

Passed 8-23-10 by a vote of 4-2 (Taylor and Elwood voting No)

ORDINANCE No. 26-2010

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AMENDING CHAPTER 72 OF THE CODE OF ORDINANCES ENTITLED "PARKING REGULATIONS"

WHEREAS, Chapter 72 of the Code of Ordinances sets forth certain regulations governing the parking of vehicles within the City of Valparaiso, Indiana; and

WHEREAS, the Common Council is desirous of amending Chapter 72 of the Code of Ordinances to update and revise the parking regulations set forth therein.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso, Indiana, that certain sections of Chapter 72 of the Code of Ordinances shall be amended to read as follows:

§ 72.08 TWO-HOUR AND THREE-HOUR PARKING ZONES.

(A) In any area designated as a two-hour or three-hour parking zone or parking lot and when signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for a period of time longer than two hours or three hours as designated between the hours of 8:00 a.m. and 5:00 p.m., except Saturdays, Sundays and holidays.

§ 72.13 CITY LOT.

It shall be unlawful to park any kind of vehicle in a city owned or operated parking lot from 2:00 a.m. to 6:00 a.m. prevailing time without a valid city-issued permit. Any vehicle parked in a parking lot during this time may be towed away and the owner or person exerting control over the vehicle will be subject to removal costs. This section shall be applicable at all times and is not restricted to snow emergencies only. The City reserves the right to post any city owned or operated lot closed with 24 hours notice or at any time in the event of an emergency.

§ 72.20 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MECHANICAL PARKING TIME INDICATOR or PARKING METER. A device which indicates thereon: the length of time during which a vehicle may be parked in a particular place which shall have as a part thereof a receptacle or chamber for receiving and storing coins of the United States money, or a slot or place in which coins or other acceptable forms of payment may be deposited; a timing mechanism to indicate the passage of an interval of time during which parking is permissible; which shall display an appropriate signal when the aforesaid interval of time shall have elapsed; also brief instructions as to its operation.

§ 72.21 LENGTH OF PARKING TIME.

The length of allowable parking time at metered spaces within the city shall be designated on the meterhead at the space or on the signs located near each space or in each parking lot. The length of time for any individual meter or any individual parking space on the street or in any municipality owned lot may be changed by the official action of the Board of Public Works and Safety at their discretion.

§ 72.22 INSTALLATION AND OPERATION OF METERS.

(A) Parking meters may be installed in each parking meter zone, street, or municipally owned or operated parking lot as may be determined from time to time by the Board of Public Works and Safety and shall be erected upon the curb or street immediately adjacent to an individual parking space.

(C) Each meter shall indicate by a proper legend the legal parking time permitted by the insertion of any coin or coins or other acceptable forms of payment, and when operated shall indicate by proper signal the duration of the period of legal parking during the immediate period of operation, and on the expiration of the period shall immediately indicate illegal or overtime parking. If the meter dispenses a ticket, receipt or other indication of allowable duration of parking, it shall be displayed in the manner indicated on the legend on or near the meter.

§ 72.27 HOURS FOR USE OF METERS.

The provisions of this subchapter shall not apply to vehicles parking or standing in a parking space adjacent to a parking meter between the hours of 6:00 p.m. in the evening until 8:00 a.m. the following morning of each weekday except Friday, when the provisions shall not apply between the hours of 9:00 p.m. Friday evening until 8:00 a.m. Saturday morning. The provisions of this subchapter shall not apply on Sundays or legal holidays.

§ 72.34 OFF-STREET METER PERMITS.

(A) It shall be lawful to park a suitable motor vehicle in any available designated parking space in any off-street parking facility in the city for any length of time without depositing any coin or other acceptable forms of payment in the parking meter controlling the space when the vehicle shall have properly affixed an off-street parking permit decal for the current calendar year.

(E) The fee for each off-street parking permit shall be \$100.00 for each full calendar year, provided that the fee shall be prorated on a monthly basis to the nearest whole month when purchased after the first day of January of any year. The fee shall be collected by the Clerk-Treasurer, ~~and at the option of the purchaser may be paid in two equal installments, or may be paid in full at the time the permit is issued. In the event that a purchaser desires to pay in two installments and fails to make the second installment, then the permit shall be declared to be invalid by the Clerk-Treasurer.~~

§ 72.36 FINES

(A) The following is the fine schedule for the various violations of this chapter:

(1) For a two-hour violation, three-hour violation, meter violation or restricted parking violation, or a “city permit only” violation, a fine of \$15;

(2) For a no parking violation, alley parking violation, double parking violation and yellow zone parking violation, a fine of \$30;

(3) For a handicapped parking violation, fire hydrant parking violation, fire zone parking violation and fire land parking violation, a fine of \$75; and

(4) Any additional parking violations shall be subject to a fine of \$15.

(D) in the event that any fine as indicated under division (A)(1), (2), (3), or (4) above are not paid within 14 days of the date of issuance, the fine for the violation shall be doubled. In the event that a vehicle receives more than one parking ticket on any given calendar day for violation of division (A) above, the second parking ticket shall carry a fine in the amount of double the amount of the first ticket and a third parking ticket issued on the same day at the same location shall carry a fine in the amount of triple the amount of the first ticket.

BE IT ORDAINED THAT, if any portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this Ordinance.

BE IT FURTHER ORDAINED THAT, all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or parts of ordinances are hereby ratified, re-established and confirmed.

This Ordinance shall be in full force and effect from and after its adoption and the procedures required by law.

PASSED by the Common Council of the city of Valparaiso, Indiana, by a _____ vote of all members present and voting this _____ day of _____, 2010.

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2010 at _____ o'clock p.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2010, at _____ o'clock p.m.

Jon Costas, Mayor