

BILL NO. G-17-09-22

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Fort Wayne Code of Ordinances is repealed and replaced as follow: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

§ 72.00 DEFINITIONS.

For the purpose of this chapter, 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 in Indiana state law.

ACCESSIBLE PARKING SPACE. A parking space that conforms with the standards of Indiana state law.

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 Indiana state law.

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 Indiana state law.

1 **PUBLIC AGENCY.**

2 (1) The State of Indiana, its departments, agencies, boards, commissions, and
3 institutions, including state educational institutions (as defined in Indiana state law.):
4 and

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

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

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

18 **SNOW EMERGENCY.** A period of time prior to a forecast by the United States
19 Weather Bureau during and after a snowfall, during which the vehicular traffic is
20 expected to be particularly hazardous or congested due to the elements, and during
21 which period of time the parking of such vehicles could hinder, delay and obstruct
22 the safe flow of traffic and of the proper cleaning, clearing and making safe of
23 certain heavily traveled public streets of this city, which streets shall be designated
24 snow control routes and listed in Schedule 18, maintained on file in the office of the
25 Traffic Engineer. (Ord. G-17-17, passed 6-27-17)

26 **MANNER OF PARKING**

27 **§ 72.01 STOPPING, STANDING OR PARKING CLOSE TO CURB.**

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

(Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

14 **§ 72.02 ANGLE PARKING.**

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

23 (2) Angle parking shall not be indicated or permitted at any place where passing
24 traffic would thereby be caused or required to drive upon the left-hand side of a two-
25 way street.

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

3 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

4 **§ 72.03 OBSTRUCTIONAL PARKING PROHIBITED.**

5
6 No vehicle shall be stopped, standing or parked upon a street in such a manner or
7 under such conditions as to leave available less than 15 feet of the width of the
8 roadway unobstructed for the free movement of vehicular traffic.

9 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

10 **§ 72.04 RESERVED.**

11 **§ 72.05 DRIVER TO STOP VEHICLE WHEN TRAFFIC OBSTRUCTED.**

12
13 No driver of a vehicle shall enter an intersection or a marked crosswalk unless and
14 until there is sufficient space on the other side of the intersection or crosswalk to
15 accommodate the vehicle he is operating without obstructing the passage of other
16 vehicles or pedestrians, notwithstanding any traffic control signal indication to
17 proceed.

18 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

19 **§ 72.06 ALL-NIGHT PARKING PROHIBITED.**

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

24 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

25 **§ 72.07 PARKING IN ALLEYS.**

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

6 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

7 **§ 72.08 PARKING ADJACENT TO SCHOOLS.**

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

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

15 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

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

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

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

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

3 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

4 **§ 72.10 STOPPING, STANDING, OR PARKING IN FIRE LANE.**

5
6 When a fire lane has been designated, all vehicles stopped, standing or parked in
7 said fire lane can be ordered to be removed and/or towed by either the Fire
8 Department or Police Department.

9 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

10 **RESTRICTED OR PROHIBITED PARKING**
11 **ON CERTAIN STREETS**

12 **§ 72.20 APPLICATION OF PROVISIONS.**

13
14 The provisions of this subchapter prohibiting the standing or parking of a vehicle
15 shall apply at all times or at those times herein specified and as indicated on official
16 signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic
17 or in compliance with the directions of a Police Officer or official traffic-control
18 device.

19 (Ord. G-17-17, passed 6-27-17)

20 **§ 72.21 REGULATIONS NOT EXCLUSIVE.**

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

25 (Ord. G-17-17, passed 6-27-17)

26 **§ 72.22 STOPPING, STANDING OR PARKING PROHIBITED IN**
27 **SPECIFIED PLACES.**

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

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

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

7 (C) Within an intersection.

8 (D) Within 15 feet of a fire hydrant.

9 (E) On or within a crosswalk.

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

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

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

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

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

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

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

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

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

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

7 (1) The vehicle will be red tagged by the officer and will be ticketed and/or
8 towed within the following 24-hour time period unless the vehicle has been driven
9 .10 mile and the vehicle's odometer reflects the .10 advancement.

