

**AN ORDINANCE AMENDING CHAPTER 39: ORDINANCE
VIOLATIONS BUREAU (39.03 SCHEDULE OF PENALTIES) OF
THE FORT WAYNE MUNICIPAL CODE OF ORDINANCES**

WHEREAS, The City of Fort Wayne has an extensive system of sidewalks and trails; and

WHEREAS, The City of Fort Wayne is a fun, family-friendly, and safe community with a commitment to providing an enhanced quality of life for all; and

WHEREAS, Chapters 74 and 97 have been amended; and

WHEREAS, corresponding changes to Chapter 39 of the Fort Wayne Municipal Code of Ordinances are necessary.

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

SECTION 1. Chapter 39: ORDINANCE VIOLATIONS BUREAU, Section 39.03 Schedule of Penalties is amended as follows:

CHAPTER 39: ORDINANCE VIOLATIONS BUREAU

Section

- 39.01 Establishment of Bureau; duties, rights and responsibilities
- 39.02 Violations Clerk appointed as Administrator
- 39.03 Schedule of penalties
- 39.04 Payment of civil penalties
- 39.05 Failure to satisfy civil penalty; prosecution
- 39.06 Failure to appear; violation
- 39.07 Separate and/or additional violations
- 39.08 Receipt of civil penalties prior to passage of provisions
- 39.09 Enforcement of scheduled code sections; greater civil penalties

1 § 39.01 ESTABLISHMENT OF BUREAU; DUTIES, RIGHTS AND
2 RESPONSIBILITIES.

3 There is hereby created and established the "City of Fort Wayne Ordinance
4 Violations Bureau," which Bureau is granted all the duties, rights, and
5 responsibilities as provided by state law.

6 ('74 Code, § 2-111) (Ord. G-30-88, passed 10-11-88)

7 § 39.02 VIOLATIONS CLERK APPOINTED AS ADMINISTRATOR.

8 The Clerk of the City is hereby appointed Violations Clerk to be the
9 administrator of the bureau. ('74 Code, § 2-112) (Ord. G-30-88, passed 10-11-
10 88)

11 § 39.03 SCHEDULE OF PENALTIES.

12 The following are subject to admission of violation before the Violations Clerk
13 and the amount of the civil penalties to be assessed:

Nature of Violations	Code Section	Civil Penalty
Refuse	50.99(B)	\$25 for 1st violation; \$50 for each subsequent violation over the next 12 months
Possession or consumption	71.99	\$50 for 1st offense; not less than \$100 for 2nd offense nor more than \$500
Operator or owner of motor vehicle in violation	71.99	\$50 for 1st offense; not less than \$100 for 2nd offense nor more than \$500
Parking		
Bus stops and taxicab stands; Citizen Square Parking Lot	72.99(A)(1)	\$10/Failure to appear after 30 calendar days from the date of notice, \$20
Fire hydrants	72.99(D)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Fire lanes	72.99(D)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
License plates, false or not current	72.99(D)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Prohibited	72.99(A)(2)	\$20/Failure to appear after 30 calendar days from the date of notice, \$40

Parking meters		
Damage to	72.99(A)(3)	Not less than \$1000 nor more than \$2500
Violations	72.99(A)(1)	\$10/Failure to appear after 30 calendar days from the date of notice, \$20
Parking violations	72.99(A)(3)	\$40/Failure to appear after 30 calendar days from the date of notice, \$80
Impaired mobility spaces	72.99(C)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
	72.72(F)	If authorized, but without placard/ permit, \$0 first violation, \$20 second violation, \$100 each subsequent violation
Residential Districts	72.99(B)	
Illegal vehicles	72.99 (B) 90.99 (C)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Inoperable/abandoned vehicles	72.99 (B) 90.99 (A)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Operable vehicles in yard	72.99 (B) 90.99 (A)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Bicycles etc.	74.99	\$25 to \$200 (First time \$15)/not more than \$2,500 and/or impoundment of vehicle
Abandoned vehicles	90.99(A)	Not more than \$50 /Failure to appear after 30 calendar days from the date of notice, \$150
Animal control, Class A offense	91.999	Not less than \$50 nor more than \$2,500
Animal control, Class B offense	91.999	Not less than \$50 nor more than \$2,500
Animal control, Class C offense	91.999	Not less than \$15 nor more than \$2,500
Fire Code violations	94.199	Not less than \$20 nor more than \$2,500
Penalty for failure to correct a cited violation	94.199(B)(1)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for obstructing a fire	94.199(B)(2)	\$100/Failure to appear after 30

