



MUNCIE CITY COUNCIL
ORDINANCE 24 -20

AN ORDINANCE OF THE CITY OF MUNCIE AMENDING CHAPTERS 77 and 79
OF THE CITY OF MUNCIE CODE OF ORDINANCES

WHEREAS, Chapter 77 outlines the parking regulations that exist within the City of Muncie; and
WHEREAS, Chapter 79 outlines traffic enforcement within the City of Muncie; and
WHEREAS, the City of Muncie desires to update the parking and traffic enforcement regulations to promote compliance with the existing ordinances; and
WHEREAS, the proposed amendments address parking fines, booting of vehicles for repeat offenders who fail to address outstanding fines, and appeals of parking tickets;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA, THAT:

Section 1: Chapter 79 of the City of Muncie Code of Ordinances shall be amended by adding an additional section as follows:

Section 79.28: Vehicle Immobilization

- (A) Procedure
 - (1) In the event the owner or operator of a vehicle has been assessed fines for three (3) or more parking violations by a judgment of the City Court that remain unpaid, or has accumulated an aggregate total of one hundred dollars (\$100.00) or more in fines that remain unpaid, and after notification as required by law to the owner or operator of the unpaid fines, in addition to any other penalties or fines permitted, the vehicle may be immobilized when found on any public property, including any parking garage, by employees of the City or any other person or firm that the City may appoint or hire, by the use of a vehicle immobilization device.
 - (2) Once a vehicle immobilization device has been attached to the vehicle, the owner or operator of the vehicle has twenty-four (24) hours within which to pay the unpaid parking fines and the vehicle immobilization device removal service fee of fifty dollars (\$50.00) to the Office of the City Clerk.
 - (3) If, after the vehicle immobilization device has been attached to the vehicle, and the owner or operator fails pay the unpaid fines and removal fee as required in (A)(2)

above, the Muncie Police Department may cause the vehicle to be towed and impounded pursuant to Section 79.26 until such time as the owner or operator has paid such service fee, parking violations, and/or other fines and penalties.

(B) Removal Fees.

- (1) As stated in (A)(2) above, a vehicle immobilization device removal service fee of fifty dollars (\$50.00) shall be paid prior to the removal of the vehicle immobilization device.
- (2) Any fee related to the removal of the vehicle immobilization device shall be paid directly to the Office of the City Clerk or through the City Clerk's online and mobile pay options found at cityofmuncie.com.

(C) Removal of the Vehicle Immobilization Device.

- (1) Within twenty-four (24) hours of receipt of payment in full of the above-referenced fines and service fees, the Muncie Police Department shall remove the vehicle immobilization device.

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**Section 2:** Chapter 79 of the City of Muncie Code of Ordinances shall be amended as follows:

**Sec. 79.21. - Notice on illegally parked vehicle.**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the city or by state law, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle that may identify its user, and shall conspicuously affix to the vehicle a citation in writing on a form provided by the City for the driver to answer to the charge against him within three (3) business days by paying the applicable fine or request a review of the citation in the Office of the City Clerk. Payments may be made in the Office of the City Clerk or through the City Clerk's online and mobile pay options found at cityofmuncie.com. The officer shall send one copy of the notice to the Office of the City Clerk and the Muncie Police Department.

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Section 3: Chapter 79 of the City of Muncie Code of Ordinances shall be amended as follows:

Sec. 79.22. - Failure to comply with notice attached to parked vehicles.

- (A) In the event the person receiving the citation fails to pay the applicable fine or request a review of the citation within a period of three (3) business days, the Office of the City Clerk or its agent shall send to the owner of the motor vehicle to which the notice was affixed a letter informing the owner of the violation and warning the owner that within three (3) business days following receipt of the notice, the applicable fine must be paid or a review of the citation requested with the Office of the City Clerk.

(B) In the event the applicable fine remains unpaid or a request to review the citation is not made within the time period set forth herein, the matter will be referred to the City Attorney and a complaint may be filed in the Muncie City Court as set forth in Section 79.24.

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**Section 4:** Chapter 79 of the City of Muncie Code of Ordinances shall be amended as follows:

**Section 79.24. - When complaint to be issued.**

In the event a parking citation remains unpaid or a request to review the citation is not made within the time provided herein, or any other notice of ordinance violation issued under the traffic code is not complied with, the matter shall be referred to the City Attorney and a complaint may be filed and a summons issued to the alleged violator for appearance in City Court.

