

**ORDINANCE NO. 3468**

**AN ORDINANCE AMENDING SECTION 72.99, PARAGRAPH (E) ,  
WHICH IS THE PENALTY PROVISION OF THE  
NEW CASTLE CITY CODE SECTION 72.12**

WHEREAS, the New Castle City Code at Section 72.12 makes parking on curb sidewalks and terraces unlawful, and

WHEREAS, the New Castle City Code at Section 72.99(E) establishes the penalty for violation of the aforementioned 72.12, and

WHEREAS, currently there is no warning provision within the Code Section which would allow the offender to avoid incurring a penalty by properly parking his vehicle, and

WHEREAS, it is the intention of the Common Council to cause vehicles to be properly parked, not fine the citizenry unnecessarily.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of New Castle, that Section Number 72.99 of the New Castle City Code shall hereby be amended in part. That provision of the New Castle Code which provides a penalty for the aforementioned act at Subparagraph (E) shall be amended as follows:

Subparagraph (4) shall be added to Section 72.99(E) and w shall provide: "No fine shall be issued for a violation of Section 72.12 until the offending party receives a warning and an opportunity to correctly park the vehicle in question. Said opportunity to comply pursuant to the warning ticket shall expire after twenty-four (24) hours. An offending individual is only entitled to one (1) warning ticket.

IT IS FURTHER ORDAINED by the Common Council that Section 72.99(E)(1) shall be amended as follows. Said provision currently provides the following:

"Cars or like vans shall be assessed a fine of not less than **fifty dollars (\$50.00)** nor more than **two hundred fifty dollars (\$250.00)**."

Said provision is hereby changed and shall henceforth read as follows:

"Cars or like vans shall be assessed a fine of not less than **ten dollars (\$10.00)** nor more than **fifty dollars (\$50.00)**."

All other provisions of Section 72.12 and 72.99 of the New Castle City Code shall remain unchanged and in full force and effect.

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed. Those provisions of the New Castle Code of Ordinances not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**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 \_\_\_\_\_, 2006.

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Thomas Nipp, Presiding  
Officer, Common Council, City  
of New Castle, Indiana

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ATTEST:

\_\_\_\_\_  
Janice Lavarney,  
Clerk-Treasurer

APPROVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.

the City \_\_\_\_\_  
Thomas Nipp, Mayor of  
Of New Castle, Indiana