

ORDINANCE 1832

AN ORDINANCE AMENDING CHAPTER 34, PARKS AND RECREATION, OF THE MUNSTER CODE OF ORDINANCES

WHEREAS, the Town Council of the Town of Munster is the municipal legislative body of the unit; and

WHEREAS, The Town of Munster, the Board of Parks and Recreation, Staff, and consultants have reviewed and recommended various changes to the Munster, Indiana Code regarding the Department of Parks and Recreation, its funding, and the rules and regulations within parks and recreational areas in the Town of Munster; and

WHEREAS, based on those recommendations, the Munster Town Council has conducted a public hearing after due notice as required by law on the proposed amendments; and

WHEREAS, The Town of Munster, after said public hearing and after due deliberation, has concluded that amendments and additions to Chapter 34 – Parks and Recreation, are appropriate; and

WHEREAS, The Munster Town Council deems it to be in the best interest of the general health, safety, and welfare of the citizens of the Town of Munster to repeal and replace Chapter 34 – Parks and Recreation, of the Munster Code of Ordinances, in its entirety.

Now, therefore, be it **ORDAINED** by the Town Council of the Town of Munster, Lake County, Indiana as follows:

1. Chapter 34 – Parks and Recreation, of the Munster Code of Ordinances, is hereby repealed and deleted in its entirety and replaced with the following:

Chapter 34 – PARKS AND RECREATION

ARTICLE I – DEPARTMENT OF PARKS AND RECREATIONS

Division 1 – Generally

Sec. 34-1. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the Munster Parks and Recreation Board created under this article.

Department means the Parks and Recreation Department created under this article, which is composed of the Board, a superintendent, and such other personnel as the Board may determine.

District means the area within the jurisdiction of the Munster Parks and Recreation Board.

Park(s) means all developments, improvements, facilities, and any or all land, minerals, waters, overhead air rights, easements and other reservations owned, leased, controlled, or used by the Munster Parks and Recreation Department for public recreational use.

Recreational area and/or facility means any parks, buildings, grounds, greenspace, and sites under the jurisdiction of the Munster Parks and Recreation Department, and any improvements thereon, including but not limited to, play equipment, athletic fields, swimming pools, parking lots, picnic shelters, restrooms, performing arts facilities, public buildings, bike paths or trails, and any other structures or improvements dedicated to recreation purposes, community entertainment, relaxation, social activity, and other leisure needs. This term includes the Community Park Social Center, Centennial Park Clubhouse, and Centennial Park Golf Course.

Superintendent, also referred to as Director, means the administrative head of the Munster Parks and Recreation Department.

Secs. 34-2. - 34-10. Reserved

Division 2 – Department of Parks and Recreation established

Sec. 34-11. Established; Board members; Terms of office.

The Department of Parks and Recreation of the Town of Munster is hereby reestablished, governed by the provisions of I.C. 36-10-3 et seq. The Department consists of a Parks and Recreation Board, a superintendent, and other personnel that the Board determines.

(a) The Parks and Recreation Board consists of five members as follows:

- (1) Four members shall be appointed by the Town Council, as the town legislative body. No more than two members may be affiliated with the same political party.
- (2) The fifth member shall be an ex officio member of the Board of Parks and Recreation who shall be a member of the governing body of the School Town of Munster selected by that body. The member appointed by the School Board shall serve for a term which is concurrent with his term as a member of the School Board, but not to exceed four years. This ex-officio member shall have all the rights of regular members of the Board of Parks and Recreation, including the right to vote.
- (3) All members must be residents of the District and shall be appointed based on their interest in and knowledge of parks and recreation.
- (4) Each member's term is for four (4) years. If a vacancy occurs on the Board, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.
- (5) All terms expire on the first Monday in January, but a member continues in office until the member's successor is appointed. If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term.

