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2 BILL NO. G-18-06-30

3 GENERAL ORDINANCE G-17-18

4 AN ORDINANCE AMENDING CHAPTER 90:
5 ABANDONED VEHICLES OF THE CITY OF
6 FORT WAYNE, IN CODE OF ORDINANCES,
7 SECTIONS 90.02 AND 90.99

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

10 **SECTION 1.** That CHAPTER 90: ABANDONED VEHICLES OF THE
11 CITY OF FORT WAYNE, IN CODE OF ORDINANCES, SECTIONS 90.02
12 AND 90.99 shall be amended as follows:

13 **Amend Section 90.02:**

14 **§ 90.02 ABANDONING VEHICLE ON PUBLIC OR PRIVATE PREMISES.**

15 It shall be unlawful for any person to keep, permit or maintain any vehicle
16 which may be one of the following: partially dismantled; non-operating; wrecked or
17 junked; without a license plate or an invalid plate; or on any public or private
18 premises within the City for such time and under circumstance which would
19 reasonably make such vehicle appear to have been abandoned.

20 The license plate must be displayed in accordance with Indiana state law:

- 21 (a) Legally assigned to said vehicle;
22 (b) A current registration sticker properly affixed; and
23 (c) Not false or fictitious.

24 In the event of repeated complaints, after the vehicle in question has been
25 proven operable and not abandoned, the Officer is not required to respond to every
26 complaint which is made.

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Amend Section 90.99

§ 90.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter, shall, upon conviction thereof, be fined \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. ('74 Code, § 17-75) (Ord. S-185-85, passed 10-8-85)

(B) Any person violating any provision under § 90.02 is subject to the vehicle being removed by a towing service or public agency upon request of an Officer enforcing a statute or an ordinance. If the impounded vehicle is not claimed from the tow contractor or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal it is considered abandoned.

(C) Any person violating any provision under § 90.02 under the jurisdiction of the Board of Public Safety shall be immediately fined, without prior notice, \$150.

SECTION 2. This Ordinance shall be 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

DIGEST SHEET

TITLE OF ORDINANCE: Ordinance Revisions to City Ordinance Chapter 90: Abandoned Vehicles Section 90.02 Abandoning Vehicle on Public or Private Premises and Section 90.99 Penalty

DEPARTMENT REQUESTING ORDINANCE: Neighborhood Code Compliance

SYNOPSIS OF ORDINANCE: Approving Ordinance Revisions to City Ordinance Chapter 90: Abandoned Vehicles Section 90.02 Abandoning Vehicle on Public or Private Premises and Section 90.99 Penalty


EFFECT OF PASSAGE: Decrease the amount of Blight in our City Neighborhoods and Community to further enhance Property Values in the City of Fort Wayne

EFFECT OF NON-PASSAGE: We will not be able to address the Neighborhoods concerns

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS):

ASSIGNED TO COMMITTEE (CO-CHAIRS):

To: Common Council
Introduced June 26, 2018

From: Cindy Joyner, Division Director 
Community Development

Date: June 26, 2018

RE: Revision to City Ordinance Chapter 90 Section 90.02 Abandoning Vehicle on Public or Private Premises and Section 90.99 Penalty

The revisions being made to Chapter 90 Section 90.02 Abandoning Vehicle of Public or Private Premises is to clarify the types of vehicles that can be parked on private property and Section 90.99 Penalty is to clarify the penalty for failure to abide by City Ordinance Chapter 90.

By adapting these changes we are in alignment with the Zoning Ordinance Chapter 157.

After conducting a survey and gaining input from the Community regarding this Ordinance, we developed the attached revisions to our Chapter 90 Section 90.02 and Section 90.99 Ordinances to address vehicle issues in our Neighborhoods and over all Community.

We request that you approve these Ordinance Revisions. Thank you for your attention to this important matter.

CHAPTER 90: ABANDONED VEHICLES

Section

- 90.01 Adoption of state law
- 90.02 Abandoning vehicle on public or private premises
- 90.03 Removal by division of Community Development
- 90.04 Disposal of Vehicles; Abandoned Vehicle Fund
- 90.05 Removal by owner; execution of waiver
- 90.99 Penalty

§ 90.01 ADOPTION OF STATE LAW.

All of the power, purpose, provisions and definitions contained in IC 9-22-1 are now incorporated by reference in this chapter and made a part thereof.

('74 Code, § 17-73) (Ord. S-185-85, passed 10-8-85)

§ 90.02 ABANDONING VEHICLE ON PUBLIC OR PRIVATE PREMISES.

It shall be unlawful for any person to keep, permit or maintain any vehicle which may be one of the following: partially dismantled; non-operating; wrecked or junked; without a license plate or an invalid plate; or on any public or private premises within the City for such time and under circumstance which would reasonably make such vehicle appear to have been abandoned.

