the city of Bloomington department of housing and neighborhood development;
- (7) That the fine may be contested in the Monroe County Circuit Courts.

(c) Schedule of Fines. The fine for any violation of this chapter shall be fifty dollars. Nonpossessory property owners shall not be subject to fines for the seven-day period after issuance of the NOV, provided that the provisions outlined in subsection (a) of this section are met. Each day that a violation continues shall constitute a separate violation. (Ord. 04-23 §§ 13—16, 2004; Ord. 00-18 § 7, 2000).

6.06.060 - Failure to remedy.

(a) If the responsible party fails to remedy the violation cited in the NOV during the correction period, the city legal department shall bring suit in a court of competent jurisdiction to collect the accumulated fines, any other costs associated with remedy of the violation as are allowed by law, and any other remedies available at law, including but not limited to injunctive relief.

(b) In addition to subsection (a) of this section, the city may, upon order of its board of public works take steps to remedy the violation. Any order of the board of public works shall be in writing and shall include written findings of fact. All appeals from written findings of the board shall be made to courts of competent jurisdiction within ten days. The city may also seek any other remedies available at law.
(Ord. 00-18 § 8, 2000).

6.06.070 - Cost of removal by city.

If the landowner fails to remove the refuse or vegetation and the City removes it, the controller shall make a certified statement of the actual cost incurred by the City for the removal. The statement shall be served on the landowner by certified mail. The landowner shall pay the amount in the statement to the City Legal Department within ten days after receiving it. If the landowner should fail to pay within the ten-day period, a certified copy of the statement of costs shall be filed in the office of the county auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work. The amount shall be collected as taxes are collected and disbursed to the general fund of the city.
(Ord. 89-30 § 2, 1989).

6.06.080 - Appeal of removal notice.

An appeal of the written removal notice must be made in writing, within five days of the date of the removal notice to the Board of Public Works, which shall issue its written findings. All appeals from written findings of the Board shall be made to courts of competent jurisdiction within ten days.
(Ord. 87-46 § 6, 1987; Ord. 82-67 § 3, 1982).

6.06.090 - Vehicles hauling refuse.

(a) It is unlawful to transport refuse, stone or other materials that are likely to fall from a vehicle unless such materials are covered and secured so as to prevent their deposit on public and private property.
(b) Any materials falling from a vehicle shall be promptly removed by the person responsible for their deposit. If such person neglects or refuses to remove the materials, the city shall cause such materials to be removed at the expense of the person responsible, who shall be liable to pay the city the cost of removal.
(Ord. 79-1 § 4 (part), 1979).

6.06.100 - Violations.

Violations of the provisions of this chapter are declared a public nuisance. Any person who violates any provision of this chapter shall be subject to a fine of not less than ten dollars and not more than one hundred dollars for each violation. Each day that a violation continues shall constitute a separate violation.
(Ord. 00-18 § 9, 2000; Ord. 87-46 § 7, 1987; Ord. 79-1 § 4 (part), 1979).

REMAINING PROVISIONS OF THE BLOOMINGTON MUNICIPAL CODE TO BE AMENDED BY ORD 12-23 – WITH THOSE CHANGES HIGHLIGHTED

Chapter 15.48 - REMOVAL AND IMPOUNDMENT OF VEHICLES*

Sections:

[15.48.010 - General provisions.](#)

[15.48.020 - Removal and impoundment procedure.](#)

[15.48.030 - Towing and storage charges.](#)

[15.48.040 - Disposal of impounded vehicles.](#)

[15.48.050 - Liability for loss or damage.](#)

[15.48.060 - Payment of fines.](#)

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:

- (1) Any vehicle located in such a manner as to constitute a hazard or impediment to the free movement of pedestrian or vehicular traffic;
- (2) Any vehicle parked in a fire lane in violation of Section 15.32.160 of this code;
- (3) Any vehicle upon which there is a police department hold;
- (4) Any vehicle whose operator is unable to move such vehicle due to the person's arrest or other incapacity;
- (5) Any vehicle parked in a duly authorized residential parking permit area without permission of the permit holder after complaint to the Bloomington police department, in violation of Chapter 15.36 of this code;
- (6) Any vehicle parked in a leased stall in a municipal parking facility without displaying the proper permit for that stall, or any vehicle in violation of Section 15.40.060(j) of this code;
- (7) Any vehicle parked in violation of the snow removal, street repair and street cleaning provisions of Section 15.32.050 of this code;
- (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;
- (9) Any vehicle required to be registered under Indiana Code 9-18-2 which does not have the proper registration or license plates attached;
- (10) Any vehicle parked on the east or west side of Hinkle Road, or on its shoulders, between the corner of Hinkle and Headley Roads and a point on Hinkle Road approximately .85 miles north of the corner of Headley and Hinkle Roads, as posted, corresponding and limited to corporate municipal jurisdiction over Hinkle Road;
- (11) Any vehicle in a city parks and recreation parking lot in violation of Bloomington Municipal Code Section 15.40.025(b);
- (12) Any vehicle parked in a city employee parking area in violation of any of the provisions of Bloomington Municipal Code Chapter 15.38
- (13) Any vehicle parked in violation of any of the provisions of Bloomington Municipal Code Section 15.40.050 regarding city hall visitor parking.

(14) Any vehicle parked in an unregulated parking location at a time that parking is prohibited by a posted "No Parking" sign. Notice shall be posted at least seventy-two hours before this parking restriction becomes effective, except when an emergency requires immediate action.

(15) Any vehicle parked in a regulated parking space at a time that parking is prohibited by a posted "No Parking" sign. Notice shall be posted at least twenty-four hours before the parking restriction becomes effective at any regulated parking space in the public right of way, except when an emergency requires immediate action.

(b) When any vehicle is parked in any of the circumstances enumerated in subsection (a) of this section, such fact shall be prima facie evidence that the owner is chargeable for the violation.

