

## ORDINANCE No. 16, 2009

### AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO ESTABLISHING CERTAIN GUIDELINES OF THE EAST GATE PARKING AREA

**Whereas**, the Valparaiso City Council ("Council"), in conjunction with the Valparaiso Redevelopment Commission ("Commission"), has been engaged in the redevelopment of the southeast portion of the City, generally between Roosevelt Road and Silhavy Road, and Chicago Street and LaPorte Avenue. This area is commonly identified as the East Gate Area;

**Whereas**, due to current and future road improvements, beautification projects, and commercial/residential development, the East Gate Area has and will continue to experience a substantial increase in vehicular traffic and parking limitations;

**Whereas**, to address these specific matters within the East Gate Area, the Council desires to establish certain parking regulations and a permit process that seek to address current and future traffic congestion issues, related parking concerns and general safety issue for the citizens of Valparaiso; and

**Whereas**, the Council is empowered by Indiana Code § 36-1-3 to implement parking restrictions on certain public right-of-ways in the City of Valparaiso

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Valparaiso, Indiana that:

1. Eligibility for East Gate Area Parking Permit

(a) Any property owner who resides within the area identified in Exhibit "A", possessing a valid driver's license and automobile registration, may apply to the Board of Works for a parking permit for one parking space in the East Gate Parking Area, as defined by Exhibit "B" ("East Gate Parking Area"), commencing **August 14, 2009** and each succeeding year on **August 14**, except should **August 14** be a weekend or holiday recognized by the Council, than the next business day shall apply. The submittal of a Permit Application by any such resident does not guarantee the approval of the same.

(b) The owner of a multiple residential unit structure within the designated area ("Owner") may apply to the City for parking permits for use by existing or future tenants of the multiple unit structure. The maximum number of parking permits requested by the Owner shall not exceed the total number of allowed residents within the structure. It shall be the Owner's responsibility to distribute the actual parking permit to the Tenant of the unit as well as provide a completed Permit Application to the City within 20 days of issuance of the permit to the Tenant.

(c) Except as provided in subpart (b), no more than one (1) permit can be registered to the same address/unit at any given time.

2. The City's Board of Public Works shall adopt a Permit Application to be completed by all applicants. Such Permit Application shall include a request for following information:

- (1) the Applicant's name and address;
- (2) the year, make, and license plate number of the permitted vehicle;
- (3) a signed acknowledgment of the Applicant that he/she resides at the address given in the Permit Application;

- (4) certify that Applicant has no outstanding unpaid City parking violation and will timely pay any City parking violation while issued a permit;
- (5) payment of the appropriate registration fees which is non-refundable; and,
- (6) a copy of the Applicant's license and vehicle registration.

Should any information on the Permit Application change while a permit is active, the Applicant shall provide written notice of such change to the City.

3. Decal required

(a) Upon approval, a small, self-adhesive, colored decal shall be issued by the Board of Works to the Applicant or Owner. The decal shall be affixed to the vehicle's bottom left corner of the driver-side front windshield.

(b) The color of the decal shall change each year.

(c) The absence of a valid decal shall be presumptive evidence that a permit has expired or was never obtained.

4. Expiration/Renewal of permits

(a) All permits shall expire on **July 31** of each year.

(b) Any resident or Owner possessing a valid parking permit shall have the opportunity to submit a renewal application starting **July 20**. Renewals shall take precedent over new applications.

5. Fees

(a) An initial administrative fee of **twenty-five dollars** (\$25.00) and an annual permit fee of **seventy-five dollars** (\$75.00) shall be paid upon issuance of a new permit.

(b) An annual permit renewal fee of **seventy-five dollars** (\$75.00) shall be paid thereafter for those permits which are renewed.

(c) A replacement decal fee of **\$25.00** shall be collected for a new decal.

6. Issuance and revocation of permits

(a) The Permit Application for an East Gate Area parking permit shall be submitted to the Board of Public Works. The Board of Public Works shall approve or disapprove the application, subject to the provisions of this Ordinance and the number of permits available. Should the number of Permit Applications exceed the number of unissued permits, the Board of Works shall establish a random assignment or some other equitable process to assign permits.

(b) The City's Board of Public Works & Safety shall have the authority to revoke any parking permit upon a finding of any violation of this Ordinance, and to order the revocation of the parking permit and forfeiture of all fees paid.

7. Regulations for East Gate Area parking permit holders

- (a) permits shall be restricted to one vehicle;
- (b) permits shall be valid until July 31 of each year;
- (c) parking spaces shall be used for passenger vehicles only; and
- (d) permits shall not be subleased or rented.

8. Disposition of revenue

All funds derived from the granting of permits shall be placed in the Parking Meter Fund.