The license plate must be displayed in accordance with Indiana state law:

- (a) Legally assigned to said vehicle;
- (b) A current registration sticker properly affixed; and
- (c) Not false or fictitious.

In the event of repeated complaints, after the vehicle in question has been proven operable and not abandoned, the Officer is not required to respond to every complaint which is made.

('74 Code, § 17-70) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03) Penalty, see § 90.99

§ 90.03 REMOVAL BY DIVISION OF COMMUNITY DEVELOPMENT.

The Division of Community Development shall and is hereby designated as the public agency which shall be responsible for the removal, storage and disposal of abandoned vehicles as designated in IC 9-22-1. In order to facilitate the removal of such abandoned vehicles or parts, the Division of Community Development may employ such personnel and acquire such equipment, property and facilities as are necessary for removal, storage and disposition of such abandoned vehicles, not in conflict with IC 9-22-1 or the Division of Community Development may contract with private towing firms or individuals in such business on an annual basis to provide the equipment, storage area and facilities for the removal and disposal.

('74 Code, § 17-71) (Ord. S-307-90, passed 12-11-90; Am. Ord. S-80-97, passed 8-28-97) Penalty, see § 90.99

§ 90.04 DISPOSAL OF VEHICLES; ABANDONED VEHICLE FUND.

The Division of Community Development shall establish periodic times and places for the sale or disposal of all such vehicles impounded under this chapter. All money received shall be placed in the Abandoned Vehicle Fund, which shall be a revolving fund dedicated to the enforcement of IC 9-22-1. The administrative fee for appraisals and processing of title information for the Bureau of Motor Vehicles has been established for the Contractor to pay a purchase fee based on the Contractor's bid as a percentage of the salvaged value. This fee and supporting scale receipt shall be remitted to Neighborhood Code Compliance no later than 30 days after its assessment. This fee is to be paid by the towing contractor or salvage yard.

('74 Code, § 17-72) (Ord. S-307-90, passed 12-11-90; Am. Ord. G-11-98, passed 3-10-98) Penalty, see § 90.99

§ 90.05 REMOVAL BY OWNER; EXECUTION OF WAIVER.

The owner of such abandoned or junk vehicle may in lieu of these provisions voluntarily provide for the removal and disposal of such vehicle by executing an Abandoned Vehicle Removal Waiver with the Division of Community Development. ('74 Code, § 17-74) (Ord. S-307-90, passed 12-11-90) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter, ~~for which no specific penalty is otherwise provided,~~ shall, upon conviction thereof, be fined ~~in the amount not exceeding \$100.~~ Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. ('74 Code, § 17-75) (Ord. S-185-85, passed 10-8-85)

(B) Any person violating any provision under § 90.02 is subject to the vehicle being removed by a towing service or public agency upon request of an Officer enforcing a statute or an ordinance. If the impounded vehicle is not claimed from the tow contractor or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal it is considered abandoned.

(C) Any person violating any provision under § 90.02 under the jurisdiction of the Board of Public Safety shall be immediately fined, without prior notice, \$150. (Ord. S-307-90, passed 12-11-90)

BILL NO. G-18-06-30

**REPORT OF COMMITTEE ON REGULATIONS
July 10, 2018**

Paul Ensley Chair

Thomas Didier Co-Chair

All Council Members

An Ordinance amending Chapter 90: Abandoned Vehicles of the City of Fort Wayne, IN Code of Ordinances, Sections 90.02 and 90.99

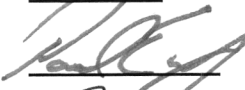




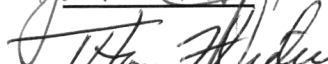
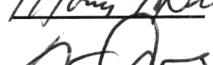
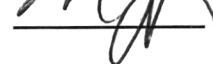
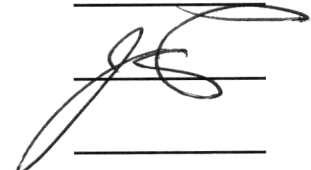
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

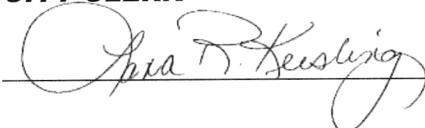
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A


Read the first time in full and on motion by Councilman Didier.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Ensley, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: July 10, 2018



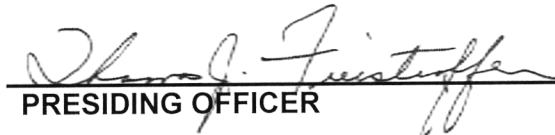
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 General Ordinance No. G-18-06-30 on the 10th day of July, 2018

ATTEST:



 LANA R. KEESLING
 CITY CLERK




 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th
 of July 2018, at the hour of 9:45 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 16th day of July
 2018, at the hour of 10:30 O'clock AM . E.S.T.



 THOMAS C. HENRY, MAYOR