

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 to add the following violations:

<i>Nature of Violations</i>	<i>Code Section</i>	<i>Civil Penalty</i>
Removal of dockless vehicles	74.99(C)	\$100 per day/not less than \$200 for each subsequent violation
Age requirement	74.99 (D)	\$50/ Failure to pay after 30 calendar days from the date of notice, \$100
Special event violation	74.99 (D)	\$50/ Failure to pay after 30 calendar days from the date of notice, \$100
Operation of motorized scooter	74.99 (D)	\$50/ Failure to pay after 30 calendar days from the date of notice, \$100
Riding near pedestrians	74.99 (D)	\$50/ Failure to pay after 30 calendar days from the date of notice, \$100
No animals permitted	74.99 (D)	\$50/ Failure to pay after 30 calendar days from the date of notice, \$100
Single rider	74.99 (D)	\$50/ Failure to pay after 30 calendar days from the date of notice, \$100

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

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5 _____
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY

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10 Carol Helton, City Attorney
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CHAPTER 39: ORDINANCE VIOLATIONS BUREAU

Section

- 39.01 Establishment of Bureau; duties, rights and responsibilities
- 39.02 Violations Clerk appointed as Administrator
- 39.03 Schedule of penalties
- 39.04 Payment of civil penalties
- 39.05 Failure to satisfy civil penalty; prosecution
- 39.06 Failure to appear; violation
- 39.07 Separate and/or additional violations
- 39.08 Receipt of civil penalties prior to passage of provisions
- 39.09 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	<u>50.99(B)</u>	\$25 for 1st violation; \$50 for each subsequent violation over the next 12 months
Possession or consumption	<u>71.99</u>	\$50 for 1st offense
Operator or owner of motor vehicle in violation	<u>71.99</u>	\$50 for 1st offense
Parking		
Bus stops and taxicab stands; Citizen 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>	\$100/failure to appear after 30 calendar days from the date of notice, \$150
Prohibited	<u>72.99(A)(2)</u>	\$20/Failure to appear after 30 calendar days from the date of notice, \$40
Parking meters		
Damage to	<u>72.99(A)(3)</u>	Not less than \$1000 nor more than \$2500
Violations	<u>72.99(A)(1)</u>	\$10/Failure to appear after 30 calendar days from the date of notice, \$20
Parking violations	<u>72.99(A)(3)</u>	\$40/Failure to appear after 30 calendar days from the date of notice, \$80
Impaired mobility spaces	<u>72.99(C)</u>	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
	<u>72.72(F)</u>	If authorized, but without placard/ permit, \$0 first violation, \$20 second violation, \$100 each subsequent violation
Residential Districts	<u>72.99(B)</u>	
Illegal vehicles		\$100
Inoperable/abandoned vehicles		\$100
		\$100
Removal of dockless vehicles	<u>74.99(C)</u>	<u>\$100 per day/not less than \$200 for each subsequent violation</u>
	<u>74.</u>	
Age requirement	<u>74.99 (D)</u>	<u>\$50/ Failure to pay, appear after 30 calendar days from the date of notice, \$100</u>
Special event violation	<u>74.99 (D)</u>	<u>\$50/ Failure to pay after 30 calendar days from the date of notice, \$100</u>
Operation of motorized scooter	<u>74.99 (D)</u>	<u>\$50/ Failure to pay after 30 calendar days from the date of notice, \$100</u>
Riding near pedestrians	<u>74.99 (D)</u>	<u>\$50/ Failure to pay after 30 calendar days from the date of notice, \$100</u>
No animals permitted	<u>74.99 (D)</u>	<u>\$50/ Failure to pay after 30 calendar days from the date of notice, \$100</u>
Single rider	<u>74.99 (D)</u>	<u>\$50/ Failure to pay after 30 calendar days from the date of notice, \$100</u>

