

BILL NO. R-13-01-14

RESOLUTION NO. R-_____

**A RESOLUTION APPROVING THE BOARD OF
SAFETY RESOLUTION AMENDING THE
LICENSE FEE TO BE CHARGED FOR THE
USE OF PARKING METER SPACES.**

WHEREAS, Section 72.41(E) of the Code of Ordinances of the City of Fort Wayne, Indiana authorizes the Board of Public Safety to determine, subject to approval by the Common Council, the license fee to be charged and collected through and by use of parking meter spaces.

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

SECTION 1. That pursuant to Section 72.41 (E) of the Code of Ordinances of the City of Fort Wayne, Indiana, the Board of Safety Resolution amending the License Fee to be charged for the use of parking meter spaces is hereby affirmed and ratified as follows:

"effective January 1, 2013, the license fee charged for the use of Parking Meter Spaces shall be Ten Cents (\$.10) per 12 minutes, Twenty Cents (\$.20) per 24 minutes, and Fifty Cents (\$.50) per hour".

SECTION 2. That 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

**CITY OF FORT WAYNE
BOARD OF PUBLIC SAFETY**

**A RESOLUTION AMENDING THE LICENSE FEE TO BE CHARGED
FOR THE USE OF PARKING METER SPACES.**

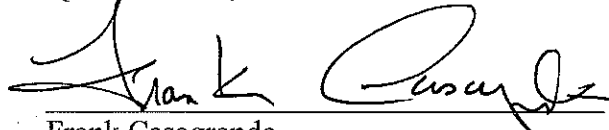
WHEREAS, §72.41, Title 7 of the Code of Ordinances of the City of Fort Wayne, Indiana authorizes the Board of Public Safety to determine, subject to approval by the Common Council, by resolution duly adopted, the license fee to be charged for the use of Parking Meter Spaces.

NOW THEREFORE, be it resolved by the Board of Public Safety of the City of Fort Wayne, Indiana:

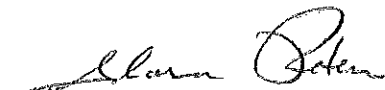
That pursuant to the authority delegated to this Board, §72.41, Title 7 of the Code of Ordinances of the City of Fort Wayne, Indiana, it is hereby ordered that, effective January 1, 2013, the license fee charged for the use of Parking Meter Spaces shall be Ten Cents (\$.10) per 12 minutes, Twenty Cents (\$.20) per 24 minutes, and Fifty Cents (\$.50) per hour, subject to approval of the Common Council.

Adopted by the Board of Public Safety this 18th day of December, 2012.

Quinton Dixie, Chairman



Frank Casagrande



Sharon Peters

PARKING METER. Any mechanical device or meter, not inconsistent with this division, placed or erected for the regulation of parking by authority of this division and indicating by proper legend thereon the legal parking time established for the parking meter space to which it is adjacent, the balance of the legal parking time for such space and, at the expiration of such period, that the use of such space is illegal.

PARKING METER AREA. The area or section within the city bounded by the boundaries of the city as duly established by law, and all the area, space, streets, avenues, roads, alleys, highways, lanes, paths and other public places and thoroughfares within the foregoing boundaries and inclusive of the above-mentioned streets on both sides thereof.

PARKING METER SPACE. Any space within a parking meter zone, adjacent to a parking meter and duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb adjacent thereto or upon the surface of the street upon which the same is located.

PARKING METER ZONE. Any street or portion of a street and any lot or portion of a lot upon which parking meter spaces are laid out and designated and parking meters installed.
(74 Code, § 17-56) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

✓ § 72.41 AUTHORITY AND POWERS OF BOARD OF PUBLIC SAFETY.

The Board of Public Safety is hereby authorized and empowered:

✂ (A) To enter into any contract for rental, purchase, acquisition, installation, regulation, use, operation, maintenance, repair, servicing and supplying of parts and replacements for parking meters, as the same may be necessary to carry out its authority hereunder, and to provide payment therefor exclusively from the funds, receipts and revenue obtained by the city from the operation and use of such parking meters without in anywise obligating the city to pay for the same from funds derived from any other source, and to do any and all things or acts necessary and appropriate to carry out and place in effect the purposes and intent of this division, including the determination and establishment of the specifications to be required in the purchase, lease or other acquisition of parking meters.

(B) To locate, determine and establish parking meter zones and parking meter space within such zones, within the parking meter area only and upon the advice of the Traffic Engineer.

