

BILL NO. G-17-06-08

GENERAL ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING
CHAPTER 72: STOPPING, STANDING AND PARKING OF
THE CITY OF FORT WAYNE CODE OF ORDINANCES

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

SECTION 1. Chapter 72: STOPPING, STANDING AND PARKING of the City of Fort
Wayne Code of Ordinances is repealed and replaced as follow:

CHAPTER 72: STOPPING, STANDING AND PARKING

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DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS AISLE. The space, marked by yellow and/or blue hatched lines, which is adjacent to an accessible parking space, and which meets the definition, specifications, and requirements of IC 5-16-9 *et seq.*, and specifically IC 5-16-9-4.

ACCESSIBLE PARKING SPACE. A parking space that conforms with the standards of IC 5-16-9-4.

HOLIDAYS. Holidays refers to the official City holidays observed by the City when City offices are generally closed for business.

INOPERABLE VEHICLE. A vehicle which cannot be driven/operated upon the public streets for reasons including but not limited to being wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

MOTOR VEHICLE. A vehicle that has the meaning set forth in IC 9-13-2-105.

PARKING CITATION. A notice issued pursuant to § 72.90, and which pertains to the stopping, standing and parking of vehicles.

PARKING FACILITY. Any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

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. 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 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.

PARTY and PARTIES. Refers to the City and respondents.

PERSON WITH A PHYSICAL DISABILITY A person who has been issued a placard or disability license plate by the Bureau of Motor Vehicles under IC 9-18.5-5, 9-18.5-6, or IC 9-18.5-8.

PUBLIC AGENCY means:

(a) The State of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions (as defined under IC 20-12-0.5-1); and

(b) A county, city, town, township, school or conservancy district, other governmental unit or district, or any department, board, or other subdivision of the unit of government. This subchapter applies to a reserved accessible parking space in a parking facility that is located on property that is privately or publicly owned.

RESPONDENT. A person to whom a notice of hearing is issued.

SNOW ALERT. A period of time prior to, during or after a snowfall of an actual or predicated accumulation of no less than two inches as forecast by the United States Weather Bureau and during which time vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay, and obstruct the safe flow of traffic and the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated as "Snow Control Routes" and listed in Schedule 18, maintained in the office of the Traffic Engineer. ('74 Code, § 17-94)

SNOW EMERGENCY. A period of time prior to a forecast by the United States Weather Bureau during and after a snowfall, during which the vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay and obstruct the safe flow of traffic and of the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated snow control routes and listed in Schedule 18, maintained on file in the office of the Traffic Engineer. ('74 Code, § 17-95)

(Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

MANNER OF PARKING

§ 72.01 STOPPING, STANDING OR PARKING CLOSE TO CURB.

No vehicle shall be stopped, standing or parked in a roadway other than parallel with the edge of the roadway headed in the direction of a lawful traffic movement and with the right-hand wheels of the vehicle on a two-way street and the right-hand or left-hand wheels of a vehicle on a one-way street within 12 inches of the curb or edge of the roadway, except as otherwise provided in this chapter. No vehicle shall be stopped, standing or parked in addition to the foregoing except on or in an authorized area for the purpose of parking or standing of vehicles in any city park; provided, that in no event shall any part or portion of the vehicle, except bicycles, be permitted to extend over the outer edge of any curb or roadway or touch any utility, light, traffic device pole, trees or lawn at any time; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles and park maintenance vehicles when the necessary performance of their primary function requires otherwise.

('74 Code, §17-38) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.02 ANGLE PARKING.

(A) (1) The City Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall, upon the approval of the Board of Public Safety by resolution adopted in accordance with § 70.30, mark or sign such streets, but such angle parking shall not be established upon any federal aid or state highway within this city unless the state Highway Department has determined by resolution or order entered in its minutes a copy of which is received by the City Clerk and certified by him to the Board

of Public Safety, that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(2) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left-hand side of a two-way street. ('74 Code, § 17-39)

(B) Upon those streets which have been signed or marked by the City Traffic Engineer for angle parking under the provisions of division (A) above, no vehicle shall be stopped, standing, or parked other than at the angle to the curb or edge of the roadway indicated by such signs or markings. ('74 Code, § 17-40)

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

§ 72.03 OBSTRUCTIONAL PARKING PROHIBITED.

No vehicle shall be stopped, standing or parked upon a street in such a manner or under such conditions as to leave available less than 15 feet of the width of the roadway unobstructed for the free movement of vehicular traffic.

('74 Code, § 17-43) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.04 RESERVED.

§ 72.05 DRIVER TO STOP VEHICLE WHEN TRAFFIC OBSTRUCTED.

No driver of a vehicle shall enter an intersection or a marked crosswalk unless and until there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

('74 Code, § 17-37) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.06 ALL-NIGHT PARKING PROHIBITED.

No vehicle, except those owned or operated by physicians on emergency calls, shall be parked between the hours of 2:00 a.m. and 6:00 a.m. on the days and streets or sides of streets described in Schedule 6 maintained on file in the office of the City Traffic Engineer.

('74 Code, § 17-45) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.07 PARKING IN ALLEYS.

No vehicle shall be stopped, standing, or parked within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, except while loading or unloading, and no

1 person shall stop, stand or park a vehicle within an alley in such positions as to block the
2 driveway entrance to any abutting property.

3 ('74 Code, § 17-44) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-
4 09) Penalty, see § 72.99

5 **§ 72.08 PARKING ADJACENT TO SCHOOLS.**

6 (A) The Board of Public Safety, by resolution adopted in accordance with § 70.30, is
7 hereby authorized to restrict parking upon that side of any street adjacent to any school
8 property for the period of time when, in its opinion, parking would interfere with traffic
9 or create a hazardous situation.

10 (B) When official signs are erected under the provisions of this section, indicating no
11 parking upon that side of a street adjacent to any school property, no vehicle shall be
12 stopped, standing, or parked in any such designated place.

13 ('74 Code, § 17-47) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-
14 09) Penalty, see § 72.99

15 **§ 72.09 STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR
16 CONGESTED PLACES.**

17 (A) The Board of Public Safety, by resolution adopted in accordance with § 70.30, is
18 hereby authorized to determine, and have designated by proper signs, places not
19 exceeding 150 feet in length in which the stopping, standing or parking of vehicles would
20 create a hazardous condition or would cause unusual delay in traffic.

21 (B) When official signs are erected at hazardous or congested places under the
22 provisions of this section, no vehicle shall be stopped, standing or parked in any such
23 designated place.

24 (C) In the event of the presence of public safety hazards, as determined by public
25 safety employees, public safety employees may immediately tow vehicles which are: left
26 unattended, up on jacks or on blocks; leaking fuel; or blocking the sidewalk, thereby
27 actually or potentially forcing pedestrians to walk in the street.

28 ('74 Code, § 17-48(a)(b)) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-
29 13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

30 **§ 72.10 STOPPING, STANDING, OR PARKING IN FIRE LANE.**

When a fire lane has been designated, all vehicles stopped, standing or parked in said
fire lane can be ordered to be removed and/or towed by either the Fire Department or
Police Department.

('74 Code, § 17-48(c)) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-
03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

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RESTRICTED OR PROHIBITED PARKING ON CERTAIN STREETS

■ § 72.20 APPLICATION OF PROVISIONS.

The provisions of this subchapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified and as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic-control device.

('74 Code, § 17-49) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

■ § 72.21 REGULATIONS NOT EXCLUSIVE.

The provisions of this subchapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times or under specified conditions.

('74 Code, § 17-50) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

■ § 72.22 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

No vehicle shall be stopped, standing or parked except when necessary to avoid conflict with other traffic or in compliance with law or other direction of a police officer or traffic control device in any of the following places:

(A) On or across a sidewalk or otherwise obstructing public passage between the curb lines or lateral lines of any roadway and the adjacent property lines.

(B) Within five feet of a public or private driveway and/or alley.

(C) Within an intersection.

(D) Within 15 feet of a fire hydrant.

(E) On or within a crosswalk.

(F) Within 20 feet of a crosswalk at an intersection.

(G) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of the roadway or located overhead in some fashion.

(H) Between a safety zone and the nearest curb or within 30 feet or points on the curb immediately opposite the ends of a safety zone, unless the City Traffic Engineer has indicated a different length by signs or markings.

(I) Within 50 feet of the nearest rail of a railroad crossing.

(J) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within 75 feet of such entrance, when properly sign-posted.

(K) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(L) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(M) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(N) At any place where official signs prohibit parking.

(O) Upon any street for any period of time longer than 24 continuous hours (except on Saturdays, Sundays and Holidays), as determined within the discretion of the parking enforcement officer.

(1) The vehicle will be red tagged by the officer and will be ticketed and/or towed within the following 24-hour time period unless the vehicle has been driven .10 mile and the vehicle's odometer reflects the .10 advancement.

(2) If the vehicle's odometer is not visible and/or readable, the officer will mark the vehicle to record the vehicle's position at the time of red tagging.

(P) Upon any portion of residential property other than in a driveway, or as otherwise permitted upon the street or alley adjacent to said residential real estate.

(Q) Within 15 feet on either side of any mailbox.

(R) Upon any street or public thoroughfare without a current registration sticker properly affixed to the license plate that is:

(1) Displayed in accordance with IC 9-18-2-26;

(2) Not false or fictitious; and

(3) Legally assigned to said vehicle.

A violation of this provision shall authorize the parking enforcement officer to red tag, ticket, and/or tow the vehicle, as determined within the discretion of the parking enforcement officer.

(S) Upon any on-street bicycle facilities designated by signage and/or pavement marking for the shared use of motor vehicles and bicycles, or in such a manner as to impede bicycle traffic on such lane.

(T) During business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., parking in the Citizens Square Parking Lot at 200 East Berry St. is authorized only when conducting business at Citizens Square. Vehicles shall not be parked longer than a maximum time period of two hours during business hours.

(U) *Press vehicle parking permit.*

(1) The City Clerk shall issue permits to local members of the Fort Wayne media to park in metered parking spaces and marked media parking spaces in Citizens Square Parking Lot at 200 East Street. Adherence to time limit restrictions is still required.

(2) . The issued permit shall be hung from the rearview mirror which displays the authorized vehicle plate number and expiration date. The cost of the permit shall be \$35, to be renewed annually.

V) At any portion of a curb that is painted yellow.

('74 Code, § 17-42(a)) (Ord. S- 185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09; Am. Ord. G-30-12, passed 9-11-12; Am. Ord. G-31-12, passed 10-9-12; Am. Ord. G-7-16, passed 6-28-16) Penalty, see § 72.99

§ 72.23 PARKING IN RESIDENTIAL DISTRICTS.

(A) The only vehicles permitted to be parked in residential districts in the city shall be:

(1) Operable automobiles, vans and motorcycles, and no such automobiles, vans or motorcycles shall be parked other than in the driveway, street or alley of said residential districts.

