



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: February 2, 2024

Re: Ordinance 2024-01 - To Amend Title 12 of the Bloomington Municipal Code Entitled "Streets, Sidewalks and Storm Sewers" Re: Amending Various Chapters to Update References to the City Engineer, to Update References to the Comprehensive Plan and Transportation Plan, to Amend Language about Trees and Vegetation in Chapter 12.24, and Using this Occasion to Make Typographical and Grammatical Updates

Synopsis

This ordinance amends Title 12, "Streets, Sidewalks and Storm Sewers" of the Bloomington Municipal Code and comes forth at the request of city staff. The ordinance makes the following changes:

- Replaces references to the city's transportation and traffic engineer with city engineer;
- Capitalizes department names (i.e. Department of Public Works), board and commission names (i.e. Board of Public Works), and legal document names (i.e. Comprehensive Plan, Transportation Plan, etc.);
- Removes references to "his or her" and replaces it with "their";
- Removes references to the "Thoroughfare Plan" and its associated effective dates and replaces them with references to the "Transportation Plan" and its associated effective dates;
- Makes various other updates, including grammatical and typographical corrections; and
- Revises BMC Chapter 12.24 (Trees and Flora) to add or amend standards for appropriate tree protection, update terminology, and add relevant definitions.

Relevant Materials

- Ordinance 2024-01
- Memo from staff

Summary

Ordinance 2024-01 proposes to amend each of the seven chapters located in Title 12 ("Streets, Sidewalks and Storm Sewers") of the Bloomington Municipal Code (BMC).

Across all of Title 12, references to the transportation and traffic engineer would instead refer to the city engineer. Under BMC 2.35.010, the director of the Engineering Department (currently Andrew Cibor) serves both as the city's civil engineer and traffic engineer, which are roles called for in state code. Prior to 2020, city engineering staff had been embedded within other departments (Public Works, then Planning and Transportation). Other updates are proposed to reflect the fact that the Engineering Department has separated from the Planning and Transportation Department and now performs a number of tasks previously carried out by Planning and Transportation.

The ordinance would also make various grammatical, typographical and other minor revisions throughout Title 12.



Beyond those general revisions, the ordinances would make the following changes:

Chapters 12.06 (Sidewalk Seating and Merchandising Encroachments), 12.10 (Enforcement and Penalties), and 12.12 (Utilities in the Right-of-Way):

- updates provisions that specify what information must be included in notices of violations (NOVs) to make clear that appeals from such NOVs and associated fines should be made to the Board of Public Works via the department that issues the notice/fine.

Chapter 12.20 (Thoroughfare Plan):

- updates references to the city's previous thoroughfare plan to instead refer to the [Transportation Plan](#), which was adopted in 2019 via [Resolution 19-01](#).

Chapter 12.24 (Trees and Flora):

- amends language related to the care of trees and vegetation to reflect current practices and terminology;
- inserts a new section 12.24.075 (Tree Protection) and related definitions to add protections for public trees during construction and/or land-disturbing activities;
- updates language related to appeals from written findings by the Board of Public Works to specify that an individual has 60 days to file such an appeal rather than 10 days.

Contact

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