

COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

ORDINANCE NO. 2025-OR-13

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA
REPEALING THE EXISTING PARKS DEPARTMENT ORDINANCE
AND ADOPTING A NEW PARKS AND RECREATION ORDINANCE
PURSUANT TO INDIANA CODE 36-10-3**

WHEREAS, the municipal entity now known as the City of Austin, Indiana, formerly operated as the Town of Austin; and

WHEREAS, on March 7, 1995, the Town of Austin adopted Ordinance 1995-01, establishing a Parks and Recreation Board and related governance structure which has been codified as Chapter 32; and

WHEREAS, when the Town of Austin subsequently reorganized and became the City of Austin, a third-class city under Indiana law, the provisions of Ordinance 1995-01 were not updated to conform to the requirements of Indiana Code 36-10-3 for third-class cities; and

WHEREAS, the Common Council now finds that it is necessary and proper to repeal the outdated ordinance and adopt a new ordinance consistent with current statutory requirements;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Austin, Indiana:

SECTION 1. REPEAL OF PRIOR PARKS DEPARTMENT ORDINANCE. The City hereby repeals in full Ordinance No. 1995-01 and any amendments thereto that previously established or governed the City's Parks Department. All such prior provisions are hereby null and void. The following sections shall replace Chapter 32 of the City Code.

SECTION 2. ESTABLISHMENT OF THE PARK AND RECREATION DEPARTMENT. Pursuant to IC 36-10-3-3, the City of Austin Park and Recreation Department ("Department") is hereby established. The Department shall consist of:

- A. The Park and Recreation Board created under this Ordinance;
- B. The Superintendent of Parks and Recreation; and
- C. Additional employees, staff, consultants, or volunteers as may be authorized and funded.

SECTION 3. ESTABLISHMENT OF THE PARK AND RECREATION BOARD. A Park and Recreation Board ("Board") is hereby created pursuant to IC 36-10-3-4, applicable to third-class cities.

- A. Membership. The Board shall consist of four (4) members to be appointed by the mayor. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation.

- B. Terms. Members shall serve four-year terms beginning on January 1 following their appointment. To establish staggered terms consistent with IC 36-10-3-6, the initial appointments shall be made for differing term lengths as follows: one (1) member shall be appointed to an initial term of one (1) year; one (1) member shall be appointed to an initial term of two (2) years; one (1) member shall be appointed to an initial term of three (3) years; and one (1) member shall be appointed to an initial term of four (4) years. Upon the expiration of these initial terms, all subsequent appointments shall be for full four-year terms.
- C. Compensation. Board members shall serve without compensation unless otherwise authorized by ordinance but may receive reimbursement for approved expenses.
- D. Removal. A member may be removed only for cause, upon specific written charges filed against the member. The charges shall be filed with and heard by the mayor, unless the mayor is bringing the charges. If the Mayor is bringing the charges, the Common Council shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel.

SECTION 4. MEETINGS, OFFICERS, AND QUORUM.

- A. Meetings. All meetings of the Board shall be open to the public in compliance with the Indiana Open Door Law. The Board shall fix the time and place of its regular meetings and shall meet no less than quarterly.
- B. Special Meetings. Special meetings of the Board may be called by the President or by any two (2) Board members by submitting a written request to the Secretary. The Secretary shall provide each member with written notice of the special meeting at least two (2) days prior to the meeting, stating the time, place, and purpose of the meeting. Written notice is not required if the special meeting is scheduled during a regular meeting or if all members are present at the special meeting.
- C. Officers. At its first regular meeting each year, the Board shall elect from its membership a President and a Vice President. The Vice President shall act as President during the absence or disability of the President. The Board shall also select a Secretary, who may be chosen from within or outside the Board's membership.
- D. Quorum. A majority of the Board constitutes a quorum. No action of the Board is official unless authorized by at least three (3) members present and acting.

SECTION 5. POWERS AND DUTIES OF THE BOARD. The Board shall have all powers and duties granted under IC 36-10-3, including but not limited to the following:

- A. Exercise general supervision over the Department and adopt rules for its governance and operation.
- B. Establish rules governing the use of all park and recreation properties, facilities, equipment, and programs by the public.
- C. Provide for police protection for Board property and activities, either by requesting assistance from state, municipal, or county law enforcement agencies, or by having designated employees deputized as police officers; provided, however, that any such

deputized employees shall not be eligible for police pension benefits or other emoluments of police officers.

- D. Appoint the necessary administrative officers of the Department and fix their duties.
- E. Establish standards and qualifications for the appointment of all Department personnel and approve such appointments without regard to political considerations.
- F. Make recommendations and submit an annual report to the City's executive and fiscal bodies concerning the operations of the Board and the status of park and recreation programs within the City.
- G. Prepare and submit an annual budget for the Department in the same manner as other executive departments of the City, as required by IC 36-10-3-12.
- H. Appoint a member of the Board to serve on another board or commission whenever such appointment is authorized by statute.
- I. Acquire, lease, or dispose of real or personal property for park and recreation purposes, as permitted by law.
- J. Enter into contracts for services, programs, construction, improvements, maintenance, or partnerships related to parks and recreation.
- K. Accept gifts, donations, grants, and bequests on behalf of the Department, subject to applicable statutory requirements.

The powers and duties set forth herein shall be exercised exclusively by the Board unless otherwise provided or assigned by Indiana law.