(Ord. 08-19 §§ 41 (part), 42—48, 2008; Ord. 07-05 § 10, 2007; Ord. 04-14 §§ 26, 27, 2004; Ord. 03-38 §§ 7, 8, 2003; Ord. 91-50 §§ 5, 6, 1991; Ord. 88-7 § 2, 1988; Ord. 83-23 § 3, 1983; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 11-07, §§ 23, 24, 8-3-2011)

15.48.020 - Removal and impoundment procedure.

(a) Any officer of the Bloomington Police Department discovering a public nuisance as described in Section 15.48.010 shall cause the vehicle to be removed by an authorized towing service. If the vehicle owner or last operator appears at the site of the violation before the vehicle is removed and provides to the towing service the vehicle owner's and last operator's names and addresses, if different, then the vehicle shall be released.

(b) Impounded vehicles shall be released without payment of the towing and storage charges upon: provision to the towing service of names and addresses of the vehicle owner and last operator, if different; order of the Bloomington Police Department; or order by the judge of a court of competent jurisdiction.

(Ord. 08-19 § 41 (part), 2008; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 11-03, § 7, 4-6-2011)

15.48.030 - Towing and storage charges.

The maximum amount that an authorized towing service may charge for hooking up, towing or removing a vehicle under this chapter may not exceed fifty-five dollars during the day, and sixty-five dollars during the night, except where special treatment may be required. Special treatment, including dollying, may not exceed an additional twenty-five dollars. For purposes of this chapter, "day" includes the hours between seven a.m. and six p.m., Monday through Saturday, and "night" includes the hours between six p.m. and seven a.m. Monday through Friday, and six p.m. Saturday evening through seven a.m. Monday morning. Motorcycles are not included in the above mentioned maximums; because of their special handling, the maximum charge at any time for a motorcycle may not exceed fifty dollars. The maximum amount that the service may charge for an arrival on the scene in response to a request by a police officer is twenty dollars during the day, and twenty-five dollars during the night hours. Should the owner/operator wish to retrieve the vehicle from the service during night hours, in addition to any towing and storage charges, an amount not to exceed fifteen dollars may be charged. The maximum amount that may be charged for storage of wrecked vehicles shall not exceed fifteen dollars per day, and the maximum amount that may be charged for storage of all other vehicles shall not exceed ten dollars per day.

(Ord. 01-33 § 1, 2001; Ord. 96-43 § 1, 1996; Ord. 93-01 § 1, 1993; Ord. 88-43 § 1, 1988; Ord. 82-1 § 1 (part), 1982).

15.48.040 - Disposal of impounded vehicles.

Impounded vehicles shall be disposed of in accordance with the provisions of Chapter 15.52 of this code and Indiana Code 9-22-1-5.

(Ord. 91-50 § 7, 1991; Ord. 82-1 § 1 (part), 1982).

15.48.050 - Liability for loss or damage.

Neither the owner, lessee, or occupant of the property from which a vehicle is removed, nor the police department or authorized towing service is liable for loss or damage to the vehicle during its removal or storage.

(Ord. 82-1 § 1 (part), 1982).

15.48.060 - Payment of fines.

The owner of the impounded vehicle shall be responsible for paying any applicable fine.

(Ord. 82-1 § 1 (part), 1982).

Ord 12-23 – Section 2

15.48.070 - Administrative Fee

(a) If a vehicle is removed and impounded pursuant to Section 15.48.020, then in addition to any towing and storage charges assessed under Section 15.48.030, an administrative fee of twenty-five dollars (\$25.00) shall be levied when the vehicle owner or last operator obtains a copy of the Abandoned/Impounded Vehicle Report from the Police Department.

(b) This administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing and administering the provisions of this Chapter.

(c) The administrative fee shall be deposited into the City's General Fund.

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 - Pedestrians.](#)

[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 - Pedestrians.

No pedestrians shall cross a roadway other than in a crosswalk. Pedestrian crossings shall be established at all intersections and at the following locations:

- (1) 3100 block of Leonard Springs Road across from Van Buren shopping center;
- (2) 3401 Valley View Drive;
- (3) 311 South Lincoln Street, in front of the Boys' Club;
- (4) 700 block of Fee Lane across from the Indiana University parking garage;
- (5) 100 block of South Jordan Avenue at IUMAC;
- (6) 200 block of North Jordan Avenue at Black Studies entrance;
- (7) 600 block of South Rogers Street between First Street and Second Street;
- (8) 600 block of West First Street between South Rogers Street and Bloomington Hospital's Emergency Entrance;
- (9) 900 block of North Maple Street between Thirteenth Street and Fifteenth Street;
- (10) 1000 block of Winslow Road between Abbey Lane and Allendale Drive;
- (11) 2200 block of South High Street at Childs Elementary School;
- (12) 3100 block of East Covenanter Drive between Auto Mall Road and Clarizz Boulevard;
- (13) 1490 North Fee Lane between the Indiana University Stadium parking lot and the Indiana

University outdoor pool facility;

(14) 400 block of East Kirkwood Avenue between Grant Street and Dunn Street;

(15) 2200 block of East Second Street at Binford/Rogers School;

(16) 300 block of North Drive between Walnut Street and Henderson Street;

(17) 3900 block of South Sare Road at Jackson Creek Middle School;

(18) 2120 S. Highland Avenue at Winslow Woods Park;

(19) 1800 block of North College Avenue at Miller Showers Park;

(20) 1700 block of North Walnut Street at Miller Showers Park;

(21) 2800 block of North Old SR 37, two hundred fifty feet South of Club House Drive at Lower Cascades Park;

(22) 2800 block of North Old SR 37, one thousand feet South of Club House Drive at Lower Cascades Park;

(23) North Pete Ellis Drive, forty feet South of the Railroad Tracks;

(24) 828 N. Dyer Drive, near Monroe County United Ministries;

(25) 1100 Block of East Tenth Street between North Walnut Grove and North Fee Lane;

(26) 1300 Block of East Tenth Street between North Fee Lane and North Jordan Avenue;

(27) 1200 Block of East Seventeenth Street between North Fee Lane and North Walnut Grove;

(28) 2000 South Liberty Drive;

(29) North Fairview Street at the B-Line Trail;

(30) North Rogers Street at the B-Line Trail;

(31) West Eighth Street at the B-Line Trail;

(32) West Seventh Street at the B-Line Trail;

(33) West Sixth Street at the B-Line Trail;

(34) West Kirkwood Avenue at the B-Line Trail;

(35) West Fourth Street at the B-Line Trail;

(36) West Second Street at the B-Line Trail;

(37) West First Street at the B-Line Trail;

(38) West Dodds Street at the B-Line Trail;

(39) West Allen Street at the B-Line Trail.

