

ORDINANCE OF THE
LAPORTE COUNTY BOARD OF
COMMISSIONERS # 90-15

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
OF LAPORTE COUNTY PARK AND RECREATION DEPARTMENT
AND LAPORTE COUNTY PARK PROPERTIES.

WHEREAS, the County of LaPorte under the direction of the LaPorte County Park and Recreation Department operates and maintains a series of parks and other recreational facilities for the benefit and enjoyment of the citizens of LaPorte County, and

WHEREAS, said properties are open to the public on a regulated basis, and

WHEREAS, it is deemed necessary that a comprehensive set of rules and regulations be established for those who use and utilize the services of the LaPorte County Park and Recreation Department properties, and

WHEREAS, that the Commissioners deem it appropriate that said rules and regulations be codified in ordinance form, and

NOW THEREFORE, be it ordained by the Board of Commissioners of LaPorte County:

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CHAPTER I: PUBLIC USE

SECTION 1: PUBLIC USE AND PURPOSE OF THE DEPARTMENT: WHEREAS, Park sites, and any and all other property under the jurisdiction, management and control of LaPorte County Park and Recreation Department are for use by the general public. One of the functions of the department is to conserve, protect and interpret a well balanced system of parks, open spaces and natural areas of LaPorte County. These rules and regulations are intended to help carry out this function. The below rules and regulations are intended to control the conduct of the public and the uses of the facilities of any and all park sites and/or other property under the jurisdiction and management of LaPorte County Park and Recreation Department. Hereinafter, any references within the Ordinances to Park or Park sites shall include, but not be limited to, Park sites and/or any and all property under the jurisdiction, management and control of the LaPorte County Park and Recreation Department.

SECTION 2: HOURS OF USE:

- a. Park sites shall be open to the public from 8:00 a.m. to dusk or as posted.
- b. No person shall sleep overnight in any park without special permits from the Superintendent.

SECTION 3: PERMITS AND RESERVATIONS AND FEES:

- a. No person shall offer for exchange or sale any article of merchandise or do any hauling, peddling, or solicitation, or buy or offer to buy any articles of merchandise or take up any collection or solicit or receive contributions of money or articles of value except when authorized by permit or under contract with the Park Board.
- b. No person shall display, distribute, post or fix any placard, sign, handbill, pamphlet, circular or any other writing or printed material or objects containing advertising matter or announcements of any kind, without written permission of the Superintendent except those groups holding a valid picnic, camping or special event permit may display signs to identify their location or direct others to it, providing such signs are temporary and are removed by the permittee at the termination of the activity and providing that such signs are not attached to any tree or shrub or any post, building, sign, gate or other structure.
- c. A permit or reservation shall first be obtained from the Superintendent prior to the entrance into the park or the use of any park property or facility whenever required by this policy or by any rule or regulation promulgated by the board. In addition, the fee, if any, should be paid at the time that such permit or reservation is applied for. All permits and reservations shall be applied for in advance at the Park and Recreation Office. The Superintendent may, at his discretion, refuse same.
- d. A reservation shall first be obtained from the Superintendent for a picnic involving 25 or more persons and in all events when a facility is asked to be set aside for exclusive use at a specified time by a group for picnicking purposes. Any group that desires in conjunction with a picnic, controlled activities such as but not limited to, hog roast, sound amplification, special vehicle access and the like must so indicate these activities at the time of application. A reservation fee will be assessed and must be paid prior to the reserved time.
- e. No person shall camp within any park except in camping areas which from time to time, may be designated by the Board or upon written approval of the Superintendent.
- f. Fees and charges for the use of various facilities operated by the department on property of the department shall be established by the Board, and may be changed from time to time.
- g. No person, except those with valid reason, or those having special permission of the Superintendent, shall use any pay facility of the Park Department without first paying the fee for same as may be established by the Board from time to time.

CHAPTER II: PROTECTION OF PROPERTY STRUCTURES AND NATURAL
RESOURCES

SECTION 1: DESTRUCTION OR MISUSE OF PROPERTY AND STRUCTURES:

a. Unless authorized by the Superintendent, no person shall injure, deface, disturb, defoul, or remove any part of the park, or any building, sign, equipment or other property found therein.

b. No person shall throw, cast, drag, push or deposit any refuse container, picnic table, barricade or any other moveable or nonmoveable property into any lake, pond, slough, stream, or lagoon or upon the frozen waters thereof or to otherwise render it unavailable to the general public for it's intended use, to cause a hazard to public safety or to damage or destroy such property.

