

LAGRANGE COUNTY DEPARTMENT OF PARKS AND RECREATION
RESOLUTION NO. 2024-3-21-B

**A RESOLUTION REGULATING USE OF THE COUNTY PARKS AND
OTHER AREAS UNDER THE PRIMARY JURISDICTION OF THE
LAGRANGE COUNTY PARK AND RECREATION BOARD.**

WHEREAS, pursuant to Indiana Code (“IC”) Chapter 36-10-3 and the LaGrange County Park Department Ordinance, the LaGrange County Council, established a LaGrange County Department of Parks and Recreation (“Department”) under the jurisdiction of the LaGrange County Park and Recreation Board (“Park Board”);

WHEREAS, pursuant to IC 36-10-3-10(a)(2), the Park Board must establish rules governing the use of parks and recreation facilities by the public;

WHEREAS, pursuant to IC 36-10-3-10(a)(3), the Park Board must provide police protection for its property and activities by requesting assistance from county police authorities;

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

WHEREAS, pursuant to IC 36-8-2-4, the Commissioners may regulate the conduct, or use or possession of property, that might endanger the public health, safety, or welfare of the County;

WHEREAS, pursuant to IC 36-1-6-4(a), the Commissioners may bring a civil action against a person who violates an ordinance regulating or prohibiting a condition or use of property or who engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct;

WHEREAS, the Park Board and the Commissioners desire to preserve County parks and to ensure the safety of and enjoyment of park visitors; *and*

WHEREAS, the Park Board and the Commissioners previously adopted park rules at their respective meetings on March 17, 1977 and November 2, 2020 and now desire to amend them.

NOW, THEREFORE, BE IT RESOLVED BY THE LAGRANGE COUNTY PARK AND RECREATION BOARD OF LAGRANGE COUNTY, INDIANA THAT:

SECTION I – NAME

The name of this resolution shall be the “LaGrange County Park Rules.”

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into, and made a part of, this resolution and found to be true, accurate, and correct.

SECTION III – DEFINITIONS

- A. Meaning. Whenever the following terms are used in this resolution, they shall have the meanings herein ascribed to them unless the context clearly indicates or requires otherwise.
1. “Park” includes any recreational area within the jurisdiction of the Park Department and includes any area of land, airspace, body of water, and/or facility located therein.
 2. “Park Department” means the LaGrange County Department of Parks and Recreation, as governed by the LaGrange County Park and Recreation Board and as administered by its Park Director.
 3. “Permit” means a non-expired written authorization or contract obtained from the Park Department that allows the permittee and guests designated thereon to lawfully engage in prescribed activities pursuant to the terms of the permit.
- B. Arbiter. The Park Board shall have the final authority in adjudicating the meaning of the terms in this section.

SECTION IV – SCOPE

- A. Jurisdiction. This resolution applies only to activities located in LaGrange County parks or to interactions with Park Department personnel.
- B. Official Action. Nothing in this resolution shall be construed to regulate any person to the extent that the person is acting on behalf of the Park Department or the County or cooperating directly with a police officer or Park Department personnel.
- C. Permits and Signs.
1. Where this resolution conflicts with the terms of a permit or posted sign, the terms of the permit or sign control with respect to that person and the use of any park area permitted thereby.
 2. If an act or omission would be considered a violation under this resolution but is specifically allowed by a permit or sign, that act or omission is instead not a violation.
- D. Limitation of Liability. The issuance of any permit shall in no way operate to guarantee the safety of any person.

SECTION V – WILDLIFE & TERRAIN VIOLATIONS

- A. Threats to Animals. Except as provided in this section, no person shall knowingly:
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; *or*
 3. buy, sell, donate, receive, or possess any wild mammal, reptile, amphibian, bird, or egg.

- B. Threats to Plants. Except as provided in this section, no person shall knowingly dig up, cut, trim, break, set fire to, disturb, climb on, remove, or otherwise damage any vegetation.
- C. Excavation. No person shall knowingly excavate or remove any ground surface material.
- D. Non-Native. No person shall knowingly bring into a park and release therein any animal, plant, seed, soil, sand, rock, or other ground surface material that is not native to the area.
- E. Exception: Fishing. This section does not prohibit the harvesting of appropriate amounts of fish for personal use by any person in possession of a current fishing license who uses any fishing method that is continuously attended and monitored.
- F. Exception: Harvesting. This section does not prohibit, except in an area specifically designated 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;
 - 2. dead, dried, and aboveground remains of herbaceous plants in an amount appropriate for personal use; *or*
 - 3. firewood, but only upon execution of a liability waiver as part of a permit.

