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CHAPTER 93: PARKS AND RECREATION

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Cross-reference:

Consumption of alcoholic beverages in parks and other city property profited, see § 131.01

Park and Recreation Board, see § 30.47

GENERAL PROVISIONS

§ 93.01 FEES FOR USE OF FEICK PARK PAVILION AND EAST SIDE PARK PAVILION.

(A) The city shall charge and collect a non-refundable fee of \$50 for the use of the Feick Park Pavilion and a non-refundable fee of \$50 for the use of the East Side

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Park Pavilion by any person, corporation, partnership, organization, association or entity of any kind. This non-refundable fee shall be paid in advance to the Clerk=s office. In addition, the city shall charge and collect a refundable \$25 security deposit, which fee shall also be paid in advance to the Clerk=s office.

(B) No reservations will be accepted for any dates during a particular calendar year before the first business day of January of such calendar year. The fee shall be paid in advance at the time the reservation is made.

(C) Each renter is responsible for the clean up of the pavilion after each rental. Failure to clean up as instructed by the city shall be a violation of this section and the \$25 refundable security deposit shall be applied to the cleanup costs incurred by the city, which cleanup costs are calculated at \$30 per hour for each hour or any portion thereof of cleanup time expended by city employees, Park Board employees, or others on behalf of the city.

('79 Code, § 13-1) (Ord. passed 4-1-86; Am. Ord. passed 1-16-90; Am. Ord. 2007-4, passed 7-10-07)

RULES AND REGULATIONS

§ 93.20 PURPOSE.

The purpose of this subchapter is to establish reasonable and responsible rules for those individuals who use the parks and other recreational areas owned and operated by the City of Garrett (Acity@). This subchapter is necessary to insure that residents fully enjoy leisure and recreational activities available in Garrett parks and other recreational areas and to protect the health and safety of persons using the parks and other recreational areas.

(Ord. 2009-08, passed 8-4-09)

§ 93.21 PARKS AND OTHER RECREATION AREAS DEFINED.

(A) The words Aparks and other recreation areas@ shall include, but not be limited to, any lands, buildings, structures, waters, parks, trails, drives and roadways in the city, that are located within the following designated areas:

- (1) Eastside Park;
- (2) Westside Park (also known as the John F. Kennedy Park);
- (3) Feick Park;
- (4) Heritage Park;

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(5) Union Street Park;

(6) Ocker Park; and

(7) Jordan Wetlands.

(B) Any other areas within the city designated as a Aparks and other recreation areas@ by the Common Council after the adoption of this subchapter, even though not specifically mentioned herein.

(Ord. 2009-08, passed 8-4-09)

§ 93.22 PARK HOURS.

No person shall enter or remain in any park or other recreational area in the city after the park or recreational area is closed to the public. Parks and other recreational areas in the city except that of Ocker Park, open to the public at 7:00 a.m. (local time) and close at 10:00 p.m. during daylight savings time and 9:00 p.m. at all other times or at the conclusion of activities approved by the city, whichever is later. Ocker Park will be open all the time for fishing and dog walking. (Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.23 VEHICLES LEFT IN PARKS AFTER CLOSING HOURS.

No person shall leave a vehicle within any park or other recreation area in the city after the location has closed to the public, except in cases of an emergency or with consent of the Chief of Police. The registered owner of a vehicle shall be responsible for the vehicle being within any park or other recreational area after the location has closed to the public. To the extent that the platted area referred to as the Westside Park/John F. Kennedy Park includes the paved parking on the north side of the park adjacent to Houston Street, parking shall be permitted in the paved area.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.24 DISPOSAL OF RUBBISH, REFUSE AND GARBAGE.

No person shall take into, carry through or put into any park or other recreation area any rubbish, refuse, garbage or other material, except any refuse or garbage resulting from properly using the parks and recreation areas, shall be deposited in receptacles provided. Where receptacles or adequate receptacles are not provided, all such rubbish or waste shall be carried away from the park or recreation area by the person responsible for its presence and properly disposed of elsewhere.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

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§ 93.25 ALTERING OR REMOVING SIGNS, STRUCTURES, FIXTURES AND OTHER IMPROVEMENTS.

No person shall damage, deface, remove or otherwise alter any sign, structure, fixture or other improvement in any park or other recreational area in the city. The signs, structures, fixtures or other improvements shall include, but not be limited to, any drive, roadway, walk, path, trail, bridge, wall, monument, statue, fountain, grill, table, bench, fence, gate, building, telephone poles, utility poles, pool and recreational equipment.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.26 SMOKING PROHIBITED.

No person shall smoke in the city parks and recreation areas, except smoking will be permitted in the parking lots of the parks only. To the extent that the platted area referred to as the Westside Park/John F. Kennedy Park includes the paved parking on the north side of the park adjacent to Houston Street, smoking shall be permitted in the paved area.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.27 DISTURBING, INJURING OR REMOVING WILDLIFE AND VEGETATION PROHIBITED.

(A) No person shall harass, hurt, trap, injure, remove or otherwise disturb any wildlife located in any park or other recreational area in the city without the express written permission of the city. The term **WILDLIFE** shall mean any wild mammal, bird, reptile, amphibian, mollusk, crustacean or other wild animal or any part, product, egg, offspring or the dead body or parts of the wild animal.

(B) No person shall harvest, cut, break, set afire, injure, remove or otherwise disturb or damage any plant, flower, bush, tree or other vegetation growing in any park or other recreational area in the city. No person shall attach any rope, cable or other contrivance to any tree, fence, railing, bridge, bench or other structure.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.28 SWIMMING PROHIBITED.