(1) Such parking meter spaces shall be designated and marked out or caused to be marked out by such Board by lines or marks painted or durably marked on the curbing or surface of the street about or alongside of each parking meter space for which a parking meter is to be installed and placed in use and within which lines each vehicle using such space shall park.

(2) In no event shall any parking meter zone or parking meter space be established in, upon or along any taxi stand, bus stop, loading zone or the farmer's and producer's retail market on Barr Street in this city or the portion of any street upon which parking is completely prohibited under and by virtue of this chapter or any other ordinance of this city or of the state; except, that as to loading zone such parking meter zones and parking meter spaces may be designated and established for use beginning with the end of the designated period for which such space or zone is set aside for loading purposes only and up to the time when such use again begins, and except, that as to the farmer's and producer's retail market on Barr Street in this city, such spaces may be designated and established for use during times other than duly established market hours.

(C) To determine and establish the size and measurement of parking meter spaces.

(D) To install and place parking meters upon the curb, sidewalk or space adjacent to and alongside of or near each parking meter space established and marked out or caused to be marked out by such board; provided, that each parking meter shall be installed and placed so as to show or display a signal that the parking meter space alongside of or adjacent to it is or is not in use and showing lawful parking and use of such parking meter space upon the deposit of the appropriate coins, lawful money of the United States of America, therein for the period of time prescribed as the parking limit established therefor and so as to indicate, upon the expiration of the lawful parking period or time limit, a proper visible signal that lawful parking has expired.

✓ (E) To determine, subject to approval by the Common Council, by resolution duly adopted, the license fee to be charged and collected through and by use of the parking meter for each particular parking meter zone and parking meter space

designated and marked out by such Board and for which a parking meter is installed; provided, that the maximum time limit for which such parking meter space may be used by payment of such license fee through the deposit of coin(s) in such parking meter shall be as prescribed by § 72.28 and the schedules referred to therein or made a part thereof and by any amendments, changes or additions thereto hereafter duly enacted.

(F) To employ individual persons to carry out the enforcement of the parking limitations in the parking meter zones and to perform the duty of removing from parking meters the coins deposited in such meters and to deliver such coins to the City Controller, who shall count them and deposit the same with the City Treasurer in the special fund designated in § 72.44.

(1) Any individual person so employed by the Board of Public Safety shall be paid by it at rates determined by the Board of Public Safety and approved by the Common Council, out of such special fund.

(2) The Board of Public Safety shall deputize such individual person as special police, whereupon such individual person shall have the power and authority to prepare, sign and deliver or post notices of violation of any parking limitations in any parking meter zone or parking meter space in accordance with the provisions of this chapter.

(3) Every such person shall furnish a bond in the penal sum of \$3,000 conditioned upon his faithful performance of his duties hereunder, which bond shall run in favor of the city.
(74 Code, § 17-57) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.42 DUTY OF DRIVER TO DEPOSIT COIN IN METER.

(A) Except in any period of emergency determined by an officer of the fire or police department of this city, or in compliance with the direction of a police officer or a traffic control sign or signal of this city or of the state, when any vehicle shall be parked in any parking meter space, the driver of such vehicle shall, upon entering such parking meter space, immediately deposit or cause to be deposited in the parking meter adjacent thereto such proper coin of the United States of America as is required for such parking meter as

designated by direction thereon, and by regulation of the Board of Public Safety approved by resolution of the Common Council, and also shall set in operation the timing mechanism on such meter in accordance with the directions thereon.

(B) Upon the deposit of such coin and the setting of the timing mechanism in operation, such parking meter space may be lawfully occupied by such vehicle during the period of time prescribed therefor; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in such meter by the previous occupant of such space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the unused time indicated on such meter.

(74 Code, § 17-58) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.43 POLICE DEPARTMENT AND PARKING CONTROL OFFICERS TO ENFORCE PROVISIONS.

It shall be the duty of the Police Department and parking control officers, as appointed by the Board of Public Safety, to enforce the provisions of this subchapter.

(74 Code, § 17-59) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.44 PARKING METER FUND.

All license fees collected from parking meters as provided in this subchapter shall be deposited by the City Controller with the City Treasurer to the credit of the city in a special fund to be known as the "parking meter fund," which such special fund shall be disbursed and paid out only under the orders and direction of the Board of Public Safety for the following purposes only:

(A) The payment of the purchase price, rental fees and cost of installation of parking meters.

(B) The payment of the cost of maintenance, operation, repair and other incidental costs and expenses in the operation of parking meters and parking meter zones and spaces, including incidental costs and expenses such as clerical and bookkeeping expense in the handling and keeping of records of fees collected and expended.