

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
FEBRUARY 24, 2009**

FINANCE COMMITTEE

*Glynn A. Hines - Chair
Elizabeth M. Brown - Co-Chair
All Council Members*

ACTION

S-09-02-26

**AN ORDINANCE approving the awarding of I.T.B. #2902-
purchase of passenger vehicles by the City of Fort Wayne,
Indiana, by and through its Department of Purchasing and
Dimension Ford, Summit Chevrolet, Kelley Chevrolet, Ben Davis
Chevrolet, Capitol Ford for the various City of Fort Wayne
Department**

Total cost of \$1,581,802.49

S-09-02-32

**AN ORDINANCE approving Resolution #96-2-18-09-1, purchase
of 800 MHz Radio Communication System between Motorola and
the City of Fort Wayne, Indiana, in connection with the Board of
Public Works**

Total cost of \$158,997

REGULATIONS COMMITTEE

***John Shoaff - Chair
Thomas F. Didier - Co-Chair
All Council Members***

ACTION

Z-09-02-21

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-03 (Sec. 07 of Adams Township)

Allow the construction of a gas station and convenience store

Z-09-02-22

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Z-26 (Sec. 25 of St. Joseph Township)

Allow the construction of a self-storage facility (9200 through 9300 Stellhorn Crossing)

Z-09-02-23

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. W-26 (Sec. 27 of St. Joseph Township)

Allow the construction of a self-storage facility (rezone 3.71 Acres in the 7200 block of Stellhorn Road)

Z-09-02-24

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. D-07 and D-11 (Sec. 18 of Wayne Township)

**Allow the construction of an 18-unit senior living complex
6402 South Bend Drive**

G-09-02-25

AN ORDINANCE repealing and replacing Chapter 72: “Stopping, Standing and Parking” of the City of Fort Wayne, Indiana Code of Ordinances

PUBLIC WORKS COMMITTEE

*Karen E. Goldner- Chair
Marty Bender - Co-Chair
All Council Members*

ACTION

S-09-02-27

AN ORDINANCE approving Project Coordination Contract – Work Order #12009, Six Mile Creek Trail, Phase 1. Des #0810457 between Indiana Department of Transportation (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$371,000

S-09-02-28

AN ORDINANCE approving Project Coordination Contract for Work Order #11960, Covington Road Trail, Phase 3, Des #0600375 between Indiana Department of Transportation (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$987,200

S-09-02-29

AN ORDINANCE approving Project Coordination Contract for Work Order #12010, New York Central Rail-to-Rail, Right-of-Way, Engineering and Acquisition, Des. #0401234 between Indiana Department of Transportation (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$300,000

S-09-02-30

AN ORDINANCE approving Project Coordination Contract – Work Order #11960, Covington Road Trail, Phase 2, Des. #081513 between Indiana Department of Transportation (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$509,000

PUBLIC WORKS COMMITTEE CONTINUED

ACTION

S-09-02-31

**AN ORDINANCE approving Project Coordination Contract for Work Order #12007, Pufferbelly Trail, Phase 1, Des #0710990 between Indiana, in connection with the Board of Public Works
Total cost of \$967,166**

S-09-02-16

**AN ORDINANCE approving Construction Contract – Resolution #2098-2008, Harrison Square Phase 2 between Crosby Excavating and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$830,259.97**

THE ABOVE ORDINANCE RECEIVED A "PRIOR APPROVAL" ON FEBRUARY 10, 2009 – THE ORDINANCE WILL BE PLACED FOR PASSAGE AT OUR REGULAR SESSION THIS EVENING

CITY UTILITIES COMMITTEE

*Mitch Harper - Chair
Tim Pape- Co-Chair
All Council Members*

No Ordinances or Resolutions up for introduction

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

SECTION 1. That Chapter 72: "Stopping, Standing and Parking" of the City of Fort Wayne, Indiana Code of Ordinances is repealed and replaced as follows:

CHAPTER 72: STOPPING, STANDING AND PARKING

Section

Manner of Parking

72.01 ~~Stopping, standing or parking~~ close to curb

Deleted: S
Deleted: p

72.02 Angle parking

72.03 Obstructional parking prohibited

72.04 (Reserved)