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

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

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

15 (R) (1) Upon any street or public thoroughfare without a current registration
16 sticker properly affixed to the license plate that is: *

17 (a) Displayed in accordance with Indiana state law;

18 (b) Not false or fictitious; or

19 (c) Legally assigned to said vehicle.

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

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

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

5 (U) Press vehicle parking permit.

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

10 (2) The issued permit shall be hung from the rearview mirror which displays the
11 authorized vehicle plate number and expiration date. The cost of the permit shall be
12 \$35, to be renewed annually.

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

14 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

15 **§ 72.23 PARKING IN RESIDENTIAL DISTRICTS.**

16
17 (A) The only vehicles permitted to be parked in residential districts in the city
18 shall be:

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

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

26 (B) The following vehicles will not be permitted to be parked in said residential
27 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.

(Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

§ 72.24 PARKING FOR CERTAIN PURPOSES PROHIBITED.

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

3 (A) Displaying such vehicle for sale.

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

6 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

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8 **§ 72.25 PARKING PROHIBITED AT ALL TIMES ON CERTAIN**
9 **STREETS.**

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

13 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

14 **§ 72.26 PARKING PROHIBITED DURING CERTAIN HOURS ON**
15 **CERTAIN STREETS.**

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

21 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

22 **§ 72.27 STOPPING, STANDING OR PARKING PROHIBITED DURING**
23 **CERTAIN HOURS ON CERTAIN STREETS.**

24 When signs are erected in each block pursuant hereto giving notice thereof, no
25 vehicle shall be stopped, standing or parked between the hours specified in Schedule
26

1 9, maintained on file in the office of the Traffic Engineer, of any day except Sundays
2 and Holidays within the district or upon any of the streets described in Schedule 9.

3 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

4 **§ 72.28 PARKING TIME LIMITED ON CERTAIN STREETS.**

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

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

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

24 (D) *Three-hour parking.* When signs are erected in each block pursuant to this
25 subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for
26 longer than three hours at any time between the hours of 8:00 a.m. and 5:00 p.m.
27 Monday through Friday, except Saturdays, Sundays and Holidays within the district
28 or upon any of the streets described in Schedule 13, maintained on file in the office
29 of the Traffic Engineer.
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1 (E) *Thirty-minute parking.* When signs are erected in each block pursuant to this
2 subchapter giving notice thereof, no vehicle shall be stopped, standing, or parked for
3 longer than 30 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m.
4 Monday through Friday, except Saturdays, Sundays and Holidays within the district
5 or upon any of the streets described in Schedule 14, maintained on file in the office
6 of the Traffic Engineer.

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

13 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

14 **§ 72.29 ERECTION OF PARKING SIGNS; DUTY OF CITY TRAFFIC**
15 **ENGINEER.**

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

21 (Ord. G-17-17, passed 6-27-17)

22 **METERED PARKING**

23 **§ 72.41 AUTHORITY AND POWERS OF BOARD OF PUBLIC SAFETY.**

24 The Board of Public Safety is hereby authorized and empowered:

25 (A) To enter into any contract for rental, purchase, acquisition, installation,
26 regulation, use, operation, maintenance, repair, servicing and supplying of parts and
27

1 replacements for parking meters, as the same may be necessary to carry out its
2 authority hereunder, and to provide payment therefor exclusively from the funds,
3 receipts and revenue obtained by the city from the operation and use of such parking
4 meters without in anywise obligating the city to pay for the same from funds derived
5 from any other source, and to do any and all things or acts necessary and appropriate
6 to carry out and place in effect the purposes and intent of this division, including the
7 determination and establishment of the specifications to be required in the purchase,
8 lease or other acquisition of parking meters.

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

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

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

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

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

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

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

26 (2) The Board of Public Safety shall deputize such individual person as special
27 police, whereupon such individual person shall have the power and authority to

1 prepare, sign and deliver or post notices of violation of any parking limitations in any
2 parking meter zone or parking meter space in accordance with the provisions of this
3 chapter.

