

ORDINANCE NO. 3523

**AN ORDINANCE ESTABLISHING PREFERRED TRUCK ROUTE
AND RESTRICTING TRUCK TRAFFIC ON CERTAIN STREETS**

WHEREAS, there is substantial truck traffic associated with industrial concerns located in the City's southeast quadrant, and

WHEREAS, it is in the best interest of the citizens of this City to establish a preferred truck route for said traffic in that this will promote safety concerns and improve living conditions in surrounding neighborhoods and further to allow the efficient transportation of goods to the benefit of the industrial concerns, and

WHEREAS, this Council has a duty to protect the public health, safety and welfare of its citizens.

NOW THEREFORE BE ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE, INDIANA as follows:

- I. Establishment of Preferred Truck Route: The City hereby designates the following streets as preferred routes for heavy truck traffic:
 - (a) South 25th Street from Broad Street (State Road 38) to I Avenue
 - (b) South 27th Street from Plum Street to D Avenue
 - (c) D Avenue from 27th Street to 25th Street
 - (d) Grand Avenue from South 25th Street to the East corporate limits of the City
 - (e) I Avenue from South 18th (State Road 103) Street to Grand Avenue
 - (f) Q Avenue from South 14th Street (State Road 103) to Troy Avenue
 - (g) Troy Avenue from Grand Avenue Q Avenue

- II. Weight Restriction: The City hereby amends New Castle's City Code, Chapter 71 and 72 and in particular Schedule III thereof by adding the following streets as those subject to weight restrictions:
 - (a) STREET: Walnut Street
LOCATION: From South 27th St. to South 25th St.

MAXIMUM WEIGHT: 5 tons
 - (b) STREET: Plum Street
LOCATION: From South 27th St. to South 25th St.

MAXIMUM WEIGHT: 5 tons
 - (c) STREET: C Avenue
LOCATION: From South 27th St. West 400 feet
MAXIMUM WEIGHT: 5 tons

- (d) STREET: Hunter Avenue
LOCATION: From I Avenue to Q Avenue
MAXIMUM WEIGHT: 5 tons
- (e) STREET: Cottage Avenue
LOCATION: From Grand Avenue to Q Avenue
MAXIMUM WEIGHT: 5 tons
- (f) STREET: H Avenue
LOCATION: From Grand Avenue to South 25th Street

MAXIMUM WEIGHT: 5 tons

With regard to the weight restrictions set forth above, all provisions of Schedule III(b) shall remain in full force and effect as to these additions. Violators shall be subject to penalty as prescribed by Section 70.99 of the New Castle City Code, which provides: "Whoever violates any provision of this Chapter . . . shall be fined not more than \$2,500.00. A separate offense shall be deemed committed on each day that a violation occurs or continues." Further the provisions of New Castle City Code Section 72.99 shall apply with regard to the payment of any fine imposed hereunder.

With regard to the weight restrictions paid above, all provisions of New Castle City Code Section 71.02 of said City Code shall apply.

Nothing herein shall be deemed to restrict truck travel on State highways which would include South 14th Street (State Road 103), South 18th Street (State Road 103) and Broad Street (State Road 38).

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 publication.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE
THIS ____ DAY OF _____, 2007.

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

AYE

NAY

ATTEST:

Janice Lavarney,
Clerk-Treasurer

APPROVED BY ME THIS _____ DAY OF _____, 2007.

City

Tom Nipp, Mayor of the
Of New Castle, Indiana