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BILL NO. G-12-12-17

GENERAL ORDINANCE NO. G-1-13

AN ORDINANCE AMENDING CHAPTER 39: ORDINANCE VIOLATIONS BUREAU, SECTION 39.09 SCHEDULE OF PENALTIES. OF THE CITY OF FORT WAYNE, INDIANA CODE OF ORDINANCES.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYEN, INDIANA, AS FOLLOWS:

SECTION 1. That Section 39.09 Schedult of Penalties of the city of Fort Wayne, Indiana Code of Ordinances is amended as follows:

§ 39.03 SCHEDULE OF PENALTIES.

The following are subject to admission of violation before the Violations Clerk and the amount of the civil penalties to be assessed:

Nature of Violations	Code Section	Civil Penalty
Failure to Appear before the Violations Clerk within 30 days of receipt of notice of violation	<u>39.06</u>	Fine Doubles
Refuse	<u>50.99(B)</u>	\$25 for 1st violation; \$50 for each subsequent violation over the next 12 months
	<u>50.99(C)</u>	Not less than \$50 and not more than \$1000
Possession or consumption	<u>71.99</u>	\$50 for 1st offense; \$100-\$500 2 nd offense
Operator or owner of motor vehicle in violation	<u>71.99</u>	\$50 for 1st offense; \$100-\$500 2 nd offense
Parking Impaired Mobility	<u>72(F)</u>	with a valid placard/permit : \$0

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Spaces.		1st violation; \$20 2nd violation; \$100 each subsequent violation; \$100 if no valid placard/permit; \$150 after 30 days
Parking meter violations; Bus stops and taxicab stands, Citizens Square parking Lot	<u>72.99(A)(1)</u>	\$10/Failure to appear after 30 calendar days from the date of notice, \$20
Fire hydrants	<u>72.99(D)</u>	\$100
Fire lanes	<u>72.99(D)</u>	\$100
License plates, false or not current	<u>72.99(D)</u>	\$150/failure to appear after 30 calendar days from the date of notice
Parking on the Street; parking prohibited during certain hours	<u>72.99(A)(2)</u>	\$20/Failure to appear after 30 calendar days from the date of notice, \$40
Parking Meters		
Damage to parking meters	<u>72.99(A)(3)</u>	Not less than \$1000 nor more than \$2500
Parking violations	<u>72.99(A)(3)</u>	\$20/Failure to appear after 30 calendar days from the date of notice, \$40
Impaired mobility spaces	<u>72.99(C)</u>	\$50/Failure to appear after 30 calendar days from the date of notice, \$75
	<u>72.72(F)</u>	If authorized, but without placard/ permit, \$0 first violation, \$20 second violation, \$50 each subsequent violation
Residential Districts	<u>72.99(B)</u>	
Illegal vehicles		\$100
Inoperable/abandoned vehicles		\$100
Operable vehicles in yard		\$100
General Penalty for this Chapter	<u>73.99(A)</u>	\$250

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Weight Violations	73.99(B)	\$.01/pound
Abandoned vehicles	90.99(A)	Not more than \$50
Animal control violations	91.999(A)(1)	Not less than \$50 nor more than \$2,500
Animal control violations	91.999(B)(1)	Not less than \$50 nor more than \$2,500
Fire Code - General	94.199	Not less than \$20 nor more than \$2,500
Penalty for failure to correct a cited violation	94.199(B)(1)	\$75/ Failure to appear after 30 calendar days from the date of notice, \$100
Penalty for obstructing a fire hydrant, fire department connection or fire protection control valve	94.199(B)(2)	\$75/ Failure to appear after 30 calendar days from the date of notice, \$100
Penalty for failure to install or maintain portable fire extinguishers	94.199(B)(3)	\$75/ Failure to appear after 30 calendar days from the date of notice, \$100
Penalty for failure to establish and maintain open fire lanes	94.199(B)(4)	\$75/ Failure to appear after 30 calendar days from the date of notice, \$100
Penalty for parking in or obstructing a fire lane	94.199(B)(5)	\$50; \$75 if failure to appear after 30 calendar days from date of notice.
Smoke detector violations	94.199(B)(6)	\$75/ Failure to appear after 30 calendar days from the date of notice, \$100
Penalty for burning of combustible materials out of doors or open burning	94.199(B)(7)	\$75/ Failure to appear after 30 calendar days from the date of notice, \$100
Penalty for failure to obtain a tire storage permit	94.199(B)(8)	\$75/ Failure to appear after 30 calendar days from the date of notice, \$100

