

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL

PROPOSAL NO. 229, 2010

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 08/23/2010

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillor Malone

DIGEST: approves and authorizes the execution of a concession agreement to grant a concessionaire the right to operate, maintain and improve the metered parking system of the City of Indianapolis and amends the Code to provide for, among other things, new metered parking zones, hours of operation and rates for the metered parking system in accordance with the provisions set forth in such concession agreement

SOURCE:

Initiated by: Office of the Mayor

Drafted by: Mark A. Mertz, Assistant Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: August 18, 2010

CITY-COUNTY ~~SPECIAL~~ GENERAL ORDINANCE NO. _____, 2010

A PROPOSAL for a ~~special~~ general ordinance to approve and authorize the execution of a concession agreement to grant a concessionaire the right to operate, maintain and improve the metered parking system of the City of Indianapolis, Indiana and amend the Revised Code to provide for, among other things, new metered parking zones, hours of operation and rates for the metered parking system in accordance with the provisions set forth in such concession agreement.

WHEREAS, the City of Indianapolis, Indiana (the "City") owns and operates a metered parking system (the "Metered System"), and the City previously distributed a Request for Qualifications (the "RFQ") and subsequently an information memorandum to certain third parties that had expressed an interest in operating and maintaining the Metered System as a concessionaire (the "Concessionaire"); and

WHEREAS, the City believes, based on discussions with interested third parties and with representatives of other cities, that an agreement with a Concessionaire would have the following benefits: optimize the utilization of the Metered System assets, increase the convenience and quality of services for the public users of the Metered System, support the City's economic development efforts, upgrade parking meter technology and modernize outdated parking meter equipment, enhance efficiencies in the collection of parking meter and enforcement revenue and raise revenue to fund key infrastructure projects; and

WHEREAS, the City provided notice pursuant to IC 5-23-5, *et seq.* on behalf of the City, the Capital Improvements Board of Managers of Marion County, Indiana (the "CIB"), and the Health and Hospital Corporation of Marion County, Indiana (the "HHC"), and other specified governmental entities (collectively referred to as the "Project Partners") that the Project Partners had issued the RFQ for use in the Project Partners' evaluation of a potential long-term operating agreement or similar arrangements related to certain Project Partner parties and assets (collectively referred to as the "Parking System"); and

WHEREAS, the provisions of IC 5-23, *et seq.*, related to the approval of a public-private agreement have been satisfied, including without limitation the publication of notice of a public hearing on the proposed Concession Agreement as defined below; and

WHEREAS, IC 36-9-12, *et seq.* provides, *inter alia*, that (i) a municipality may establish by ordinance rules and regulations for the operation of parking meters and the collection of license fees by users of the meters, (ii) all parking meter license fees shall be deposited in a special parking meter fund established by the City controller, (iii) all disbursements from the special parking meter fund may be used for identified purposes, including without limitation, the repair and maintenance of public ways, curbs and sidewalks, and (iv) any expenditures of the license fees deposited in the special parking meter fund must be approved by way of specific appropriations in the same manner the City-County Council appropriates other public money; and

WHEREAS, the City has negotiated a public-private agreement in the form of a concession agreement (the "Concession Agreement"), with Affiliated Computer Services, Inc., a Xerox Company, or its designee (as approved by the City) (hereinafter, the "Concessionaire") and has determined that it is in the best interest of the inhabitants of the City (i) for the City to execute and deliver the Concession Agreement in exchange for the payment to the City by the Concessionaire of \$10.0 million at closing, \$10.0 million to be paid within the time period specified in the Concession Agreement and a share of certain revenues related to the Metered System received by the Concessionaire to be paid as set forth in the Concession Agreement (the "Consideration"), (ii) for the Consideration to be deposited in the City's special parking meter fund, (iii) for the Metered System to be operated, maintained and improved by the Concessionaire, (iv) for the Concessionaire to collect the revenue from operation of the Metered System, (v) for the Concessionaire or its designees to provide the enforcement (but not the adjudication) of the Revised Code related to the Metered System operation and residential parking permits, and (vi) for the City to receive certain of the enforcement revenue from operation of the Metered System all as more specifically set forth in the Concession Agreement; and

WHEREAS, IC 36-1-3 authorizes the City to exercise Home Rule powers; and

WHEREAS, the City-County Council desires to adopt this Ordinance and authorize the appropriate officers of the City to execute the Concession Agreement in the form attached hereto as "Exhibit A"; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby (i) approves the substantially final form of the Concession Agreement in the form attached hereto as "Exhibit A", with the schedules attached thereto, (ii) authorizes the appropriate officers of the City to execute and deliver the Concession Agreement with such changes to "Exhibit A" as are reasonably necessary upon the approval of the Corporation Counsel as to form and legality and such changes to the schedules attached to the Concession Agreement, and to take all actions and to execute all documents necessary or appropriate consistent with the terms of the Concession Agreement, (iii) authorizes the City to accept the Consideration from the Concessionaire under the Concession Agreement in advance of the parking license fees that would otherwise be received by the City from the operation of the Metered System, (iv) directs such Consideration to be deposited into the special parking meter fund to be used for the purposes specified by this Ordinance, and (v) authorizes the Corporation Counsel to review the Revised Code and prepare any other necessary proposals to amend the Revised Code to reflect the concession of the Metered System and shall refer such proposals to the City-County Council for consideration. Any amendments to the Concession Agreement that could reasonably be expected to have an material adverse impact to the City (with materiality defined to be an adverse impact of at least five million dollars (\$5,000,000) in any calendar year) or any change of the Operator (as defined in the Concession Agreement) shall require the prior approval of the City-County Council.

SECTION 2. Section 621-100 of the "Revised Code of the Consolidated City and County," regarding definitions of terms in Chapter 621, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 621-100. Definitions.

