Passed 6-3 (Banach, Young, Cole)

ORDINANCE 98-52

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC"
(Adding City of Bloomington Police Headquarters Municipal Parking Lots and Designating Public Employee Parking Lots And Official Vehicle Zones; Changing the Location of the Farmers' Market; Adjusting Penalties for Class D Traffic Violations; Adding a White Public Employee Parking Permit; and, Restructuring the Parking Permit System by Creating a New Lot-Specific Permit and Establishing a New Schedule U, Which Reflects New Permit Rates)

WHEREAS, Title 15 of the Bloomington Municipal Code sets forth the fines which shall be assessed for violation of City parking ordinances; and

WHEREAS, Title 15 of the Bloomington Municipal Code sets forth the annual parking leases and permits issued by the City of Bloomington; and

WHEREAS, the fines assessed for violation of City parking ordinances have not been updated since 1991; and

WHEREAS, the cost of monitoring City parking spaces and enforcing City parking ordinances by the Parking Enforcement Division has increased since these updates; and

WHEREAS, there are several changes that need to be made to this Title as the result of the completion of the Showers Center and the City of Bloomington Police Headquarters; and

WHEREAS, there are changes that need to be made to this Title as the result of the re-location of the Farmers' Market from Municipal Lot 5 to Municipal Lot 11;

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

SECTION I. Section 15.32.090 Schedule N shall be amended to add the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
Lot 11	5 spaces beginning 60' West of Morton Street Entrance	105' West of Morton Street Entrance	East	1 hour (3)

SECTION 2. Schedule R of Section 15.32.120 Official vehicle zones shall be amended by adding Lot 15 (in its entirety) to the list in alphabetical order, and by adding the words "or Lot" after the word "Street" in the sub-heading of the schedule, so that the sub-heading and reference shall appear as follows:

Street or Lot	From	To	Side of Street
Lot 15 (in its entirety)			

SECTION 3. Section 15.32.170 Municipal Parking Lot 5 parking during market season (under "Parking Controls"), shall be deleted in its entirety and shall be retitled "Municipal Parking Lot 11 - parking during market season and civic events." and be replaced with the following words:

Section 15.32.170 Municipal Parking Lot 11 - parking during market season and civic events. Municipal Lot 11 shall serve as the location for the Farmers' Market and other civic events. No person other than a registered market vendor shall park a vehicle in a parking space in Municipal Lot 11 from the hours of 4:00 a.m. through 1:00 p.m. on Saturdays during the market season. No persons other than those authorized by the Parks and Recreation Department shall park in Municipal Lot 11 after 5:15 p.m. on days when the Parks and Recreation Department has reserved the lot for civic events. Dates for the market season and civic events shall be publicized throughout the community and shall be posted in Municipal Lot 11 prior to enforcement of this provision. Vehicles parked in violation of this section may be towed.

SECTION 4. Section 15.32.185 Public Employee Parking (under "Parking Controls") shall be amended to read as follows:

Section 15.32.185 Public Employee Parking

The streets or parts of streets described in Schedule T (below) are designated as public employee parking zones. Municipal Lots 11, 14 and 16 are also designated as public employee parking zones, with the exception of the parking spaces located in those lots that are designated for handicapped parking according to Section 15.32.150 Schedule S and limited parking zones according to Section 14.32.090 Schedule N. When appropriate signs are erected, no person shall park a vehicle upon the streets, parts of streets, or said municipal parking lots, unless that person has obtained the proper public employee parking permit and has properly displayed said permit as provided for by Chapter 15.38. Public employees parking their vehicle in Municipal Lot Number 11 must comply with the provisions of Section 15.32.170.

SECTION 5. Section 15.36.100 Violations (of Resident-Only Parking Permit regulations) shall be amended to read as follows:

Section 15.36.100 Violations

Any violations of this chapter constitute a Class D Violation and are subject to the fines listed in Section 15.64.010 as well as enforced removal of the vehicle.

SECTION 6. Section 15.37.150 Violations (of Residential Neighborhood Permit Parking regulations) shall be amended to read as follows:

Section 15.37.150 Violations

Violations of this chapter shall generally constitute a Class D traffic violation and are subject to fines as listed in Section 15.64.010. However, it shall be a Class F violation, as listed in Section 15.64.010, for a person holding a valid residential neighborhood parking permit to use or display the permit on an ineligible motor vehicle.

