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CHAPTER 5

PARK, RECREATION AND CEMETERIES

ARTICLE 1. IN GENERAL.

Sec. 5-1 Authority To Operate.⁸⁷

The City may establish, aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs.

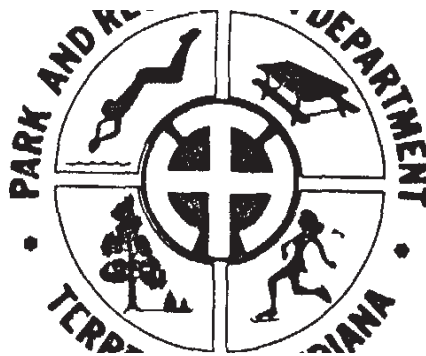
Sec. 5-2 and Sec. 5-3 Reserved for Future Use.

ARTICLE 2. ADMINISTRATION.

Sec. 5-4 Department of Parks and Recreation.

a. Under the provisions of *I.C.* § 36-10-3-1 through *I.C.* § 36-10-3-39 as enacted in the Acts of the Indiana General Assembly of 1981, there is established and created a Department of Parks and Recreation of the City of Terre Haute, Indiana, composed of a Board of Parks and Recreation, a Superintendent, and other personnel that the Board determines. (Gen. Ord. No. 6, 1982, § 1, 6-10-82, *Journal of Common Council*, p. 210)

b. Sec. 2-47 of this *Terre Haute City Code* also addresses the Department of Parks and Recreation.



⁸⁷ *I.C.* § 36-10-2-2, authorizes cities to establish and maintain park facilities.

Sec. 5-5 Definitions.

As used in this Chapter:

City. The City of Terre Haute, Indiana.

Council. The Common Council of the City of Terre Haute, Indiana.

Board. The Terre Haute City Parks and Recreation Board.

Superintendent. The administrative head of the Department of Parks and Recreation of the City of Terre Haute, Indiana.

Department. The Department of Parks and Recreation of the City of Terre Haute, Indiana.

District. The area within the jurisdiction of a department. (Gen. Ord. No. 6, 1982, § 2, 6-10-82, *Journal of Common Council*, p. 211)

Sec. 5-6 Appointment of Park Board Members.

a. The Mayor of the City shall appoint the members of the Board. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party.

b. Neither the Mayor nor a member of the Vigo County Council, Vigo County Board of Commissioners or Common Council of the City of Terre Haute may serve on the Board. (Gen. Ord. No. 6, 1982, § 3, 6-10-82, *Journal of Common Council*, p. 211)

Sec. 5-7 Terms of Park Board Members.⁸⁸

a. Initial appointments to the Board are as follows:

- (1) One (1) member for a term of one (1) year.
- (2) One (1) member for a term of two (2) years.
- (3) One (1) member for a term of three (3) years.
- (4) One (1) member for a term of four (4) years.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

⁸⁸ *I.C.* § 36-10-4-1, *et seq.*, addresses Board terms and appointment procedures.

b. The Mayor shall make initial appointments within ninety (90) days after the creation of the department.

c. If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another four (4) year term.

d. In making initial appointments under Subsection a., the Mayor, in order to provide continuity of experience and programs, shall give special consideration to the appointment of members from previous park or recreation boards.

e. If a vacancy on the Board occurs, the Mayor shall appoint a person to serve for the remainder of the unexpired term. (Gen. Ord. No. 6, 1982, § 4, 6-10-82, *Journal of Common Council*, pp. 211-212)

Sec. 5-8 Removal Procedures of Park Board Members.

A member of the Board may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the Mayor, unless the Mayor is bringing the charges. If the Mayor is bringing the charges, the Council shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel. (Gen. Ord. No. 6, 1982, § 6, 6-10-82, *Journal of Common Council*, p. 212)

Sec. 5-9 Advisory Park Board Member.⁸⁹

One member of the Vigo County Park and Recreation Board shall be permitted to sit as an advisory member of the Board. An advisory member shall have all of the privileges of membership except the right to vote. The Board shall select one of its members to sit as an advisory member of the Vigo County Park and Recreation Board. (Gen. Ord. No. 6, 1982, § 6, 6-10-82, *Journal of Common Council*, p. 212)

Sec. 5-10 Meetings and Quorum.⁹⁰

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 (2) members by written request to the secretary. The secretary shall send to each member, at least two (2) days before a special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting.

⁸⁹ Editor's Note: At the time of the 1998 recodification, this position was vacant.

⁹⁰ Editor's Note: Regular Meetings of the Park Board are held on the 4th Tuesday of each month at 3:00 p.m. at the Torner Community Center in Deming Park.

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 constitute a quorum. Action of the Board is not official unless it is authorized by at least three (3) members present and acting, (Gen. Ord. No. 6, 1982, § 7, 6-10-82, *Journal of Common Council*, p. 212)

Sec. 5-11 Park Board Members' Salaries and Related Benefits.

a. The members of the Board shall receive a salary of Three Hundred Dollars (\$300.00) per year.

b. If the Board determines that members or employees should attend a state, regional, or national conference dealing with park and recreation problems, it may authorize the payment of the actual expenses involved in attending the conference. However, the amount must be available as part of the Board's appropriation.

c. The City shall provide suitable quarters for holding meetings and conducting the work of the Board. (Gen. Ord. No. 6, 1982, § 8, 6-10-82, *Journal of Common Council*, p. 213)

Sec. 5-12 Powers and Duties of the Park Board.⁹¹

a. The Board shall:

(1) Exercise general supervision of and make rules for the department;

(2) Establish rules governing the use of the park and recreation facilities by the public;

(3) Provide police protection for its property and activities either by requesting assistance from state, municipal, or county police authorities, or by having specified, employees deputized as police officers, the deputized employees, however, are not eligible for police pension benefits or other emoluments of police officers;

(4) Appoint the necessary administrative officers of the department and fix their duties;

(5) Establish standards and qualifications for the appointment of all personnel and approve their appointments without regard to politics;

(6) Make recommendations and an annual report to the Council concerning the operation of the Board and the status of park and recreation programs in the district;

⁹¹ I.C. § 36-10-3-11 and I.C. § 36-10-3-14 address powers and duties of the Park Board.

(7) Prepare and submit an annual budget in the same manner as other executive departments of the City; and

(8) Appoint a member of the Board to serve on another kind of board or commission, whenever a statute allows a Park Board to do this.

b. The Board shall fix the compensation of officers and personnel appointed under Subsections a.(4) and a.(5), subject to *I.C. § 36-4-7-5* and *I.C. § 36-4-7-6*. (Gen. Ord. No. 6, 1982, § 9, 6-10-82, *Journal of Common Council*, pp. 213-214)

Sec. 5-13 Leasing and Contractual Authority of Park Board.

a. The Board may:

(1) Enter into contracts and leases for facilities and services;

(2) Contract with persons for joint use of facilities for the operation of park and recreation programs and related services;

(3) Contract with another board, a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the Board for the use of park and recreation facilities or services;

(4) Acquire and dispose of real and personal property, either within or outside Indiana;

(5) Exercise the power of eminent domain under statutes available to municipalities;

(6) Sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be deposited in a nonreverting capital fund of the Board;

(7) Engage in self-supporting activities as prescribed by this Chapter;

(8) Contract for special and temporary services and for professional assistance;

