

PARK ORDINANCE NO. 1, 2020

MOORESVILLE PARK AND RECREATION DISTRICT

AN ORDINANCE DEFINING CERTAIN TERMS, PARKS AND PARK PROPERTY REGULATIONS, AUTHORIZING THE PARK BOARD TO PROMULGATE RULES AND REGULATIONS AND ISSUE PERMITS AND ENFORCE RULES

WHEREAS, the Mooresville Park and Recreation District has the authority to adopt and enforce rules and regulations and issue permits for the operation of its Parks and Park Property in the Town of Mooresville; and

WHEREAS, it is in the best interests of Mooresville Park and Recreation District to adopt new rules, regulations and permit requirements.

NOW, THEREFORE, BE IT ORDAINED by the Park Board of the Mooresville Park and Recreation District that it adopt the following rules, regulations and permit requirements as attached hereto and made a part hereof.

ALL OF WHICH IS ADOPTED AND ORDERED THIS 13 day of JANUARY, 2020.

MOORESVILLE PARK AND RECREATION DISTRICT

Brian Wisner
Brian Wisner Board Member

Lynn Adams
Lynn Adams Board Member

Erin Bechtold
Erin Bechtold Board Member

Perry King
Perry King Board Member

Mark Taylor
Mark Taylor Board Member

Danny Shaw
Danny Shaw Board Member

David Pearson
David Pearson Board Member

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Jana K Gray
Morgan County Recorder IN
Recorded as Presented



ATTEST:
Danny Shaw
Secretary, Mooresville Park and Recreation District

Ord. No. L, 2020

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1-101 Time – “Time” shall mean eastern standard time, or whatever standard time zone may hereafter be prescribed for this state and town. Daylight saving time, whenever authorized by law and while it remains effective, shall be the time here prescribed.

1-102 Department – “Department” shall mean the department of recreation authorized by IC 36-10-3.

1-103 Board – “Board” shall mean the Mooresville Park and Recreation Board.

1-104 Employee – “Employee” shall mean the Superintendent and other personnel of the department.

1-105 Park and Park Property – “Park” and “Park Property” shall mean property owned, leased or controlled by the department or the Board including any property upon which a concession has been granted.

1-106 Property – “Property shall mean to include any type of park property, including without implied limitation, any building, road, swimming or wading pool, equipment, fountain, fence, bench, masonry, statue, ornament, structure, tree, shrub, plant, vine, hedge, flower, fruit, real property, personal property, fixture or appurtenance.

1-107 Injure – “Injure” shall mean to write upon, cut, mutilate, despoil, deface, damage, remove, pull, pluck, break, trample, bend, dredge, excavate, dig or destroy, in any manner any property or directly or indirectly deposit any substance material upon any property, including without implied limitation earth, stone, impure liquids, chemicals, waste, trash, rubbish, metal, wood, rubber, glass, or plastic.

1-201 Hours

(a) Except as otherwise provided in this Section, Park Property shall be open to the public from 30 minutes before sunrise in the morning until 30 minutes after sunset in the evening of that same day and Park Property shall be closed to the public from 30 minutes after sunset each day until 30 minutes prior to sunrise the following day.

(b) The Board may by resolution, without the necessity of amending this Ordinance: (i) establish other hours during which Park Property or any parts thereof shall be open or closed to the public, and (ii) periodically revise the hours provide, however, that notice of hours established by resolution shall be posted at the applicable park or park location.

(c) Special Closings. The Board or the Superintendent may close one or more District parks, buildings, and facilities or any part thereof to the public at any time and for any interval of time, either temporarily or at regular intervals, and either entirely or merely to certain uses, as deemed advisable and in the best interest of the public and District.

1-202 Firearms and Explosive Devices – (use law)

(a) Crossbow, bow and arrows, BB gun, sling shots, pellet guns, missile propelling devices, fireworks, bombs or other explosive devices, knives, paintball equipment or any other similar objects are strictly prohibited in any park for any reason. Except when acting in self-defense, as the term is defined under state law, no person shall discharge a firearm within a

Park or on Park Property. This prohibition does not prohibit the possession/use of the following items in the following situations:

- (i) Kitchen utensils customarily used for food preparation or dining used by or under the supervision of adults
- (ii) Knives, hatchets or axes on wood, kindling or other material brought in to a park by scouts or other groups approved with written permission from the Park Department.
- (iii) Firearms in any park by a law enforcement officer or federal enforcement officer as those terms are defined in the Indiana Code.
- (iv) Fireworks displays by a group permitted by the Department and the Mooresville Fire Department.

1-203 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 Mooresville Park.

Prohibited Conduct – No person shall while upon park property use profane, obscene, lewd, threatening, or abusive language or fight, quarrel, or throw any stone or missile or behave in a loud or disorderly manner, or commit any offense against decency, or good morals, or contrary to law.