- (6) A municipal executive, member of a county fiscal board, county executive, or member of a municipal fiscal body may not be appointed to membership on the Board.
- (7) A member may only be removed for cause, in accordance with I.C. 36-10-3-6, as amended from time to time.
- (b) Waiver of political affiliation. Notwithstanding Sec. 34-11(a), the Town Council may, by a majority vote, waive one or both of the following requirements of a citizen Board member only if the waiver is necessary due to absence of persons who are willing to serve on the Board and who satisfy any or all of the requirements:
 - (1) The requirement that a citizen member of the Board be affiliated with a political party.
 - (2) The requirement that not more than two (2) of the four (4) citizen members of the Board be affiliated with the same political party.

Sec. 34-12. Member compensation

Each member of the Board of Parks and Recreation shall receive as compensation the sum of \$600.00 annually, payable in convenient installments determined by the Town Council, and prorated for actual time served if less than a year.

Sec. 34-13. Governance; Election of officers

- (a) All meetings of the Board are open to the public. The Board shall fix the time and place of its regular meetings, but it shall meet at least quarterly.
- (b) Special meetings of the Board may be called by the president or by any two members by written request to the secretary.
- (c) At its first regular meeting each year the Board shall elect a president and a vice-president. The vice-president may act as president during the absence or disability of the president. The Board may select a secretary either from within or outside its membership.
- (d) A majority of the members constitutes a quorum. Action of the Board is not official unless it is authorized by at least three members present and acting, in accordance with I.C. 5-14-1.5-3.5, as amended from time to time.

Sec. 34-14. Powers and duties

The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions, including those powers and duties as set forth in IC 36-10-3-10 et seq.

Sec. 34-15. Rule-making authority

- (a) Pursuant to its authority under this chapter and subject to the applicable Indiana law, the Board shall exercise general supervision of and make rules for the Department and establish rules governing the use of the parks and recreational facilities by the public.
- (b) A copy of all rules and regulations of the Department shall be filed for the convenience of the public in the general office of the Parks and Recreation Department, and with the Office of the Clerk-Treasurer.
- (c) Any person who violates or fails to comply with the rules and regulations of the Parks and Recreation Department of the Town may be punished by a fine not to exceed \$2,500 and as set forth in section 34-62, provided that the rule or regulation shall be adopted by ordinance of the Town Council. Every day of any violation of this chapter shall constitute a separate offense.
- (d) The Board shall have the authority to enforce its rules and regulations according to rules it may promulgate, including bringing suit in the name of the municipality for all legal or equitable relief, provided that:
 - (1) a majority vote of the entire membership of the Board shall be sufficient to pass and adopt any rule, regulation, order or resolution, unless a greater vote is required by statute, ordinance or rule; and
 - (2) any rule or regulation regarding the use of the parks and recreational facilities that may be punished by any penalty or fine shall be effective only if also set forth in an ordinance adopted by the Town Council.

Sec. 34-16. Superintendent of Parks and Recreation

- (a) The Board may appoint a superintendent of the Parks and Recreation Department. The Board may not consider political affiliation in the selection of the superintendent.
- (b) The superintendent must be qualified by training or experience in the field of parks and recreation or have a certification or an advanced degree in the field of parks and recreation.
- (c) Under the direction of the Board, the superintendent shall:
 - (1) Propose annually a plan for the operation of the Department;
 - (2) Administer the plan as approved by the Board;
 - (3) Supervise the general administration of the Department;
 - (4) Keep the records of the Department and preserve all papers and documents of the Department;
 - (5) Recommend persons for appointment as assistants if the Board determines there is a need;

- (6) Appoint the employees of the Department, subject to the approval of the Board, according to the standards and qualifications fixed by the Board and without regard to political affiliation;
 - (7) Prepare and present to the Board an annual report; and
 - (8) Perform other duties that the Board directs.
- (d) If the Board determines that the size of the Department's operation requires assistants for the superintendent, the Board may appoint, upon the recommendation of the superintendent, one or more assistants. The Board shall determine their qualifications on a basis similar to that prescribed for the superintendent.
 - (e) Assistants are directly responsible to the superintendent and shall perform the duties specified by the superintendent.