SECTION 2: DESTRUCTION OR MISUSE OF NATURAL RESOURCES:

a. No person shall maliciously cut down, destroy or injure a standing or growing vine, brush, shrub, sapling, tree or flower or other vegetation or fruit or seed growing on park property, or maliciously injure, destroy, disturb or sever from the park a project standing or growing or other thing, such as rock minerals, attached thereto or a part thereof.

b. Unless authorized by the Superintendent, no person shall bring into or upon any park, any tree, shrub or plant, or any newly plucked branch portion thereof.

c. Unless authorized by the Superintendent, no person shall bring into and leave in any park, any animal, fish or fowl.

d. No person without authorization of the Superintendent shall bring into, leave behind, or dump any material of any kind, whether waste or otherwise, in the park, except refuse, ashes, garbage and other material arising from the normal use and enjoyment of a picnic, camp or other permitted activity provided such material is deposited in receptacles or pits provided for such purposes. Nor shall any material of any kind be left or deposited within or near the parks so as to pollute the land, water, or air coursing through or over the parks or otherwise interfere with proper use and enjoyment of the park. No bottles, cans, refuse, or foreign material of any description shall be deposited or thrown in any of the streams, waterways, ponds or lakes located in the park.

e. No person shall either within or outside the park, place or permit to be placed in any river, brook, stream, pond, ditch or drain that is maintained or flows into or through the park, any noxious or deleterious material which may render park waters harmful to the public health, or to animal, vegetation or aquatic life, or which may prevent, limit, or interfere with the use of such waters for domestic, industrial, or agricultural purposes, or which may lessen to an unreasonable degree the use and enjoyment of such waters for park, recreational or other park uses. All sanitary sewage shall receive adequate primary, secondary and tertiary plant process treatment prior to resultant clear effluent entering into, through or upon the park.

f. No person, occupant or owner, or person in charge, by himself, his agent or employee, may cause, suffer or allow the burning of garbage, refuse, waste material, trash, motor vehicle or other combustibles within or adjacent to the park so as to cause smoke, haze, odor, sparks, dust, dirt, or other type matter or gaseous substances to come upon, pass through, or over the park which would cause an air pollution nuisance or damage to persons or property.

Open fires for recreational purposes, such as campfires, barbecues and cookouts in designated areas shall be permitted provided the materials used were not taken from the park and provided same are maintained so that such burning may be accomplished without the emission of dense smoke, sparks, odor, dust or ash, which may cause an air pollution nuisance or damage to persons or property.

g. No person within the confines of the park shall hunt, pursue with dogs, trap, or in any other way molest any wild bird or animal found within the confines of the park, or rob or molest any animal den or bird nest. Exception to this rule will only be

allowed in the case of park property which has been posted as a hunting area, or when specifically written limited permits are issued by the Superintendent for the purpose of management, over abundance, disease or inbreeding of wildlife species for balance control. The Superintendent may close park waters to fishing when advisable and it shall be so posted. Fishing in allowed areas shall be permitted subject to the statutes of the State of Indiana.

h. It is unlawful to introduce any non-game species of fish without permission from the Superintendent or Naturalist. No minnows, suckers, shiners, chubs or any other live bait fish will be allowed for bait.

i. All persons between the ages of 17 and 65 must have a valid Indiana fishing license. Any person in violation of the fishing statutes is subject to prosecution.

SECTION 3: DESTRUCTION BY OR MISUSE OF FIRE:

No person shall start a fire in the park except small fires for culinary purposes in park grills, or privately owned grills, or fires in a place designated and shall be permitted provided materials used were not taken from the park and approval given by the Superintendent. The Superintendent may, at his discretion, prohibit fires for limited periods at any location or for any purpose necessary for the protection of park property. Any fire shall be continuously attended under the care and discretion of a competent person. All fires shall be extinguished by the person starting or using the same before leaving the immediate vicinity of the fire. No fires shall be built within ten feet (10') of any tree or building, or beneath the branches of any trees or in any underbrush. No portable stoves or grills shall be permitted in shelters or on combustible picnic tables. No person shall throw away or discard any lighted match, cigar, or cigarette within the park property.

CHAPTER III: REGULATIONS OF SPORTS AND GAMES

SECTION 1: SWIMMING:

No person shall swim, wade or bathe at any time in any of the lakes, ponds, streams, sloughs or watercourses except in such places as may be designated by the board and then only in accordance with the rules of regulations set forth by the board as posted.

