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BILL NO. G-15-03-26

GENERAL ORDINANCE NO. G-S-15

**AN ORDINANCE AMENDING CHAPTER 39:
ORDINANCE VIOLATIONS BUREAU:
SECTION 39.3 SCHEDULE OF PENALTIES OF
THE CITY OF FORT WAYNE INDIANA CODE
OF ORDINANCES**

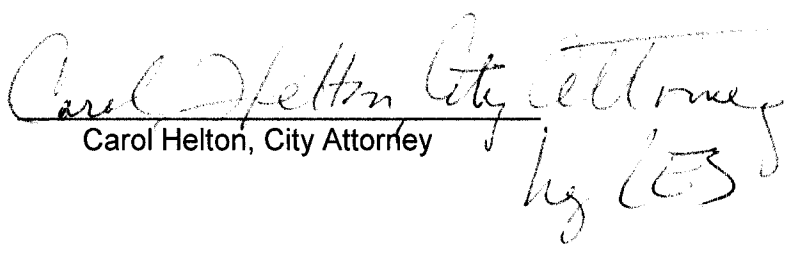
**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That Chapter 39: ORDINANCE VIOLATIONS BUREAU,
Section 39.3 Schedule of penalties be amended as per Attachment A:

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


Council Member

APPROVED AS TO FORM AND LEGALITY


Carol Helton, City Attorney

ATTACHMENT A

§ 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:

<i>Nature of Violations</i>	<i>Code Section</i>	<i>Civil Penalty</i>
Refuse	50.99(B)	\$25 for 1st violation; \$50 for each subsequent violation over the next 12 months
Possession or consumption	71.99	\$50 for 1st offense
Operator or owner of motor vehicle in violation	71.99	\$50 for 1st offense
Parking		
Bus stops and taxicab stands; Citizen Square Parking Lot	72.99(A)(1)	\$5/Failure to appear after 30 calendar days from the date of notice, \$10
Fire hydrants	72.99(D)	\$50
Fire lanes	72.99(D)	\$50
License plates, false or not current	72.99(D)	\$50/failure to appear after 30 calendar days from the date of notice, \$75
Prohibited	72.99(A)(2)	\$10/Failure to appear after 30 calendar days from the date of notice, \$20
Parking meters		
Damage to	72.99(A)(3)	Not less than \$1000 nor more than \$2500
Violations	72.99(A)(1)	\$5/Failure to appear after 30 calendar days from the date of notice, \$10
Parking violations	72.99(A)(3)	\$20/Failure to appear after 30 calendar days from the date of notice, \$40
Impaired mobility spaces	72.99(C)	\$50/Failure to appear after 30 calendar days from the date of notice, \$75
	72.72(F)	If authorized, but without placard/ permit, \$0 first violation, \$20 second violation, \$50 each subsequent violation
Residential Districts	72.99(B)	
Illegal vehicles		\$50

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Inoperable/abandoned vehicles		\$50
Operable vehicles in yard		\$50
Abandoned vehicles	90.99(A)	Not more than \$50
Animal control, Class A offense	91.999(A)(1)	Not less than \$50 nor more than \$2,500
Animal control, Class B offense	91.999(A)(2)	Not less than \$50 nor more than \$2,500
Animal control, Class C offense	91.999(A)(3)	Not less than \$15 nor more than \$2,500
Fire Code violations	94.199	Not less than \$20 nor more than \$2,500
Penalty for failure to correct a cited violation	94.199(B)(1)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for obstructing a fire hydrant, fire department connection or fire protection control valve	94.199(B)(2)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to install or maintain portable fire extinguishers	94.199(B)(3)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to establish and maintain open fire lanes	94.199(B)(4)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for parking in or obstructing a fire lane	94.199(B)(5)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Smoke detector violations	94.199(B)(6)	\$50
Penalty for burning of combustible materials out of doors or open burning	94.199(B)(7)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to obtain a tire storage permit	94.199(B)(8)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to obtain a temporary propane tank storage permit	94.199(B)(9)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to obtain a fireworks and pyrotechnics permit	94.199(B)(10)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Health, Safety and Sanitation violations	95.99(A)	Not more than \$2,500
Penalty for abandoned refrigerators and containers	95.99(B)	Not more than \$300

