

**Passed 4-13-09 by a vote of 7-0
ORDINANCE No. 15 -2009**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO ADOPTING THE
PENALTY PROVISIONS OF THE DOWNTOWN OUTDOOR DINING STANDARDS**

WHEREAS, the City of Valparaiso permits certain restaurants located within the Central Business District to use the City's right-of-way for outdoor dining;

WHEREAS, the City of Valparaiso Board of Works and Public Safety has adopted standards for Downtown Outdoor Dining which regulate those establishments offering outdoor dining; and

WHEREAS, in order to permit the Board of Works and Public Safety to impose monetary fines against non-compliant establishments the Common Council needs to adopt the penalty provisions of the City's Outdoor Dining Standards

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

SECTION 1. That consistent with the City of Valparaiso's Downtown Outdoor Dining Standards, as amended, which are hereby incorporated by reference into this Ordinance, the Planning Department shall be permitted to impose monetary fines against restaurants in violation of the City's Downtown Dining Standards.

SECTION 2. That the Planning Department may impose fines of not less than \$50 per day and not more than \$250 per day against non-complaint restaurants.

SECTION 3. That nothing in this Ordinance is intended to limit or otherwise prohibit the Planning Department and/or the Board of Public Works and Safety from imposing other non-monetary penalties including, but not limited to, revoking a restaurant's ability to offer outdoor dining or other legal action, against non-compliant restaurants.

BE IT FURTHER 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BE IT FURTHER ORDAINED THAT, all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.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 _____, 2009.

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____
day of _____, 2009 at _____ o'clock p.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____,
2009, at _____ o'clock p.m.

Jon Costas, Mayor