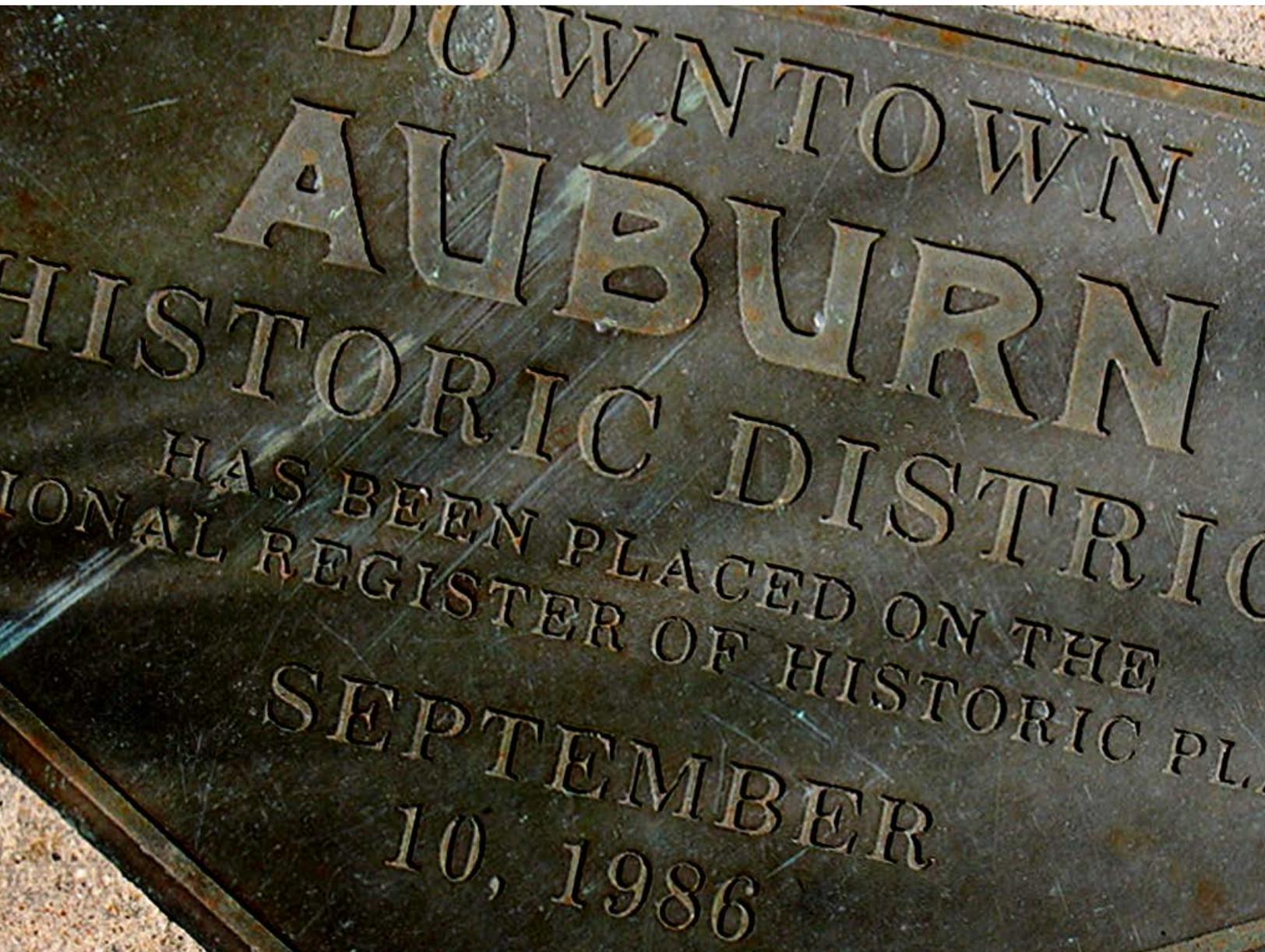




Code of Ordinances
CITY OF AUBURN





Code of Ordinances
CITY OF AUBURN

Parks

CHAPTER

93

AUBURN



Table of Contents

93.01	PARK SUPERINTENDENT
93.02	PARK FUNDS AND EXPENDITURES
93.03	CLEANUP REQUIRED
93.04	PROHIBITED ACTS
93.05	HOURS OF OPERATION
93.06	GROUP ACTIVITY
93.07	PICNIC AREAS AND USE
93.08	OTHER REGULATIONS
93.09	THE AUBURN ECKHART SKATE PARK
93.10	ALCOHOL PERMITTED FOR SPECIAL EVENTS
93.11	USE OF TOBACCO
93.12	REMOVAL OR EXCLUSION FROM A CITY PARK
93.13	REGISTERED SEX OFFENDERS PROHIBITED FROM USING CITY PARKS
93.14	PROBABLE CASUE CITATIONS
93.15	PROSECUTOR OF CHARGES
93.99	PENALTY

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..
- 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.
- C. Any City owned trail or path system controlled by the City of Auburn, Indiana shall be open between dawn and dusk each day, with the exception of those areas of the trail or path system that are adjacent to City Streets.