(9) Delegate authority to perform ministerial acts in all cases except where final action of the Board is necessary;

(10) Prepare, publish, and distribute reports and other materials relating to activities authorized by this Section;

(11) Sue and be sued collectively by its legal name as the “City of Terre Haute Parks and Recreation Board” with service of process being had upon the president of the Board, but costs may not be taxed against the Board or its members in any action;

(12) Invoke any legal, equitable, or special remedy for the enforcement of a park or recreation ordinance, or the Board's own action taken under either; and

(13) Release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities of another unit for park and recreational purposes upon petition of the park or recreation board of the acquiring unit.

b. The Board may also lease any buildings or grounds belonging to the City and located within a park to a person for a period not to exceed twenty-five (25) years. The lease may authorize the lessee to provide upon the premises educational, research, veterinary, or other proper facilities for the exhibition of wild or domestic animals in wildlife parks, dining facilities, a bathhouse, skating facilities, dancing, rides, or amusement rides generally found in amusement parks. A lease may be made for more than one year only to the highest and best bidder, after notice that the lease will be made has been given by publication in accordance with *I.C.* § 5-3-1 (5-3-1-1 – 5-3-1-9) (Gen. Ord. No. 6, 1982, § 10, 6-10-82, *Journal of Common Council*, pp. 214-215)

Sec. 5-14 Park Board Sale Procedures.

The Board may sell, or order sold through a designated representative, by public or private sale, any personal property that the Board has declared to be surplus at a regular or special meeting and has declared to have an aggregate appraised value of Five Thousand Dollars (\$5,000.00) or less. Whenever the Board decides to sell at a private sale the Board must employ a qualified appraiser to determine a reasonable selling price for each kind of surplus item and must publish, in the manner provided in *I.C.* § 5-3-1 (5-3-1 – 5-3-1-9):

- a. The fact that a private sale will be held;
- b. The location of the sale;
- c. The dates of the beginning and end of the sale;
- d. The time of day during which the sale will take place;
- e. The kind of items to be sold at the sale; and
- f. The price of each kind of item, which may not be less than the reasonable selling price determined by the qualified appraiser.

If the Board decides to sell at a public sale, the Board shall conduct the sale in the manner provided by law for the City. (Gen. Ord. No. 6, 1982, 6-10-82, *Journal of Common Council*, p. 215)

Sec. 5-15 Superintendent of Parks and Recreation.⁹²

a. The Board may appoint a superintendent of parks and recreation. If a superintendent of parks and recreation is appointed, he shall be appointed under *I.C.* § 36-4-9-2 without considering political affiliation.

b. If there is more than one superintendent of any park or recreation department involved at the time this ordinance is adopted the Board may appoint only one (1) superintendent for the new department.

c. The superintendent must:

(1) Be qualified by training or experience in the field of parks and recreation; or

(2) Have a certification or an advanced degree in the field of parks and recreation.

d. An incumbent performing park and recreation functions in a supervisory capacity at the time a City adopts this ordinance is eligible for appointment as superintendent or as an assistant, but he must have the required training, experience, or certification. (Gen. Ord. No. 6, 1982, 6-10-82, *Journal of Common Council*, pp. 315-216)

Sec. 5-16 Duties of the Superintendent.⁹³

Under the direction of the Board, the Superintendent shall:

a. Propose annually a plan for the operation of the department;

b. Administer the plan as approved by the Board;

c. Supervise the general administration of the department;

d. Keep the records of the department and preserve all papers and documents of the department;

e. Recommend persons for appointment as assistants if the Board determines there is a need;

f. 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;

g. Prepare and present to the Board an annual report; and

⁹² *I.C.* § 36-10-3-13, addresses the Board appointment of a Park Superintendent.

⁹³ *I.C.* § 36-10-3-14, addresses Park Superintendent duties.

h. Perform other duties that the Board directs. (Gen. Ord. No. 6, 1982, 6-10-82, *Journal of Common Council*, p. 216)

Sec. 5-17 Park Superintendent Assistants.

a. 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.

b. Assistants are directly responsible to the superintendent and shall perform the duties specified by the superintendent. (Gen. Ord. No. 6, 1982, 6-10-82, *Journal of Common Council*, p. 216)

Sec. 5-18 Bond Requirements.

a. Each officer and employee who handles money in the performance of his duties as prescribed by this Chapter shall execute an official bond for the term of his office or employment before entering upon the duties of his office or employment. If his tenure is indeterminate, then the bond must be for a term of one (1) year and renewed each year as the employment continues.

b. All bonds must be individual surety company public official bonds conditioned on the faithful performance of duties. The penal amounts of the bonds shall be fixed by the Council of the City and approved by the Mayor.

c. All bonds shall be filed and recorded in the office of the county recorder in which the department is located. (Gen. Ord. No. 6, 1982, § 15, 6-10-82, *Journal of Common Council*, p. 217)

Sec. 5-19 Advisory Council of Special Committees.

a. The Board may create an advisory council and special committees composed of citizens interested in parks and recreation.

b. In selecting an advisory council or special committees, the Board shall give consideration to the groups in the community particularly interested in parks and recreation. In a resolution creating an advisory council or a special committee, the Board shall specify the terms of its members and the purposes for which it is created.

c. The advisory council or a special committee shall:

(1) Study the subjects and problems specified by the Board and recommend to the Board additional problems in need of study;

(2) Advise the Board concerning these subjects, particularly as they relate to different areas and groups in the community; and

(3) Upon the invitation of the Board, sit with and participate in the deliberations of the Board, but without the right to vote.

d. The advisory council or a special committee shall report only to the Board and shall make inquiries and reports only in those areas specified by the Board's resolution creating the council or committee. (Gen. Ord. No. 6, 1982, § 16, 6-10-82, *Journal of Common Council*, p. 217)

Sec. 5-20 Board Policies on Gifts and Donations.

a. The Board may accept gifts, donations, and subsidies for park and recreational purposes. However, a gift or transfer of property to the Board may not be made without its approval.

b. A gift or grant of money shall be deposited in Fund #204 in the Park and Recreation General Fund to be available for expenditure by the Board for purposes specified by the grantor. The disbursing officer of the City may draw warrants against the fund only upon vouchers signed by the president and secretary. (Gen. Ord. No. 6, 1982, § 17, 6-10-82, *Journal of Common Council*, p. 217; amended by Gen. Ord. No. 20, 2006, 1-11-07)

Sec. 5-21 Special Taxing District.⁹⁴

a. The territory within the boundaries of the City comprises a special taxing district for the purpose of levying special benefit taxes for park and recreational purposes as provided in Sec. 5-22 of this Chapter.

b. The Common Council of the City shall determine and provide the revenues necessary for the operation of the department or for capital expenditures not covered by the issuance of bonds by:

(1) A specific levy to be used exclusively for these purposes;

(2) A special appropriation; or

(3) Both of these methods. (Gen. Ord. No. 6, 1982, § 18, 6-10-82, *Journal of Common Council*, p. 218)

Sec. 5-22 Authority To Establish Special Nonreverting Capital Funds.

a. Upon the request of the Board, the Council of the City shall establish, by ordinance, a special nonreverting capital fund for the purposes of acquiring land or making

⁹⁴ I.C. § 36-10-3-19, addresses special taxing districts.

specific capital improvements. The Council may include in the Board's annual budget an item and an appropriation for these specific purposes.