SECTION 7. Section 15.38.010 Eligibility (for Public Employee Parking Permits) shall be amended to read as follows:

Section 15.38.010 Eligibility

Any person employed as an official of the City, or by an agency, department, or office thereof, excluding officials and employees of the Police Department, who owns a vehicle may apply to the city Parking Enforcement Division for a green public employee parking permit. The green parking permit grants parking privileges for areas on the streets that are designated as public employee parking zones by Section 15.32.185, or in Municipal Lot Numbers 11 and 14. These parking privileges, however, do not extend to the white or blue employee permit zones described below.

Any person employed by or as an official of the Bloomington Police Department who owns a vehicle may apply to the City Parking Enforcement Division for a white public employee parking permit. The white parking permit grants parking privileges only in Municipal Lot Number 16.

Any person employed as an official of Monroe County, or by any agency, department or office thereof, whose usual place of employment is the justice facility or the Monroe County Health Department building who owns a vehicle, may apply to the

City Parking Enforcement Division for a blue public employee parking permit. The blue permit grants parking privileges on the streets designated as a blue permit zone by Section 15.32.185.

SECTION 8. Section 15.38.030 Display of Permits (concerning Public Employee Parking Permits) shall be amended by striking the words "Municipal Lot 14" and replacing those words with the words "Municipal Lots 11, 14, and 16".

SECTION 9. Section 15.40.010 Locations (for Municipal Parking Lots and Garages) shall be amended in the following manner:

A. Amend item (7) by inserting the phrase "Lot 7 - " before the words "Regester Center" and replacing the word "Garage" with the word "Facility" so that the first sentence of that item shall now begin: (7) Lot 7 - Regester Center Parking Facility: located at ..."

B. Amend item (8) by renumbering it as item (9) and inserting the phrase "Lot 9 -" before the words "Walnut Street Parking Garage:" so that the first sentence of that item shall now begin: "(9) Lot 9 - Walnut Street Parking Garage: located at ..."

C. Amend the current item (9) by renumbering it as item (8) so that the item shall now read: " (8) Lot 8: located at the northeast corner of Sixth and Morton Streets."

D. Add items (15) and (16) which shall read as follows:

Lot 15: Located at the east portion of the south side of the City of Bloomington Police Headquarters, 220 East Third Street;

Lot 16: Located at the west portion of the south side of the City of Bloomington Police Headquarters, 220 East Third Street.

SECTION 10. Section 15.40.020 Applicable time and charges (for the Municipal Parking Lots and Garages) shall be amended in following manner:

A. Part (a) shall be deleted and replaced with the following text:

Section 15.40.020 Applicable times and charges.

(a) The charge for the use of all municipal lots shall be as set forth below in Schedule U. The charges shall be collected by parking meters at all municipal lots, with the exception of the Walnut Street Parking Garage, where charges shall be collected by parking meters or attendants. The time charges stated on Schedule U shall be in effect between the hours of eight a.m and five p.m., every day except Saturdays, Sundays and City holidays, for all municipal lots with the exception of Municipal Lot 7, where the applicable time charges shall be in effect between the hours of seven a.m. and seven p.m., every day except Saturdays, Sundays and City holidays.

B. Schedule U, which is attached and made a part of this ordinance, shall be inserted at the end of Section 15.40.020.

SECTION 11. Section 15.40.030 Parking permits shall be deleted in its entirety and replaced with the following:

Section 15.40.030 Parking permits. The City may issue the parking permits described in the following paragraphs.

(a) The City may issue a limited number of annual parking leases. The annual lease grants parking privileges for a particular parking space in one specific municipal lot. The number of spaces set aside for annual leases shall not exceed twenty-five percent (25%) of the available spaces in each lot. The charge for such annual parking lease shall be as designated in Schedule U.

Unlimited duplicate lease permits shall be available to lease holders at a charge of five dollars ($5.00) per lease; each duplicate permit shall allow the lease holder to park an

additional designated vehicle in the original lease holder's designated space only. No original or duplicate permit-bearing vehicle may park in any other space or in any other lot, without proper permit or payment of the applicable fee for such space and/or lot. Only vehicles displaying a lease permit or duplicate lease permit for that parking space may park in a leased space. Violators shall be ticketed and may be towed.

The Board of Public Works shall determine the location of annual leased parking spaces.