1-204 Fires – No person shall build, kindle or ignite a fire for cooking, heat, or any other purpose, upon park property; except as may be provided by rules and regulations of the Board governing the use of outdoor ovens or other such uses and the designation of locations for fires.

1-205 Animals

- (a) Protection of Animals - No person shall hunt, pursue, hurt, touch, injure kill, trap, catch, poison, abuse, chase, shoot, throw or propel objects at, endanger in any way or remove or cause to be removed, have in his possession or release or cause to be released, any Wildlife on or upon Park Property, except with written permission of the District.
- (b) Hunting or Trapping - No Persons shall hunt or trap in or on, or bring any device for hunting or trapping into or onto District Property except with written permission of the District.
- (c) Trespassing Animals or Fowls – (a) No person, being the owner of or having control of same, and without written permission of the board, shall suffer or permit any chickens, ducks, geese, swan, hogs, cattle, horses, sheep, goats or any other animals or fowls, to stray into, or to run at large or unattended, or trespass upon any park property. (2) Any animals or fowls, straying into, running at large, or unattended, or trespassing in park property, may be impounded by the department and if not reclaimed and the costs thereof, including any damages cause by such animals, paid for by the owners, within three days of receipt of a bill of costs, they may be sold, as in the disposal of stray animals.
- (d) Horseback Riding – No person shall ride, lead, or drive a horse or any other beast of burden on any park property unless by permit by the Park Board.
- (e) Pets - All dogs, cats, or other animals shall be properly restrained as defined in this section. Any animal is properly restrained when secured by a leash or lead and under the physical control of the animal's owner or attending party.

1-206 Motorized Vehicles and Driving Areas – Use of trucks, cars, motorbikes, motor-scooters, motorcycles, mini-bikes, go-carts and any other form of motorized vehicles upon park property may be restricted, prohibited, or regulated, in any manner deemed necessary by the Board for the public safety and welfare.

1-207 Picnics and Shelter Use

(a) Picnics may be held in any park without a permit unless prohibited by signs or otherwise prohibited by the Park Board.

(b) Shelter houses may be reserved or the board may issue permitted therefor upon such conditions as the Board by rule and regulation may determine.

(i) No person, who is not invited or included by the sponsors thereof, shall intrude himself or herself upon a shelter house without the consent of those in charge thereof, or disturb any use thereof under such reservation or permit. The board shall adopt such rules and regulations as necessary for compelling persons holding picnics, or eating anything, within any park, to clean up the ground and remove, or dispose of, all food, paper, litter and other debris before quitting the same.

1-208 Parades and Meetings in Parks- No person shall use any park property for conducting or taking part in any parade or in any meeting of any organization without resolution and order and a permit issued by the department. Chantiqua Assembly shall be granted such permit as required by law and subject to regulations of the board

1-209 Noise Levels - The board shall provide regulations to restrict the use of loud speakers and other devices, so that such sound therefrom shall cover only the area where such picnic, public forum or meeting is conducted and shall not annoy or unduly interfere with the use of said park for other purposes in the areas set aside therefor.

1-210 Camping, Sleeping – No person shall sleep in park property, except in such places and at such times as may be especially designated therefor and pursuant to a permit issued by the department.

1-211 Begging, Gambling - No person shall gamble, or violate any other laws including, without implied limitation, begging in any park or property.

1-212 Alcohol, Narcotics and Sale of Alcoholic Beverages

(a) Intoxication No person shall be allowed in parks in any state of intoxication. Refer to Indiana Code 7.1-5-1-3.

(b) Possession and Consumption - No person shall possess, bring upon or consume any alcoholic beverages or any non-prescribed drug or non-prescribed narcotic on park property.

(c) Sale of Alcoholic Beverages - Notwithstanding the preceding paragraphs, a person or entity shall be allowed to dispense, serve or consume alcoholic beverages on park property at special events recognized by the Park Board and for which a permit has been approved by the Park Board and issued by Park Superintendent for such event and purposes. Such permit shall only be issued upon proof by the permit holder of the existence of adequate insurance coverage required by its liquor license and state law and naming the Mooresville Park

District and the Town of Mooresville as an additional insured on such certificate of insurance.

Alcohol is permitted at Bicentennial Park at events approved by Town of Mooresville or Mooresville Park & Recreation Board

1-213 Use of Tobacco – The use of Tobacco products is prohibited on all Park property

1-214 Advertising - No person shall, upon park property, paint, post, or otherwise affix any bill notice, -or advertising sign upon any property without first having obtained written permission therefor from the board. It is prohibited for any person within any park to advertise or promote publicly any political purpose.