Sec. 34-17. Bonds of officers and employees

Each person and each employee who may be charged with the duty of handling any funds in the performance of his duties as authorized or directed by the provisions of this chapter shall execute an official bond for his term, or alternatively, the Town may purchase a blanket bond or crime insurance policy, as permitted by IC 5-4-1-18.

Secs. 34-18. - 34-30. Reserved

ARTICLE II – PARKS AND RECREATION FUNDING

Sec 34-31. Budget and operating expenses

- (a) The Board of Parks and Recreation shall prepare and submit an annual budget to the Town Council in the same manner as other departments of the Town, as prescribed by the State Board of Accounts.
- (b) The Town Council, as it might determine, shall provide the revenues necessary for the operation of the Department and for capital expenditures not provided by the issuance of bonds, or both, by a specific levy to be used for such purposes exclusively or by special appropriation, or both.

Sec. 34-32. Activity fees

Parks and recreational facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the Board may charge a reasonable fee.

Sec. 34-33. Non-reverting capital fund

A special non-reverting capital fund to be used by the Parks and Recreation Board for the purpose of acquiring land and/or making capital improvements thereto is hereby created.

Secs. 34-34. – 34-50. Reserved.

ARTICLE III – CONDUCT WITHIN PARKS AND RECREATIONAL AREAS

Division 1 – Generally

Sec. 34-51. Definitions

In addition to the definitions set forth in section 34-1, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means a liquid or solid that is or contains one-half percent (0.5%) or more alcohol by volume; is fit for human consumption; and is reasonably likely or intended to be used as a beverage.

Bike path means the paved walkway or greenway designated as a “bike path” or “bike trail” within a park or recreational area dedicated as a path for multiuse by pedestrians, bicycles, and other similar recreational activities, excluding vehicles, in the Town of Munster. This term does not include the portion of the street or roadway known as a “bike lane” or “bike route” which separates the bike traffic lane from the vehicle traffic lanes and is designated by striping, signage, and pavement markings; See Chapter 54, Traffic and Vehicles, for regulations regarding “bike lanes” and other traffic on public streets and roadways.

Centennial Park Clubhouse means the clubhouse building and outdoor patio.

Consumer fireworks means “consumer fireworks” as defined by I.C. 22-11-14-1, as amended from time to time.

Electric foot scooter means “electric foot scooter” as defined by I.C. 9-13-2 *et seq.*, as amended from time to time.

Electric personal assistive mobility device means “electric personal assistive mobility device” as defined by I.C. 9-13-2 *et seq.*, as amended from time to time.

Hunting means seeking, harassing, hurting, injuring, removing, disturbing, pursuing and capturing, or killing wildlife or feral animals. This term does not include an animal rescue, whether law enforcement or civilian, to recover a lost, unwanted, abandoned, abused, or stray pet, or recover an animal from substandard conditions or cruelty to give the animal a better life.

Loiter means to stand or wait around idly or without apparent purpose; to move in a slow, idle manner with purposeless stops; or, to move slowly back and forth without purpose or intent to travel in either direction. This term applies whether alone or with others.

Motor driven cycle means a “motor driven cycle” as defined in I.C. 9-13-2 *et seq.*, as amended from time to time.

Motor vehicle means a motor driven (gas or electric) device in, upon, or by which a person or property is, or may be, transported upon a highway. This term includes, without limitation, passenger automobiles. This term does not include watercraft, aircraft, a snowmobile, a motorized cart, an off-road vehicle, a motor-driven cycle, an electric bicycle, an electric foot scooter, or an electric personal assistive mobility device.

Motorboat means any type of watercraft which has for its primary source of power an internal combustion engine or electric motor whether inboard or outboard.

