

ORDINANCE NO. 19, 2024

An Ordinance of the Common Council of the City of Valparaiso, Indiana Amending Chapter 72 of the Valparaiso Municipal Code Concerning Parking Regulations

Whereas, the Valparaiso City Council ("Council") previously adopted Chapter 72 of the Valparaiso Municipal Code concerning the Parking Regulations within the City of Valparaiso ("City");.

Whereas, the Council desires to make certain changes to Section 72 of the Valparaiso Municipal Code;

Now, Therefore, Be it and it is Hereby Ordained by the Common Council of the City of Valparaiso, Indiana, as follows:

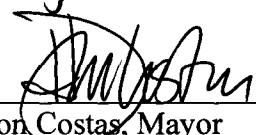
Section 1. That Section 72 of the Valparaiso Municipal Code of the City of Valparaiso, Indiana, shall be amended as follows: **See Exhibit 1**

Section 2 **Conflicting Ordinances.** Any ordinance or provision of any ordinance of the City of Valparaiso, Indiana, in conflict with the provisions of this Ordinance is hereby repealed.

Section 3. **Severability.** The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 4. **Effective Date.** This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Valparaiso and publication as required by law.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 5-2 (HC) vote of all members present and voting, this 12th day of August, 2024.


Jon Costas, Mayor

ATTEST:


Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 12th day of August, 2024 at the hour of 8:18 o'clock P.M.

Holly Taylor
Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this 12th day of August, 2024 at the hour
of 8:18 o'clock P. M.

Jon Costas
Jon Costas, Mayor

EXHIBIT 1

§72.55 Electric Vehicle Charging Stations

A. DEFINITIONS.

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

ELECTRIC VEHICLE – Vehicle that is fully electric; or plug-in hybrids, which operate on both electricity and fuel.

ELECTRIC VEHICLE CHARGING STATION – Battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an Electric Vehicle.

B. INSTALLATION AND OPERATION OF EV CHARGING STATIONS.

- (1) An Electric Vehicle Charging Station may be installed in any municipally owned parking lot or other location as may be determined by the Board of Public Works and Safety.
- (2) The Board of Public Works and Safety shall place signage designating a parking space or parking area as an Electric Vehicle Charging Station.

C. LIMITED USE OF PARKING SPACES DESIGNATED AS ELECTRIC VEHICLE CHARGING STATION.

- (1) Only an Electronic Vehicle may park in any parking space designed as an Electric Vehicle Charging Station. Whenever an Electronic Vehicle is parked in an Electric Vehicle Charging Station, the Electric Vehicle must be actively charging.
- (2) An exception to this limitation is that an Electric Vehicle Charging Station space may also be designated as a handicap parking space. In that instance, any vehicle displaying a valid handicap parking permit or license plate may use the Electric Vehicle Charging Station parking space.

D. PAYMENT.

The Board of Public Works and Safety is empowered to secure venders to manage Electric Vehicle Charging Stations and to charge a fee for the charging of Electric Vehicles.

E. VIOLATIONS.

- (1) Any non-Electric Vehicle parked in an Electric Vehicle Charging Station shall be in violation of this provision.

(2) Any vehicle (electric or non-electric) parked in an Electric Vehicle Charging Station and not connected to the Electric Vehicle Charging Station and/or actively being charged shall be in violation of this provision.

(3) Any Electric Vehicle connected to the Electric Vehicle Charging Station but not actively charging because the Electric Vehicle is fully charged or charging timed out based on a preexisting time limit will be in violation of this subchapter and may be charged an idle fee as determined by the Board of Public Works and Safety.

(4) Any person in violation of any provision of this subchapter shall be fined for each violation as provided in Municipal Code § 72.36. In addition to the foregoing, if a violation of this section 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.

§72.56 Parking in Lincoln Highway Garage.

A. DEFINITIONS.

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

APARTMENT COMPLEX – A three building apartment complex on northwest corner of Lincolnway and Morgan Blvd. with 127 residential rental units.

GARAGE -- The Lincoln Highway Garage is a parking structure located at the northeast corner of Lincolnway and Morgan Blvd. It contains approximately 360 parking spaces divided between permit and non-permit.