1	Penalty for certification in cardiopulmonary child care situations	95.99(C)	\$25
2			
3	Penalty for hazardous chemicals and substances reporting requirements	95.99(D)	Not more than \$2,500
4			
5	Smoking in restaurant	95.99(E)	Not more than \$100 per offense
6	Smoking in workplaces and public places	95.99(E)	Not more than \$100 per offense
7	Skateboarding where prohibited	97.47	Not less than \$50 and not more than \$200 per violation
8	Operation of vehicles	97.99	Not more than \$2,500
9	General nuisance/rubbish	100.99(A)	\$50
10	Failure to register	102.02(A)(5)	\$200 per offense up to maximum allowed by law
11	Automatic telephone dial devices prohibited	102.04(D)	\$200 per offense up to maximum allowed by law
12		102.05(D)	\$50 per offense
13	Audible alarm violations		
14	Penalty for false alarm	102.07(B)	\$50 per offense beginning with the 3rd offense occurring in a calendar year
15	Penalty for false alarm	102.07(C)	\$50 per offense beginning with the 3rd offense occurring in a calendar year
16			
17	Taxicabs (Company)	Ch. 116, App.	\$500
18	Failure to display plate	Ch. 116, App.	\$500
19	Failure to report change in employee's status	116,	\$500
20	Failure to report transfer of plates	Ch. App.	
21	Operating without required vehicle	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
22	equipment		\$1500 and/or revocation or suspension of permit
23	Operating without valid inspection	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
24	Operating without valid permit	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
25	Tampering with taximeter	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
26		Ch. 116, App.	\$500 and/or revocation or suspension of license
27	Other offenses		
28	Taxicabs (Driver)	Ch. 116, App.	\$1000 and/or revocation or suspension of license
29	Falsifying application	Ch. 116, App.	\$1000
30	Operating without a valid license		

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Tampering with
taximeter

Ch. 116, App.

\$1500 and/or revocation or
suspension of license

Other offenses

Ch. 116, App.

\$500 and/or revocation or
suspension of license

Penalty for sale, use
and/or possession of
synthetic
cannabinoid

130.10

\$2,500

Housing and
Building
Standards

152.12

\$50 for 1st 30-day
reinspection

Housing and
Building
Standards

152.12

\$75 for 2nd 30-day
reinspection

Housing and
Building
Standards

152.12

\$100 for 3rd 30-day
inspection

Fort Wayne, IN Code of Ordinances

CHAPTER 39: ORDINANCE VIOLATIONS BUREAU

Section

- 39.1 Establishment of Bureau; duties, rights and responsibilities
- 39.2 Violations Clerk appointed as Administrator
- 39.3 Schedule of penalties
- 39.4 Payment of civil penalties
- 39.5 Failure to satisfy civil penalty; prosecution
- 39.6 Failure to appear; violation
- 39.7 Separate and/or additional violations
- 39.8 Receipt of civil penalties prior to passage of provisions
- 39.9 Enforcement of scheduled code sections; greater civil penalties

§ 39.01 ESTABLISHMENT OF BUREAU; DUTIES, RIGHTS AND RESPONSIBILITIES.

There is hereby created and established the "City of Fort Wayne Ordinance Violations Bureau," which Bureau is granted all the duties, rights, and responsibilities as provided by state law.

(74 Code, § 2-111) (Ord. G-30-88, passed 10-11-88)

§ 39.02 VIOLATIONS CLERK APPOINTED AS ADMINISTRATOR.

The Clerk of the City is hereby appointed Violations Clerk to be the administrator of the bureau. (74 Code, § 2-112) (Ord. G-30-88, passed 10-11-88)

§ 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:

<i>Nature of Violations</i>	<i>Code Section</i>	<i>Civil Penalty</i>
Refuse	50.99(B)	\$25 for 1st violation; \$50 for each subsequent violation over the next 12 months
Possession or consumption	71.99	\$50 for 1st offense