Motorized cart means a motor driven (gas or electric) device in, upon, or by which a person or property is, or may be, transported, and is smaller than the motor vehicles required to be registered by the Bureau of Motor Vehicles (such as a passenger motor vehicle, recreational vehicle-RV, or truck), as defined by IC 14-19-1-0.5, as amended from time to time. This term includes a golf cart, utility cart, or similar form of motorized vehicle. This term does not include a motorcycle, an off-road vehicle, a snowmobile, an electric bicycle, an electric personal assistive mobility device, or an electric foot scooter.

Off-road vehicle means a motor driven (gas or electric) device capable of cross-country travel without benefit of a road and on or over land, water, snow, marsh, or other natural terrain, as defined by IC 14-8-2-185, as amended from time to time. This term includes a multi-wheel drive or low-pressure tire vehicle, an all-terrain vehicle (ATV), a recreational off-highway vehicle (RV), a motor-driven cycle, watercraft, aircraft, and other means of transportation deriving power from a source other than muscle or wind. This term does not include a motorized cart, an electric bicycle, an electric personal assistive mobility device, an electric foot scooter, a snowmobile, a farm vehicle, or any other vehicle properly registered by the Bureau of Motor Vehicles.

Permit and reservation means any authorization issued by the superintendent pursuant to the authority of the Parks and Recreation Board for a specific park privilege, activity or event or permitting the performance of a specific act(s) in any park.

Playground means the area within a park or recreational area designed, in part, to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities.

Rules and regulations means any rule or regulation that governs the use of the Munster parks and recreational facilities by the public that is enacted in accordance with this chapter.

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookah and marijuana, in any manner or in any form. This term includes the use of an electronic smoking device that simulates smoking through inhalation of vapor or aerosol from the product. This term also includes any device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, stig, dab pen, vape pen, or under any other product name or descriptor.

Sports arena means an indoor or outdoor place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

Watercraft means all flotation devices intended to carry a human passenger upon the water, with or without a motor, including boats of any type, canoes, rafts, and inflatable flotation devices.

Wildlife means any wild mammal, bird, reptile, amphibian, mollusk, crustacean, or other wild animal or any part, product, offspring, or dead body or parts of a wild animal.

Secs. 34-52. – 34-60. Reserved

Division 2 – Administration and Enforcement

Sec. 34-61. Purpose and application

- (a) This Code, all ordinances, and all Rules and Regulations shall apply to all parks and recreational areas and facilities in the Town of Munster, unless the content requires otherwise.
- (b) This Code, all ordinances, and all Rules and Regulations applicable to the parks shall apply, by definition, to all bike paths located in the parks. This Code, all ordinances, and all Rules and Regulations applicable to recreational areas or facilities shall apply, by definition, to all bike paths located in the recreational areas or facilities. Additionally, this Code, all ordinances, and all Rules and Regulations specifically applicable to bike paths shall apply to all bike paths in the Town, wherever located.

Sec. 34-62. Penalties

- (a) Any person who shall violate any provision of this chapter of the Code, as defined in section 1-7 (a) and (b), shall be punished by a fine of \$100, unless otherwise indicated in this chapter.
- (b) Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. The imposition of a penalty does not prevent suspension or revocation of a license or permit, or other administrative sanction, or vice-versa.
- (c) Any violation of a law, ordinance, rule or regulation of the Board or any Town department, or term or condition of a permit shall constitute grounds for revocation of the permit. In case of revocation of any permit, all monies paid for the permit or on account of the permit shall be forfeited and retained by the Town. However, such forfeiture and retention by the Town shall not relieve any person from liability or punishment for any violation.

Sec. 34-63. Enforcement

The provisions of this article shall be enforced by the Department, law enforcement officers acting under the authority of the Board, and those persons or agencies designated by municipal authority or by state law for such a purpose, which shall include but not be limited to, the

issuance of citations for violations of this chapter and ordering the removal of such person(s) in violation of this chapter from any park and/or recreational facility.

Sec. 34-64. Failure to comply with orders of enforcement authority

No person shall fail or refuse to comply with any reasonable order relating to the regulation, direction, control, or to any other order lawfully given by any person or agency acting under the authority of the Board to enforce the rules and regulations of the parks and recreational facilities and other provisions of this chapter.