(a) The terms used in this chapter shall have the meanings ascribed to them in Section 441-101 of the Code.

(b) In addition, the following terms as used in this chapter shall have the meanings ascribed to them in this section.

Adjusted for inflation means adjusted by the percentage increase, if any, or decrease, if any, in the Index during the applicable adjustment period.

Concession Agreement means any definitive agreement entered into between the city and a concessionaire to operate, maintain and improve the parking meter spaces.

Concessionaire means a party designated by the city to operate, maintain and improve the parking meter spaces.

Index means the "Consumer Price Index – United States, All Items" (not seasonally adjusted) as published by the U.S. Department of Labor, Bureau of Labor Statistics; provided, however, that if the Index is changed so that the base year of the Index changes, the Index shall be converted in accordance with the conversion factor published by the U.S. Department of Labor, Bureau of Labor Statistics; provided further that if the Index is discontinued or revised during the Term, such other index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

Parking meter or meter means any device or meter operated either manually or automatically, as prescribed in this article, which is placed or erected for the regulation of parking of vehicles for specific periods of time upon the public streets and places of the city by authority of this article or otherwise.

Parking meter space means the space or the section of the street adjacent to the curb or edge of the roadway indicated by lines painted or otherwise durably marked on the surface of the street and curb, or otherwise plainly indicated, and regulated by parking meters, in which space vehicles may be parked for the respective periods of time hereinafter prescribed, as indicated for each such space upon or near the parking meters.

Parking meter zone 1, parking meter zone 2, parking meter zone 3, and parking meter zone 4 each means the numbered zone established in Section 621-201 of the Code.

Payment means the form or forms of acceptable payment as designated on or near the parking meter.

Placard means a valid placard issued by the city to an employee of the city, or any other person, which allows such person to be exempt from payment for parking in a parking meter space.

Special Events means any event that (i) does not occur annually or more frequently than annually; (ii) has an expected average daily attendance of more than seventy-five thousand (75,000) persons; (iii) in the reasonable judgment of the city, requires the temporary closure of at least fifty percent (50%) of the parking meter spaces in any given parking meter zone for a period of at least seven (7) business days in a calendar year in connection with the event and (iv) in which the city has agreed to offer free parking meter spaces to the hosting entity as a condition to award of the event to the city. Special Events specifically include, but are not limited to, those listed on Schedule 10 of the Concession Agreement regardless if such events meet the foregoing criteria.

SECTION 3. Article II of Chapter 621 of the "Revised Code of the Consolidated City and County," regarding parking meters, hereby is REPEALED.

SECTION 4. Chapter 621 of the "Revised Code of the Consolidated City and County," regarding parking, standing and stopping restrictions, hereby is amended by the addition of a NEW Article II, to read as follows:

ARTICLE II. PARKING METERS

DIVISION 1. PARKING METER ZONES

Sec. 621-201. Parking meter zones established; location of parking meters.

(a) The streets, portions of streets and public rights-of-way designated in this subsection are established as parking meter zones as set forth below.

- (1) *Parking meter zone 1* hereby is established to include all public rights-of-way located within the area described as follows:

Beginning at the intersection of the west right-of-way line West Street and the north right-of-way line of New York Street; thence east to the west right-of-way line of Delaware Street; thence north to the north right-of-way line of Allegheny Street; thence east to the west right-of-way line of Alabama Street; thence north to the north right-of-way line of Michigan Street; thence east to the west right-of-way line of Massachusetts Avenue; thence northeast to the north right-of-way line of St. Clair Street; thence east to the east right-of-way line of Massachusetts Avenue; thence southwest to the east right-of-way line of East Street; thence south to the north right-of-way line of Vermont Street; thence east to the east right-of-way line of East Street; thence south to the south right-of-way line of Vermont Street; thence west to the east right-of-way line of Alabama Street; thence south to the south right-of-way line of Maryland Street; thence west to the east right-of-way line of Delaware Street; thence south to the north right of way line of the Consolidated Rail Corporation (Conrail) that runs through Union Station; thence west to the west right-of-way line of Delaware Street; thence north to the south right of way line of Maryland Street; thence west to the east right-of-way line of Pennsylvania Street; thence south to the south right-of-way line of Jackson Place; thence west to the west right-of-way line of Capitol Avenue; thence north to the south right-of-way line of Maryland Street; thence west to the west right-of-way line of West Street; and north to the point of beginning.

- (2) *Parking meter zone 2* hereby is established to include all public rights-of-way located within the areas described as follows:

- a. The entire right-of-way width of University Boulevard from the north curblineline of New York Street to the south curblineline of Michigan Street;
- b. Beginning at the intersection of the west right-of-way line of Meridian Street and the north right-of-way line of St. Joseph Street, thence east to the east right-of-way line of Pennsylvania Street, thence south to the south right-of-way line of North Street, thence west to the west right-of-way line of Meridian Street, and thence north to the point of beginning;
- c. The entire right-of-way width of Massachusetts Avenue from the north right-of-way line of St. Clair Street to the south curblineline of Tenth Street;
- d. Beginning at the intersection of the west right-of-way line of Senate Avenue and the north right-of-way line of Vermont Street, thence east to the west right-of-way line of Delaware Street, thence south to the north right-of-way line of New York Street, thence west to the west right-of-way line of Senate Avenue, and thence north to the point of beginning;
- e. Beginning at the intersection of the east right-of-way line of Alabama Street and the south right-of-way line of Vermont Street, thence east to the east right-of-way line of Cleveland Street, thence south to the north right-of-way line of Ohio Street, thence east to the east right-of-way line of East Street, thence south to the south right-of-way line of Washington Street, thence west to the east right-of-way line of New Jersey Street, thence south to the south right-of-way line of Pearl Street, thence west to the west right-of-way line of New Jersey Street, thence north to the south right-of-way line of Washington Street, thence west to the east right-of-way line of Alabama Street, and thence north to the point of beginning provided, however, the meters located on the east and west sides of New Jersey in between the south right-of-way line of New York Street and the north right-of-way line of Ohio Street shall be designated as parking meter zone 3;