72.05 Driver to stop vehicle when traffic obstructed

72.06 Reserved

72.07 ~~Stopping, standing or parking~~ in alleys

Deleted: P

72.08 Parking adjacent to schools

72.09 Stopping, standing or parking near hazardous or congested places

72.10 Parking in fire lane

Restricted or Prohibited Parking on Certain Streets

72.20 Application of provisions

72.21 Regulations not exclusive

72.22 Parking prohibited in specified places

72.23 Parking in residential districts

72.24 Parking for certain purposes prohibited

- 72.25 Parking prohibited at all times on certain streets
- 72.26 Parking prohibited during certain hours on certain streets
- 72.27 Stopping, standing or parking prohibited during certain hours on certain streets
- 72.28 Parking time limited on certain streets
- 72.29 Erection of parking signs; duty of City Traffic Engineer

Metered Parking

- 72.40 Definitions
- 72.41 Authority and powers of Board of Public Safety
- 72.42 Duty of driver to deposit coin in meter
- 72.43 Police Department and parking control officers to enforce provisions
- 72.44 Parking Meter Fund
- 72.45 Records and reports
- 72.46 Violations

Loading and Unloading Zones; Public Carrier Stops and Stands

- 72.55 Permit for backing to curb for purpose of loading or unloading
- 72.56 Designation of curb loading zones
- 72.57 Passenger curb loading zones
- 72.58 Freight curb loading zones
- 72.59 Designation of public carrier stands
- 72.60 Parking of taxicabs
- 72.61 Bus and taxicabs standards; use restricted

Parking Facilities for Persons with Physical Disabilities

- 72.70 Purpose; definitions
- 72.71 Authority and procedure for designating accessible parking space on city streets
- 72.72 Violations
- 72.73 Authority to appoint volunteers

72.74 Effect of state and federal legislation

Snow Alert; Parking and Stopping of Vehicles

72.75 Definitions

72.76 Snow alert, determination and proclamation; duration

72.77 Stopping, ~~standing or parking~~ vehicles during snow alert

Deleted:

72.78 Snow emergency; determination and proclamation; duration

72.79 Stopping, ~~standing or parking~~ vehicles on snow emergency routes

Deleted:

72.80 Removal and impoundment of vehicles parked in violation of provisions

72.81 Deposit of snow and ice from private property onto sidewalk or street prohibited

Enforcement

72.90 Notice of illegally parked vehicles

72.91 Failure to comply with notice attached to parked vehicles

72.92 Prima facie presumption in reference to illegal parking

72.93 Fine schedule; delinquent payment

72.99 Penalty

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 a vehicle 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) 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) 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) 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) 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) 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) 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) 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) 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) 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)

§ 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)

§ 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. A violation of this provision shall result in a fine of \$50.
- (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 fifteen 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. ('74 Code, § 17-42(a)) (Ord. S-185-85, passed 10-8-85; Am. Ord. G-17-03, passed 5-13-03) 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, over-size 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]:

Parking of Vehicles in Residential Districts

	Driveway	Street	Alley	<i>Yard</i> *
Division (A)(1)				
Operable automobiles	Y	Y	Y	N

Operable vans	Y	Y	Y	N
Operable motorcycles	Y	Y	Y	N
Division (A)(2)				
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
Division (B)				
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 over-size 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) 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) 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) 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) 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) 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) 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 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)

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)

§ 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 therefore 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 therefore 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) 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 therefore; 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) 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) 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 street 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) 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)

§ 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 the name of or operated by such person to be parked overtime or beyond the period of legal parking time establish 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) 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 of 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) 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)

§ 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)

§ 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) 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)

§ 72.60 PARKING OF TAXICABS.

No taxicab shall be stopped, standing or parked upon any street in any business district at any place other than at a duly designated taxicab stand; except, that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaging in loading or unloading passengers. ('74 Code, § 17-68) (Ord. S-185-85, passed 10-8-85) Penalty, see § 72.99

§ 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) 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:

(1) 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

(2) 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)

§ 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 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)

§ 72.72 VIOLATIONS.