Secs. 34-65. – 34-70. Reserved

Division 3 – Lightning Prediction System

Sec. 34-71. Definitions

In addition to the definitions set forth in sections 34-1 and 34-51, the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Lightning prediction system means the lightning prediction warning system installed in all parks that provides an audible warning signal if there is a threat of lightning within the area of the park and recreational area.

Supervisory personnel means all adults exercising care, custody, or supervision over minor children engaged in a youth activity in a park or recreational area, including but not limited to, team coaches, managers, group leaders, and their assistants. This term includes the league, association, and organization that administers, sponsors, manages, employs, or is in control of the adults exercising care, custody, or supervision over the minor children engaged in the youth activity in a park or recreational area. This term also includes the league, association, and organization that administers, sponsors, manages, or is in control of the specific youth activity for the minor children in the park or recreational area.

Youth activity means any sport or other activity carried on in any park or recreational area in which minor children are supervised by adult leaders.

Sec. 34-72. Required response to lightning warning signal

When the Town lightning prediction system activates an audible warning signal indicating the threat of lightning is in the area of the park or recreational area, supervisory personnel shall immediately cease the youth activity, move the minor children under their supervision to a place of safety, and keep the minor children under their supervision in the place of safety until the Town lightning prediction system provides an all-clear signal.

Sec. 34-73. Failure to respond to lightning warning signal

It is a violation of this section, if:

- (a) Following a lightning warning signal, supervisory personnel do not promptly stop or cease the youth activity;
- (b) Following a lightning warning signal, supervisory personnel do not move the minor children under their supervision to a place of safety; or
- (c) Following a lightning warning signal, supervisory personnel return from a place of safety to continue the youth activity before a subsequent audible all-clear signal is provided by the lightning prediction system.

Sec. 34-74. Penalties for violations

- (a) All supervisory personnel in violation of this division, upon conviction, shall each be fined in the amount of \$250 per violation.
- (b) Liability for a violation of this division shall apply separately to each and every individual, league, organization, etc., defined as supervisory personnel in section 34-71.
- (c) For any violation of this division, the violator may be punished as prescribed in this section, and additionally, may be prohibited from the use of the parks and recreation facilities in the sole discretion of the Department.

Secs. 34-75. – 34-80. Reserved

Division 4 – Rules and Regulations

Sec. 34-81. Park hours

- (a) All parks are open to the public from 6:00 a.m. to dusk (local time) every day.
- (b) It shall be a violation of this section for any person to enter or remain in any park after dusk and before 6:00 a.m. (local time).
- (c) It is not a violation of this section to be on a bike path in a park as permitted in sec. 34-82; to be on the Centennial Park Golf Course as permitted in sec. 34-84; or to be in park in accordance with a valid Department issued permit, when attending a permitted function, or when participating in a Department or Town of Munster sanctioned event.

Sec. 34-82. Bike path hours

- (a) Use of all bike paths in the Town is permitted from 6:00 a.m. to 8:00 p.m. (local time) from November 1 to March 31, and from 5:30 a.m. to 10:30 p.m. (local time) from April 1 to October 31.
- (b) It shall be a violation of this section for any person to use or be present upon a bike path at any time other than during the permitted bike path hours set forth in subsection (a).

Sec. 34-83. Use of bike paths

- (a) In accordance with section 34-61, this Code, all ordinances, and all Rules and Regulations shall apply to all parks and recreational areas and facilities in the Town of Munster, including, by definition, all bike paths in the Town, wherever located.
- (b) It shall be a violation of this section for any person to loiter on any bike path at any time.