- f. Beginning at the intersection of the west right-of-way line of Illinois Street and the south right-of-way line of Jackson Place, thence east to the east right-of-way line of Meridian Street, thence south to the north right-of-way line of South Street, thence east to the west curblines of Pennsylvania Street, thence south to the south right-of-way line of South Street, thence west to the east right-of-way line of Illinois Street, thence south to the north curblines of Merrill Street, thence west to the west right-of-way line of Illinois Street, thence north to the south right-of-way line of South Street, thence west to the east curblines of Capitol Avenue, thence north to the north right-of-way line of South Street, thence east to the west right-of-way line of Illinois Street, and thence north to the point of beginning;
 - g. The entire right-of-way width of Meridian Street from the north curblines of McCarty Street to the south curblines of Merrill Street; and
 - h. The entire right-of-way width of Capitol Avenue from the north curblines of 19th Street to the south curblines of 13th Street.
- (3) *Parking meter zone 3* hereby is established to include all public rights-of-way located in the city that are not located within parking meter zones 1, 2 and 4.
- (4) *Parking meter zone 4* hereby is established to include all public rights-of-way located within the areas described as follows:

Beginning at the intersection of the west right-of-way line of College Avenue and the north right-of-way line of Westfield Boulevard; thence curving northeasterly and east to the east right-of-way line of Winthrop Avenue; thence south to the south right-of-way line of Broad Ripple Avenue; thence west to the east right-of-way line of Guilford Avenue; thence south to the north curblines of Sixty-Second Street; thence west to the west right-of-way line of Guilford Avenue; thence north to the south right-of-way line of Broad Ripple Avenue; thence west to the east right-of-way line of College Avenue; thence south to the north curblines of Sixty-Second Street; thence west to the west right-of-way line of College Avenue; and thence north to the point of beginning.

(b) The location of parking meters, and the addition of any new parking meters, will be as set forth in the Concession Agreement.

Sec. 621-202. Motorcycle parking meter zones established.

The portions of streets designated in this subsection are established as motorcycle parking meter zones, as follows:

Jackson Place, on the north side, from a point thirty-nine (39) feet east of the east curblines of McCrea Street to a point seventy-eight (78) feet east of the east curblines of McCrea Street;

Meridian Street, on the east side, from a point twenty-eight (28) feet south of the south curblines of Georgia Street to a point sixty-nine (69) feet south of the south curblines of Georgia Street; and

Virginia Avenue, on the south side, from a point one hundred and forty (140) feet east of the east curblines of Pennsylvania Street to a point one hundred and sixty (160) feet east of the east curblines of Pennsylvania Street.

DIVISION 2. USE OF PARKING METER SPACES

Sec. 621-221. When use of parking meter spaces prohibited.

(a) Whenever the provisions of this chapter prohibit a vehicle from being parked, stopped, or left standing:

- (1) Between certain hours or during certain specified periods of time of any or all days, upon certain designated streets in the city or portions thereof; or

- (2) Temporarily at any particular time in an emergency or under any circumstances referred to elsewhere in this chapter;

no driver or operator of a vehicle shall park a vehicle, or permit it to be stopped or left standing, at any such times in any parking meter space, notwithstanding anything to the contrary contained in this article.

(b) Where signs are posted in any block of a street or in any public place, or where a law enforcement officer gives verbal orders, giving notice of any such prohibited times or other parking restrictions, all persons shall take notice thereof and shall not park, stop or leave standing a vehicle in any such parking meter space, contrary to such signs or verbal orders.

(c) In addition, the board of public works in its discretion may give further such notices at any time by so indicating on plates or signs attached to or near each parking meter.

(d) A violation of this section shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Code.

Sec. 621-222. Manner of parking in parking meter spaces.

(a) Parallel-to-curb parking shall be used in all parking meter spaces, and vehicles shall not be parked otherwise except where angle parking, as provided by Section 621-108, or other manner of parking is specifically permitted by the Code.

(b) Where parallel-to-curb parking is required in a parking meter zone using one (1) meter per post, a vehicle shall be parked such that no part of the vehicle extends beyond a line perpendicular to the curb and even with any parking meter. In instances of an end parking space, where there is no such meter post, no part of the vehicle shall extend beyond a line perpendicular to the curb and even with an area not designated as a parking meter space.

(c) Where parallel-to-curb parking is required in a parking meter zone using two (2) meters per post, a vehicle shall be parked such that no part of the vehicle extends beyond a line perpendicular to the curb and even with any parking meter. Further, such vehicle shall be parked so that no part of the vehicle extends beyond a line perpendicular to the curb at the point half the distance to the next meter post. In instances of an end parking space, where there is no such meter post, no part of the vehicle shall extend beyond a line perpendicular to the curb and even with an area not designated as a parking meter space.

(d) Where parallel-to-curb parking is required in that area of a parking meter zone where there are no posts, a vehicle shall be parked:

- (1) Such that no part of the vehicle extends beyond a line perpendicular to clear markings on the curb or as otherwise indicated; or
- (2) Absent markings, wherever such vehicle may legally fit within such parking meter area.

(e) It shall be a violation of this Code to park a vehicle in a parking meter space in a manner not authorized in this section.

Sec. 621-223. When time limits and charges are in effect.