4 (3) Every such person shall furnish a bond in the penal sum of \$5,000
5 conditioned upon his faithful performance of his duties hereunder, which bond shall
6 run in favor of the city.

7 (Ord. G-17-17, passed 6-27-17)

8 **§ 72.42 DUTY OF DRIVER TO DEPOSIT COIN IN METER.**

9
10 (A) Except in any period of emergency determined by an officer of the fire or
11 police department of this city, or in compliance with the direction of a police officer
12 or a traffic control sign or signal of this city or of the state, when any vehicle shall be
13 parked in any parking meter space, the driver of such vehicle shall, upon entering
14 such parking meter space, immediately deposit or cause to be deposited in the
15 parking meter adjacent thereto such proper coin of the United States of America as is
16 required for such parking meter as designated by direction thereon, and by regulation
17 of the Board of Public Safety approved by resolution of the Common Council, and
18 also shall set in operation the timing mechanism on such meter in accordance with
19 the directions thereon.

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

27 (Ord. G-17-17, passed 6-27-17) 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.

(Ord. G-17-17, passed 6-27-17)

§ 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.

(Ord. G-17-17, passed 6-27-17)

§ 72.45 RECORDS AND REPORTS.

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

9 (Ord. G-17-17, passed 6-27-17)

10 **§ 72.46 VIOLATIONS.**

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

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

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

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

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

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

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

8 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

9
10 **LOADING AND UNLOADING ZONES;**
11 **PUBLIC CARRIER STOPS AND STANDS**

12 **§ 72.55 PERMIT FOR BACKING TO CURB FOR PURPOSE OF**
13 **LOADING OR UNLOADING.**

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

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

(Ord. G-17-17, passed 6-27-17) 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.

(Ord. G-17-17, passed 6-27-17)

§ 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.

(Ord. G-17-17, passed 6-27-17) 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.

(Ord. G-17-17, passed 6-27-17) 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

1 such public streets, in such places and such manner as it shall determine to be of the
2 greatest benefit and convenience to the public, and every such bus stop, taxicab stand
3 or other stand shall be designated by appropriate signs; provided, that no taxicab
4 stand shall be designated for the particular use of any one company.

5 (Ord. G-17-17, passed 6-27-17)

6 **§ 72.60 (RESERVED).**

7 **§ 72.61 BUS AND TAXICABS STANDARDS; USE RESTRICTED.**

8
9 No vehicle, other than a common carrier of passengers or a taxicab, shall be
10 stopped, standing or parked in a bus stop or taxicab stand, when any such stop or
11 stand has been officially designated pursuant to § 72.59 and appropriately signed;
12 except, that a passenger vehicle may temporarily stop therein for the purpose of and
13 while actually engaged in loading or unloading passengers when such stopping does
14 not interfere with any bus or taxicab: departing from, waiting to enter, or about to
enter such zone.

15 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

16 **PARKING FACILITIES FOR PERSONS**
17 **WITH PHYSICAL DISABILITIES**

18
19 **§ 72.70 PURPOSE.**

20 (A) *Purpose.* It is the intent of this subchapter to comply with the provisions of
21 Indiana state law, and the City of Fort Wayne shall comply with the Indiana statute,
22 as amended.

23 (Ord. G-17-17, passed 6-27-17)

24 **§ 72.71 AUTHORITY AND PROCEDURE FOR DESIGNATING**
25 **ACCESSIBLE PARKING SPACE ON CITY STREETS.**

1 Where designated accessible parking spaces are requested and needed on city
2 streets, it shall be the responsibility of the petitioner to provide a petition signed by at
3 least 51% of the residents on both sides of the affected block of said street. Requests
4 for the permanent placement of an approved sign shall be submitted in writing on a
5 city application form to the City Traffic Engineering Department. After review of
6 such requests and approval by the Board of Public Safety, such spaces shall be
7 designated with appropriate signs. The purchase, installation and maintenance of the
8 signs and posts shall be paid by the petitioner through the City Traffic Engineering
9 Department. Only one permit will be granted to a resident or petitioner. However,
10 under no circumstances shall the authority and procedure for designating accessible
11 parking space on city streets, herein described, be applied in such a manner as to
12 violate or conflict with the provisions of Indiana state law, or with the Americans
13 with Disabilities Act of 1990, as from time to time amended (42 United States Code
14 12181), or with the Americans with Disabilities Act Guidelines adopted by the
15 United States Department of Justice.

