

# CHAPTER 5

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# CHAPTER 5

## PARKS AND RECREATION

### ARTICLE 1. GENERAL PROVISIONS. <sup>1</sup>

#### Sec. 5-1 Authority to Operate. <sup>2</sup>

The City may establish aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs.

#### Sec. 5-2 Governing State Law.

The Park and Recreation Law found in *Indiana Code*, § 36-10-4-1 *et seq.*, governs operation of the Park and Recreation Department.

#### Sec. 5-3 through 5-9 Reserved for Future Use.

### ARTICLE 2. DEPARTMENT OF PARKS AND RECREATION. <sup>3</sup>

#### Sec. 5-10 Definitions.

As used in this Chapter, the following terms shall have the meanings described to them:

- a. **Board** refers to the Board of Park Commissioners established under this Chapter.
- b. **City** means the City of Greencastle, Indiana.
- c. **Department** refers to the Department of Parks and Recreation established under this Chapter. (Ord. No. 1990-24, § 600-1, 11-13-90) (See also: Sec. 2-34 through 2-41 of this *Code*)

#### Sec. 5-11 Establishment of Department of Parks and Recreation. <sup>4</sup>

The Common Council adopts *Indiana Code*, § 36-10-4. Under the provisions of *Indiana Code*, § 36-10-4, there is created a Greencastle Department of Parks and Recreation. (Ord. No. 1990-24, § 600-5, 11-13-90)

#### Sec. 5-12 Membership of the Board of Park Commissioners.

- a. The Board of Park Commissioners shall be composed of four (4) Commissioners appointed by the Mayor on the basis of their interest and knowledge of parks and recreation. Each Commissioner must be a resident property owner of the City and no more than two (2) Commissioners shall be affiliated with the same political party.

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<sup>1</sup> *I.C.*, §§ 36-10-4-1 through 36-10-4-40, address "Parks Department in Certain Cities", and authorizes third class cities to adopt said Chapter by prior Ordinance.

<sup>2</sup> *I.C.*, § 36-10-2-2, authorizes Cities to establish and maintain park facilities.

<sup>3</sup> *Editor's Note*: Ord. No. 1990-24 repealed Ord. No. 1989-6, passed April 12, 1989; Ord. No. 1979-1, passed January 15, 1979; and Ord. No. 1-1964, passed January 27, 1964.

<sup>4</sup> *I.C.*, § 36-10-3-3, addresses the Department of Parks and Recreation.

b. Additional members shall include:

1. One (1) *ex-officio* member from the Putnam County Library Board.
2. One (1) *ex-officio* member from the Greencastle Community School Board. (Ord. No. 1990-24, § 600-10, 11-13-90)

**Sec. 5-13 Terms of Commissioners - Removal.**

a. Each Commissioner appointed shall hold office for a term of four (4) years, beginning on January 1 in the year of the appointment. The Mayor shall appoint a Commissioner to fill a vacancy caused by the expiration of a term by February 1 of that year. If a vacancy occurs, the Mayor shall appoint a new Commissioner for the remainder of the unexpired term.

b. A Commissioner may not be removed from office except upon charges preferred in writing before the Mayor, with a hearing held on them. If the Mayor is bringing the charges, the Common Council shall appoint a hearing officer. The only permissible reasons for removal are:

1. inefficiency;
2. neglect of duty;
3. malfeasance in office. (Ord. No. 1990-24, § 600-15, 11-13-90)

**Sec. 5-14 Organization and Procedures of the Board of Park Commissioners.<sup>5</sup>**

a. At its first regular meeting after adoption of this ordinance and thereafter in February each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the board during the absence or disability of the president. The Board may appoint a secretary from within or outside its own membership.

b. A majority of the Commissioners constitutes a quorum. Action of the board is not binding unless authorized by a majority of the Commissioners at a regular or duly called special meeting of the board. If there is a tie vote on any questions, the City executive shall cast the deciding vote. *Ex-officio* members shall not be counted in determining a quorum and may not vote.

c. The board shall fix a time for holding regular meetings. Special meetings of the board may be called at any time by its president, or by any two (2) Commissioners, upon a written request to the secretary. If a special meeting is called, the secretary shall notify the Commissioners by mailing written notices of the time of the meeting at least one (1) day before the meeting. All meetings are open to the public.