Sec. 34-84. Centennial Park Golf Course

- (a) During the golf season, Centennial Park Golf Course shall be open to the public at such times designated by the Department. Except during the hours specified, no person other than employees of the Department and the Centennial Park golf management contractor shall be permitted to remain on the Centennial Park Golf Course.
- (b) The Board shall fix and collect reasonable fees for the use of the Centennial Park Golf Course. No person shall play upon the Centennial Park Golf Course, except upon payment of the fees stipulated by it and in compliance with its rules and regulations, as may be adopted or amended at any time.
- (c) All persons within the limits of the Centennial Park Golf Course shall abide by the rules and regulations of the Golf Course, the orders of the Centennial Park golf management contractor, and the laws of the Town of Munster and State of Indiana.
- (d) Any person who shall violate this section shall be punished as prescribed by this chapter, and additionally, may be excluded from the use of the Centennial Park Golf Course in the sole discretion of the Department.

Sec. 34-85. Golfing

- (a) Except as permitted on the Centennial Park Golf Course, no person shall golf in any park.
- (b) Wiffle golf using a standard Wiffle ball is permitted in all parks. However, it is a violation of this section if a player makes a divot in the grass while playing Wiffle golf and does not replace the divot immediately.

Sec. 34-86. Fishing

- (a) No person shall fish by any method or of any type, including ice fishing, in any public body of water in any park or recreational area, except as set forth in subsection (c).
- (b) No person shall take or attempt to take any fish from any public body of water in any park or recreational area, or at any time throw an object at any fish, or place in such waters any fish, poison, or any substance injurious to fish.
- (c) Notwithstanding subsection (a), catch and release fishing, only, is permitted at Maynard Lake in Centennial Park.

Sec. 34-87. Swimming and boating

No person shall swim, bathe, or operate any watercraft in any public body of water in any park or recreational area, except as permitted at the Munster Community Park Pool.

Sec. 34-88. Ice skating and downhill skiing

No person shall ice skate or downhill ski in any park.

Sec. 34-89. Cross-country skiing

- (a) Except for the Centennial Park Golf Course, Cross-country skiing is permitted in all parks.
- (b) It shall be a violation of this section to cross-country ski on the Centennial Park Golf Course.

Sec. 34-90. Sledding

Snow sledding and snowboarding are prohibited in all parks, except in such areas specifically designated.

Sec. 34-91. Skateboards, skates, and bicycles

No person shall ride, operate, or use a bicycle, electric bicycle, skateboard, roller skates, inline skates, or similar item in any park or recreational area as follows:

- (a) On any athletic court, including but not limited to, tennis courts, pickleball courts, basketball courts, or volleyball courts;
- (b) On the Centennial Park stage area in Centennial Park; or
- (c) Up or down steps or stairs, on railings, retaining walls, seat walls, benches, picnic tables, or similar architectural features.
- (d) This section does not apply to the operation or use of a skateboard, roller skates, inline skates, bicycle, or similar item in the area designated as the skatepark in Community Park, where such activity is permitted.
- (e) This section does not apply to and shall not restrict the use in any park or recreational area of an electric personal assistive mobility device or an electric scooter, which operate in accordance with the needs and requirements of the American with Disabilities Act (ADA).

Sec. 34-92. Snowmobiles

Snowmobiles are prohibited in all parks and recreational areas.

Sec. 34-93. Motor vehicles

All motor vehicles, motorized carts, and off-road vehicles are prohibited in all parks and recreational areas in the Town of Munster, except as set forth in subsections (a) through (d).

- (a) Properly licensed and registered motor vehicles are permitted upon any improved roadways or paved parking areas in all parks and recreational areas, so long as the operation thereof complies with all traffic laws of the State and the Town of Munster.
- (b) Golf carts are permitted on the Centennial Park Golf Course, only.
- (c) This section does not apply to motor vehicles, motorized carts, or off-road vehicles owned or operated by employees of the Town of Munster, the Centennial Park golf management contractor, or an individual authorized by the Department or the Centennial Park golf management contractor, when operation of such vehicle is for park or recreational facility maintenance, patrol, rule enforcement, or any other authorized purpose, and is in strict compliance with state law and local ordinance.
- (d) This section does not apply to and shall not restrict the use in any park or recreational area of an electric personal assistive mobility device or an electric scooter, which operate in accordance with the needs and requirements of the American with Disabilities Act (ADA).