(2) Operable recreational vehicles, campers, boats and trucks (one-ton, panel or pickup) which shall only be parked in the driveway or alley of said residential district but not in the street; and pull-trailers (including small utility trailers), which shall only be parked in the driveway and alley.

(B) The following vehicles will not be permitted to be parked in said residential districts: semi-trucks, truck-tractors, farm tractors, road tractors, semitrailers, oversize vehicles; school buses, church buses; or inoperable automobiles, vans, motorcycles, recreation vehicles, campers, boats and trucks.

(C) Permitted and prohibited parking in residential districts is summarized as follows ("Y" means yes; "N" means no):

<i>Parking of Vehicles in Residential Districts</i>				
	<i>Driveway</i>	<i>Street</i>	<i>Alley</i>	<i>Yard*</i>
<i>Division (A)(1)</i>				
Operable automobiles	Y	Y	Y	N
Operable vans	Y	Y	Y	N
Operable motorcycles	Y	Y	Y	N
<i>Division (A)(2)</i>				
Operable recreational vehicles	Y	N	Y	N
Operable campers, boats	Y	N	Y	N
Operable (one-ton, panel or pickup) trucks	Y	N	Y	N
Pull-trailers (including small utility trailers)	Y	N	N	N
<i>Division (B)</i>				
Inoperable automobiles	N	N	N	N
Inoperable vans	N	N	N	N
Inoperable motorcycles	N	N	N	N
Inoperable recreational vehicles	N	N	N	N
Inoperable campers, boats	N	N	N	N
Inoperable small (one-ton, panel or pickup) trucks	N	N	N	N
Operable or inoperable semi-trucks	N	N	N	N
Operable or inoperable truck-tractors	N	N	N	N
Operable or inoperable farm tractors	N	N	N	N
Operable or inoperable road tractors	N	N	N	—
Operable or inoperable semi- trailers	N	N	N	N
Operable or inoperable pull trailers	Y	N	N	N
Operable or inoperable oversize vehicles	N	N	N	N
Operable or inoperable school buses	N	N	N	N
Operable or inoperable church buses	N	N	N	N

*Yard includes backs, sides, parkways, and curb or parkway overlap.

An over-size vehicle/trailer is a vehicle/trailer with an overall length of more than 20 feet, or with an overall width of more than 7 feet, 6 inches.

(D) The prohibition against parking of operable automobiles, vans or motorcycles other than in driveways, streets or alleys in residential districts in violation of § 72.22(P) and § 72.23(A)(1) and the prohibition for all inoperable vehicles and all other operable or inoperable commercial vehicles from being parked in the driveway, alley or yard of a residential district in violation of § 72.23(B) shall be enforced by the Board of Public Works, the Board of Public Safety, the Neighborhood Code Enforcement, and the Police Department. All other violations of § 72.22 and § 72.23 shall be enforced by the Police Department and Parking Enforcement.

('74 Code, § 17-42(c) - (f)) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-12-02, passed 4-23-02; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.24 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No vehicle shall stop, stand, or park upon any roadway for the principal purpose of:

(A) Displaying such vehicle for sale.

(B) Service and/or repairing such vehicle, except for repairs necessitated by an emergency.

('74 Code, § 17-46) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.25 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

When signs are erected pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked at any time upon any of the streets described in Schedule 7, maintained on file in the office of the Traffic Engineer.

('74 Code, § 17-51) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.26 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked between the hours specified in Schedule 8, maintained on file in the office of the Traffic Engineer, of any day except Sundays and Holidays within the district or upon any of the streets described in Schedule 8.

('74 Code, § 17-52) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.27 STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

When signs are erected in each block pursuant hereto giving notice thereof, no vehicle shall be stopped, standing or parked between the hours specified in Schedule 9,

maintained on file in the office of the Traffic Engineer, of any day except Sundays and Holidays within the district or upon any of the streets described in Schedule 9.

('74 Code, § 17-53) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

■ **§ 72.28 PARKING TIME LIMITED ON CERTAIN STREETS.**

(A) *One-hour parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than one hour at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and Holidays within the district or upon any of the streets described in Schedule 10, maintained on file in the office of the Traffic Engineer.

(B) *Ninety-minute parking.* When signs are erected in each block pursuant to this subchapter, giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than 90 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and Holidays within the district or upon any of the streets described in Schedule 11, maintained on file in the office of the Traffic Engineer.

(C) *Two-hour parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than two hours at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and Holidays within the district or upon any of the streets described in Schedule 12, maintained on file in the office of the Traffic Engineer.

(D) *Three-hour parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than three hours at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and Holidays within the district or upon any of the streets described in Schedule 13, maintained on file in the office of the Traffic Engineer.

(E) *Thirty-minute parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than 30 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and Holidays within the district or upon any of the streets described in Schedule 14, maintained on file in the office of the Traffic Engineer.

(F) *Fifteen-minute parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than 15 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and Holidays within the district or upon any of the streets described in Schedule 20 maintained on file in the office of the Traffic Engineer.

(74 Code, § 17-54) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.29 ERECTION OF PARKING SIGNS; DUTY OF CITY TRAFFIC ENGINEER.

Except as provided in § 72.22 and § 72.23, whenever by this chapter or by any other ordinance of this city any parking time limit is imposed or parking is prohibited on a designated street, it shall be the duty of the City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulation shall be effective unless such signs are erected and in place at the time of any alleged offense.

(74 Code, § 17-55) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

METERED PARKING

§ 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.

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

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

11 (E) To determine, subject to approval by the Common Council, by resolution duly
12 adopted, the license fee to be charged and collected through and by use of the parking
13 meter for each particular parking meter zone and parking meter space designated and
14 marked out by such Board and for which a parking meter is installed; provided, that the
15 maximum time limit for which such parking meter space may be used by payment of
16 such license fee through the deposit of coin(s) in such parking meter shall be as
17 prescribed by § 72.28 and the schedules referred to therein or made a part thereof and by
18 any amendments, changes or additions thereto hereafter duly enacted.

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

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

27 (2) The Board of Public Safety shall deputize such individual person as special
28 police, whereupon such individual person shall have the power and authority to prepare,
29 sign and deliver or post notices of violation of any parking limitations in any parking
30 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 \$5,000 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;
Am. Res. R-18-13, passed 2-12-13)

■ § 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

1 space, immediately deposit or cause to be deposited in the parking meter adjacent thereto
2 such proper coin of the United States of America as is required for such parking meter as
3 designated by direction thereon, and by regulation of the Board of Public Safety approved
4 by resolution of the Common Council, and also shall set in operation the timing
mechanism on such meter in accordance with the directions thereon.

5 (B) Upon the deposit of such coin and the setting of the timing mechanism in
6 operation, such parking meter space may be lawfully occupied by such vehicle during the
7 period of time prescribed therefor; provided, that any person placing a vehicle in a
8 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.

9 ('74 Code, § 17-58) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-
10 09) Penalty, see § 72.99

11 **§ 72.43 POLICE DEPARTMENT AND PARKING CONTROL OFFICERS TO
12 ENFORCE PROVISIONS.**

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

15 ('74 Code, § 17-59) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-
16 09)

17 **§ 72.44 PARKING METER FUND.**

18 All license fees collected from parking meters as provided in this subchapter shall be
19 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:

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

21 (B) The payment of the cost of maintenance, operation, repair and other incidental
22 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
23 in the handling and keeping of records of fees collected and expended.

24 (C) The payment of the cost of traffic signal devices used in the city, and the repair
25 and maintenance of any of the public streets and highways in such city where parking
meters are in use and upon all streets connected therewith.

26 (D) The acquisition by lease or purchase of suitable land for off-street parking
27 purposes, the improvement and maintenance of such land and the purchase, installation
and maintenance of parking meters thereon.

(’74 Code, § 17-60) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.45 RECORDS AND REPORTS.

The Board of Public Safety shall make due record, in the journal of its proceedings, of all parking meter zones, parking meter spaces, recommended license fee and other regulations adopted and actions taken by it pursuant to this subchapter. Such Board shall promptly forward to the Common Council a certified copy of all such actions, minutes and regulations. Such Board shall, annually during January of each year, prepare and file with the Common Council of this city a complete written report of all its doings and actions under and pursuant to the provisions of this subchapter for and during the immediately prior calendar year.

(’74 Code, § 17-63) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.46 VIOLATIONS.

It shall be unlawful and a violation of the provisions of this subchapter for any person:

(A) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for the street or portion of a street upon which any parking meter zone or space is designated and marked out or cause to be marked out by the Board of Public Safety this city, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone or parking meter space or for the street or portion of a street upon which such zone or space is located.

(B) To permit any vehicle to remain or be placed in any parking meter space while the parking meter adjacent thereto is displaying a signal indicating that the vehicle occupying such parking meter space already has parked beyond the period prescribed for such space.

(C) To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle is not entirely within the area designated by the lines or markings designating such parking meter space.

(D) To fail to deposit the proper coin required by the parking space in which any vehicle operated by such person is parked.

(E) To deface, injure, damage, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this subchapter.

(F) To deposit or cause to be deposited in any parking meter any slugs, devices, metal substances or other substitutes for lawful coins.

(’74 Code, § 17-61) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

**LOADING AND UNLOADING ZONES; PUBLIC CARRIER STOPS
AND STANDS**

**§ 72.55 PERMIT FOR BACKING TO CURB FOR PURPOSE OF LOADING
OR UNLOADING.**

(A) The Chief of Police or an officer designated by him is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of the property to be served or to the owner of the vehicle involved, shall be limited to one particular place and one particular occasion or day, and shall grant to such person the privilege as therein stated and authorized herein; and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(B) Notwithstanding the existence of a curb loading zone, no driver shall back a vehicle against a curb to load or unload unless the driver of the vehicle holds a permit issued by the Chief of Police granting him such privilege, and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit.

('74 Code, § 17-41) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.56 DESIGNATION OF CURB LOADING ZONES.

The Board of Public Safety, by resolution adopted in accordance with § 70.30, is hereby authorized to determine the location of passenger and freight curb loading zones, and it shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

('74 Code, § 17-64) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.57 PASSENGER CURB LOADING ZONES.

No vehicle shall be stopped, standing or parked for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone pursuant to § 72.58, during the hour when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes

('74 Code, § 17-63) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.58 FREIGHT CURB LOADING ZONES.

No vehicle shall be stopped, standing or parked for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone pursuant to § 72.56 during hours when the

provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

('74 Code, § 17-66) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.59 DESIGNATION OF PUBLIC CARRIER STANDS.

The Board of Public Safety, by resolution adopted in accordance with § 70.30, is hereby authorized and required to establish bus stops and taxicab stands and stands for other passenger common carrier motor vehicles or passenger vehicles for hire on such public streets, in such places and such manner as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand or other stand shall be designated by appropriate signs; provided, that no taxicab stand shall be designated for the particular use of any one company.

('74 Code, § 17-67) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.60 (RESERVED).

§ 72.61 BUS AND TAXICABS STANDARDS; USE RESTRICTED.

