

ORDINANCE NO. 10 of 2014

An Ordinance Establishing Rules for Use and Conduct Within the Park Facilities of the Town of Winamac, Indiana.

WHEREAS, the Town Council of Winamac, Indiana is advised of the authority granted to it by the Indiana General Assembly, specifically but not limited to Indiana Code 36-7-2 et. seq., Indiana Code 36-8-2-4, Indiana Code 36-1-3 et. seq. and Indiana Code 36-1-4-11, and

WHEREAS, the Town Council of the Town of Winamac, Indiana recognizes that for the enjoyment of all certain rules for use and conduct within the park facilities must be established, and

WHEREAS, the Town Council of the Town of Winamac, Indiana desires to protect the health, safety and welfare of all persons, groups and organizations that use the park facilities of the Town of Winamac, Indiana.

BE IT ORDAINED by the Town Council of the Town of Winamac, of Pulaski County, State of Indiana that the following rules for use and conduct within the park facilities of the Town of Winamac, Indiana are hereby established:

Section 1 Park Rules

The Town Council hereby establishes the following rules for use and conduct within the park facilities of the Town:

1. The park will be closed from 11:00 p.m. until 6:00 a.m. with exceptions for community events or group functions with prior authorization from the Town Council.
2. Vehicles shall not park on the basketball courts.
3. No overnight camping is allowed without prior approval from the Town Council.
4. Any persons or groups using the park facilities are to put their trash in designated containers or a dumpster.
5. No roller skates, skateboards, or bicycles allowed in the shelters, on the stage, or on the courts.
6. No off-road vehicles, 3 and 4 wheelers, off-road motorcycles, snowmobiles and go-carts are allowed in the park.
7. No person shall build, kindle, maintain or use a fire within any park or other recreational area in the Town of Winamac unless the person properly contains such fire in facilities designed for that purpose. Any fire shall be continuously monitored and under the care and direction of a competent person from the time it is kindled until it is extinguished.
8. No fireworks are allowed in the park, other than those approved and supervised by the Town Council for public celebrations such as the Fourth of July.
9. All noise must be kept to a level so as not to disturb the peace of adjacent property owners and fellow park users.

10. Loose animals are not allowed on the premises, and all pet owners must pick up after their animals.
11. No person shall engage in threatening, abusive, insulting, or indecent language or engage in any conduct or behavior tending to breach the public peace.
12. No person shall operate any vehicle or bicycle upon roadways within a park or other recreational area in excess of the speed limit as posted or 15 miles per hour, whichever is less.
13. No person shall operate any motorized vehicle, motorized bicycle, motorized skateboard or other similar device upon any trail designed for bicycle/pedestrian use in the Town of Winamac, except if a person with a disability, as defined by the American With Disabilities Act may operate specialized motorized equipment designed for their transportation.

No person shall ride a bicycle at an excessive speed or engage in any racing activity upon any trail designed for bicycle/pedestrian use in the Town of Winamac. In-line skaters, skate boarders and bicyclist shall yield to pedestrians. Bicyclist shall yield to all trail users.
14. No littering.
15. No use of metal detectors.
16. No golfing.
17. No use of park equipment, apparatus, structures and buildings in any manner inconsistent with their intended purposes.

Section 2 Exemptions

The Town Council hereby recognizes the following exemptions to the park rules established in Section 1 of this ordinance:

1. Exemptions to Section 1-1, park hours:
 - a. Anyone attending community events, or anyone setting up for or cleaning up after a community event, or
 - b. Anyone attending a group function that has written authorization from the Town Council.
2. Any employee of the Town, contractor under contract with the Town, or any agent of the Town is exempt from Sections 1-1, 1-2, 1-8 and 1-9 of this ordinance only when performing tasks and duties outlined by the terms of their employment or contract.

Section 3 Prohibited Persons

Individuals listed on the *State of Indiana Sex Offender Registry* published and disseminated by the Indiana Criminal Justice Institute are prohibited from all parks and other recreational areas of the Town of Winamac.

Section 4 Posting of Signage

Officials of the Town are hereby authorized and instructed to post and maintain signs at the entrance of the park identifying the park rules and penalties pursuant to this ordinance.

Section 5 Penalties

Any person, firm or corporation who violates any of the provisions of this ordinance or who interferes in any way with due process of enforcement of any provision of this chapter or does not comply within thirty (30) days of any order issued under this ordinance shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00), or not more than Five Hundred Dollars (\$500.00). Each day in which this violation occurs shall constitute a separate offense. In addition to any fines imposed under this ordinance any person causing damages to park structures, grounds, or facilities as the result of a direct violation to the provisions of this ordinance, shall be held responsible for the cost of repairs or replacement to said structures, grounds or facilities, including the Town's reasonable attorney fees and other expenses of enforcement. Entrance to the park shall be denied to persons until all fines and other expenses have been paid to the Town of Winamac.

Section 6 Enforcement

This ordinance shall be and is enforceable by any duly sworn law enforcement officer.

Section 7 Repeal of Conflicting Ordinances

The provisions of all other ordinances in conflict with the provisions hereof are of no further force or effect and are hereby repealed.

Section 8
Severability Provision

If any part of this ordinance shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

This Ordinance shall be in full force and effect thirty (30) days from its passage and any necessary publication.

Passed and adopted by the Town Council of the Town of Winamac this 14th day of July, 2014.

John E. Plowman, Council President

Tom J. Murray

Dan Vanaman

Richard Denney

Judy Heater

ATTEST:

Melanie A. Berger
Clerk-Treasurer