Sec 34-94. Fireworks

- (a) Notwithstanding section 30-8 of this Code (Regulation of consumer fireworks), fireworks are prohibited in all parks and recreational areas.
- (b) It shall be a violation of this section for any person to use, ignite, or discharge consumer fireworks at any time in any park or recreational area.
- (c) This section does not apply to the Town of Munster, the Centennial Park golf management contractor, an authorized sponsor of a permitted special event, or any Department authorized individual, only when acting in strict compliance with state law and with the terms of a valid Department issued permit or contract.

Sec. 34-95. Open burning, fires, and grilling

- (a) No person shall build, kindle, maintain, or use a fire within any park, including but not limited to, open burning, campfires, or grilling (charcoal, gas, pellet, kamado, etc.)
- (b) This section shall not apply to the Town of Munster, the Centennial Park golf management contractor, an authorized sponsor of a permitted special event, or any Department authorized individual, only when acting in strict compliance with state law and with the terms of a valid Department issued permit or contract.

Sec. 34-96. Hunting and feeding wildlife

- (a) No person shall hunt any wildlife in any park or recreational area.
- (b) No person shall feed any wildlife in any park or recreational area.

Sec. 34-97. Animals

- (a) It shall be a violation of this section for any person to bring, have, or possess any animal in any park or recreational area in the Town of Munster, except as set forth in subsection (b).

- (b) Dogs and cats are permitted in all parks and recreational areas, so long as the dog or cat is properly restrained by a leash and controlled by its handler, in accordance with chapter 6 of this Code (Animals), or while in the off-leash area of the Centennial Park Dog Park, in accordance with sec. 34-98.
- (c) Dog and cat owners or handlers shall prevent their pet from excreting in all parks and recreational areas, unless the owner or handler immediately removes the excreta deposited by the animal and disposes of it properly.
- (d) Any person who shall violate this section shall be punished as prescribed by this chapter, and additionally, in the sole discretion of the Department, may have his/her current Centennial Park Dog Park membership revoked and/or be excluded from future membership.

Sec. 34-98. Centennial Park Dog Park

- (a) All persons must abide by the posted rules at the Centennial Park Dog Park, as well as the terms of his/her Dog Park membership contract. Unauthorized use of the dog park is a violation of this section and all persons involved are separately liable regardless of whether a person has a membership to the Centennial Park Dog Park.
- (b) Notwithstanding sec. 34-97, pet owners with a valid membership to the Centennial Park Dog Park may remove his/her dog from its leash in the off-leash area of the dog park, only.
- (c) Any person who shall violate this section shall be punished as prescribed by this chapter, and additionally, in the sole discretion of the Department, may have his/her current Centennial Park Dog Park membership revoked and/or be excluded from future membership.

Sec. 34-99. Alcoholic beverages

- (a) No person shall drink, possess, offer for sale, consume, giveaway, or handle any alcoholic beverage of any type or form in a park or recreational area or facility, regardless of if such person is in a vehicle or on any other type of device or conveyance, except as provided for in subsections (b) through (d).
- (b) It is not a violation of this section to possess an alcoholic beverage in a vehicle or on any type of device or conveyance in a park or recreational facility so long as the seal on the opening of the container containing the alcoholic beverage is intact and has not been broken.
- (c) This section shall not apply to the Town of Munster, the Centennial Park golf management contractor, an authorized sponsor of a permitted special event, or any Department authorized individual, only when acting in strict compliance with state law and with the terms of a valid Department issued permit or contract.

- (d) This section shall not apply to persons consuming alcoholic beverages obtained from an entity or individual identified in subsection (c) provided that the consumption of alcoholic beverages is within the area designated on the valid Department issued permit or contract.

Sec. 34-100. Glass containers

Glass containers are prohibited in all parks and recreational areas and facilities except when authorized by the Department or the Centennial Park golf management contractor for use at the Centennial Park Clubhouse or Golf Course, or when authorized by the Department for use at the Community Park Social Center.