B. TYPES OF PARKING SPACES IN THE GARAGE.

Apartment Complex Resident Permit	Nested Parking	Public Parking	Temporary Leasing Office	EV Charging
134 designated parking spaces for 24-hour parking by holders of residential permits. Of the 134 spaces, 7 will be designated for	66 designated parking spaces to be used as follows: 5PM – 8AM parking by holders of residential permits. 8AM – 5PM City Permit holders (as	152 designated parking spaces to be used as follows: 6AM-2AM. City Permit holders may park at any time allowed or limited use by	2 designated parking space for use by the Apartment Complex for prospective tenants. These spaces shall revert to Public	<u>See Ordinance §72.55 – Electric Vehicle Charging Stations for regulations.</u>

handicapped parking.	defined in Municipal Code §72.13) or limited use by the public for a maximum of 3 hours.	the public for a maximum of 3 hours.	Parking on January 1, 2028.	
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Except for the Apartment Complex Resident Permit Parking and Nested Parking spaces, no parking is permitted in the Garage between 2:00 AM – 6:00 AM.

The Board of Public Works and Safety shall have the authority to designate the specific parking spaces defined above.

C. ELIGIBILITY FOR GARAGE PARKING.

(1) Any property owner who resides within the area identified in Appendix A, and possesses a valid driver's license and automobile registration, may apply to the Board of Public Works and Safety for a parking permit for one parking space in the Garage.

(2) The owner of the Apartment Complex (or its designee) may apply to the Board of Public Works and Safety for a maximum of 200 parking permits. It shall be the responsibility of the Apartment Complex to secure permit applications from each recipient of a permit and maintain a record of each permit user. Upon request by the city, a copy of any such permit application shall be provided to the city at no charge. Renewal of permits to the owner of the Apartment Complex need not be approved by the Board of Public Works and Safety.

D. PARKING PERMIT HANG TAG REQUIRED.

(1) A Parking hang tag shall be placed on the vehicle's rearview mirror when a vehicle is parked in the Garage and be clearly visible from outside the vehicle. Nothing in this provision shall prohibit the city, acting through the Board of Public Works and Safety, from changing to the use of parking decals.

(2) All administrative functions relating to the issuance of permits shall be handled by the Clerk-Treasurer.

(3) The fee for an annual tag shall be **\$250**. The replacement fee for a lost tag shall be **\$100** if replacement tags are available.

(4) The Board of Public Works and Safety shall promulgate appropriate rules and regulations as to the number of available permits and process for issuance.

E. EXPIRATION/RENEWAL OF PERMITS.

- (1) All permits shall expire on **December 31** of each year.
- (2) Any holder of a valid parking permit shall have the opportunity to submit a renewal application starting December 1 of the same year the permit was issued. Renewals shall take precedent over new applications.

F. ISSUANCE AND REVOCATION OF PERMITS.

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 section, and to order the revocation of the parking permit and forfeiture of all fees paid.

G. REGULATIONS FOR GARAGE PARKING.

- (1) Permits shall be restricted to one vehicle;
- (2) Permits shall be valid through **December 31** of each year;
- (3) Parking spaces shall be limited to noncommercial, passenger vehicles; and
- (4) Permits shall not be transferred to any other vehicle, except that permits issued to the Apartment Complex may be assigned to a new tenant.
- (5) The Board of Public Works and Safety may promulgate rules and regulations as to vehicle parking in the Garage and enforcement of such, including the delegation of certain enforcement authority to the Apartment Complex for the Apartment Complex Resident Permit and Nested Parking spaces.

H. DISPOSITION OF REVENUE.

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

I. VIOLATIONS.

Fees for violations of this subchapter follow the schedule provided in § 72.36 of the City Code. In addition to the foregoing, if a violation of this section 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.

Consistent with the preceding paragraph, it is anticipated that the Apartment Complex will be designated to handle parking enforcement activities for the Apartment Complex Resident Permit spaces and Nested Parking spaces. A separate agreement will be approved by the Board of

Public Works and Safety as to matters relating to enforcement activities for the Apartment Complex Resident Permit spaces and Nested Parking spaces.

§ 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 \$25;
- (2) For a no parking violation, alley parking violation, double parking violation and yellow zone parking violation, a fine of \$50;
- (3) For a handicapped parking violation, fire hydrant parking violation, fire zone parking violation and fire lane parking violation, a fine of \$100;
- (4) For a violation of any provision under Municipal Code § 72.55 and § 72.56, a fine of \$75; and
- (5) Any additional parking violations shall be subject to a fine of \$25.

B. If a violation described in subpart (A) occurs, the Police Department and/or its designee shall have the full right and authority to have the vehicle towed. The owner of the vehicle shall be responsible for all costs incurred as a result of having the vehicle towed. These costs include, but are not limited to, towing services, storage and any damages to the car arising as a result of the removal of the vehicle.

C. All funds received under this section shall be deposited into the Parking Meter Fund.

D. In the event that any fine as indicated under division (A) 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), 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.