



**why does it matter?**

## **ORDINANCE 20-21**

### **TO AMEND TITLE 12 (“STREETS, SIDEWALKS AND STORM SEWERS”) AND TITLE 17 (“CONSTRUCTION REGULATIONS”) OF THE BLOOMINGTON MUNICIPAL CODE**

**Re: Deleting Chapter 12.08 (Excavations) and Replacing it with Chapter 12.08 (Use of the Right of Way) and Adding a New Chapter 12.10 (Enforcement and Penalties) and  
Deleting Three Sections of Chapter 12.04 (General Regulations) and  
Revising One Section of Chapter 17.08 (Administration and Enforcement)**

WHEREAS, Indiana Code § 36-1-3-4(b) provides that the City, within statutory and Constitutional limits, has the power necessary or desirable to conduct its affairs, even if said power is not granted by a specific Indiana Code provision; and

WHEREAS, Indiana Code § 36-1-3-9(a) states that the City has exclusive jurisdiction over the public grounds inside of its corporate boundaries; and

WHEREAS, the City, via Indiana Code § 36-9-6-14 and B **why does it matter?**  
12.08 Excavations, is authorized to require a permit before any person or





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of that individual's *special knowledge* of the mathematical and physical sciences and the principles and methods of engineering analysis and design which are acquired by education and practical experience, is qualified to engage in the practice of engineering as attested by that individual's registration as a professional engineer." Emphasis added.

As Beth pointed out, IC 25-31-1-19 (a) provides that a political subdivision cannot "engage in the construction or maintenance of any public work involving the practice of engineering for which plans, specifications and estimates have not been prepared, certified, and sealed by, and the construction and maintenance executed under the direct supervision of, a professional engineer." *This definition does not seem to include filling a pothole, or creating a temporary detour on a trail for safety reasons.* Those types of projects do not need plans and specifications or the specialized knowledge of a registered engineer. Greg quotes this language as well, but does not seem to understand what it means.

Indiana defines "public work" quite broadly. "As used in this chapter, 'public work' means the construction, reconstruction, alteration, or renovation of a public building, airport facility, or other structure that is paid for out of a public fund or out of a special assessment. This term includes **why does it matter?**

section 5 of this chapter is considered to have received a special benefit from the park facilities of the district equal to or greater than the special taxes imposed on the area by this chapter in order to pay all or a part of the cost of the facilities.

*As added by Acts 1981, P.L.309, SEC.111.*

### **IC 36-10-4-9**

#### **Control of property within district; public ways passing through park property; powers of board**

Sec. 9. (a) The board has, **subject to statute** and to the right given by section 5 of this chapter to other municipalities within the district to operate separate parks and recreational facilities, exclusive control of all property within the district used for park purposes.

(b) In addition, the part of all public ways that pass through park property is considered to be a part of this property and is also under the control of the board.

(c) The board may do the following:

- (1) Acquire, lay out, and improve land for park purposes in the district and

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## Application Inquiry

### BUILDING APPLICATION

Status:	Closed	Permit:	20171594	B	Permit Dt:	11/2
Address:	2350 BLOOMFIELD RD W	App #:	62553		App Dt:	11/2
Owner:	PARKS & RECREATION DEPARTME	Contractor:	JEFFERSON ELECTRIC LLC			
Project:	TWIN LAKE REC-SOLAR-2350					

Present Use: C - COMMERCIAL  
Proposed Use: EL - ELECTRICAL

Work Types: 1. ES - ELECT/SOLAR

Applicant:

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# 36-9-7-5. Powers and Duties of Traffic Engineer

Universal Citation: [IN Code § 36-9-7-5 \(2021\)](#)

Sec. 5. The traffic engineer shall:

(1) conduct all research relating to the engineering aspects of the planning of:

(A) public ways;

(B) lands abutting public ways; and

(C) traffic operation on public ways;

for the safe, convenient, and economical transportation of persons and goods;

(2) advise the city executive in the formulation and execution of plans and policies resulting from the traffic engineer's research under subdivision (1);

(3) study all accident records, to which the traffic engineer has access at all times, in order to reduce accidents;

(4) direct the use of all traffic signs, traffic signals, and paint markings, except on streets traversed by state highways;

(5) recommend all necessary parking regulations;

(6) recommend the proper control of traffic movement; and

(7) if directed to do so by ordinance,

(6)

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consistent with the MTP, most specifically Goal 6.1 of this section.

