



**MEMO FROM COUNCIL OFFICE ON:**

**Ordinance 23-20 - To Amend Title 12 of the Bloomington Municipal Code  
Entitled “Streets, Sidewalks, and Storm Sewers”**

**Re: Establishing a New Section 12.04.130, Entitled “Obstructing the right-of-way”**

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**Synopsis**

Ordinance 23-20 clarifies that placing obstructions within the public’s right-of-way or otherwise obstructing the public’s right-of-way is impermissible, and the ordinance defines the circumstances under which the right-of-way is considered to be obstructed.

**Relevant Materials**

- Ordinance 23-20
- Memo from Legal Department
- Board of Public Works Resolution 2023-56

**Summary**

Ordinance 23-20 would amend [Title 12](#) (“Streets, Sidewalks and Storm Sewers”) of the Bloomington Municipal Code (“BMC”) to add a new Section 12.04.130, entitled “Obstructing the right-of-way”. As the Legal Department’s memo notes, this proposed section is modeled off of an [Indianapolis regulation](#) addressing obstructions of the public right-of-way in that community.

The Board of Public Works considered the proposal at its [meeting](#) on August 15, 2023 and unanimously recommended the ordinance now coming to the Common Council.

The proposed regulation would prohibit obstructing pedestrian traffic, vehicular traffic, or public travel on any sidewalk, street, or other public right-of-way by camping in the public right-of-way, storing personal property in the public right-of-way, or otherwise blocking the public right-of-way. The regulation provides that a sidewalk, street, or other public right-of-way will be considered obstructed under any of the following four scenarios:

- half of the width of the sidewalk, street, or other public right-of-way is blocked at any point;
- the normal flow of pedestrians or vehicles is disrupted;
- pedestrians are compelled to step onto the street or otherwise expose themselves to danger in order to pass around the blockage; or
- the sidewalk, street, or other public right-of-way is rendered inaccessible to those protected by the Americans with Disabilities Act (ADA) or other local, state, and federal laws.



**City of Bloomington Indiana**

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In recognition of the various permits and licenses that the city issues for different, specific uses of the public right-of-way that might otherwise violate this prohibition, the ordinance states that there is no violation when an individual obstructs the right-of-way in a manner consistent with a permit or other authorization to utilize the right-of-way in a particular manner.

When an individual obstructs pedestrian traffic, vehicular traffic, or public travel on any sidewalk, street, or other public right-of-way, the ordinance provides that the city must give the individual at least one opportunity to remove the obstruction before taking further action. If the individual does not remove the obstruction, the city may at that point clear the right-of-way. The city will also consider the individual to be trespassing after failing to remove an obstruction once given an opportunity to do so.

The Legal Department has indicated that fines for violating this new section could be imposed under the general violations provision of the BMC ([01.01.130](#)), but that the imposition of fines is not the primary goal of the proposal. Rather, the city administration wishes to make explicit the city's ability to keep the public right-of-way open to all members of the community for its intended travel purposes.

An individual aggrieved by an enforcement action would have the ability to challenge the action through the Monroe County Circuit Court. The Legal Department has indicated that there is no expected fiscal impact to the city as a result of adopting this ordinance.

**Contact**

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