b. Money placed in the nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless the Council repeals the ordinance. The Council may not repeal the ordinance under suspension of the rules. (Gen. Ord. No. 6, 1982, § 19, 6-10-82, *Journal of Common Council*, p. 218)

Sec. 5-23 Authority To Establish a Cumulative Building Fund.⁹⁵

a. The Board may establish a cumulative building fund to provide money for:

(1) Building, remodeling, and repair of park and recreation facilities; or

(2) Purchase of land for park and recreation purposes. Before a fund may be established, the proposed action must be approved by the State Board of Tax Commissioners.

b. If the Board decides to establish a cumulative building fund, it shall give notice and hold a public hearing for the taxpayers affected before the proposed action is presented to the State Board of Tax Commissioners for approval. Notice of the proposal and of the public hearing must be given by publication in accordance with *I.C.* § 5-3-1.

c. If, after the public hearing, the proposed action is submitted for approval to the State Board of Tax Commissioners, the State Board of Tax Commissioners shall require notice of that submission to be given to the taxpayers of the City by the publication in accordance with *I.C.* § 5-3-1. If thirty (30) or more taxpayers of the City file a petition with the County Auditor not later than thirty (30) days after the publication, setting forth their objections to the proposed fund, the county auditor shall immediately certify the petition to the State Board of Tax Commissioners.

d. Whether or not a petition of objection is received, the State Board of Tax Commissioners shall, within a reasonable time, fix a date for a hearing on the proposal to establish a fund. The hearing shall be held in the affected City. Notice of the hearing shall be given to the county auditor, who shall publish it in accordance with *I.C.* § 5-3-1. If a petition of objection was filed, notice shall also be given to the first ten (10) taxpayers whose names appear upon the petition by a letter signed by the secretary or any member of the Board and sent by mail with full prepaid postage to the auditor and to those taxpayers at their usual place of residence at least five (5) days before the date fixed for the hearing. After the hearing upon the proposal, the State Board of Tax Commissioners shall certify their approval, disapproval, or modification of the proposal to the County Auditor. The action of the State Board of Tax Commissioners with respect to the proposed levy is final and conclusive.

e. To provide for the cumulative building fund, the City Council may levy a tax not to exceed Five Cents (5¢) on each One Hundred Dollars (\$100.00) of assessed valuation of

⁹⁵ *I.C.* § 36-10-3-21, addresses Cumulative Building Funds.

taxable property within the City. The tax may be levied annually beginning with the first annual tax levy after approval by the State Board of Tax Commissioners and may continue for a period not exceeding ten (10) years. The tax shall be advertised annually as are other tax levies. After the levy has been approved, the Council may reduce or rescind the annual levy.

f. Before August 2 of a year a petition for reduction or revision of the levy may be filed with the County Auditor by at least fifty (50) taxpayers of the City that sets forth their objection to the levy. The petition shall be certified to the State Board of Tax Commissioners, with notice and hearing given as prescribed by Subsection d. After the hearing the State Board of Tax Commissioners may reduce or rescind the levy, and this action is final and conclusive.

g. The tax shall be collected and held in a special fund known as the City's Park and Recreation Cumulative Building Fund. The Fund may not be expended for a purpose other than the purpose for which it was levied. Expenditures may be made from the Fund only after an appropriation has been made in the manner provided by statute for making other appropriations. (Gen. Ord. No. 6, 1982, § 20, 6-10-82, *Journal of Common Council*, pp. 218-219)

Sec. 5-24 Authority To Charge Fees.⁹⁶

a. Park and recreation 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.

b. Money procured from fees or received from the sale of surplus property under Sec. 5-14 shall be deposited at least once each month with the City Controller. The City Controller shall deposit the money either in a special nonreverting operating fund or in the nonreverting capital fund, as directed by the Board. However, if neither fund has been established, money received from the sale of surplus property under Sec. 5-14 of this Chapter shall be deposited in the City's general fund. In addition, money in the form of fees procured from golf courses, swimming pools, skating rinks, or other similar facilities requiring major expenditures for management and maintenance may be deposited in the special nonreverting operating fund. (Gen. Ord. No. 16, 2006, 12-14-06)

c. The City Council may provide by ordinance that expenditures be made from the special nonreverting operating fund without appropriation. Money from either fund may be disbursed only on approved claims allowed and signed by the president and secretary of the Board. (Gen. Ord. No. 6, 1982, § 21, 6-10-82, *Journal of Common Council*, p. 220)

Sec. 5-25 Acquisition and Improvement Policies.

a. This Section applies only to:

(1) The acquisition of real property; or

⁹⁶ I.C. § 36-10-3-22, addresses fees for activity.

(2) A work of improvement that will be financed by the issuance of bonds.

b. If the Board decides to:

(1) Acquire land for any of the purposes in this Chapter, either by purchase or by appropriation, and in conjunction with the acquisition to proceed with a work of improvement authorized by this Chapter;

(2) Acquire real property without proceeding at the time with a work of improvement; or

(3) Proceed with a work of improvement where the real property has been already secured; it shall adopt a resolution stating the purpose, describing the land to be acquired, the manner of acquisition, and, in the case of an appropriation, the other land that may be injuriously affected, or describing the lands already acquired and intended to be used in connection with the proposed work of improvement.

c. If a work of improvement is provided for in the resolution, the Board shall have preliminary plans and specifications and an estimate of the cost of the proposed work prepared by the engineer selected to do the work. The resolution must be open to inspection by all persons interested in or affected by the appropriation of land or the construction of the work. The Board shall have notice of the resolution and its contents published in accordance with *I.C.* § 5-3-1. The notice must state a date on which the Board will receive or hear remonstrances from persons interested in or affected by the proceedings and on which it will determine the public utility and benefit.

d. Notice shall be sent by certified mail to each owner of land to be appropriated under the resolution using the owner's address as shown on the tax duplicates. In addition, notice of the land to be appropriated shall be published in accordance with *I.C.* § 5-3-1. All persons affected in any manner by the proceedings, including all taxpayers in the district, are considered notified of the pendency of the proceedings and of all subsequent acts, hearings, adjournments, and orders of the Board by the original notice by publication.

e. In the resolution and notice, separate descriptions of each piece or parcel of land are not required, but it is a sufficient description of the property purchased, to be purchased, or to be appropriated or damaged to give a description of the entire tract by a platted description or by metes and bounds, whether the land is composed of one or more lots or parcels and whether it is owned by one or more persons. If the land or a part of it is to be acquired by purchase, the resolution must also state the maximum proposed cost.

f. The Board may, at any time before the adoption of the resolutions:

(1) Obtain from the owner or owners of the land an option for its purchase; or

(2) Enter into a contract for its purchase upon the terms and conditions that the Board considers best. The option or contract is subject to the final action of the Board confirming,

modifying, or rescinding the resolution and to the condition that the land may be paid for only out of the special fund resulting from the sale of bonds as provided by this Chapter.

g. If the Board decides to acquire any lots or parcels of land by purchase, the Board shall appoint three (3) qualified appraisers to appraise its value. The appraisers may not be interested directly or indirectly in any land that is to be acquired under the resolution or that may be injured or incur local benefits. The appraisers shall take an oath that they have no interest in the matter and that they will honestly and impartially make the valuation. They shall then view the land, determine the true market value of it at that time, and report the appraisal in writing. The report shall be filed with and becomes a part of the record of the proceeding.