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Operable vehicles in yard

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

Penalty for abandoned refrigerators and containers	<u>95.99(B)</u>	Not more than \$300
Penalty for certification in cardiopulmonary child care situations	<u>95.99(C)</u>	\$25
Penalty for hazardous chemicals and substances reporting requirements	<u>95.99(D)</u>	Not more than \$2,500
Smoking in restaurant	<u>95.99(E)</u>	Not more than \$100 per offense
Smoking in workplaces and public places	<u>95.99(F)</u>	Not more than \$100 per offense
Skateboarding where prohibited	<u>97.47</u>	Not less than \$50 and not more than \$200 per violation
Operation of vehicles	<u>97.99</u>	Not more than \$2,500
General nuisance/rubbish	<u>100.99(A)</u>	\$50
False alarms, and failure to register	<u>102.02(A)(5)</u>	\$200 per offense up to maximum allowed by law
Automatic telephone dial devices	<u>102.04(D)</u>	\$200 per offense up to prohibited maximum allowed by law
Audible alarm violations	<u>102.05(D)</u>	\$50 per offense
Penalty for false alarm	<u>102.07(B)</u>	\$50 per offense beginning with the 3rd offense occurring in a calendar year
Penalty for false alarm	<u>102.07(C)</u>	\$50 per offense beginning with the 3rd offense occurring in a calendar year
Taxicabs (Company)		
Failure to display plate	<u>Ch. 116, App.</u>	\$500
Failure to report change in employee's status	<u>Ch. 116, App.</u>	\$500
Failure to report transfer of plates	<u>Ch. 116, App.</u>	\$500
Operating without required vehicle equipment	<u>Ch. 116, App.</u>	\$1500 and/or revocation or suspension of permit
Operating without without valid inspection	<u>Ch. 116, App.</u>	\$1500 and/or revocation or suspension of permit
Operating without valid permit	<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
Other offenses	<u>Ch. 116, App.</u>	\$500 and/or revocation or suspension of license
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>	\$1000

Tampering with taximeter	<u>Ch. 116, App.</u>	\$1500 and/or revocation or suspension of license
Other offenses	<u>Ch. 116, App.</u>	\$500 and/or revocation or suspension of license
Penalty for sale, use and/or possession of synthetic cannabinoid	<u>130.10</u>	\$2,500
Housing and Building Standards	<u>152.12</u>	\$50 for 1st 30-day reinspection
Housing and Building Standards	<u>152.12</u>	\$75 for 2nd 30-day reinspection
Housing and Building Standards	<u>152.12</u>	\$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; Am. Ord. G-5-15, passed 4-4-15; Am. Ord. G-17-17, passed 6-27-17)

§ 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:

Original Violation Penalty

Failure to Appear Penalty

\$ 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)

To: Common Council
Introduced April 27, 2021

From: Malak Heiny
Law Department

Date: April 22, 2021

RE: Revisions to Chapter 74: Bicycles; Toy Vehicles; Chapter 39 Ordinance Violations Bureau

The revisions to Chapter 74 address community and council concerns regarding the use of motorized scooters in the City of Fort Wayne. The Fort Wayne Police Department encountered several issues with enforcement with the current ordinance and had no mechanism to issue citations. After researching several other jurisdictions in the State, we developed a more comprehensive and transparent approach to regulating motorized scooter use. Additionally, the City has created a penalty schedule for scooter violations; a \$50 dollar fine that will be paid at the clerk's office. This eliminates the individual from appearing in court, court costs, and be subject to the court's determination of fines.

We request that Council approve this Ordinance revision. Thank you for your attention to this important matter.

BILL NO. G-21-04-18

REPORT OF COMMITTEE ON REGULATIONS

July 13, 2021




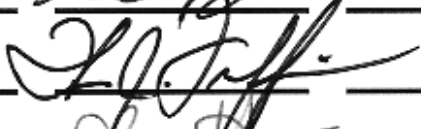
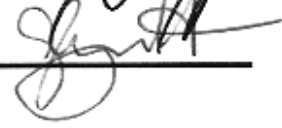
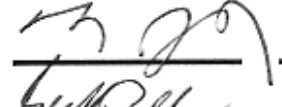


Geoff Paddock Chair

Tom Freistroffer 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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**