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

(Ord. 07-07 § 17, 2007; Ord. 06-06 §§ 27, 28, 2006; Ord. 04-38 § 19, 2004; Ord. 03-28 § 11, 2003; Ord. 01-35 § 12, 2001; Ord. 01-09 § 25, 2001; Ord. 00-38 § 14, 2000; Ord. 00-15 § 12, 2000; Ord. 94-22 § 7, 1994; Ord. 92-26 § 12, 1992; Ord. 92-7 § 10, 1992; Ord. 88-3 § 7, 1988; Ord. 83-56 § 8, 1983; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 09-06, § 10, 12-2-2009; Ord. No. 11-03, § 15, 4-6-2011; Ord. No. 11-19, § 11, 11-2-2011)

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.

Ord 12-23 – Section 3

(1) Accident Reports. The police department is authorized to charge a fee of ~~five~~ **eight** dollars for copies of reports ~~not exceeding six pages, a fee of fifty cents for each page exceeding six pages~~ in accordance with Indiana Code 9-29-11-1. The fee shall be deposited in ~~a separate "accident report account" and expended for record keeping costs or traffic accident prevention~~ **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) Police Video Tapes. The police shall furnish for trial purposes to litigants copies of video tapes for a charge of twenty dollars per copy.

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

Ord 12-23 – Section 4

(5) Fingerprinting for Noncriminal Purpose. The police department shall charge a fee of ~~five~~ **fifteen** dollars ~~per card~~ to fingerprint any person who requires the prints for reasons other than official business of the ~~police department or any city department~~ **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 this fee.

Ord 12-23 – Section 5

(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 ~~a special vehicle inspection fund. Appropriations by the Common Council shall only be used for law enforcement purposes.~~ **the local law enforcement continuing education fund established by Indiana code 5-2-8.**

Ord 12-23 – Section 8 – Deletions of the Following Entire Sections and Consequent Renumbering of the Remaining Sections

~~(7) Transfer of Ownership of Handguns. In accordance with Indiana Code 35-47-2-10 the police department shall charge a fee of five dollars to fingerprint and search its records as a consequence of an application to transfer a handgun between private individuals. Revenues from this service shall be deposited in the amount of three dollars into the state general fund and two~~

dollars into a police fund supporting police training.

~~(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.

Ord 12-23 – Section 6

~~(9)~~ (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 Division **Bureau** of the State Department of Public Welfare **Department of child services** are exempt from this fee.

~~(10) Criminal History Data. In accordance with Indiana Code 5-2-5-8 the fee for providing a person whose criminal history data is maintained by the police a copy of the data shall be five dollars.~~

~~(11)~~ (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.

Ord 12-23 – Section 7

~~(12)~~ (10) Handgun Applications. In accordance with Indiana Code 35-47-2-3 the fee for processing handgun applications shall be ten dollars. ~~This fee shall be deposited in the police fund to be used for police training.~~ **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.**

~~(13)~~ (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.

~~(14) Notarization. In accordance with Indiana Code 33-16-7-1 the fee for notarizing a document not required for official police or city business shall be two dollars.~~

(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).

Chapter 17.08 - ADMINISTRATION AND ENFORCEMENT

Sections:

- [17.08.010 - Engineering department.](#)
- [17.08.020 - Scope and permits required.](#)
- [17.08.030 - Permit application.](#)
- [17.08.050 - Fees.](#)
- [17.08.060 - Certificate of occupancy.](#)
- [17.08.070 - Inspections.](#)
- [17.08.080 - Special plumbing regulations.](#)
- [17.08.090 - Special electrical regulation.](#)
- [17.08.100 - Permits involving demolition.](#)

17.08.010 - Engineering department.

It shall be the duty of the City Engineer to administer all of the provisions of this title as required in Indiana Code 36-7-2-9.

(a) Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the City Engineer may appoint building inspectors, and other related technical officers and inspectors and other employees as shall be authorized from time to time.

(b) Stop Work Orders. Whenever any work is being done contrary to the provisions of this title, the City Engineer may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop until authorized by the City Engineer to proceed with the work. It shall be a violation of the ordinances of the City of Bloomington to continue work on any project after a stop work order has been duly issued.

(c) Returning Site to Original Condition. After a stop work order has been issued and/or after a person or firm is denied a permit to continue the work the site or structure must be returned to its original condition.

(Ord. 87-28 § 6, 1988; Ord. 82-6 § 1 (part), 1982).

17.08.020 - Scope and permits required.

It shall be a violation of this title for any person firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure or make any installation, alteration, repair, replacement or remodel any building service equipment regulated by this title without first obtaining a separate, appropriate permit for each building, structure or building service equipment from the building official.

It shall be a violation of this title for any person to make any connection in any manner with the water or sewage system of the City, or to install any plumbing in any building which connects with the City water or sewage system until a permit has been granted by the City; provided, however, that a plumbing permit shall not be required for repairing or

replacing a fixture, fitting, faucet or valve by one to be used for the same purpose, for forcing out stoppage, repairing leaks or relieving frozen pipes and fittings. However, when such repairs or alterations include new vertical or horizontal lines of soil, waste or vent pipes, or where their location is changed, a permit is required and the work is subject to inspection by the City building inspector.

