ORDINANCE 17-24

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE (BMC) ENTITLED "VEHICLES AND TRAFFIC" - Re: Deleting and Replacing BMC Chapter 15.36 (Residential Only Parking Permits)

WHEREAS, On October 26, 2016, the City of Bloomington Traffic Commission considered, and by a vote of 7-0, recommended that the Bloomington Common Council delete 15.36 from the Bloomington Municipal Code; and

WHEREAS, In public meetings in May 2017, members of the Bloomington Common Council expressed their preference that BMC 15.36 be modified to focus on helping people with disabilities age in place, rather than deleted; and

WHEREAS, On July 25, 2017, the City of Bloomington Parking Commission considered proposed amendments to Ordinance 17-24 based on comments solicited at the May 2017 Common Council meetings.

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

SECTION 1. Chapter 15.36, entitled "Resident-Only Parking Permits," is hereby repealed and replaced with the following:

Chapter 15.36 RESERVED RESIDENTIAL ON-STREET PARKING PERMITS
Sections:

15.36.010 Definitions
15.36.020 Eligibility
15.36.030 Information required on application
15.36.040 Fees
15.36.050 Information contained on permit
15.36.060 Issuance and revocation of permits
15.36.070 Permit regulations
15.36.080 Expiration of permits
15.36.090 Disposition of revenue
15.36.100 Violations

15.36.010 Definitions

(a) "Adequate off-street parking" means space on a privately owned parcel for one parked automobile, including access to that space from the residence or access that could readily be created without undue expense.
(b) "Adjacent" means as near as possible to the permit-holder's residence and in compliance with applicable accessible parking requirements.
(c) "Household" means an individual or collective body of people living upon the premises. The Household shall not be comprised of more than five adults sixteen years of age or older, in addition to any dependent children of those adults.

(d) "Single household detached dwelling" means a single residential building per parcel occupied by one household. The parcel shall solely be used for residential purposes. Such dwellings shall be characterized by, but not limited to:
    (1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;
    (2) A single kitchen adequate for the preparation of meals;
    (3) A tenancy based upon a legal relationship of a unitary nature, i.e., single lease, mortgage or contractual sales agreement for the entire premises.

15.36.020 Eligibility

(a) The applicant/permittee shall reside in a single household detached dwelling in an area of the City zoned for residential purposes.
(b) The single household detached dwelling shall not have adequate off-street parking.
(c) Except as provided elsewhere in this chapter, the applicant must be a person with a permanent disability who either owns a motor vehicle and has a disability parking placard or disability license plate issued by the Indiana Bureau of Motor Vehicles pursuant to I.C. 9-18.5-8-4 or be a person with a permanent disability who has designated a vehicle, or vehicles, that is/are regularly used to transport him or her pursuant to I.C. 9-18.5-8-1. Provided, however, an applicant is exempt from the requirement of permanent disability where the applicant is a person experiencing physical difficulties associated with aging, as verified by a medical doctor.
(d) An applicant is exempt from the eligibility requirements of (a)-(c) above where the applicant has continuously held a permit in good standing before the effective date of this ordinance.

15.36.030 Information required on application

(a) The application form shall contain
    i. The name, address, telephone number, and e-mail address of the applicant;
    ii. The year, make, and license number of the automobile owned by the applicant, or the year, make, and license number(s) of the vehicle(s) used to transport the applicant which is authorized to use the reserved residential on-street parking space;
    iii. A signed statement from the applicant that verifies the applicant
        1. resides at the address given in the application and that the residence is a single household detached dwelling,
        2. owns the listed automobile or that it is the vehicle or vehicles principally used to transport the applicant,
        3. has a disability parking placard or disability license plate issued by the Indiana Bureau of Motor Vehicles for their owned motor vehicle, or has a permanent disability and a designated vehicle or vehicles regularly used to transport him or her, and
        4. does not have adequate off-street parking as defined in this chapter.
(b) Should the automobile and/or its license plate number change while a permit is in force, the applicant must submit an amended application within 10 calendar days.

15.36.040 Fees

(a) The applicant must pay a non-refundable fifty dollar ($50.00) application fee at the time he or she submits the application. An application fee is not required in the following instances:
    i. if the application is for an amended application due to a license plate change while a permit is in force, or

ii. if the applicant is submitting an application for a parking space the same applicant had a permit for the previous calendar year.

(b) If the permit is approved, the applicant must pay a permit fee of one-hundred forty-five dollars ($145.00), or seventy-five dollars ($75.00) if after July 1st. This fee shall be due upon issuance of each permit under this Chapter. Permits are subject to the renewal requirements of Bloomington Municipal Code 15.36.080.