SECTION VI – PARK ACCESS VIOLATIONS

- A. Hours of Operation. No person shall knowingly enter, occupy, or use any park area or facility outside the posted hours of operation provided, however, that this provision does not apply to a person using a trail to commute to or from work.
- B. Reservations. No person shall enter, occupy, or use any park area or facility while posted as reserved for a specific organized function or group of persons.
- C. Usage Fees. No person shall enter, occupy, or use any park area or facility without first having paid any fee required therefor,

SECTION VII – FIRE VIOLATIONS

- A. Fires. 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 or, where posted, with wood;
 - 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 facility or combustible vegetation;
and
 - 4. continuously monitored and cared for from kindling to complete extinguishment by a competent adult person.

- B. Attendance. No person shall leave any active or smoldering fire unattended.
- C. Fireworks. No person shall use fireworks, as that term is defined in IC 22-11-14-1.
- D. Kindling. 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 except in a fireplace or other appropriate container designed and designated for the deposit of any such materials.

SECTION VIII – TRASH VIOLATIONS

- A. Dumping. No person shall knowingly bring refuse, as that term is defined by IC 35-45-3-2(b), into a park for deposit in a receptacle or for dumping. This rule does not prohibit the proper use of receptacles in any cleanup resulting from activities occurring within a park.
- B. Litter. No person shall knowingly throw or deposit litter except in a receptacle specifically designated for such use.

SECTION IX – FOOD AND SUBSTANCE VIOLATIONS

- A. Glass Containers. No person shall possess a glass food or beverage container, except within an enclosed building.
- B. Alcohol. No person shall possess, consume, sell, give away, or use any alcoholic beverage.
- C. Controlled Substance. No person shall possess, consume, sell, give away, or use any controlled substance, as that term is defined in IC 35-48-1-9.
- D. Smoking. No person shall smoke or vape nicotine or marijuana within any Park building or beach.

SECTION X – DOMESTIC ANIMAL VIOLATIONS

- A. Pet Control. No person shall possess any pet or domesticated animal unless the 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. securely confined within a fully enclosed area; *or*
 - 3. at a specifically designated “Pets Exercise Area.”
- B. No Pets Area. Notwithstanding anything in Subsection (A) to the contrary, no person shall possess any pet or domesticated animal at:
 - 1. any area that is specifically designated as a “No Pets” area; *or*
 - 2. any public beach or playground.

- C. Dangerous Animals. No person shall possess any pet or domesticated animal that has been designated as a dangerous animal by the Commissioners or the Park Department.
- D. Hitching. No person shall tie any domesticated animal to any tree or other plant.
- E. Abandonment. No person shall knowingly cause or direct the abandonment or unlimited release of any animal.
- F. Fecal Matter. No person shall allow any pet to deposit any fecal matter unless the person ensures that the fecal matter is properly disposed of before leaving the immediate area.
- G. Commerce. No person shall knowingly buy, receive, possess, sell, or give away any pet or domesticated animal.
- H. Exception. 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.

SECTION XI – VEHICLE & WATERCRAFT VIOLATIONS

- A. Definition. For purposes of this section:
 - 1. “Vehicle” means any device designed to transport its operator across a highway or terrain by motorized or animal power; the term includes, but is not limited to, automobiles, trucks, motorcycles, snowmobiles, all-terrain vehicles, and horse-drawn vehicles.
 - 2. “Watercraft” means any vessel designed to transport its operator across, upon, under, or through water by any means of power; the term includes, but is not limited to, motorboats, pedal boats, canoes, and kayaks.
- B. Use Restrictions. No person shall operate:
 - 1. any vehicle or watercraft outside the posted access hours; *nor*
 - 2. any vehicle or watercraft unless it is properly licensed or has a valid registration; *nor*
 - 3. any vehicle or watercraft in such a way that it obstructs traffic; *nor*
 - 4. any vehicle in excess of fifteen (15) miles per hour; *nor*
 - 5. any vehicle off road except in a place and manner specifically designated; *nor*
 - 6. any watercraft unless all occupants are wearing lifejackets; *nor*
 - 7. any watercraft within fifty (50) feet of any water control structure.
- C. Parking Restrictions. No person shall park, moor, or anchor any vehicle or watercraft:
 - 1. outside the posted access hours; *nor*
 - 2. in any area not designated for such use; *nor*

3. in any area designated as “Unloading Only” or “Temporary Parking” and then leave the vehicle unattended for a period exceeding fifteen (15) minutes.

