

ORDINANCE 2021-12

**AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS FOR PARKS AND
OTHER RECREATIONAL AREAS IN THE CITY OF AUSTIN, INDIANA**

WHEREAS, it has become necessary to establish rules and regulations for parks and other recreational areas in the City of Austin, Indiana; and,

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN as follows:

SECTION 1: Purpose. The purpose of this ordinance 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 Austin. This ordinance is necessary to ensure that residents fully enjoy leisure and recreational activities available in city parks and other recreational areas and to protect the health and safety of persons using the parks and other recreational areas.

SECTION 2: Parks and other Recreation Areas Defined. The words “parks and other recreation areas” shall include but not be limited to, any lands, buildings, structures, waters, parks, trails, drives, and roadways in the City of Austin, Indiana that are under the jurisdiction and control of the City of Austin and the Austin Parks and Recreation Department.

SECTION 3. Park and Trail Hours. No person shall enter or remain in any park or other recreational area or on any trail, except those portions of trails that are city sidewalks, in the City of Austin after the park, trail or recreational area is closed to the public. Parks and other recreational areas in the city are open to the public from 6:00 AM until 10:00 PM or at the conclusion of department programming or park approved activities, whichever is later.

SECTION 4. Vehicles Left in Parks After Closing Hours. No person shall leave a vehicle within any park or other recreation area in the City of Austin after the location has closed to the public, except in cases of an emergency or with consent of the Mayor, Police Chief, or the Austin Parks and Recreation Department. The registered owner of a vehicle will be held responsible for the vehicle being within any park or other recreational area after the location has closed to the public and liable for any towing expenses incurred by the city.

SECTION 5. 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 which 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 disposed of elsewhere.

SECTION 6. Altering or Removing Signs, Structures, Fixtures and Other Improvements Prohibited. 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 of Austin. 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, pool and recreational equipment.

SECTION 7. Disturbing, Injuring, or Removing Wildlife and Vegetation Prohibited. No person shall harass, hurt, trap, injure, remove, or otherwise disturb any wildlife located in any park or other recreational area in the City of Austin. 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. 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 of Austin. No person shall attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure.

SECTION 8. Swimming Prohibited. No person shall, swim, or bathe in any waters that are within any park, along any trail or are a part of other recreational areas unless signage indicates swimming is allowed.

SECTION 9. Pet Supervision Required. No person shall bring any pet into a park or other recreational area in the City of Austin unless the person shall continuously supervise such pet, including preventing or promptly repairing any damages caused by the pet and picking-up and disposing of any excrement dropped by the pet upon any park property. All pets are to be kept on short leashes at all times.

SECTION 10. 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 of Austin without express written permission of the Austin Parks and Recreation Department. Permission must be conspicuously posted at the campsite.

SECTION 11. Fires and Fireworks Prohibited. No person shall build, kindle, maintain or use a fire within any park or other recreational area in the City of Austin unless the person properly contains such fire in facilities designed for that purpose. Any fire shall be continuously monitored and under the care and direction of a competent person from the time it is kindled until it is extinguished. Discharging of fireworks is prohibited in any park, trail or property owned or maintained by the City of Austin unless authorized by the Austin Parks and Recreation Department.

SECTION 12. 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 of Austin without the express written permission of the Austin Parks and Recreation Department. 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 of Austin.

SECTION 13. Speed Limits. No person shall operate any vehicle or bicycle upon roadways within a park or other recreational area in the City of Austin more than the speed limit as posted, or 15 miles per hour, whichever is less.

SECTION 14. Bicycle/Pedestrian Trail Restrictions. No person shall enter or remain on any trail area, except those portions of trails that are City sidewalks, in the City of Austin after the trail area is closed to the public. Trails are open to the public from 6:00 AM until 10:00 PM or at the conclusion of parks and recreation department programming or park approved activities, whichever is later.

