

Ordinance No. 2008-OR-0034

**An Ordinance Establishing Fees And Costs
Associated With The Closure of the Clark Memorial Bridge**

WHEREAS, the City of Jeffersonville, Indiana is located on the historic and beautiful Ohio River;

WHEREAS, Jeffersonville and Louisville, Kentucky are connected by several bridges, one of which is the Clark Memorial Bridge;

WHEREAS, the Clark Memorial Bridge is a four (4) lane bridge, two (2) lanes traveling both North and South;

WHEREAS, the Clark Memorial Bridge terminates on the Jeffersonville side at or near the Missouri Avenue, East Court Avenue, North Shore and West Market Streets;

WHEREAS, these streets are conducive to foot traffic, bicycle traffic and other modes of transportation other than motorized vehicles;

WHEREAS, because of its location and the fact that it is conducive to pedestrian transportation many events are conducted wherein the bridge is closed for vehicular traffic and people are permitted to either run, walk or ride their bicycles across the bridge;

WHEREAS, many, if not most, of these closures are precipitated by not-for-profit organizations conducted runs, walks or rides to benefit their charity. Most, if not all, of these benefits require participants to pay money to be given the opportunity to ultimately traverse the closed bridge;

WHEREAS, when the bridge is closed the City of Jeffersonville must provide police protection and other safety services in order to insure that vehicles do not enter the bridge or the area adjacent thereto. This results in an additional cost to the city as well as the reapportionment of manpower;

WHEREAS, the City of Louisville, Kentucky controls the entry/exit on the southern side of the bridge. The City of Louisville charges each charity, organization or other individual an hourly fee for each hour the bridge is closed;

WHEREAS, the City of Jeffersonville has never charged organizations, individuals or other entities a fee for bridge closure;

WHEREAS, the City of Jeffersonville, like the City of Louisville, incurs costs as a

direct result of the bridge closures;

WHEREAS, not all citizen-taxpayers of Jeffersonville benefit from those charities and organizations that raise money through those events that result in bridge closure. However, all citizen-taxpayers contribute to the payment of those additional costs;

WHEREAS, in order to assist in defraying those costs and to insure an equitable distribution of the tax burden upon the citizen-taxpayers of Jeffersonville, a fee shall be assessed to those organizations, individuals or entities that request closure of the bridge;

SO, BE IT ORDAINED THAT:

SECTION ONE: The City of Jeffersonville, Indiana shall assess a fee in the amount of \$1,000 (One Thousand Dollars) to be paid by any individual, organization or entity that request the Clark Memorial Bridge be closed for any period of time in order to facilitate that individual, organization or entities event that utilizes the Clark Memorial Bridge;

SECTION TWO: The fee shall be paid not less than seven (7) business days prior to the closure;

SECTION THREE: The City of Jeffersonville shall assess a fee of \$1,000 (One Thousand Dollars) for closure of the Clark Memorial Bridge during that time frame and period prior to and subsequent to **Thunder Over Louisville**;

SECTION FOUR: The monies collected as a result of assessing said fee shall be deposited in the Jeffersonville Police Department Budget for the payment of Major Moves Non-Reverting Fund.


SECTION FIVE: If any provision of this Ordinance or application thereof to any person or circumstance is held unlawful or otherwise invalid such invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid application or provision and to this end each such invalid provision or application of this Ordinance is severable it is hereby declared to be the intent of the Jeffersonville City Council that this Ordinance would have been issued had any such unlawful or otherwise invalid provision or application not be included.

Severability Clause:

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

This Ordinance shall be in full force and effect from and after its passage and approval.

Voted For:



Edward W. Henry
Council Member

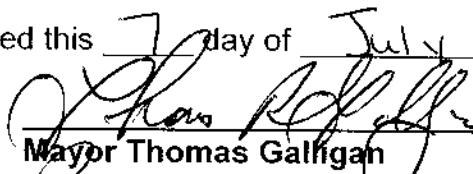
Barbara Allen

Ronald J. Swore

WAC

Voted Against:

Passed this 7 day of July, 2008.



Mayor Thomas Gaffigan

Attest:



Peggy Wilder, Clerk-Treasurer

Presented by me, Peggy Wilder, as the Clerk and Treasurer to the Mayor of said City of Jeffersonville, Indiana on this _____ day of _____, 2008.



Peggy Wilder, Clerk-Treasurer