

AN ORDINANCE AUTHORIZING COMMUNITY SERVICE
IN LIEU OF MONETARY FINE

WHEREAS, penalties for violations of provisions of the New Castle City Code often call for the assessment of monetary fines, and

WHEREAS, from time to time due to indigency of the violator of City ordinance or due to the nature of the violation, it may preferable to assign the offending party to perform community service rather than pay said monetary fine, and

WHEREAS, the Building Inspector of the City of New Castle is in a position to supervise community service projects and provide the Court with a report of same.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of New Castle that where a violation of City ordinances imposes in part or in whole a monetary fine to be paid by the offending party, the City Court Judge, in his or her sound discretion, may impose community service in lieu of monetary penalties. The Court shall assign community service based upon the following:

1. The offending party is to receive a credit of \$6.00 for each hour of community service performed.
2. Community service must be performed Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m.
3. Community service shall be under the supervision of the Building Commissioner or his designee.
4. The Building Commissioner has the responsibility of providing the City Court Judge with a statement certifying the hours served by the defendant or offending party. Further, the Building Commissioner would report to the City Court Judge the name of any offending party who failed to appear for community service as ordered or who is uncooperative or refused to perform duties as instructed.
5. Upon completion of community service as certified by the Building Commissioner of the hours assigned by the Court, the Court shall show the penalty, fine, or finding satisfied in full.
6. In considering whether community service should be offered to the offending party in lieu of a monetary fine, the Court shall consider the financial ability of the offending party to pay the penalty, the nature of the offense, the nature of the community service to be performed, the age of the defendant, the offending party's employment status, and all other factors surrounding the nature of the offense.

7. ~~Nothing herein shall relieve the offending party from his or her obligation to pay Court costs.~~

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 as provided for by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS 3rd
DAY OF July, 2006.

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

AYE

NAY

James P. Kedd
Todd S. Zikley
Louise P. Paine
Jay Hancock
Richard Hahn

ATTEST:

Janice Lavarnway
Janice Lavarnway,
Clerk-Treasurer

APPROVED BY ME THIS 3rd DAY OF July, 2006.

Thomas D Nipp
Thomas Nipp, Mayor of the City
of New Castle, Indiana