

ORDINANCE NO. 3694

**AN ORDINANCE PROHIBITING MOTORIZED VEHICLES FROM BEING
OPERATED ON CERTAIN PUBLIC LANDS**

WHEREAS, it is the duty of the Common Council of the City to pass laws that protect the public health, safety and welfare of its citizens; and,

WHEREAS, it is an additional duty of the Common Council of the City of New Castle to protect and maintain publicly owned lands and see to it that they are utilized for their intended purposes; and,

WHEREAS, there are certain public lands on which it would be improper to operate a motorized vehicle.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE that motorized vehicles may not be operated except on paved designated roadways on the following publicly owned property:

1. All New Castle City parks which would include but are not limited to: Baker Park, Osborn Park, Lowe Park, Your Park and Hospital Heights Park.

2. The New Castle Wildlife and Bird Sanctuary located south of Trojan Lane and west of Lyndale Drive.

3. All portions of the Raintree Trail System located within the corporate boundaries of the City which would include but are not limited to the Wilbur Wright Trail. (See Exhibit "1" attached which shows that portion of the Wilbur Wright Trail located within the City of New Castle.)

4. Any other publically owned property of the City without roadways which have been constructed and maintained for motorized vehicles.

5. Nothing herein shall prohibit City maintenance vehicles, City utility vehicles, landscaping equipment or construction vehicles from being operated on City lands. Further, the City may by its Parks Department and Board of Public Works authorize exceptions to the above prohibition for special events or other good cause services.

PENALTY: A person who violates this Ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00). In the event the violator is a minor, the vehicle shall be taken into custody by the New Castle Police Department and held until the parent of the minor recovers said vehicle. The cost of taking possession and holding the vehicle shall be paid at the time the vehicle is released.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS ____ DAY OF _____, 2013.

Greg York, Presiding

Officer, Common Council, City
of New Castle, Indiana

AYE

NAY

ATTEST:

Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2013.

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