(a) Except as otherwise set forth in this section or as extended by the Concessionaire with the agreement of the city during Special Events, wherever parking meters are installed and placed in a condition to operate as provided in this article, the charges and time limits and for parking in a parking meter space, as provided in Sections 621-225 and 621-226 of the Code, shall be in effect as follows:

- (1) On Mondays through Saturdays, inclusive, between the hours of 7:00 a.m. and 9:00 p.m. prevailing local time for parking meter zone 1;
- (2) On Mondays through Saturdays, inclusive, between the hours of 7:00 a.m. and 8:00 p.m. prevailing local time for parking meter zone 2;

- (3) On Mondays through Fridays, inclusive, between the hours of 7:00 a.m. and 6:00 p.m. prevailing local time for parking meter zone 3; and
- (4) On Mondays through Saturdays, inclusive, between the hours of 7:00 a.m. and 9:00 p.m. prevailing local time for parking meter zone 4.

(b) The provisions of subsection (a) shall not apply on the following legal state and national holidays, when there shall be no time limits or charges for parking:

- (1) New Year's Day;
- (2) Dr. Martin Luther King Day;
- (3) Presidents Day;
- (4) Memorial Day;
- (5) Independence Day;
- (6) Labor Day;
- (7) Thanksgiving Day; and
- (8) Christmas Day.

(c) The provisions of subsection (a) shall not apply at times or places when or where parking is prohibited by any provision of this Code, or is temporarily prohibited by orders of the police or fire departments, or the department of public works.

Sec. 621-224. Duty of driver upon entering parking meter space; exemption.

(a) Except as provided in subsection (b) this section, when a vehicle is parked in a parking meter space during times when parking charges are in effect as provided in this article, the driver or operator of the vehicle, or someone acting for him or her, upon entering such parking space shall immediately deposit in the parking meter payment for the period of time desired for parking, but not in excess of the maximum limit of time limit at such place. The driver or operator of the vehicle, or someone acting for him or her, also shall do such other things as the directions for the operation of the parking meter may require. The parking meter space may then be used by such vehicle for the period of time paid for, but not in excess of the maximum limit of time designated therefor on the face of the meter, or otherwise.

(b) *Exemption for driver displaying a placard.* A person who parks a vehicle which clearly displays a placard, shall be exempt from the duty to make parking meter payments under this article. This exemption shall remain in full force and effect until the later of (i) thirty (30) days after the Concessionaire has implemented electronic metering in parking meter zone 1, parking meter zone 2 and parking meter zone 4 and (ii) the implementation of an employee parking program as set forth in the Concession Agreement, after which time all placards shall be null and void. Such person shall remain subject to all other restrictions and requirements applicable to the use of parking meter spaces.

Sec. 621-225. Parking meter charges.

(a) The maximum hourly charges for parking in a parking meter space, at all times when such charges are in effect as provided by this article, shall be as follows:

- (1) *Parking meter zone 1 and parking meter zone 4:*
 - a. \$0.75 until the implementation of electronic metering devices for each parking meter space in each respective parking meter zone, at which time the charge will increase to \$1.00 after January 1, 2011;

- b. \$1.50 after January 1, 2012; and
- c. \$1.50 as Adjusted for Inflation after January 1, 2013;

(2) *Parking meter zone 2:*

- a. \$0.75 until the implementation of electronic metering devices for each parking meter space in the parking meter zone, at which time the charge will increase to \$1.00 after January 1, 2011; and
- b. \$1.00 as Adjusted for Inflation after January 1, 2012; and

- (3) *Parking meter zone 3:* \$0.75 until the implementation of electronic metering devices for each parking meter space in the parking meter zone, at which time the charge will increase to \$1.00 as Adjusted for Inflation after January 1, 2012.

Any increase in the maximum hourly charge that is Adjusted for Inflation shall be in increments of \$0.25 and be rounded down accordingly.

(b) A Concessionaire shall have the ability to charge any fee for any parking meter space, provided that such charge for parking in a parking meter space is equal to or less than the maximum fee set forth in subsection (a).

(c) A Concessionaire may, with the prior written approval of the city and subject to the terms of the Concession Agreement, temporarily increase the applicable fee for parking in any parking meter space for the Special Events.

Sec. 621-226. Parking time limits in parking meter spaces.

(a) The maximum period of time during which a vehicle may be continuously parked, stopped or left standing in one (1) parking meter space, at all times when such time limits are in effect, as provided by this article shall be four (4) hours, subject to the following:

- (1) Concessionaire may allow extended periods of stay to increase utilization in underused areas when average utilization is less than fifty percent (50%) for the prior one year period. Whenever the Concessionaire opts to extend a period of stay, it shall comply with the provisions set forth in the Concession Agreement and shall provide notice to customers on the device. If average utilization increases above eight-five percent (85%) on a block that is not adjacent to a parking lot, the Concessionaire shall work with the city to reduce the maximum duration, provided that such maximum duration shall not be less than two (2) hours.

(b) It shall be unlawful for a person to leave a vehicle continuously parked, stopped or left standing in a parking meter space beyond the maximum period of time provided in this section, whether or not such person has deposited any additional payment therefor, and whether or not the parking meter is inoperable or malfunctioning.

(c) A violation of this section shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Code.

Sec. 621-227. Overtime parking.

(a) When time limits and charges are in effect as provided in Section 621-223, it shall be unlawful for a person to leave a vehicle continuously parked, stopped or left standing in a parking meter space beyond the expiration of the time initially paid to park there, unless such person has deposited additional payment therefor prior to such expiration; provided, however, there shall be no violation of this section if:

- (1) The meter is inoperable or malfunctioning through no fault of such person; and

- (2) Such person, in compliance with the posted directions on the meter, reports the meter as inoperable or malfunctioning within twenty-four (24) hours of parking the vehicle in the parking meter space.

(b) A violation of this section shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Code.

Sec. 621-228. Depositing slugs or spurious payment in parking meters.

