

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:

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