

**AN ORDINANCE AMENDING SECTION 130.06  
REAL ESTATE USED FOR ILLEGAL USE OR  
SALE OF NARCOTICS, CONTROLLED  
DANGEROUS SUBSTANCES GAMBLING,  
PROSTITUTION OF THE CITY OF FORT  
WAYNE, INDIANA CODE OF ORDINANCES**

**WHEREAS**, The City of Fort Wayne is committed to make neighborhoods safer for its residents by reducing crime; and

**WHEREAS**, To decrease crime in its neighborhoods, no owner of real estate or any real property located in the city on which residential, commercial or industrial improvements of any kind or nature are located shall allow the real estate to be used as a site for any use or sale of illicit narcotics or controlled dangerous substances, gambling or prostitution.

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

**SECTION 1.** That **Section 130.06 REAL ESTATE USED FOR ILLEGAL USE OR SALE OF NARCOTICS, CONTROLLED DANGEROUS SUBSTANCES, GAMBLING, PROSTITUTION** of the City of Fort Wayne, Indiana Code of Ordinances is amended as follows:


**β 130.06 REAL ESTATE USED FOR ILLEGAL USE OR SALE OF NARCOTICS, CONTROLLED DANGEROUS SUBSTANCES, GAMBLING, PROSTITUTION.**

**AMEND (B):**

(B) *Permitting the use of real estate for illicit drug activity, gambling or prostitution.* No owner of real estate located in the city shall knowingly allow the real estate to be used as a site for any use or sale of illicit narcotics or controlled dangerous substances, gambling or prostitution. For the purposes of this section, an owner of real estate is defined as any person who, alone, jointly or

1 severally with others, shall have legal or equitable title to or other  
2 possessory interest in any real property on which residential,  
3 commercial or industrial improvements of any kind or nature are  
4 located, including a purchaser under a Contract for Conditional  
5 Sale of Real Estate commonly known as a Land Contract, and a  
6 lessee, sub-lessee, renter, or tenant who is allowing another  
7 person to occupy the dwelling or dwelling unit. The definition of  
8 owner shall not include a mortgage lien holder or other lien holder  
9 holding an interest which secures a debt or judgment, or third party  
10 non-employees using real estate for illicit drug activity, gambling,  
11 or prostitution before or after company's regular business hours.

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

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15 Council Member  
16 Geoffrey Paddock

17 Approved As To Form And Legality

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19 Carol Helton, City Attorney  
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Read the first time in full and on motion by Paddock and duly adopted, read the second time by title and referred to the Committee on Legislation and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 5-8-12

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Paddock and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>1</u>	_____	_____	<u>2</u>
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>CRAWFORD</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	_____	_____	_____	<u>✓</u>
<u>JEHL</u>	<u>✓</u>	_____	_____	_____
<u>PADDOCK</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	_____	_____	_____	<u>✓</u>
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 6-5-12

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. G-17-12 on the 5th day of June, 2012

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
[Signature]  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 6th day of June, 2012, at the hour of 11:15 o'clock A M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of June, 2012, at the hour of 1:47 o'clock \_\_\_\_\_ M., E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR  
Mark D. Becker, Deputy Mayor