It shall be a violation of this Code for any person to deposit or cause to be deposited in any parking meter any slug, device or substitute for payment.

Sec. 621-229. Defacing or injuring parking meters.

It shall be a violation of this Code for any person, not authorized by the city, to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.

DIVISION 3. ENFORCEMENT

Sec. 621-231. Responsibility for enforcement of this article.

The provisions of this article may be enforced by law enforcement personnel, and a concessionaire or its designee.

Sec. 621-232. Notice of violation of this article.

Whenever the city or any other person is designated by the city in writing to be responsible for the enforcement of this article, shall find that any provision of this article or Code is being or has been violated by the owner, driver or operator of any vehicle, the duly authorized city representative (or any other authorized person) shall notify in writing the owner, driver or operator of the violation.

DIVISION 4. METER FUND

Sec. 621-241. Meter receipts to be credited to parking meter fund; purpose.

All amounts received by the city related to the operation of any parking meter, including the Consideration, shall be deposited and kept in a special fund, known as the "parking meter fund," to be set up in a budget, approved by the city-county council, and shall be under the control, orders and directions of the board of public works. Disbursements from such fund shall be made only for the following purposes, unless otherwise authorized by any relevant statute or required by any contract:

- (1) For the payment of the cost of repairing and maintaining any of the public ways, curbs, and sidewalks where the parking meters are in use, ~~and all public ways connected with them in the city;~~
- (2) For the payment of the cost of traffic signal devices used in the city;
- (3) For the payment of the cost of acquiring, by lease or purchase, suitable land for offstreet parking facilities;
- (4) For payment of the cost of improving and maintaining land for parking purposes; and
- (5) For any other uses that may be permitted under Indiana law.

Provided, however, no expenditures shall be for improvements that are not in a parking meter zone as established in Sec. 621-201.

Sec. 621-242. Expenditures from parking meter fund.

The board of public works shall have the right and authority to expend the moneys in the parking meter fund for the purposes provided in Section 621-241 following appropriation therefore by the city-county council. Following such appropriation and upon receipt of a proper voucher of the board of public works, which voucher shall be signed by the president or vice-president and the executive clerk of the board, as is now required by law for other expenditures of city funds by the board of public works, the controller shall deliver to the auditor an order to issue a warrant for such expenditure. Upon receipt of such order from the controller, the auditor shall draw a warrant for such expenditures. All moneys remaining in the treasury to the credit of the parking meter fund at the end of any calendar year shall remain in such fund, available for all its uses, and shall not revert to the general fund of the city; but the city-county council shall have the right to transfer any unneeded balance, or part thereof, at the end of any year to the city general fund, or as otherwise authorized by law.

SECTION 5. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding the schedule of civil penalties designated for specific ordinance violations, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 103-52. Schedule of Code provisions and penalties.

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
293-321	Failure to file economic statement of interest--First offense	50.00
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load--First offense in calendar year	50.00
391-302	Unlawful noise--First offense in calendar year	50.00
407-103	Loitering--First offense in calendar year	50.00
407-201	Unlawful fireworks use, ignition or discharge--First offense	100.00
431-108	Parking prohibited for street repairs and cleaning	20.00
431-314	Premises address violation--Second offense in calendar year	25.00
431-602	Bicycles--Second violation in a twelve-month period regarding children under twelve	50.00
431-603	Unlawful operation of bicycle--First violation in a twelve-month period	50.00
431-604	Unattended bicycle or bicycle not in operation—First violation in a twelve-month period	50.00
431-604	Unattended bicycle or bicycle not in operation—Second violation in a twelve-month period	100.00
431-604	Unattended bicycle or bicycle not in operation—Third violation in a twelve-month period	200.00
431-702	Prohibited activity in roadways--First violation in twelve-month period	25.00
431-703	Interference with vehicular traffic--First violation in twelve-month period	25.00
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	20.00
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	20.00
441-374	Bicycle path or lane—First violation in a twelve-month period	50.00
441-407	Display of unauthorized traffic controls	15.00
441-408	Interference with traffic control devices	15.00
441-503	Consumption or possession by operator of motor vehicle--First offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages--First offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large--First offense in twelve-month period	50.00

531-202	No dog or cat permanent identification--First offense	50.00
531-202	No dog or cat permanent identification--Second and subsequent offenses	100.00
531-301	No dog or cat antirabies vaccination--First offense	100.00
531-302	No antirabies vaccination tag on dog or cat--First offense in twelve-month period	25.00
531-302	No antirabies vaccination record for feral cat colony--First offense in twelve-month period	25.00
611-403	Unlawful loading or unloading of private bus	15.00
611-501	Unlawful stopping of food vendor vehicle	15.00
611-502	Violation of noise restriction on food vendors	15.00
611-504	Failure of food vending vehicle to display required warnings	15.00
611-506	Unlawful vending from other than curbside of vending vehicle	15.00
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	20.00
621-108	Unlawful manner of parking	20.00
621-109	No required lights on certain parked vehicles	20.00
621-110	Violation of handicapped parking restrictions	100.00
621-111	Unlawful parking in handicapped parking meter zone	100.00
621-112	Unloading perpendicular to curb without permit	20.00
621-113	Unlawful use of bus stops and taxicab stands	20.00
621-114	Unlawful use of passenger and loading zones	20.00
621-115	Unlawful parking adjacent to certain buildings	20.00
621-116	Unlawful parking for display for sale or advertising	20.00
621-117	Unlawful parking for more than six (6) hours	20.00
621-118	Unlawful parking of commercial vehicles at night	20.00
621-119	Unlawful parking in alleys or on certain narrow streets	20.00
621-120	Unlawful parking in designated special parking areas	20.00
621-121	Parking on certain streets where prohibited at all times	20.00
621-122	Stopping, standing or parking on streets where prohibited at all times	20.00
621-123	Parking on certain streets where prohibited at all times on certain days	20.00
621-124	Parking on certain streets when prohibited at certain times on certain days	20.00
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	20.00
621-127	Unlawful outdoor storage of inoperable motor vehicle--First offense in a twelve-month period	50.00
621-127	Unlawful outdoor storage of inoperable motor vehicle--Second offense in a twelve-month period	250.00
621-203	Parking in excess of time permitted in parking meter zone	20.00
621-210221	Parking in meter zone parking meter space when temporarily prohibited	20.00
621-226	Parking in excess of maximum time permitted in parking meter space	20.00
621-216227	Overtime parking in metered parking space Expired parking meter	20.00
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	20.00
621-405	Unlawful parking in certain mailbox zones	20.00
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center--Non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	75.00
621-502	Unlawful obstruction of fire lane	75.00
631-102	In park after hours--First offense in calendar year	50.00
631-109	Alcohol in park--First offense in calendar year	50.00