16 (Ord. G-17-17, passed 6-27-17)

17 **§ 72.72 VIOLATIONS.**

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

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

27 (C) It is a violation of this subchapter for a vehicle, displaying a placard or special
28 registration plate entitling the vehicle to park in a parking space reserved for a person
29
30

1 with a physical disability, to be parked in said space if that vehicle is not, at that
2 time, in the process of transporting a person with a physical disability or disabled
3 veteran.

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

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

10 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

11 **§ 72.73 AUTHORITY TO APPOINT VOLUNTEERS.**

12 The Fort Wayne Board of Public Safety is authorized to appoint volunteers for the
13 issuance of complaints and summonses for the purposes described in, and consistent
14 with, the provisions of Indiana state law.

15 (Ord. G-17-17, passed 6-27-17)

16 **§ 72.74 EFFECT OF STATE AND FEDERAL LEGISLATION.**

17 (A) In the event of a conflict between any of the provisions of
18 §§ 72.70 through 72.74 and Indiana state law, the latter shall prevail.

19 (B) In the event of a conflict between any of the provisions of
20 §§ 72.70 through 72.74 of the Code of Fort Wayne and the Americans with
21 Disabilities Act of 1990 and the Americans with Disabilities Act Guidelines adopted
22 by the United States Department of Justice, the latter two bodies of law shall prevail.

23
24 **SNOW ALERT; STOPPING, STANDING,**
25 **OR PARKING OF VEHICLES**

**§ 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.

(Ord. G-17-17, passed 6-27-17)

§ 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.

(Ord. G-17-17, passed 6-27-17) 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.

(Ord. G-17-17, passed 6-27-17)

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

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

4 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

5 **§ 72.80 REMOVAL AND IMPOUNDMENT OF VEHICLES PARKED IN**
6 **VIOLATION OF PROVISIONS.**

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

12 (Ord. G-17-17, passed 6-27-17)

13 **§ 72.81 DEPOSIT OF SNOW AND ICE FROM PRIVATE PROPERTY**
14 **ONTO SIDEWALK OR STREET PROHIBITED.**

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

18 (Ord. G-17-17, passed 6-27-17) Penalty, see § 72.99

19 **ENFORCEMENT**

20 **§ 72.90 NOTICE OF ILLEGALLY PARKED VEHICLES.**

21 Whenever any motor vehicle is found stopped, standing or parked in violation of
22 any of the restrictions imposed by this chapter or other ordinance of this city, or by
23 state law, the officer finding such vehicle shall take its registration number and may
24 take any other information displayed on the vehicle which may identify its owner,
25 and shall conspicuously affix to such vehicle a notice in writing, on the form
26 provided by the City Clerk pursuant to § 70.48, for the driver to answer to the charge
27

1 against him within 30 days. The officer shall send one copy of such notice to the City
2 Clerk's Office.

3 (Ord. G-17-17, passed 6-27-17)

4 **§ 72.91 FAILURE TO COMPLY WITH NOTICE ATTACHED TO**
5 **PARKED VEHICLES.**

6
7 If a registered owner and/or violator of the restrictions on stopping, standing or
8 parking under this chapter or other traffic laws or ordinances does not appear in
9 response to a notice affixed to such motor vehicle within a period of 30 days, the
10 Traffic Violations Bureau shall send to the owner of the motor vehicle to which the
11 notice was affixed a letter informing him of the violation and warning him that in the
12 event such registered owner and/or violator continues to disregard the notice, a
13 complaint will be filed and warrant for arrest issued. The sending of such letter shall
14 not be deemed jurisdictional.

