(Passed 9-0)

ORDINANCE 07-05

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" -
Re: Amending Provisions Regarding Stop Intersections, Limited Parking Zones, Parking Garage and Lot Permits

WHEREAS, the Traffic Commission has recommended certain changes be made in Title 15 of Bloomington Municipal Code entitled "Vehicles and Traffic";

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

SECTION I. Section 15.12.010 Stop Intersections Schedule A of the Bloomington Municipal Code shall be amended by deleting the following:

STOP INTERSECTIONS

Traffic on	**Shall Stop for Traffic on**
Morton Street	Sixth Street

SECTION II. Section 15.12.010 Stop Intersections Schedule B of the Bloomington Municipal Code shall be amended by adding the following:

MULTI-STOP INTERSECTIONS

Sixth Street & Morton Street	4-Way

SECTION III. Section 15.32.090 Limited Parking Zones Schedule N of the Bloomington Municipal Code shall be amended by deleting the following:

Street	**From**	**To**	**Side of Street**	**Limit**
Seventh Street	Madison Street	Morton Street	South	2 Hr. (8)
Seventh Street	Morton Street	Rogers Street	North	2 Hr. (8)
College Avenue	205' North of Sixth Street	293' North of Sixth Street	West	15 Min.(6)

SECTION IV. Section 15.32.090 Limited Parking Zones Schedule N of the Bloomington Municipal Code shall be amended by adding the following:

Street	**From**	**To**	**Side of Street**	**Limit**
Seventh Street	Madison Street	Morton Street	South	2 Hr. (2)
Seventh Street	Morton Street	Rogers Street	North	2 Hr. (2)
College Avenue	205' North of Sixth Street	293' North of Sixth Street	West	15 Min.(12)

SECTION V. Section 15.32.090 Limited Parking Zones Schedule N of the Bloomington Municipal Code shall be amended by adding the following to its Legend:

(12) Anytime; Parking is for hotel guests only.

SECTION VI. Section 15.40.020 Applicable Times and charges of the Bloomington Municipal Code shall be amended by adding the following subsection (d):

(d) The fees for cancellation of a parking permit lease, obtaining a replacement hang tag, and obtaining a replacement garage access card shall be as follows, subject to all conditions of this Chapter and the applicable lease:
   (1) Cancellation Fee – Five Dollars ($5.00)
   (2) Replacement Hang Tag – Five Dollars ($5.00)
   (3) Replacement Garage Access Card – Five Dollars ($5.00)

SECTION VII. Section 15.40.030 Parking Leases of the Bloomington Municipal Code shall be deleted and replaced with the following:

15.40.030 Garage and Lot Permits

(a) Except as otherwise expressly provided herein, references to "the City" in this Chapter shall mean the Department of Public Works, acting through its Director, Director's designee or an agent appointed hereunder. The City may issue permits for its parking garages and lots allowing their use without the application of time charges that would otherwise apply. The City shall negotiate leases for Lots 12 and 13. The City through its Board of Public Works may contract with one or more agents to administer on its behalf and at its direction the provisions of this Chapter relating to one or more City parking facilities.

(b) Garage and lot permit fees are specified in Schedule V of this Chapter. The City may issue permits for durations other than one year by prorating the annual fee to match the permit's term. A reserved lease grants parking privileges for a particular parking space in one specific municipal lot or garage. A nonreserved parking lease grants parking privileges within a designated area in a specific municipal lot or garage, and that area shall exclude reserved lease spaces and meter only spaces.

(c) No permit shall be issued under this Chapter except upon:

(1) provision by the permit applicant of all information and documentation requested by the City, which shall include but not be limited to information and documentation regarding the name, current and permanent addresses, current telephone number, driver's license, and vehicle registration of the permit applicant and any other intended final user of any permit and;

(2) execution of a written lease between the City and the permit holder. Such lease shall incorporate all requirements of this Chapter and such other terms and conditions as may be agreed upon by the parties.

Violation of any provision of a permit lease shall constitute a violation of this Chapter subject to all penalties and remedies provided herein, including but not limited to revocation of the permit or permits covered by the lease.

(d) The City shall determine the number and type of permits to be issued and the method for their allocation. The presence of a price in Schedule V does not necessarily mean that the corresponding parking permit is available.

(e) No permit will be issued until all outstanding debts, related to the vehicle associated with the permit or the vehicle's owner, owed to the city of Bloomington or any of its agencies, have been paid. This includes, but is not limited to, all outstanding penalties for parking violations.