SECTION 6. ADDITIONAL POWERS AND DUTIES. In addition to the powers and duties set forth in this Ordinance and in IC 36-10-3-11, the Board shall possess the following powers as authorized by Indiana law:

- A. Enter into contracts and leases for facilities and services.
- B. Contract with individuals, organizations, or entities for the joint use of facilities or for the operation of park and recreation programs and related services.
- C. Contract with another board, political subdivision, or school corporation for the use of park and recreation facilities or services. Likewise, a township or school corporation may contract with the Board for the use of such facilities or services.
- D. Acquire and dispose of real and personal property, whether located within or outside the State of Indiana, consistent with applicable law.
- E. Exercise the power of eminent domain as provided by statutes available to municipalities.
- F. Sell, lease, or enter into royalty contracts concerning natural or mineral resources located on land owned by the Board, with all proceeds deposited into the Board's nonreverting capital fund.
- G. Engage in self-supporting activities as provided in IC 36-10-3-22.
- H. Contract for special, temporary, or professional services as necessary for park and recreation operations.
- I. Delegate authority to perform ministerial acts whenever final action of the Board is not required.
- J. Prepare, publish, and distribute reports, studies, and other materials related to park and recreation activities and programs.

- K. Sue and be sued collectively in its legal name as the “City of Austin Park and Recreation Board,” with service of process upon the President of the Board; however, costs may not be taxed against the Board or its members in any action.
- L. Invoke any legal, equitable, or special remedy necessary to enforce state law, municipal ordinances relating to parks or recreation, or actions of the Board taken under such authority.
- M. Release and transfer, by resolution, a portion of the area under its jurisdiction to the park authorities of another unit for park and recreation purposes, upon petition of the park or recreation board of the acquiring unit.

SECTION 7. AUTHORITY TO LEASE CERTAIN LANDS. The Board may lease any building or grounds belonging to the City and located within a park to any person or entity for a period not to exceed fifty (50) years. Such a lease may authorize the lessee to provide on the premises: educational, research, veterinary, or other facilities for the exhibition of wild or domestic animals; dining facilities; swimming facilities; golf courses; skating facilities; dancing facilities; amusement rides or attractions typically found in amusement parks; or other recreational facilities consistent with park purposes. A lease extending beyond one (1) year shall be made only to the highest and best bidder after public notice of the proposed lease has been published in accordance with IC 5-3-1.

SECTION 8. SUPERINTENDENT OF PARKS AND RECREATION.

- A. Appointment. Pursuant to Indiana Code 36-4-9-2, the Mayor shall appoint the Superintendent of Parks and Recreation, subject to the approval of the Park and Recreation Board. The Superintendent shall serve at the pleasure of the Mayor unless otherwise provided by law.
- B. Qualifications. The Superintendent must:
 - i. Be qualified by training or experience in the field of parks and recreation; or
 - ii. Hold a certification or an advanced degree in the field of parks and recreation.
- C. Duties. The Superintendent shall serve as the chief administrative and operating officer of the Department and shall:
 - i. Administer the daily operations, programs, and facilities of the Department;
 - ii. Hire and supervise employees as authorized by the Board and consistent with City personnel policies;
 - iii. Prepare and submit reports, recommendations, and operational plans to the Board;
 - iv. Implement all rules, regulations, and policies adopted by the Board; and
 - v. Perform any other duties assigned by the Board or required by state law.
- D. Dual Service Permitted. The Superintendent may concurrently hold and perform the duties of another municipal position, including but not limited to Street Department Superintendent or other administrative or operational roles within the City, provided that such dual service is authorized by the mayor, approved by the Board, and does not conflict with applicable state law or municipal policy. When serving in dual capacities, the Superintendent shall continue to fulfill all duties required under this Ordinance and IC 36-10-3.

SECTION 9. PARK AND RECREATION FUND. The Park and Recreation Fund previously established under prior Ordinance 1995-01 is hereby continued and designated as the Park and Recreation Fund for purposes of IC 36-10-3-20. All appropriations, grants, gifts, user fees, and other revenues related to parks or recreation shall be deposited into this Fund. Expenditures from the Fund shall be made only as authorized by the Board and approved in accordance with applicable third-class city fiscal procedures.

SECTION 10. PROPERTY UNDER BOARD CONTROL. All real and personal property currently or previously designated for parks, recreational use, playgrounds, green spaces, or related public purposes is hereby transferred to the administrative control of the Board.

SECTION 11. SEVERABILITY. If any section, subsection, or clause of this Ordinance is found invalid, the remaining portions shall remain in full force and effect.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect upon passage by the Common Council, approval by the mayor, and compliance with all statutory requirements.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana, this 9th day of December, 2025 by a vote of 4 ayes, 0 nays, and ____ abstentions.

Common Council City of Austin, Indiana



Roger Hawkins, Presiding Officer

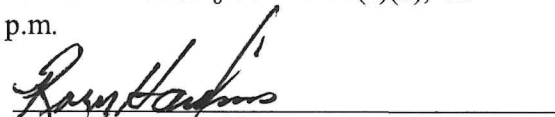
Attest:


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, on December 9, 2025 at 5:07 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), on December 9, 2025 at 5:07 p.m.


Roger Hawkins, Mayor

Attest:


Chris Fugate, Clerk-Treasurer