

*Died for lack of Motion*

ORDINANCE NO. 3395  
AN ORDINANCE LIMITING A PERSON FROM  
RUNNING FOR THE OFFICE OF MAYOR  
FOR MORE THAN TWO CONSECUTIVE FOUR YEAR TERMS

WHEREAS, I.C. 36-4-5-2 provides in part that the Mayor is the City executive of third class cities and is to serve for four (4) years beginning on January 1 after election and continuing until a successor is elected and qualified, and

WHEREAS, said statute does not address any limitation to the number of consecutive terms a person may seek, and

WHEREAS, Indiana Code 36-1-3-4 establishes that cities shall operate under "Home Rule" and have the power that they need to effectively operate government as to local affairs and I.C. 31-1-3-3 provides that any doubt as to existence of a power of a unit shall be resolved in favor of its existence and I.C. 36-1-3-5 provides that City may exercise any power it has to the extent that power is not expressly denied by the Indiana Constitution or statute and is not expressly granted to another entity, and

WHEREAS, the Common Council of the City of New Castle has determined that it is in the best interest of the City that there be individuals with new ideas and new vision to lead the City from time to time, and

WHEREAS, it is determined it is in the best interest of the public health, safety and welfare that the Chief Executive of a city be limited in the number of consecutive terms he or she may seek re-election.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE that no person shall be authorized to seek the Office of Mayor of the City of New Castle for more than two (2) consecutive four-year terms. That nothing herein shall contradict or change the language of I.C. 36-4-5-1 et seq. and more particularly I.C. 36-4-5-2 which sets forth the statutory eligibility and term of a Mayor of a third-class city. Further, nothing herein shall restrict a person from running for non-consecutive terms of any number.

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 \_\_\_\_\_, 2004.

*died for lack of Motion*

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

ATTEST:

\_\_\_\_\_  
JANICE L. LAVARNWAY,  
CLERK-TREASURER

AYE

NAY

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APPROVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

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Tom Nipp, Mayor  
City of New Castle, Indiana