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<sup>5</sup> I.C., § 36-10-3-10, sets forth the duties of the Board of Parks and Recreation.

d. The proper authorities of the City shall provide a suitable office for the board where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at all reasonable times.

e. By February 1 of each year the board shall make a report to the Mayor of

1. its proceedings, including a full statement of its receipts and disbursements for the preceding calendar year;
2. the acquisition of real property by the board;
3. improvements made by the board; and
4. general character of the work of the board during the preceding year.

f. Money received by the board shall immediately be paid into the City treasury and credited to the department. All expenditures relating to the park, parkways, public grounds, public ways, and other plans of the City under the control of the department shall be provided for by a special levy of taxes. The money shall be paid from the City treasury when ordered by the board. (Ord. No. 1990-24, § 600-20, 11-13-90)

#### **Sec. 5-15 Powers of the Board of Park Commissioners.**

The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers listed in *Indiana Code*, § 36-10-4, *et seq.* (Ord. No. 1990-24, § 600-25, 11-13-90)

#### **Sec. 5-16 Budget and Gift Procedures.**

The Board shall prepare and submit an annual budget in the same manner as other departments of City government as provided by *Indiana Code*, § 36-4-7-6. The Board may accept gifts, donations, and subsidies for park and recreation purposes. (Ord. No. 1990-24, § 600-30, 11-13-90)

#### **Sec. 5-17 Special Taxing District.<sup>6</sup>**

All of the area within the corporate boundaries of the City constitutes a taxing district for levying special benefit taxes for park purposes as provided in *Indiana Code*, § 36-10-4. (Ord. No. 1990-24, § 600-35, 11-13-90)

#### **Sec. 5-18 through Sec. 5-24 Reserved for Future Use.**

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<sup>6</sup> *Editor's Note:* Chapter 600, entitled "Board of Park Trustees", from the 1986 *City of Greencastle Code*, was effectively repealed by a passage of Ord. No. 1990-24.

### ARTICLE 3. POLICIES OF THE DEPARTMENT OF PARKS AND RECREATION.

Sec. 5-25 through Sec. 5-34 Reserved for Future Use.<sup>7</sup>

### ARTICLE 4. PARK AND RECREATION FEES.<sup>8</sup>

Sec. 5-35 through Sec. 5-42 Reserved for Future Use.

### ARTICLE 5. PARK REGULATIONS.

Sec. 5-45 through Sec. 5-48 Reserved for Future Use.<sup>9</sup>

Sec. 5-49 Rules of Conduct.

No person shall use profane, obscene, threatening or abusive language, fight or throw any stone or missile, behave in any disorderly or improper manner or commit offense against decency or good morals in any public park.

Sec. 5-50 Picnics.

No person shall intrude upon a picnic without the consent of those in charge thereof, nor disturb any picnic within a park. Parties holding picnics in parks must clean up the ground that has been occupied and remove all paper and litter.

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<sup>7</sup> *Editor's Note:* The policies referred to in Article 3 were established by the Board of Park Commissioners. Refer to the Park and Recreation Department Manual for Policies per the instruction of the City during the recodification process.

<sup>8</sup> *Editor's Note:* The fees established by the Board of Park Commissioners and not set forth in this article per the City's instruction. Refer to the Park and Recreation Department Manual for fees.

<sup>9</sup> *Editor's Note:* For regulations addressing park hours, defacing property, vegetation restrictions and firearms, refer to the Park and Recreation Manual.

**Sec. 5-51 Sign Restrictions.**

No person shall paint, post or otherwise fix any bill, notice, sign or other paper upon any structure or thing within the parks, or upon any of the gates enclosing the same or any thereof.

**Sec. 5-52 Gambling Prohibited.**

No person shall be allowed to beg, tell fortunes or play at any game of chance or with any instrument of gaming in any park. Gambling and playing cards in any form are prohibited in any public park.

**Sec. 5-53 Intoxicating Beverages Prohibited.**

No person shall bring any intoxicating beverages into any public park, either for his own use or for sale, or sell or give away the same.

**Sec. 5-54 Swings on Trees Restricted.**

No person shall attach a swing to any tree within any park without the consent of the Superintendent.

**Sec. 5-55 Intoxicated Persons Prohibited.**

No intoxicated person shall be permitted within any public park.

**Sec. 5-56 Entering Restrooms of Opposite Sex Prohibited.**

No person shall enter any toilet or restroom set apart for members of the opposite sex within any park.

**Sec. 5-57 Penalty.**

Anyone violating the provisions of this Article commits an Ordinance Violation subject said individual to a fine of fifteen (\$15.00) dollars payable through the Ordinance Violation Bureau.

**Sec. 5-58 Parking in Grass Prohibited.<sup>10</sup>**

No person shall at anytime park a motor vehicle in the grassy areas within any park.

**Sec. 5-59 Improper Use of Tennis Courts.<sup>10</sup>**

No person shall at anytime use the tennis courts within any park for a purpose other than those commonly associated with the play or practice of tennis. No animals or pets shall be permitted on the tennis courts.

**Sec. 5-60 through Sec. 5-65 Reserved for Future Use.**

**\*\* Page 212 through Page 244 Reserved for Future Use.\*\***

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<sup>10</sup>

Ordinance 1998-9 passed and adopted on July 14, 1998.