1	Penalty for failure to	<u>94.199(B)(9)</u>	\$75/ Failure to appear after 30
2	obtain a temporary		calendar days from the date of
3	propane tank storage		notice, \$100
4	permit		
5	Penalty for failure to	<u>94.199(B)(10)</u>	\$75/ Failure to appear after 30
6	obtain a fireworks		calendar days from the date of
7	and pyrotechnics		notice, \$100
8	permit		
9	Penalty for Failure to	94.199(B)(11)	\$500.00
10	Report Tank		
11	Installation		
12	Health, Safety	<u>95.99(A)</u>	Not more than \$2,500
13	and Sanitation		
14	violations		
15	Penalty for	<u>95.99(B)</u>	Not more than \$300
16	abandoned		
17	refrigerators and		
18	containers		
19	Certification in	<u>95.99(C)</u>	\$25
20	cardiopulmonary		
21	child care situations		
22	Penalty for hazardous	<u>95.99(D)</u>	Not more than \$2,500
23	chemicals and		
24	substances reporting		
25	requirements		
26	Allowing Smoking in	<u>95.99(E)</u>	\$100/Not more than \$100 for
27	Business entity,		second violation; \$500 for third
28	restaurant,		violation; \$2500 for each
29	workplaces and		subsequent violation
30	public spaces		
31	Person Smoking in	<u>95.99(F)</u>	\$25 for first violation; \$100 for
32	restaurant,		second violation; \$250 for each
33	workplaces and		additional violation
34	public places		
35	Skateboarding where	<u>97.47(D)(1)</u>	Not less than \$50 and not more
36	prohibited		than \$200 per violation
37	General Penalty	<u>97.99(A)</u>	Not more than \$2,500
38	Possession, sale or	<u>97.99(B)</u>	\$25 - \$200
39	consumption of		
40	alcoholic beverages		

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on park property

Model Airplanes and 97.99(C)
Boats

\$15 first violation, \$50 for each
violation thereafter

Dogs and dog
exercise areas 97.99(D)

\$50-\$1000

General Penalty 99.999(A)

Up to \$2500

Obstruction or use of 99.999(B)
streets and sidewalks
in wrecking or razing
buildings

\$10-\$300

Failure to number 99.999(C)
building

\$1-\$5

Placing signs on 99.999(D)
public land

First violation \$50; Second
violation \$100; Third and
subsequent violation \$250

Registration after 102.02(A)(3)
Third False alarm

\$50

False alarms, and 102.02(A)(7)
failure to register

\$50 not more than \$2500

Violation of section 102.02(B)(5)
102.02(B)