9 Violations

Any vehicle that is parked in the designated East Gate Parking Area and does not display a valid permit shall be found in violation of this Ordinance and shall be fined **Fifty Dollars (\$50.00)** payable within ten (10) days from the date of the citation. Failure to pay the aforementioned fine within the above time frame may result in a complaint being filed before a court of competent jurisdiction. In addition, the City of Valparaiso, may seek injunctive relief against any and all persons, firms, corporations or other entities who violate the provisions of this Ordinance. All fines can be paid at the Valparaiso City Hall. All fines paid to the City of Valparaiso as a result of a violation of this Ordinance shall be deposited into the Parking Meter Fund.

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 4-2 vote of all members present and voting this 27<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
Jon Costas, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 28<sup>th</sup> day of July, 2009 at 1:30 o'clock p.m.

  
\_\_\_\_\_  
Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 28<sup>th</sup> day of July, 2009, at 1:30 o'clock p.m.

  
\_\_\_\_\_  
Jon Costas, Mayor

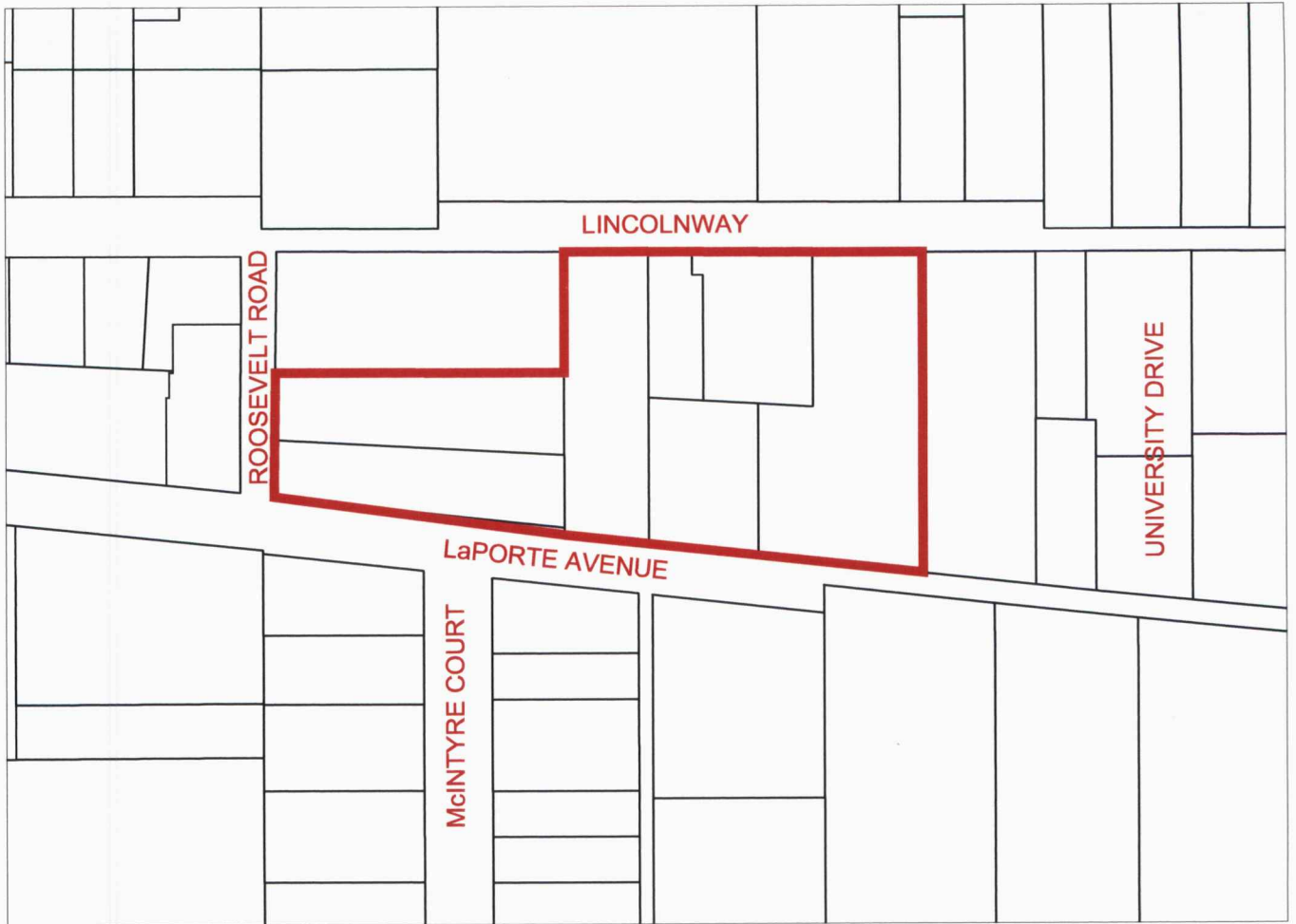
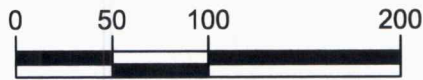


Exhibit "A"



April 2009

Exhibit "B"