Operator or owner of motor vehicle in violation	71.99	\$50 for 1st offense
Parking		
Bus stops and taxicab stands; Citizen Square Parking Lot	72.99(A)(1)	\$5/Failure to appear after 30 calendar days from the date of notice, \$10
Fire hydrants	72.99(D)	\$50
Fire lanes	72.99(D)	\$50
License plates, false or not current	72.99(D)	\$50/failure to appear after 30 calendar days from the date of notice, \$75
Prohibited	72.99(A)(2)	\$10/Failure to appear after 30 calendar days from the date of notice, \$20
Parking meters		
Damage to	72.99(A)(3)	Not less than \$1000 nor more than \$2500
Violations	72.99(A)(1)	\$5/Failure to appear after 30 calendar days from the date of notice, \$10
Parking violations	72.99(A)(3)	\$20/Failure to appear after 30 calendar days from the date of notice, \$40
Impaired mobility spaces	72.99(C)	\$50/Failure to appear after 30 calendar days from the date of notice, \$75
	72.72(F)	If authorized, but without placard/ permit, \$0 first violation, \$20 second violation, \$50 each subsequent violation
Residential Districts	72.99(B)	
Illegal vehicles		\$50
Inoperable/abandoned vehicles		\$50
Operable vehicles in yard		\$50
Abandoned vehicles	90.99(A)	Not more than \$50
Animal control, Class A offense	91.999(A)(1)	Not less than \$50 nor more than \$2,500
Animal control, Class B offense	91.999(A)(2)	Not less than \$50 nor more than \$2,500
Animal control, Class C offense	91.999(A)(3)	Not less than \$15 nor more than \$2,500
Fire Code violations	94.199	Not less than \$20 nor more than \$2,500
Penalty for failure to correct a	94.199(B)(1)	\$50/ Failure to appear after 30 calendar days from the

cited violation		date of notice, \$75
Penalty for obstructing a fire hydrant, fire department connection or fire protection control valve	94.199(B)(2)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to install or maintain portable fire extinguishers	94.199(B)(3)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to establish and maintain open fire lanes	94.199(B)(4)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for parking in or obstructing a fire lane	94.199(B)(5)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Smoke detector violations	94.199(B)(6)	\$50
Penalty for burning of combustible materials out of doors or open burning	94.199(B)(7)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to obtain a tire storage permit	94.199(B)(8)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to obtain a temporary propane tank storage permit	94.199(B)(9)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for failure to obtain a fireworks and pyrotechnics permit	94.199(B)(10)	\$50/ Failure to appear after 30 calendar days from the date of notice, \$75
Health, Safety and Sanitation violations	95.99(A)	Not more than \$2,500
Penalty for abandoned refrigerators and containers	95.99(B)	Not more than \$300
Penalty for certification in cardiopulmonary child care situations	95.99(C)	\$25
Penalty for hazardous chemicals and substances reporting requirements	95.99(D)	Not more than \$2,500
Smoking in restaurant	95.99(E)	Not more than \$100 per offense
Smoking in workplaces and public places	95.99(E)	Not more than \$100 per offense
Skateboarding where prohibited	97.47	Not less than \$50 and not more than \$200 per violation
Operation of vehicles	97.99	Not more than \$2,500
General nuisance/rubbish	100.99(A)	\$50
False alarms, and failure to register	102.02(A)(75)	\$50-200 per offense up to maximum allowed by law

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<u>Automatic telephone dial devices prohibited</u>	102.04(D)	\$200 per offense up to maximum allowed by law
Audible alarm violations	102.05(D)	\$50 per offense
Penalty for false alarm	102.07(B)	\$50 per offense beginning with the 3rd offense occurring in a calendar year
Penalty for false alarm	102.07(C)	\$50 per offense beginning with the 3rd offense occurring in a calendar year
Penalty for false alarm	102.07(D)	\$50 per offense beginning with the 3rd offense occurring in a calendar year
Taxicabs (Company)		
Failure to display plate	Ch. 116, App.	\$500
Failure to report change in employee's status	Ch. 116, App.	\$500
Failure to report transfer of plates	Ch. 116, App.	\$500
Operating without required vehicle equipment	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Operating without valid inspection	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Operating without valid permit	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Tampering with taximeter	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Other offenses	Ch. 116, App.	\$500 and/or revocation or suspension of license
Taxicabs (Driver)		
Falsifying application	Ch. 116, App.	\$1000 and/or revocation or suspension of license
Operating without a valid license	Ch. 116, App.	\$1000
Tampering with taximeter	Ch. 116, App.	\$1500 and/or revocation or suspension of license
Other offenses	Ch. 116, App.	\$500 and/or revocation or suspension of license
Penalty for sale, use and/or possession of synthetic cannabinoid	130.10	\$2,500
Housing and Building Standards	152.12	\$50 for 1st 30-day reinspection
Housing and Building Standards	152.12	\$75 for 2nd 30-day reinspection
Housing and Building Standards	152.12	\$100 for 3rd 30-day inspection

('74 Code, § 2-113) (Ord. G-30-88, passed 10-1-88; Am. Ord. G-24-89, passed 11-14-89; Am. Ord. G-21-92, passed 5-29-92; Am. Ord. G-23-96, passed 10-8-96; Am. Ord. G-10-97, passed 8-23-97; Am. Ord. G-31-98, passed 8-25-98; Am. Ord. G-36-98, passed 11-24-98; Am. Ord. G-11-00, passed 4-11-00; Am. Ord. G-06-01, passed 4-24-01; Am. Ord. G-17-03, passed 5-13-03; Am. Res. R-75-02, passed 11-26-02; Am. Ord. G-21-03, passed 6-24-03; Am. Ord. G-13-10, passed 8-24-10; Am. Ord. G-2-11, passed 1-11-11)

§ 39.04 PAYMENT OF CIVIL PENALTIES.

