(passed 8-0)

ORDINANCE 02-39

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC"
(Amending Chapter 15.40 Entitled "Municipal Parking Lots, Garages, and On-Street Parking" in Order to Adjust Rates for Parking in Such Facilities)

WHEREAS, Title 15 of the Bloomington Municipal Code sets forth the City of Bloomington's municipal parking lots, garages and meters, as well as the provisions regarding their use; and

WHEREAS, it is necessary from time to time to modify the fees charged for, and the policies regarding, municipal lots, garages and parking meters;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1 Section 15.40.020 Applicable times and charges, subsection (a) shall be amended by deleting the second sentence.

SECTION 2 Section 15.40.020 Applicable times and charges, subsection (b) shall be deleted and replaced by the following:

(b) The charge for the use of each on-street metered parking space shall be twenty-five cents per thirty minutes between the hours of eight a.m. and five p.m. every day except Saturdays, Sundays and City holidays.

SECTION 3 Section 15.40.025 of the Bloomington Municipal Code shall be amended by deleting "Time Restrictions" as the title and replacing it with "Bryan Park Parking" and by replacing the period ending the first sentence of that section with a comma, and adding " (Bryan Park lots.)" at the end of that sentence.

SECTION 4 Section 15.40.030 of the Bloomington Municipal Code shall be amended by deleting "Parking Permits" as the title of the section and replacing it with "Parking Leases" and deleting the first sentence of the section.

SECTION 5 The first paragraph of Bloomington Municipal Code Subsection 15.40.030(a) shall be deleted and replaced with the following:

(a) The city may issue annual reserved parking leases. The annual reserved lease grants parking privileges for a particular parking space in one specific municipal lot or garage. There shall be two rates for the leases. One rate shall be for leases in effect Monday through Friday between the hours of six a.m. and seven p.m. (13/5) and the other rate shall be for leases in effect Sunday through Saturday, twenty-four hours per day (24/7). Reserved leases sold in a municipal lot or garage for downtown residential purposes must be 24/7 leases if available. The charges for such annual parking leases shall be as designated in Schedule V.

SECTION 6 Bloomington Municipal Code Subsection 15.40.030(b) shall be deleted and replaced with the following:

(b) The city may issue annual nonreserved parking leases. The annual nonreserved parking lease grants parking privileges within a designated and signed area in a specific municipal lot or garage, and that area shall exclude reserved lease spaces and meter only spaces. A nonreserved lease does not grant parking privileges for a particular parking space. Those with nonreserved leases may park in any spot within the designated nonreserved lease area.

SECTION 7 Bloomington Municipal Code Subsection 15.40.030(c) shall be deleted and replaced with the following:

(c) All leases, reserved and nonreserved, issued in a given year shall expire at midnight on the December 31st of that year. The method by which a vehicle shall indicate possession of a reserved or nonreserved lease (e.g. hang-tags, permits, decals) shall be in accordance to the provisions of Section 15.40.050(g).

SECTION 8 Bloomington Municipal Code Subsection 15.40.030(d) shall be deleted and replaced with the following:

(d) The full charge for an annual reserved parking leases shall be paid in advance. Leases purchased in the January of a given year shall pay the full annual charge. After January 31 the charge for annual reserved parking leases shall be prorated to be proportional to time remaining in the calendar year.

For the year 2003, payments may be made in quarterly installments for an annual nonreserved lease. The amount to be paid for each quarterly payment shall be the annual charge as specified in Schedule V divided by four, plus a fee equal to 5% of that amount. Those quarterly payments shall be due in the office of the Parking Enforcement Divisions on January 15, 2003, April 1, 2003, July 1, 2003 and October 1, 2003. Any lease that begins in January of 2003 shall be charged the full quarterly amount for the first quarter. Leases beginning on or after February 1 shall have the first installment payment prorated proportional to the time remaining in that given calendar quarter.

Should payment not be made by the specified due date, the lease is considered broken and void and the lease may be resold at the discretion of the director of the Parking Enforcement Division.

Beginning with leases for the year 2004, the full charge for an annual nonreserved parking lease shall be paid in advance. Leases purchased in the January of a given year shall pay the full annual charge. After January 31 the charge for annual nonreserved parking leases shall be prorated to be proportional to time remaining in the calendar year.

