

**ORDINANCE NO. 3923**

**AN ORDINANCE PROHIBITING CAMPING ON OR WITHIN CITY OWNED  
PROPERTY OR RIGHTS OF WAY**

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

WHEREAS, promote the public health, safety and welfare, the City may enact regulations regarding the use of public property and public rights of way; and

WHEREAS, Chapter 130 of the City Code should be specifically amended to prohibit camping on public property or public rights of way and the storage of personal property on public property or on public rights of way.

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

1. A new Section 130.08 shall be added to the City Code and shall read as follows:

*130.07 Camping Prohibited on Public Property.*

*(A) Definitions. The following terms used in this Section are defined as set forth below:*

*(i) Camp- to pitch, erect, or occupy Camping Facilities or to sleep or make preparation to sleep when it is apparent, in light of the circumstances, that a person is utilizing public or private space as a place of temporary or permanent living accommodation outside of a dwelling.*

*(ii) Camping Facilities-a tent, hut, lean-to, tarpaulin, or other temporary structure, cots, hammocks, sleeping bags or other materials used for shelter or sleeping.*

*(iii) Public Right of Ways- all City owned or controlled right of way, whether in fee title or as a public easement for right of way or public access purposes, including without limitation, all streets, sidewalks, or other ways dedicated to public use, including any planter strips, curbs or landscape areas located within or adjacent to any street or way for public use.*

*(B) Prohibition. No person shall Camp, utilize Camping Facilities or store personal property on or within any City Park, City owned property, recreational or athletic field, City owned or controlled parking lot, street, recreational trail, alley, sidewalk and other Public Right of Ways, or within twenty five feet of any fire hydrant, designated fire lane, other fire protection equipment, manhole, water meter pit, or other facility or improvement dedicated or reserved for use by any public utility or the City.*

*(C) Removal of Camping Facilities. Any Camping Facilities or other personal property located in violation of 130.07 (B) above, shall be removed by City employees, subject to the following procedures:*

*(i) If the Camping Facilities or personal property create an immediate risk to public health or safety, the owner or occupant of the Camping Facilities and other personal property will be provided the opportunity to promptly relocate the Camping Facilities and other personal property. If the owner or occupant cannot be located, or is unable or unwilling to immediately remove the Camping Facilities and personal property, the Camping Facilities and personal property may be immediately removed. At the time of removing the Camping Facilities and personal property, a City employee shall provide the owner or occupant, or post in a conspicuous place near the Camping Facilities or personal property, a notice containing the following information:*

*(a) The location where the Camping Facilities and personal property will be stored;*

- (b) A telephone number of the person or facility to be contacted regarding the Camping Equipment and personal property; and*
- (c) A statement that the Camping Facilities and other personal property removed will be deemed abandoned and discarded if the Camping Facilities and other personal property are not reclaimed within fourteen (14) days after removal.*

*(ii) If the Camping Facilities or personal property are not subject to immediate removal under Section 130.07 (C) above, the owner of Camping Facilities and personal property shall be advised, either in person or through a conspicuous notice posted on or near the Camping Facilities and personal property, that the Camping Facilities and personal property shall be removed twenty- four (24) hour after the posting or delivery or posting of notice of the impending removal. The notice shall include a statement providing the following:*

- (a) The date and time the Camping Facilities and personal property will be removed (if applicable);*
- (b) The location where the Camping Facilities and personal property will be stored;*
- (c) A telephone number of the person or facility to be contacted regarding the Camping Equipment and personal property; and*
- (d) A statement that the Camping Facilities and other personal property removed will be deemed abandoned and discarded if the Camping Facilities and other personal property are not reclaimed within fourteen (14) days after removal.*

*(iii) Notwithstanding the above, items that are in an unsanitary condition or that present a health risk, trash, litter, debris, waste and items that may not be lawfully possessed may be immediately discarded.*

*(D) Enforcement. In addition to the removal of Camping Facilities and other personal property, any person who violates 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 \_\_\_\_\_, 2024.

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

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ATTEST:

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Ashley Huffman, Clerk-Treasurer

APPROVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

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