h. The Board may not take an option on the land or enter into a contract to purchase it at a higher price than the value named in the report. The title to land to be acquired under the resolution, whether by purchase or appropriation, does not vest until the land is paid for out of the special fund established by the sale of bonds as provided in this ordinance. Any indebtedness or obligation of any kind incurred by the Board due to the acquisition of land or to construction work shall be paid out of the funds under the control of the Board and is not an indebtedness or obligation of the City.

i. At the time fixed for the hearing, or at any time before the hearing, an owner of land to be appropriated under the resolution or injuriously affected or a person owning real or personal property located in the district may file a written remonstrance with the secretary of the Board.

j. At the hearing, which may be adjourned from time to time, the Board shall hear all persons interested in the proceedings and all remonstrances that have been filed. After considering the evidence, the Board shall take final action determining the public utility and benefit of the proposed project by confirming, modifying, or rescinding the resolution. The final action shall be recorded and is final and conclusive upon all persons. (Gen. Ord. No. 6, 1982, § 22, 6-10-82, *Journal of Common Council*, pp. 220-223)

Sec. 5-26 Bonding Procedures.

a. In order to raise money to pay for land to be acquired for any of the purposes named in this Chapter, to pay for an improvement authorized by *I.C.* § 36-10-3-24, or both, and in anticipation of the special benefit tax to be levied as provided in this Section, the Board shall cause to be issued, in the name of City, the bonds of the district. The bonds may not exceed in amount the total cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to acquiring the land and/or the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one resolution or proceeding of the Board under Section of this Chapter is confirmed whereby different parcels of land are to be acquired, or more than

one contract for work is let by the Board at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

b. The bonds may be issued in any denomination not less than One Thousand Dollars (\$1,000.00) each, in not less than five (5) nor more than forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the Board shall certify a copy of the resolution to the City Controller. The City Controller shall prepare the bonds and the Mayor shall execute them, attested by the City Controller.

c. The bonds and the interest on them are exempt from taxation as prescribed by *I.C.* § 6-8-5-1. Bonds issued under this Section are subject to the provisions of *I.C.* § 5-1 (5 -1-1-1 – 5-1-14-2) and *I.C.* § 6-1.1-20 (6-1.1-20-1-6-1.1-20-9) relating to the filing of a petition requesting the issuance of bonds, the right of taxpayers to remonstrate against the issuance of bonds, the appropriation of the proceeds of the bonds and approval by the State Board of Tax Commissioners, and the sale of bonds at public sale for not less than their par value.

d. The Board may not have bonds of the district issued under this Section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the total assessed valuation of the property in the district. All bonds or obligations issued in violation of this Subsection are void. The bonds are not obligations or indebtedness of the City, but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this Section. The bonds must recite the terms upon their face, together with the purposes for which they are issued. (Gen. Ord. No. 6, 1982, § 23, 6-10-82, *Journal of Common Council*, pp. 223-224)

Sec. 5-27 Notice Requirements.

a. Before bonds may be issued under Sec. 5-26 of this Chapter, the Board shall give notice of a public hearing to disclose the purposes for which the bond issue is proposed, the amount of the proposed issue, and all other pertinent data.

b. The Board shall have published in accordance with *I.C.* § 5-3-1 a notice of the time, place, and purposes of the hearing.

c. After the public hearing and before additional proceedings on the bond issues, the Board must obtain an ordinance approving the bond issue from the City Council. (Gen. Ord. No. 6, 1982, § 24, 6-10-82, *Journal of Common Council*, p. 224)

Sec. 5-28 Separate Bond Fund.

All proceeds from the sale of bonds issued under Sec. 5-26 of this Chapter, shall be kept in a separate fund. The fund shall be used to pay for land and other property acquired and for the

construction of a work under the resolution, including all costs and expenses incurred in connection with the project. The fund may not be used for any other purpose. The fund shall be deposited as provided in this Section. A surplus remaining from the proceeds of the bonds after all costs and expenses are paid shall be paid into and becomes a part of the Park District Bond Fund. (Gen. Ord. No. 6, 1982, § 25, 6-10-82, *Journal of Common Council*, pp. 224-225)

Sec. 5-29 Special Tax Levy.

a. In order to raise money to pay all bonds issued under Sec. 5-26, the Board shall levy annually a special tax upon all of the real and personal property located in the district sufficient to pay the principal of the bonds as they mature, including accrued interest. The Board shall have the tax to be levied each year certified to the auditor of the county in which the district is located at the time for certification of tax levies. The tax shall be collected and enforced by the county treasurer in the same manner as other taxes are collected and enforced.

b. As the tax is collected, it shall be accumulated and kept in a separate fund to be known as the Park District Bond Fund. The tax shall be applied to the payment of the district bonds and interest as they mature and may not be used for another purpose. (Gen. Ord. No. 6, 1982, § 26, 6-10-82, *Journal of Common Council*, p. 225)

Sec. 5-30 Special Circumstances – Bonds.

If a Board is discontinued under *I.C.* § 36-10-3-3, the primary obligation on its bond is not affected, and the City assumes liability for the payment of the bonds according to their terms. (Gen. Ord. No. 6, 1982, § 27, 6-10-82, *Journal of Common Council*, p. 225)

Sec. 5-31 Joint Department of Parks and Recreation.⁹⁷

a. Two (2) or more units may create a joint department of parks and recreation.

b. Only a unit that has by ordinance created a department under this Section is eligible to participate in the creation of a joint department.

c. The boards of the units that desire to create a joint department must agree upon the use of facilities, personnel, the distribution and raising of financial support, and other matters. The agreement may provide:

(1) For a joint district and joint board to supersede the separate districts and boards;

or

(2) That the separate districts and boards be maintained.

⁹⁷ *I.C.* § 36-10-3-29. addresses joint Department of Parks and Recreation.

After the agreement has been reached, the fiscal body of each unit must adopt an ordinance approving the terms of the agreement before the agreement becomes final. The ordinances may not be passed under suspension of the rules.

d. Failure of one (1) of the units to adopt the ordinance within ninety (90) days after the agreement has been reached voids the arrangement for all parties. However, the remaining parties may proceed with a new agreement.

e. Amendments to an agreement may be made by adoption of an ordinance by the fiscal body of each unit. (Gen. Ord. No. 6, 1982, § 28, 6-10-82, *Journal of Common Council*, pp. 225-226)

Sec. 5-32 Powers of Joint Board if Established.

a. A joint Board shall be organized and shall function in the same manner as a separate Board. The joint Board consists of all the members of the separate Boards. Two-thirds (2/3) of the members constitute a quorum, and official action must be authorized by two-thirds (2/3) of the members. The joint Board has all of the powers and duties of a separate Board under this ordinance, including the authority to issue bonds of the joint district.

b. The joint Board may create an executive committee composed of an equal number of members from each participating unit. The executive committee has all of the authority and limitations of the joint Board, except that official action by the executive committee must be authorized by each member of the committee. In addition, an executive committee member may demand that an issue be submitted to the joint Board. (Gen. Ord. No. 6, 1982, § 29, 6-10-82, *Journal of Common Council*, p. 226)

Sec. 5-33 Budgets and Appropriations.

a. The joint Board shall determine its total budget request. The members of each participating unit shall present to their fiscal body the total budget and shall state the amount chargeable to their unit by the terms of the agreement and ordinance. If their fiscal body does not appropriate an amount sufficient to meet the unit's proportionate share, the joint Board may:

(1) Reduce the expenditures attributable to that unit; or

(2) Treat the reduced appropriation as a repudiation of the agreement and terminate the relationship according to Sec. 5-34 of this Chapter.

b. Money appropriated by the participating units shall be deposited in a joint park and recreation board fund in the custody of the fiscal officer of the participating unit making the largest appropriation to the fund. Money may be withdrawn from the fund only upon vouchers signed by the president and secretary of the joint Board. (Gen. Ord. No. 6, 1982, § 29, 6-10-82, *Journal of Common Council*, pp. 226- 227)

Sec. 5-34 Withdrawal Procedures.

a. A participating unit may withdraw from a joint department at the end of a fiscal year by repealing its adopting ordinance and filing a copy of the repealing ordinance with the other participating units.

b. The joint Board may by resolution terminate the participation of a unit when the unit does not contribute its proportion of the total budget agreed upon in the original agreement and ordinance. The termination occurs at the end of the fiscal year in which the joint Board makes its finding.

c. At the conclusion of the fiscal year in which a withdrawal or termination occurs, the joint Board shall equitably distribute to participating units all money remaining in the fund.

d. A withdrawal does not alter the obligation of the units and the joint Board to continue to levy and collect special benefit taxes to provide debt service on all outstanding bonds of the joint district.

e. If a unit has appropriated money for payment to a joint Board that has been discontinued, the money shall be placed in the fund of the Board of that unit. If the separate Board no longer exists, the money shall be deposited in the general fund of the unit. (Gen. Ord. No. 6, 1982, § 31, 6-10-82, *Journal of Common Council*, p. 227)

Sec. 5-35 Park Services to Unincorporated Areas.

a. A request to a municipality to extend park and recreation service to the unincorporated area of a township in which the municipality is located or in a township adjacent to the township in which the municipality is located may be made by twenty-five (25) persons who reside in that area or township, unless the area is already located within another park district.

b. The request must be made by petition to the Board of the municipality and must:

(1) State the reasons for the need of service;

(2) Specify the unincorporated area or township to be served; and

(3) Include the signatures and addresses of the petitioners. (Gen. Ord. No. 6, 1982, § 32, 6-10-82, *Journal of Common Council*, p. 228)

Sec. 5-36 Public Hearings.

a. The Board shall fix a date for a public hearing on each petition filed under Sec. 5-33 of this Chapter. The Board shall publish in accordance with *I.C.* § 5-3-1 (5-3-1-1 – 5-3-1-9) a notice of time, place, and purpose of the hearing. The cost of the notice shall be paid by the petitioners.

b. After the public hearing has been held, the Board may by resolution approve the petition and recommend an ordinance accomplishing its objectives to the municipal Council. The secretary or a member of the Board shall present the petition and ordinance to the Council at its first meeting after approval of the petition. However, if the Board rejects the petition, it may not be presented to the Council.

c. If the Board involved is a joint Board, the petition must also be approved by the members from the municipality involved, and then the petition and ordinance shall be presented to the Council of the municipality involved. (Gen. Ord. No. 6, 1982, § 33, 6-10-82, *Journal of Common Council*, p. 228)

Sec. 5-37 Special Election Procedures.

a. If the Council approves the petition and adopts the ordinance presented under Sec. 5-36 of this Chapter, the ordinance takes effect.

b. After the adoption of the ordinance, the Council shall fix a date for a special election to be held not later than ninety (90) days after adoption. The election shall be held in the area described in the petition. General election statutes apply to the special election. Any person who is qualified to vote at a primary, general, or municipal election and who lives in the affected area may vote in the election.

c. The Council shall give public notice of the special election by publication in accordance with *I.C.* § 5-3-1 (5-3-1-1 – 5-3-1-9). The notice must state the time, place, and purpose of the election.

d. The ballot must be in substantially the following form:

YES – for the extension of park and recreation services.

NO – against the extension of park and recreation services.

e. Officers and personnel charged with the conduct of a general election in the area requesting extended services are in charge of the special election.

f. The Council shall appropriate a sum sufficient to defray the cost of the ballots and to pay the expense of the election at the rates prescribed by general election statutes. The appropriation may be from the general fund or by transfer from the operating budget of the department. (Gen. Ord. No. 6, 1982, § 34, 6-10-82, *Journal of Common Council*, pp. 228-229)

Sec. 5-38 Extension of Park and Recreation Services.

a. If a majority of those voting in a special election vote under Sec. 5-37 of this Chapter for the extension of park and recreation services, then at the beginning of the next fiscal year the area becomes part of the district of the department.

b. At the time the area becomes part of the district, the circuit judge of the county shall appoint a member from the area to the Board. The member shall be appointed with the qualifications and for the same term as other members and has the same powers and duties. If the petition of more than one area is approved, the circuit judge shall make the selection of members so as to maintain the bipartisan character of the Board as far as possible. As each additional member is appointed, the quorum of the Board is increased by one (1).

c. The Board has the same powers and duties to provide park and recreation service to the area as it has for the municipality and this Section applies as fully to the area to which service is extended as it applies to a municipality. However, the Board need not provide service to the area before revenues from the area are available. (Gen. Ord. No. 6, 1982, § 34, 6-10-82, *Journal of Common Council*, pp. 228-229)

Sec. 5-39 Certification of Rate.

a. After a favorable special election under Sec. 5-37 of this Chapter, all property in the area to which service is extended is subject to the same levy for park and recreational purposes as other property within the district. After determining the levy for park and recreational purposes, the Council shall certify the rate to be applied to the area in the same manner as all other municipal levies are certified. In reviewing the park and recreation levy, all reviewing authorities shall treat the levy on the district property as a single levy so that the ultimate rate of tax for park and recreation purposes on all property in the district is identical.

b. The authority of the Board to issue bonds under Sections 5-22 through 5-27 of this Chapter includes all property in the area to which service is extended, but bonds may not be issued upon property in the area to which service is extended that do not obligate other property in the district to the same degree. After determining the levy for the Park District Bond Fund, the Board shall certify the rate to be applied to the area in the same manner as the rate to be applied to property in the municipality. (Gen. Ord. No. 6, 1982, § 36, 6-10-82, *Journal of Common Council*, p. 230)

Sec. 5-40 through Sec. 5-49 Reserved for Future Use.

ARTICLE 3. PROMOTION PROCEDURES.⁹⁸

Sec. 5-50 Promoting the City.

The Terre Haute Parks and Recreation Department, by and through its Common Council, is authorized to budget and appropriate funds from the Parks and Recreation Department General Fund to pay the expenses of or to reimburse city officials for expenses incurred in promoting the best interest of the City of Terre Haute. (Gen. Ord. No. 5, 1984, § 1, 7-12-84)

Sec. 5-51 Role of Park Superintendent.

⁹⁸ Ord. No. 5 passed on July 12, 1984 was made retroactive to 9-1-82.

Such expenses may include, but not necessarily be limited to, rental of meeting places, meals, decorations, memorabilia, and other expenses of a civic nature deemed by the Terre Haute Parks and Recreation Department Superintendent to be in the interest of the City of Terre Haute. (Gen. Ord. No. 5, 1984, § 2, 7-12-84)

Sec. 5-52 Through Sec. 5-54 Reserved for Future Use.

ARTICLE 4. PARK FACILITIES.