No person shall, swim or bathe in any waters that are within any park or other recreational area unless a lifeguard is on duty at the particular site.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.29 PETS IN THE PARKS AND RECREATION AREAS.

The provisions of Chapter 92, which regulates pets and animals in the parks

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and other recreation areas, is incorporated herein.

(Ord. 2009-08, passed 8-4-09)

§ 93.30 CAMPING PROHIBITED.

No person shall erect or maintain a tent or other shelter, or otherwise camp within any park or other recreational area in the city.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.31 FIRES PROHIBITED.

No person shall build, kindle, maintain or use a fire within any park or other recreational area in the city except in those facilities furnished by the city and designed for that purpose.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.32 SOLICITATIONS, COMMERCIAL SALES AND COMMERCIAL PHOTOGRAPHY PROHIBITED.

No person shall solicit, advertise, sell, photograph or promote for sale any commercial product or event within any park or other recreational area in the city without the express written permission of the city which shall be obtained through the Mayor=s office. The person must conspicuously post such permission at the site of such activity. Distribution or posting of flyers, brochures or other written material is prohibited in parks and other recreational areas within the city. Persons permitted to conduct activity pursuant to this section are not included in the definition of **PEDDLER** as found in Chapter 113.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.33 SPEED LIMITS.

No person shall operate any vehicle or bicycle upon roadways within a park or other recreational area in the city in excess of the speed limit as posted, which in any event, may not exceed 15 miles per hour, whichever is less.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.34 BICYCLE, PEDESTRIAN TRAIL AND WALKWAY RESTRICTIONS.

(A) 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 city, except if a person with a disability, as defined by the American With Disabilities Act may operate the device specialized motorized equipment designed for their transportation. Motorized vehicles owned and operated by the city and/or its contractors and subcontractors are permitted on

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any trail designed for bicycle/pedestrian use within the city, when doing work for the city or providing a service for the city.

(B) No person shall ride or allow any horse on any trail designed for bicycle/pedestrian use or in any park or other recreational area in the city.

(C) No person shall ride a bicycle at an excessive speed or engage in any racing activity upon any trail/walkway designed for bicycle/pedestrian use in the city. In-line skaters, skate boarders and bicyclists shall yield to pedestrians. Bicyclists shall yield to all trail/walkway users.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.35 OTHER PROHIBITED ACTIVITIES.

The following activities are prohibited within any parks or other recreational areas in the city:

(A) Littering;

(B) Use of a metal detector;

(C) Parking vehicles on grass except where otherwise designated by appropriate signage erected by the city;

(D) Golfing with traditional golf equipment. Frisbee golf is permitted;

(E) Use of park equipment, apparatus, structures and buildings in any manner inconsistent with their intended purposes;

(F) Swimming in ponds, retention ponds or other similar bodies of water;

(G) Wash any vehicle;

(H) Hold public assemblages, except as otherwise permitted by § 112.01(B);

(I) Conduct an exhibition, except as otherwise permitted by § 112.01(B);

(J) Hold a parade, except as otherwise permitted by § 112.01(B);

(K) Enter an area posted as Aclosed to the public@;

(L) Engage in threatening, abusive, insulting or indecent language or engage in any conduct or behavior tending to breach the public peace; and

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(M) Fireworks of any type.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.36 POSSESSION, CONSUMPTION AND SALE OF ALCOHOLIC BEVERAGES PROHIBITED.

Possession, consumption and sale of alcoholic beverages is prohibited pursuant to Chapter 131.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.37 POSSESSION OR USE OF WEAPONS PROHIBITED.

Possession or use of weapons, firearms, tools and throwing or discharging projectiles and discharging firearms are prohibited pursuant to Chapter 130. This section does not apply to sworn law enforcement officers.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

§ 93.38 PROHIBITED PERSONS.

Individuals listed on *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 city.

(Ord. 2009-08, passed 8-4-09)

§ 93.39 ADDITIONAL PROHIBITED ACTIVITIES IN PARKS.

(A) Bicycles, roller blades, skates or skateboards are restricted to paved roadways and pedestrian/bicycle trails. Bicycles, roller blades, skates or skateboards are not allowed to be ridden in any pavilion or other structure in the park.

(B) Tape, nails, push pins, thumb tacks, screws or other similar fasteners are not to be driven, bolted, screwed or applied into pavilion posts, railings, beams, fascia, soffit, roof, utility poles and telephone poles.

(Ord. 2009-08, passed 8-4-09)

§ 93.99 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Rules and regulations.*

(1) Any person who violates § 93.22 through and including 93.35 or 93.39,

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shall be fined \$50 for the first offense and \$100 for each offense thereafter. A separate offense shall be deemed committed for each day during which or on which a violation occurs or continues to occur.

(2) Any person who violates § 93.36 through 93.38 shall be fined \$100 for the first offense and \$200 for each offense thereafter. A separate offense shall be deemed committed for each day during which or on which a violation occurs or continues to occur.

(3) In addition to penalties contained herein, any person who damages park property is subject to payment of restitution in an amount equal to the city's cost to repair the damage, any legal/attorney fees and court cost that may be incurred.

(4) Officers and Park Enforcement of the Garrett Police Department, and all officers of the Garrett Police Department may, in addition to fining violators, order violators out of the parks and recreational areas for a period of time, for a minimum of 30 days, and pursue trespassing charges on anyone who fails to comply or returns within the expulsion period.

(5) All violations of § 93.20 through 93.39 shall be processed through the Ordinance Violations Bureau.

(Ord. 2009-08, passed 8-4-09; Am. Ord. 2009-11, passed 8-18-09)