

ORDINANCE NO. 40-2008

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, PERMITTING THE USE OF A WHEEL LOCK DEVICE WITHIN THE CITY LIMITS OF VALPARAISO, INDIANA

WHEREAS, the City of Valparaiso is empowered by I.C. 36-9-12-2 to regulate the parking or standing of vehicles upon or off public ways within the City limits; and

WHEREAS, the number of outstanding and overdue parking tickets within the City of Valparaiso has become problematic; and

WHEREAS, the Council is desirous of implementing the use of a wheel lock device to immobilize vehicles and reduce the number of outstanding and overdue parking tickets.

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 "Vehicle Immobilization" and shall be enumerated as Section 72.37 and which shall read in its entirety as follows:

SECTION 72.37 (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.

"WHEEL LOCK DEVICE" is hereby defined as any device which shall be placed on a wheel of a Vehicle to immobilize the Vehicle.

SECTION B. The Council declares that in the event the owner or operator of a Vehicle owes overdue parking fines of One Hundred Dollars (\$100.00) or more which remain unpaid, in addition to any other penalties or fines permitted by law, the City of Valparaiso Police Department or any other person or firm that the City may appoint or hire, may immobilize the Vehicle by use of a Wheel Lock Device.

SECTION C. Once a Vehicle has been immobilized by the use of the Wheel Lock Device, the owner or operator of the Vehicle can have the Wheel Lock removed by paying to the Police Department a Seventy-Five Dollar (\$75.00) service fee for removal of the Wheel Lock Device in addition to all fines imposed on all overdue parking violations and/or violations of any other traffic laws of the state or ordinances of the City

SECTION D. If, after the Wheel Lock Device has been attached to the Vehicle, the owner or operator fails pay all amounts due in Section C above within a Twenty-Four (24) hour period (excluding weekends and holidays), the police department may have the Vehicle impounded until such time as the owner or operator has paid the service fee plus all fines imposed on all overdue parking violations and/or violations of any other traffic laws of the state or ordinances of the City. The owner or operator of a Vehicle that has been impounded is liable for all charges for towing and storage of the Vehicle.

SECTION E. The owner or operator of a Vehicle found to be in violation of this Ordinance shall be solely responsible and liable for all costs incidental to the immobilization of the Vehicle and its removal, storage and disposal.

SECTION F. The City of Valparaiso, its police officers, agents, representatives and employees shall not be liable for the loss or damage to any Vehicle occurring during the installation or removal of the Wheel Lock Device and/or the removal, storage or disposition of said Vehicle pursuant to this Ordinance.

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 November, 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 Noveember 2008.

Sharon Emerson Swihart, Clerk-Treasurer

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

Jon Costas, Mayor