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3 **AN ORDINANCE PARTIALLY REPEALING**
4 **CHAPTER 121: SEXUALLY ORIENTED BUSINESSES, of the**
5 **Fort Wayne Municipal Code of Ordinances**
6

7 **WHEREAS**, Chapter 121 of the Fort Wayne Municipal Code of Ordinances was
8 added to the Code in August 2019 by a simple majority vote of the Fort Wayne Common
9 Council; and
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11 **WHEREAS**, Chapter 121 defines a Sexually Oriented Business and other items
12 related to such a business, outlines the requirement of licensure for certain businesses
13 and employees, and prohibits certain conduct within these businesses; and
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15 **WHEREAS**, the business in question are establishments, classified in Chapter 121
16 as “adult cabarets”; and
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18 **WHEREAS**, since Chapter 121 was enacted, there has been no positive significant
19 or noticeable change to the community, nor have any of the secondary effects noted in
20 code significantly diminished; and
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22 **WHEREAS**, the only significant change to the community has been the negative
23 impact on the almost-exclusively female employees working in these establishments in
24 terms of the opportunity to earn money and provide for themselves and their families; and
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26 **WHEREAS**, the culture and behaviors that Chapter 121 was enacted to remove
27 from the community have not been removed, but instead have moved into more
28 clandestine operations, outside of certain protections provided by public establishments
29 and into private homes, hotel rooms, and private parties, where the women are a greater
30 risk without the benefit of security or societal expectations; and
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32 **WHEREAS**, the clothing requirements in Chapter 121 are stricter than those of
33 common, public society; and
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35 **WHEREAS**, the licensing requirement has not been universally implemented, nor
36 has it been effective and has led to confusion within the sexually oriented business
37 community, as well as the licensing administrators;
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39 **WHEREAS**, consenting adults should be permitted to undertake any activity that
40 does not have a detrimental impact on themselves, other consenting adults, or the
41 community; and
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43 **WHEREAS**, the findings and rational in § 121.01 identifies the basis and legal
44 justification for the ordinance and the definitions contained in § 121.02 are used
45 elsewhere in the Fort Wayne Municipal Code of Ordinances; as a result, both sections
46 should remain in full force and effect.

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

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4 **SECTION 1.** That under Fort Wayne Municipal Code Chapter 121: "SEXUALLY
5 ORIENTED BUSINESSES," sections § 121.03 through § 121.99 are repealed and shall
6 be removed from the Fort Wayne Municipal Code of Ordinances. That under Fort Wayne
7 Municipal Code Chapter 121: "SEXUALLY ORIENTED BUSINESSES," sections § 121.01
8 and § 121.02 shall remain in full force and effect.
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10 **SECTION 2.** That this Ordinance shall be in full force and effect from and after its
11 passage and any and all necessary approval by the Mayor.
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16 _____
17 Jason Arp, Council Member
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21 APPROVED AS TO FORM AND PROCEDURAL LEGALITY
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23 _____
24 Joseph G. Bonahoom, City Council Attorney