SECTION 9 Bloomington Municipal Code section 15.40.030 shall be amended to add the following:

(h) Beginning with leases for the year 2004, leaseholders must give the Parking Enforcement Division the name, current address and current phone number of the individual who will be the primary user of each space being leased. This applies to reserved and nonreserved leases. If there is more than one regular user of the same space, who park either at different times of day, different days of the week, or a combination of both, the name, current address and current phone number must be provided for each user. The references in this subsection to multiple users of the same parking space are not meant to apply to the very occasional and sporadic user of a parking space, unless that user is the only user of the space.

SECTION 10 Bloomington Municipal Code section 15.40.030 shall be amended to add the following:

(i) Beginning with leases for the year 2004, leaseholders must provide a photocopy of the valid driver's license of the user, or regular users, of each space, or present a valid driver's license or licenses to the Parking Enforcement Division for photocopying.

SECTION 11 Bloomington Municipal Code Schedule V shall be deleted and replaced by the Schedule V that is attached hereto and made a part of this ordinance.

SECTION 12 Bloomington Municipal Code section 15.40.030 shall be amended to add the following:

(j) A holder of parking lease, reserved or nonreserved, may not be resell or sublet the lease to another party for a fee greater than the prorated equivalent price the leaseholder paid to the City of Bloomington for the lease. Should the City have reason to believe that a leaseholder is charging another party more than the person or company paid for it on a prorated basis, then the City may immediately cancel any and all leases held by the leaseholder.

SECTION 13 Bloomington Municipal Code section 15.40.030 shall be amended to add the following:

(k) The presence of a price in Schedule V does not necessarily mean that the corresponding parking product (e.g. a lease) is available at that particular location.

SECTION 14 Bloomington Municipal Code section 15.40.030 shall be amended to add the following:

(l) The most recent parking charges adopted by ordinance shall remain in effect until modified by a subsequent ordinance.

SECTION 15 Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid section, sentence, provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 16 This ordinance shall be in full force and effect on and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18th day of December, 2002.

Chris Gaal

CHRIS GAAL, President
Bloomington Common Council

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18th day of December, 2002.

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 19TH day of DECEMBER, 2002.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance creates a new parking product to be called a "nonreserved lease" to replace the current lot-specific permits, and prices these new leases $80 higher than those permits. It divides parking in municipal lots and garages into three distinct and discrete areas: meters only (no permit valid at meters,) nonreserved leases (parking in any spot in an area reserved for this purpose) and reserved leases (customers reserve parking spaces.) The ordinance raises the hourly rate for parking at a metered space from $0.25 per hour to $0.50 per hour, except at the Dunkirk Square lot where the hourly rated increases from $0.50 to $1.00 per hour. It raises the fee charged for the annual lease of a reserved space by $110 for a 13/5 lease and $135 for a 24/7 lease. It requires that leases purchased for or by downtown residents be 24/7 leases if available and that a leased space be associated with a specific, identified individual, or individuals. The ordinance removes the requirement that no more than 25% of the total spaces in a given lot or garage be sold as leased parking, and prohibits leases in municipal lots or garages from being resold or sublet at a profit.

Note: The Council adopted Amendment 4 on December 18, 2002. This amendment replaced Schedule V with one that raised most annual parking leases in 2004 rather than 2003.

Signed Copies to:

PEO	Public Works	BMC file
Controller	Mayor's office	CA/CA
Legal (5)		file

SCHEDULE V

Municipal Lot/Garage	Year	Meter rate/ time charge per 30 minutes	Nonreserved space lease per year	Reserved space lease per year Monday - Friday 6:00 a.m. – 7:00 p.m.	Reserved space lease per year 7 days per week 24 hours per day
1	2003	$0.50	$800	$1125	$2250
Dunkirk Square	2004	$0.50	$800	$1125	$2250
2	2003	$0.25	$320	$440	$540
Walnut Center Garage 7th & Walnut	2004	$0.25	$400	$550	$675
3	2003	$0.25	$320	$1125	$2250
4th & Washington 1	2004	$0.25	$400	$1125	$2250
5	2003	$0.25	$320	$440	$540
6th and Lincoln	2004	$0.25	$400	$550	$675
6	2003	$0.25	$320	$440	$540
3rd St./BPD	2004	$0.25	$400	$550	$675
7	2003	$0.25	$320	$440	$540
Regester Parking Garage	2004	$0.25	$400	$550	$675
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4th & Walnut St.	2003	$0.25	$320	$440	$540
Parking Garage	2004	$0.25	$400	$550	$675