(A) Any vehicle stopped, standing, or parked which does not have displayed a placard of a person with a physical disability or a disabled veteran, issued under IC 9-14-5 or under the laws of another state, or a registration plate of a person with a physical disability or a disabled veteran, issued 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, 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)

§ 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)

§ 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)

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)

§ 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)

§ 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) 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)

§ 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) 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 provided in § 70.03. ('74 Code, § 17-101) (Ord. S-185-85, passed 10-8-85)

§ 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) 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)

§ 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)

§ 72.92 REGISTERED OWNER PRIMA FACIA LIABLE FOR 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)

§ 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)

§ 72.99 PENALTY.

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

(1) Sections 72.46 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 \$5. 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 \$10.

(2) Sections 72.22(O) and 72.26. 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.

(3) Sections 72.02, 72.07, 72.08 and 72.22(A), (B), (C), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N) and (Q). 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. 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 §§ 72.22(P) 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, \$50.
- (2) Illegal vehicles in residential area, \$50.
- (3) Operable vehicles in yard, \$50.

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 \$50 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 \$75.

(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 \$50 for each violation. Any violation of the provisions of § 72.22(D) shall be fined \$50 for each violation. Any violation of the provisions of § 72.22(R) shall be fined \$50 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 \$75. ('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)

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE approving the awarding of I.T.B. #2902-PURCHASE OF PASSENGER VEHICLES by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and DIMENSION FORD, SUMMIT CHEVROLET, KELLEY CHEVROLET, BEN DAVIS CHEVROLET, CAPITOL FORD for the various City of Fort Wayne Department.

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

SECTION 1. That I.T.B. #2902-PURCHASE OF PASSENGER VEHICLES between the City of Fort Wayne, by and through its Department of Purchasing and DIMENSION FORD, SUMMIT CHEVROLET, KELLEY CHEVROLET, BEN DAVIS CHEVROLET, CAPITOL FORD for various City of Fort Wayne Department, respectfully for:

purchase of passenger vehicles for various departments within the City of Fort Wayne

involving a total cost of ONE MILLION, FIVE HUNDRED EIGHTY-ONE THOUSAND, EIGHT HUNDRED TWO AND 49/100 DOLLARS - (\$1,581,802.49) - (DIMENSION - \$190,542.98; SUMMIT - \$36,413.73; KELLEY - \$1,148,021.56; BEN DAVIS - \$80,096.22; CAPITOL - \$126,728.00) all as more particularly set forth in said I.T.B. #2902-PURCHASE OF PASSENGER VEHICLES which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-02-27

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROJECT COORDINATION CONTRACT - WORK ORDER #12009, SIX MILE CREEK TRAIL, PHASE 1, DES #0810457 between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the PROJECT COORDINATION CONTRACT - WORK ORDER #12009, SIX MILE CREEK TRAIL, PHASE 1, DES #0810457 by and between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for
for Work Order #12009, Six Mile Creek Trail, Phase 1, DES #0810457:

involving a total INDOT grant to the City of Fort Wayne of THREE HUNDRED SEVENTY-ONE THOUSAND AND NO/100 DOLLARS – (\$371,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-02-28

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROJECT COORDINANTION CONTRACT FOR WORK ORDER #11960, COVINGTON ROAD TRAIL, PHASE 3, DES #0600375 between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the PROJECT COORDINANTION CONTRACT FOR WORK ORDER #11960, COVINGTON ROAD TRAIL, PHASE 3, DES #0600375 by and between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for
for Work Order #11960, Covington Road Trail, Phase 3, DES #0600375:

involving a total INDOT grant to the City of Fort Wayne of NINE HUNDRED EIGHTY-SEVEN THOUSAND, TWO HUNDRED AND NO/100 DOLLARS - (\$987,200.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-02-29

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROJECT COORDINATION CONTRACT FOR WORK ORDER #12010, NEW YORK CENTRAL RAIL-TO-RAIL, RIGHT-OF-WAY ENGINEERING AND ACQUISITION, DES #0401234 between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the PROJECT COORDINATION CONTRACT FOR WORK ORDER #12010, NEW YORK CENTRAL RAIL-TO-RAIL, RIGHT-OF-WAY ENGINEERING AND ACQUISITION, DES #0401234 by and between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Work Order #12010, New York Central Rail-to-Rail, Right-of-Way Engineering and Acquisition, DES #0401234:

involving a total INDOT grant to the City of Fort Wayne of THREE HUNDRED THOUSAND AND NO/100 DOLLARS - (\$300,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-02-30