hydrant, fire department connection or fire protection control valve		calendar days from the date of notice, \$150
Penalty for failure to install or maintain portable fire extinguishers	94.199(B)(3)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for failure to establish and maintain open fire lanes	94.199(B)(4)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for parking in or obstructing a fire lane	94.199(B)(5)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Smoke detector violations	94.199(B)(6)	\$100
Penalty for burning of combustible materials out of doors or open burning	94.199(B)(7)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for failure to obtain a tire storage permit	94.199(B)(8)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for failure to obtain a temporary propane tank storage permit	94.199(B)(9)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for failure to obtain a fireworks and pyrotechnics permit	94.199(B)(10)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Health, Safety and Sanitation violations	95.99(A)	Not more than \$2,500
Penalty for abandoned refrigerators and containers	95.99(B)	Not more than \$300
Penalty for certification in cardiopulmonary child care situations	95.99(C)	\$25
Penalty for hazardous chemicals and substances reporting requirements	95.99(D)	Not more than \$2,500
Smoking in restaurant	95.99(E)	Warning for the first violation, not more than \$100 for second violation, up to \$500 for third violation, and up to \$2,500 per day for subsequent violations
Smoking in workplaces and public places	95.99(E)	Warning for the first violation, not more than \$100 for second violation, up to \$500 per day for subsequent violations
Skateboarding where	97.47 (D)(1)	Not less than \$50 and not more

prohibited		than \$200 per violation/Failure to appear after 30 calendar days from the date of notice, \$75 and not more than \$225
Operation of motor vehicles	97.99 (A)	\$25 to \$200 (First time \$15)/not more than \$2,500 and/or impoundment of vehicle
General nuisance/rubbish	100.99(A)	Not less than \$25 nor more than \$100
False alarms, and failure to register	102.02(E)	\$200 per offense up to maximum allowed by law
Automatic telephone dial devices	102.04(D)	\$200 per offense up to prohibited maximum allowed by law
Audible alarm violations	102.05(D)	\$50 per offense
Penalty for false alarm	102.07(B)	\$50 per offense beginning with the 3rd offense occurring in a calendar year/Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for false alarm	102.07(C)	\$50 per offense beginning with the 3rd offense occurring in a calendar year/ Failure to appear after 30 calendar days from the date of notice, \$75
Taxicabs (Company)		
Failure to display plate	Ch. 116, App.	\$500
Failure to report change in employee's status	Ch. 116, App.	\$500
Failure to report transfer of plates	Ch. 116, App.	\$500
Operating without required vehicle equipment	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Operating without valid inspection	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Operating without valid permit	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Tampering with taximeter	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Other offenses	Ch. 116, App.	\$500 and/or revocation or suspension of license
Taxicabs (Driver)		
Falsifying application	Ch. 116, App.	\$1000 and/or revocation or suspension of license

Operating without a valid license	Ch. 116, App.	\$1500
Tampering with taximeter	Ch. 116, App.	\$1500 and/or revocation or suspension of license
Other offenses	Ch. 116, App.	\$500 and/or revocation or suspension of license
Penalty for sale, use and/or possession of synthetic cannabinoid	130.10 (E)	\$2,500
Housing and Building Standards	152.12	\$50 for 1st 30-day reinspection
Housing and Building Standards	152.12	\$75 for 2nd 30-day reinspection
Housing and Building Standards	152.12	\$100 for 3rd 30-day inspection