SECTION XII – RECREATIONAL USE VIOLATIONS

- A. Noise. No person shall make unreasonable noise and continue to do so after being asked to stop by a police officer or Park Department personnel.
- B. Swimming. No person shall swim or wade, except at a designated beach area.
- C. Camping. No person shall pitch or maintain a tent or other improvised shelter for the purpose of overnight camping.
- D. Climbing. No person shall climb on or rappel down any tree, tower, or other structure.
- E. Extreme Sports. No person shall engage in ballooning, hang gliding, gliding, kiteboarding, parachuting, parasailing, skydiving, aerobatics, bungee jumping, and/or ultralight aviation.

SECTION XIII – TRAIL USE VIOLATIONS

- A. Definition. For purposes of this section:
 1. “Mobility device” means any device with wheels or blades that is primarily used for locomotion; the term includes, but not limited to, bicycles, scooters, roller skates, rollerblades, skateboards, skis, wheelchairs, and power-driven mobility devices.
 2. “Power-driven mobility device” means any mobility device that is primarily powered by a non-human, non-animal source; for avoidance of doubt, the term includes an e-bike, even when the motor is not in use.
- B. Stay on Trail. No person shall knowingly leave any trail, except at designated entrances, exits, and crossing roadways, trails, or paths.
- C. Obstruction. No person shall repeatedly or continually block the passage of another person on any trail or path.
- D. Mobility Devices.
 1. No person shall use on any trail or path any bicycle except where signs may permit.
 2. No person shall use on any trail or path any mobility device:
 - a. as part of a race; *nor*
 - b. on the left-hand side of the trail or path, except when passing; *nor*
 - c. at a speed over twelve (12) miles per hour; *nor*
 - d. in any other reckless or dangerous manner.
 3. No person shall pass another person from behind using a mobility device without having given a clear audible alert immediately prior to such passing.

E. Power-Driven Mobility Devices.

1. No person shall use any power-driven mobility device on any trail or path unless that person is a senior citizen or a person who has (or is regarded as having) a physical impairment that substantially limits locomotion.
2. No person shall use on any trail or path any power-driven mobility device:
 - a. that has an internal combustion engine; *nor*
 - b. that is an e-bike of Class 3 or higher; *nor*
 - c. that has a width greater than 36" or a weight greater than 200 pounds; *nor*
 - d. at a speed over six (6) miles per hour.

F. Animal Transport. No person shall ride any animal or animal-drawn vehicle on any trail or path.

SECTION XIV – COMMERCIAL USE VIOLATIONS

- A. Soliciting. No person shall solicit alms, subscriptions, or contributions.
- B. Promotions. No person shall sell, advertise, or promote publicly any commercial product.
- C. Commercial Photography. No person shall photograph for promotion or sale any commercial product or commercial event.

SECTION XV – PERMIT VIOLATIONS

- A. Duty to Acquire. 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 resolution.
- B. Fraud. No person shall apply for a permit with false or misleading information.
- C. Updates. No person fail to update any outdated information or documents on the permit application before the expiration of the permit.
- D. Expiration. No person shall carry out an act pursuant to an expired or revoked permit.
- E. Transfer. No person shall transfer a permit to, or accept a permit from, another person.
- F. Display. Upon reasonable request from a police officer or the Park Department, no person shall fail to promptly produce the respective permit when performing a permitted activity.

SECTION XVI – GENERAL VIOLATIONS

- A. Applicable Law. No person shall violate any other federal, state, or other local law.
- B. Regulation of Third Parties. No person shall knowingly cause, procure, aid, or abet another person to violate a provision of this resolution.

- C. Regulation of Minors. No person shall knowingly permit a minor in the person's immediate custody to violate a provision of this resolution.
- D. Park Department Personnel. No person shall:
 - 1. disobey or contravene the reasonable instructions of Park Department personnel; *nor*
 - 2. impede any Park Department personnel from carrying out their duties.
- E. Signs. No person shall disobey or contravene any notice, prohibition, or instruction posted on a park sign (including, but not limited to, at any beach, ramp, dock, playground area, pavilion, shelter, recreation center, building, or other facility).