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 THE AUBURN ECKHART SKATE PARK

A. Auburn Eckhart Skate Park Rules Section

The Eckhart Skate Park is established in Eckhart Park located at 1500 Cedar Street, Auburn, Indiana. The Eckhart Skate Park is defined as the concrete area in which structures have been created for skating purposes and includes the grass area immediately adjacent.

B. Rules

The following rules shall apply to the skate park and violations of said park rules are subject to fines as set forth in Section 93.99 of the Auburn City Code. Violators, at the discretion of the City of Auburn, may be banned from the use of said park and be subject to no-trespass orders under Indiana Code.

1. Park hours shall be from 7:00 a.m. to sunset.
2. Only skateboards, in-line skates, manual powered scooters, quad skates, and bicycles are permitted within the skate park. No remote-control devices, motorized devices, or other mechanical or motor-powered devices shall be allowed to operate on or within the skate park.
3. Riders are encouraged to wear proper safety gear.
4. Children under twelve (12) must be supervised by an adult age eighteen (18) or above.
5. Shoes must be worn at all times.
6. All metal pegs must be removed.
7. No foreign obstacles are permitted within the complex, such as ramps, rails, or similar items.
8. Skate or ride in designated areas only.
9. No graffiti, tagging, accelerants, or waxing allowed.
10. Horseplay, roughhousing, and/or violence are not permitted.
11. No profanity, alcohol, drugs, smoking, or vaping of any kind is allowed within the skate park.
12. Food and drink are only allowed in designated spectator areas.
13. No glass in or around the skating area.
14. Spectators must stay off skating surfaces and watch from designated spectator areas.
15. No amplified music allowed.



16. Any scheduled event or contest must be approved or permitted by the Auburn Parks and Recreation Department.
17. Vendors are prohibited from accessing the skate park unless it is approved by the Auburn Parks and Recreation Department.
18. The facility shall not be used when surfaces are wet or during inclement weather.
19. No skating or riding on frozen surfaces allowed.
20. No mechanical or chemical means of snow or ice removal shall be allowed.
21. No pets shall be allowed within the skate park premises.

C. Notice

In addition to clearly posting the rules of the Eckhart Skate Park, the Auburn Parks and Recreation Department shall post notice within the park complex as follows:

1. All individuals shall abide by Section 93.09 of the Auburn City Code, located at www.ci.auburn.in.us, and the posted regulations of the Eckhart Skate Park. Skate at your own risk, know your abilities, and skate or ride within them.
2. Failure to follow these rules may result in expulsion from the park facility or closure of the Eckhart Skate Park.
3. All spectators and users of Eckhart Skate Park are in agreement with and shall abide by the rules and regulations of the Eckhart Skate Park.
4. The Auburn Parks and Recreation Department and / or the City of Auburn Police Department reserves the right to close this facility to the public at any time without notice.
5. The Auburn Parks and Recreation Department and / or the City of Auburn Police Department may issue No-Trespass Orders to individuals who violate the rules set forth herein. Violations of said No-Trespass Orders may lead to arrest and criminal charges being filed against the violator.

D. Warning Notice

The City of Auburn shall further have posted the following notice within the park complex warning participants of the potential injury associated with use of the park:

Use of this extreme sport area involves the risk of serious injury or death. Any user of this facility acknowledges these risks and assumes the risk of injury or death while using this facility. The only way to avoid the risk of serious injury or death is to not participate in the extreme sport activity provided at this facility.

E. Limitation of Liability

"Liability at extreme sports areas is limited under Indiana Code. This facility is defined as an 'extreme sports area' and Indiana law provides that a government entity that operates an extreme sports area has limited liability and tort claim immunity for damages at an extremes sports area if: (1) a set of rules governing the use of the facility is clearly posted at each entrance to the extreme sports area; and (2) a warning concerning the hazards and dangers associated with the use of the facility is clearly posted at each entrance to the extreme sports area. Indiana Code further provides that a governmental entity that operates an extreme sports area is required to maintain the area in a reasonably safe condition."

93.10 ALCOHOL PERMITTED FOR SPECIAL EVENTS

A. Definitions

- DEPARTMENT

The term "department" references the Auburn Parks and Recreation Department



- ALCOHOL

For purposes of this ordinance, alcohol beverage shall mean a liquid or solid that:

1. is, or contains, one-half percent (0.5%) or more alcohol by volume,
2. is fit for human consumption; and
3. is reasonably likely, or intended, to be used as a beverage.

