

ORDINANCE 2016-3

**AN ORDINANCE OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AMENDING
SECTION 71 OF THE COUNTY CODE REGARDING COURTHOUSE PARKING LOT RULES AND
REGULATIONS**

WHEREAS, the Board of County Commissioners has recently caused the Courthouse parking lot to be reconstructed in order to improve security, to provide for stormwater drainage and to improve access for those with disabilities;

AND WHEREAS, this project also coincided with a project of the State of Indiana to construct a northbound right turn lane on State Road 231 (Washington Street) which reduced the size of the parking lot;

AND WHEREAS, at the request of the Board, the City of Crawfordsville vacated the alley north of the Courthouse for security reasons, and, therefore, there is no reason to distinguish between the North Courthouse Parking Lot and the Courthouse Parking Area as contained in the current version of Section 71 of the Montgomery County Code;

AND WHEREAS, these projects have required that the parking lot be reconfigured to allow for adequate public parking, Americans with Disabilities Act (ADA) parking, and employee parking;

AND WHEREAS, the Board has reassigned parking to employees and distributed to employees a list of assigned parking for employees;

AND WHEREAS, as a result of these changes to the parking lot, certain amendments are required for Section 71 of the Montgomery County Code which regulates courthouse parking.

IT IS, THEREFORE, ORDAINED that Section 71 of the Montgomery County Code is hereby amended to read as follows:

"CHAPTER 71: COURTHOUSE PARKING

Section

- 71.01 Courthouse parking lot regulations
- 71.02 Definitions
- 71.03 Application of rules and regulations
- 71.04 County employee parking
- 71.05 Public parking
- 71.06 Overnight parking prohibited
- 71.07 Towing of motor vehicles
- 71.08 Enforcement
- 71.99 Penalty

§71.01 COURTHOUSE PARKING LOT REGULATIONS

The purpose of this chapter is to establish rules and regulations for the use of the county parking lot north of the Courthouse. (Ord. 2005-03, passed 3-15-05)

§71.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

COURTHOUSE PARKING LOT. The parking lot located north of the Montgomery County Courthouse in Crawfordsville, Indiana.

(Ord. 2005-03, passed 3-15-05; Ord. 2016-3, passed 1-25-16)

§71.03 APPLICATION OF RULES AND REGULATIONS

(A) The rules and regulations contained in this chapter apply to any and all persons parking in the Courthouse Parking Lot.

(B) Persons parking in the Courthouse Parking Lot agree as a precondition of using the lot or area to follow all rules and regulations contained in this chapter.

(C) The Board of County Commissioners shall post on the Courthouse Parking Lot signs and other information sufficient to inform the public of the rules and regulations contained in this chapter.

(Ord. 2005-03, passed 3-15-05; Ord. 2016-3, passed 1-25-16)

§71.04 COUNTY EMPLOYEE PARKING

(A) The Board of County Commissioners shall from time-to-time assign to certain county employees designated parking spaces in the Courthouse Parking Lot. These assignments shall be posted in the Montgomery County Courthouse, distributed to all county elected officials and department heads, and made available to the public upon request made to the Auditor.

(B) The Board of County Commissioners shall distribute to all persons assigned designated parking places in the Courthouse Parking Lot parking permit tags, stickers, or other identifying markers. These markers shall be prominently displayed in the front window of motor vehicles of these persons.

(C) No county employee shall park in an assigned parking space in the Courthouse Parking Lot without a parking permit tag, sticker or other identifying marker prominently displayed in the front window of his or her motor vehicle.

(D) No county employee shall park in an assigned parking space in the Courthouse Parking Lot other than the space assigned to him or her by the Board of County Commissioners.

(E) No county employee shall park in a parking space in the Courthouse Parking Lot designed for public parking.

(F) No County employee shall park in the Courthouse Parking Lot area designated for the , Montgomery County Sheriff or his designees who transport prisoners, detainees, juveniles, and other person to appearances, hearings, trials and conferences in the Montgomery County Courthouse.

(Ord. 2005-03, passed 3-15-05; Ord 2016-3, passed 1-25-16)

§71.05 PUBLIC PARKING

(A) The Board of County Commissioners shall from time-to-time designate certain parking spaces in the Courthouse Parking Lot as public parking spaces. Members of the public, other than county employees, shall be allowed to use these parking spaces on a first-come, first-served basis.

