



**Code of Ordinances**  
CITY OF AUBURN





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Parks

CHAPTER  
**93**

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**AUBURN**



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**93.01 PARK SUPERINTENDENT**

A Park Superintendent shall be appointed by the Mayor and shall serve at the pleasure of the Mayor pursuant to state statute. The superintendent shall have general management of parks, the laying out, beautifying, and control of the parks, and the superintendent shall for such purpose be clothed with authority to maintain order and discipline therein and to enforce compliance with the terms of this chapter.

**93.02 PARK FUNDS AND EXPENDITURES**

- A. The Common Council may, by ordinance, levy a tax on property, real and personal; or use other means to raise funds, to defray the expenses of the maintenance and improvement of the public parks of the city, to be expensed under the direction and supervision of the Common Council by budgetary process and Park Board. Funds so raised shall pass into a fund called the park fund, and shall not be diverted to any other use or purpose.
- B. The Common Council is authorized to accept and receive any bequests, donations, or other gifts or money or property made or given for the benefit of any public park under the supervision or control of the Board, and to invest or apply the gift in the manner designated by the donor, provided that the Board is of the opinion that the bequest, donation, or gift would be beneficial to the parks.

**93.03 CLEANUP REQUIRED**

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

**93.04 PROHIBITED ACTS**

It shall be a violation of this chapter for any person, group, association, organization, firm, or corporation using the parks to either perform or permit to be performed any of the following acts:

- A. Knowingly or intentionally mark, deface, disfigure, injure, tamper with, displace, or remove any structures, equipment, facilities, park property, or appurtenances, whether real or personal.
- B. 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, or thing, whether liquid or solid, which will or may result in the pollution of these waters.
- C. Bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such matter or material shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all such matter or material shall be carried away from the park by the person or group responsible for its presence and properly disposed of elsewhere.
- D. Possess fireworks of any kind, including but not limited to, firecrackers, sparklers, and smoke bombs.
- E. Carry, possess, or drink any alcoholic beverage in any park or park facility.
- F. Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided thereof, and in compliance with the regulations as are herein set forth or may be hereafter adopted.
- G. Harass, intimidate, bother, or disturb any person within any park.



- H. The use of motor vehicles or motorized vehicles of any sort upon any trail system located within or controlled by the Municipal City of Auburn, Indiana.
- I. All pets and / or animals located in the park system or any trail system owned or controlled by the City of Auburn, Indiana shall be secured by a leash or tether to prevent the pet and / or animal from moving freely. All animal excrement must immediately be cleaned up and disposed of in the nearest trash receptacle by the owner or person in control of the animal.

**93.05 HOURS OF OPERATION**

- A. The parks shall be opened daily to the public year-round during the hours of 6:00 a.m. to 10:00 p.m. of any day. It shall be unlawful for any person, other than city personnel conducting city business therein, to occupy or be present in a park during any hours in which the park is not open to the public except by special permission of the Auburn Department of Parks and Recreation or while engaged in organized recreational activities approved by the Auburn Department of Parks and Recreation. Any City owned Trail system may only be used between dawn and dusk each day, with the exception of those areas of the trail that are adjacent to City Streets.
- B. Any section or part of the park may be declared closed to the public by the Park Superintendent or the Chief of Police at any time and for any interval of time, either temporarily or at regular or stated intervals.

**93.06 GROUP ACTIVITY**

- A. Whenever any group, association, organization, firm, or corporation desires to use park facilities for a particular purpose such as picnics, parties, or theatrical or entertainment performances, a representative of the group, association, organization, firm, or corporation shall obtain a permit from the Park Superintendent. The Auburn Department of Parks and Recreation may adopt an application form to be used by the Park Superintendent for such situations.
- B. The Park Superintendent shall grant the application if it appears that the group, association, organization, firm, or corporation will not interfere with the general use of the park by the individual members of the public and if the group, association, organization, firm, or corporation meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the city from any liability of any kind and to protect city property from damage, and shall contain such a provision if the swimming pool is to be utilized by the group.

**93.07 PICNIC AREAS AND USE**

No person, group, association, organization, firm, or corporation shall picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

**93.08 OTHER REGULATIONS**

- A. Special activities

It shall be a violation of this chapter to engage in special activities including but not limited to flying model airplanes, golf practice, ice skating, games, and picnics except at locations specifically designated for such activities by the Park Board. Areas for such activities may be reserved by groups for use at specified times. Any special events that are contrary to the provisions of this chapter may only take place upon a waiver being approved by the Auburn Parks Board and the Auburn Board of Public Works.



B. Automobiles

It shall be a violation of this chapter to drive or park any automobile, motorcycle, moped, snowmobile, ATV, or other motorized vehicle except on a street, driveway, or parking lot in any park, or to park or leave any such vehicle in any place other than one established for public parking.

C. Sales

It shall be a violation of this chapter for any person other than employees and officials of this park district acting on behalf of this district to vend, sell, peddle, or offer for sale any commodity or article within any park without the consent of the Auburn Department of Parks and Recreation.

D. Signs

It shall be a violation of this chapter for anyone to paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription. No person shall erect or cause to be erected any sign on any public lands or highways or roads adjacent to a park.

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

**93.09 PROBABLE CAUSE CITATIONS**

Whenever any law enforcement officer compiles information which leads the officer to have probable cause to believe that a violation of this chapter has occurred, the officer may issue a citation on a form provided by the Clerk-Treasurer for the offender.

**93.10 PROSECUTOR OF CHARGES**

The County Prosecutor and/or his duly appointed Deputy or City Attorney or his duly appointed Assistant City Attorney is authorized to prosecute all charges of violation of this chapter.

**93.99 PENALTY**

A. Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than \$100. Upon a conviction of a third or subsequent offense committed within two years after the date of the first offense the penalty shall be a fine of not more than \$1,000.

B.

1. Any person who receives a citation under this chapter shall have the privilege of paying a forfeit to the Clerk-Treasurer of the city. Said forfeit shall be \$25 if paid within ten days of the citation.
2. Any person who violates this chapter and fails to pay the forfeit shall be subject to the penalty provision of division (A) above.

C. The forfeit and/or fine may be paid to the Clerk-Treasurer through the Violations Bureau.