

ORDINANCE NO. 2013 - 8

AN ORDINANCE DEFINING THE CONSTRUCTION AND SCOPE PROHIBITING CERTAIN ACTS AND ACTIVITIES RELATING TO USES IN THE PARKS, REGULATING AND RESTRICTING VEHICULAR TRAFFIC, PROTECTING PLANTS AND SHRUBS, PROVIDING FOR PENALTIES, REPEALING ALL ORDINANCES IN CONFLICT AND FOR AN EFFECTIVE DATE.

WHEREAS, by law, the Millersburg Park and Recreation Department may, in the future, adopt certain rules and regulations prohibiting certain acts and conduct within the property of the Town of Millersburg under jurisdiction of said Millersburg Park and Recreation Department:

WHEREAS, pursuant to Indiana Code Sections 36-1-3-1 et. seq. the Town Council of the Town of Millersburg is empowered to pass local ordinances and provide for the imposition of a fine for the violation thereof;

WHEREAS the Millersburg Park and Recreation Department has requested that the Town Council of the Town of Millersburg adopt this ordinance, to replace Ordinance 1990 - 8, consistent with the Park Department rules and regulations which ordinance would impose a fine and/or other punishment or penalties for the violation thereof;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Millersburg:

ARTICLE I

Section 1 Possession or Use of Alcoholic Beverages Prohibited

It shall be unlawful for any person to bring into any park or use, consume, sell, give away or have in his possession any alcoholic beverage.

Section 2 Possession of Firearms and Weapons is Prohibited

It shall be unlawful for any person, unless licensed, to bring into any park, or have in his possession any weapons, missile propelling devices, ammunition. Additionally, the use of fireworks or other explosive devices shall only be permitted with the express consent of the Millersburg Park and Recreation Board. Further, it shall be unlawful for any person to bring into any park, or have in his possession any firearms, unless licensed, permitted and authorized by the appropriate police department having jurisdiction over said individual and/or park to carry or possess such firearm.

Section 3 Inflicting injury to Wildlife and Vegetation Prohibited

(a) It shall be unlawful for any person to kill, wound, hunt, trap, shoot, throw rocks or missiles at, chase molest or remove squirrels nest or remove the young of any such animal, or the eggs, or young of any such reptile or bird or knowingly buy, receive, have in his possession, sell or give away any such animal, reptile, bird, or egg so killed or taken within any park boundary. Notwithstanding the above, the Park Board reserves the right to grant its express written permission to allow the hunting or trapping of certain species under restricted conditions to protect against species over-population.

(b) It shall be unlawful for any person to harvest, remove, cut, break, disturb, set fire to or otherwise damage any vegetation or other growing things within the boundaries of any park. The word "vegetation" includes but is not limited to any plant, flower, flowerbed, shrub, tree growth or any branch, stem, fruit, or leaf thereof. No person shall attach a rope, tether, cable or other contrivance to any such vegetation. Notwithstanding the above, the ripe fruit and seeds of plants and trees may be collected from the ground.

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Section 4 Causing Damage to Signs, Shelters, and other structures Prohibited

It shall be unlawful for any person to deface, remove, set fire to, tamper with, damage or destroy any artificial structures within the park boundaries or use any such structure for purposes other than that for which it was intended. Artificial structures include but are not limited to any drive, walk, bridge, wall, monument, statue, sign, building, tower, parking lot, post, gate, recreational equipment, etc. No person shall displace or carry away any asphalt, curb, rock, stone, gravel, sand or make any excavation of any kind within the boundaries of any park.

Section 5 Camping Prohibited

It shall be unlawful for any person to pitch or maintain a tent or other improvised shelter or otherwise camp within any park boundary without the express written permission of the Park Board, which permission must be conspicuously posted at the campsite.

Section 6 Commercial Sales, Solicitations, and Commercial Photography Prohibited

It shall be unlawful for any person to sell or solicit, advertise, photograph or promote for sale any commercial product or commercial event within the boundaries or any park without the express written permission of the Millersburg Park and Recreation Board which permission must then be conspicuously posted at the site of such activity.

Section 7 Disorderly Behavior Prohibited

It shall be unlawful for any person within any park boundary to:

- (a) Disobey any order of the police officer or park employee designated by the Park Board to give orders; or disobey or disregard the notices, prohibitions, instructions, or directions on any park sign. This includes the rules, regulations of playground areas, recreation centers, shelter houses, museums and zoological or botanical buildings which rules are posted on the grounds or buildings or structures connected with or used for any purpose under the jurisdiction, control, operation or supervision of the Park Board.
- (b) Use threatening, abusive or insulting language.
- (c) Do, engage in, aid or abet any obscene or indecent act.
- (d) Solicit alms, subscriptions or contributions for any purpose without the express written permission of the Park Board.
- (e) Molest or annoy other persons or otherwise interfere with their lawful use of park facilities.
- (f) Interfere with, encumber, obstruct or render dangerous any part of the park street.
- (g) Climb or lie upon any wall, fence or shelter.
- (h) Engage in, instigate or encourage a contention or fight.

Section 8 Other Prohibited Activity.

No person shall engage in any conduct or activities dangerous to themselves or others or use the facilities and structures of the park for purposes other than those for which they were intended. Activities specifically prohibited under this section include, but are not limited to, hang gliding, repelling from towers, and any other use of the trees, towers, or other structures for technical climbing activities.

