

**ORDINANCE NO. 051523C**

**AN ORDINANCE BY THE CITY OF FISHERS COMMON COUNCIL  
CREATING CHAPTER 100 PUBLIC SAFETY NUISANCE AND AMENDING  
SECTION 36.08 OF THE FISHERS CODE OF ORDINANCES**

WHEREAS, the City of Fishers (“City”) Police Department and Fire & Emergency Services Department have been experiencing excessive repeat calls for service at certain commercial properties and locations in the City due to reoccurring problems and activity at those commercial properties and locations;

WHEREAS, the City of Fishers Common Council (“Common Council”) finds that excessive repeat calls for service for reoccurring problems and activities at commercial properties and locations place an undue burden on public safety resources, which may result in decreased public safety services being provided to other areas of the City;

WHEREAS, the Common Council desires regulations to advance legitimate public purposes designed to protect the overall public health, safety and welfare of the City by preventing and assisting in abating repeat calls for service to the same commercial property or location;

WHEREAS, the Common Council desires to create progressive regulations with the intent of collaborating with commercial property owners to abate excessive calls for public safety assistance and shall include (1) a meeting with the City’s public safety team and (2) the execution of a remediation agreement between the City and commercial businesses before implementing fines or other punitive action for abatement at the commercial properties;

WHEREAS, any fines or fees imposed are intended to help cover costs incurred by the City which are over and above the cost of providing services to properties not experiencing repeat calls for service;

WHEREAS, pursuant to Indiana law, the City desires to create Chapter 100, Public Safety Nuisance, to address repeat calls for service at commercial locations and properties and to articulate the process to abate the repeat calls for service;

WHEREAS, Chapter 100, Public Safety Nuisance is not intended to discourage any calls for public safety assistance or to discourage calls from those who believe they have been the victim of a crime;

WHEREAS, the City has established, pursuant to Indiana Code §33-36-3-1 *et seq.* an Ordinance Violations Bureau (OVB) and a schedule of ordinance provisions that may be paid into the OVB; and

WHEREAS, the City desires to amend Section 36.08 to allow payment of violations of Chapter 100 to be paid into the OVB.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

**Section 1.** Chapter 100 Public Safety Nuisance is hereby created as set forth in Exhibit A, attached hereto and incorporated herein.

**Section 2.** Section 36.08 is hereby amended to include the following:

**§ 36.08 SCHEDULE OF FINES.**

(A) Fines or fees imposed by reason of a violation of any of the following ordinances shall be eligible for disposition at the Ordinance Violations Bureau established within the city.

Violation – Public Safety Nuisance	Code Section	First Violation	Second and Subsequent Violations
All Sections	100.99	\$250	\$250

**Section 3.** All other provisions of the City’s ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

**Section 4.** If any provision of this Ordinance shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this Ordinance shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law.

**Section 5.** This Ordinance shall be of full force and effect beginning August 1, 2023, and in accordance with Indiana law.

SO ORDAINED by the Common Council of the City of Fishers, Indiana on this \_\_ day of \_\_, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**051523C**

**YAY**

**NAY**

**ABSTAIN**

<b>YAY</b>		<b>NAY</b>	<b>ABSTAIN</b>
	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_  
**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

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\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE** May 15, 2023



**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, 1 Municipal Drive, Fishers, IN 46038.

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." /s/ Lindsey Bennett