(B) No person other than a county employee may park in the parking spaces in the Courthouse Parking Lot which have been designated for county employee parking.

(C) Courthouse security officers shall keep a log of towed vehicles in order to verify towing to owners. This log shall include, but not be limited to, the make, model and year of the motor

vehicle, the license plate number, the violation date and description, time of tow, and address and telephone number of the towing service. This log may be purged after one year of the violation.

(Ord. 2005-03, passed 3-15-05; Ord. 2016-3, passed 1-25-16)

§71.06 OVERNIGHT PARKING PROHIBITED

No person may park his or her motor vehicle in the Courthouse Parking Lot after 10:00 p.m. or before 5:00 a.m.

(Ord. 2005-03, passed 3-15-05; Ord 2016-3, passed 1-25-16)

§71.07 TOWING OF MOTOR VEHICLES

(A) The Board of County Commissioners shall have the authority to cause motor vehicles parked in violation of this chapter towed from the county property by a private towing service to a storage facility.

(B) In the event a motor vehicle parked in violation of this section is towed, the owner of the motor vehicle shall be liable to the towing service for the expense of towing and storage of the motor vehicle. The owner shall pay these expenses prior to being entitled to recover the motor vehicle from the towing service.

(C) In the event the owner of a towed motor vehicle fails or refuses to pay these expenses and recover his or her motor vehicle, the towing service may dispose of the motor vehicle in order to pay these expenses as provided for by Indiana law.

(D) Courthouse security officers shall keep a log of towed vehicles in order to verify towing to owners. This log shall include, but not be limited to, the make, model and year of the motor vehicle, the license plate number, the violation date and description, time of tow, and address and telephone number of the towing service. This log may be purged after one year of the violation.

(Ord. 2005-03, passed 3-15-05)

§71.08 ENFORCEMENT

(A) These rules and regulations shall be enforced by the Montgomery County Sheriff and his designees, including Courthouse security officers.

(B) If a person who violates the rules and regulations of this section and fails or refuses to pay the fines provided for by § 71.99(B) in a timely manner as provided for by § 71.99(C), the County Attorney may prosecute the violation as an ordinance violation for which a judgment

will include the penalty provided for in § 71.99(B), court costs, attorney's fees, and other costs incurred by the county in the enforcement of this chapter.

(Ord. 2005-03, passed 3-15-05; Ord 2016-3-16, passed 1-25-16)

§71.99 PENALTY

(A) It shall be unlawful for any person to violate the rules and regulations contained in this section.

(B) A person who violates the rules and regulations of this section shall be subject to and pay to the Clerk a fine in the amount of \$25 for his or her first offense, \$50 for his or her second offense, and \$100 of subsequent offenses. In addition, if the person's vehicle is towed as provided for in this section, the person is also liable for the cost of towing and storage of the vehicle.

(C) All fines for violation of this section shall be paid to the Clerk within ten days of the violation.

(D) A separate offense shall be deemed committed each day during which a violation occurs or continues.

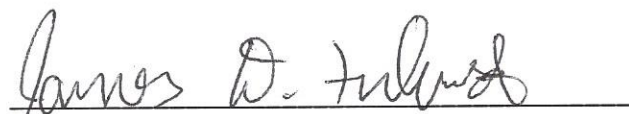
(Ord. 2005-03, passed 3-15-05; Ord 2016-3, passed 1-25-16)"

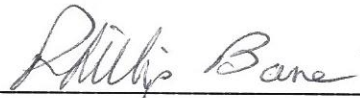
IT IS FURTHER ORDAINED THAT this ordinance will take effect upon adoption.

IT IS FURTHER ORDAINED THAT all sections of the County Code which are not expressly amended by this ordinance will remain in full force and effect.

Adopted this 25th day of January 2016.

A Majority of the
MONTGOMERY COUNTY BOARD OF
COMMISSIONERS:


James D. Fulwider, President



Phil Bane, Vice President



Terry Hockersmith, Member

Attest:



Jennifer Andel, Auditor