Not less than \$200; not more
than \$2500

Automatic telephone 102.04(D)
dial devices
prohibited

Not less than \$200; not more
than \$2500

Audible alarm 102.05(D)
violations

\$50 per offense

Penalty for false 102.07(B)
alarm

\$250 per offense

Penalty for false 102.07(C)
alarm

\$250 per offense

Penalty for false 102.07(D)
alarm

\$250 per offense

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**Taxicabs
(Company)**

Late charge for annual fees	<u>App.(A)(1)</u>	\$30.00
Failure to display plate	<u>Ch. 116, App.(B)(1)</u>	\$500
Failure to report transfer of plates	<u>Ch. 116, App.(B)(1)</u>	\$500
Operating without required vehicle equipment	<u>Ch. 116, App.(B)(1)</u>	\$1500 and/or revocation or suspension of permit
Operating without valid inspection	<u>Ch. 116, App.(B)(1)</u>	\$1500 and/or revocation or suspension of permit
Failure to submit monthly driver information or report changes in employee's status	<u>Ch 116, App.(B)(1)</u>	\$500
Operating without valid permit	<u>Ch. 116, App.</u>	\$1500 and/or revocation or suspension of permit
Allowing drivers to operate vehicles without a valid license or with an expired license	<u>Ch. 116, App</u>	\$1500 and/or revocation or suspension of permit
Operating without a valid inspection	<u>Ch 116, App</u>	\$1500 and/or revocation or suspension of permit
Tampering with taximeter	<u>Ch. 116, App.</u>	\$1500 and/or revocation or suspension of permit
Taxicabs (Driver)		
Falsifying application	<u>Ch. 116, App.</u>	\$1000 and/or revocation or suspension of license
Operating without a valid license	<u>Ch. 116, App.</u>	\$1500
Tampering with taximeter	<u>Ch. 116, App</u>	\$1500 and/or revocation or suspension of permit

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Other offenses Ch. 116, App. \$500 and/or revocation or suspension of license

**TRANSIENT
MERCHANTS
AND ICE CREAM
VENDORS**

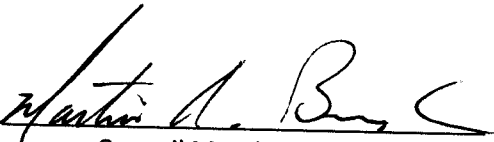
General Penalty 117.99(A) \$2500
Operation of an ice cream truck in violation of §117.18 through §117.21 §§117.18 through 117.21 Not to exceed \$100

**WEIGHTS AND
MEASURES
ENFORCEMENT**

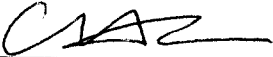
Incorrect weighing or measuring device Ch.120.03(A) \$30.00/per device
Placing commercial weighing and measuring device in service before inspection Ch. 120.03(B) \$30.00/per device
Failure to report installation of weighing device Ch. 120.04 \$60.00/per device
Refusal of Inspection Ch. 120.05 \$60.00
Order to Inspect mobile weighing and measuring Ch. 120.06 \$60.00 (per day/per device)
Tampering with security seal on weighing and measuring device Ch. 120.07 \$60.00
Penalty for sale, use and/or possession of synthetic cannabinoid 130.10(E) \$2,500

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SECTION 2. That this Ordinance is in full force and effect from and after its passage and any and all necessary approvals by the Mayor.


Council Member

APPROVED AS TO FORM AND LEGALITY



Carol Helton, City Attorney

Read the first time in full and on motion by Bender, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on the _____ day of _____, 2012, at _____ o'clock _____ M., E.S.T.

DATED: 11-27-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bender, 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>7</u>	<u>1</u>	_____	<u>1</u>
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>CRAWFORD</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	_____	<u>✓</u>	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>JEHL</u>	<u>✓</u>	_____	_____	_____
<u>PADDOCK</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	_____	_____	_____	<u>✓</u>
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 1-8-12

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. G-1-13 on the eighth day of January, 2013

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
[Signature]
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the Eleventh day of January, 2013, at the hour of 2:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of January, 2013 at the hour of 2:00 o'clock P. M., E.S.T.

[Signature]
THOMAS C. HENRY, MAYOR

BILL NO. G-12-12-17

REPORT OF COMMITTEE ON REGULATIONS

JANUARY 8, 2013

- CHAIR

- CO-CHAIR

ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE AMENDING CHAPTER 39: ORDINANCE VIOLATIONS BUREAU,
SECTION 39.09 SCHEDULE OF PENALTIES OF THE CITY OF FORT WAYNE,
INDIANA CODE OF ORDINANCES. COMMITTEE ON REGULATIONS HAVE HAD
SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK
TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

		_____	_____
	_____	_____	_____
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	_____	_____	_____
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SANDRA E. KENNEDY
CITY CLERK