

ORDINANCE NO. 3887

**AN ORDINANCE ESTABLISHING HOURS OF USE OF 1400 PLAZA AND
PROHIBITING SLEEPING WITHIN 1400 PLAZA**

WHEREAS, the City of New Castle has the authority to enact ordinances to promote the public health, safety and welfare; and

WHEREAS, the City has constructed an open air public event space in downtown New Castle known as 1400 Plaza that is used for hosting farmers markets, fairs, contests, concerts and other events; and

WHEREAS, occupancy of 1400 Plaza by persons after certain hours and the use of 1400 Plaza for sleeping has created conditions that have a negative effect on the City and residents and businesses in close proximity to 1400 Plaza; and

WHEREAS, Chapter 130 of the City Code should be amended to prohibit occupancy of 1400 Plaza during certain hours and to prohibit sleeping in 1400 Plaza.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE, INDIANA, AS FOLLOWS:

1. A new Section 130.07 shall be added to the City Code and shall read as follows:

130.07 Restrictions on Use of 1400 Plaza

(A) Occupancy of 1400 Plaza Prohibited During Certain Hours. No person shall remain present upon or otherwise occupy 1400 Plaza between the hours of 12:01 a.m. and 6:00 a.m.

(B) Sleeping Prohibited within 1400 Plaza. Sleeping outside or within any enclosed structure or shelter is prohibited within 1400 Plaza.

(C) Exceptions. The following shall not be a violation of this Ordinance:

(i) The parking or removal of vehicles, or the removal of personal property from a vehicle located within the public parking lot located on 1400 Plaza; or

(ii) The use of 1400 Plaza in contravention of (A) or (B) above, if such use has been specifically authorized by the Board of Public Works and Safety as part of an event occurring on 1400 Plaza.

(C) Enforcement. The City shall direct any person in violation of this Ordinance to leave 1400 Plaza. If a person refuses to leave 1400 Plaza after being instructed to vacate, a person violating this Ordinance may be fined an amount of up to Fifty Dollars (\$50.00).

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS
____ DAY OF _____, 2022.

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

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ATTEST:

Brenda Grider, Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2022.

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