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Section 5: Chapter 77 of the City of Muncie Code of Ordinances shall be amended by adding an additional section as follows:

Sec. 77.99. - Penalty.

(A) Penalty Schedule.

- (1) Each such owner or operator in violation of the parking regulations set forth herein, except as noted below, may, within three (3) business days of the time when a citation was attached to such vehicle in accordance with Section 79.21, pay as a penalty for and in full satisfaction of such violation, the sum of \$30.00. The failure of such operator to make such payment within three (3) business days of issuance of the citation shall subject the owner or operator to the enforcement proceedings section forth in Chapter 79.
- (2) The owner or operator of a vehicle found in violation of §§ 77.45, 77.46, or 77.48 shall be subject to a fine of not less than \$1.00 nor more than \$100.00 for each offense.
- (3) Any person, firm, or corporation who, being the owner or occupant of private property upon which has been established a fire lane in conformity with § 77.31(D)(2), violates that section by placing personal property in such fire lane shall be subject to a fine in an amount not to exceed \$1,000.00.
- (4) The owner or operator of a vehicle found in violation of of § 77.26 shall be subject to a fine in the sum of \$30.00 for each offense.
- (5) An owner of operator of a vehicle found in violation of §§ 71.37(1), 71.38(A), 77.07, 77.08, 77.11, 77.18, 77.19, or 77.25 shall be subject to a fine in the sum of \$30.00 for each offense.

- (6) The owner or operator of a vehicle found in violation of § 77.31, except as provided in subsection 77.99(C) above, shall be subject to a fine in the sum of \$30.00 for each offense.
- (7) The owner or operator of a vehicle found in violation of § 77.30(C)(1), (2) and (4) shall be subject to a fine in the sum of \$150.00 for the first offense and the sum of \$500.00 for each subsequent offense. A violation of Subsection 77.30(C)(3) may be subject to prosecution by the Delaware County Prosecutor for a Class C misdemeanor as provided by Indiana law.

(B) Escalation of Fines.

- (1) Thirty Dollar (\$30.00) Fines.
 - a. A fine that remains unpaid after thirty (30) days shall increase to sixty dollars (\$60.00)
 - b. A fine that remains unpaid for more than sixty (60) days shall increase to one hundred twenty dollars (\$120.00).
- (2) If there are no other unpaid violations outstanding, the escalated portion of the fine may be waived under rules and procedures established by the Parking Enforcement Manager and the Ordinance Violations Bureau.
- (3) In the event unpaid fines are referred to a third party collection agent, or the City is required to commence litigation to collect unpaid fines assessed under this chapter, the City shall be entitled to recover, in addition to any unpaid fines, all reasonable collection costs and attorney fees, if permitted by Indiana law.

(C) Payment Location.

- (1) Payment(s) of fines, fees and/or penalties shall be made at the Office of the City Clerk and any additional location(s) designated by the Parking Enforcement Manager and the Ordinance Violations Bureau.

Section 6: Section 77.57 and 77.98 of the City of Muncie Code of Ordinances are hereby removed as those provisions are addressed elsewhere through the amendments set forth above.

Section 7: This Ordinance shall be in full force and effect within 30 days after its passage by the Common Council, its approval by the Mayor of the City of Muncie and its publication in accordance with the law.

Passed by the Common Council of the City of Muncie, Indiana, this ____ day of _____, 2020

	Yeas	Nays	Abstained	Absent
Ralph Smith	_____	_____	_____	_____
Jeff Robinson	_____	_____	_____	_____
Ray Dudley	_____	_____	_____	_____
Bradley Polk	_____	_____	_____	_____
Jerry D. Dishman	_____	_____	_____	_____
Anitra Davis	_____	_____	_____	_____
Aaron Clark	_____	_____	_____	_____
Troy A. Ingram	_____	_____	_____	_____
Richard M. Ivy	_____	_____	_____	_____

President
City Council, City of Muncie

Presented by me to the Mayor for his approval, this ____ day of _____, 2020.

Belinda Munson, City Clerk

The above Resolution is approved/vetoed by me this ____ day of _____, 2020.

Dan Ridenour, Mayor

ATTEST:

Belinda Munson, City Clerk

This Ordinance is proposed by Council Member Jeff Robinson.

This Ordinance is approved by the City Controller Keith Curry.

This Ordinance is approved in form by Legal Counsel [Signature].