SECTION 2: WINTER SPORTS:

a. No person shall sled, tobaggan, ski, slide or ice skate within any park except in areas designated for such purposes.

b. No person shall fish through the ice on any frozen waters except in areas designated for such purposes.

SECTION 3: POWER MODELS AND TOY ENGINES:

Engine-powered model and toy airplanes, boats, cars, sirens or other noisemaking devices are not permitted to be operated within the confines of the park, unless by express written consent of the Superintendent.

SECTION 4: AVIATION:

No person shall voluntarily bring, land, or cause to descend or alight upon park lands or waters any airplane, flying machine, balloon, parachute or other apparatus for aviation, except by written permit from the Superintendent. Any landing other than one caused by mechanical or structural failure of the aircraft shall be deemed to have been made voluntarily.

SECTION 5: WATERCRAFT:

a. No motor boat shall be moored to or beached upon any park land unless designated by the Superintendent.

b. No person shall ride, sail or float in any watercraft on park property except in areas designated by the Superintendent or by special permit from the Superintendent. The Superintendent shall also determine what type of watercraft are allowable in any specific area.

c. No person shall ride, sail or float in any watercraft which is not equipped with an adequate number of life jackets or other Coast Guard approved floatation gear. No person shall ride, sail or float in any watercraft not conforming to Indiana State regulations controlling them and designed for watercraft, nor shall anyone operate watercraft in a manner unsafe to its occupants or other persons.

SECTION 6: BICYCLING:

No person shall ride a bicycle on any path, trail, roadway or other area designated or posted prohibiting bicycles.

SECTION 7: GAMBLING:

No person shall engage in any game of chance or in the use of any gambling device nor shall any person tell fortunes for pecuniary reward.

SECTION 8: AMUSEMENT CONTRAPTIONS:

No person shall bring in, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget, without written permission of the Superintendent.

CHAPTER IV:

REGULATION OF MOTORIZED VEHICLES, TRAFFIC AND PARKING

SECTION 1: VEHICLE OPERATION AND EQUIPMENT:

a. No person who is the owner or operator of a vehicle shall operate, cause or permit such vehicle to be operated within the park unless such vehicle or conveyance displays the distinctive number and registration marks or license plates, legally fastened to the vehicle when such registration marks are required under the Indiana Vehicle Code.

b. Every motor vehicle including motorcycles, motorbikes, and snowmobiles shall exhibit head lamps, tail lamps and other illuminating lamps meeting all of the requirements with respect to color, display period or times, and illuminating distance as are set forth under the Indiana Vehicle Code.

c. No person shall use or shine spotlights, or unnecessarily or continuously shine vehicle headlights of any kind onto the park, except under the direction of park personnel or law enforcement officers or except where necessary for the preservation of life or property.

d. Except by authority of special permit granted by the Superintendent, no person shall drive or operate a vehicle in excess of 3/4 ton, designed, used or maintained primarily for the transportation of property, or a bus except a school bus or recreational vehicle, or a truck tractor including mechanized farming machinery over any road or drive within the park. Exception - vehicles servicing authorized park functions.

SECTION 2: VEHICLE TYPES AND ACCESS ALLOWED:

a. No person shall operate or cause to be operated, any motor vehicle anywhere that is not licensed or permitted to be operated on the roads, streets and highways of the State of Indiana, without written permission of the Superintendent and then only in those areas so designated for such purposes. Vehicles not so licensed, and therefore subject to the provisions of this subsection include but are not limited to, snowmobiles, go-carts, trail bikes and such other all terrain off-the-road vehicles. Before any such vehicle can be operated within a park operated by the LaPorte County Park Department, a waiver of liability form must be filled out by the owner and operator of the vehicle.

b. No person shall ride or operate any vehicle on, over, along, or upon any park, except roadways, driveways, and parking areas designated for the use of such vehicles, or except in specially limited areas designated by the Superintendent from time to time.

c. No person shall drive or propel, or cause to be driven or propelled along or over any highway, road, parkway, drive or parking area within the park, any vehicle without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles. No person shall endanger the life, limb or property of any person while in the lawful use of any road, parkway, wooded or openland trail, drive or parking area.

d. No person shall drive a vehicle of any kind upon or along any park area, road or drive which has been closed and posted with appropriate signs or barricades. The Superintendent shall have authority to order areas, roads or drives closed during the process of construction, reconstruction, repair, or when on the basis of engineering investigation, weather, or other conditions render travel either unsafe or duly destructive of the area, road or drive.

e. No person who is the owner or operator of a vehicle shall operate, cause or permit such vehicle to be operated within the park unless such vehicle or conveyance displays the distinctive number and registration marks required under the Indiana Vehicle Code.

