

3 **AN ORDINANCE AMENDING CHAPTER 38: CITY**
4 **POLICIES OF THE CITY OF FORT WAYNE CODE OF**
5 **ORDINANCES.**

6
7 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**
8 **CITY OF FORT WAYNE, INDIANA:**

9 **SECTION 1.** That CHAPTER 38: CITY POLICIES of the City of Fort
10 Wayne, Indiana, Code of Ordinances of be amended as follows:

11 **ADD NEW SECTIONS AS FOLLOWS:**

12 **§38.07 TITLE.**

13 This article may be cited and referred to as the “Non-Disclosure of Public Records
14 for Commercial Purpose Ordinance”.

15 **§38.08 POLICY.**

16 It is hereby declared to be the public policy of the City:

- 17 (A) That the City recognizes that under the Access to Public Records Act, I.C. 5-14-3-1,
18 *et. seq.* (the “APRA”) providing persons with information is an essential function of a
representative government and an integral part of the routine duties of public officials
and employees, whose duty it is to provide the information.
- 19 (B) The City also recognizes that its resources are limited and the APRA gives discretion
20 to the City to determine in certain cases the limits to the type of information that may
21 be disclosed and specifically permits, pursuant to I.C.4-22-2, the City to create an
ordinance limiting the disclosure of information to persons who seek information for
22 commercial purpose.

23 **§38.09 DEFINITIONS.**

24 For the purpose of this subchapter the following definitions shall apply unless the
25 context clearly indicates or requires a different meaning:

26 **CITY.** The City of Fort Wayne, its Departments and Divisions.

27 **COMMERCIAL PURPOSE.** Selling, advertising, or soliciting the purchase of
28 merchandise, goods, or services or selling, loaning, giving away, or otherwise delivering
29 the information obtained to any other person for these purposes.
30

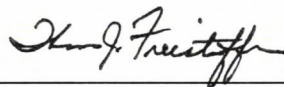
1 **PUBLIC RECORDS.** Any writing, paper, report, study, map, photograph, book, card,
2 tape recording, or other material that is created, received, retained, maintained, or filed
3 by or with the **CITY** and which is generated on paper, paper substitutes, photographic
4 media, chemically based media, magnetic or machine readable media, electronically
5 stored data, or any other material, regardless of form or characteristics.

6 **§38.10 NON-DISCLOSURE OF PUBLIC RECORDS FOR COMMERCIAL PURPOSE**

7 The City, in its discretion, may decline a request for public records under the APRA to
8 the extent such request is sought by or on behalf of a person or entity who will or may
9 use those records for commercial purpose. Public records requested by the news media
10 for use in connection with the preparation or publication of news, for nonprofit activities,
11 or for academic research is excluded from the definition of commercial purpose.

12 The determination of whether a requestor is seeking public records for commercial
13 purpose shall be made by the City.

14 **SECTION 2.** That this Ordinance is in full force and effect from and after
15 its passage and any and all necessary approval by the Mayor.

16 

17 Council Member

18 APPROVED AS TO FORM AND LEGALITY

19 
20 Malak Heiny, City Attorney

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1 **BILL NO. G-25-08-38**

2 **GENERAL ORDINANCE NO. G-_____**

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CHAPTER 38: CITY POLICIES

Section

38.01 Depositories of public documents designated

38.02 Extension of services to annexed areas

38.03 (Reserved)

38.04 Disclosure required by all purchasers or sellers

38.05 Publication of contracts for goods and services and city expenditures

38.06 Contracting conflict of interest

38.07 Title

38.08 Policy

38.09 Definitions

38.10 Non-Disclosure of Public Records for Commercial Purpose

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BILL NO. G-25-08-38

**REPORT OF COMMITTEE ON REGULATIONS
September 2, 2025**

***Thomas Freistroffer* Chair
Michelle Chambers Co-Chair
All Council Members**

An Ordinance amending Chapter 38: City Policies of the City of Fort Wayne
Code of Ordinances

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under
consideration and beg leave to report back to the Common Council that
said Ordinance

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>BENDER</u>	<u> </u>	<u> </u>	<u> </u>
<u>BOOKER</u>	<u><i>Dale Booker</i></u>	<u> </u>	<u> </u>
<u>CHAMBERS</u>	<u> </u>	<u> </u>	<u> </u>
<u>ENSLEY</u>	<u> </u>	<u> </u>	<u> </u>
<u>FREISTROFFER</u>	<u><i>Thomas Freistroffer</i></u>	<u> </u>	<u> </u>
<u>HARTMAN</u>	<u><i>Michelle Chambers</i></u>	<u> </u>	<u> </u>
<u>JEHL</u>	<u> </u>	<u> </u>	<u> </u>
<u>MYERS</u>	<u> </u>	<u> </u>	<u> </u>
<u>PADDOCK</u>	<u> </u>	<u> </u>	<u> </u>

**LANA R. KEESLING
CITY CLERK**

Lana R. Keesling

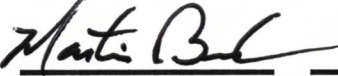

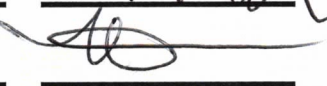





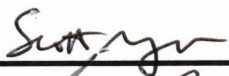

BILL NO. G-25-08-38

**REPORT OF COMMITTEE ON REGULATIONS
September 9, 2025**

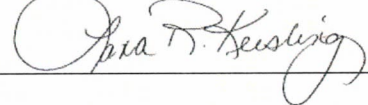
**Thomas Freistroffer Chair
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<u>MYERS</u>			
<u>PADDOCK</u>			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A


Read the first time in full and on motion by Councilperson Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Freistroffer, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARTMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MYERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: September 9, 2025




 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-25-08-38AA on the 9th day of September, 2025

ATTEST:




 LANA R. KEESLING
 CITY CLERK



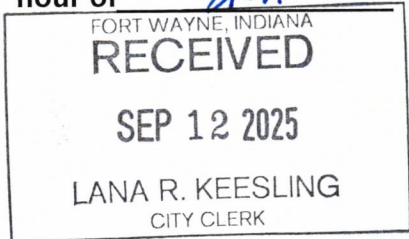
 PRESIDING OFFICER

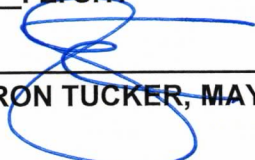
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of September 2025, at the hour of 9:45 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10th day of September 2025, at the hour of 2:11 o'clock p.m. E.S.T.





 SHARON TUCKER, MAYOR