(b) The City may issue a limited number of lot parking permits. The lot permit grants parking privileges in one specific municipal lot or garage, excluding spaces designated as leased spaces. These parking privileges allow a vehicle with a valid and properly displayed permit to park in an available space without further charge, but do not ensure that a parking place will be available. The charge for such lot permit shall be as designated in Schedule U.

(c) The City may issue a limited number of annual multi-lot parking permits. The multi-lot parking permits grant parking privileges in Municipal Lots 2, 3, 4, 5, 6, 7, and/or 8, excluding spaces designated as leased spaces. These parking privileges allow a vehicle with a valid and properly displayed permit to park in an available space without further charge, but do not ensure that a parking place will be available. The charge for such annual parking permit shall be four hundred dollars ($400) payable in advance or one hundred and ten dollars ($110) per a three (3) month quarter.

(d) Upon the application for such parking privilege and upon payment of the applicable charge, the City shall furnish a permit indicating the type of parking permit and the specific municipal lot(s) or garage(s) that said permit is valid. Said permit shall be displayed in accordance with the provisions of Section 15.40.050(g).

(e) It shall be the duty of the Parking Enforcement Division to issue permits, collect and account for the rents received, and deposit said moneys to the credit of the City in a special fund provided by law for parking meter receipts. However, receipts collected from leases, permits and parking meters of the municipal parking garage are to be deposited in accordance with the Interdepartmental Agreement between the Redevelopment Commission and the Board of Public Works for the operation of the facility.

(f) The Board of Public Works shall negotiate leases for Lots 12 and 13. The permits issued for Lot 13 will be a white permit.

(g) The Board of Public Works shall determine the number of permits that may be issued and the method for their allocation.

SECTION 12. Section 15.64.010 Violations and penalties, part (d) shall be amended to read as follows:

(d) Class D Traffic Violations (most parking violations)

Fine: $12.00, $17.00 (depending on when paid)

Covers:	15.32.010	Parking adjacent to yellow curb
	15.32.020	Parking in alley beyond limit
	15.32.030	Violating angle parking
	15.32.040	Parking car in street for washing repairing
	15.32.080	Parking in no parking zone
	15.32.090	Parking beyond time limit
	15.32.100	Parking beyond loading zone limit
	15.32.110	Parking in bus zone
	15.32.120	Parking in official vehicle zone
	15.32.130	Parking near intersections
	15.32.140	Obstructing traffic

15.32.170	Parking in Municipal Lot #11 during farmer's market
15.32.180	Parking facing traffic
15.36.100	Parking in resident-only space
15.37.150	Parking in residential permit area
15.38.060	Public employee parking
15.40.050(a) (c), (d), (e), (f)	Backing in and overtime parking in city lots and garages; defacing parking meters; depositing slugs in meters; overtime parking in city lots and garages
15.60.040	Parking on sidewalk

(1) The fine for Class D Traffic Violations shall be twelve dollars, if paid within seven (7) calendar days. The fine shall automatically increase to seventeen dollars if not paid within seven (7) calendar days.

(2) Provided, however, that a person may appeal the issuance of the traffic violation citation by appearing in person in one of two departments of the City, located at 401 North Morton Street, within seven (7) days immediately following the issuance of the traffic violation citation and during the hours specified below. The City Clerk or designee shall hear all appeals of Class D traffic violations, except those under Section 15.37.150 (Parking in a residential permit area), which shall be heard by the Director of the Parking Enforcement Division or designee. The City Clerk or designee shall conduct informal hearings, which may be reconvened from time to time. The informal hearings shall be conducted between the hours of nine a.m. and twelve p.m. in the Office of City Clerk on all days except Saturdays, Sundays, and City holidays. The Director of Parking Enforcement or designee shall receive a written appeal in the Parking Enforcement Office during normal business hours on all days except Saturday, Sunday, and City holidays. These officers and designees shall have the authority to declare the citation null and void or valid. If the citation is declared to be null and void, then the citation shall be dismissed from further prosecution; and, if the citation is declared valid, then the citation shall be due and payable as determined by the officer or designee. The decision of the officer or designee is final, subject to judicial determination during prosecution.

(3) For purposes of this section, an individual may challenge the traffic violation section, provided that she/he is the registered owner of the vehicle or his/her attorney, and/or was responsible for the vehicle at the time of issuance of the citation, or his/her attorney.

