

ORDINANCE NO. 13-2008

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REGULATING PARKING WITHIN THE CITY LIMITS OF VALPARAISO, INDIANA

WHEREAS, the Common Council of the City of Valparaiso (the “Council”) is the legislative body of the City of Valparaiso, Indiana; and

WHEREAS, the Council is desirous of promoting, preserving and protecting the public health, safety and welfare of the citizens of the City of Valparaiso by implementing rules and regulations establishing parking restrictions and prohibitions; and

WHEREAS, the Council is empowered by I.C. 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:

That there shall be added to the municipal code of the City of Valparaiso a new Section of Chapter 72 which shall be entitled Downtown Parking Restrictions and shall be enumerated as Section 72.12 and which shall read in its entirety as follows:

SECTION 72.12(A) Definition

For the purposes of this ordinance, certain terms or words used herein shall be given the following meanings:

“VEHICLE” is hereby defined as any device in, upon, or by which a person or property is, or may be, transported or drawn upon a street or highway as defined in I.C. 9-13-2-196.

SECTION B. The Council declares the parking of Vehicles, as defined by this Ordinance, in certain areas and at certain times within the City to be a public nuisance and prohibited activity.

SECTION C. It shall be unlawful for any person, firm, corporation or other entity to park or to permit to remain stationary any Vehicle in the following prohibited areas at the following times:

- (1) No Vehicle shall be parked along Lincolnway (both sides of the street) from Napoleon Street to Morgan Boulevard from 11 p.m. Sunday to 5 a.m. Monday;
- (2) No Vehicle shall be parked along Michigan Avenue from Indiana Avenue to Jefferson Street on Tuesdays from 1 a.m. to 5 a.m.;
- (3) No Vehicle shall be parked along Franklin Street from Indiana Avenue to Jefferson Street Tuesdays from 1 a.m. to 5 a.m.;

- (4) No Vehicle shall be parked along Washington Street from Indiana Avenue to Jefferson Street Tuesdays from 1 a.m. to 5 a.m.;
- (5) No Vehicle shall be parked along Lafayette Street from Indiana Avenue to Jefferson Street Tuesdays from 1 a.m. to 5 a.m.;
- (6) No Vehicle shall be parked along either side of Napoleon Street from Indiana Avenue to Jefferson Street on Tuesdays from 1 a.m. to 5 a.m.;

SECTION D. Any Vehicle found to be in violation of this Ordinance or any other ordinance regulating parking is subject to being removed without notice to the Vehicle's owner.

SECTION E. Upon observing any Vehicle in violation of this Ordinance or any other ordinance regulating parking, the City of Valparaiso Police Department shall contact the towing service employed by the City of Valparaiso and have said Vehicle removed.

SECTION F. Nothing in this Ordinance shall be interpreted to prevent the Department of Public Works from having a Vehicle found in violation of this Ordinance or any other ordinance regulating parking removed by a towing service.

SECTION G. The owner of any Vehicle found to be in violation of this Ordinance shall be solely responsible and liable for all costs incidental to the removal, storage and disposal of said Vehicle.

SECTION H. The City of Valparaiso, its agents, representatives and employees shall not be liable for the loss or damage to any Vehicle occurring during the removal, storage or disposition of said Vehicle pursuant to this Ordinance.

SECTION I. Nothing in this Ordinance shall be interpreted to prohibit the operation and/or parking of any Vehicle owned or operated by the City of Valparaiso or its various departments for legitimate governmental purposes.

SECTION J. Violation of this Ordinance or any other ordinance regulating parking within the City of Valparaiso shall also be punishable by a citation. 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.

BE IT FURTHER ORDAINED THAT, 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 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

PASSED 5-12-08 BY A VOTE OF 7-0

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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 April, 2008.

Jon Costas, Mayor

ATTEST: _____
Sharon Emerson Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana this _____ day of April 2008.

Sharon Emerson Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of April 2008 at _____ o'clock A.M./P.M.

Jon Costas, Mayor