('74 Code, § 2-113) (Ord. G-30- 88, passed 10-1-88; Am. Ord. G- 24-89, passed 11-14-89; Am. Ord. G-21-92, passed 5-29-92; Am. Ord. G-23-96, passed 10-8-96; Am. Ord. G-10-97, passed 8-23-97; Am. Ord. G-31-98, passed 8-25-98; Am. Ord. G-36-98, passed 11-24-98; Am. Ord. G-11-00, passed 4-11-00; Am. Ord. G-06-01, passed 4-24-01; Am. Ord. G-17-03, passed 5-13-03; Am. Res. R-75-02, passed 11-26-02; Am. Ord G-21-03, passed 6-24-03; Am. Ord. G-13-10, passed 8-24-10; Am. Ord. G-2-11, passed 1-11-11; Am. Ord. G-5-15, passed 4-4-15; Am. Ord. G-17-17, passed 6-27-17; Am. Ord. G-17-21, passed 11-23-21)

§ 39.04 PAYMENT OF CIVIL PENALTIES.

(A) The Ordinance Violations clerk shall receive, receipt and account for the payment of the civil penalties under procedures provided for by the state board of accounts. ('74 Code, § 2-114)

(B) The payment of civil penalties designated under this schedule may be made in person, by mail, online, or to those individuals and/or places designated by the City Clerk. ('74 Code, § 2-115)

(Ord. G-30-88, passed 10-11-88; Am Ord. S-49-05, passed 4-12-05)

§ 39.05 FAILURE TO SATISFY CIVIL PENALTY, PROSECUTION.

If a person denies an ordinance or code violation under this procedure, fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation, or fails to appear to admit or deny the violation, then the

Violations Clerk shall report such fact to the office of the Corporation Counsel who shall prosecute the ordinance violation cases on behalf of the city.

('74 Code, § 2-116) (Ord. G-30-88, passed 10-11-88)

§ 39.06 FAILURE TO APPEAR; VIOLATION.

Any person who fails to appear before the Ordinance Violations Clerk within 30 days after receipt of a notice of a violation set forth in the ordinance violations bureau schedule commits a separate violation of failure to appear and shall pay a civil penalty, regardless of the disposition of the initial violation, as follows:

Original Violation Penalty	Failure to Appear Penalty
\$10	\$10
\$20	\$20
\$40	\$40
and over \$100	\$50

('74 Code, § 2-117) (Ord. G-30- 88, passed 10-11-88; Am. Ord. G- 24-89, passed 11-14-89; Am. Ord. G-17-21, passed 11-23-21)

§ 39.07 SEPARATE AND/OR ADDITIONAL VIOLATIONS.

With respect to any of the violations listed in the preceding schedule, each 24-hour period shall constitute a separate violation except for parking violations which may be considered a separate and additional violation for each and every hour such violation occurs unless otherwise specified in the city code.

('74 Code, § 2-118) (Ord. G-30-88, passed 10-11-88)

§ 39.08 RECEIPT OF CIVIL PENALTIES PRIOR TO PASSAGE OF PROVISIONS.

The receipt of civil penalties prior to the passage of this article is hereby approved and ratified.

('74 Code, § 2-119) (Ord. G-30-88, passed 10-11-88)

§ 39.09 ENFORCEMENT OF SCHEDULED CODE SECTIONS; GREATER CIVIL PENALTIES.

Nothing in the establishment of the Ordinance Violation Bureau nor in the establishment of special fines for first time offenders or non-aggravated circumstances shall be construed to prohibit the city's designated officers and employees from enforcing the code sections in § 39.03 pursuant to IC 36-1-6-3 and IC 34-28-5 and seeking the greater civil penalties which may be provided for by the penalty provision of the applicable city code sections.

('74 Code, § 2-120) (Ord. G-30-88, passed 10-11-88)

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Malak Heiny, City Attorney

CHAPTER 39: ORDINANCE VIOLATIONS BUREAU

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- 39.09 Enforcement of scheduled code sections; greater civil penalties

§ 39.01 ESTABLISHMENT OF BUREAU; DUTIES, RIGHTS AND RESPONSIBILITIES.

