

ORDINANCE NO. 2016- 6

**ORDINANCE AMENDING THE ORDINANCE VIOLATIONS BUREAU
PASSED AS ORDINANCE NO. 89-5
AND REPEAL OF ORDINANCE OR PARTS THEREOF IN CONFLICT THEREWITH**

WHEREAS, the Delphi Common Council deems it in the best interest of the City to establish such a bureau for the acceptance of appearances of waivers of trial, of admissions of certain ordinance violations, and the payment of civil penalties of Twenty-five Dollars (\$25.00) or less; and

WHEREAS, the Delphi Common Council further finds that the Delphi Clerk-Treasurer is the appropriate person to administer the said bureau; and

WHEREAS, the Delphi Common Council further finds that only certain violations should be subject to the violations bureau procedure.

NOW THEREFORE, be it ordained by the Common Council of the City of Delphi, Indiana, that:

Section 1. There shall an Ordinance Violations Bureau created pursuant to IC 33-36-2 *et seq.*, as amended, for the City of Delphi.

Section 2. The City Clerk-Treasurer is appointed and shall serve as the Violations Clerk, who administers the Bureau.

Section 3. The Clerk-Treasurer and her staff, as her agents, shall accept written appearances, waivers of trial, admissions of violations and payment of civil penalties in the amount and for the violations as provided below, but not more than two hundred and fifty dollars (\$250.00).

Section 4. The following schedule of ordinances (hereinafter "ORD.") and Delphi Municipal Code (hereinafter "DMC") provisions shall be subject to the jurisdiction of the Ordinance Violation Bureau and the first violations within a calendar year of said ordinances and code provisions shall be subject to the civil penalty set forth:

<u>ORDINANCE OR CODE PROVISION</u>	<u>TITLE</u>	<u>CIVIL PENALTY</u>
ORD 50.04	Authorized Containers and Fees	\$20.00
ORD 51.08	Water Turn-Off Fee	\$20.00
ORD 51.09	Delinquent Accounts – Water	\$25.00
ORD 1-80	Two (2) hour parking in certain downtown areas	\$7.00
ORD 1-80	Failure to pay two (2) hour parking ticket within 48 hours	\$7.00
DMC Sec. 18-73	Standing or parking close to a curb	\$7.00
ORD 71.01	Overtime Parking Prohibited	\$7.00
ORD 71.02	Parking Time Limited on Certain Streets	\$7.00
ORD 71.03	Parking Prohibited During Certain Hours on Certain Streets	\$7.00
ORD 71.04	Angle Parking	\$7.00
ORD 71.05	Parking Not to Obstruct Traffic	\$7.00
ORD 71.06	Parking Restricted in Alleys	\$7.00
ORD 71.07	Parking for Certain Purposes Prohibited	\$7.00
ORD 71.08	Obedience to Parking Signs or Markings	\$7.00
ORD 71.09	Truck and Bus Parking Restricted	\$7.00
ORD 71.10	Standing or Parking Prohibited Off Roadway	\$7.00
ORD 71.11	Standing or Parking Prohibited at Alleys	\$7.00
ORD 71.12	Loading Zones	\$7.00
ORD 71.13	Standing in Loading Zone	\$7.00
ORD 71.14	Stopping, Standing, or Parking Restricted or Prohibited on Certain Streets	\$7.00

ORD 7.15	Unlawful to Deface, Injure, or Tamper with Signs	\$7.00
ORD 71.41	Notice of Violation to be Attached to Vehicle	\$7.00

Unless determined to be the same civil penalty per offense, the second admission or judgment of a violation of the same ordinance or code provision of one scheduled above within a calendar year shall be subject to \$7.00 as the total civil penalty. Any third admission of a violation of the same ordinance or code provision of one scheduled above within a calendar year shall be subject to \$50.00 as the total civil penalty.

Section 5. The provisions of the Delphi Municipal Code and the Ordinances referred to herein are hereby amended to provide and declare the civil penalty scheduled with the said ordinance or code provision to be the specific civil penalty for the violation of said ordinance or code provisions.

Section 6. This Ordinance hereby repeals all Delphi Municipal Code and Ordinance provisions inconsistent herewith. All other provisions of the Delphi Municipal Code not affected by this Ordinance remain in full force and effect.

Section 7. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, shall unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 8. That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

(Ord. 89-5, passed 5-1-89, Am. Ord. 2016-____, passed____)

Passed and adopted by the Common Council of the City of Delphi, Indiana this 4th day of APRIL, 2016 at 7:00 o'clock, p.m.

Shane Evans

Shane Evans, Mayor

Leanne Aldrich
Leanne Aldrich, Clerk Treasurer

COUNCIL MEMBERS

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Carolyn Pearson, President

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