645-528	Skateboard or similar play device--First offense in calendar year	50.00
706-105	Water conservation violation--First offense in twelve-month period	100.00
706-105	Water conservation violation--Second offense in twelve-month period	250.00
730-505	Civil zoning violations--First offense in calendar year	50.00
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00
811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00
811-311	Fourth false alarm in all other calendar years	100.00
811-704	Second faulty fire alarm in twelve-month period	25.00
811-704	Third faulty fire alarm in twelve-month period	50.00
811-704	Fourth faulty fire alarm in twelve-month period	75.00
875-702	Construction activity without required license, listing or registration – First offense in twelve-month period	250.00
Ch. 895	Horse-drawn carriage violation--First offense in twelve-month period	100.00
Ch. 903	Pedal cab violation--First offense in twelve-month period	100.00
931-305	Excessive parking charge at commercial parking facility--First offense in twelve-month period	100.00
996-77	No monthly taxicab certificate--First offense in twelve-month period	25.00
996-123	Failure to maintain public vehicle for hire--First offense in twelve-month period	25.00
996-124	Taxicab operator dress code violation--First offense in twelve-month period	25.00
996-126	Failure to display licenses or fare schedule--First offense in twelve-month period	25.00
996-138	Taxicab operator exceeding limitation on hours--First offense in twelve-month period	25.00

SECTION 6. The expressed or implied repeal or amendment by this Ordinance of all or any part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 7. Should any provision (section, paragraph, sentence, clause, or any other portion) of this Ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this Ordinance. To this end the provisions of this Ordinance are severable.

SECTION 8. SECTION 1 and SECTION 8 of this Ordinance shall be in effect from and after their passage by the Council and compliance with Ind. Code § 36-3-4-14. SECTION 2 through SECTION 7 of this Ordinance, inclusive, shall be in effect from and after their passage by the Council and compliance with Ind. Code § 36-3-4-14, or November 29, 2010, whichever last occurs.

The foregoing was passed by the City-County Council this _____ day of _____, 2010, at _____ p.m.

ATTEST:

Ryan Vaughn
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2010, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2010.

Gregory A. Ballard, Mayor

Exhibit A
Form of Concession Agreement

[For informational purposes only—will be included in the Concession Agreement]

Location of Parking Meters

Parking Meter Locations for Motor Vehicles

Delaware Street, on the west side, from a point one hundred forty-two (142) feet north of Market Street, to a point two hundred twenty-one (221) feet north of Market Street;

Market Street, on the south side, from a point sixty-seven (67) feet east of Capitol Avenue, to a point one hundred fifty-four (154) feet east of Capitol Avenue.

Market Street, on the north side, from Delaware Street to Alabama Street;

Alabama Street, on the west side, from Ohio Street to a point 169 feet south of Ohio Street;

Blackford Street, on the east side, from a point 671 feet south of New York Street, to a point 495 feet south of New York Street;

East Street, on the east side, from a point 35 feet north of Georgia Street, to a point 295 feet north of Georgia Street;

East Street, on the west side, from a point eighteen (18) feet north of Wabash Street to a point one hundred twenty-one (121) feet north of Wabash Street;

Market Street, on both sides, from a point 114 feet east of the east curblineline of Alabama Street to a point 114 feet west of the west curblineline of New Jersey Street;

Market Street, on both sides, from Capitol Avenue to Illinois Street;

Market Street, on both sides, from Pennsylvania Street to Delaware Street;

South Street, on both sides, from Capitol Avenue to Illinois Street;

University Boulevard, on the east side, from a point 174 feet north of New York Street to a point 483 feet north of New York Street;

Wabash Street, on the south side, from Illinois Street to Capitol Avenue;

Ninth Street, on the both sides, from Illinois Street to Meridian Street

Ninth Street, on the south side, from a point 240 feet east of Meridian Street to Pennsylvania Street

Eleventh Street, on the south side, from a point 190 feet east of Dr. Martin Luther King Jr. Street, to a point 326 feet east of Dr. Martin Luther King Jr. Street;

Eleventh Street, on the south side, from a point 378 feet east of Dr. Martin Luther King Jr. Street, to a point 738 feet east of Dr. Martin Luther King Jr. Street;

Eleventh Street, on the south side, from a point 862 feet east of Dr. Martin Luther King Jr. Street to Senate Avenue;

Fifteenth Street, on the south side, from Capitol Avenue to Illinois Street;

Alabama Street, on both sides, from Ohio Street to St. Clair Street;

Audubon Road, on both sides, from a point 30 feet north of the north curblineline of Washington Street, to a point 135 feet north of Washington Street;

Broad Ripple Avenue (Sixty-third Street), on both sides, from College Avenue to Winthrop Avenue;

Capitol Avenue, on the east side, from Thirteenth Street to Fifteenth Street;