(a) Exempted Work. Ordinary repairs and maintenance to buildings may be done without application or notice to the City Engineer but such repairs shall not include the cutting of any wall partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements; nor, shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(b) Responsibility. It shall be the duty of the property owner to see that all necessary permits as required by this title have been secured from the City Engineer, before any work has been started. Failure of the party responsible for the securing of such permit to do so, shall be subject to a fine as provided in Section 1.01.130 of the Bloomington Municipal Code.

(c) Failure to Obtain Permit. When any person proceeds to do any work or construction covered by this chapter without the required permit, a penalty of three times the applicable permit fee shall be charged. In addition the applicable permit fee shall also be charged. The payment of this penalty does not release the person in default from any other penalties provided. If the person can prove that failure to obtain a permit was: (1) an error made in good faith, (2) resulted in no advantage to him, and (3) that the construction which resulted conformed to all city building and zoning regulations, the city engineer may waive the penalty.

(Ord. 93-41 § 14, 1993; Ord. 82-6 § 1 (part), 1982).

17.08.030 - Permit application.

To obtain a permit, the applicant shall first file an application in writing on a form furnished by the city engineer. When a design release issued by the State Building Commission is required pursuant to rules of the Indiana Fire Prevention and Building Safety Commission (675 IAC 12), no permit shall be issued until the design release is received by the city engineer. Every applicant shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Describe the land on which the proposed work is to be done by street address, lot number, addition and/or legal description.
- (3) Indicate the use or occupancy for which the proposed work is to be used.
- (4) Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection 7(a) below.
- (5) State the valuation of any new building or structure or any addition,

remodeling or alteration to an existing building.

(6) Be signed by the applicant, or his authorized agent, who may be required to submit evidence to indicate such authority.

(7) Give such other data and information as may be required by the city engineer. Plans, engineering calculations, diagrams, and other data shall be submitted in two sets with each application for a permit. The city engineer may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

(a) Information Required. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this title. However, when a permit is sought for the partial demolition of a building or structure listed as outstanding, notable or contributing, or a structure accessory thereto to the extent provided by Section 20.09.220(b)(5) of the Bloomington Municipal Code, on the historic survey governed by the demolition delay waiting period of Section 20.09.230 of the Bloomington Municipal Code, the application shall include the information required by Section 20.09.120(d)(6)(B) of the Bloomington Municipal Code.

(b) Exceptions. The city engineer may waive the submission of plans, calculation, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(c) Expiration of Plan Review. Applications for which no permit is issued within one hundred eighty days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the city engineer.

(d) Expiration. Every permit issued by the city engineer under the provisions of this title shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within three hundred sixty days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned for a period of three hundred sixty days after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained. In order to renew action on a permit after expiration a new application must be made, reviewed, and the current permit fee paid.

(e) Suspension or Revocation. The city engineer may, in writing, suspend or revoke a permit issued under the provisions of this title whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of this title or upon revocation of the State Building Commission design release. Said revocation shall be effective immediately.

(f) Renewal. A permit may be renewed only one time. Application for renewal must be made at least ten days before the permit's expiration date. The fee for renewal shall be fifty percent of the original fee.

(g) Recipient Bound. A recipient of any permit provided under Title 20 of the Bloomington Municipal Code shall be bound by the representation and

information submitted in the original application and in any revisions, amendment, or supplement to the original application pursuant to Section 20.09.040 of the Bloomington Municipal Code.

(Ord. 07-03 §§ 8, 9, 2007; Ord. 93-41 § 15, 1993; Ord. 91-9 § 1, 1991; Ord. 87-28 § 7, 1987; Ord. 82-6 § 1 (part), 1982).

17.08.050 - Fees.

(a) The fee for each permit shall be as set forth below except that no fee shall be collected for a permit issued to Monroe County, Indiana. The determination of value or valuation under any of the provisions of these codes shall be subject to verification by the city engineer. The value to be used in computing the building permit fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems and any other permanent equipment.

(b) The permit fee for any commercial construction undertaken by an owner or contractor who employs a state or International Conference Building Official certified inspector, or a professional engineer registered in the state of Indiana, or a professional architect, holding a certificate of registration from the state of Indiana, shall be reduced by two-thirds under the following conditions:

- (1) At the time property owner applies for a building permit, he must make a request for the reduced fee in writing to the city engineer;
- (2) Inspector must furnish evidence to the city engineer of the current registration of its architect, engineer or inspector;
- (3) Owner must agree to furnish the engineering department copies of all the inspector's reports covering all aspects of the project's construction as well as copies of all reports filed with the Indiana Fire Prevention and Building Safety Commission.

(c) Affordable Housing Permit Program. Applicants for eligible affordable housing projects may apply for the waiver of certain permit fees under the following conditions. The application for the waiver must be submitted at same time as the permit application for the project. The housing project must be an eligible housing project, which is one that has been approved under programs identified by the director of housing and neighborhood development. In furtherance of this permit program, the director of housing and neighborhood development shall prepare and amend as necessary, a list of appropriate affordable housing programs and distribute the list to the engineering department and the office of city clerk. Once the foregoing conditions have been met, the following fees shall be waived in the following circumstances:

- (1) For the construction of eligible single-family projects the minimum fee shall be waived;
- (2) For the rehabilitation or renovation of eligible single family projects, the base fee and minimum fee shall be waived;
- (3) For the construction of eligible multifamily projects the base fee shall be waived; and

(4) For the renovation of eligible multifamily projects the base fee and minimum shall be waived.

(d) The city engineer shall keep an accurate account of all fees collected under this chapter, and they shall be deposited at least once each week with the city controller and become part of the general fund of the city.