### Purpose of the Master Thoroughfare Plan (MTP):

- Preserve and establish rights of way
- Establish street design guidelines that follow Complete Streets policy and provide continuity for each mode: pedestrians, bicyclists, transit, and motor vehicles
- Promote context-sensitive designs for the many different land uses and natural contexts within the community that the transportation system serves and/ or transects
- Coordinate the upgrade or development of new transportation system investments

is B-line ROW?



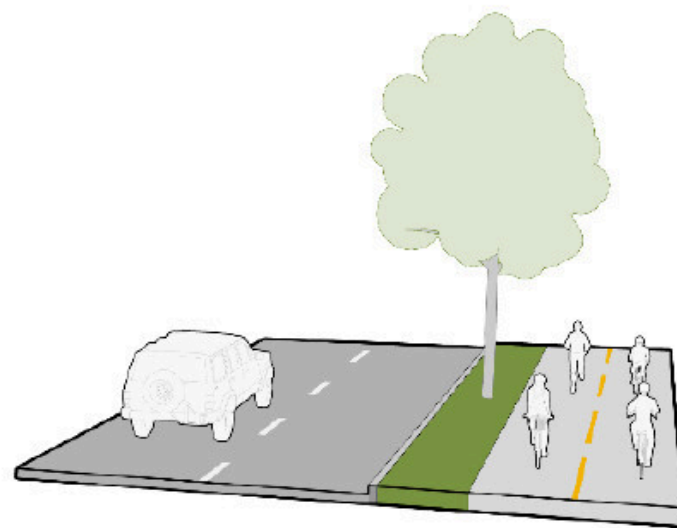


### 3.3 Bicycle Facility Types

The following sections provide high-level guidance for the selection, design, and implementation of bicycle facilities included in the street typologies in section 3.2, the bicycle network in section 3.4, and the project recommendations in section 4. Bicycle facilities should be designed using national design guidance including the American Association of State Highway and Transportation Officials' Guide for the Development of Bicycle Facilities, Manual on Uniform Traffic Control Devices, the Federal Highway Administration's Separated Bike Lane Planning and Design Guide, and the National Association of City Transportation Officials' Urban Bikeway Design Guide.

#### *Multiuse Paths and Trails*

Multiuse paths are dedicated facilities for bicyclists and pedestrians that are typically located within the ROW of higher-speed roads with very few roadway or driveway crossings. Multiuse Paths and Trails are facilities that can accommodate all ages and abilities because of their separation from traffic. Snow removal and sweeping of these paths may require specialized equipment. Additionally, tree roots growing under the pavement may require periodic maintenance to preserve a comfortably smooth pathway surface. Alternatively, multiuse trails are shared-use facilities that are separate from roadways and in their own right-of-way.



*Multiuse Path*

#### *Protected Bike Lanes*

**is B-line ROW?**



## AMENDMENT 1

Amendment sponsor: Alexander

Use a simpler definition that doesn't refer to utilities or future transportation uses.

Replace the content of new section 12.08.001 - Definitions with:

“Right-of-way” means a strip of land occupied by transportation facilities for public use.

## AMENDMENT 2

Amendment sponsor: Alexander

Explicitly include any trails built with transportation funds (this includes Jackson Creek Trail, Cascades Trail, and the B-line).

Replace the content of new section 12.08.001 - Definitions with:

“Right-of-way” means a strip of land occupied by transportation facilities for public use, including any trails constructed using transportation funds from the Metropolitan Planning Organization.



## AMENDMENT 3

Amendment sponsor: Alexander

Explicitly include just the B-line.

Replace the content of new section 12.08.001 - Definitions with:

“Right-of-way” means a strip of land occupied by transportation facilities for public use, including the B-line.