

ORDINANCE NO 494
AN ORDINANCE TO ADOPT A NEW CHAPTER 131 OF THE CODE OF THE CITY
OF NEW CASTLE ENTITLED “DIKE MANAGEMENT AND PRESERVATION”

WHEREAS, the City of New Castle is protected from flood waters by 4 newly re-built dikes, Army Creek, Gambacorta, Broad Marsh and Buttonwood, all of which the City of New Castle is responsible for maintaining, and

WHEREAS, the sides of the dikes are susceptible to damage from pedestrian and other traffic that may impair their integrity and thus endanger persons and property in the City of New Castle, and

WHEREAS, should the dikes be damaged by pedestrian and other traffic, the City will incur significant costs to repair and maintain the dikes, and

WHEREAS, it has become common for individuals to park vehicles along Route 9 south of Dobbinsville to the southern City limits for purposes of scaling the unprotected and unpaved embankment of the Army Creek Dike to access the Delaware River side of the Dike;

WHEREAS, it is in the City’s best interest to prohibit pedestrian and other traffic on all City dikes other than on designated walking/bike trails,

NOW, THEREFORE, IT IS HEREBY ORDAINED, by the City Council of the City of New Castle as follows:

SECTION 1: the City Code is hereby amended to add a new Chapter 131 entitled “Dike Management and Preservation” that shall read, in its entirety, as follows:

§131-1. Trespassing on unprotected areas of City dikes.

- A. It shall be unlawful for persons to walk, run, hike, bike or otherwise trespass or traverse by any means upon any area of the Army Creek Dike, the Gambacorta Dike, the Broad Marsh Dike or the Buttonwood Dike within the City limits other than on areas specifically designated as walking/biking trails; and
- B. Any individual violating this ordinance shall be subject to a fine of \$500.00 for the first offence, and a fine of \$1,000 will be imposed for each subsequent offence.

§131-2. Parking on Rt. 9 South of Dobbinsville along Army Creek Dike prohibited.

- A. It shall be unlawful to park any motorized vehicles along those portions of Route 9 bordering Army Creek Dike south of Dobbinsville commencing at that point marked by “No Parking” signs by the City Administrator or the City of New Castle Police Department and continuing south to the City limits.

B. Any individual violating this ordinance shall be subject to a fine of \$50.00 for a first offense, and \$100.00 for each subsequent offense.

§131-3. Enforcement.

This Chapter shall be enforced by the City of New Castle Police Department.

SECTION 2: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

SECTION 3. Repealer. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon passage.

First Reading May13, 2014

Second Reading

Signed this _____ day of _____, 2014

Linda Ratchford
President of Council

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

Janet E. Wurtzel, City Clerk

Approved this _____ day of _____, 2014

Donald A. Reese, Mayor