No vehicle, other than a common carrier of passengers or a taxicab, shall be stopped, standing or parked in a bus stop or taxicab stand, when any such stop or stand has been officially designated pursuant to § 72.59 and appropriately signed; except, that a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab: departing from, waiting to enter, or about to enter such zone.

('74 Code, § 17-61) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

PARKING FACILITIES FOR PERSONS WITH PHYSICAL DISABILITIES

§ 72.70 PURPOSE.

(A) *Purpose.* It is the intent of this subchapter to comply with the provisions of IC 5-16-9-1 et seq., and, if IC 5-16-9-1 et seq., is amended, the City of Fort Wayne shall comply with the Indiana statute, as amended.

(Ord. S-04-99, passed 1-12-99; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09)

§ 72.71 AUTHORITY AND PROCEDURE FOR DESIGNATING ACCESSIBLE PARKING SPACE ON CITY STREETS.

Where designated accessible parking spaces are requested and needed on city streets, it shall be the responsibility of the petitioner to provide a petition signed by at least 51% of the residents on both sides of the affected block of said street. Requests for the permanent

1 placement of an approved sign shall be submitted in writing on a city application form to
2 the City Traffic Engineering Department. After review of such requests and approval by
3 the Board of Public Safety, such spaces shall be designated with appropriate signs. The
4 purchase, installation and maintenance of the signs and posts shall be paid by the
5 petitioner through the City Traffic Engineering Department. Only one permit will be
6 granted to a resident or petitioner. However, under no circumstances shall the authority
7 and procedure for designating accessible parking space on city streets, herein described,
8 be applied in such a manner as to violate or conflict with the provisions of Indiana state
9 law , or with the Americans with Disabilities Act of 1990, as from time to time amended
10 (42 United States Code 12181), or with the Americans with Disabilities Act Guidelines
11 adopted by the United States Department of Justice.

12 (Ord. S-04-99, passed 1-12-99; Am. Ord. G-05-09, passed 3-10-09)

13 **§ 72.72 VIOLATIONS.**

14 (A) Any vehicle stopped, standing, or parked which does not have displayed a valid
15 placard of a person with a physical disability or a disabled veteran issued by Indiana law
16 or the laws of any other state or municipality, or a valid registration plate of a person with
17 a physical disability or a disabled veteran, issued by Indiana law or the laws of any other
18 state or municipality , in a parking space reserved for a vehicle of a person with a
19 physical disability commits a violation of this subchapter.

20 (B) Any person who knowingly parks in a parking space reserved for a person with a
21 physical disability while displaying a placard to which neither the person nor the person's
22 passenger is entitled commits a violation of this subchapter.

23 (C) It is a violation of this subchapter for a vehicle, displaying a placard or special
24 registration plate entitling the vehicle to park in a parking space reserved for a person
25 with a physical disability, to be parked in said space if that vehicle is not, at that time, in
26 the process of transporting a person with a physical disability or disabled veteran.

27 (D) Any vehicle stopped, standing, or parked in the disabled parking access aisle, as
28 marked by yellow and/or blue hatched lines, commits a violation of this subchapter.

29 (E) Citations for violations of this subchapter may be issued by Fort Wayne City
30 Police Officers, Fort Wayne Parking Control Officers, Fort Wayne Firefighters, or
volunteers appointed pursuant to § 72.73.

(Ord. S-04-99, passed 1-12-99; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09,
passed 3-10-09) Penalty, see § 72.99

§ 72.73 AUTHORITY TO APPOINT VOLUNTEERS.

The Fort Wayne Board of Public Safety is authorized to appoint volunteers for the
issuance of complaints and summonses for the purposes described in, and consistent with,
the provisions of IC 5-16-9-11, as added by Public Law 48-1997.

(Ord. S-04-99, passed 1-12-99; Am. Ord. G-05-09, passed 3-10-09)

1 **§ 72.74 EFFECT OF STATE AND FEDERAL LEGISLATION.**

2 (A) In the event of a conflict between any of the provisions of
3 §§ 72.70 through 72.74 and IC 5-16-9, as amended, from time to time, the latter shall
4 prevail.

5 (B) In the event of a conflict between any of the provisions of
6 §§ 72.70 through 72.74 of the Code of Fort Wayne and the Americans with Disabilities
7 Act of 1990 and the Americans with Disabilities Act Guidelines adopted by the United
8 States Department of Justice, the latter two bodies of law shall prevail.

9 **SNOW ALERT; STOPPING, STANDING, OR PARKING OF
10 VEHICLES**

11 **§ 72.76 SNOW ALERT, DETERMINATION AND PROCLAMATION;
12 DURATION.**

13 A snow alert shall commence by order of the Board of Public Safety before, during or
14 after a snowfall with an accumulation of not less than two inches in the sound judgment
15 and discretion of the Board when the circumstances warrant the determination of such a
16 condition for the public safety of the city. Such snow alerts shall continue in effect until
17 the Board of Public Safety shall determine that such a condition no longer exists and
18 accordingly shall terminate such alert.

19 ('74 Code, § 17-96) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

20 **§ 72.77 STOPPING OR PARKING VEHICLES DURING SNOW ALERT.**

21 It shall be unlawful for the owner, driver or operator of any vehicle to park, stop or
22 stand the same or to permit the same to be parked or to stand at any time during the
23 period of any snow alert or any of the posted routes or streets as listed in Schedule 18
24 maintained on file in the office of the Traffic Engineer.

25 ('74 Code, § 17-97) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-
26 09) Penalty, see § 72.99

27 **§ 72.78 SNOW EMERGENCY; DETERMINATION AND PROCLAMATION;
28 DURATION.**

29 A snow emergency shall commence by executive order, determination and
30 proclamation by the Mayor before, during or after a snow fall when, in his sound
judgment and discretion, the circumstances warrant the determination of such an
emergency for the public safety of the city. Such snow emergency shall continue in effect
until the Mayor determines that an emergency no longer exists and accordingly
terminates such emergency.

(‘74 Code, § 17-98) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.79 STOPPING, STANDING, OR PARKING VEHICLES ON SNOW EMERGENCY ROUTES.

It shall be unlawful for any vehicle to be stopped, standing or parked at any time during the period of any snow emergency on any of the routes or streets listed in Schedule 18, maintained on file in the office of the Traffic Engineer.

(‘74 Code, § 17-99) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.80 REMOVAL AND IMPOUNDMENT OF VEHICLES PARKED IN VIOLATION OF PROVISIONS.

Any police officer, upon discovering any such vehicle so parked or stopped in violation of this subchapter, may remove such vehicle or cause the same to be removed to any city-owned property or to a private garage or place where so authorized pursuant to contract where such vehicle shall be impounded and retained and shall be released only as provided in § 70.03.

(‘74 Code, § 17-101) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.81 DEPOSIT OF SNOW AND ICE FROM PRIVATE PROPERTY ONTO SIDEWALK OR STREET PROHIBITED.

It shall be unlawful for any person to deposit, put or place or to suffer, allow, or cause to be deposited, put or placed any snow or ice from any private property upon any public sidewalk, street, alley, or within five feet of any fire hydrant.

(‘74 Code, § 17-100) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

ENFORCEMENT

§ 72.90 NOTICE OF ILLEGALLY PARKED VEHICLES.

Whenever any motor vehicle is found stopped, standing or parked in violation of any of the restrictions imposed by this chapter or other ordinance of this city, or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a notice in writing, on the form provided by the City Clerk pursuant to § 70.48, for the driver to answer to the charge against him within 30 days. The officer shall send one copy of such notice to the City Clerk's Office.

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

§ 72.91 FAILURE TO COMPLY WITH NOTICE ATTACHED TO PARKED VEHICLES.

1 If a registered owner and/or violator of the restrictions on stopping, standing or parking
2 under this chapter or other traffic laws or ordinances does not appear in response to a
3 notice affixed to such motor vehicle within a period of 30 days, the Traffic Violations
4 Bureau shall send to the owner of the motor vehicle to which the notice was affixed a
5 letter informing him of the violation and warning him that in the event such registered
owner and/or violator continues to disregard the notice, a complaint will be filed and
warrant for arrest issued. The sending of such letter shall not be deemed jurisdictional.

6 ('74 Code, § 17-11) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

7 **§ 72.92 PRIMA FACIE PRESUMPTION IN REFERENCE TO ILLEGAL**
8 **PARKING.**

9 In any prosecution charging a violation of any law or regulation governing the
10 stopping, standing or parking of a vehicle, proof that the particular vehicle described in
the complaint was stopped, standing or parked in violation of any such law or regulation,
11 together with proof that the defendant named in the complaint was at the time of such
stopping, standing or parking the registered owner of such vehicle the registered owner
12 shall be prima facie the violator and therefore responsible and liable for the payment of
any fines, fees, or other penalties assessed.

13 ('74 Code, § 17-12) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

14 **§ 72.93 FINE SCHEDULE; DELINQUENT PAYMENT.**

15 (A) A fine schedule shall be maintained in the office of the City Clerk.

16 (B) All fines delinquent in payment for 30 calendar days or longer from the date of the
violation will be double the original fine, unless otherwise specified in this chapter.

17 (C) All violations outlined in this chapter are considered separate and additional
18 violations, each and every hour such violation occurs unless otherwise specified in this
chapter.

19 ('74 Code, § 17-62) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

20 **§ 72.94 ADMINISTRATIVE ADJUDICATION OF PARKING CITATIONS.**

21 (A) *Administrative adjudication provided.* It is hereby declared to be the policy of the City
22 of Fort Wayne that parking citations which are not resolved pursuant to the enforcement
23 procedures of Chapter 39: Ordinance Violations Bureau may be subject to enforcement in
administrative proceedings as provided in this section.

24 (B) *Hearing Officers; appointment and term; qualifications; conduct.*

25 (1) The administrative adjudication of a parking citation under this section shall be
26 presided over by a Hearing Officer appointed by the Mayor. The Mayor may appoint
more than one Hearing Officer for contemporaneous terms, as necessary to address in an
27 expeditious manner all parking citations referred to them pursuant to this section.
28 Nothing in this section shall prohibit an individual who is an employee of the city from
being appointed or serving as a Hearing Officer.

1 (2) A Hearing Officer shall be appointed for a term of one year and until a successor
2 is appointed, but shall serve at the pleasure of the mayor. A Hearing Officer may be
3 reappointed for successive terms.

4 (3) A Hearing Officer shall not preside over a hearing if the Hearing Officer believes
5 he or she is subject to disqualification, or if by motion of any party it appears that the
6 Hearing Officer is subject to disqualification, for:

7 (a) Bias, prejudice, or personal interest in the outcome of a hearing;

8 (b) Knowledge of a disputed evidentiary fact which might influence the decision;

9 (c) Failure to dispose of any motion or hearing in an orderly and reasonably
10 prompt manner after written request by a party; or

11 (d) Any cause for which a judge of a court may be disqualified.