There is hereby created and established the "City of Fort Wayne Ordinance Violations Bureau," which Bureau is granted all the duties, rights, and responsibilities as provided by state law.

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§ 39.02 VIOLATIONS CLERK APPOINTED AS ADMINISTRATOR.

The Clerk of the City is hereby appointed Violations Clerk to be the administrator of the bureau. ('74 Code, § 2-112) (Ord. G-30-88, passed 10-11-88)

§ 39.03 SCHEDULE OF PENALTIES.

The following are subject to admission of violation before the Violations Clerk and the amount of the civil penalties to be assessed:

Nature of Violations	Code Section	Civil Penalty
Nature of Violations	Code Section	Civil Penalty
Refuse	50.99(B)	\$25 for 1st violation; \$50 for each subsequent violation over the next 12 months

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Possession or consumption	71.99	\$50 for 1st offense; not less than \$100 for 2nd offense nor more than \$500
Operator or owner of motor vehicle in violation	71.99	\$50 for 1st offense; not less than \$100 for 2nd offense nor more than \$500
Parking Bus stops and taxicab stands; Citizen Square Parking Lot	72.99(A)(1)	\$10/Failure to appear after 30 calendar days from the date of notice, \$20
Fire hydrants	72.99(D)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Fire lanes	72.99(D)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
License plates, false or not current	72.99(D)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Prohibited	72.99(A)(2)	\$20/Failure to appear after 30 calendar days from the date of notice, \$40
Parking meters Damage to	72.99(A)(3)	Not less than \$1000 nor more than \$2500
Violations	72.99(A)(1)	\$10/Failure to appear after 30 calendar days from the date of notice, \$20
Parking violations	72.99(A)(3)	\$40/Failure to appear after 30 calendar days from the date of notice, \$80
Impaired mobility spaces	72.99(C)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
	72.72(F)	If authorized, but without placard/permit, \$0 first violation, \$20 second violation, \$100 each subsequent violation
Residential Districts	72.99(B)	

Illegal vehicles	72.99 (B) 90.99 (C)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Inoperable/abandoned vehicles	72.99 (B) 90.99 (A)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Operable vehicles in yard	72.99 (B) 90.99 (A)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
<u>Bicycles etc.</u>	<u>74.99</u>	<u>\$25 to \$200 (First time \$15)/not more than \$2,500 and/or impoundment of vehicle</u>
Abandoned vehicles	90.99(A)	Not more than \$50 /Failure to appear after 30 calendar days from the date of notice, \$150
Animal control, Class A offense	91.999	Not less than \$50 nor more than \$2,500
Animal control, Class B offense	91.999	Not less than \$50 nor more than \$2,500
Animal control, Class C offense	91.999	Not less than \$15 nor more than \$2,500
Fire Code violations	94.199	Not less than \$20 nor more than \$2,500
Penalty for failure to correct a cited violation	94.199(B)(1)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for obstructing a fire hydrant, fire department connection or fire protection control valve	94.199(B)(2)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for failure to install or maintain portable fire extinguishers	94.199(B)(3)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for failure to establish and maintain open fire lanes	94.199(B)(4)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for parking in or obstructing a fire lane	94.199(B)(5)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Smoke detector violations	94.199(B)(6)	\$100

