

COUNTY ORDINANCE NUMBER FCO-2003-VIII
NEW ALBANY-FLOYD COUNTY DEPARTMENT OF PARKS AND RECREATION
ORDINANCES REGULATING THE USE OF COUNTY PARKS

BE IT ORDAINED, by the County Commission of Floyd County, Indiana that:

Section 1: County Ordinance _____ be deleted.

Section 2: That County Ordinance ~~FCO-2003-VII~~ be added as follows:

COUNTY ORDINANCE FCO-2003-VIII PARKS AND RECREATION

County Parks

1. Use of grounds and facilities
2. Certain acts prohibited
3. Picnic areas and use
4. Special activities
5. Operation of motor vehicles
6. Animals within park area
7. Peddling or soliciting
8. Erection of signs prohibited
9. Fishing
10. Hours of closing
11. Exception to regulations
12. Severability
99. Penalty

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County Parks

§ 1 USE OF GROUNDS AND FACILITIES.

Each person, firm or corporation using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order and the facilities in a neat and sanitary condition.

§ 2 CERTAIN ACTS PROHIBITED.

It shall be unlawful for any person, firm or corporation using such parks to either perform or permit to be performed any of the following acts:

- (A) To commit any assault, battery, or engage in fighting.
- (B) To prevent any person from using any park or any of its facilities, or interfere with the use in compliance with this ordinance and the rule applicable to use.
- (C) To carry or discharge firearms, fireworks, bb guns, air guns, bows and arrows, crossbows, slingshots, blowguns, rockets, paint-ball guns or marital arts weapons unless authorized by the Superintendent or a duly sworn police officer.
- (D) To hit golf balls.
- (E) To damage, cut, break, injure, deface, or disturb any tree, plant, shrub, rock, building, monument, fence, bench, equipment or other structure, apparatus or property; or to pluck, pull up, cut, take or remove any shrub, bush, plant, or flower; or to mark or write upon, paint or deface in any manner any building, monument, fence, bench, equipment, or other structure.
- (F) To cut or remove any wood, turf, grass, soil, rock, gravel, or fertilizer.
- (G) To swim, bathe, wade in or pollute the water of any fountain, pond, lake, or stream.
- (H) To throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter of thing, liquid or solid, which will or may result in the pollution of the waters.

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- (I) To make or kindle a fire, except in picnic stoves, braziers, fire pits or designated areas for that purpose.
- (J) To place, abandon, or leave garbage, cans, bottles, papers, grass clippings, leaves or other refuse in any public park except in a proper waste receptacle. Nor is the dumping of any personal items, trash, grass clippings, leaves or other refuse, for the purpose of disposal, allowed in any park.
- (K) To participate or engage in any activity in any public park area when such activity will create a danger to the public, a public nuisance, or cause damage to park property.
- (L) To camp, sleep, or stay overnight in any park unless authorized by the Superintendent in writing.
- (M) To possess or consume any alcoholic beverages.
- (N) To disturb in any manner any picnic, meeting, service, concert, exercise or exhibition
- (O) For any person over the age of six (6) years to use the restrooms and washrooms designated for the opposite sex, unless assistance is necessary.
- (P) To stand, skate, sit or walk on areas of water covered with ice.
- (Q) Use of mechanical loudspeakers or amplified music, sound, or voices except when authorized by the Superintendent, or in connection with use of any amphitheater provided the amplified music or sound is within the prescribed levels governed by State or local law, measured at the property boundary.
- (R) To smoke on and around playgrounds or near any youth activity or event.
- (S) To use any metal detector on any park property.

Statutory Referece:

Battery statutes, see IC 35-42-2-1, 35-42-2-3 and 35-45-1-3

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- (E) To park or operate any truck-trailer, trailer, semi-trailer, or pole-trailer in a park facility parking lot at any time, unless they are on official business.

§ 6 ANIMALS WITHIN THE PARK AREA.

It shall be unlawful to:

- (A) To hitch, fasten, lead, drive, or let loose, any animal, reptile, or fowl of any kind, provided that this shall not apply to domestic animals as defined by the Animal Control Code. All permitted animals shall be led by a static cord or chain not more than ten (10) feet long or a retractable cord not more than fifteen (15) feet long.
- (B) To ride or drive any horse or animal, except on or immediately along the side of existing roadways.
- (C) To allow a domestic animal to defecate in any park without immediately removing and disposing of such feces in proper waste receptacles.
- (D) To hunt, abandon, replace, remove, or injure any animal, domestic or wild, including but not limited to dogs, cats, cows, horses, birds, mammals, reptiles, fowls, and livestock.