12 (4) Except as to the subjects of hearing schedules and procedures, a Hearing Officer
13 who does the following is disqualified under this section:

14 (a) Comments publicly on a hearing over which the Hearing Officer presides; or

15 (b) Communicates directly or indirectly with a party or other individual who has
16 an interest in the outcome of a hearing, without notice and opportunity for all parties to
17 participate in the communication;

18 (C) *Notice of administrative hearing.*

19 (1) Whenever the Violations Clerk reports to the City Attorney that a person upon
20 whom a parking citation was served pursuant to this chapter has:

21 (a) Appeared and denied the violation; or

22 (b) Failed to appear at the Ordinance Violations Bureau within 30 days of issuance
23 of the citation; or

24 (c) Failed to pay the specified civil penalty within 30 days after admitting the
25 violation; the City Attorney may either file an enforcement action in court, or issue a
26 Notice of Administrative Hearing to the person upon whom the citation was served or to
27 the person who is listed with the Indiana Bureau of Motor Vehicles as the registered
28 owner of the vehicle identified on the citation.

29 (2) Service of Notice of Administrative hearing shall be by United States mail to the
30 respondent's last known address, or by personal service. Service on an artificial person or
a person incompetent to receive service shall be made on a person allowed to receive
service under the rules governing civil actions in the courts. The Violations Clerk shall
keep a record of the time, date and manner of service.

(3) The Violations Clerk shall cause a copy of each notice issued pursuant to this
section to be delivered to the Hearing Officer who will preside over the hearing.

(4) Each Notice of Administrative Hearing shall include the following information:

1 (a) A caption for the hearing, which shall include the name of each party expected
2 to participate in the hearing, and an official file or other reference number;

3 (b) A statement of the date, time and place of the hearing;

4 (c) A statement of the nature of the hearing, including the legal authority under
5 which the hearing is to be held, and the parties' procedural rights at the hearing;

6 (d) A statement of the date, time and place of each alleged violation as stated on
7 the parking citations, and the maximum penalty that can be imposed thereupon;

8 (e) The official title and mailing address of the Hearing Officer and a telephone
9 number through which information concerning the hearing may be obtained;

10 (f) The official title, mailing address and telephone number of the person who has
11 been designated to appear on behalf of the city; and

12 (g) A statement that a party who fails to respond to the notice of the hearing, or to
13 participate in the hearing, may be held in default.

14 (5) Notice of Administrative Hearing shall be issued at least 20 days prior to the date
15 of the hearing.

16 (D) *Prehearing procedures.*

17 (1) Prior to the hearing, the Hearing Officer shall give the parties an opportunity to
18 file documents or motions regarding matters such as continuances, discovery, and any
19 other preliminary matters. At the time of filing, a party shall serve a copy of all filed
20 items on each other party.

21 (2) Motions for continuance shall be filed no later than seven days before the date
22 assigned for the hearing, unless the reason therefor is shown by affidavit to have occurred
23 within the seven-day period.

24 (3) The Hearing Officer, upon request by any party or upon the Hearing Officer's
25 own initiative, may issue subpoenas and discovery orders in accordance with the rules of
26 procedure governing subpoenas and discovery in judicial proceedings. The party seeking
27 the subpoena or order shall cause them to be served in accordance with these rules of
28 procedure.

29 (E) *Hearing procedures.*

30 (1) The Hearing Officer shall afford all parties the opportunity to participate in the
hearing to the extent necessary for full consideration of all relevant facts and issues. A
party may present evidence in the form of testimony, affidavits and documentation,
engage in argument, and conduct cross-examination. A party may participate in person or
by counsel at the party's own expense; if the party is not an individual or is incompetent
to participate, then the party shall participate by a duly authorized representative.

(2) The city shall have the burden of proof that the respondent owned or operated a
vehicle that was parked, stopped, or left standing as alleged on the parking citation, and

1 the burden may be sustained by a preponderance of the evidence; provided, however, that
2 a citation, or a copy thereof, issued and bearing the manual or electronic signature of the
3 official issuing the citation shall be prima facie evidence of the correctness of the facts
4 specified therein.

5 (3) The Hearing Officer shall conduct the hearing in an informal manner and
6 without strict adherence to the technical rules of evidence and procedure which govern
7 judicial proceedings. The Hearing Officer shall rule on the admissibility of any offer of
8 proof, and on other motions, and shall exclude evidence that is irrelevant, immaterial,
9 unduly repetitious, or excludable on constitutional or statutory grounds. The testimony of
10 each party and witness shall be made under oath or affirmation.

11 (4) The Hearing Officer may take official notice of any section of this Code, and any
12 law or fact that could be judicially noticed in the courts. The Hearing Officer may call
13 witnesses and conduct direct and cross-examination of any witness.

14 (5) The Hearing Officer shall cause an audio recording of the hearing to be made at
15 the expense of the city.

16 (F) *Decision.*

17 (1) Upon the conclusion of each hearing or as soon thereafter as possible, the
18 Hearing Officer, shall render a decision which includes a determination whether the
19 respondent violated the ordinance as alleged on the parking citation, the amount of civil
20 penalty which must be paid for each violation with instructions on when and how
21 payment shall be made, and a statement of the parties' right to petition for review of the
22 decision.

23 (2) The decision shall be based exclusively upon the evidence of record in the
24 hearing and on matters officially noticed therein. The Hearing Officer's experience and
25 specialized knowledge may be used in the evaluation of the evidence.

26 (3) The Hearing Officer shall cause each decision rendered pursuant to this section
27 to be memorialized on a minute sheet or similar written entry into the record.

28 (4) A decision rendered pursuant to this section may be modified by the Hearing
29 Officer who rendered it, upon the Hearing Officer's own initiative or by motion of any
30 party. Any motion to modify a decision shall be filed within 30 days after the date of the
decision.

(G) *Record of the hearing.* The record of each hearing under this section consists of the
following and shall constitute the complete and exclusive record for review of a Hearing
Officer's decision:

- (1) The notice of hearing;
- (2) The parking citations, if available;
- (3) Any documents or motions filed or entered into evidence;
- (4) Any written orders, subpoenas, and decision of the Hearing Officer; and

(5) The audio recording of the hearing.

(H)Petition for review of decision; time limitation.

(1) A verified petition for review of the decision of a Hearing Officer, stating the alleged error and any factual or legal basis therefor, may be filed in the Circuit or Superior court of Allen County within 30 days after the day on which the decision is rendered. A party who does not file an appeal within this time period forfeits the right to appeal.

(2) Any party who files a verified petition for review shall within 15 days thereafter secure from the Hearing Officer a certified copy of the record of the hearing, and file the same with the Clerk of the Court.

(3) An extension of time within which to file the record may be granted by the court upon a showing of good cause, which shall include the petitioner's inability to obtain the certified copy of the record with 15 days.

(4) The failure of a party to file a certified copy of the record or to secure an extension of time therefor shall be cause for dismissal of the petition for review upon motion of any party of record.

(I)Administrative hearing costs fee. For each action that results in judgment against respondent for violation of this chapter, the Hearing Officer may impose an administrative hearing costs fee of \$10.

(Ord. G-37-12, passed 12-18-12)

§ 72.99 PENALTY.

(A) There is hereby established the following schedule of penalties for violations of the following provisions of this chapter.

(1) Sections 72.22 (S) (T) and (V), 72.27, 72.28, 72.42, 72.46 and 72.61. If the violator appears in response to a notice affixed to such motor vehicle within a period of 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10. If the violator fails to appear in response to a notice affixed to such motor vehicle after 30 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$20.

(2) Sections 72.01, 72.06, 72.08, 72.22(N), (O), and (V), 72.24, 72.25, 72.26, , 72.55, 72.57, 72.58, and 72.77. If the violator appears in response to a notice affixed to such motor vehicle within a period of 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$20. If the violator fails to appear in response to a notice affixed to such motor vehicle after 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$40.

(3) Sections 72.02, 72.03, 72.05, 72.07, and 72.22(A), (B), (C), (E), (F), (G), (H), (I), (J), (K), (L), (M), and (Q) 72.79 and 72.81. If the violator appears in response to a notice affixed to such motor vehicle within a period of 30 calendar days from the date

1 and time shown on said notice affixed to such motor vehicle, the penalty shall be \$40. If
2 the violator fails to appear in response to a notice affixed to such motor vehicle after 30
3 calendar days from the date and time shown on said notice affixed to such motor vehicle,
4 the penalty shall be \$80. The penalty for violating § 72.46 (E) and (F) shall be a fine of
no less than \$1,000 or more than \$2,500. ('74 Code, § 17-6)

5 (B) A violation of any provision of Sections 72.09, 72.22(P), (S) and 72.23, outlined
6 herein under the jurisdiction of the Board of Public Safety shall be immediately fined,
without prior notice as follows:

- 7 (1) Inoperable and/or abandoned vehicles, \$100.
8 (2) Illegal vehicles in residential area, \$100.
9 (3) Operable vehicles in yard, \$100.

10 Each and every day such violation is committed or is permitted to continue shall
11 constitute a separate offense and shall be punishable as such. All fines shall be payable to
the Violations Bureau located in the office of the City Clerk. ('74 Code, § 17-48.1)

12 (C) Any motor vehicle stopping, standing or parking in an area designed for the
13 exclusive use of impaired mobility persons which does not bear a disabled veteran
14 registration plate or a space registration plate or display a state impaired mobility parking
15 permit, shall be ticketed at the owner's expense. The fine shall be \$100 for each violation
unless the violator fails to appear in response to the violation notice within 30 calendar
days, in which case the fine shall be \$150.

16 (D) Sections 72.10, 72.22(D) and 72.22(R). Any violation of the provisions of
17 § 72.10, which prohibits stopping, standing or parking in or obstructing a fire lane, shall
18 be fined \$100 for each violation. Any violation of the provisions of § 72.22(D) shall be
19 fined \$100 for each violation. Any violation of the provisions of § 72.22(R) shall be fined
20 \$100 for each violation. Each day such violation is permitted to continue may be deemed
to constitute a separate offense. If the violator fails to appear in response to a notice
affixed to such vehicle within a period of 30 calendar days from the date and time shown
on the notice, the penalty shall be \$150.

21 (E) Any violation of 72.72 shall result in a fine of \$100 for each violation. If a
22 person has a valid placard, permit or license plate, but fails to display such placard,
23 permit, or license plate, as required by 72.72, there shall be no fine for the first violation.
For the second violation, the fine shall be \$20. For the third and any subsequent violation
the fine shall be \$100.

24 (F) All penalties collected as provided in this subchapter shall be deposited by the City
25 Controller to the credit of the city in the Parking Meter Fund established in § 72.44.