Penalty for burning of combustible materials out of doors or open burning	94.199(B)(7)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
Penalty for failure to obtain a tire storage permit	94.199(B)(8)	\$100/Failure to appear after 30 calendar days from the date of notice, \$150
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Penalty for abandoned refrigerators and containers	95.99(B)	Not more than \$300
Penalty for certification in cardiopulmonary child care situations	95.99(C)	\$25
Penalty for hazardous chemicals and substances reporting requirements	95.99(D)	Not more than \$2,500
Smoking in restaurant	95.99(E)	Warning for the first violation, not more than \$100 for for second violation, up to \$500 for third violation, and up to \$2,500 per day for subsequent violations
Smoking in workplaces and public places	95.99(E)	Warning for the first violation, not more than \$100 for second violation, up to \$500 per day for subsequent violations
Skateboarding where prohibited	97.47 (D)(1)	Not less than \$50 and not more than \$200 per violation/Failure to appear after 30 calendar days from the date of notice, \$75 and not more than \$225
Operation of <u>motor</u> vehicles	97.99 (A)	Not more than \$2,500 <u>\$25 to \$200 (First time \$15)/not more than \$2,500 and/or impoundment of vehicle</u>
General nuisance/rubbish	100.99(A)	Not less than \$25 nor more than \$100

False alarms, and failure to register	102.02(E)	\$200 per offense up to maximum allowed by law
Automatic telephone dial devices	102.04(D)	\$200 per offense up to prohibited maximum allowed by law
Audible alarm violations	102.05(D)	\$50 per offense
Penalty for false alarm	102.07(B)	\$50 per offense beginning with the 3rd offense occurring in a calendar year/Failure to appear after 30 calendar days from the date of notice, \$75
Penalty for false alarm	102.07(C)	\$50 per offense beginning with the 3rd offense occurring in a calendar year/ Failure to appear after 30 calendar days from the date of notice, \$75
Taxicabs (Company)		
Failure to display plate	Ch. 116, App.	\$500
Failure to report change in employee's status	Ch. 116, App.	\$500
Failure to report transfer of plates	Ch. 116, App.	\$500
Operating without required vehicle equipment	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Operating without without valid inspection	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Operating without valid permit	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Tampering with taximeter	Ch. 116, App.	\$1500 and/or revocation or suspension of permit
Other offenses	Ch. 116, App.	\$500 and/or revocation or suspension of license
Taxicabs (Driver)		
Falsifying application	Ch. 116, App.	\$1000 and/or revocation or suspension of license
Operating without a valid license	Ch. 116, App.	\$1500
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Other offenses	Ch. 116, App.	\$500 and/or revocation or suspension of license

Penalty for sale, use and/or possession of synthetic cannabinoid	130.10 (E)	\$2,500
Housing and Building Standards	152.12	\$50 for 1st 30-day reinspection
Housing and Building Standards	152.12	\$75 for 2nd 30-day reinspection
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(B) The payment of civil penalties designated under this schedule may be made in person, by mail, online, or to those individuals and/or places designated by the City Clerk. ('74 Code, § 2-115)

(Ord. G-30-88, passed 10-11-88; Am Ord. S-49-05, passed 4-12-05)

§ 39.05 FAILURE TO SATISFY CIVIL PENALTY, PROSECUTION.

If a person denies an ordinance or code violation under this procedure, fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation, or fails to appear to admit or deny the violation, then the Violations Clerk shall report such fact to the office of the Corporation Counsel who shall prosecute the ordinance violation cases on behalf of the city.

('74 Code, § 2-116) (Ord. G-30-88, passed 10-11-88)

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Any person who fails to appear before the Ordinance Violations Clerk within 30 days after receipt of a notice of a violation set forth in the ordinance violations bureau schedule commits a separate violation of failure to appear and shall pay a civil penalty, regardless of the disposition of the initial violation, as follows:

Original Violation Penalty	Failure to Appear Penalty
\$10	\$10
\$20	\$20
\$40	\$40
and over \$100	\$50

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With respect to any of the violations listed in the preceding schedule, each 24-hour period shall constitute a separate violation except for parking violations which may be considered a separate and additional violation for each and every hour such violation occurs unless otherwise specified in the city code.

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Nothing in the establishment of the Ordinance Violation Bureau nor in the establishment of special fines for first time offenders or non-aggravated circumstances shall be construed to prohibit the city's designated officers and employees from enforcing the code sections in § 39.03 pursuant to IC 36-1-6-3 and IC 34-28-5 and seeking the greater civil penalties which may be provided for by the penalty provision of the applicable city code sections.

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