SECTION 13. Part (h) of Section 15.64.010 Class G Traffic Violations (Parking on resident-only parking spaces) shall be amended by deleting the existing text and replacing it with the following:

(h) Class G Traffic Violations (Bicycle safety violations)

Fine: $10.00

Covers:	15.56.100 (a), (b), and (c)	Bicycle helmet and restraining seat use

SECTION 14. 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 15. 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 2nd day of December, 1998.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of December, 1998.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 3 day of December, 1998.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance codifies Municipal Parking Lots 15 and 16, which are just south of the City of Bloomington Police Headquarters. It designates Lot 15 as an Official Vehicle zone and designates Lot 16 as a public employee lot and creates a new white public employee parking permit for officials and employees of the Police Department to park in that lot. It designates Lot 11, just south of the Showers City Hall, as the new location for the Farmers' Market and as a public employee parking lot. In addition, this ordinance increases and alters the fine schedule for Class D violations of the City traffic ordinances and the procedures for appealing those citations. Lastly, the ordinance restructures the parking permit system which, among other changes, creates a new lot-specific permit, and establishes new rates. The new rates are set forth in a new Schedule U, which details the time charges, as well as the lease and permit rates applicable for each municipal lot.

Note: The Council considered two amendments to this ordinance. Am 1 was defeated by a vote of 3 - 6. It would have lowered the proposed fine for Class D violations. Am 2 was adapted by a vote of 6 - 3. It added five free one-hour parking spaces in Lot 11, which are to be used by the public while visiting Showers City Hal, and clarified that Lot 11 would serve as the location for civic events as well as the Farmers' Market.

Signed copies to:
Parking Enforcement
Police
Clerk/CA
BMC File
User File - 25
Parks & Rec. 6
Information Services
HT

SCHEDULE U

MUNICIPAL LOT	TIME CHARGES	SPECIFIC LOT RENTAL PERMIT RATE	LEASE PERMIT RATE
1	25 cents (25¢) per 30 minute period or part thereof 50 cents (50¢) per 60 minute period	Not Applicable	Not Applicable
2	5 cents (5¢) per 12 minute period 10 cents (10¢) per 24 minute period 25 cents (25¢) per sixty minute period	$305.00 per year payable in advance $85.00 per 3 month quarter	$420.00 per year payable in advance
3	5 cents (5¢) per 12 minute period 10 cents (10¢) per 24 minute period 25 cents (25¢) per sixty minute period	$305.00 per year payable in advance $85.00 per 3 month quarter	Not Applicable
4	Not Applicable	Not Applicable	$420.00 per year payable in advance
5	5 cents (5¢) per 12 minute period	$305.00 per year payable in advance	$420.00 per year payable in advance

MUNICIPAL LOT	TIME CHARGES	SPECIFIC LOT RENTAL PERMIT RATE	LEASE PERMIT RATE
	10 cents (10¢) per 24 minute period	$85.00 per 3 month quarter	
	25 cents (25¢) per 60 minute period		
6	5 cents (5¢) per 12 minute period	$305.00 per year payable in advance	Not Applicable
	10 cents (10¢) per 24 minute period	$85.00 per 3 month quarter	
	25 cents (25¢) per sixty minute period		
7 (Regester Center Parking Garage)	5 cents (5¢) per 12 minute period	$305.00 per year payable in advance	$420.00 per year payable in advance
	10 cents (10¢) per 24 minute period	$85.00 per 3 month quarter	
	25 cents (25¢) per sixty minute period		
8	5 cents (5¢) per 12 minute period	$305.00 per year payable in advance	Not Applicable
	10 cents (10¢) per 24 minute period	$85.00 per 3 month quarter	
	25 cents (25¢) per sixty minute period		
9 (Walnut Street Parking Garage)	Not Applicable	$305.00 per year payable in advance	$420.00 per year payable in advance
		$85.00 per 3 month quarter	

MUNICIPAL LOT	TIME CHARGES	SPECIFIC LOT RENTAL PERMIT RATE	LEASE PERMIT RATE
10	Not Applicable	Not Applicable	Not Applicable
11	Not Applicable	Not Applicable	Not Applicable
12	Not Applicable	Not Applicable	Not Applicable
13	Not Applicable	Not Applicable	Not Applicable
14	Not Applicable	Not Applicable	Not Applicable
15	Not Applicable	Not Applicable	Not Applicable
16	Not Applicable	Not Applicable	Not Applicable