No person shall operate any motorized vehicle, including golf carts, motorized bicycle, motorized skateboard or other similar device upon any trail designed for bicycle/pedestrian use in the City of Austin, except persons with a disability, as defined by the American with Disabilities Act who may operate the specialized motorized equipment designed for their

transportation. Motorized vehicles owned and operated by the City of Austin and/or its contractors and subcontractors are permitted on any trail designed for bicycle/pedestrian use within City of Austin, when doing work for the city or providing a service for the city.

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 of Austin.

No person shall ride a bicycle at an excessive speed or engage in any racing activity upon any trail designed for bicycle/pedestrian use in the City of Austin unless participating in a Parks and Recreation Department approved or sponsored function. In-line skaters, skate boarders and bicyclists shall yield to pedestrians. Bicyclists shall yield to all trail users not on bicycles.

SECTION 15. Other Prohibited Activities. Users must comply with posted rules, restrictions, and guidelines. Activities listed as follows are prohibited within all parks and other recreational areas in the City of Austin:

1. Littering
2. Use of a metal detector
3. Parking vehicles on grass
4. Golfing
5. Children under the age of 13 not accompanied by an adult
6. Use of park equipment, apparatus, structures and buildings in any manner inconsistent with their intended purposes
7. Engaging in threatening, abusive, insulting, or indecent language or engaging in any conduct or behavior tending to breach the public peace
8. Fundraisers unless being done in compliance with Section 12

SECTION 16. Possession, Consumption and Sale of Alcohol Beverages Prohibited. No person shall possess, consume, sell, offer for sale, barter or exchange any alcoholic beverage in any park or other recreational area in the City of Austin.

SECTION 17. Smoking Prohibited. Smoking is prohibited on all property owned by the City of Austin.

SECTION 18. Deadly Weapons Prohibited. Deadly weapons are prohibited in any park, trail or other recreational area in the City of Austin.

SECTION 19. Discharging a Firearm Prohibited. No person shall discharge a firearm within any park, on any trail, or in any other public place owned by or being used for a public purpose by the City of Austin.

SECTION 20. Prohibited Persons. Individuals listed on State of Indiana Sex Offender Registry published and disseminated by the Indiana Criminal Justice Institute are prohibited from entering any and all parks and other recreational areas of the City of Austin.

SECTION 21. Shelter and Ball Field Rentals. Any person or group renting park facilities, shelters, baseball fields, or softball fields shall conform to Parks and Recreation Department published fees, rules, and regulations.

SECTION 22. Penalties.

- A. Any person who violates Sections 3 through and including 15 of this Ordinance shall be fined Twenty-five Dollars (\$25.00) for the first offense and Fifty Dollars (\$50.00) 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.
- B. Any person who violates Sections 16, 17, 18, 19, and/or 20 of this Ordinance shall be fined One Hundred (\$100.00) Dollars for the first offense and Two Hundred Dollars (\$200.00) 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.
- C. In addition to, or in lieu of, a fine as provided for in subsections A or B of this Section, any person who violates any provision of the Ordinance may be trespassed from being on any part of any park or on any trail of the City of Austin. The Chief of the Austin Police Department and any of the City's police officers are authorized to trespass any person(s) in accordance with this Section. The Austin Police Department shall maintain a list of any individuals who have been trespassed and the way the person was informed of the trespass warning. Any trespass warning may be appealed with a written request to the City of Austin Board of Public Works and Safety.

D. 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 of Austin's cost to repair or replace said park property.

SECTION 23. Remedies. Employees of the City of Austin or other agents authorized by law may, in the name of the City of Austin, bring legal actions for violations and enforcement of this ordinance.

SECTION 24: Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 25: Savings Clause. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts.

SECTION 26. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana on September 14, 2021 by a vote of 5 to 0.



ROGER HAWKINS, Mayor
Presiding Officer

Attest:



Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 14th day of September, 2021 at 6:18 p.m.



Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), this 14th day of September, 2021 at 6:18 p.m.



Roger Hawkins, Mayor

Attest:



Chris Fugate, Clerk-Treasurer

Prepared by: Joshua Stigdon, #29501-72
HOUSTON, THOMPSON and LEWIS, PC
49 E. Wardell St.
Scottsburg, IN 47170