

COUNTY OF LAGRANGE

ORDINANCE NO. 2020-11-02-B

**AN ORDINANCE REGULATING USE OF THE COUNTY PARKS AND
OTHER AREAS UNDER THE JURISDICTION OF THE PARKS BOARD.**

WHEREAS, pursuant to Indiana Code ("IC") Chapter 36-10-3, the LaGrange County Council, on behalf of LaGrange County, Indiana ("County"), adopted Ordinance 1982-12, which created a LaGrange County Department of Parks and Recreation ("Department") under the jurisdiction of the LaGrange County Parks and Recreation Board ("Board");

WHEREAS, pursuant to IC § 36-10-3-10, the Board must establish rules governing the use of parks and recreation facilities by the public;

WHEREAS, by resolution, the Board has established rules governing the use of County parks and recreation facilities by the public;

WHEREAS, the Board desires to enforce the resolution by being able to impose fines for violations thereof;

WHEREAS, pursuant to IC § 36-1-2-9, the Board of Commissioners of the County of LaGrange ("Commissioners") is the legislative body of the County;

WHEREAS, pursuant to IC 36-1-3 and IC § 36-1-4-11, the Commissioners may adopt ordinances and impose fines for violations thereof;

WHEREAS, the Commissioners adopted prior regulations concerning County Parks in Ordinances 2001-7-16 and 2009-9-08; *and*

WHEREAS, the Commissioners desire to reorganize and amend the prior park ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

ARTICLE I

SECTION I – NAME

The name of this ordinance shall be the "LaGrange County Parks Ordinance."

SECTION II – DEFINITIONS

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.



- “Director” refers to the chief executive officer of the Parks Department, who is the “Superintendent of Parks and Recreation” as that phrase is used in IC § 36-10-3-13, -14, and -15; the term includes any other employee of the Parks Department to whom the Director has, in writing, delegated authority to issue permits pursuant to this ordinance.
- “Facility” means any road, parking lot, tower, bridge, walk, fence, wall, drive, sign, post, gate, play or recreational equipment, monument, statue, or any artificial structure within any park boundary, except an enclosed building.
- “Park” includes the land, enclosed buildings, facilities, and water constituting any park or other recreational area within the jurisdiction and control of the Parks Board.
- “Parks Board” refers to the LaGrange County Parks and Recreation Board.
- “Parks Department” refers to the LaGrange County Department of Parks and Recreation.
- “Permit” means a non-expired written authorization or contract obtained from the Parks Board or Director in accord with this ordinance that allows the permittee to lawfully engage in certain activities pursuant to the terms of such permit.
- “Vehicle” means any machine or device designated to transport one or more persons across land which has a mechanism capable of powering the unit by means other than the effort of a human; the term includes, but is not limited to, automobiles, motorcycles, snowmobiles, all-terrain vehicles, and horse-drawn vehicles.
- “Watercraft” means any vessel designated to transport one or more persons across, upon, or through water by any means of power; the term includes, but is not limited to, motorboats, canoes, kayaks, and ice skates.

SECTION III – TERRITORIAL SCOPE

This ordinance shall be effective only within and upon all areas under the jurisdiction of the Parks Board and shall regulate the use thereof by all persons.

SECTION IV – RULES OF CONSTRUCTION

The provisions of this ordinance shall be construed as follows:

- A. Any prohibition or requirement in this ordinance relating to an act shall extend to, and include, the causing, procuring, aiding, or abetting, directly or indirectly, of such act.
- B. Any prohibition in this ordinance relating to an act shall extend to and include an adult’s allowing the act to be performed by a minor in the custody of the adult.
- C. No provision in this ordinance shall make unlawful any act performed by any officer or employee of the Parks Department in the line of duty or in accord with his or her work

assignment or by any person, his or her agents, or employees in the proper and necessary execution of the terms of any agreement with the Parks Board.

- D. Nothing in this ordinance shall be construed to limit the right of the Parks Board, or in the case of emergency or as delegated the Director, to authorize a permit.
 - 1. Notwithstanding anything in this ordinance to the contrary, where this ordinance conflicts with the terms of a permit, the terms of the permit control.
 - 2. If an act or omission would be considered a violation under this ordinance but is specifically allowed in a permit, the act is instead not a violation.
- E. This ordinance is in addition and supplemental to all municipal, state, and federal laws and ordinances.

ARTICLE II

SECTION I – ALCOHOLIC BEVERAGES

- A. No person shall bring any alcoholic beverage into any park, or in any park to use, consume, sell, give away, or have in his or her possession any alcoholic beverage.
- B. All coolers or containers are subject to inspection by law enforcement or park personnel.

SECTION II – FIRES AND SMOKING MATERIALS

- A. No person shall kindle, build, stoke, light, maintain, or use a fire within a park, unless the fire is:
 - 1. constructed and maintained only with charcoal;
 - 2. in a fireplace, furnace, oven, range, grill, or other noncombustible container with sides and bottom sufficient to prevent the spread of fire or flames;
 - 3. if outside, a minimum of six (6) feet away from any building, facility, or combustible vegetation; *and*
 - 4. continuously monitored and cared for from kindling to complete extinguishment by a competent person.
- B. No person shall smoke or vape within an enclosed building in a park.
- C. No person shall toss, drop, throw away, deposit, or otherwise discard ashes, coals, used matches, or smoking materials upon the ground, in waters, or in trash containers within a park except in a fireplace or other appropriate container as defined in this section or in a receptacle designed and designated for the deposit of such materials.