26 ('74 Code, § 17-69.5) (Ord. S-185-85, passed 10-8-85; Am. Ord. S-04-99, passed 1-12-
27 99; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09; Am. Ord. G-
28 25-09, passed 12-8-09; Am. Ord. G-32-12, passed 10-9-12)

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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 approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

■ **CHAPTER 72: STOPPING, STANDING AND PARKING**

Section

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DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS AISLE. The space, marked by yellow and/or blue hatched lines, which is adjacent to an accessible parking space, and which meets the definition, specifications, and requirements of IC 5-16-9 *et seq.*, and specifically IC 5-16-9-4.

ACCESSIBLE PARKING SPACE. A parking space that conforms with the standards of IC 5-16-9-4.

HOLIDAYS. Holidays refers to the official City holidays observed by the City when City offices are generally closed for business.

INOPERABLE VEHICLE. A vehicle which cannot be driven/operated upon the public streets for reasons including but not limited to being wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

MOTOR VEHICLE. A vehicle that has the meaning set forth in IC 9-13-2-105.

PARKING CITATION. A notice issued pursuant to § 72.90, and which pertains to the stopping, standing and parking of vehicles.

PARKING FACILITY. Any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

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. 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 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.

PARTY and PARTIES. Refers to the City and respondents.

PERSON WITH A PHYSICAL DISABILITY A person who has been issued a placard or disability license plate by the Bureau of Motor Vehicles under IC 9-18.5-5, 9-18.5-6, or IC 9-18.5-85.

PUBLIC AGENCY means:

_____ (a) The State of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions (as defined under IC 20-12-0.5-1); and

_____ (b) A county, city, town, township, school or conservancy district, other governmental unit or district, or any department, board, or other subdivision of the unit of government. This subchapter applies to a reserved accessible parking space in a parking facility that is located on property that is privately or publicly owned.

RESPONDENT. A person to whom a notice of hearing is issued.

SNOW ALERT. A period of time prior to, during or after a snowfall of an actual or predicated accumulation of no less than two inches as forecast by the United States Weather Bureau and during which time vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay, and obstruct the safe flow of traffic and the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated as "Snow Control Routes" and listed in Schedule 18, maintained in the office of the Traffic Engineer. ('74 Code, § 17-94)

SNOW EMERGENCY. A period of time prior to a forecast by the United States Weather Bureau during and after a snowfall, during which the vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay and obstruct the safe flow of traffic and of the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated snow control routes and listed in Schedule 18, maintained on file in the office of the Traffic Engineer. ('74 Code, § 17-95)

(Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

MANNER OF PARKING

§ 72.01 STOPPING, STANDING OR PARKING CLOSE TO CURB.

No vehicle shall be stopped, standing or parked in a roadway other than parallel with the edge of the roadway headed in the direction of a lawful traffic movement and with the right-hand wheels of the vehicle on a two-way street and the right-hand or left-hand wheels of a vehicle on a one-way street within 12 inches of the curb or edge of the roadway, except as otherwise provided in this chapter. No vehicle shall be stopped, standing or parked in addition to the foregoing except on or in an authorized area for the purpose of parking or standing of vehicles in any city park; provided, that in no event shall any part or portion of the vehicle, except bicycles, be permitted to extend over the outer edge of any curb or roadway or touch any utility, light, traffic device pole, trees or lawn at any time; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles and park maintenance vehicles when the necessary performance of their primary function requires otherwise.

('74 Code, §17-38) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.02 ANGLE PARKING.

(A) (1) The City Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall, upon the approval of the Board of Public Safety by resolution adopted in accordance with § 70.30, mark or sign such streets, but such angle parking shall not be established upon any federal aid or state highway within this city unless the state Highway Department has determined by resolution or order entered in its minutes a copy of which is received by the City Clerk and certified by him to the Board of Public Safety, that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(2) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left-hand side of a two-way street. ('74 Code, § 17-39)

(B) Upon those streets which have been signed or marked by the City Traffic Engineer for angle parking under the provisions of division (A) above, no vehicle shall be stopped, standing, or parked other than at the angle to the curb or edge of the roadway indicated by such signs or markings. ('74 Code, § 17-40)

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

§ 72.03 OBSTRUCTIONAL PARKING PROHIBITED.

No vehicle shall be stopped, standing or parked upon a street in such a manner or under such conditions as to leave available less than 15 feet of the width of the roadway unobstructed for the free movement of vehicular traffic.

('74 Code, § 17-43) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.04 RESERVED.

§ 72.05 DRIVER TO STOP VEHICLE WHEN TRAFFIC OBSTRUCTED.

No driver of a vehicle shall enter an intersection or a marked crosswalk unless and until there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

('74 Code, § 17-37) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.06 ALL-NIGHT PARKING PROHIBITED.

No vehicle, except those owned or operated by physicians on emergency calls, shall be parked between the hours of 2:00 a.m. and 6:00 a.m. on the days and streets or sides of streets described in Schedule 6 maintained on file in the office of the City Traffic Engineer.

('74 Code, § 17-45) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.07 PARKING IN ALLEYS.

No vehicle shall be stopped, standing, or parked within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, except while loading or unloading, and no person shall stop, stand or park a vehicle within an alley in such positions as to block the driveway entrance to any abutting property.

('74 Code, § 17-44) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.08 PARKING ADJACENT TO SCHOOLS.

(A) The Board of Public Safety, by resolution adopted in accordance with § 70.30, is hereby authorized to restrict parking upon that side of any street adjacent to any school property for the period of time when, in its opinion, parking would interfere with traffic or create a hazardous situation.

(B) When official signs are erected under the provisions of this section, indicating no parking upon that side of a street adjacent to any school property, no vehicle shall be stopped, standing, or parked in any such designated place.

('74 Code, § 17-47) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.09 STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES.

(A) The Board of Public Safety, by resolution adopted in accordance with § 70.30, is hereby authorized to determine, and have designated by proper signs, places not exceeding 150 feet in

length in which the stopping, standing or parking of vehicles would create a hazardous condition or would cause unusual delay in traffic.

(B) When official signs are erected at hazardous or congested places under the provisions of this section, no vehicle shall be stopped, standing or parked in any such designated place.

(C) In the event of the presence of public safety hazards, as determined by public safety employees, public safety employees may immediately tow vehicles which are: left unattended, up on jacks or on blocks; leaking fuel; or blocking the sidewalk, thereby actually or potentially forcing pedestrians to walk in the street.

('74 Code, § 17-48(a)(b)) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.10 STOPPING, STANDING, OR PARKING IN FIRE LANE.

When a fire lane has been designated, all vehicles stopped, standing or parked in said fire lane can be ordered to be removed and/or towed by either the Fire Department or Police Department.

('74 Code, § 17-48(c)) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

RESTRICTED OR PROHIBITED PARKING ON CERTAIN STREETS

§ 72.20 APPLICATION OF PROVISIONS.

The provisions of this subchapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified and as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic-control device.

('74 Code, § 17-49) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.21 REGULATIONS NOT EXCLUSIVE.

The provisions of this subchapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times or under specified conditions.

('74 Code, § 17-50) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.22 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

No vehicle shall be stopped, standing or parked except when necessary to avoid conflict with other traffic or in compliance with law or other direction of a police officer or traffic control device in any of the following places:

(A) On or across a sidewalk or otherwise obstructing public passage between the curb lines or lateral lines of any roadway and the adjacent property lines.

(B) Within five feet of a public or private driveway and/or alley.

(C) Within an intersection.

(D) Within 15 feet of a fire hydrant.

(E) On or within a crosswalk.

(F) Within 20 feet of a crosswalk at an intersection.

(G) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of the roadway or located overhead in some fashion.

(H) Between a safety zone and the nearest curb or within 30 feet or points on the curb immediately opposite the ends of a safety zone, unless the City Traffic Engineer has indicated a different length by signs or markings.

(I) Within 50 feet of the nearest rail of a railroad crossing.

(J) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within 75 feet of such entrance, when properly sign-posted.

(K) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(L) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(M) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(N) At any place where official signs prohibit parking.

~~(O) At any portion of a curb that is painted yellow.~~

(O) Upon any street for any period of time longer than 24 continuous hours (except on Saturdays, Sundays and ~~holidays~~Holidays), as determined within the discretion of the parking enforcement officer.

(1) The vehicle will be red tagged by the officer and will be ticketed and/or towed within the following 24-hour time period unless the vehicle has been driven .10 mile and the vehicle's odometer reflects the .10 advancement.

(2) If the vehicle's odometer is not visible and/or readable, the officer will mark the vehicle to record the vehicle's position at the time of red tagging.

(P) Upon any portion of residential property other than in a driveway, or as otherwise permitted upon the street or alley adjacent to said residential real estate.

(Q) Within 15 feet on either side of any mailbox.

(R) Upon any street or public thoroughfare without a current registration sticker properly affixed to the license plate that is:

- (1) Displayed in accordance with IC 9-18-2-26;
- (2) Not false or fictitious; and
- (3) Legally assigned to said vehicle.

A violation of this provision shall authorize the parking enforcement officer to red tag, ticket, and/or tow the vehicle, as determined within the discretion of the parking enforcement officer.

(S) Upon any on-street bicycle facilities designated by signage and/or pavement marking for the shared use of motor vehicles and bicycles, or in such a manner as to impede bicycle traffic on such lane.

(T) During business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., parking in the Citizens Square Parking Lot at 200 East Berry St. is authorized only when conducting business at Citizens Square. Vehicles shall not be parked longer than a maximum time period of two hours during business hours.

(U) *Press vehicle parking permit.*

(1) The City Clerk shall issue permits to ~~have the authority to provide~~ local members of the Fort Wayne media ~~with permission to park without restriction in marked media parking spaces in the Citizens Square Parking Lot at 200 East Berry St. and metered parking spaces and marked media parking spaces in Citizens Square Parking Lot at 200 East Street. Adherence to time limit restrictions is still required.~~

~~(2) (2) Permission and authority for local media parking in the city shall be manifested by an appropriate permit issued by the City Clerk.~~ The issued permit shall be hung from the rearview mirror which displays the authorized vehicle plate number and expiration date. The cost of the permit shall be \$35, to be renewed annually.

V) At any portion of a curb that is painted yellow.

('74 Code, § 17-42(a)) (Ord. S- 185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09; Am. Ord. G-30-12, passed 9-11-12; Am. Ord. G-31-12, passed 10-9-12; Am. Ord. G-7-16, passed 6-28-16) Penalty, see § 72.99 ~~Penalty, see § 72.99~~

§ 72.23 PARKING IN RESIDENTIAL DISTRICTS.

(A) The only vehicles permitted to be parked in residential districts in the city shall be:

(1) Operable automobiles, vans and motorcycles, and no such automobiles, vans or motorcycles shall be parked other than in the driveway, street or alley of said residential districts.

(2) Operable recreational vehicles, campers, boats and trucks (one-ton, panel or pickup) which shall only be parked in the driveway or alley of said residential district but not in the street; and pull-trailers (including small utility trailers), which shall only be parked in the driveway and alley.