Ord 12-23 – Section 9

(e) The fees shall be as follows:

Permit	Fee
Change in use/temporary uses	\$250
Grading and site development permits	\$115 per acre (rounded to nearest tenth of an acre);
All earth grading under Section 20.06.05.03	\$115 minimum
Right-of-way borings	\$0.75 per lineal ft; \$50 Min.
Must have current bond on file. Boring work done in city right-of-way.	
Right-of-way cuts.	\$1.00 per square ft; \$100 Min
Must have current bond on file.	
Any work done in city right-of-way which requires cutting or altering any feature.	
Temporary sign permits.	\$55 (no additional charge for fifteen-day renewal) \$ 75 per application
Temporary signs erected under Section 20.06.06.04(b) Title 20 of this Code	
Permanent sign permits.	\$55 \$125 per sign
Permanent signs erected under Title 20 of this Code	
All other signs erected under Section 20.06.06.	
Includes signs for Large and Small Residential Centers, Individual Nonresidential Uses, Shopping Centers, and Freestanding Signs.	

(Ord. 03-25 § 12, 2003; Ord. 97-06 § 46, 1997; Ord. 96-61 § 1, 1996; Ord. 95-45 §§ 1, 2, 1995; Ord. 93-41 § 16, 1993; Ord. 92-2 § 5, 1992; Ord. 91-9 § 2, 1991; Ord. 87-28 § 1 (part), 1987; Ord. 83-2 § 1, 1983; Ord. 82-6 § 1 (part), 1982).

17.08.060 - Certificate of occupancy.

(a) After all inspections when it is found that the building or structure complies with the provisions of the technical codes and the zoning code of the city, the city engineer shall issue a certificate of occupancy which shall contain the following:

- (1) The building permit number;
- (2) The address of the building;

- (3) The name and address of the owner;
- (4) The land use zone;
- (5) The use for which occupancy has been approved; and
- (6) The name of the building official.

(b) A temporary certificate of occupancy may be issued by the city engineer for the use of a portion of the building project prior to the completion of the entire project. The city engineer shall take into consideration seasonal construction limitations and other factors. A commitment to complete the project before the expiration of the temporary certificate must be shown by the owner.

(Ord. 82-6 § 1 (part), 1982).

17.08.070 - Inspections.

All construction or work for which a permit is required shall be subject to inspection by the city engineer. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the city engineer nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(a) Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the city engineer twenty-four hours prior to the requested inspection that such work is ready for inspection. Such request may be in writing or by telephone at the option of the city engineer. It shall be the duty of the person requesting any inspections required by this title to provide access to and means for proper inspection of such work.

(b) Approval Required. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the city engineer. There shall be a final inspection and approval on all buildings, building service equipment and site work when completed and ready for occupancy or use.

(c) Inspection Requirements. Inspections shall be set up on a schedule as provided by the city engineer. Inspections may be waived by the city engineer on any construction on which a licensed architect or engineer of the state is responsible. The architect or engineer must certify that the construction is in compliance with all applicable Indiana rules on the design and construction of the project.

(d) Entry. Upon presentation of proper credentials, the city engineer or his authorized representative may enter at reasonable times any building, structure or premises in the city of Bloomington to perform any duty imposed upon him by this code.

(e) Reinspections. A fee as described in Section 17.08.050(d) may be charged for subsequent inspections when an inspection has been requested, but the inspector has been unable to gain entry, or the work is not completed to a stage where inspection is viable or where work is judged incorrect. This fee is payable prior to

the issuance of any additional building or occupancy permits.

(f) Notice of Violations. The contractor shall be notified in writing of any defects detected by the field inspector. The contractor shall correct any deficiencies within the time specified by the inspector before proceeding with the building process. If the applicant fails to comply within the specified period he will be offered the opportunity to appear before the inspector, city engineer and city attorney to present his case. If this step cannot resolve the issue to the satisfaction of the city engineer and an appeal is not filed in accordance with Chapter 17.04 the city engineer shall request the city attorney to initiate legal proceedings for the violation of a city ordinance per Section 1.01.130 of the Municipal Code or for mandatory and injunctive relief which may be joined with action to recover penalties provided for in the code. Each day's violation constitutes a separate offense.

(Ord. 93-41 § 17, 1993; Ord. 91-9 § 3, 1991; Ord. 82-6 § 1 (part), 1982).

17.08.080 - Special plumbing regulations.

(a) Remodeling. All remodeling of existing soil, waste, water lines, vent pipes and drains and change in location of fixtures from existing plumbing shall conform in all respects to the requirements of this title.

(b) Building With No Connection To Sewer System. If water closets or other plumbing fixtures exist in buildings where there is no connection with the city sanitary sewer system evidence of a permit from the county board of health must be submitted before any permits can be issued.

(c) Equipment To Be Furnished By Plumber. The equipment, material, power and labor necessary for the inspection and tests required under the provisions of this chapter shall be furnished by the plumber.

(d) Air Pressure Test. All the piping of a plumbing system shall be tested with water or air. After the plumbing fixtures have been set and their traps filled with water the entire drainage system shall be submitted to a final air pressure test if required by the building inspector. The building inspector may require the removal of any cleanouts to ascertain if the pressure has reached all parts of the system.

(e) Replacing Defects-Reinspection. If an inspection or test required by this code shows defects, such defective work or material shall be replaced within seven days and tests shall be repeated.

(f) Duty of Plumber Before Notifying Inspector. It shall be the duty of the plumber to ensure that the work will stand the test prescribed before giving the notifications required by this title.