SECTION III – WILDLIFE

- A. Except as provided in this section, no person shall, within a park:

1. kill, wound, hunt, trap, shoot, throw rocks or missiles at, chase, molest, or remove any feral mammal, reptile, amphibian, or bird;
 2. remove the offspring or eggs of any feral mammal, reptile, amphibian, or bird;
 3. knowingly buy, receive, possess, sell, or give away any feral mammal, reptile, amphibian, bird, or egg.
- B. This section does not prohibit the harvesting for personal use of appropriate amounts of fish by fishing methods that are continuously attended and monitored.

SECTION IV – VEGETATION

- A. Except as provided in this section, no person shall, within a park:
1. harvest, collect, dig up, cut, trim, break, set fire to, disturb, or otherwise damage any vegetation; *nor*
 2. knowingly plant, deposit, cultivate, or place any vegetation or seed thereof; *nor*
 3. tie an animal to a tree or shrub.
- B. This section does not prohibit, except in an area specifically designated and posted as a “No Harvest” area, the harvesting of:
1. ripe fruit, nuts, or mushrooms in an amount appropriate for immediate consumption or use by a person or his or her family; *nor*
 2. dead, dried, and aboveground remains of herbaceous plants in an amount appropriate for personal use; *nor*
 3. firewood, upon execution of a liability waiver as part of a permit.

SECTION V – TERRAIN

- A. Except as provided in this section, no person shall displace, excavate, carry away, otherwise remove, or modify the arrangement of any soil, sand, gravel, stone, rock, asphalt, or other ground surface material within a park.
- B. No person shall bring into a park and deposit therein any soil, sand, gravel, stone, rock, asphalt, or other ground surface material.
- C. This section does not prohibit recreational or ground surface transportation activities that incidentally result in the displacement of soil or other ground surface materials.

SECTION VI – PETS AND OTHER DOMESTICATED ANIMALS

- A. No person shall bring into or possess a pet or other domesticated animal within a park unless the pet or other domesticated animal is:

1. continuously restrained by a firmly held or attached leash that is of sufficient length, but not longer than six (6) feet;
 2. secured in a fully enclosed confinement; *or*
 3. within a specifically designated and posted "Pets Exercise Area" and in compliance with any posted rules at such site.
- B. No person shall bring into or possess a pet or other domesticated animal within a park that has been designated a dangerous animal by the Commissioners or the Parks Board.
 - C. No person shall allow any animal for which the person is responsible to deposit any fecal matter on park ground unless the person ensures that the fecal matter is properly disposed of before leaving the immediate area.
 - D. No person shall bring or possess any pet or other animal inside any park building or area that is specifically designated and posted as a "No Pets" area.
 - E. No person shall bring or possess a pet on a public beach or playground.
 - F. No person shall knowingly cause or direct the abandonment or unlimited release of any animal within a park, except in accord with a specific permit.
 - G. Nothing in this section shall be construed to prevent a person with a disability, as defined by the Americans with Disabilities Act of 1990, from using an animal specifically trained to assist that person anywhere within a park.
 - H. No person shall, within a park, knowingly buy, receive, possess, sell, or give away any domesticated animal.

SECTION VII – REFUSE DISPOSAL RECEPTACLES

- A. Except as provided in this section, no person shall bring refuse (as that term is defined by IC § 35-45-3-2(b)) into a park for deposit in a park refuse disposal receptacle.
- B. This section does not prohibit the proper use of park refuse disposal receptacles for the deposit of refuse resulting from any recreational activity, including food service incidental thereto, that takes place within a park.

SECTION VIII – PARK ACCESS

- A. No person shall use a park area or facility outside the posted access hours without a permit.
- B. No person shall use or occupy any park shelter or facility while posted as reserved for a specific organized function or group of persons unless such person has been authorized to do so by the Responsible Person designated in the respective written reservation agreement.
- C. If the Parks Board has established a fee for entrance to a park area or facility, no person shall enter or use such park area or facility without first having paid such fee.

SECTION IX – VEHICLES

- A. No person shall, within a park:
1. operate a vehicle in excess of fifteen (15) miles per hour;
 2. cause or allow any vehicle under his or her control to obstruct traffic or access to gates;
 3. operate a vehicle except upon a roadway or other area specifically designated for vehicle traffic;
 4. cause a vehicle to enter or leave except at an established entrance or exit;
 5. park a vehicle in an area not designated or designed for parking use;
 6. park a vehicle in an area designated as “Unloading Only” or “Temporary Parking” and leave the same unattended for a period exceeding fifteen (15) minutes;
 7. operate any motorized vehicle off road or ride a horse off road except in an area specifically designed for their use or designated as “handicap”; *nor*
 8. operate a vehicle on a park road unless it is licensed for road use or has a valid registration.
- B. No person shall operate or leave a vehicle in a park area outside the posted access hour without a permit.
1. Any vehicle left on park premises after hours without such authorization may be towed from the park without further notice to the owner or operator.
 2. The registered owner will be responsible for any towing and storage fees.