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROJECT COORDINATION CONTRACT - WORK ORDER #11960, COVINGTON ROAD TRAIL, PHASE 2, DES #0810513 between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the PROJECT COORDINATION CONTRACT - WORK ORDER #11960, COVINGTON ROAD TRAIL, PHASE 2, DES #0810513 by and between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for
for Work Order #11960, Covington Road Trail, Phase 2, DES #0810513:

involving a total INDOT grant to the City of Fort Wayne of FIVE HUNDRED NINE THOUSAND AND NO/100 DOLLARS - (\$509,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-02-31

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROJECT COORDINATION CONTRACT FOR WORK ORDER #12007, PUFFERBELLY TRAIL, PHASE 1, DES #0710990 between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the PROJECT COORDINATION CONTRACT FOR WORK ORDER #12007, PUFFERBELLY TRAIL, PHASE 1, DES #0710990 by and between INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for
for Work Order #12007, Pufferbelly Trail, Phase 1, DES #0710990:

involving a total INDOT grant to the City of Fort Wayne of NINE HUNDRED SIXTY-SEVEN THOUSAND, ONE HUNDRED SIXTY-SIX AND NO/100 DOLLARS - (\$967,166.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-02-32

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving RESOLUTION #96-2-18-09-1, PURCHASE OF 800 MHz RADIO COMMUNICATION SYSTEM between MOTOROLA and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the RESOLUTION #96-2-18-09-1, PURCHASE OF 800 MHz RADIO COMMUNICATION SYSTEM by and between MOTOROLA and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for purchase of 800 MHz Radio communication System for the WPC Maintenance Department:

involving a total cost of ONE HUNDRED FIFTY-EIGHT THOUSAND, NINE HUNDRED NINETY-SEVEN AND NO/100 DOLLARS - (\$158,997.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

#1160

BILL NO. Z-09-02-21

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. P-03 (Sec. 07 of Adams Township)

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

SECTION 1. That the area described as follows is hereby designated a CM2
(Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code
of the City of Fort Wayne, Indiana:

Lot Numbered 1 in Zorbaugh's Amended Subdivision to the City of Fort Wayne, Allen County, Indiana (Taken
from Document Number 201077971)

ALSO:

Lot Number 2 in Zorbaugh's Amended Subdivision to the City of Fort Wayne, Allen County, Indiana (Taken
from Document Number 202041407)

ALSO:

Lot Number 3 in Zorbaugh's Amended Subdivision to the City of Fort Wayne, Allen County, Indiana (Taken
from Document Number 204000851)

ALSO:

Lot Number 4 in Zorbaugh's Amended Subdivision to the City of Fort Wayne, Allen County, Indiana (Taken
from Document Number 207016326)

ALSO:

The north half of the 10 foot platted alley being described as follows: Beginning at the Southwest corner of
Lot 4 Zorbaugh's Amended Subdivision to the City of Fort Wayne, Allen County, Indiana, thence East along
the South line of said Lot 4, a distance of 145.00 feet to the Southeast corner of said Lot 4; thence South
5.0 feet to the centerline of said platted alley; thence West along the centerline of said platted alley, parallel
to the South line of said Lot 4, a distance of 145.0 feet; thence north 5.0 feet to the point of beginning.

Containing 20,303 square feet in Lots 1, 2, 3 and 4 of Zorbaugh's Amended Subdivision, and 725 square feet
in the platted alley, for a total area of 21,028 square feet (0.48 acres), more or less.

**and the symbols of the City of Fort Wayne Zoning Map No. P-03 (Sec. 7 of Adams
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.**

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1161

BILL NO. Z-09-02-22

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. Z-26 (Sec. 25 of St. Joseph Township)

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

SECTION 1. That the area described as follows is hereby designated a CM3

(General Commercial) District under the terms of Chapter 157 Title XV of the Code of the

City of Fort Wayne, Indiana:

Part of the Northwest Quarter of Section 25 and part of the Northeast Quarter of Section 26, Township 31 North, Range 13 East of the Second Principal Meridian, St. Joseph Township in Allen County, Indiana, more particularly described as follows:

Commencing at a rebar stake at the Northwest corner of said Northwest Quarter; thence South 02 degrees 44 minutes 28 seconds West (GPS Grid Basis of Bearings), a distance of 209.14 feet along the West line of said Northwest Quarter to the North line of a 27.74 acre tract; thence North 78 degrees 36 minutes 32 seconds West, a distance of 211.52 feet along said North line to the West line of said 27.74 acre tract; thence South 07 degrees 10 minutes 23 seconds West, a distance of 413.98 feet along said West line to the South line of an ingress/egress easement as described in Document Number 205018106 in the Office of the Recorder of Allen County, Indiana, also being on a South line of said 27.74 acre tract; thence North 72 degrees 44 minutes 10 seconds East, a distance of 136.09 feet along said South lines; thence Easterly a distance of 48.60 feet along said South lines and a circular arc that is concave to the South, having a radius of 275.00 feet, having a central angle of 10 degrees 07 minutes 33 seconds and having a chord bearing North 77 degrees 47 minutes 56 seconds East with a distance of 48.54 feet to a 5/8" steel rebar with a "Miller LS Firm #0095" identification cap set on the West line of said 27.74 acre tract, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing Easterly a distance of 28.46 feet along the South line of said ingress/egress easement and along said circular arc that is concave to the South, having a radius of 275.00 feet, having a central angle of 05 degrees 56 minutes 13 seconds and having a chord bearing North 85 degrees 49 minutes 41 seconds East with a distance of 28.45 feet to a 5/8" steel rebar with a "Miller LS Firm #0095" identification cap set; thence North 88 degrees 47 minutes 33 seconds East, a distance of 124.98 feet along said South line to a 5/8" steel rebar with a "Miller LS Firm #0095" identification cap set; thence Easterly a distance of 41.07 feet along said South line and a circular arc that is concave to the South, having a radius of 275.00 feet, having a central angle of 08 degrees 33 minutes 26 seconds and having a chord bearing South 86 degrees 55 minutes 44 seconds East with a distance of 41.03 feet to a 5/8" steel rebar with a "Miller LS Firm #0095" identification cap set; thence South 82 degrees 39 minutes 01 seconds East, a distance of 103.97 feet along said South line to a 5/8" steel rebar with a "Miller LS Firm #0095" identification cap set; thence Easterly a distance of 37.49 feet along said South line and a circular arc that is concave to the North, having a radius of 325.00 feet, having a central angle of 06 degrees 36 minutes 31 seconds and having a chord bearing South 85 degrees 57 minutes 17 seconds East with a distance of 37.47 feet to a 5/8" steel rebar with a "Miller LS Firm #0095" identification cap set; thence South 89 degrees 15 minutes 32 seconds East, a distance of 171.18 feet along said South line to a 5/8" steel rebar with a "Miller LS Firm