(B) The following vehicles will not be permitted to be parked in said residential districts: semi-trucks, truck-tractors, farm tractors, road tractors, semitrailers, oversize vehicles; school

buses, church buses; or inoperable automobiles, vans, motorcycles, recreation vehicles, campers, boats and trucks.

(C) Permitted and prohibited parking in residential districts is summarized as follows_{"Y" means yes; "N" means no}:

<i>Parking of Vehicles in Residential Districts</i>				
	<i>Driveway</i>	<i>Street</i>	<i>Alley</i>	<i>Yard*</i>
<i>Division (A)(1)</i>				
Operable automobiles	Y	Y	Y	N
Operable vans	Y	Y	Y	N
Operable motorcycles	Y	Y	Y	N
<i>Division (A)(2)</i>				
Operable recreational vehicles	Y	N	Y	N
Operable campers, boats	Y	N	Y	N
Operable (one-ton, panel or pickup) trucks	Y	N	Y	N
Pull-trailers (including small utility trailers)	Y	N	N	N
<i>Division (B)</i>				
Inoperable automobiles	N	N	N	N
Inoperable vans	N	N	N	N
Inoperable motorcycles	N	N	N	N
Inoperable recreational vehicles	N	N	N	N
Inoperable campers, boats	N	N	N	N
Inoperable small (one-ton, panel or pickup) trucks	N	N	N	N
Operable or inoperable semi-trucks	N	N	N	N
Operable or inoperable truck-tractors	N	N	N	N
Operable or inoperable farm tractors	N	N	N	N
Operable or inoperable road tractors	N	N	N	—
Operable or inoperable semi- trailers	N	N	N	N
Operable or inoperable pull trailers	Y	N	N	N

Operable or inoperable oversize vehicles	N	N	N	N
Operable or inoperable school buses	N	N	N	N
Operable or inoperable church buses	N	N	N	N

*Yard includes backs, sides, parkways, and curb or parkway overlap.

An over-size vehicle/trailer is a vehicle/trailer with an overall length of more than 20 feet, or with an overall width of more than 7 feet, 6 inches.

(D) The prohibition against parking of operable automobiles, vans or motorcycles other than in driveways, streets or alleys in residential districts in violation of § 72.22(P) and § 72.23(A)(1) and the prohibition for all inoperable vehicles and all other operable or inoperable commercial vehicles from being parked in the driveway, alley or yard of a residential district in violation of § 72.23(B) shall be enforced by the Board of Public Works, the Board of Public Safety, the Neighborhood Code Enforcement, and the Police Department. All other violations of § 72.22 and § 72.23 shall be enforced by the Police Department and Parking Enforcement.

(‘74 Code, § 17-42(c) - (f)) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-12-02, passed 4-23-02; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99
~~Penalty, see § 72.99~~

§ 72.24 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No vehicle shall stop, stand, or park upon any roadway for the principal purpose of:

- (A) Displaying such vehicle for sale.
- (B) Service and/or repairing such vehicle, except for repairs necessitated by an emergency.

(‘74 Code, § 17-46) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99
~~Penalty, see § 72.99~~

§ 72.25 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

When signs are erected pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked at any time upon any of the streets described in Schedule 7, maintained on file in the office of the Traffic Engineer.

(‘74 Code, § 17-51) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.26 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked between the hours specified in Schedule 8, maintained on file in the office of the Traffic Engineer, of any day except Sundays and ~~h~~Holidays within the district or upon any of the streets described in Schedule 8.

('74 Code, § 17-52) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.27 STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

When signs are erected in each block pursuant hereto giving notice thereof, no vehicle shall be stopped, standing or parked between the hours specified in Schedule 9, maintained on file in the office of the Traffic Engineer, of any day except Sundays and ~~H~~olidays within the district or upon any of the streets described in Schedule 9.

('74 Code, § 17-53) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.28 PARKING TIME LIMITED ON CERTAIN STREETS.

(A) *One-hour parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped-, standing, or parked for longer than one hour at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and ~~holidays~~ Holidays within the district or upon any of the streets described in Schedule 10, maintained on file in the office of the Traffic Engineer.

(B) *Ninety-minute parking.* When signs are erected in each block pursuant to this subchapter, giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than 90 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and ~~holidays~~ Holidays within the district or upon any of the streets described in Schedule 11, maintained on file in the office of the Traffic Engineer.

(C) *Two-hour parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than two hours at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and ~~holidays~~ Holidays- within the district or upon any of the streets described in Schedule 12, maintained on file in the office of the Traffic Engineer.

(D) *Three-hour parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than three hours at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and ~~holidays~~ Holidays within the district or upon any of the streets described in Schedule 13, maintained on file in the office of the Traffic Engineer.

(E) *Thirty-minute parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than 30 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except Saturdays, Sundays and ~~holidays~~ Holidays within the district or upon any of the streets described in Schedule 14, maintained on file in the office of the Traffic Engineer.

(F) *Fifteen-minute parking.* When signs are erected in each block pursuant to this subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for longer than 15 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except

Saturdays, Sundays and ~~holidays~~ Holidays within the district or upon any of the streets described in Schedule 20 maintained on file in the office of the Traffic Engineer.

('74 Code, § 17-54) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

■ § 72.29 ERECTION OF PARKING SIGNS; DUTY OF CITY TRAFFIC ENGINEER.

Except as provided in § 72.22 and § 72.23, whenever by this chapter or by any other ordinance of this city any parking time limit is imposed or parking is prohibited on a designated street, it shall be the duty of the City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulation shall be effective unless such signs are erected and in place at the time of any alleged offense.

('74 Code, § 17-55) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

METERED PARKING

■ § 72.40 DEFINITIONS.

~~—For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—**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 \$5,000 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; Am. Res. R-18-13, passed 2-12-13) ~~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.

(C) The payment of the cost of traffic signal devices used in the city, and the repair and maintenance of any of the public streets and highways in such city where parking meters are in use and upon all streets connected therewith.

(D) The acquisition by lease or purchase of suitable land for off-street parking purposes, the improvement and maintenance of such land and the purchase, installation and maintenance of parking meters thereon.

('74 Code, § 17-60) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) ~~Penalty, see § 72.99~~

§ 72.45 RECORDS AND REPORTS.

The Board of Public Safety shall make due record, in the journal of its proceedings, of all parking meter zones, parking meter spaces, recommended license fee and other regulations adopted and actions taken by it pursuant to this subchapter. Such Board shall promptly forward to the Common Council a certified copy of all such actions, minutes and regulations. Such Board shall, annually during January of each year, prepare and file with the Common Council of this city a complete written report of all its doings and actions under and pursuant to the provisions of this subchapter for and during the immediately prior calendar year.

('74 Code, § 17-63) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.46 VIOLATIONS.

It shall be unlawful and a violation of the provisions of this subchapter for any person:

(A) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for the street or portion of a street upon which any parking meter zone or space is designated and marked out or cause to be marked out by the Board of Public Safety this city, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone or parking meter space or for the street or portion of a street upon which such zone or space is located.

(B) To permit any vehicle to remain or be placed in any parking meter space while the parking meter adjacent thereto is displaying a signal indicating that the vehicle occupying such parking meter space already has parked beyond the period prescribed for such space.

(C) To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle is not entirely within the area designated by the lines or markings designating such parking meter space.

(D) To fail to deposit the proper coin required by the parking space in which any vehicle operated by such person is parked.

(E) To deface, injure, damage, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this subchapter.

(F) To deposit or cause to be deposited in any parking meter any slugs, devices, metal substances or other substitutes for lawful coins.

('74 Code, § 17-61) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

LOADING AND UNLOADING ZONES; PUBLIC CARRIER STOPS AND STANDS

§ 72.55 PERMIT FOR BACKING TO CURB FOR PURPOSE OF LOADING OR UNLOADING.

(A) The Chief of Police or an officer designated by him is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of the property to be served or to the owner of the vehicle involved, shall be limited to one particular place and one particular occasion or day, and shall grant to such person the privilege as therein stated and authorized herein; and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(B) Notwithstanding the existence of a curb loading zone, no driver shall back a vehicle against a curb to load or unload unless the driver of the vehicle holds a permit issued by the Chief of Police granting him such privilege, and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit.

('74 Code, § 17-41) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.56 DESIGNATION OF CURB LOADING ZONES.

The Board of Public Safety, by resolution adopted in accordance with § 70.30, is hereby authorized to determine the location of passenger and freight curb loading zones, and it shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

('74 Code, § 17-64) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.57 PASSENGER CURB LOADING ZONES.

No vehicle shall be stopped, standing or parked for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone pursuant to § 72.58, during the hour when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

('74 Code, § 17-63) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)
Penalty, see § 72.99

§ 72.58 FREIGHT CURB LOADING ZONES.

No vehicle shall be stopped, standing or parked for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone pursuant to § 72.56 during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

('74 Code, § 17-66) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.59 DESIGNATION OF PUBLIC CARRIER STANDS.

The Board of Public Safety, by resolution adopted in accordance with § 70.30, is hereby authorized and required to establish bus stops and taxicab stands and stands for other passenger common carrier motor vehicles or passenger vehicles for hire on such public streets, in such places and such manner as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand or other stand shall be designated by appropriate signs; provided, that no taxicab stand shall be designated for the particular use of any one company.

('74 Code, § 17-67) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.60 (RESERVED).

§ 72.61 BUS AND TAXICABS STANDARDS; USE RESTRICTED.

No vehicle, other than a common carrier of passengers or a taxicab, shall be stopped, standing or parked in a bus stop or taxicab stand, when any such stop or stand has been officially designated pursuant to § 72.59 and appropriately signed; except, that a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab: departing from, waiting to enter, or about to enter such zone.

('74 Code, § 17-61) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

PARKING FACILITIES FOR PERSONS WITH PHYSICAL DISABILITIES

§ 72.70 PURPOSE,;DEFINITIONS.

(A) *Purpose.* It is the intent of this subchapter to comply with the provisions of IC 5-16-9-1 et seq., and, if IC 5-16-9-1 et seq., is amended, the City of Fort Wayne shall comply with the Indiana statute, as amended.

~~—(B) The definitions in this section apply throughout this subchapter.~~

~~—**ACCESS AISLE.** The space, marked by yellow and/or blue hatched lines, which is adjacent to an accessible parking space, and which meets the definition, specifications, and requirements of IC 5-16-9-1 et seq., and specifically IC 5-16-9-4.~~

~~—**ACCESSIBLE PARKING SPACE** refers to a parking space that conforms with the standards of IC 5-16-9-4.~~

~~—**MOTOR VEHICLE** has the meaning set forth in IC 9-13-2-105.~~

~~—**PARKING FACILITY.** Any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.~~

~~—**PERSON WITH A PHYSICAL DISABILITY.** A person who has been issued a placard under IC 9-14-5 or a person with a disability registration plate for a motor vehicle by the Bureau of Motor Vehicles under IC 9-18-22.~~

~~—**PUBLIC AGENCY** means:~~

~~—(a) The State of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions (as defined under IC 20-12-0.5-1); and~~

~~—(b) A county, city, town, township, school or conservancy district, other governmental unit or district, or any department, board, or other subdivision of the unit of government. This subchapter applies to a reserved accessible parking space in a parking facility that is located on property that is privately or publicly owned.~~

(Ord. S-04-99, passed 1-12-99; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09)

§ 72.71 AUTHORITY AND PROCEDURE FOR DESIGNATING ACCESSIBLE PARKING SPACE ON CITY STREETS.