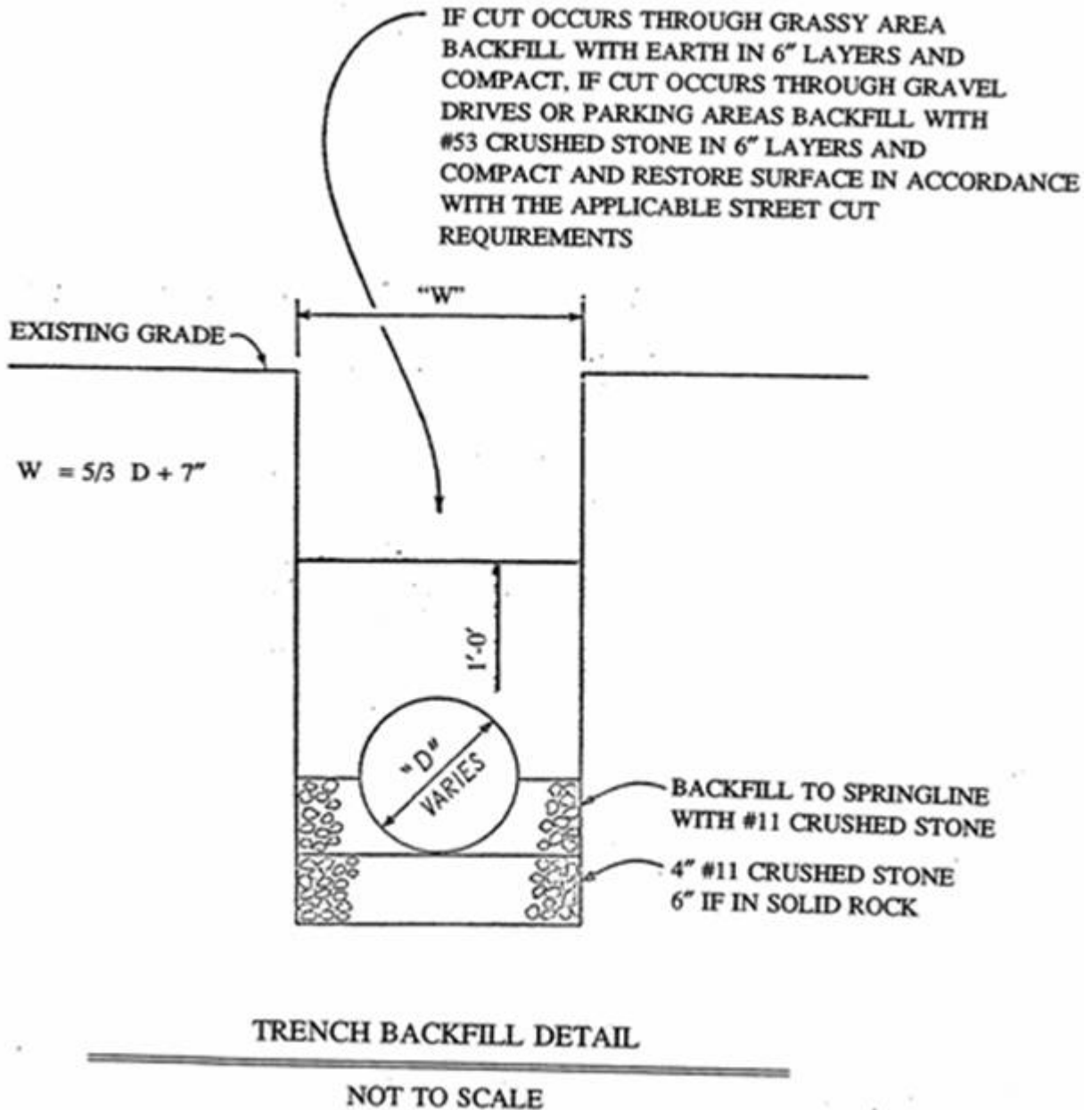
(g) Failure of Inspector to Appear—Affidavit of Plumber. If the building inspector fails to appear within forty-eight hours of the time set for each inspection or test, unless the inspector shall in the meantime have rescheduled the inspection, the inspection or test shall be deemed to have been made. The plumber shall then file at the office of the city engineer an affidavit that the work was installed in accordance with this title, that the required tests have been made and that the plumbing was found free from defects and the system free from leaks and whether the owner or his authorized agent was present when such inspection or test was made or that he was properly notified.

(h) Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the city engineer to meet all requirements of this title.

(i) Building Sewers Specifications. The building sewer shall be cast iron soil pipe, ASTM specification or equal; vitrified clay sewer pipe, ASTM specification or equal; or plastic sewer pipe, S.D.R. 35 or equal; or other suitable materials as approved by the city engineer. Joints shall be tight and waterproof. No building sewer shall be located in the same trench nor run parallel to and within ten feet of a water service pipe, both lines shall be encased with concrete five feet in each direction from the point of crossing. Cast iron pipe with sealed joints may be required by the city engineer where the building sewer is exposed to damage by tree roots or unstable ground.

(j) Building Sewers-Size and Slope. The size and slope of the building sewers shall be subject to the approval of the city engineer, but in no event shall the diameter be less than four inches for single family, or six inches for duplex residential units and eight inches for all other uses. The slope of such four inch pipe shall be not less than one-fourth inch per foot or sufficient slope to maintain a two feet per second velocity in the sewer.