Sec. 5-55 Memorial Park.

a. There is established and laid out a public park from and out of the following lands located within the corporate limits of the City:

All that territory lying between North Third Street of said City on the west, and North Sixth Street of said City on the east, and between Seventh Avenue on the south and Eighth Avenue on the north, except that portion of North Fourth Street in said City, which lies within the territory above described. (Special Ord. No. 114, 1907, § 1, 6-12-07, *Journal of Common Council*, p. 477)

b. This park shall be named and known as Memorial Park. (Special Ord. No. 114, 1907, § 2, 6-12-07, *Journal of Common Council*, p. 477)

Sec. 5-56 Dobbs Park and Nature Center.

Dobbs Park is located on East Poplar Street, 1/4 mile west of the intersection of State Roads 46 and 42. It contains 105 acres of natural area with a 1.5 acre lake.

Sec. 5-57 Fairbanks Park.

On the banks of the Wabash River, Fairbanks Park lies near downtown Terre Haute. There are 107 acres in the Park. The Chauncey Rose Memorial, a part of the original Terre Haute Post Office, and Paul Dresser's "On the Banks of the Wabash" home are located in the park.

Sec. 5-58 Collett Park.

On Terre Haute's north side, Collett Park is located between Maple Avenue, 7th Street and 9th Street. The City's oldest park has 21.1 acres. The entire park was included in the National Registry of Historical Places in 1983.

Sec. 5-59 Deming Park.

Deming Park, located on the east side of the City, is 177 acres of rolling hills, mature trees and two (2) stocked ponds.

Sec. 5-60 Rea Park Golf Course.

Rea Park, located on the south edge of Terre Haute contains the oldest city-owned golf course.

Sec. 5-61 Hulman Links Golf Course.

Hulman Links is the newest golf course owned by the City Park System. It is located on the far east side of Terre Haute, between U.S. 40 and State Road 46. The course was developed with monies donated by the Anton Hulman Family and contains 230 acres.

Sec. 5-62 Neighborhood Parks.

The City operates eight (8) Neighborhood Parks, namely:

Brittlebank Park located at 20th & Grant Street

Curtis Gilbert Park located at 14th & Wabash

City Park located at 16th & Barbour

Herz-Rose Park located at 15th & Locust

Sheridan Park located at 28th & Beech Street

Spencer F. Ball Park located at 15th & 8th Avenue

Thompson Park located at 17th & Oak Street

Voorhees Park located at Voorhees & State Road 63.

Sec. 5-63 Block Parks.

The City operates eight (8) Block Parks, namely:

12 Point Park

Anaconda located at 14th & Elizabeth

Boy Scout located at Lafayette & Barbour Avenues

Dresser located on U.S. 40

West Graham located at 1400 South 17th Street

John M. Hanley, Jr. Memorial Park located at Hulman & First Streets

Oakley located at College & 8th Streets

Vi Cottrell Park located at Lafayette Avenue & First Avenue.

Sec. 5-64 Nature Centers, Museums, and Recreation Centers.

- a. The City operates the following Nature Centers and Museums:

Dobbs Nature Center located at State Roads 42 and 46.

Native American Museum located at Dobbs Park at State Roads 42 & 46.

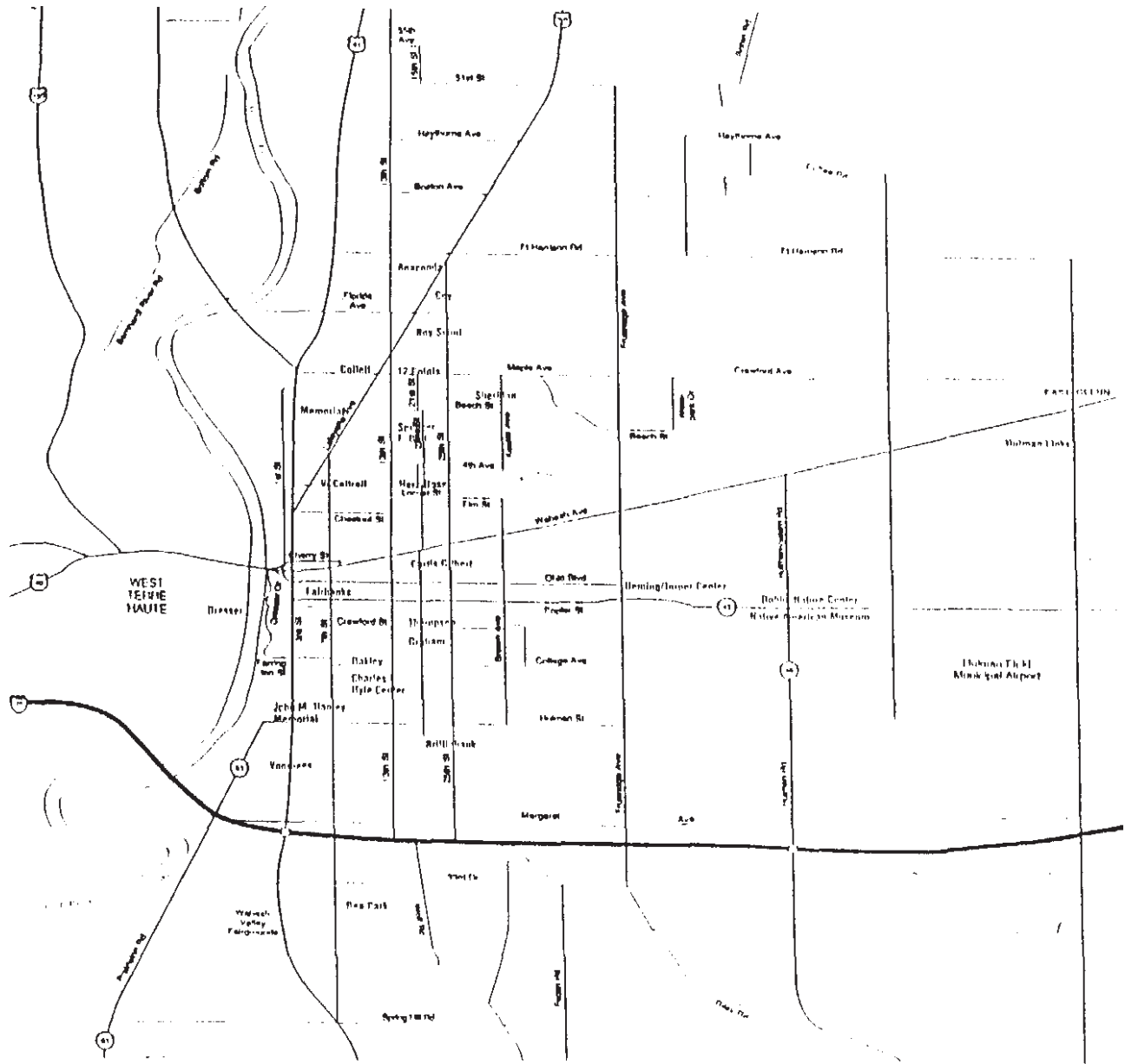
- b. The City operates the following Recreation Centers:

Hyte Center located at 13th & College

Torner Center located in Deming Park.

Sec. 5-65 City Parks Map.

The map on the following page sets forth the locations of the various parks located in the City of Terre Haute, Indiana.



Sec. 5-66 through Sec. 5-69 Reserved for Future Use.