#0095” identification cap set; thence Easterly a distance of 63.06 feet along said South line and a circular arc that is concave to the North, having a radius of 325.00 feet, having a central angle of 11 degrees 07 minutes 03 seconds and having a chord bearing North 85 degrees 10 minutes 57 seconds East with a distance of 62.96 feet to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence North 79 degrees 37 minutes 25 seconds East, a distance of 102.68 feet along said South line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set on the West line of an ingress/egress easement as described in Document Number 205018106 in the Office of the Recorder of Allen County, Indiana; thence South 14 degrees 08 minutes 01 seconds East, a distance of 74.82 feet along said West line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence Southeasterly a distance of 92.88 feet along said West line and a circular arc that is concave to the Northeast, having a radius of 125.00 feet, having a central angle of 42 degrees 34 minutes 18 seconds and having a chord bearing South 35 degrees 25 minutes 10 seconds East with a distance of 90.76 feet to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence South 56 degrees 42 minutes 19 seconds East, a distance of 109.92 feet along said West line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence Southeasterly a distance of 9.04 feet along said West line and a circular arc that is concave to the Northeast, having a radius of 125.00 feet, having a central angle of 04 degrees 08 minutes 38 seconds and having a chord bearing South 58 degrees 46 minutes 38 seconds East with a distance of 9.04 feet to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence South 60 degrees 50 minutes 56 seconds East, a distance of 34.52 feet along said West line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set to the West line of an ingress/egress easement as described in Document Number 205018106 in the Office of the Recorder of Allen County, Indiana; thence South 29 degrees 52 minutes 44 seconds West, a distance of 12.86 feet along said West line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence Southerly a distance of 193.48 feet along said West line and a circular arc that is concave to the East, having a radius of 175.00 feet, having a central angle of 63 degrees 20 minutes 44 seconds and having a chord bearing South 01 degrees 47 minutes 38 seconds East with a distance of 183.77 feet to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set on the North line of an ingress/egress easement as described in Document Number 205018106 in the Office of the Recorder of Allen County, Indiana; thence South 47 degrees 21 minutes 42 seconds West, a distance of 18.81 feet along said South line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence Southwesterly a distance of 29.07 feet along said North line and a circular arc that is concave to the Southeast, having a radius of 125.00 feet, having a central angle of 13 degrees 19 minutes 29 seconds and having a chord bearing South 40 degrees 41 minutes 57 seconds West with a distance of 29.00 feet to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence South 34 degrees 02 minutes 12 seconds West, a distance of 24.56 feet along said North line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence Southwesterly a distance of 357.87 feet along said North line and a circular arc that is concave to the Northwest, having a radius of 350.00 feet, having a central angle of 58 degrees 35 minutes 02 seconds and having a chord bearing South 63 degrees 19 minutes 43 seconds West with a distance of 342.48 feet to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence North 87 degrees 22 minutes 52 seconds West, a distance of 15.74 feet along said North line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set on the West line of said 27.74 acre tract; thence North 03 degrees 24 minutes 44 seconds East, a distance of 130.01 feet along said West line to a point on a South line of said 27.74 acre tract, said point being referenced by a 5/8” steel rebar with a “0042” identification cap found 0.23 feet North and 0.14 feet East; thence North 87 degrees 22 minutes 46 seconds West, a distance of 325.03 feet along said South line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set on the West line of said 27.74 acre tract; thence North 06 degrees 43 minutes 11 seconds West, a distance of 210.26 feet along said West line to a 5/8” steel rebar with a “Miller LS Firm #0095” identification cap set; thence North 29 degrees 11 minutes 55

seconds West, a distance of 135.00 feet along said West line to a point, said point being referenced by a 5/8" steel rebar with a "0042" identification cap found 0.08 feet East; thence North 31 degrees 45 minutes 21 seconds West, a distance of 178.59 feet along said West line to the Point of Beginning. Containing 8.138 Acres, more or less. Subject to rights-of-way and easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. Z-26 (Sec. 25 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1162

BILL NO. Z-09-02-23

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. W-26 (Sec. 27 of St. Joseph Township)

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

SECTION 1. That the area described as follows is hereby designated a CM3

(General Commercial) District under the terms of Chapter 157 Title XV of the Code of the

City of Fort Wayne, Indiana:

PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, BEING CONTAINED ENTIRELY WITHIN THE BOUNDARIES OF A TRACT OF LAND NOW (OR FORMERLY) OWNED BY JJ PARENT CORPORATION AS RECORDED ON DOCUMENT #200060529 IN THE RECORDS OF THE OFFICE OF THE ALLEN COUNTY, INDIANA RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA; THENCE NORTH 87 DEGREES 29 MINUTES 51 SECONDS EAST (BEARINGS BASED ON GEODETIC NORTH ESTABLISHED ON INDIANA STATE PLANE COORDINATE SYSTEM, ZONE EAST) ALONG THE NORTH LINE OF THE NE.1/4 OF SEC. 27-31-13, A DISTANCE OF 672.47 FEET; THENCE SOUTH 03 DEGREES 28 MINUTES 41 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A POINT LOCATED ON THE 60-FOOT RIGHT-OF-WAY LINE OF STELLHORN ROAD; THENCE CONTINUING SOUTH 03 DEGREES 28 MINUTES 41 SECONDS EAST, A DISTANCE OF 233.13 FEET TO THE POINT OF BEGINNING, MARKED BY AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING, LLC - BOUNDARY"; THENCE NORTH 87 DEGREES 29 MINUTES 50 SECONDS EAST, 267.15 FEET TO THE CENTERLINE OF AN INGRESS, EGRESS AND UTILITY EASEMENT; THENCE SOUTH 03 DEGREES 29 MINUTES 36 SECONDS EAST, A DISTANCE OF 159.55 FEET TO A SURVEYOR MARKER NAIL WITH A WASHER STAMPED "FORESIGHT CONSULTING, LLC" AT THE POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHEASTERLY, ALONG SAID CENTERLINE AND CURVE HAVING A RADIUS OF 162.00 FEET AND ARC LENGTH OF 141.37 FEET AND SUBTENDED BY A CHORD BEARING SOUTH 28 DEGREES 29 MINUTES 36 SECONDS EAST, A CHORD LENGTH OF 136.93 FEET TO A SURVEYOR MARKER NAIL WITH A WASHER STAMPED "FORESIGHT CONSULTING, LLC"; THENCE SOUTH 53 DEGREES 29 MINUTES 36 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 41.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG SAID CENTERLINE AND CURVE HAVING A RADIUS OF 212.00 FEET, AN ARC LENGTH OF 122.84 FEET AND SUBTENDED BY A CHORD BEARING SOUTH 36 DEGREES 53 MINUTES 37 SECONDS EAST, A CHORD LENGTH OF 121.13 FEET TO A SURVEYOR MARKER NAIL WITH A WASHER STAMPED "FORESIGHT CONSULTING, LLC"; THENCE SOUTH 20 DEGREES 17 MINUTES 38 SECONDS EAST, A DISTANCE OF 89.51 FEET TO A SURVEYOR MARKER NAIL WITH A WASHER STAMPED "FORESIGHT CONSULTING, LLC"; THENCE SOUTH 88 DEGREES 35 MINUTES 27 SECONDS WEST, ALONG THE NORTHERLY BOUNDARY OF A TRACT OF LAND NOW (OR FORMERLY) OWNED BY STELLHORN RETIREMENT COMMUNITY AS RECORDED ON DOCUMENT #201091363 IN THE RECORDS OF THE ALLEN COUNTY RECORDERS OFFICE, A DISTANCE OF 450.01 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING, LLC - BOUNDARY"; THENCE NORTH 03 DEGREES 28 MINUTES 41 SECONDS WEST, 485.60 FEET TO THE POINT OF BEGINNING.
CONTAINING 3.712 ACRES (161,706 SQUARE FEET).