SECTION X – WATERCRAFT

- A. No person shall moor, anchor, or place any watercraft in any park area or waters outside the posted access hours without a permit.
- B. No person shall place or operate any watercraft within fifty (50) feet of any water control structure.

SECTION XI – MISCELLANEOUS PROVISIONS

- A. No person shall, within a park:
1. disobey an order or interfere with the duty of the Director, a park ranger, a deputy, or a law enforcement officer; *nor*
 2. disobey or disregard a notice, prohibition, instruction, or direction posted on a park sign (including, but not limited to, a rule or regulation for a shelter, pavilion, playground area, museum, recreation center, beach, or zoological or botanical facility); *nor*

3. solicit alms, subscriptions, or contributions without a permit; *nor*
4. sell, advertise, or promote publicly any commercial product without a permit; *nor*
5. photograph for promotion or sale any commercial product or commercial event without a permit; *nor*
6. engage in hang-gliding, rappelling from towers, or any other use of the trees, towers, or other structures for technical climbing activities, except under the direct supervision of park personnel or an agent designated by the Director; *nor*
7. pitch or maintain a tent or other improvised shelter for the purpose of overnight camping without a permit; *nor*
8. swim, except at a designated beach area; *nor*
9. amplify sound without a permit; *nor*
10. possess a glass food or beverage container in a park or beach area, except within an enclosed park building; *nor*
11. violate any federal or state statute or local ordinance.

B. Permits.

1. No person shall fail to properly apply for, nor abide by the terms of, a permit that the person is obligated to acquire or maintain pursuant to this ordinance.
2. A person who applies for a permit shall fill out the permit application form fully and accurately.
3. No person shall carry out an act pursuant to an expired or revoked permit.
4. Except for Park personnel, no person shall transfer a permit to, or accept a permit from, another person.
5. A person acting pursuant to a permit shall have the permit immediately accessible and within the park while performing the permitted activity.

SECTION XII – ENFORCEMENT

- A. For purposes of enforcing the provisions and regulations of this ordinance, other ordinances, and state statutes within a park, the Sheriff is hereby authorized to deputize specified employees as police officers, to vest them with the power to issue citations for violations within the parks of this ordinance, other County ordinances, and infractions defined by state statutes, and to charge them with the responsibility of enforcing other state statutes within the parks by all appropriate means.
- B. The citations authorized by this section shall be prepared and issued in accord with IC § 34-28-5-1(e) and IC § 9-30-3-6 and shall be prosecuted in accord with IC 34-28-5.

- C. An employee deputized as a police officer by the Sheriff pursuant to this section shall continue to have the authority to exercise the limited police powers granted to him or her by the deputization until the Sheriff revokes the deputization or the employee's employment by the Parks Board is terminated.
- D. The Sheriff shall annually review all deputizations made pursuant to this section.

SECTION XIII – PENALTIES

Any violation of any provision of this ordinance shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00).

ARTICLE III

SECTION I – REPEAL OF PRIOR ORDINANCES

The Commissioners hereby repeal Ordinances 2001-7-16 and 2009-9-08 in their entirety.

SECTION II – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
2. Reference in this ordinance to a public servant, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

D. Continuance.

1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties

incurred, or procedures begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.

E. Effective Date. This ordinance shall be effective upon adoption and promulgation according to law.

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SECTION III – ADOPTION

Ayes: 2

Nays: 0

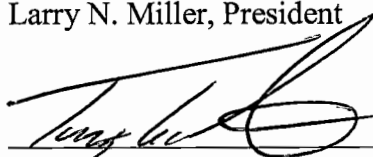
Abstentions: 0

Adopted and ordained this 2nd day of November 2020.

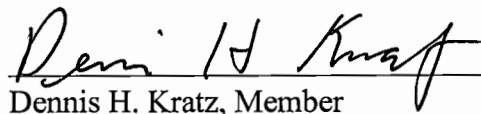
**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAGRANGE**

ABSENT

Larry N. Miller, President



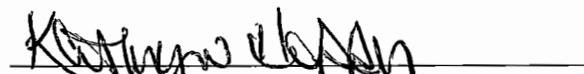
Terry A. Martin, Vice President



Dennis H. Kratz, Member



ATTEST


Kathryn Hopper, Auditor

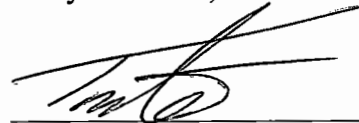
WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived and the ordinance was deemed effective upon adoption and promulgation according to law.

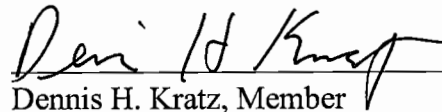
**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAGRANGE**

ABSENT

Larry N. Miller, President



Terry A. Martin, Vice President



Dennis H. Kratz, Member

ATTEST



Kathryn Hopper, Auditor

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