SECTION 3: PARKING:

a. No person shall park a vehicle overnight without written permission of the

Superintendent.

b. No person shall park a vehicle in such a way as to block in another parked vehicle.

c. No person shall park a vehicle in such a way as to block, restrict or impede the normal flow of traffic.

d. No person shall park a vehicle in a zone or area posted prohibiting parking.

e. No person shall park a vehicle on turf, meadow, prairie, marsh, field in a woodland or on the exposed roots of any tree or shrub, except in an emergency or a matter of public safety.

f. No person shall park a vehicle for the purpose of washing it or for the making of repairs or alterations to any vehicle except those of an emergency nature.

g. No group shall congregate within a parking area.

SECTION 4 SPEED LIMIT:

No person shall drive or propel, or cause to be driven along or over any road within the park, any vehicle or conveyance at a rate of speed greater than speed limit signs posted, nor in the absence of signs, at a speed in excess of 20MPH, at a speed which is more than reasonable and proper in regard to traffic conditions and the use of such roads, or endangers the safety of any person or property.

CHAPTER V:

REGULATIONS OF PERSONAL CONDUCT AND BEHAVIOR

SECTION 1: UNLAWFUL OBSTRUCTIONS:

a. No person shall fail or refuse to comply with any reasonable order relating to the regulation, direction or control of traffic, or to any other order lawfully given by any park personnel or law enforcement officer acting under the authority of the board or willfully resist, obstruct, assault, or abuse any park personnel or law enforcement officer or any other official in the execution of his office, or in any manner give aid to any person to escape from custody or to attempt to escape from pending arrest or custody.

b. No group shall collect or assemble within the park to do an unlawful act or for the purpose of inflicting injury to persons or property within the park.

c. No person shall remain within the park who does not abide by conditions adopted and posted by the board for the preservation of good order and the protection of property within the park. No person shall remain within the park who does not abide by the instructions and directions of duly authorized personnel, in the lawful performance of their duties. Any person directed by an employee or agent of the board to leave the park, shall do so promptly and peaceably.

d. No person without lawful authority shall engage in conduct which places another in reasonable apprehension of receiving a battery, nor shall any person intentionally or knowingly without legal justification and by any means cause harm to an individual.

SECTION 2: WEAPONS AND HARMFUL SUBSTANCES:

No person, except law enforcement officers in the line of duty, shall have or carry any gun, pistol, switchblade, knife, dagger, metal knuckles, chain, slingshot, blowgun, any lethal instrument, harmful solid, liquid aqueous, effervescent, gaseous substance or other dangerous weapon concealed on or about his person while within the park.

SECTION 3: DRUG AND ALCOHOL ABUSE:

No person shall drink, sell, possess, make a gift or offer for sale, any alcoholic liquor or dangerous drugs within the park. No person under the influence of either said substance shall enter or remain within the park, nor shall any person within the park use, administer, receive, offer for sale, possess, or make available to himself, or any person or animal, any alcoholic beverage or drugs.

SECTION 4: CONTROL AND TREATMENT OF ANIMALS:

a. Dogs shall be on a leash not more than eight feet in length. Cats and other pets shall be under the owner's control at all times. No person shall permit his dog, cat or other pet to interfere in any manner with the enjoyment or use of any area by others. Owners shall clean up all pet waste and dispose of in trash receptacles.

b. No person shall herd, graze, drive or permit to run at large within the park, any cattle, horse, mule, goat, swine or other animal, or any poultry or other fowl, without a permit from the Superintendent.

SECTION 5: PERSONAL CONDUCT:

a. No person shall, either by work or act, indulge in any noise, boisterous, disorderly or indecent conduct, or in any manner disturb the peace or good order of the community within the park by loud playing of record players, televisions, radios, tape recorders, noise makers, sound equipment, musical instruments, fighting or quarreling with loud voices or shouts, threatening violence to the person or property of others. No person shall disturb or intrude upon a picnic or gathering in any park without consent of those composing the group, except park employees in the proper pursuit of their duties.

b. No person shall commit, perform and engage in deviate sexual conduct or any act of public indecency. No person shall solicit or attempt to solicit another to engage in deviate sexual conduct or solicit or ask anyone to commit, perform, or engage in an

act of public indecency.

c. No person shall use obscene, profane or abusive language within a park.

d. No person shall loiter in or near any building, toilet, or other park structure, or loiter in or near a vehicle within a park.

e. No person, except maintenance park employees on duty, shall enter a toilet room set aside for the opposite sex.

f. No person shall contribute to the delinquency of a minor while within the confines of a park.

g. Every person shall conduct himself with due regard to the equal rights of others to the use and enjoyment of the park.

h. No person shall falsely represent or impersonate any police officer or Park Department employee.