INGRESS/EGRESS EASEMENT DESCRIPTION

SUBJECT TO AND TOGETHER WITH: AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES BEING PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA; THENCE SOUTH 03 DEGREES 11 MINUTES 40 SECONDS EAST (BEARINGS BASED ON GEODETIC NORTH ESTABLISHED ON INDIANA STATE PLANE COORDINATE SYSTEM, ZONE EAST) ALONG THE EAST LINE OF THE W 1/2 OF THE NE 1/4 OF SECTION 27-31-13 A DISTANCE OF 791.45 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 03 DEGREES 11 MINUTES 40 SECONDS EAST, ALONG SAID EAST LINE, 92.21 FEET; THENCE SOUTH 86 DEGREES 47 MINUTES 46 SECONDS WEST, 86.34 FEET; THENCE NORTH 80 DEGREES 41 MINUTES 23 SECONDS WEST, 82.34 FEET; THENCE NORTH 58 DEGREES 30 MINUTES 02 SECONDS WEST, 91.03 FEET; THENCE NORTH 20 DEGREES 17 MINUTES 38 SECONDS WEST, 111.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE NORTHWESTERLY, ALONG A CURVE HAVING A RADIUS OF 182.00 FEET AN ARC LENGTH OF 105.46 FEET AND SUBTENDE BY A CHORD BEARING NORTH 36 DEGREES 53 MINUTES 37 SECONDS WEST, A CHORD LENGTH OF 103.99 FEET; THENCE NORTH 53 DEGREES 29 MINUTES 36 SECONDS WEST, 41.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG A CURVE HAVING A RADIUS OF 192.00 FEET, AN ARC LENGTH OF 167.55 FEET AND SUBTENDE BY A CHORD BEARING NORTH 28 DEGREES 29 MINUTES 36 SECONDS WEST, A CHORD LENGTH OF 162.29 FEET; THENCE NORTH 03 DEGREES 29 MINUTES 36 SECONDS WEST, 182.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHERLY, ALONG A CURVE HAVING A RADIUS OF 192.00 FEET, AND ARC LENGTH OF 67.81 FEET AND SUBTENDE BY A CHORD BEARING NORTH 06 DEGREES 37 MINUTES 30 SECONDS EAST, A CHORD LENGTH OF 67.46 FEET TO THE POINT OF REVERSE CURVATURE; THENCE NORTHERLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 132.00 FEET, AN ARC LENGTH OF 46.62 FEET AND SUBTENDE BY A CHORD BEARING NORTH 06 DEGREES 37 MINUTES 30 SECONDS EAST, A CHORD LENGTH OF 46.38 FEET; THENCE NORTH 03 DEGREES 29 MINUTES 36 SECONDS WEST, 158.24 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 87 DEGREES 29 MINUTES 51 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 60.01 FEET; THENCE SOUTH 02 DEGREES 29 MINUTES 36 SECONDS EAST, 157.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHERLY, ALONG A CURVE HAVING A RADIUS OF 192.00 FEET, AN ARC LENGTH OF 67.81 FEET AND SUBTENDE BY A CHORD BEARING SOUTH 06 DEGREES 37 MINUTES 30 SECONDS WEST, A CHORD LENGTH OF 67.46 FEET TO THE POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 132.00 FEET, AN ARC LENGTH OF 46.62 FEET AND SUBTENDE BY A CHORD BEARING SOUTH 06 DEGREES 37 MINUTES 30 SECONDS WEST, A CHORD LENGTH OF 46.38 FEET; THENCE SOUTH 03 DEGREES 29 MINUTES 36 SECONDS EAST, 182.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHEASTERLY, ALONG A CURVE HAVING A RADIUS OF 132.00 FEET, AN ARC LENGTH OF 115.19 FEET AND SUBTENDE BY A CHORD BEARING SOUTH 28 DEGREES 29 MINUTES 36 SECONDS EAST, A CHORD LENGTH OF 111.57 FEET; THENCE SOUTH 53 DEGREES 29 MINUTES 36 SECONDS EAST, 41.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG A CURVE HAVING A RADIUS OF 242.00 FEET, AN ARC LENGTH OF 140.22 FEET AND SUBTENDE BY A CHORD BEARING SOUTH 36 DEGREES 53 MINUTES 57 SECONDS EAST, A CHORD LENGTH OF 138.27 FEET; THENCE SOUTH 20 DEGREES 17 MINUTES 38 SECONDS EAST 50.57 FEET; THENCE SOUTH 48 DEGREES 06 MINUTES 11 SECONDS EAST, 67.87 FEET; THENCE NORTH 88 DEGREES 35 MINUTES 24 SECONDS EAST, 154.17 FEET TO THE POINT OF BEGINNING. CONTAINING 1.633 ACRES, SUBJECT TO ROAD RIGHTS OF WAY AND EASEMENTS.

and the symbols of the City of Fort Wayne Zoning Map No. W-26 (Sec. 27 of St. Joseph

Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1163

BILL NO. Z-09-02-24

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. D-07 and D-11 (Sec. 18 of Wayne Township)

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

SECTION 1. That the area described as follows is hereby designated an RP

(Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the

City of Fort Wayne, Indiana:

A part of Lot Number 4 in Rousseau's Third Garden Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 6, page 65, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

BEGINNING at the Southwest corner of said Lot Number 4 thence running North 00 degrees 44 minutes 33 seconds East (bearings in this description are based on a bearing of North 00 degrees 44 minutes 20 seconds East for the West line of Lot 4 in Rousseau's Third Garden Addition as recorded in Plat Book 6, page 65, in the Office of the Recorder of Allen County, Indiana), a distance of 153.90 feet; thence North 89 degrees 00 minutes 08 seconds West, a distance of 20.00 feet; thence North 00 degrees 44 minutes 20 seconds East, a distance of 322.28 feet; thence South 89 degrees 54 minutes 05 seconds East, a distance of 258.72 feet; thence South 00 degrees 44 minutes 20 seconds West, a distance of 398.44 feet to the centerline of South Bend Drive; thence South 72 degrees 03 minutes 05 seconds West, along said centerline, a distance of 252.00 feet to the Point of Beginning, containing 2.55 acres of land, more or less, subject to the right-of-way of South Bend Drive and subject to and/or together with all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. D-07 and D-11 (Sec. 18 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