Capitol Avenue, on the east side, from Georgia Street to a point 300 feet south of Georgia Street;

Capitol Avenue, on the east side, from a point 205 feet north of Ohio Street to Washington Street;

Capitol Avenue, on the east side, from St. Clair Street to New York Street;

Capitol Avenue, on the west side, from Thirteenth Street to Sixteenth Street;

Capitol Avenue, on the west side, from St. Clair Street to Ohio Street;

Capitol Avenue, on the west side, from Maryland Street to a point 180 feet north of Maryland Street;

Capitol Avenue, on the west side, from 120 feet south of Washington Street, to a point 50 feet south of Washington Street;

Carrollton Avenue, on the west side, from Sixty-second Street to Broad Ripple Avenue (Sixty-third Street);

Chesapeake Street, on the south side, from Pennsylvania Street to Meridian Street;

College Avenue, on both sides, from Sixty-second Street to Broad Ripple Avenue (Sixty-third Street);

Court Street, on the south side, from Talbot Street to Pennsylvania Street;

Delaware Street, on the east side, from Ohio Street to St. Clair Street;

Delaware Street, on the west side, from Consecoco Court to Michigan Street;

Delaware Street, on the west side, from North Street to St. Clair Street;

Delaware Street, on the west side, from Wabash Street to Michigan Street;

Fort Wayne Avenue, on the northwest side, from Pennsylvania Street to St. Clair Street;

Frontage Road, on the south side, from a point west of the taxicab stand, from the sheriff's cars zone to the taxicab stand;

General hospital off-street parking lot located between the north side of the hospital and the south side of West Tenth Street;

Georgia Street, on the north side, from Capitol Avenue to Delaware Street;

Georgia Street, on the south side, from a point 90 feet east of Capitol Avenue to Pennsylvania Street;

Guilford Avenue, on both sides, from Broad Ripple Avenue (Sixty-third Street) to Westfield Boulevard;

Guilford Avenue, on the west side, from Sixty-second Street to Broad Ripple Avenue (Sixty-third Street);

Hudson Street, on the east side, from Ohio Street to New York Street;

Illinois Street, on the east side, from Jackson Place to Walnut Street;

Illinois Street, on the east side, from St. Clair Street to Tenth Street;

Illinois Street, on the east side, from South Street to a point 240 feet south of Jackson Place North Drive;

Illinois Street, on the west side, from Louisiana to Maryland Street;

Illinois Street, on the west side, from a point 200 feet south of New York Street to Eleventh Street;

Illinois Street, on the west side, from Washington Street to Ohio Street;

Indiana Avenue, on both sides, from New York Street to North Street;

Jackson Place, on the north side, from Illinois Street to Meridian Street;

Louisiana Street, on the north side, from Alabama Street to New Jersey Street;

Louisiana Street, on the north side, from McCreas Street to Meridian Street;

Market Street, on the north side, from Illinois Street to Monument Circle;

Market Street, on the north side, from Monument Circle to a point 138 feet east of Monument Circle;

Market Street, on the south side, from a point 73 feet east of Illinois Street to Monument Circle;

Market Street, on the south side, from Monument Circle to Pennsylvania Street;

Maryland Street, on both sides, from Capitol Avenue to Delaware Street;

Maryland Street, on the north side, from Missouri Street to Capitol Avenue;

Massachusetts Avenue, on both sides, from Delaware Street to 10th Street;

McCreas Street, on the west side, from Jackson Place, South Drive, to Louisiana Street;

Meridian Street, on both sides, from Seventeenth Street to Nineteenth Street;

Meridian Street, both sides, from Monument Circle to Ohio Street;

Meridian Street, on the east side, from Thirteenth Street to a point 157 feet south of Sixteenth Street;

Meridian Street, on the east side, from a point 118 feet north of Georgia Street to Washington Street;

Meridian Street, on the east side, from Louisiana Street to Georgia Street;

Meridian Street, on the east side, from Norwood Street to Merrill Street;

Meridian Street, on the east side, from New York Street to a point 109 feet south of St. Joseph Street;

Meridian Street, on the west side, from a point 165 feet north of Ohio Street to a point 200 feet south of St. Joseph Street;

Meridian Street, on the east side, from Washington Street to a point 189 feet north of Washington Street;

Meridian Street, on the west side, from a point 114 feet north of Thirteenth Street to a point 157 feet south of Sixteenth Street;

Meridian Street, on the west side, from a point 145 feet north of Washington Street to Monument Circle;

Michigan Street, on both sides, from Meridian Street to Pennsylvania Street;

Michigan Street, on the north side, from East Street to New Jersey Street;

New Jersey Street, on both sides, from New York Street to Vermont Street;

New Jersey Street, on both sides, from Pearl Street to Washington Street;

New Jersey Street, on both sides, from Washington Street to New York Street;

New Jersey Street, on both sides, from Vermont Street to St. Clair Street;

New Jersey Street, on the east side, from South Street to Louisiana Street;

New Jersey Street, on the west side, from South Street to Louisiana Street;

New York Street, on the north side, from Delaware Street to a point 170 feet east of Delaware Street;

New York Street, on the north side, from a point 106 feet east of Illinois Street to Meridian Street;

New York Street, on the south side, from Pennsylvania Street to East Street;

North Street, on the north side, from Alabama Street to East Street;

North Street, on the north side, from Meridian Street to a point 100 feet east of Senate Avenue;

North Street, on the north side, from Pennsylvania Street to a point 125 feet east of Meridian Street;

North Street, on the south side, from Alabama Street to New Jersey Street;

North Street, on the south side, from Senate Avenue to a point 150 feet west of Pennsylvania Street;

Ohio Street, on both sides, from Delaware Street to East Street;

Ohio Street, on the north side, from a point 95 feet east of West Street to Capitol Avenue;