Where designated accessible parking spaces are requested and needed on city streets, it shall be the responsibility of the petitioner to provide a petition signed by at least 51% of the residents on both sides of the affected block of said street. Requests for the permanent placement of an approved sign shall be submitted in writing on a city application form to the City Traffic Engineering Department. After review of such requests and approval by the Board of Public Safety, such spaces shall be designated with appropriate signs. The purchase, installation and maintenance of the signs and posts shall be paid by the petitioner through the City Traffic Engineering Department. Only one permit will be granted to a resident or petitioner. However, under no circumstances shall the authority and procedure for designating accessible parking space on city streets, herein described, be applied in such a manner as to violate or conflict with the provisions of Indiana state law IC 5-16-9, or with the Americans with Disabilities Act of 1990, as from time to time amended (42 United States Code 12181), or with the Americans with Disabilities Act Guidelines adopted by the United States Department of Justice.

(Ord. S-04-99, passed 1-12-99; Am. Ord. G-05-09, passed 3-10-09)

■ § 72.72 VIOLATIONS.

(A) Any vehicle stopped, standing, or parked which does not have displayed a valid placard of a person with a physical disability or a disabled veteran, issued by Indiana law or the laws of any other state or municipality under IC 9-14-5 or under the laws of another state, or a valid registration plate of a person with a physical disability or a disabled veteran, issued by Indiana law or the laws of any other state or municipality under IC 9-18-18, 9-18-22, or the laws of another state, in a parking space reserved for a vehicle of a person with a physical disability commits a violation of this subchapter.

(B) Any person who knowingly parks in a parking space reserved for a person with a physical disability while displaying a placard to which neither the person nor the person's passenger is entitled commits a violation of this subchapter.

(C) It is a violation of this subchapter for a vehicle, displaying a placard or special registration plate entitling the vehicle to park in a parking space reserved for a person with a physical disability, to be parked in said space if that vehicle is not, at that time, in the process of transporting a person with a physical disability or disabled veteran.

(D) Any vehicle stopped, standing, or parked in the disabled parking access aisle, as marked by yellow and/or blue hatched lines, commits a violation of this subchapter.

(E) Citations for violations of this subchapter may be issued by Fort Wayne City Police Officers, Fort Wayne Parking Control Officers, Fort Wayne Firefighters, or ~~and~~ volunteers appointed pursuant to § 72.73, ~~or by any of them~~.

~~—(F) Any violation of this subchapter shall result in a fine of \$50 for each violation. If a person has a valid placard/permit, but fails to display such placard or permit as required by this subchapter, there shall be no fine for the first violation. For the second violation, the fine shall be \$20. For the third and any subsequent violation the fine shall be \$50.~~

(Ord. S-04-99, passed 1-12-99; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

■ § 72.73 AUTHORITY TO APPOINT VOLUNTEERS.

The Fort Wayne Board of Public Safety is authorized to appoint volunteers for the issuance of complaints and summonses for the purposes described in, and consistent with, the provisions of IC 5-16-9-11, as added by Public Law 48-1997.

(Ord. S-04-99, passed 1-12-99; Am. Ord. G-05-09, passed 3-10-09)

■ § 72.74 EFFECT OF STATE AND FEDERAL LEGISLATION.

(A) In the event of a conflict between any of the provisions of §§ 72.70 through 72.74 and IC 5-16-9, as amended, from time to time, the latter shall prevail.

(B) In the event of a conflict between any of the provisions of §§ 72.70 through 72.74 of the Code of Fort Wayne and the Americans with Disabilities Act of 1990 and the Americans with

Disabilities Act Guidelines adopted by the United States Department of Justice, the latter two bodies of law shall prevail.

~~(C) IC 9-14-5, entitled "Parking Placards for Persons with Physical Disabilities", provides for the Indiana Bureau of Motor Vehicles to issue parking placards for persons with physical disabilities. This function, and all related functions, having been preempted by Indiana State Statute, and having thereby been delegated to the Indiana Bureau of Motor Vehicles, the Office of the Fort Wayne City Clerk will no longer issue a city impaired mobility parking permit. The city impaired mobility parking permits which are issued and outstanding as of the effective date of this subchapter will be recognized by the city until and including October 31, 1999, after which date the city will no longer honor or recognize previously issued city impaired mobility parking permits.~~

~~(Ord. S-04-99, passed 1-12-99; Am. Ord. G-05-09, passed 3-10-09)~~ (MBH1)

SNOW ALERT; STOPPING, STANDING, OR PARKING OF VEHICLES

§ 72.75 DEFINITIONS.

~~—For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—**SNOW ALERT.** A period of time prior to, during or after a snowfall of an actual or predicated accumulation of no less than two inches as forecast by the United States Weather Bureau and during which time vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay, and obstruct the safe flow of traffic and the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated as "Snow Control Routes" and listed in Schedule 18, maintained in the office of the Traffic Engineer. ('74 Code, § 17-94)~~

~~—**SNOW EMERGENCY.** A period of time prior to a forecast by the United States Weather Bureau during and after a snowfall, during which the vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay and obstruct the safe flow of traffic and of the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated snow control routes and listed in Schedule 18, maintained on file in the office of the Traffic Engineer. ('74 Code, § 17-95)~~

~~(Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)~~

§ 72.76 SNOW ALERT, DETERMINATION AND PROCLAMATION; DURATION.

A snow alert shall commence by order of the Board of Public Safety before, during or after a snowfall with an accumulation of not less than two inches in the sound judgment and discretion of the Board when the circumstances warrant the determination of such a condition for the public safety of the city. Such snow alerts shall continue in effect until the Board of Public Safety shall determine that such a condition no longer exists and accordingly shall terminate such alert.

('74 Code, § 17-96) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.77 STOPPING OR PARKING VEHICLES DURING SNOW ALERT.

It shall be unlawful for the owner, driver or operator of any vehicle to park, stop or stand the same or to permit the same to be parked or to stand at any time during the period of any snow alert or any of the posted routes or streets as listed in Schedule 18 maintained on file in the office of the Traffic Engineer.

('74 Code, § 17-97) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

§ 72.78 SNOW EMERGENCY; DETERMINATION AND PROCLAMATION; DURATION.

A snow emergency shall commence by executive order, determination and proclamation by the Mayor before, during or after a snow fall when, in his sound judgment and discretion, the circumstances warrant the determination of such an emergency for the public safety of the city. Such snow emergency shall continue in effect until the Mayor determines that an emergency no longer exists and accordingly terminates such emergency.

('74 Code, § 17-98) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.79 STOPPING, STANDING, OR PARKING VEHICLES ON SNOW EMERGENCY ROUTES.

It shall be unlawful for any vehicle to be stopped, standing or parked at any time during the period of any snow emergency on any of the routes or streets listed in Schedule 18, maintained on file in the office of the Traffic Engineer.

('74 Code, § 17-99) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99 ~~Penalty, see § 72.99~~

§ 72.80 REMOVAL AND IMPOUNDMENT OF VEHICLES PARKED IN VIOLATION OF PROVISIONS.

Any police officer, upon discovering any such vehicle so parked or stopped in violation of this subchapter, may remove such vehicle or cause the same to be removed to any city-owned property or to a private garage or place where so authorized pursuant to contract where such vehicle shall be impounded and retained and shall be released only as provided in § 70.03.

('74 Code, § 17-101) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.81 DEPOSIT OF SNOW AND ICE FROM PRIVATE PROPERTY ONTO SIDEWALK OR STREET PROHIBITED.

It shall be unlawful for any person to deposit, put or place or to suffer, allow, or cause to be deposited, put or placed any snow or ice from any private property upon any public sidewalk, street, alley, or within five feet of any fire hydrant.

('74 Code, § 17-100) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09) Penalty, see § 72.99

ENFORCEMENT

§ 72.90 NOTICE OF ILLEGALLY PARKED VEHICLES.

Whenever any motor vehicle is found stopped, standing or parked in violation of any of the restrictions imposed by this chapter or other ordinance of this city, or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a notice in writing, on the form provided by the City Clerk pursuant to § 70.48, for the driver to answer to the charge against him within 30 days. The officer shall send one copy of such notice to the City Clerk's Office.

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

§ 72.91 FAILURE TO COMPLY WITH NOTICE ATTACHED TO PARKED VEHICLES.

If a registered owner and/or violator of the restrictions on stopping, standing or parking under this chapter or other traffic laws or ordinances does not appear in response to a notice affixed to such motor vehicle within a period of 30 days, the Traffic Violations Bureau shall send to the owner of the motor vehicle to which the notice was affixed a letter informing him of the violation and warning him that in the event such registered owner and/or violator continues to disregard the notice, a complaint will be filed and warrant for arrest issued. The sending of such letter shall not be deemed jurisdictional.

('74 Code, § 17-11) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.92 PRIMA FACIE PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was stopped, standing or parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such stopping, standing or parking the registered owner of such vehicle the registered owner shall be prima facie the violator and therefore responsible and liable for the payment of any fines, fees, or other penalties assessed.

('74 Code, § 17-12) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.93 FINE SCHEDULE; DELINQUENT PAYMENT.

(A) A fine schedule shall be maintained in the office of the City Clerk.

(B) All fines delinquent in payment for 30 calendar days or longer from the date of the violation will be double the original fine, unless otherwise specified in this chapter.

(C) All violations outlined in this chapter are considered separate and additional violations, each and every hour such violation occurs unless otherwise specified in this chapter.

('74 Code, § 17-62) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-05-09, passed 3-10-09)

§ 72.94 ADMINISTRATIVE ADJUDICATION OF PARKING CITATIONS.

~~—(A) *Definitions.* As used in this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—**PARKING CITATION.** A notice issued pursuant to § 72.90, and which pertains to the stopping, standing and parking of vehicles.~~

~~—**PARTY and PARTIES.** Refers to the city and respondents.~~

~~—**RESPONDENT.** A person to whom a notice of hearing is issued pursuant to division (D) below.~~

~~(A)~~ ~~(B)~~ *Administrative adjudication provided.* It is hereby declared to be the policy of the City of Fort Wayne that parking citations which are not resolved pursuant to the enforcement procedures of Chapter 39: Ordinance Violations Bureau may be subject to enforcement in administrative proceedings as provided in this section.