Sec. 34-101. Posting or depositing advertisements on vehicles

- (a) It shall be a violation of this section for any person to place any sign, card, flyer, circular, notice, or other advertisement upon any vehicle located in a park or recreational area.
- (b) The provisions of this section shall apply in addition to the provisions of sec. 30-4 of this Code (Posting or depositing advertisements).
- (c) The provisions of subsection (a) shall not apply to legal notices or documents, nor to a vehicle that is specifically owned by the person.

Sec. 34-102. Merchants, solicitors, and peddlers

- (a) No person shall sell, offer, exchange, solicit, exhibit, or lease any object, article, privilege, or service, nor solicit for charitable contributions within a park or recreational area without first having:
 - (1) Registered with the Town Clerk-Treasurer, in accordance with Chapter 10 of this Code (Businesses);
 - (2) Applied for and obtained a license from the Town Clerk-Treasurer, in accordance with Chapter 10 of this Code (Businesses); and
 - (3) Applied for and obtained a permit from the Parks and Recreation Department using the commercial enterprises permit application procedure.
- (b) This section applies to all commercial enterprises, including, but not limited to, concessions, food-trucks, craftsmen, artists, etc., as well as all parties defined in Chapter 10 of this Code (Businesses).

Sec. 34-103. Parks and recreational facility usage, rentals, and special events

- (a) Picnic tables, benches, and bleachers in all parks and recreational areas are available on a first come-first served basis. No reservation is required.
- (b) Except as set forth in subsection (d), a person may obtain a permit to reserve and ensure priority use of any park and recreational area or facility but is not required.

However, any person who holds a valid Department issued rental agreement or permit has priority use of the designated parks and recreational area or facility per the terms of the rental agreement or permit.

- (c) Any person who refuses to immediately vacate a parks and recreational area or facility upon presentation of a valid Department issued permit in favor of another person is in violation of this section.
- (d) Notwithstanding subsection (b), a rental agreement and/or permit is required to use the following parks and recreational areas or facilities at any time:
 - (1) Any indoor or outdoor area of the Community Park Social Center, Centennial Park Clubhouse, and Centennial Park Entertainment Stage;
 - (2) Any outdoor area of a park or recreational area (greenspace) for an organized event; or,
 - (3) Any shelter, gazebo, athletic field, or court in any park or recreational area by a group of 15 or more people. (A group of less than 15 people may obtain a permit to ensure priority use of such facilities but is not required.)
- (e) All applications shall be submitted to the Department's administrative office in compliance with the Department's procedures applicable to the event and/or facility.
- (f) The Department reserves the right to require a Security Plan in compliance with chapter 46, article VIII, sec. 46-403 and 46-404, (Special event permits) as a condition of issuance of any rental agreement or permit under this section.
- (g) If an application under this section is denied by the Department, the applicant has the right to appeal this decision to the Munster Parks and Recreation Board. If an appeal is desired, the applicant is required to file a notice of appeal with the Superintendent and appear in person at the next Park Board meeting no less than five business days after the notice of appeal is filed. The Park Board will review the appeal and make a final determination on the event.
- (h) The provisions of sec. 46-406 of this Code (Penalties for noncompliance) shall apply to the recipients of all rental agreements or permits issued by the Department in accordance with this section.

Secs. 34-104. – 34-120. Reserved

This Ordinance shall take effect upon the date of its publication which shall occur within thirty (30) days after passage.

Now, therefore, be it **ORDAINED** that the above-referenced Ordinance is hereby enacted.

20 **ORDAINED and ADOPTED** by the Town Council of the Town of Munster, Indiana, on the day of September 2021, by a vote of 3 in favor and 2 opposed.

**TOWN COUNCIL OF THE TOWN OF MUNSTER,
LAKE COUNTY, INDIANA**



Dr. Andy Koultourides, President

ATTEST:



Wendy Mis, Clerk-Treasurer

