

**ORDINANCE NO. 3479**

**AN ORDINANCE PROHIBITING PARKING  
SO AS TO OBSTRUCT VISION**

WHEREAS, it is the responsibility of the Common Council of the City of New Castle to provide for public health, safety and welfare of its citizens, and

WHEREAS, obstructions of the line of sight which prohibit an operator of a motor vehicle from seeing oncoming traffic pose inherent dangers, and

WHEREAS, such obstruction should be prohibited.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of New Castle that one shall not be permitted to cause an obstruction to exist on one's property that interferes with a third party's line of sight of oncoming traffic. This Council further ordains as follows:

I. Definitions.

(a) Obstruction. An obstruction shall mean a motorized vehicle, a non-motorized vehicle, tree, shrub, or any other solid object which blocks a person's view.

(b) Line of Sight. Line of sight shall mean a direct view when standing at the edge of the City right-of-way and looking to the right or left as if one were exiting from a drive.

II. Prohibited Activity.

It shall be unlawful for any person to allow an obstruction to exist on their property which interferes with their neighbor's line of sight when seeking to determine if there is oncoming traffic prior to exiting from a private drive onto a public street or right-of-way or entering or crossing one public street from another public street.

III. Enforcement.

In the event an obstruction of the public's line of sight of oncoming traffic is determined by a law enforcement officer to exist, the law enforcement officer shall first notify the property owner of the existence of the obstruction and advise the property owner that they have forty-eight (48) hours to correct the condition. In the event the condition is not corrected within forty-eight (48) hours, the law enforcement officer may do one or more of the following:

(a) In the event the obstruction is a motorized or non-motorized vehicle, the officer may have same towed and stored at the owner's expense.

(b) The owner may be issued a citation to appear before the New Castle City Court. If the Court determines there is a violation of this Ordinance, it may impose a fine not to exceed twenty-five dollars (\$25.00). It further may determine that a new violation exists every twenty-four (24) hours the obstruction remains.

(c) The police officer may request that the obstruction be removed by City personnel and the costs for such removal shall be assessed against the offending party.

IV. Notice.

It is the intention of this ordinance to cause the obstruction to be removed. Thus the officer must make all reasonable attempts to obtain voluntary compliance with this ordinance prior to

issuing a citation or having a vehicle removed by towing. No City action shall be taken, no fines shall be issued or vehicles towed until the owner thereof receives notice (personal service or copy service as same is defined by the Indiana Trial Rules) and has an opportunity to correct the condition.

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed. Those provisions of the New Castle Code of Ordinances not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SEVERABILITY:** Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

**EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage and publication and posting as set forth above by the New Castle Street Department.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.

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Thomas Nipp, Presiding  
Officer, Common Council, City  
of New Castle, Indiana

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ATTEST:

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Janice Lavarney,  
Clerk-Treasurer

APPROVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.

City

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Thomas Nipp, Mayor of the  
of New Castle, Indiana