

ORDINANCE NO. 3571

**AN ORDINANCE AMENDING CHAPTER 97 OF
THE NEW CASTLE CITY CODE**

WHEREAS, Title 9, Chapter 97 of the New Castle City Code at Section 97.01(B) identifies common nuisances which must be abated if occurring within the City of New Castle; and,

WHEREAS, graffiti on any structure, vehicle or sign is a problem within the City, is unsightly and should be classified as a common nuisance and be abated.

IT IS THEREFORE ORDAINED by the Common Council of the City of New Castle, that Title 9, Section 97.01(B) shall be amended by adding the following as a common nuisance:

- (8) Graffiti, which is defined as any unauthorized inscription, work, figure, or design that is marked, etched, scratched, or drawn or painted on a component of any building, structure, facility, sign, railroad car, semi tractor trailer or vehicle which is visible to the public must be removed or covered by the owner of said building, structure, facility, sign, railroad car, semi tractor trailer or vehicle upon receipt of a notice of abatement as that term is defined in New Castle City Code Section 97.02.

IT IS FURTHER ORDAINED that said Chapter 97 of Title 9 shall be amended by adding the following section:

Section 97.03 Penalty. Any person who does not comply with the notice of abatement as set forth herein above shall be subject to penalty as follows:

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|----|-----------------|------------------|
| A. | First offense: | up to \$250.00 |
| B. | Second offense: | up to \$500.00 |
| C. | Third offense: | up to \$1,000.00 |
| D. | Fourth offense: | up to \$2,500.00 |

The New Castle City Court shall be the Court of proper venue and jurisdiction for the enforcement of this provision. Citations for the violations of this chapter may be issued by any sworn member of the New Castle City Police Department, the New Castle City Building Inspector or any other City employee authorized to do so by the Board of Public Works and Safety of the City.

All other provisions of Title 9, Chapter 97 of the New Castle City Code shall remain in full force and effect.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 _____, 2009.

Jim Small, Presiding Officer,
Common Council, City
of New Castle, Indiana

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ATTEST:

Janice Lavarney,
Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2009.

Jim Small, Mayor of the City
Of New Castle, Indiana