(f) No refund or rebate on any portion of a parking lease or permit shall be given until all outstanding debts, related to the vehicle associated with the lease or permit or the vehicle's owner, owed to the city of Bloomington or any of its agencies, have been paid. This includes, but is not limited to, all outstanding penalties for parking violations.

(g) A parking permit holder may not resell, sublet or otherwise distribute the permit to another party without a written agreement with the City to do so.

(h) A parking permit holder may enter into a written agreement with the City for the distribution of parking permits to its employees or tenants.

(1) Should the holder charge another party for use of a permit more than it paid for the permit, the City may cancel any and all permits held by the holder, in addition to invoking all other penalties and remedies available hereunder.

(2) The City reserves the right to withhold the release of the permit or permits until it is provided all requested information regarding the final user or users and their vehicle(s) pursuant to subsection (c).

(3) The City reserves the right to withhold the release of a permit until all outstanding debts, related to the vehicle associated with the permit final user or the vehicle's owner, and any other debts owed to the City of Bloomington or any of its agencies, have been paid. This includes, but is not limited to, all outstanding penalties for parking violations.

(i) A parking permit holder may not resell or sublet the permit to another party for a fee greater than the prorated equivalent price the permit holder paid to the city of Bloomington for the permit. Should the holder charge another party for use of a permit more than it paid for the permit, the City may cancel any and all permits held by the holder, in addition to invoking all other penalties and remedies available hereunder.

(j) The charge for duplicate permits and parking garage access cards for reserved parking spaces shall be ten dollars each and shall be available under conditions determined by the City. Use of such duplicates for any purpose other than that determined by the City may result in the cancellation of the original permit, in addition to invoking all other penalties and remedies available hereunder.

SECTION VIII. Section 15.40.060 Violations of the Bloomington Municipal Code shall be amended by adding subsections (j), (k), (l) and (m) which shall read as follows:

(j) No permit holder for a reserved space in a City parking facility shall park a motor vehicle covered by the permit in any space in the same facility other than the reserved space, including spaces intended for transient or hourly parking during any time the reserved space permit is valid.

(k) No party to a permit lease with the City pursuant to this Chapter shall violate any term or condition of such lease.

(l) No person shall resell a permit except in compliance with 15.40.030(g), (h) and (i).

(m) No person shall use a duplicate permit or access card except in compliance with 15.40.030(j).

SECTION IX. Section 15.40.070 Violations and penalty of the Bloomington Municipal Code shall be deleted and replaced with the following:

15.40.070 Violation and penalty.

(a) Any violation of this chapter, with the exception of any listed in Section 15.40.070(b), is a Class D Traffic Violation and subject to the penalty listed in Section 15.64.010(d).
(b) Any violation of Section 15.40.025(b), Section 15.40.030(e), Section 15.40.050, Section 15.40.060(b), or Section 15.40.060(j), is a Class H Traffic Violation and subject to the penalty listed in Section 15.64.010(i).
(c) In addition, any violation of Section 15.40.030(h)(1) or Section 15.40.030(i) shall subject the permit holder to cancellation of all permit leases (and revocation of all permits) held by such permit holder.

SECTION X. Section 15.48.010(a)(6) General Provisions of the Bloomington Municipal Code shall be amended such that the subsection shall read as follows:

(6) Any vehicle parked in a leased stall in the municipal parking garage without displaying the proper permit for that stall, or any vehicle in violation of Section 15.40.060(j) of this code;

SECTION XI. Section15.64.010 (i) Class H Traffic Violations of the Bloomington Municipal Code shall be amended by inserting the following:

15.40.060(j) Parking vehicle with a reserved space permit in a City parking facility in any space in the same facility other than that reserved space.

SECTION XII. Section15.64.010 (j) Other Penalties shall be added to the Bloomington Municipal Code and shall read as follows:

(j) Other Penalties
In addition to any other penalty provided for herein, violations of 15.40.030 may result in revocation of garage and lot permits as provided for in that section.

SECTION XIII. 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 provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 11th day of JULY, 2007.

DAVE ROLLO, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 12th day of JULY, 2007.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 12th day of JULY, 2007.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to the Bloomington Municipal Code regarding a stop intersection, limited parking zones, and parking garage and lot permits.

Signed copies to:

legal (10)	Public works	clerk
controller	Street department	file
gis	CA/CA (3)	BLC (2)
engineering	police	parking
traffic		