~~(C)~~ ~~(B)~~ *Hearing Officers; appointment and term; qualifications; conduct.*

(1) The administrative adjudication of a parking citation under this section shall be presided over by a Hearing Officer appointed by the Mayor. The Mayor may appoint more than one Hearing Officer for contemporaneous terms, as necessary to address in an expeditious manner all parking citations referred to them pursuant to this section. Nothing in this section shall prohibit an individual who is an employee of the city from being appointed or serving as a Hearing Officer.

(2) A Hearing Officer shall be appointed for a term of one year and until a successor is appointed, but shall serve at the pleasure of the mayor. A Hearing Officer may be reappointed for successive terms.

(3) A Hearing Officer shall not preside over a hearing if the Hearing Officer believes he or she is subject to disqualification, or if by motion of any party it appears that the Hearing Officer is subject to disqualification, for:

- (a) Bias, prejudice, or personal interest in the outcome of a hearing;
- (b) Knowledge of a disputed evidentiary fact which might influence the decision;
- (c) Failure to dispose of any motion or hearing in an orderly and reasonably prompt manner after written request by a party; or
- (d) Any cause for which a judge of a court may be disqualified.

(4) Except as to the subjects of hearing schedules and procedures, a Hearing Officer who does the following is disqualified under this section:

- (a) Comments publicly on a hearing over which the Hearing Officer presides; or
- (b) Communicates directly or indirectly with a party or other individual who has an interest in the outcome of a hearing, without notice and opportunity for all parties to participate in the communication;

~~(C)~~ ~~(D)~~ *Notice of administrative hearing.*

(1) Whenever the Violations Clerk reports to the City Attorney that a person upon whom a parking citation was served pursuant to this chapter has:

(a) Appeared and denied the violation; or

(b) Failed to appear at the Ordinance Violations Bureau within 30 days of issuance of the citation; or

(c) Failed to pay the specified civil penalty within 30 days after admitting the violation; the City Attorney may either file an enforcement action in court, or issue a Notice of Administrative Hearing to the person upon whom the citation was served or to the person who is listed with the Indiana Bureau of Motor Vehicles as the registered owner of the vehicle identified on the citation.

(2) Service of Notice of Administrative hearing shall be by United States mail to the respondent's last known address, or by personal service. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. The Violations Clerk shall keep a record of the time, date and manner of service.

(3) The Violations Clerk shall cause a copy of each notice issued pursuant to this section to be delivered to the Hearing Officer who will preside over the hearing.

(4) Each Notice of Administrative Hearing shall include the following information:

(a) A caption for the hearing, which shall include the name of each party expected to participate in the hearing, and an official file or other reference number;

(b) A statement of the date, time and place of the hearing;

(c) A statement of the nature of the hearing, including the legal authority under which the hearing is to be held, and the parties' procedural rights at the hearing;

(d) A statement of the date, time and place of each alleged violation as stated on the parking citations, and the maximum penalty that can be imposed thereupon;

(e) The official title and mailing address of the Hearing Officer and a telephone number through which information concerning the hearing may be obtained;

(f) The official title, mailing address and telephone number of the person who has been designated to appear on behalf of the city; and

(g) A statement that a party who fails to respond to the notice of the hearing, or to participate in the hearing, may be held in default.

(5) Notice of Administrative Hearing shall be issued at least 20 days prior to the date of the hearing.

~~—(E)(D)~~ *Prehearing procedures.*

(1) Prior to the hearing, the Hearing Officer shall give the parties an opportunity to file documents or motions regarding matters such as continuances, discovery, and any other

preliminary matters. At the time of filing, a party shall serve a copy of all filed items on each other party.

(2) Motions for continuance shall be filed no later than seven days before the date assigned for the hearing, unless the reason therefor is shown by affidavit to have occurred within the seven-day period.

(3) The Hearing Officer, upon request by any party or upon the Hearing Officer's own initiative, may issue subpoenas and discovery orders in accordance with the rules of procedure governing subpoenas and discovery in judicial proceedings. The party seeking the subpoena or order shall cause them to be served in accordance with these rules of procedure.

~~(F)~~(E) *Hearing procedures.*

(1) The Hearing Officer shall afford all parties the opportunity to participate in the hearing to the extent necessary for full consideration of all relevant facts and issues. A party may present evidence in the form of testimony, affidavits and documentation, engage in argument, and conduct cross-examination. A party may participate in person or by counsel at the party's own expense; if the party is not an individual or is incompetent to participate, then the party shall participate by a duly authorized representative.

(2) The city shall have the burden of proof that the respondent owned or operated a vehicle that was parked, stopped, or left standing as alleged on the parking citation, and the burden may be sustained by a preponderance of the evidence; provided, however, that a citation, or a copy thereof, issued and bearing the manual or electronic signature of the official issuing the citation shall be prima facie evidence of the correctness of the facts specified therein.

(3) The Hearing Officer shall conduct the hearing in an informal manner and without strict adherence to the technical rules of evidence and procedure which govern judicial proceedings. The Hearing Officer shall rule on the admissibility of any offer of proof, and on other motions, and shall exclude evidence that is irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory grounds. The testimony of each party and witness shall be made under oath or affirmation.

(4) The Hearing Officer may take official notice of any section of this Code, and any law or fact that could be judicially noticed in the courts. The Hearing Officer may call witnesses and conduct direct and cross-examination of any witness.

(5) The Hearing Officer shall cause an audio recording of the hearing to be made at the expense of the city.

(F) ~~(G)~~ *Decision.*

(1) Upon the conclusion of each hearing or as soon thereafter as possible, the Hearing Officer, shall render a decision which includes a determination whether the respondent violated the ordinance as alleged on the parking citation, the amount of civil penalty which must be paid for each violation with instructions on when and how payment shall be made, and a statement of the parties' right to petition for review of the decision.

(2) The decision shall be based exclusively upon the evidence of record in the hearing and on matters officially noticed therein. The Hearing Officer's experience and specialized knowledge may be used in the evaluation of the evidence.

(3) The Hearing Officer shall cause each decision rendered pursuant to this section to be memorialized on a minute sheet or similar written entry into the record.

(4) A decision rendered pursuant to this section may be modified by the Hearing Officer who rendered it, upon the Hearing Officer's own initiative or by motion of any party. Any motion to modify a decision shall be filed within 30 days after the date of the decision.

~~(G)–(H)~~—*Record of the hearing.* The record of each hearing under this section consists of the following and shall constitute the complete and exclusive record for review of a Hearing Officer's decision:

- (1) The notice of hearing;
- (2) The parking citations, if available;
- (3) Any documents or motions filed or entered into evidence;
- (4) Any written orders, subpoenas, and decision of the Hearing Officer; and
- (5) The audio recording of the hearing.

~~(H)–(I)~~—*Petition for review of decision; time limitation.*

(1) A verified petition for review of the decision of a Hearing Officer, stating the alleged error and any factual or legal basis therefor, may be filed in the Circuit or Superior court of Allen County within 30 days after the day on which the decision is rendered. A party who does not file an appeal within this time period forfeits the right to appeal.

(2) Any party who files a verified petition for review shall within 15 days thereafter secure from the Hearing Officer a certified copy of the record of the hearing, and file the same with the Clerk of the Court.

(3) An extension of time within which to file the record may be granted by the court upon a showing of good cause, which shall include the petitioner's inability to obtain the certified copy of the record within 15 days.

(4) The failure of a party to file a certified copy of the record or to secure an extension of time therefor shall be cause for dismissal of the petition for review upon motion of any party of record.

~~(I)–(J)~~—*Administrative hearing costs fee.* For each action that results in judgment against respondent for violation of this chapter, the Hearing Officer may impose an administrative hearing costs fee of \$10.

(Ord. G-37-12, passed 12-18-12)

§ 72.99 PENALTY.

(A) There is hereby established the following schedule of penalties for violations of the following provisions of this chapter.

(1) Sections 72.22 (S) (T) and (V), 72.27, 72.28, 72.42, 72.46 and 72.61. If the violator appears in response to a notice affixed to such motor vehicle within a period of 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10. If the violator fails to appear in response to a notice affixed to such motor vehicle after 30 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$20.

(2) Sections 72.01, 72.06, 72.08, 72.22(N), (O), and (V), 72.24, 72.25, 72.26, ~~and 72.26~~, 72.55, 72.57, 72.58, and 72.77. If the violator appears in response to a notice affixed to such motor vehicle within a period of 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$20. If the violator fails to appear in response to a notice affixed to such motor vehicle after 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$40.

(3) Sections 72.02, 72.03, 72.05, 72.07, ~~72.08~~ and 72.22(A), (B), (C), (E), (F), (G), (H), (I), (J), (K), (L), (M), and (Q) 72.79 and 72.81-. If the violator appears in response to a notice affixed to such motor vehicle within a period of 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$40. If the violator fails to appear in response to a notice affixed to such motor vehicle after 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$80. The penalty for violating § 72.46 (E) and (F) shall be a fine of no less than \$1,000 nor more than \$2,500. ('74 Code, § 17-6)

(B) A violation of any provision of Sections 72.09, §§ 72.22(P), (S) and 72.23, outlined herein under the jurisdiction of the Board of Public Safety shall be immediately fined, without prior notice as follows:

- (1) Inoperable and/or abandoned vehicles, \$100.
- (2) Illegal vehicles in residential area, \$100.
- (3) Operable vehicles in yard, \$100.

Each and every day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines shall be payable to the Violations Bureau located in the office of the City Clerk. ('74 Code, § 17-48.1)

(C) Any motor vehicle stopping, standing or parking in an area designed for the exclusive use of impaired mobility persons which does not bear a disabled veteran registration plate or a space registration plate or display a state impaired mobility parking permit, shall be ticketed at the owner's expense. The fine shall be \$100 for each violation unless the violator fails to appear in response to the violation notice within 30 calendar days, in which case the fine shall be \$150.

(D) Sections 72.10, 72.22(D) and 72.22(R). Any violation of the provisions of § 72.10, which prohibits stopping, standing or parking in or obstructing a fire lane, shall be fined \$100 for each

violation. Any violation of the provisions of § 72.22(D) shall be fined \$100 for each violation. Any violation of the provisions of § 72.22(R) shall be fined \$100 for each violation. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to a notice affixed to such vehicle within a period of 30 calendar days from the date and time shown on the notice, the penalty shall be \$150.

(E) Any violation of 72.72 shall result in a fine of \$100 for each violation. If a person has a valid placard, permit or license plate, but fails to display such placard, permit, or license plate, as required by 72.72, there shall be no fine for the first violation. For the second violation, the fine shall be \$20. For the third and any subsequent violation the fine shall be \$100.

(E)(F)—All penalties collected as provided in this subchapter shall be deposited by the City Controller to the credit of the city in the Parking Meter Fund established in § 72.44.

('74 Code, § 17-69.5) (Ord. S-185-85, passed 10-8-85; Am. Ord. S-04-99, passed 1-12-99; Am. Ord. G-17-03, passed 5-13-03; Am. Ord. G-05-09, passed 3-10-09; Am. Ord. G-25-09, passed 12-8-09; Am. Ord. G-32-12, passed 10-9-12)