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Section 9 Traffic Control - Speed Limited to Maximum of Fifteen (15) Miles Per Hour

(a) The maximum speed of any vehicle operated within the park boundaries is limited to fifteen (15) miles per hour. It shall be unlawful for any person to operate a vehicle in excess of this speed limit.

(b) No person shall cause or permit any vehicle within his/her use or control to obstruct traffic and shall not stop such vehicle, except at those places specifically designed or designated as parking areas.

Section 10 Vehicle Use Restriction

(a) No vehicle shall be operated within the park boundaries except upon the roadway or within any area expressly designed for vehicular traffic. Snowmobiles, mini- bikes and persons on horseback are restricted to those areas specifically designated for their use.

(b) The parking of vehicles in any park area not designated or designed for parking use is prohibited.

(c) No vehicles shall enter or leave any park except at established entranceways or exits, and except at established times.

Section 11 Vehicles to be Removed before Park Closing

No vehicles shall be left within the park boundaries after the park has closed. Any vehicle so left on the park premises may be towed from the park without further notice to the owner or operator. The registered owner shall be responsible for any towing fee so incurred. The hours the park is open and the closing time shall be posted at the entrance to the park or prominently displayed in the park.

Section 12 Pets must be on a Six (6) Foot Leash

Dogs and other pets may be brought into the parks providing that they are continuously restrained by a leash, not exceeding six feet (6') in length. No person owning or having control of any such animal shall cause or permit the animal to run at large within the park boundaries.

Section 13 Fire is Restricted to Proper Containers

No person shall kindle, build, maintain or use a fire except in fireplaces provided for that purpose or under special written permit. Any fire shall be continuously under the care and direction of a competent person over eighteen (18) years of age from the time it is kindled until it is extinguished. No fire shall be built within ten (10) feet of any tree or building or beneath the branches of any tree or in any underbrush. No person shall throw away or discard a lighted match, cigar or cigarette within the park boundaries.

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ARTICLE II

Section 1 Construction and Scope of Ordinance

Construction: In the interpretation of this Ordinance affecting parks, its provisions shall be construed as follows:

- (1) any term in the singular shall include the plural;
- (2) any term in the masculine shall include the feminine and neuter;
- (3) any requirements or provisions of this Ordinance relating to any act shall respectively extend to and include the causing, procuring, aiding, or abetting directly or indirectly of such act; or the permitting or the allowing of any minor in the custody of an adult, doing any act prohibited by any provision hereof;
- (4) no provisions hereof shall make unlawful any act necessarily performed by officers or employees of the Millersburg Park and Recreation Department in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the Board;
- (5) any act otherwise prohibited by this Ordinance, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed under, by virtue of, and strictly in compliance with, the provisions of permit and to the extent authorized thereby;
- (6) this Ordinance is in addition and supplemental to all municipal, state and federal laws and ordinances.

Territorial Scope: This Ordinance shall be effective within and upon all areas under the jurisdiction of the Park Board, and shall regulate the use thereof by all persons.

Section 2 Definitions

- (a) The word "park" shall include the land and water constituting all parks and other recreation areas within the jurisdiction and control of the Millersburg Park and Recreation Department.
- (b) The phrase "Park Board" refers to the Millersburg Park and Recreation Department.

Section 3 Penalties

Any violation of any of the provisions of this Ordinance shall be punishable by a fine of not more than One Thousand Dollars (\$1000),

Section 4 Enforcement

For purpose of enforcing the provisions and regulations of these Ordinances, the Millersburg Police Department will be vested with the power to issue notices of violation of this Ordinance. Such notices shall be prepared and issued in accordance with Indiana Code Sections 34-4-32-1 et. seq. and 9-7-7-4.

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Section 5 Repeal of Conflicting Ordinances

All ordinances or parts thereof, heretofore, adopted affecting the parks under the jurisdiction of the Millersburg Park and Recreation Department, inconsistent with or in conflict with the provisions of this Ordinance, insofar as some are inconsistent with or in conflict with the Ordinance are repealed but insofar as practicable and possible, the provisions hereof shall be deemed supplemental to existing ordinances or parts thereof, not in conflict therewith.

Section 6 Severability and Savings Clause

Each article, section, clause and part of the Ordinance shall be deemed severable from all others and if any provision of this Ordinance is held invalid, such invalidity shall not affect the validity of any other provision part or portion of this Ordinance, but the remaining portions shall remain in full force and effect.

Section 7 Effective Date

This Ordinance shall be effective upon publication as required by law. Adopted this May 8, 2013.

TOWN COUNCIL

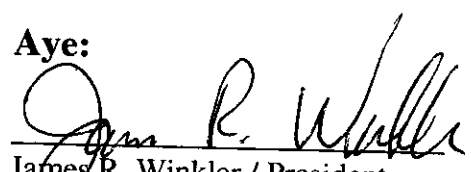
Nay:

James R. Winkler / President

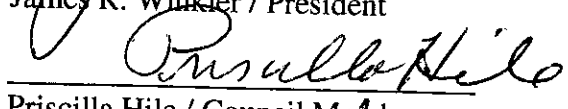
Priscilla Hile / Council Member

Steve Barhydt / Council Member

Aye:



James R. Winkler / President



Priscilla Hile / Council Member



Steve Barhydt / Council Member

Attest:

Patricia Barhydt-Clerk/Treasurer