ARTICLE 5. PARK RULES AND REGULATIONS.

Sec. 5-70 Disorderly Conduct in Parks.

No person shall purposely annoy another, or speak or shout in a loud tone, or utter any profane, threatening, abusive or indecent language, or be guilty of any immoral or indecent conduct or action, or canvass for or solicit any subscription or purchase, or play any game of chance, or be under the influence of any intoxicating liquor in any public park, public parkway or public boulevard of the City. (1989 Terre Haute Municipal Code, § 917.01)

Sec. 5-71 Public Meetings, Speeches Prohibited Without Permission.

No person shall publicly hold any meeting or preach, pray or make any speech of any sort in any public park, public parkway or public boulevard of the City or play any music therein, except upon written permission of the Board of Park Commissioners or Park Superintendent. (1989 *Terre Haute Municipal Code*, § 917.02, amended Gen. Ord. No. 13, 2016, 10-13-16)

Sec. 5-72 Property Damage; Use of Firearms; Alcohol Prohibited – Exceptions.

No person shall break, injure or damage any tree, shrub, plant or flower, or break, pull off or remove any flower, or damage in any way any building, structure or fixture, article or thing connected with or in any public park, public parkway or public boulevard of the City, or have or bring therein any firearm, fireworks, intoxicating liquor or any instrument of or for gambling of any kind or nature whatever except that upon proper resolution of the Terre Haute Parks and Recreation Board with the following exceptions:

a. Alcoholic beverage may be sold and consumed at the Hulman Links Clubhouse; and (Gen. Ord. No. 5, 2002, 3-14-02)

b. Alcoholic beverages may be served and used at William S. Rea Golf Course when the golf course is not open for daily play; is reserved for use for a private golf outing; and the sponsor of the golf outing complies with the rules and policies established by resolution of the Terre Haute Parks and Recreation Board. The rules and policies of the Terre Haute Parks and Recreation Board shall include, but not be limited to, requirements for obtaining and providing evidence of compliance with alcoholic beverage commission permit requirements; server licensure; insurance coverage; indemnification and hold harmless commitments and geographic restrictions on use; and, (Gen. Ord. No. 5, 2002, 3-14-02)

c. Alcoholic beverages may be served and used at Fairbanks Park by permit only. Permits may be granted by the Terre Haute Parks and Recreation Department to organizations which will be holding a special event at the park. The organization shall comply with the rules and policies established by resolution of the Terre Haute Parks and Recreation Board. The rules and policies of the Terre Haute Parks and Recreation Board shall include but not be limited to requirements for obtaining and providing evidence of compliance with alcoholic beverage commission permit requirements; server licensure; insurance coverage; indemnification; executing an agreement holding the City of Terre Haute, the Terre Haute Parks and Recreation Department, and the Terre Haute Parks and Recreation Board harmless in the event of damage to life or property; and agreeing to geographic restrictions on use. (Gen. Ord. No. 1, 2008,

Sec. 5-73 Littering Prohibited.

No person shall throw, place or allow to remain in any public park, public parkway or public boulevard of the City any box, paper, stale or broken food, food remnants, melon rinds or other waste or rubbish of any kind, or display for sale or for advertising purposes in any public park, public parkway or public boulevard of the City any goods, article, thing, placard, sign or

circular, except upon written permission from the Board of Park Commissioners. Any person violating any provision of this Article shall upon conviction thereof be fined in an amount not to exceed Three Hundred Dollars (\$300.00). Each day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Gen. Ord. No. 16, 2002, 8-8-02)

Sec. 5-74 Billposting Prohibited – Exceptions.

No person shall post or fix any bill, placard, notice or sign upon any tree, fence or other thing or structure in or around any public park, public parkway or public boulevard of the City. This shall not be held to forbid the posting of signs and notices by the Board of Park Commissioners or by its agents or employees under its authority and direction. (*1989 Terre Haute Municipal Code*, § 917.05)

Sec. 5-75 Vehicles Prohibited on Walks – Exceptions.

No horse, bicycle or other vehicle, except ordinary baby carriages and baby carts, shall be permitted on any footwalk, sidewalk, grass plat or grass in any public park, public parkway or public boulevard of the City. (*1989 Terre Haute Municipal Code*, § 917.06)

Sec. 5-76 Trespassing Prohibited.

No person, unless authorized to do so by the Board of Park Commissioners or Park Superintendent, shall enter any building or enclosure in any public park, public parkway or public boulevard of the City on which a notice of “no admittance” or similar sign is posted. (*1989 Terre Haute Municipal Code*, § 917.07, amended by Gen. Ord. No. 13, 2016, 10-13-16)

Sec. 5-77 Walking in Certain Places Prohibited.

No person shall walk or be upon any plat laid out and appropriated for shrubbery or grass in any public park, public parkway or public boulevard of the City, when there shall have been placed thereon a sign or notice forbidding the same, except when authorized by the Board of Park Commissioners. (*1989 Terre Haute Municipal Code*, § 917.08)

Sec. 5-78 Picnics.

Picnics and picnicking in the public parks, public parkways and public boulevards of the City shall be held only on and in such places therein as the Board of Park Commissioners may designate. (*1989 Terre Haute Municipal Code*, § 917.09)

Sec. 5-79 Hitching Animals.

No person shall hitch any animal to any tree, seat or post in any public park, public parkway or public boulevard of the City, except such as are designated for that purpose by the Board of Park Commissioners. (*1989 Terre Haute Municipal Code*, § 917.10)

Sec. 5-80 Animals Prohibited in Parks – Exceptions.

No poultry or animal except those placed therein by authority of the Board of Park Commissioners, and excepting dogs accompanied by their owners or other person having charge thereof, and then only when controlled by a leash, and except horses and other animals used for riding or driving and which are then being used for such purposes, shall be permitted in any public park, public parkway or public boulevard of the City. (*1989 Terre Haute Municipal Code*, § 917.11)

Sec. 5-81 Impounding of Animals Running at Large.⁹⁹

Pounds for impounding poultry and animals may be established by the Board of Park Commissioners in and at such places as to such Board may seem proper. Poultry or animals found running at large in any such public park, public parkway or public boulevard may be taken up and impounded by the Board. The owners, after paying all the expenses of impounding and keeping the same, may take them away. (*1989 Terre Haute Municipal Code*, § 917.12)

Sec. 5-82 Vehicular Speed Limits

No vehicle of any kind shall be driven or run on any drive, road or elsewhere in any public park or public parkway of the City at a greater speed than fifteen (15) miles per hour. (*1989 Terre Haute Municipal Code*, § 917.15)

Sec. 5-83 Hours for Park Operation.

The public parks and public parkways of the City shall be open to the use of the public from such date in the spring until such date in the fall of each year as the Terre Haute Parks and Recreation Board may fix and order. Said public parks and public parkways shall not be open earlier than 6:00 a.m. and shall be closed at dark each day, except for special permission for organized sports events and family gatherings. Such events shall be arranged through the Parks and Recreation Department of the City of Terre Haute, Indiana. Every person, except those in the employ of the Board, shall leave said public parks and public parkways by not later than the closing of the park at dark each day. For purposes of this Section, dark is defined to include the time period beginning sixty (60) minutes after sunset. (Gen. Ord. No. 12, 1993, § 917.16, 11-10-93)

Sec. 5-84 Board of Park Commissioners To Enforce.