(A) The Ordinance Violations clerk shall receive, receipt and account for the payment of the civil penalties under procedures provided for by the state board of accounts. ('74 Code, § 2-114)

(B) The payment of civil penalties designated under this schedule may be made in person, by mail, online, or to those individuals and/or places designated by the City Clerk. ('74 Code, § 2-115)

(Ord. G-30-88, passed 10-11-88; Am Ord. S-49-05, passed 4-12-05)

§ 39.05 FAILURE TO SATISFY CIVIL PENALTY, PROSECUTION.

If a person denies an ordinance or code violation under this procedure, fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation, or fails to appear to admit or deny the violation, then the Violations Clerk shall report such fact to the office of the Corporation Counsel who shall prosecute the ordinance violation cases on behalf of the city.

('74 Code, § 2-116) (Ord. G-30-88, passed 10-11-88)

§ 39.06 FAILURE TO APPEAR; VIOLATION.

Any person who fails to appear before the Ordinance Violations Clerk within 30 days after receipt of a notice of a violation set forth in the ordinance violations bureau schedule commits a separate violation of failure to appear and shall pay a civil penalty, regardless of the disposition of the initial violation, as follows:

<i>Original Violation Penalty</i>	<i>Failure to Appear Penalty</i>
\$ 5	\$ 5
10	10
15	15
20	20
25 and over	25

('74 Code, § 2-117) (Ord. G-30-88, passed 10-11-88; Am. Ord. G-24-89, passed 11-14-89)

§ 39.07 SEPARATE AND/OR ADDITIONAL VIOLATIONS.

With respect to any of the violations listed in the preceding schedule, each 24-hour period shall constitute a separate violation except for parking violations which may be considered a separate and additional violation for each and every hour such violation occurs unless otherwise specified in the city code.

('74 Code, § 2-118) (Ord. G-30-88, passed 10-11-88)

§ 39.08 RECEIPT OF CIVIL PENALTIES PRIOR TO PASSAGE OF PROVISIONS.

The receipt of civil penalties prior to the passage of this article is hereby approved and ratified.

('74 Code, § 2-119) (Ord. G-30-88, passed 10-11-88)

§ 39.09 ENFORCEMENT OF SCHEDULED CODE SECTIONS; GREATER CIVIL PENALTIES.

Nothing in the establishment of the Ordinance Violation Bureau nor in the establishment of special fines for first time offenders or non-aggravated circumstances shall be construed to prohibit the city's designated officers and employees from enforcing the code sections in § 39.03 pursuant to IC 36-1-6-3 and IC 34-28-5 and seeking the greater civil penalties which may be provided for by the penalty provision of the applicable city code sections.

('74 Code, § 2-120) (Ord. G-30-88, passed 10-11-88)

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Mitch Harper
Read the second time by title and referred to the Regulations
Committee. Read the third time in full and on motion by Councilman
Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	_____	_____	_____	<u>✓</u>

DATED: 4-14-15 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-5-15 on the 14th day of
April, 2015

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

John N. Crawford
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day
of April, 2015, 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 17th day of APRIL
2015, at the hour of 4:00 O'clock PM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. G-15-03-26

REPORT OF COMMITTEE ON REGULATIONS

APRIL 7, 2015

*Mitch Harper, Chair
Glynn Hines, Co-Chair
All Council Members*

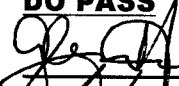
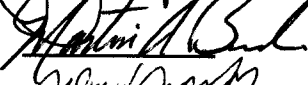
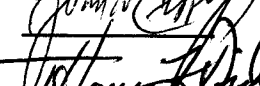
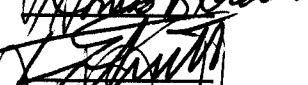
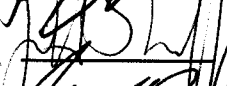

AN ORDINANCE amending Chapter 39: Ordinance Violations Bureau: Section 39.3 schedule of penalties of the City of Fort Wayne, Indiana Code of Ordinances. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**SANDRA E. KENNEDY
CITY CLERK**