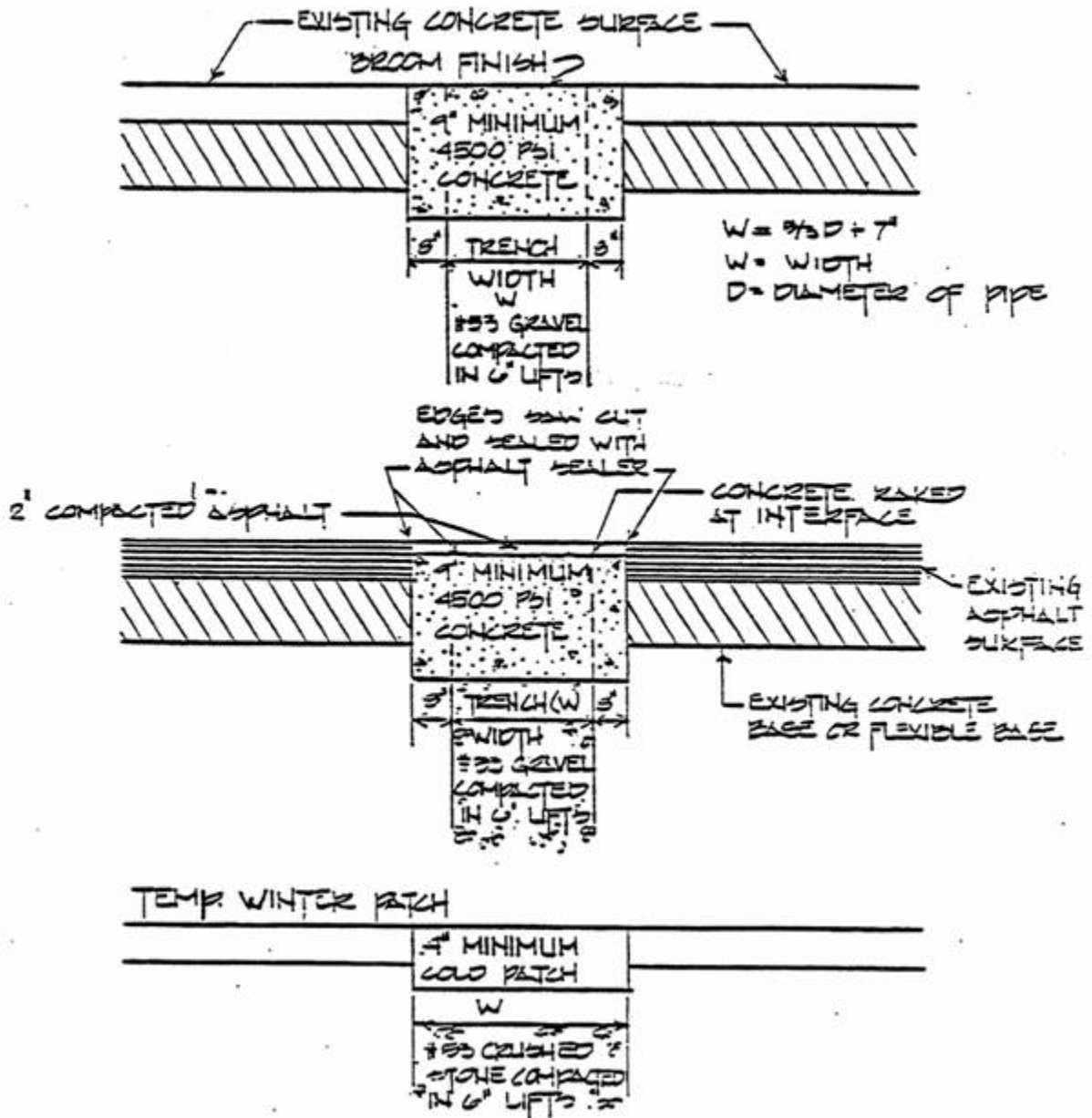
(k) Building Sewer-Placement. No building shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipes and fittings. When vitrified clay or plastic pipe is installed, #9 copper wire or metallic locator tape shall be buried immediately above the pipe and extending its entire length to facilitate future location. Trench details are illustrated in the following diagram:



(l) Street Cuts. Street cuts shall be permanently repaired within forty-eight hours of completion of arterial street and within five days on all other after all subgrade work has been completed. Until subgrade work is completed, temporary repairs to the satisfaction of the City Engineer shall be made to the street daily in order that traffic may proceed across the cut after hours. Street cut repairs shall conform to the following standards: All bituminous street cut repairs shall consist of a minimum of nine inches of 4000 PSI concrete with a 1.5 inch compacted hot bituminous surface, sealed along all cut edges with a bituminous sealer. All concrete street cut repairs shall consist of ten inches of 4000 PSI concrete with a broomed finished surface. All brick pavement street cut repairs shall consist of a minimum six-inch 4000 PSI concrete base with the original or similar paving bricks placed on and bonded to the concrete with an all-weather adhesive

material. The joints between the paving bricks shall be filled by brushing dry portland cement into the joints and wetted. The Engineering Department shall be notified twenty-four hours in advance of placement of a permanent patch so that an inspector may be present at the time of its placement. Any settlement that occurs within one year of completion of the cut shall be repaired to the satisfaction of the City Engineer at the applicant's expense. Failure to repair shall result in suit being filed against the contractor's bond.

CITY STANDARD FOR STREET REPAIRS



(m) **Building Sewer-Elevation.** All buildings must have two feet of vertical drop between the lowest finish floor elevation of the building and the invert elevation of the public sewer at the point of hook on. If two feet cannot be provided, sanitary sewage shall be lifted by approved artificial means and discharged to the building sewer in such a manner that will provide two feet of drop between the highest part of the building sewer and the invert of the public sewer. No water-operated sewage ejector shall be used.

(n) **Building Sewer-Joints.** All joints in vitrified clay pipe shall be made with ASTM C425 type joints. Joints between clay pipe of other materials shall be made with approved adapter fittings or prefabricated elastometric sealing rings or sleeves. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. Approved joints or prefabricated elastometric seal or sleeves may also be used.

(o) **Building Sewer-Connection.** The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer does not have a properly located "Y" branch, the owner shall at his expense install an approved tapping saddle in the public sewer at the location specified by the City Engineer. The hole shall be drilled with a tapping machine. The tapping saddle shall be of "Y" type and shall be secured by the use of epoxy compound and two stainless steel straps. The centerline of the building sewer at the tapping saddle shall be at or above the centerline of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight. Special fittings may be used for the connection only when approved by the City Engineer. A rubber adapter or transition coupling shall be utilized to connect pipes of dissimilar materials.

