

1 **BILL NO. G-26-03-08**

2 **GENERAL ORDINANCE NO. G-**

3 **AN ORDINANCE ADDING CHAPTER 104:**
4 **RELOCATION OF TRANSIENT HOMELESS**
5 **INDIVIDUALS PROHIBITED TO THE CITY**
6 **OF FORT WAYNE, INDIANA, CODE OF**
7 **ORDINANCES**

8 **WHEREAS**, the Administration desires to address the issues created by the
9 unauthorized transportation and relocation of transient homeless individuals from
10 their jurisdictions of origin to the City of Fort Wayne; and

11 **WHEREAS**, the practice of transporting individuals experiencing homelessness
12 from their jurisdiction of origin in order to relocate to the City of Fort Wayne is
13 associated with negative impacts on the health and safety of the community and
14 strains public resources and public safety; and

15 **WHEREAS**, in order to preserve the City's limited availability of homelessness-
16 related resources for the benefit of homeless residents currently residing in Fort
17 Wayne, the Administration has determined to sanction persons, entities and
18 their agents engaged in the transporting transient homeless individuals from their
19 jurisdictions of origin for the purpose of relocating such individuals to the City of
20 Fort Wayne; and

21 **WHEREAS**, the intent and purpose of this Ordinance is to channel available
22 resources to assist and support local homeless residents, while motivating other
23 jurisdictions to provide assistance and support for homeless individuals residing
24 in their jurisdictions rather than relocating such individuals to Fort Wayne to
25 obtain such assistance and support.

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

28 **SECTION 1.** That Chapter 104: RELOCATION OF TRANSIENT
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1 INDIVIDUALS PROHIBITED is added to the City of Fort Wayne, Indiana, Code
2 of Ordinances, as follows:

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4 **CHAPTER 104: RELOCATION OF TRANSIENT INDIVIDUALS PROHIBITED**

5 Section

6 104.01 Intent

7 104.02 Relocation of Transient Homeless Individuals Prohibited

8 104.03 Exceptions

9 104.99 Penalties

10 § 104.01 INTENT

11 The Administration finds it to be in the best interests of the residents of the City
12 of Fort Wayne to preserve the City's limited homelessness-related resources for
13 the benefit of local residents experiencing homelessness and to prohibit the
14 relocation of transient homeless individuals from other jurisdictions to the City of
15 Fort Wayne, in order to decrease the negative impacts on the health and safety
16 of the community and resulting strains on public resources and public safety.

17 § 104.02 RELOCATION OF TRANSIENT HOMELESS INDIVIDUALS
18 PROHIBITED

19
20 (A) No person or entity or their agent, including government officials and private
21 individuals shall knowingly transport and relocate or cause the transporting and
22 relocation of any transient, homeless individual residing in another jurisdiction to
23 the City of Fort Wayne, either directly or indirectly, by providing one-way
24 transport and drop off of such individual on public property, or private property
25 that is accessible to the public, within the City of Fort Wayne, if the person so
26 transported lacks a fixed, regular, and adequate nighttime residence.

27 (B) A person "lacks a fixed, regular, and adequate nighttime residence" within the
28 meaning of subsection (A) when that person:
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1 (1) Has a primary nighttime residence that is a public or private place not
2 meant for habitation; or

3 (2) Lives in a publicly or privately operated shelter designated to provide
4 temporary living arrangements (including congregate shelters, transitional
5 housing, and hotels and motels paid for by charitable organizations or by federal,
6 state, and local government programs); or

7 (3) Is exiting any correctional facility, institution, or health care facility,
8 where they have resided for 365 days or less and who resided in an emergency
9 shelter or place not meant for human habitation immediately before entering that
10 institution.

11 § 104.03 EXCEPTIONS

12 (A) The prohibition contained in subsection (A) shall not be interpreted to prohibit
13 the following authorized activities:

14 (1) Transporting a person to be booked into a jail; or

15 (2) Transporting a person to be treated at a hospital or other medical
16 facility under emergency circumstances; or

17 (3) Transporting a person to reside at a shelter, temporary housing, or
18 permanent housing, when the officer, agent, or employee has independently
19 verified that the individual being transported has already been accepted to reside
20 at the facility; or

21 (4) Transporting a person to attend a verified appointment with a health
22 care provider, governmental or nonprofit social service provider; or

23 (5) Transporting a person to attend a verified court hearing.

24 § 104.99 PENALTIES

25
26 Whoever violates any provision of this Chapter shall, upon conviction thereof,
27 shall be adjudged to pay a fine of up to \$2,500, including costs of prosecution.
28 Each day a violation of this Chapter continues constitutes a separate offense.
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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.

Council Member

APPROVED AS TO FORM AND LEGALITY

Malak Heiny, City Attorney

CHAPTER 104: RELOCATION OF TRANSIENT INDIVIDUALS PROHIBITED

Section

104.01 Intent

104.02 Relocation of Transient Homeless Individuals Prohibited

104.03 Exceptions

104.99 Penalties

§ 104.01 INTENT

The Administration finds it to be in the best interests of the residents of the City of Fort Wayne to preserve the City's limited homelessness-related resources for the benefit of local residents experiencing homelessness and to prohibit the relocation of transient homeless individuals from other jurisdictions to the City of Fort Wayne, in order to decrease the negative impacts on the health and safety of the community and resulting strains on public resources and public safety.

§ 104.02 RELOCATION OF TRANSIENT HOMELESS INDIVIDUALS PROHIBITED

(A) No person or entity or their agent, including government officials and private individuals shall knowingly transport and relocate or cause the transporting and relocation of any transient, homeless individual residing in another jurisdiction to the City of Fort Wayne, either directly or indirectly, by providing one-way transport and drop off of such individual on public property, or private property that is accessible to the public, within the City of Fort Wayne, if the person so transported lacks a fixed, regular, and adequate nighttime residence.

(B) A person "lacks a fixed, regular, and adequate nighttime residence" within the meaning of subsection (A) when that person:

(1) Has a primary nighttime residence that is a public or private place not meant for habitation; or

(2) Lives in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, and local government programs); or

(3) Is exiting any correctional facility, institution, or health care facility, where they have resided for 365 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

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(A) The prohibition contained in subsection (A) shall not be interpreted to prohibit the following authorized activities:

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(4) Transporting a person to attend a verified appointment with a health care provider, governmental or nonprofit social service provider; or

(5) Transporting a person to attend a verified court hearing.

§ 104.99 PENALTIES

Whoever violates any provision of this Chapter shall, upon conviction thereof, shall be adjudged to pay a fine of up to \$2,500, including costs of prosecution. Each day a violation of this Chapter continues constitutes a separate offense.