

ORDINANCE NO. 12-2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ESTABLISHING REGULATIONS GOVERNING PARKING IN THE UNIVERSITY PROMENADE AREA

WHEREAS, on July 27, 2009, the Common Council of the City of Valparaiso ("Council") adopted Ordinance No. 16-2009 entitled An Ordinance of the Common Council of the City of Valparaiso, Indiana, Establishing Certain Guidelines of the East Gate Parking Area"; and

WHEREAS, Ordinance No. 16-2009 established certain parking regulations and a permit process for certain public parking spaces within the East Gate Parking Area; and

WHEREAS, as a result of the completion of the University Promenade development, the University Promenade area has and will continue to experience a substantial increase in vehicular traffic and parking limitations; and

WHEREAS, the Common Council desires to establish certain parking regulations and a permit process to seek to address the current and future traffic congestion issues, related parking concerns and general safety issues for the citizens of Valparaiso in the University Promenade area; and

WHEREAS, the Common Council is empowered by Indiana Code §36-1-3 to implement parking restrictions on certain public rights-of-way in the City of Valparaiso, Indiana.

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

1. Eligibility for University Promenade 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 Public Works and Safety of the City of Valparaiso, Indiana ("Board of Works"), for a parking permit for one (1) parking space in the University Promenade Parking Area, as depicted by *Exhibit "B"* ("University Promenade Parking Area"), commencing **June 1, 2015** and each succeeding year on **August 1~~st~~**, except should **August 1~~st~~** be a weekend or holiday recognized by the Common Council, then the next business day shall apply. The submittal of a Permit Application by such residence does not guarantee the approval of same.

(b) The owner of a multiple residential unit structure within the designated Valparaiso Promenade Parking 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 Owners responsibility to distribute the actual parking permit to the

tenant of the unit as well as to provide a completed Permit Application to the City within twenty (20) days of issuance of the permit to the Tenant.

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

2. Permit Application.

The Board of Works shall adopt a Permit Application to be completed by all applicants. Such Permit Application shall include a request for the following information:

- (1) the Applicant's name and address;
- (2) the year, make and license plate number of the permitted vehicle;
- (3) a signed acknowledgement 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 violations 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 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 Public Works and Safety 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 **Two Hundred Dollars** (\$200.00) shall be paid upon issuance of a new permit.

(b) An annual permit renewal fee of **Two Hundred Dollars** (\$200.00) thereafter for those permits which are renewed.

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

(d) The Board of Works shall have the authority to adjust all fees under this Ordinance.

6. Issuance and revocation of permits.

(a) The Permit Application for a University Promenade Area Parking Permit shall be submitted to the Board of Public Works and Safety. The Board of Public Works and Safety 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 Public Works and Safety shall establish a random assignment or some other equitable process to assign permits.

(b) The City's Board of Public Works and 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 University Promenade Area Parking Permit Holders/Permit Parking Hours.

The following regulations shall apply to all University Promenade Area Parking Permit holders:

- (a) Permits shall be registered 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.

For the **23** parking spaces directly south of the University Promenade East Building, such will be permit parking only. For the remaining **46** parking spaces, parking will be limited between the hours of **8:00 a.m. – 10:00 p.m.** to **two (2) hours per day**. At all other times parking shall be limited to permit parking only.

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 University Promenade 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 of the date from the date of the citation. Failure to pay the aforementioned fine within the above time frame may result in a complaint be 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.

In addition to the foregoing, if a violation of this Ordinance occurs, the City of Valparaiso Police Department and/or its designee shall have the full right and authority to have the violating vehicle towed. The owner of the vehicle shall be solely responsible for all costs incurred as a result of having the vehicle towed.

8. Explanation of Dates.

As referenced in this Ordinance, the City Council adopted Ordinance 16-2009 to address parking congestion near the Uptown Apartment complex. Recognizing that most parking permits would be used by apartment residents, who are students at Valparaiso University, the yearly terms of the permits were August 14 through July 31 of the first year, and August 1 through July 31 of each succeeding year. The intent of this Ordinance is to follow the same schedule. As such, in the first year, permits will be valid June 1, 2015 through July 31, 2016. In subsequent years, permits will be valid August 1 through July 31 of the following year.

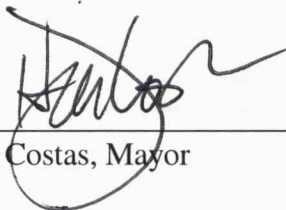
9. Joint Enforcement by Valparaiso University.

