

Ordinance No. 3759

ORDINANCE OF THE CITY OF NEW CASTLE, INDIANA

WHEREAS, the Common Council of the City of New Castle has a duty to protect the public health, safety and welfare of its citizens; and,

WHEREAS, the City of New Castle has several ordinances dealing with the cleaning, maintenance, repair and replacement of sidewalks; and,

WHEREAS, the repair and replacement of sidewalks is the responsibility of the owner of the property on which the sidewalk is located; and,

WHEREAS, those who wish to engage in new construction requiring the issuance of a building permit should as part of that project repair and replace any defective or dangerous sidewalks, and if no sidewalk exists, construct a new sidewalk from lot line to lot line adjacent to the public right-of-way.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE that New Castle City Code Section 150.27 shall be amended by adding the following paragraph:

C. Prior to the approval of the application for a building permit, the applicant must submit plans for and provide for the construction of a new sidewalk if none exists or the repair of any dangerous or failing sidewalk if one exists from lot line to lot line where the owner's property abuts the public right-of-way. The sidewalk should be made in conformity with City specifications and connect any existing sidewalks that exists. Further, if the sidewalk is located on a corner, it must be handicap accessible and meet all federal regulations as imposed by the Americans for Disability Act (ADA). Nothing herein shall preclude the owner or applicant from seeking any existing federal, state or local financial assistance in accomplishing this sidewalk construction, but nothing herein compels any governmental unit to make financial assistance available. Sidewalk construction shall be subject to all provisions of Section 150 of the New Castle City Code generally and more specifically to Section 150.47 requiring inspection and Section 150.49 which authorizes the issuance of a stop order by the Building Commissioner in the event the work is not being done in conformity with the application. In the event of a violation of this provision, in addition to the issuance of a stop order, the owner/applicante shall be subject to fine pursuant to Section 10.99 of the New Castle City Code.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 _____, 2016.

Greg York, Presiding
Officer, Common Council, City
of New Castle, Indiana

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ATTEST:

Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2016.

Greg York, Mayor of the City
Of New Castle, Indiana