

**ORDINANCE NO. 3695**

**AN ORDINANCE ESTABLISHING MAXIMUM SPEED  
FOR URBAN STREETS**

WHEREAS, it is the responsibility of the Common Council of the City of New Castle, Indiana to provide for the public health, safety and welfare of the citizens of New Castle; and,

WHEREAS, the Traffic Committee of the Council has determined that it is in the best interests of traffic flow and public safety for speed limits on all urban streets within the City should generally be thirty (30) miles per hour except for those which after conducting the appropriate traffic investigation, it has been determined or will be determined that the speed should be reduced therefrom.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL of the City of New Castle, as follows:

1. The corporate boundaries of the City of New Castle shall be considered an "Urban District" as that term is defined in I.C. 9-21-5-2(1). That unless this Council has previously determined or in the future determines otherwise, the maximum speed on any road located within the Urban District, except for roadways that are part of the State Highway System, shall be thirty (30) miles per hour.

2. The Board of Public Works and Safety may at its discretion erect thirty (30) miles per hour speed limit sign on roadways within the Urban District without further approval by this body.

3. The failure to erect a thirty (30) mile per hour speed limit sign does not relieve operators of motor vehicles from complying with this ordinance and shall not constitute a defense for citations written to offending motorists.

4. A violation of this speed limit shall constitute a Class C infraction and may also subject the violator to penalty and fine pursuant to Section 70.99 of the New Castle City Code where, in the discretion of the arresting officer, application of said penalty is appropriate.

5. A person who violates a speed limit imposed due to the immediate vicinity of a school, when children are present, commits a Class B infraction.

6. A person may not drive a vehicle on a road within the Urban District at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards that exists. Speed shall be as necessary to avoid colliding with a person, vehicle or other conveyance on, near, or entering a highway in compliance with legal requirements and with the duty of all persons to use due care. The City hereby adopts I.C. 9-21-5-1 with regard to all streets within the Urban District.

7. The driver of each vehicle operating within the Urban District shall reduce their speed as follows:

- (i) When approaching and crossing an intersection or railway grade crossing;
- (ii) When approaching and going around a curve;
- (iii) When approaching a hillcrest;
- (iv) When traveling on a narrow or winding roadway;
- (v) When special hazards exist with respect to other traffic or by reasons of weather or highway.

That the City in all respects adopts the provisions of I.C. 9-21-5-4.

8. The maximum speed permitted for operating a vehicle in alleys located in the Urban District, unless otherwise posted, shall be fifteen (15) miles per hour.

The failure to erect a fifteen (15) mile per hour speed limit sign does not relieve operators of motor vehicles from complying with this ordinance and shall not constitute a defense for citations written to offending motorists.

(That the City in all respects adopts the provisions of I.C. 9-21-5-2(8)).

**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.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

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

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ATTEST:

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Clerk-Treasurer

APPROVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

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