As of the adoption of this Ordinance, there have been ongoing discussions with Valparaiso University concerning the joint enforcement of this Ordinance by authorized Valparaiso University employees/representatives. Such discussions may be memorialized by a *Memorandum of Understanding* entered between the City's Board of Public Works and Safety and Valparaiso University. Such *Memorandum of Understanding*, as amended, is incorporated by reference into this Ordinance and will outline the process of joint enforcement by Valparaiso University.

If any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion of provision of this Ordinance.

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

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Indiana,
by a 5-14 Recusal vote of all members present and voting this 22nd day of
June, 2015.



Jon Costas, Mayor

ATTEST:



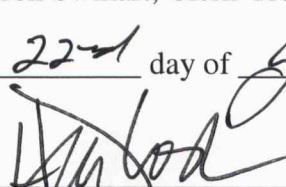
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 22nd day of June, 2015, at 7:30 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 22nd day of June, 2015,
at _____ o'clock p.m.



Jon Costas, Mayor

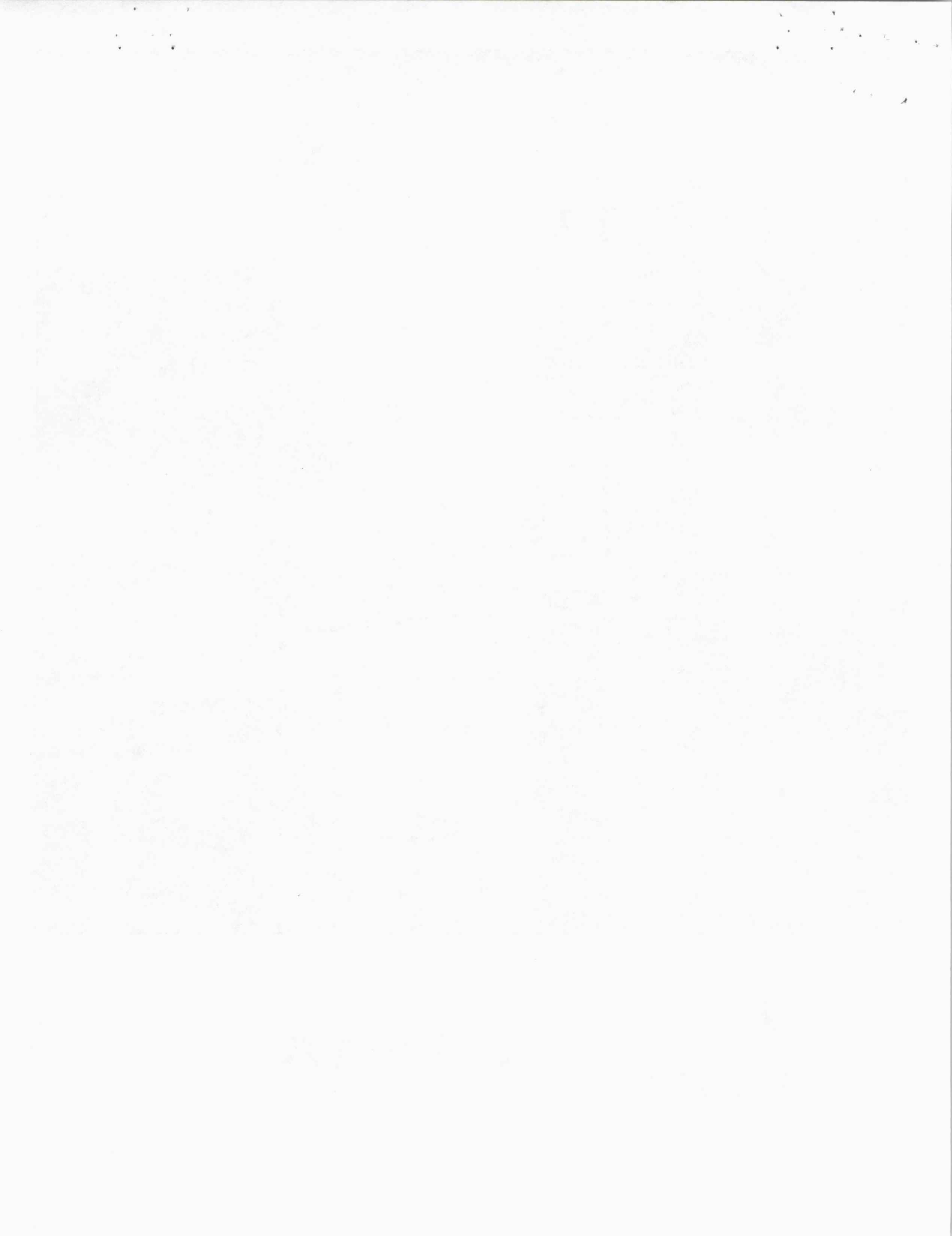
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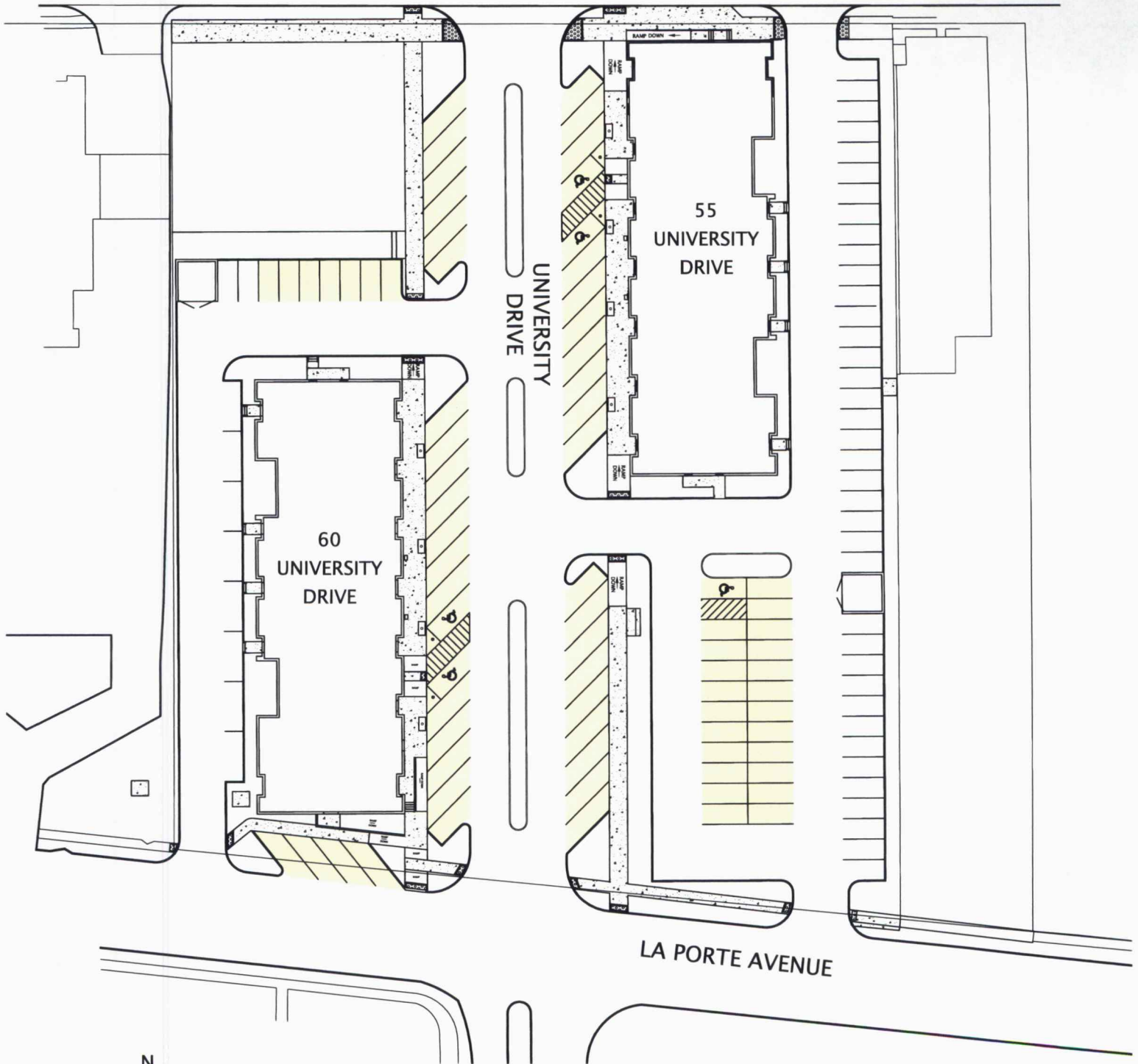
0 100 200 400 Feet

May 2015

Exhibit A



S.R. 130 (LINCOLNWAY)



0 20' 40' 60' 80' 100'

May 2015

Exhibit B

69 Spaces

Designated
Permit
Parking

