

**AN ORDINANCE AMENDING CHAPTER 97:  
PARKS AND RECREATION, OPERATION  
OF VEHICLES OF THE FORT WAYNE CODE  
OF ORDINANCES, FOR THE PURPOSE OF  
ADDRESSING TYPES OF VEHICLES  
ALLOWED ON TRAILS AND GREENWAY  
SYSTEMS.**

**WHEREAS**, the number of the trails and pathway systems has greatly increased over the past several years as well as the increase in various types of small, motorized vehicles that may exceed safe speed limits and carry multiple passengers; and,

**WHEREAS**, the City Council recognizes that citizens' desire to use the trail systems throughout the city for differing types of activities oftentimes creates a potential for problems between pedestrian traffic and motorized vehicular traffic; and,

**WHEREAS**, the trail and greenway system within the city of Fort Wayne was established as a way for citizens to engage in leisure and health-promoting activity such as walking, running, bicycling and skating; and,

**WHEREAS**, it is the intent of the City Council to protect the safety and well-being of its citizens who use the trail system,

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,**

**SECTION 1. The following section shall be added to Chapter 97 *Parks and Recreation* under the subtitle *Operation of Motor Vehicles*:**

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**§ 97.74 DEFINITIONS**

(A) Electric Personal Assistive Mobility Device—a single passenger, self-balancing mode of transport with a maximum speed of 15 mph

(B) Fort Wayne Trails Network—the designated active, non-motorized transportation system in Fort Wayne, Indiana consisting of trails, paths, multi-use trails, shared-use paths, greenways and rails-to-trails maintained by the Board of Park Commissioners and the Board of Public Works including such parts of the Network that are located within the limits of the city of Fort Wayne but maintained by other jurisdictions.

**SECTION 2. Section 97.75 *Types of Vehicles Allowed* of Chapter 97 shall be deleted in its entirety and replaced with the following:**

**§ 97.75 TYPES OF VEHICLES ALLOWED**

(A) The Department shall be empowered to designate the kind of vehicles or other modes of transportation and the load thereon that may not be used or hauled in all or any of the parks, parkways, boulevards, paths, streets and roadways including the Fort Wayne Trails Network; and, it shall be unlawful for any person to use any vehicle or other mode of transportation contrary to the provisions of any such departmental order.

(B) The following vehicles or other modes of transportation are allowed on all designated paths, trails and greenways, including the Fort Wayne Trails Network: Public Safety vehicles, service or maintenance vehicles including public utilities, wheelchairs (standard or motorized), Electric Personal Assistive Mobility Devices, non-motorized bicycles and skating devices.

1 (C) The following vehicles or other modes of transportation are  
2 prohibited on the Fort Wayne Trails Network: any standard motorized vehicle  
3 powered by gas, diesel, electric or hybrid motors including, but not limited to,  
4 golf carts enclosed or open, motorized bikes, motorcycles, mopeds, scooters,  
5 ATV's, go carts, swamp buggy, snowmobiles or any other off-road or air-  
6 cushioned type vehicle, unless authorized by the Chief of Police or his/her  
7 designee.

8 **SECTION 3. Section 97.76 *Riding or Driving Regulations* of**  
9 **Chapter 97 shall be deleted in its entirety and replaced with the**  
10 **following:**

11 **§ 97.76 RIDING OR DRIVING REGULATIONS.**

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13 (A) No person shall operate any vehicle or other mode of  
14 transportation within any park except on the avenues and roads at a speed  
15 not to exceed 25 mph or as otherwise posted.

16 (B) Vehicle parking is permitted only in the designated areas and  
17 not on the grass. Parking of vehicles in any park area between the hours of  
18 11:00 p.m. and 6:00 a.m. shall be prohibited except for activities sponsored  
19 and notice issued by the Department.

20 (C) Bicycles must be walked through a playground area.

21 (D) Horses and horseback riders are not permitted in parks, on  
22 pathways, boulevards, paths, streets or roadways within the Fort Wayne  
23 parks system including the Fort Wayne Trails Network.

24 **SECTION 4. Section 97.78 *Operation of Non-Registered Motor***  
25 ***Vehicles* of Chapter 97 shall be deleted in its entirety and replaced with**  
26 **the following:**

1                   **§ 97.78 OPERATION OF NON-REGISTERED MOTOR VEHICLES.**  
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3                   No person shall operate a go cart, all terrain vehicle, swamp buggy,  
4 race car or any other type of motor vehicle which is not registered with the  
5 Department of Motor Vehicles of the state in any park, playground,  
6 boulevard, strip or any other park grounds including the Fort Wayne Trails  
7 Network, except in areas which may be designated by the Department for  
8 such usage. Motorized bicycles, as defined in I.C. 9-21-11-12 *et seq.*, are  
9 permissible while operated on roadways designated for motor vehicle traffic.

10                   **SECTION 5. The following section shall be added to Chapter 97**  
11 ***Parks and Recreation* under the subtitle *Operation of Motor Vehicles*:**

12                   **§ 97.79 ENFORCING AUTHORITY.**

13                   The authority for enforcing this section will be the Fort Wayne Police  
14 Department and the Ordinance Violations Bureau.

15                   **SECTION 6. Section 97.99 *Penalty for Violations* of Chapter 97**  
16 **shall be amended to add a subsection 97.99(E) as follows:**

17                   **§ 97.99 PENALTY FOR VIOLATIONS.**

18                   (E)    Any violation of any of the provisions of § 97.75 - § 97.78 by  
19 any person shall be punishable by a fine of not more than \$2,500 and/or  
20 impoundment of vehicle in violation.  
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Read the first time in full and on motion by Harper and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 12-14-10

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_ and duly adopted, placed on its passage. PASSED \_\_\_\_\_ LOST \_\_\_\_\_ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 1-11-11

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. D-1-11 on the 11th day of January, 2011

ATTEST:

SEAL

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Matthew Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 2011, at the hour of 3:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18<sup>th</sup> day of January, 2011, at the hour of 8:00 o'clock A. M., E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR