

ORDINANCE NO. D-2423-18

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, AMENDING CHAPTER 8, ARTICLE 5, SECTION 8-48(d) AND ADDING SUBSECTION (10) TO CHAPTER 8, ARTICLE 5, SECTION 8-48(i) OF THE CARMEL CITY CODE.

Synopsis: Prohibits parking from Midnight until 6 a.m. on the un-named loop road between the Palladium and the Tarkington and Studio Theaters each year from April 15 through October 15.

WHEREAS, pursuant to Indiana Code 9-21-1-3(a)(1), the City of Carmel, Indiana (the “City”) within the reasonable exercise of its police power, may by ordinance regulate vehicular parking;

WHEREAS, the City has previously regulated vehicular parking within its corporate limits, such regulations being codified, in part, in the City Code Section 8-48; and

WHEREAS, the Common Council of the City of Carmel, Indiana, now finds that it is in the interest of the public safety and welfare to further regulate parking on the off-street parking spaces located on the un-named loop road between the Palladium and the Tarkington and Studio Theaters and accessible from 3rd Avenue S.W.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. The following subsection of Carmel City Code Section 8-48(d)(38) is hereby amended to read as follows:

“(38) The off-street parking spaces on the un-named loop road between the Palladium and the Tarkington and Studio Theaters and accessible from 3rd Avenue S.W., ~~except from midnight to 6:00 a.m. on each Friday and Saturday from April 15 to October 15, inclusive, of each year.~~”

Section 3. The following subsection of Carmel City Code Section 8-48(i) is hereby added and shall read as follows:

“(10) ~~Reserved.~~ **On the off-street parking spaces located on the un-named loop road between the Palladium and the Tarkington and Studio Theaters and accessible from 3rd Avenue S.W. at any time between 12:00 a.m. EST to 6:00 a.m. EST on each Friday and Saturday from April 15 to October 15, inclusive, of each year.**”

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Section 4. The remaining provisions of Carmel City Code Section 8-48 are not affected by this Ordinance and shall remain in full force and effect.

Section 5. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only. However, the repeal or amendment by this Ordinance 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 such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 6. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 7. This Ordinance shall be in full force and effect from and after the date of its passage and signing by the Mayor and such publication as required by law.

Section 8. The Carmel Street Department is directed to promptly add the appropriate signage to fulfill the mandates contained in this Ordinance upon its passage.

[signature page follows]

This Ordinance was prepared by Jon Oberlander, Senior Carmel Assistant City Attorney, on 5/7/18 at 11:11 AM. It may have been subsequently revised. However, no subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.
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PASSED by the Common Council of the City of Carmel, Indiana this ____ day of _____ 2018, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Kevin D. Rider, President

Sue Finkam

Jeff Worrell, Vice-President

Anthony Green

Laura D. Campbell

H. Bruce Kimball

Ronald E. Carter

ATTEST:

Christine S. Pauley, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____ 2018, at _____ .M.

Christine S. Pauley, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____ 2018, at _____ .M.

James Brainard, Mayor

ATTEST:

Christine S. Pauley, Clerk-Treasurer

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