1-215 Sales within Parks - No person shall, upon park property, sell, offer for sale, or barter, any goods, wares or merchandise of any kind whatever without first having obtained a concession therefor, which concession shall be given upon resolution and order of the board and a permit from the department.

1-216 Dangerous Activities –

- (a) No person shall drive golf balls, fly motor planes, throw objects, practice archery, or participate in any other games or activities which may be hazardous to others, upon park property except in such areas set aside and posted for the engaging in of any such activities.
- (b) It is strictly prohibited for any person within any park to use or erect such equipment as booths, air-filled devices, and tethered items such as hot-air balloons, except in accord with a specific permit issued by the department
- (c) It is strictly prohibited for any person within any park to use a drone in violation of federal law

1-217 Metal Detecting – Use of metal detectors on any Park property is strictly prohibited, except in accord with a specific permit issued by the department

1-218 Playgrounds, etc, Rules and Regulations – The board may establish, control, maintain, and regulate playgrounds and recreation centers, swimming and wading pools and provide and maintain all necessary equipment, supplies, building sand structures therefore. The board shall supervise and provide employees for the operation of all such facilities. The Board may adopt rules and regulations concerning same and no person shall violate such rule if posted.

1-219 Swimming Pools Rules and Regulations – The operation of the swimming pools shall abide by all State and County Board of Health Rules and Regulations. The Board may adopt rules and regulations concerning same and no such person shall violate such rule if posted.

1-220 Natural Resources and Materials

(a) Preservation of Natural Resources

- (i) No person shall remove any soil, rock, stones, trees, shrubs or plants or any other natural resources from any public park.
- (ii) Nor shall any person damage, cut, carve, transplant or remove any tree or injure the bark, or pick the flowers or seeds of any tree or plant on any such public place except in accord with a specific permit issued by the Department. It is permissible

to harvest ripe fruit, nuts or mushrooms, except in areas specifically designated and posted as "No Harvest" areas

- (iii) No person shall damage, deface or injure by any means any grass areas, or in any way disturb the existing environment or usefulness of any public area.

(b) Dealing with vegetation and natural material

- (i) It is strictly prohibited for any person knowingly to plant, deposit, cultivate, place, or remove within any park any vegetation or seed therefor, except in accord with a specific permit issued by the Department
- (ii) It is strictly prohibited for any person to displace, excavate, carry away, otherwise remove or modify the arrangement of any soil, sand, gravel, stone rick, asphalt, or other ground surface material within any park, except in accord with specific permit issued by the Department.

1-221 Schedules, Fees, Rules and Regulations – Time schedules for operation of, and the activities to be conducted on Park Property and the amount of facility, permit and program fees, may be reviewed and approved periodically by the Board. As permitted by law, fees charged non-residents of the District need not be the same as fees charged residents of the District.

1-301 Penalty – Any person who violates these Rules for which no other specific penalty is otherwise provided shall be subject to a fine of not less than \$100.00 no more than \$2500.00. Each days violation shall be deemed a separate offense.

2-101 Regulating Uses of Parks – The board is hereby authorized to provide for, regulate, set aside and allocate the use by personvehicles, and animals, on all the parks and park property, but without being limited to such classifications, for and into the following general classes of uses and purposes, to wit:

- (1) Activity Areas Including baseball diamonds football fields, footrace courses, tennis and squash courts, handball alleys, softball diamonds, basketball courts, bowling greens, horse-shoe courts, boating and skating, bathing houses, swimming and wading pools, and any other kinds of athletic fields, recreation areas and uses; with all buildings and structures and equipment appurtenant thereto.
- (2) Picnic and Recreation Areas Including tables and outdoor ovens and shelter houses
- (3) Walking trails and Roads
- (4) Public Meeting Areas In these areas, public meetings and public forums may be permitted for any lawful purpose or use, after obtaining a permit from the department.
- (5) Concerts, Exhibitions, and Theatrical Performances
 - a. The board is hereby authorized to restrict or set aside, areas of the parks, including entire parks, upon specified and reasonably limited occasions or periods of time, for any or all of the above designated purposes, or for some special purposes including concerts, theatrical performances, exhibitions of fireworks and may prohibit the use of any or all such areas by other persons at any such times, except for such use thereof which his prescribed and then allowed for any such area.

3-101 Enforcement - The board, the superintendent, police of this town and the State of Indiana, the Sheriff of Morgan County, all health authorities and employees of the department holding special police powers are authorized and empowered to enforce any and all provisions of this code and laws of the state and town in all parks and park property.

3-102 Enforcement of Code – It shall be the duty of the board to see that all provisions of this code are obeyed; prosecutions may be instituted by the board, its superintendent or other employee or by any other peace officer and shall be conducted as provided by statute.

5-101 Repeal – Upon adoption of this Ordinance, all previous Resolutions and Ordinances regarding Rules for the Mooresville Park and Recreation District are repealed.

