

AN ORDINANCE TO AMEND CHAPTER 103 IN THE FORT WAYNE CODE OF ORDINANCES

WHEREAS, on October 10, 2017 the Fort Wayne Common Council passed G-17-09-19 adding Chapter 103 to Fort Wayne Code of Ordinances; and

WHEREAS, the purpose of Chapter 103 is to allow a process by which to identify Commercial Chronic Problem Properties, where illegal activity occurs on a regular basis and adversely impacts the health, safety, welfare, and quality of life for residents of Fort Wayne; and

WHEREAS, in the passing of Chapter 103 by Common Council, it was determined that part of the process to identify and abate these commercial entities that have repeated criminal activity occurring on their property should be an analysis of the effectiveness of the ordinance after a determined length of time; and

WHEREAS, G-17-09-19 therefore has a sunset provision 3 years from the date of passage included within the ordinance to allow a point for the effectiveness of the ordinance to be assessed; and

WHEREAS, the data gathering by the FWPD and other impacted departments for an assessment of effectiveness is still in process; and,

WHEREAS, recommendations and/or modifications will be coming to Council as soon as the full scope of data may be collected and assessed, therefore allowing the sunset to remove the bill would nullify any data collected to date; and

WHEREAS, it is the duty of Common Council to provide tools like the authority granted under this chapter to public safety agencies to ensure the continued safety of our neighborhoods.

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

SECTION 1. Section §103.09: Sunset Provision from the Fort Wayne Code of Ordinances which reads, "The provisions of Chapter 103 will sunset three years following adoption of this chapter unless ratified by the Common Council" shall be eliminated from the Fort Wayne Code of Ordinances.

SECTION 2. Upon the removal of §103.09 from the Fort Wayne Code of Ordinances, the rest of Chapter 103: Commercial Chronic Problem Property Regulations shall remain with permanent effect. Chapter 103: Commercial Chronic Problem Property Regulations may only be

1 eliminated, amended, removed, or otherwise rescinded in the future by proper legislative
2 operation or order of law.

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4 **SECTION 3.** This Ordinance shall be in full force and effect from and after its passage
5 and any and all necessary approval by the Mayor.

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10 Thomas F. Didier, Council Member

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13 APPROVED AS TO FORM AND LEGALITY

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16 Joseph G. Bonahoom, City Council Attorney
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