15 (Ord. G-17-17, passed 6-27-17)

16 **§ 72.92 PRIMA FACIE PRESUMPTION IN REFERENCE TO ILLEGAL**
17 **PARKING.**

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

25 (Ord. G-17-17, passed 6-27-17)

26 **§ 72.93 FINE SCHEDULE; DELINQUENT PAYMENT.**

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

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

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

7 (Ord. G-17-17, passed 6-27-17)

8 **§ 72.94 ADMINISTRATIVE ADJUDICATION OF PARKING**
9 **CITATIONS.**

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

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

15
16 (1) The administrative adjudication of a parking citation under this section shall
17 be presided over by a Hearing Officer appointed by the Mayor. The Mayor may
18 appoint more than one Hearing Officer for contemporaneous terms, as necessary to
19 address in an expeditious manner all parking citations referred to them pursuant to
20 this section. Nothing in this section shall prohibit an individual who is an employee
21 of the city from being appointed or serving as a Hearing Officer.

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

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

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

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

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

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

7
8 (4) Except as to the subjects of hearing schedules and procedures, a Hearing
9 Officer who does the following is disqualified under this section:

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

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

15 (C) *Notice of administrative hearing.*

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

18 (a) Appeared and denied the violation; or

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

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

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

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

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

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

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

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

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

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

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

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

25 (5) Notice of administrative hearing shall be issued at least 20 days prior to the
26 date of the hearing.

1 (D) *Prehearing procedures.*

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

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

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

14 (E) *Hearing procedures.*

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

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

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

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

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

13 (F) *Decision.*

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

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

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

25 (4) A decision rendered pursuant to this section may be modified by the Hearing
26 Officer who rendered it, upon the Hearing Officer's own initiative or by motion of
27
28
29
30

1 any party. Any motion to modify a decision shall be filed within 30 days after the
2 date of the decision.

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

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

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

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

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

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

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

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

4 (Ord. G-17-17, passed 6-27-17)

5 **§ 72.99 PENALTY.**

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

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

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

21 (3) Sections 72.02, 72.03, 72.05, 72.07, and 72.22(A), (B), (C), (E), (F), (G),
22 (H), (I), (J), (K), (L), (M), and (Q) 72.79 and 72.81. If the violator appears in
23 response to a notice affixed to such motor vehicle within a period of 30 calendar
24 days from the date and time shown on said notice affixed to such motor vehicle, the
25 penalty shall be \$40. If the violator fails to appear in response to a notice affixed to
26 such motor vehicle after 30 calendar days from the date and time shown on said
27 notice affixed to such motor vehicle, the penalty shall be \$80. The penalty for

1 violating § 72.46 (E) and (F) shall be a fine of no less than \$1,000 or more than
2 \$2,500.

3 (B) (1) A violation of any provision of sections 72.09, 72.22(P), (S) and 72.23,
4 outlined herein under the jurisdiction of the Board of Public Safety shall be
5 immediately fined, without prior notice as follows:

6 (a) Inoperable and/or abandoned vehicles, \$ 100.

7 (b) Illegal vehicles in residential area, \$100.

8 (c) Operable vehicles in yard, \$100.

9
10 (2) Each and every day such violation is committed or is permitted to continue
11 shall constitute a separate offense and shall be punishable as such. All fines shall be
12 payable to the Violations Bureau located in the office of the City Clerk.

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

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

27 (E) Any violation of § 72.72 shall result in a fine of \$100 for each violation. If a
28 person has a valid placard, permit or license plate, but fails to display such placard,

1 permit, or license plate, as required by § 72.72, there shall be no fine for the first
2 violation. For the second violation, the fine shall be \$20. For the third and any
3 subsequent violation the fine shall be \$100.

4 (F) All penalties collected as provided in this subchapter shall be deposited by the
5 City Controller to the credit of the city in the Parking Meter Fund established in
6 § 72.44.

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

9
10
11 _____
Council Member

12
13 APPROVED AS TO FORM AND LEGALITY

14
15 _____
Carol Helton, City Attorney