- BEER

As set forth in IC 7.1-1-3-6, the term “beer” means alcoholic beverage obtained by the fermentation of an infusion or decoction of barley malt or other cereal and hops in water.

- LIQUOR

As stated in I.C. 7.1-1.3-21, the term “liquor” means an alcoholic beverage containing alcohol obtained by distillation. The term also means a wine that contains twenty-one percent (21%), or more, of alcohol reckoned by volume.

- PROGRAM/EVENT

Is an organized activity and/or event hosted by the Department for the community and surrounding areas to enjoy.

- SECURITY

Park Staff Member and/or Auburn Police designated as security.

- WINE

As stated in I.C. 7.1-1-3-49, the term “wine” means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruit, fruit juice, or other agricultural products containing sugar, including necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, and also the alcoholic fortification of the beverage. The term includes hard cider, except for alcoholic beverage purposes. The term does not mean an alcoholic beverage that contains twenty-one percent (21%), or more, of absolute alcohol reckoned by volume.

B. Alcohol Prohibited in Parks except for Special Parks Department Programs/Events.

It shall be unlawful to consume an alcoholic beverage in a City Park or to possess in a City Park an alcohol container that has been opened, that has a broken seal, or from which some of the contents have been removed.

The Auburn Parks and Recreation Department shall allow alcohol in the form of beer and /or wine to be distributed at or served at special program/events, upon a permit being obtained from the appropriate State of Indiana regulatory agency by the Auburn Parks Department and with authority and approval of the Auburn Parks Board.

The City of Auburn Parks and Recreation Department shall use only licensed bartenders for said event(s) and shall require a Vendor to operate the programs/events under the Supervision of the Parks Department. Said Vendor shall carry no less than \$1,000,000.00 in liability insurance per individual occurrence and no less than \$3,000,000.00 aggregate liability insurance. The City of Auburn shall be listed as an additional insured on the policy of the Vendor for each event held. The Vendor shall be listed on all alcohol permit applications for each specific event. The Vendor shall carry an appropriate liquor liability policy in order to work events at the City of Auburn.

The program/events shall be limited exclusively to Beer and Wine consumption and no liquor shall be allowed at said events.



The Parks Department Board shall establish internal procedures and policies regulating said program/events and shall be the host and supervisor of said events.

The Parks Department shall establish rules regarding the supervision and security for all events under this code section.

All other provisions regulations in the City of Auburn regulating Alcohol and not referenced in this Chapter shall remain in full force and effect.

93.11 USE OF TOBACCO

- A. Use Tobacco” shall mean to smoke, chew, or dip tobacco in any form.
- B. “E-Cigarette” shall mean any electronic device or nicotine delivery device, such as one composed of a heating element, battery, and/or electronic circuit which provides a vapor of nicotine or any other substance, and the use of inhalation of which simulates smoking.
- C. It shall be unlawful to use tobacco or e-cigarettes at any Auburn Parks Department Facility at any time.

93.12 REMOVAL OR EXCLUSION FROM A CITY PARK

The City of Auburn Parks and Recreation Department, its agent or designee (specifically including but not necessarily limited to any member of the Auburn Police Department) shall have the right to remove and exclude from a City Park any person whom the Department, its agent or designee, believes in its sole discretion to be acting in such a way as to endanger the health and safety of any other park user or to be acting in such a way as to prevent the use and enjoyment of the park by another park user. No person who is removed or excluded from a City Park shall reenter the City Park for twenty-four (24) hours after the original removal or exclusion. Said exclusion may be extended by the City Department of Parks and Recreation for good cause. It shall be unlawful to refuse to obey the commands of an agent or designee of the Department of Parks and Recreation when removed or excluded from a City Park.

93.13 REGISTERED SEX OFFENDERS PROHIBITED FROM USING CITY PARKS

No person who is required to register as a sexual offender by the State of Indiana or any other state who is listed on the State of Indiana Sex Offender Registry shall be permitted to enter or to remain in a City Park.

93.14 PROBABLE CASUE 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 to the offender.

93.15 PROSECUTOR OF CHARGES

The County Prosecutor and/or said duly appointed Deputy or City Attorney or said 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 One Hundred and No/100 Dollars (\$100.00). Upon a conviction of a third or subsequent offense committed within two (2) years after the date of the first offense the penalty shall be a fine of not more than One Thousand and No/100 Dollars (\$1,000.00).



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 Twenty-five and No/100 Dollars (\$25.00) if paid within ten (10) 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.

Ordinance 2020-16 passed October 20, 2020

Ordinance 2021-09 passed June 15, 2021