Ohio Street, on the north side, from a point 250 feet east of East Street to a point 440 feet east of East Street;

Ohio Street, on the south side, from Capitol Avenue to a point 85 feet west of Capitol Avenue;

Ohio Street, on the south side, from Capitol Avenue to Illinois Street;

Ohio Street, on the south side, from Pennsylvania Street to Delaware Street;

Ohio Street, on the south side, from West Street to a point 85 feet west of Capitol Avenue;
Pearl Street, on the north side, from Pennsylvania Street to Meridian Street;
Pearl Street, on the north side, from Senate Avenue to Missouri Street;
Pennsylvania Street, on the east side, from a point 145 feet south of New York Street to Michigan Street;
Pennsylvania Street, on the east side, from North Street to Tenth Street;
Pennsylvania Street, on the east side, from Ohio Street to Conseco Court;
Pennsylvania Street, on the west side, from South Street to Ohio Street;
Pennsylvania Street, on the west side, from New York Street to Michigan Street;
Pennsylvania Street, on the west side, from Ninth Street to Eleventh Street;
Pennsylvania Street, on the west side, from North Street to a point 246 feet north of St. Clair Street;
Pennsylvania Street, on the east side, from St. Clair Street to a point 395 feet south of Eleventh Street;
Pennsylvania Street, on the west side, from St. Clair Street to Eleventh Street;
St. Clair Street, on the south side, from Meridian Street to Fort Wayne Avenue, except the portion thereof from the northwest curblineline of Fort Wayne Avenue to a point 122 feet west of said curblineline;
East St. Clair Street, on the north side, from Meridian Street to Pennsylvania Street;
St. Joseph Street, on the south side, from Illinois Street to Meridian Street;
St. Joseph Street, on the south side, from Meridian Street to Pennsylvania Street;
Senate Avenue, on the east side, from Tenth Street to Eleventh Street.
Senate Avenue, on both sides, from Fifteenth Street to Sixteenth Street.
Senate Avenue, on both sides, from Michigan Street to Walnut Street;
Senate Avenue, on both sides, from South Street to south property line of Convention Center;
Senate Avenue, on the east side, from Washington Street to Michigan Street, except that point from 248 feet south of Ohio Street to a point 382 feet south of Ohio Street;
Senate Avenue, on the west side, from New York Street to Michigan Street;
Senate Avenue, on the west side, from Washington Street to Miami Street, except that point from 260 feet south of Ohio Street to a point 340 feet south of Ohio Street;
South Street, on both sides, from Illinois Street to Pennsylvania Street;
Vermont Street, on both sides, from Senate Avenue to Alabama Street;
Vermont Street, on the north side, from Alabama Street to Cleveland Street;
Vermont Street, on the south side, from New Jersey Street to East Street;
Vermont Street, on the south side, from New Jersey Street to a point 168 feet west of New Jersey Street;
Vermont Street, on the north side, from West Street to Toledo Street;
Virginia Avenue, on the north side, from Louisiana Street to South Street;
Virginia Avenue, on the south side, from Conrail Railroad to Louisiana Street;
Virginia Avenue, on the north side, from a point 150 feet southeast of Pennsylvania Street to a point 230 feet southeast of Pennsylvania Street;
Virginia Avenue, on the north side, from a point 270 feet southeast of Pennsylvania Street to a point 467 feet southeast of Pennsylvania Street;
Virginia Avenue, on the south side, from a point 150 feet southeast of Pennsylvania Street to a point 467 feet southeast of Pennsylvania Street;
Wabash Street, on the south side, from Alabama Street to New Jersey Street;
Wabash Street, on the south side, from Pennsylvania Street to Delaware Street;
Walnut Street, on both sides, from Delaware Street to Hudson Street;
East Walnut Street, on the north side, from Delaware Street to Talbot Street;
East Walnut Street, on the south side, from Delaware Street to Pennsylvania Street;
West Walnut Street, on both sides, from Meridian Street to Capitol Avenue;
Washington Street, on the north side, from Capitol Avenue to a point 536 feet east of West Street;
Washington Street, on the north side, from Delaware Street to Pennsylvania Street;
Washington Street, on the north side, from Illinois Street to a point 137 feet west of Illinois Street;
Washington Street, on the north side, from a point two hundred sixty-eight (268) feet east of Illinois Street to Pennsylvania Street;
Washington Street, on the north side, from a point 180 feet east of West Street to a point 389 feet east of West Street;
Washington Street, on the south side, from Alabama Street to a point 173 feet west of Capitol Avenue;
Washington Street, on the north side, from East Street to Alabama Street;
Washington Street, on the south side, from a point 224 feet east of Delaware Street to a point 173 feet west of Capitol Avenue;
Washington Street, on the south side, from a point 530 feet west of Capitol Avenue to a point 602 feet west of Capitol Avenue;

Washington Street, on the south side, from a point 1,092 feet west of Capitol Avenue to a point 142 feet east of West Street;

Washington Street, on the south side, from East Street to a point 226 feet east of New Jersey Street;

Westfield Boulevard, on both sides, from Guilford Avenue to Winthrop Avenue;

Westfield Boulevard, on the north side, from College Avenue and to Guilford Avenue;

Winthrop Avenue, on the west side, from Broad Ripple Avenue (Sixty-third Street) to Westfield Boulevard.

Parking Meter Locations for Motorcycles

Jackson Place, on the north side, from a point 39 feet east of the east curblane of McCrea Street to a point 78 feet east of the east curblane of McCrea Street;

Meridian Street, on the east side, from a point 28 feet south of the south curblane of Georgia Street to a point 69 feet south of the south curblane of Georgia Street;

Virginia Avenue, on the south side, from a point 140 feet east of the east curblane of Pennsylvania Street to a point 160 feet east of the east curblane of Pennsylvania Street;