SECTION XVII – ENFORCEMENT

- A. Deputization. The Sheriff may deputize Park Department employees as police officers who, to the extent of their continued employment by the Park Department and deputization, may enforce this resolution and other applicable law within County parks. Employees deputized in this way are not eligible for any police pension benefit or other emolument of police officers. The Sheriff shall review all such deputizations annually.
- B. Signage. The Park Director may take all action necessary or desirable to summarize and post the park rules in this resolution and/or similar guidelines of Park-related etiquette.
- C. Searches. All coolers and containers are subject to inspection by the Park Department.
- D. Citation. To the extent allowed by the Commissioners, any law enforcement officer who has reasonable suspicion that a violation of this ordinance has occurred may issue a citation for an ordinance violation, which may be prosecuted in accordance with IC 34-28-5. The Park Board hereby respectfully requests that the Commissioners amend its most recent version of the park rules ordinance in light of this resolution.
- E. Ejectment. A police officer may order any person who does not follow the park rules established by this resolution to immediately leave and stay away from all County parks for up to seven (7) days as stated in a written notice; provided, however, that the Park Board may follow up with and impose a longer period of ejectment.
- F. Criminal Trespass. As long as the elements of IC § 35-43-2-2 are otherwise met, a police officer may treat as criminal trespass a situation where a person wrongfully enters or remains in an area of a park:
 - 1. not open to the general public;
 - 2. for a mischievous or malicious purpose that has caused, or is likely to cause, harm to persons or property;
 - 3. outside its hours of operation; *and/or*
 - 4. while being subject to an ejectment order by a police officer or the Park Board.

- G. Civil Trespass. A person who wrongfully enters or remains in an area of a park shall be liable to the Park Department and/or Commissioners for civil damages and for all costs borne by the Park Department and/or Commissioners (including reasonable attorney's fees) in an action for trespassing, including injunctive relief.
- H. Permit Revocation. Park Department personnel may alter, suspend, or revoke any permit, without fee refund, and shut down any gathering or event permitted thereby for failure to adhere to the terms of this resolution.
- I. Parked Vehicles or Watercraft. Any vehicle or watercraft left in the park after hours may be towed at owner cost without further notice to the owner or operator.

SECTION XVIII – REPEAL OF PRIOR LAW

- A. Repeal. The official park rules adopted at a Park Board meeting on March 17, 1977, are hereby repealed in their entirety.
- B. Continuance.
 - 1. The express or implied repeal or amendment by this resolution of any other resolution or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this resolution. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended resolution as if this resolution had not been adopted.
 - 2. To the extent that the provisions contained in this resolution substantially restate the provisions of a prior resolution, the provisions shall not be deemed a new enactment, but rather shall be deemed to be the continuation of the original provisions.
 - 3. All rules and regulations adopted under any continued version of this resolution shall remain in full force and effect except as specifically directed otherwise.
- C. Revival Prohibited. The express or implied repeal or amendment by this resolution of any other resolution or part thereof shall not be construed to revive any former resolution, section, clause, or provision.

SECTION XIX – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this resolution or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
 - 2. Reference in this resolution to a law, document, fund, department, board, program, public servant, or public office, 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 the) LaGrange County Department of Parks and Recreation.”

3. Should a provision of this resolution require an act to be done which, by law, an agent or deputy may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Conflicts. No part of this resolution shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.
- C. Severability. Should any section or part thereof of this resolution be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this resolution as a whole, nor any other portion thereof, and for this purpose the provisions of this resolution are hereby declared to be severable.
- D. Promulgation. The Park Director is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this resolution effective.
- E. Effective Date. This resolution shall take effect immediately upon adoption and promulgation to the extent required by law.

[Continue to next page for Adoption section.]

SECTION XX – ADOPTION


Ayes: 5

Nays: 0

Abstentions: 0

Adopted and ordained this 21st day of March 2024.


**LAGRANGE COUNTY PARK
AND RECREATION BOARD**


John A. Egli, President


Eric Maginn, Vice President

Ardala Hepler, Secretary


Julia Wolheter, Member


Paul Baker, Member


Perry Miller, Member

ATTEST:


Mary Franke, Director of Parks

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