

**AN ORDINANCE AMENDING ORDINANCE § 97.62 OF THE FORT WAYNE, INDIANA CODE OF ORDINANCES IN ORDER TO COMPLY WITH STATE LAW REGARDING CARRY OF FIREARMS IN PUBLIC PLACES.**

**WHEREAS**, Fort Wayne, Indiana Ordinance § 97.62 reads:

*“§ 97.62 HUNTING, FIREWORKS, AND FIREARMS PROHIBITED.*

*No person shall be allowed to carry firearms; to molest, hunt, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw objects at or to set snares for any wildlife, animals, birds, reptiles and fish within the limits of any park or within 500 feet thereof except with written permission of the Department. Fireworks, firearms, "BB" guns, slingshots, pea shooters, blow guns and paint ball guns are prohibited in all park areas unless permission has been obtained from the Department. No person is permitted to practice archery or use a bow and arrow or crossbow or other similar device in any park.*

*(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99”; and*

**WHEREAS**, INDIANA CODE 35-47-11.1 prohibits local units from regulation of firearms; and

**WHEREAS**, INDIANA CODE 35-47-11.1-5 provides for Civil actions concerning political subdivision violations; and

**WHEREAS**, INDIANA CODE 35-47-11.1-7 provides for recovery of damages to a prevailing plaintiff in an action under section 5 of the same chapter in the amount of:

- (1) The greater of the following
  - a. Actual damages, including consequential damages.
  - b. Liquidated damages of three (3) times the plaintiff’s attorney’s fees.
- (2) Court costs (including fees).
- (3) Reasonable attorney’s fees; and

**WHEREAS**, the City of Fort Wayne’s code of Ordinances are in contravention of state law; and

**WHEREAS**, there is a financial risk to the City of Fort Wayne created by this contravention of state law.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:**

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- (3) Reasonable attorney's fees; and

**WHEREAS**, there may be a financial risk to the City of Fort Wayne created as a result of the provisions set forth in I.C. 35-47-11.1-7.

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**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:**

**SECTION 1.** Fort Wayne, Indiana Ordinance § 97.62 shall be amended to read:

*“§ 97.62 HUNTING AND FIREWORKS PROHIBITED.*

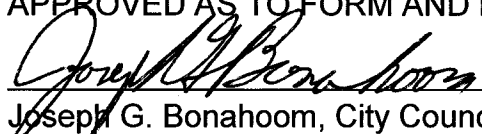
*No person shall be allowed to molest, hunt, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw objects at or to set snares for any wildlife, animals, birds, reptiles and fish within the limits of any park or within 500 feet outside of any park except with written permission of the Department. Fireworks, "BB" guns, slingshots, pea shooters, blow guns and paint ball guns are prohibited in all park areas unless permission has been obtained from the Department. No person is permitted to practice archery or use a bow and arrow or crossbow or other similar device in any park.*

*(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99”*

**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.

  
\_\_\_\_\_  
Jason Arp  
Common Council Member

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
Joseph G. Bonahoom, City Council Attorney

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Jason Arp  
Common Council Member

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
Joseph G. Bonahoom, City Council Attorney

**REPORT OF COMMITTEE ON REGULATIONS**

**October 18, 2016**

**Tom Freistroffer Chair**

**Tom Didier Co-Chair**

**All Council Members**

An Ordinance amending Ordinance § 97.62 of the Fort Wayne, Indiana, Code of Ordinances in order to comply with state law regarding carry of firearms in public places

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


DO PASS

DO NOT PASS

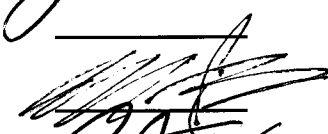
ABSTAIN

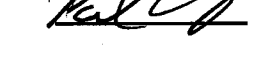
NO REC


  
Tom Didier

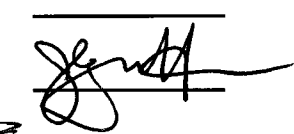
  
Tom Freistroffer

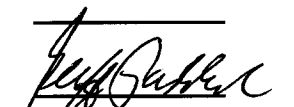
  
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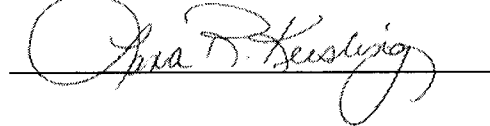
  
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**LANA R. KEESLING  
CITY CLERK**

  
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Public Hearing Date, if applicable N/A

Read the first time in full and on motion by Councilman FREISTOFFER  
Read the second time by title and referred to the REGULATIONS  
Committee. Read the third time in full and on motion by Councilman  
FREISTOFFER, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>	_____	_____
ARP	✓	_____	_____	_____
BARRANDA	✓	_____	_____	_____
CRAWFORD	✓	_____	_____	_____
DIDIER	✓	_____	_____	_____
ENSLEY	✓	_____	_____	_____
FREISTOFFER	✓	_____	_____	_____
HINES	_____	✓	_____	_____
JEHL	_____	✓	_____	_____
PADDOCK	_____	✓	_____	_____

DATED: 10/25/16 Lana R. Keesling  
LANA R. KEESLING, 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. 26-10-06 on the 25<sup>TH</sup> day of  
OCTOBER, 2016

ATTEST: Lana R. Keesling  
LANA R. KEESLING, CITY CLERK  
[Signature]  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26<sup>TH</sup> day  
of OCTOBER, 2016, at the hour of 10:15 o'clock AM. E.S.T.

Lana R. Keesling  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 26<sup>TH</sup> day of OCTOBER  
2016, at the hour of 5:00 o'clock PM. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

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