

**ORDINANCE NO. 3449**

**AN ORDINANCE CREATING A POOL RENOVATION  
AND MAINTENANCE NON-REVERTING FUND**

WHEREAS, the citizens of the City of New Castle, Indiana have long enjoyed the benefits of a public swimming pool at Baker Park; and

WHEREAS, that public swimming pool has, due to the passage of time, deteriorated and is no longer suitable for use by the public; and

WHEREAS, replacement, repair and maintenance of that public pool will be extremely costly and the City does not have sufficient public funds to complete that project without substantial assistance from the private sector; and

WHEREAS, any private sector donations to the City for the purpose of rebuilding and maintaining a public swimming pool should be used exclusively for the purpose as intended by the donor and should not be commingled with the general funds of the City of New Castle;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL of the City of New Castle that there is hereby established a non-reverting cumulative fund to be known as the NEW CASTLE BAKER PARK SWIMMING COMPLEX NON-REVERTING FUND. Said fund shall be cumulative in nature.

IT IS FURTHER ORDAINED BY THE COMMON COUNCIL that all donations made to the City of New Castle for the design, renovation and maintenance of the Baker Park Swimming Pool or the Baker Park Pool Building should be used exclusively for that purpose and same shall be deposited into this non-reverting fund. Funds shall be expended from this fund only for that purpose after approval by the Park Commission of the City of New Castle. Said Commission shall have exclusive authority over said fund and may engage in fundraising efforts to accomplish the purposes set forth hereinabove.

It is intended that donations to this fund shall be tax-deductible to the donor pursuant to Internal Revenue Code Section 170 (b) (1) (A) (v).

Further, said funds may be used to satisfy principal and interest indebtedness, provided such indebtedness was incurred for the purpose of designing, planning, constructing and maintaining the New Castle public swimming pool and/or the Baker Park Swimming Pool Building.

**REPEALER**: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

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

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ATTEST:

\_\_\_\_\_  
Janice Lavarnway,  
Clerk-Treasurer

APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

the City

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