(p) **Domestic Water Service-Placement.** Trench bottoms shall be smooth and regular of either undisturbed soil or a layer of compacted backfill so that minimum settlement will take place. The minimum cover shall be three feet below the finished grade. Selected, properly compacted backfill shall be used. When plastic pipe is installed, #9 copper wire or metallic locator tape shall be buried immediately above the pipe and extending its entire length to facilitate future location.

(Ord. 87-28 § 8, 1987; Ord. 87-16 § 2, 1987; Ord. 86-49 § 3, 1986; Ord. 84-10 §§ 1, 2, 1984; Ord. 82-6 § 1 (part), 1982).

17.08.090 - Special electrical regulation.

No person, firm, association or corporation shall furnish any electric current to any building hereafter wired for electricity within this jurisdiction, until it has been furnished with a certificate signed by the electrical inspector showing that such work conforms to this title.

(Ord. 82-6 § 1 (part), 1982).

17.08.100 - Permits involving demolition.

Any permit issued by Monroe County or the city of Bloomington authorizing demolition of any building or structure within the city corporate boundaries, whether denominated a "demolition permit" or any other type of permit authorizing demolition, shall require approval by city engineering, which shall not approve such permit until the planning director or his designee has approved such permit. Approval by the planning director shall indicate that the proposed demolition complies with all applicable provisions of

Title 17 - CONSTRUCTION REGULATIONS
Chapter 17.08 - ADMINISTRATION AND ENFORCEMENT

Titles 8 and 20 of the Bloomington Municipal Code, including but not limited to those provisions restricting demolition of certain buildings and structures on the historic inventory. In the case of a permit authorizing work that includes partial demolition governed by the demolition delay waiting period of Section 20.09.230, the requirements of Section 20.09.040(b) shall obtain and the recipient shall be bound by the submission as provided in Section 20.09.120(d)(6)(B). In such case, a new permit application shall be required for any work that substantially deviates from the submission, and such new permit application shall commence a new waiting period, as provided by Section 20.10.230 "Demolition delay" of the Unified Development Ordinance.

(Ord. 07-03 § 10, 2007).

In the Council Chambers of the Showers City Hall on Wednesday, September 5, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
September 5, 2012

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Sturbaum, Volan, Granger
Absent: Spechler

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Steve Volan welcomed students to a new academic year noting that this was the first council session of that year. He mentioned the drought, spoke about the city's mandatory water restrictions and thanked the City of Bloomington Utilities for its management of the problem. He noted the passing of Warren Henegar, former County Commissioner and County Council member and added that he would be missed. Lastly, he wished his parents happy birthdays thanking them for their support.

REPORTS:
COUNCILMEMBERS

Dave Rollo gave a snippet of a presentation he had done for an undergraduate class at IU. He spoke of Jeff Rubin, author of a new book entitled *The End of Growth*, and former chief economist at CIBC World Markets – an investment banking subsidiary of the Canadian Imperial Bank of Commerce. He said that part of the talk addressed the question: “*Will oil limitations exert a constraint on economic growth.*” Rollo read the following quote of Rubin's from a speech given to financial analysts:

Feed the economy cheap oil and it runs like a charm. Shock it with expensive oil and it seizes up, almost overnight. When we look at triple digit oil prices what we see is the end of growth.

Rollo noted from Rubin's material that four out of the five past recessions were caused by or correlated with high oil prices. He said oil was correlated 1:1 with world GDP growth especially with regards to the energy needed for commerce, agriculture, production, shipping, and jet transport. He showed charts that showed that high oil prices created shocks that throw the economy into a recession. He noted that a quick drop in oil price due to demand restarted growth but ended up consuming more oil and again driving up prices. He noted this was a harbinger of an 'economic turmoil' that would include a decline in oil production.

Rollo noted that the economy was dependent on growth, but this very concept needed to be addressed in a larger sphere to help the economy through the current and future crisis.

Timothy Mayer noted that the Mayor proclaimed this day Ivy Tech Day in Bloomington and Monroe County. He noted that their 10-year old building was rededicated earlier in the day.

There were no reports presented at this meeting.

MAYOR and CITY OFFICES

There were no reports presented at this meeting.

COUNCIL COMMITTEES

Marc Haggerty spoke about his recent discussion about voter ID laws, and his subsequent call to the BMV about a state issued ID. He said he was told that the ID would cost \$13 and when questioned, the staff told him to call back later. He said that the constitution of Indiana stated that every person over the age of 18 and a citizen of the US shall be entitled to vote. He likened getting an official state issued ID akin to passing a literacy test. He called on the council to rectify this situation.

PUBLIC INPUT

Gabe Rivera, noting he was homeless and wearing a camera on his head, spoke about ending the drug war.

There were no appointments at this meeting.

BOARD AND COMMISSION APPOINTMENTS

There was no legislation for second reading at this, the first regular session after the regular August recess.

LEGISLATION FOR SECOND READING

Appropriation Ordinance 12-02 An Ordinance for Appropriations and Tax Rates (Establishing 2013 Civil City Budget for the City of Bloomington)

LEGISLATION FOR FIRST READING
Appropriation Ordinance 12-02

Appropriation Ordinance 12-03 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2013

Appropriation Ordinance 12-03

Ordinance 12-17 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2013

Ordinance 12-17

Ordinance 12-18 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2013

Ordinance 12-18

Ordinance 12-19 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2013

Ordinance 12-19

Ordinance 12-20 Appropriations and Tax Rates for Bloomington Transportation Corporation for 2013

Ordinance 12-20

Ordinance 12-21 Petition To Appeal For An Increase To The Maximum Levy (A Request for Permission from the Department of Local Government Finance to Impose an Excess Levy as a Result of a Revenue Shortfall)

Ordinance 12-21

Dan Sherman, Council Attorney/Administrator reviewed the council schedule for the next month, highlighting changes in the original legislative cycle for the budget legislation and internal work sessions.

COUNCIL SCHEDULE

There was no public input at this segment of the meeting.

PUBLIC INPUT

The meeting was adjourned at 7:55 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington