

ORDINANCE NO. 3380  
AN ORDINANCE CREATING ADDITIONAL  
INDIGENT GRAVESITES AND AMENDING  
SECTION 91.01 OF THE NEW CASTLE CITY CODE

WHEREAS, there were established certain gravesites in the South Mound Cemetery for indigents, and

WHEREAS, this designated area has now reached capacity, and

WHEREAS, there is a need for additional indigent gravesites.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE that upon establishing indigency, a person may be buried free of charge in Section C of the Westlawn Addition of the South Mound Cemetery.

Upon establishment of indigency (a showing that the estate of the decedent and the decedent's immediate family and others who may have a legal responsibility for the burial of the decedent have insufficient funds to allow for same) the City may waive the lot price set forth in Section 91.01(B)(1) of the New Castle City Code. (Those charges assessed for opening and closing in 91.01(B)(2) and miscellaneous charges in 91.01 (B)(3) shall not be waived.)

IT IS FURTHER ORDAINED that the only grave markers that will be allowed in the event of an indigent interment must be flush to ground and on a cement foundation which cannot exceed sixteen (16) inches by twenty-eight (28) inches in size. The foundation cannot be installed for a period of six (6) months after interment. (All of which is intended as a modification of Section 91.01(E) of the New Castle City Code.)

Nothing herein shall relieve those wishing to place a foundation and marker on such sites from the inspection and permit provisions set forth in New Castle City Code Section 91.03(A)(B) and (D). However all costs associated therewith shall be waived as set forth above.

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 5th DAY OF April, 2004.

Tom Nipp  
TOM NIPP, PRESIDING OFFICER  
COMMON COUNCIL, NEW CASTLE,  
INDIANA

ATTEST:

Janice L. Lavarney  
JANICE L. LAVARNWAY,  
CLERK-TREASURER

AYE

NAY

<u>James P. Kedd</u>	_____
<u>Donald E. Hunter</u>	_____
<u>James P. Kedd</u>	_____
<u>Todd S. Bidney</u>	_____
<u>Louise D. Price</u>	_____
<u>Jeff Hancock</u>	_____
<u>Richard Hahn</u>	_____

APPROVED BY ME THIS 5<sup>th</sup> DAY OF April, 2004.

Tom Nipp  
Tom Nipp, Mayor  
City of New Castle, Indiana