SECTION 6: HINDERING OR BRIBING EMPLOYEES:

a. No person shall resist or obstruct, or be abusive of, or address in a profane or abusive manner, any Park Ranger, law enforcement officer, agent of the board or any employee engaged in work for the department.

b. No person shall give or offer to give any employee any money, gift, privilege or article of value on or off park property from any individual, company or corporation that might benefit from or expect to benefit from the employee's indebtedness.

CHAPTER VI: ENTRANCEWAY

No person shall enter the park except through designated entrances.

CHAPTER VII: PENALTY

Any person who violates any duty imposed by this ordinance or commits any act declared hereby to be unlawful and for which no specific penalties prescribed were provided by the laws of the State of Indiana, or by this ordinance, shall be guilty of a misdemeanor and, upon conviction, shall be fined for each such offense in any amount not to exceed Five hundred dollars (\$500.00). Any offense of an ongoing nature shall, upon conviction, be fined in a sum not to exceed Five hundred dollars (\$500.00) per day, for each day said offense is ongoing.

CHAPTER VIII: ENFORCEMENT

Enforcement of the provision of this ordinance is specifically authorized by any peace officer of the State of Indiana, and shall also be enforceable by designated employees of the LaPorte County Park and Recreation Department. Said employees of the LaPorte County Park and Recreation Department shall be designated with enforcement authority by the Superintendent of the LaPorte County Park and Recreation Department. In the event that either of the above-mentioned peace officers or employees of the LaPorte County Park and Recreation Department observe a violation of any of the provisions of this ordinance or receive reliable information which leads to the determination that a violation of the ordinance occurs: Said officer may cite the individual who has violated a provision of the ordinance. Said officer may cite any person whose conduct is specifically prohibited by this ordinance. Any said peace officer or employee of the LaPorte County Park and Recreation Department observing such a violation or receiving information which leads to the determination that a violation has occurred shall serve the aforementioned violating individual with a citation which specifies which portion of the ordinance had been violated and advising said individual that the violation may be prosecuted pursuant to the terms of the ordinance.

Prosecution of any said violations of this ordinance shall be the responsibility of the County Attorney. Upon referral of the citation for violation of the ordinance, the Office of the County Attorney will file with the appropriate court for adjudication of the violation.

CHAPTER IX: MISCELLANEOUS

SECTION 1: CONFLICT: All department rules and regulations and all rules and orders, or any parts thereof, in conflict with these rules and regulations, or any parts thereof, are hereby repealed.

SECTION 2: ENACTMENT: These rules and regulations shall be in full force and effect from and after its passage and approval by the Board.

SECTION 3: CAPTIONS AND HEADINGS: The captions and heading used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

SECTION 4: SEVERABILITY: Provisions of this Policy manual shall be considered severable and the validity of any part thereof shall not affect the validity of the remaining parts.

CHAPTER X: AMENDMENTS

These rules and regulations may be amended from time to time by a majority of the LaPorte County Board of Commissioners. Such amendments made may be shown by either revising the section amended or attaching the amendment to these rules and regulations. The LaPorte County Park and Recreation Board may from time to time recommend amendments to these rules and regulations.


REPEALER

All existing ordinances or parts of existing ordinances in conflict with the provisions of this ordinance are hereby repealed.

The provisions of this ordinance shall be effective after passage, approval and publication of all matters contained herein.

APPROVED and ADOPTED this 3rd day of December, 1990.

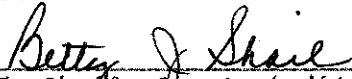
THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY


MICHAEL T. QUINN


NORMAN E. PAHS


MERLE BANNWART

ATTEST:


Betty J. Shafl, County Auditor

Please publish two (2) times in the Michigan City News-Dispatch and LaPorte Herald-Argus on Friday, December 14, 1990 and Friday, December 21, 1990.