§ 7 PEDDLING OR SOLICITING.

It shall be unlawful for any person other than employees or officials of the NA-FC Park Board or individuals acting on behalf of the NA-FC Park Board to:

- (A) To sell or offer for sale any food, drinks, confections, merchandise, or services except pursuant to a written agreement with the County or written permission from the Superintendent.
- (B) To practice, carry on, conduct, or solicit for any trade, occupation, business, or profession, or to circulate any petition.

§ 8 ERECTION OF SIGNS PROHIBITED.

It shall be unlawful to distribute, post, place, or erect any static or mobile advertising, handbill, circular bill, notice, paper, or other advertising device on any public lands or highways or roads adjacent to a park unless approved by the NA-FC Park Board.

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§ 9 FISHING.

- (A) All persons fishing in the areas under the NA-FC Department of Parks and Recreation must conform to all rules, regulations, and state laws set forth by the Department of Natural Resources (Division of Fishing and Wildlife). The legal size of large mouth bass will be determined by the Department of Natural Resources.
- (B) Minnows shall not be used as bait.
- (C) Dumping of fish taken from another source is not allowed.
- (D) Fishing after park hours is allowed with a night fishing permit obtained through the Parks Department.
- (E) Seining of minnows or fish from the creeks, ponds, and lakes in any park is not allowed.

§ 10 HOURS OF CLOSING.

It shall be unlawful to remain, stay, or loiter in any park between the hours of 10:30 p.m. and 6:00 a.m. of the following day unless authorized by the Superintendent in writing.

§ EXCEPTION TO REGULATIONS.

These provisions shall not apply to any properly authorized government official in pursuit of any official duty.

§ 12 SEVERABILITY.

If any provision or section of this chapter or the enforcement of any such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision. (Ord. G-87-193, passed 7-6-87)

§ 98 PENALTY.

Whoever violates any provisions of this chapter shall be fined not less than \$10 nor more than \$100. ('71 Code, § 96.99)

Section 3: BE IT ORDAINED, by the County Commissioners of Floyd County, Indiana that Floyd County Ordinance ~~2003-111~~ §1 through §99 is hereby approved and adopted this 3rd day of March, 2003.

Section 4: Severability. If any provision or section of this chapter or the enforcement of any such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

John D. Fisher
MEMBER

Mike Mills
MEMBER

Charles A. Freking
MEMBER

ATTEST:

Jeresa A. Plaiss
FLOYD COUNTY AUDITOR

DATED THIS 1st DAY OF April YEAR 2003

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§ 3 PICNIC AREAS AND USE.

No person in a park shall use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons except by reservation permit available from the Department of Parks and Recreation, nor shall any person use such area and facilities for an unreasonable amount of time if the facilities are crowded.

Cross Reference: Non-reverting operating fund for shelter rentals, see New Albany City General Regulations § 35.24

§ 4 SPECIAL ACTIVITIES.

It shall be unlawful to:

- (A) To use or operate any remote controlled airplane, boat, helicopter, parasail, hang glider or hot air balloon, unless otherwise designated by the Superintendent.
- (B) To conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the Superintendent.

§ 5 OPERATION OF MOTOR VEHICLES AND BOATS.

The use of rowboats, canoes, kayaks, and boats with electric trolling motors is permitted. It shall be unlawful to:

- (A) To ride, drive, or go at a rate of speed greater than the posted speed limit upon any bicycle, motorcycle, in-line skates, automobile, or other vehicle whatsoever, upon any parking lot or area, drive, or street in any park; provided, however, bicycles and in-line skating are allowed on park trails.
- (B) To ride, drive, or park any motorcycle, automobile, motorized scooter, or other motorized vehicle upon, over or across any park curb, sidewalk, grass, lawn, hiking or jogging trail, or park land, except authorized County vehicles, and in designated areas, unless authorized by the Superintendent.
- (C) To use or operate any motorboat on any creek, pond, lake, or water within any park.
- (D) To operate any vehicle in a park facility parking lot after normal hours of operation.