15.36.050 Information contained on permit

(a) The permit provided for in this chapter shall contain the following information:
   i. the number of the permit;
   ii. the address of the person to whom the permit is issued; and
   iii. the date of expiration of the permit.

(b) The color of the permit will rotate colors annually

15.36.060 Issuance and revocation of permits.

(a) The application for a permit under this chapter, along with the application fee, shall be submitted to the City Controller, or his or her designee, who shall forward it to the Transportation and Traffic Engineer, or his or her designee. The Transportation and Traffic Engineer, or his or her designee, shall approve or disapprove the application in accordance with the provisions of this chapter.

(b) The applicant may appeal an adverse ruling by the Transportation and Traffic Engineer, or his or her designee, to the City of Bloomington's Board of Public Works, whose decision shall be final. The Board may reverse the Transportation and Traffic Engineer, or his or her designee's decision if it finds that the permit met the requirements of this chapter, or if it finds that extenuating circumstances exist which justifies issuing the permit. Extenuating circumstances include, but are not limited to, neighborhood parking conditions that impose unique hardships on the applicant that cannot be reasonably addressed in another way, and such hardships prevent the applicant from being able to remain at the residence if no permit is granted.

(c) The Board of Public Works shall have the authority to revoke any permit upon finding a violation of the regulations in this chapter and to order the forfeiture of all fees.

(d) Signage and markings on a space shall be removed no less than seven (7) nor no more than thirty (30) calendar days after the Board of Public Works' decision to revoke it.

15.36.070 Permit regulations

The following regulations shall be in effect:

(1) No more than one reserved residential only parking permit space is permitted per single household detached dwelling.
(2) Permits shall be restricted to one per single household detached dwelling.
(3) Permits shall be valid only for the calendar year in which they are issued.
(4) Reserved residential on-street parking spaces shall be used for passenger vehicles only.
(5) Reserved residential on-street parking spaces shall not be subleased or rented, for consideration or gratuitously, to individuals outside the applicant's household.
(6) A permit shall not be issued for any parking space on a block in which there is a parking meter installed by the City.
(7) Permits automatically expire when the applicant is no longer a resident of the residence.

15.36.080 Expiration of permits.

(a) All permits expire on December 31 of the year of issuance.
(b) Permit-holders, including individuals holding permits before the effective date of this ordinance, must re-apply each year. The City Parking Enforcement Manager, or his or her designee, will provide current permit-holders an advance reminder to apply for a permit the following year. The application fee (when applicable) and permit fee shall be submitted before December 31 to avoid forfeiture of the reserved residential only parking permit space.

15.36.090 Disposition of revenue.

All funds derived from the granting of permits under the provisions of this chapter shall be placed in the Alternative Transportation Fund, Fund 454, of the City.

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 2. If any section, sentence or provision of this ordinance, or 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 give effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in effect after its passage by the Common Council and approval by the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 23rd day of August, 2017.

Susan Sandberg
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

N Bolden
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 29th day of August, 2017.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me up this 31st day of August, 2017.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance renames the Resident-Only Parking Permit program as the Reserved Residential On-Street Parking Permit program. It modifies the program to focus on the needs of people with disabilities, helping them age in place when the lack of adequate off-street parking makes that difficult if not impossible without a reserved space. It increases the annual fees to help defray the City's costs to implement the program and requires annual applications to ensure compliance with current requirements.

Note: The procedural history of this ordinance was longer and more complex than usual. Ord 17-24 was introduced at a Regular Session on May 17, 2017, discussed at a Committee of the Whole on May 24lth, and after discussion, at the Regular Session on May 31st was postponed until the Regular Session on August 9th. The ordinance introduced and discussed in May would have deleted BMC 15.36 (Resident-Only Parking Permit Program). However, the Council Legislative Packet for the Regular Session on August 9th included an Amendment by Substitution submitted by the Administration, which proposed a narrowing, but not deletion of this chapter. Due to the late hour, Ord 17-24 was not introduced on August 9th and was taken up by the Council at the Regular Session on August 23rd.

At the August 23rd Regular Session, the Council adopted Am 01 (the Amendment by Substitution) as amended by Am 1 (or A) and Am 3 (or C) which are briefly noted below:

- *Am 1 (or A) to the Amendment by Substitution amended BMC 15.36.020 (Eligibility), BMC 15.36.060 (Issuance and revocation of permits), BMC 15.36.080 (Expiration of Permits), and BMC 15.36.090 (Disposition of revenue; and*
- *Am 3 (or C) to the Amendment by Substitution further amended BMC 15.36.060 (Issuance and revocation of permits).*

Distributed to: Mayor, Clerk, Council Administrator, Legal, Controller, Police, Parking Enforcement, Planning and Transportation