The Board of Park Commissioners may make and enforce such orders, rules and regulations for the conduct of their business and the conduct of their appointees and employees, and generally for the management and control of the public parks, public parkways and public boulevards of the City, as in the judgment and discretion of such Board may be necessary and proper. (*1989 Terre Haute Municipal Code*, § 917.17)

⁹⁹ *I.C.* § 36-10-3-1. *et seq.*, addresses animals at large.

Sec. 5-85 Animals Prohibited on Playground Equipment.

No person shall allow or permit an animal owned by them or under the control or supervision of said person to touch, climb, defecate on, urinate on, or in any manner come in contact with playground equipment located in any public park. (Gen. Ord. No. 9, 1982, 11-11-82; 1989 *Terre Haute Municipal Code*, § 917.24)

Sec. 5-86 Heavy Vehicles Prohibited on Roadways – Exceptions.

No truck weighing more than one (1) ton (except for delivery purposes) shall be permitted on any roadway within the City parks of the City of Terre Haute, Indiana. (1989 *Terre Haute Municipal Code*, § 917.25)

Sec. 5-87 Penalty.

Unless otherwise provided, any person violating any provisions of this Article shall be financially responsible for any necessary repairs and other costs associated with the proper restoration of public facilities. Any person violating any of the provisions of this Article shall be fined not more than Three Hundred Dollars (\$300.00). Each day's continued violation shall constitute a separate offense. (Gen. Ord. No. 16, 1997, 12-11-97)

Sec. 5-88 through Sec. 5-99 Reserved for Future Use.

ARTICLE 6. CEMETERIES.¹⁰⁰

Sec. 5-100 Board of Cemetery Regents.¹⁰¹

a. The Board of Cemetery Regents operates Highland Lawn and Woodlawn Cemeteries.

b. The Board of Cemetery Regents has four (4) members and the Mayor as an Ex-officio member. (Organizational meeting of the Board of Cemetery Regents, 1-26-43)

Sec. 5-101 General Cemetery Rules.

a. The proper burial certificate required by the state and municipal authorities must be delivered at the office before any interment is made or any body is placed in any vault, crypt or grave.

b. The speed limit within the cemeteries is ten (10) miles per hour.

¹⁰⁰ *I.C.* § 23-10-2-1, *et seq.*, address cemeteries.

¹⁰¹ Editor's Note: The Board of Cemetery Regents was established on February 1, 1943, under the laws of the State of Indiana, Chapter 84 of the 1933 Acts of the General Assembly.

- c. Anyone caught parking on the lawn will be issued a citation and subject to a Twenty Five Dollar (\$25.00) fine. (Gen. Ord. No. 10, 1999, 12-9-99)
- d. The cemetery gates will open at 7:30 a.m. and close at sunset, with Woodlawn Cemetery being an exception to this provision.
- e. All persons are prohibited from plucking flowers, whether wild or cultivated.
- f. Children under ten (10) years of age must be accompanied by parents or guardian, who will be held responsible for their conduct while on the grounds.
- g. Writing upon or otherwise defacing any mausoleum, monument, marker or memorial structure of any kind will be prosecuted.
- h. All persons are prohibited from discharging firearms in the cemetery, except in case of military funerals, or by special permission of the Superintendent.
- i. Dogs will not be allowed on the cemetery grounds.
- j. Fishing and hunting will not be allowed at any time.
- k. All persons are urged not to place artificial flowers on graves during the summer months, as the Cemetery cannot be responsible should they be stolen, removed or damaged in any way.
- l. Any persons found littering or dumping trash will be prosecuted.
- m. Fences or enclosures will not be allowed on any lot or part of lot.
- n. Unfilled vases and urns and unpainted and rusty chairs and settees will not be allowed to remain on lots after May 1st of each year, but will be removed from the lot and held subject to the order of the lot owner for one (1) month, after which all responsibility of the cemetery ceases and disposal will be made as the management deems best.
- o. Floral designs or other decorations will be removed from lots or graves as soon as the flowers become wilted or unsightly, and persons wishing to retain the same must remove them within forty-eight (48) hours after the funeral. Floral grave blankets will not be allowed on graves at any time. No glass containers of any kind are allowed. (1993 Board of Cemetery Regents Rules & Regulations)

Sec. 5-102 Cemetery Lots – Purchases, Deeds, and Regulations.

- a. As prices of graves and lots in different sections of the cemeteries vary, the management only will be able to quote prices in the different sections.

b. Lots and single graves may be purchased on contract. However, no title to or interest in said lot or any burial rights therein shall become effective until full payment of the purchase price has been received.

c. If any of said installments be not paid when due, then the Board of Cemetery Regents of the City of Terre Haute, Indiana, shall have the right after thirty (30) days notice to the purchaser, to take possession of said lot.

d. All deeds when executed shall grant the grantee the right to use said lot for the interment of himself, his family, relations and decedents.

e. Lots owners will not be permitted to transfer their right to the unused portion of said lot except by a written permit. The original grantees or heirs have the right to transfer the lot or any part of the lot for burial purposes.

f. Proper transfer forms can be secured at the Office of the Board of Cemetery Regents. Such permits must be notarized and signed by the Superintendent or Assistant Superintendent. (1993 Board of Cemetery Regents Rules & Regulations).

Sec. 5-103 Other Cemetery Regulations Incorporated by Reference.

All other rules and regulations of the Board of Cemetery Regents governing the operations of the city-owned cemeteries of Highland Lawn and Woodlawn Cemeteries are incorporated by reference with copies on file in the Office of the Board of Cemetery Regents, 4520 Wabash Avenue, Terre Haute, Indiana, and are available for public inspection during regular business hours.

Sec. 5-104 Penalty..

Unless otherwise provided, any person violating any provisions of this Article shall be financially responsible for any necessary repairs and other costs associated with the proper restoration of public facilities. Any person violating any of the provisions of this Article shall be fined not more than Three Hundred Dollars (\$300.00). Each day's continued violation shall constitute a separate offense. (Gen. Ord. No. 16, 1997, 12-11-97)

Sec. 5-105 through Sec. 5-109 Reserved for Future Use.

ARTICLE 7. RULES AND REGULATIONS FOR TRAILS SYSTEM.

Sec. 5-110 Rules and Regulations for Trails System.

a. The following rules and regulations shall be effective for individuals using the City of Terre Haute, Indiana, Park and Recreation Department's Trail System and will be posted along the trails:

(1) **Hours of Operation.** Trails shall be open to the use of the public during daylight hours only, except for special permission for organized events arranged through the City of Terre Haute, Parks and Recreation Board. Every person, except those in the employ of the Parks and Recreation Department, shall leave said Trails no later than the closing of the Trails at dark each day. For purposes of this Section, dark is defined to include the time periods beginning sixty (60) minutes after sunset, and sixty (60) minutes prior to sunrise. Trails of the City shall not be used during hazardous weather conditions including, but not limited to, snow, ice, sleet, extreme heat. The Parks and Recreation Board has the right to close sections or entire trails at their discretion.

(2) **Acceptable Uses of Trails System.** Use of any trails of the City shall be for the purpose of recreation and leisure including, but not limited to, walking, jogging, bicycling, skating, skateboarding and cross country skiing.

(3) **Trespassing.** No person shall leave a trail and trespass on private property. All persons using the trail shall respect the rights of trail neighbors and stay on the trails. Access to the trails shall be at street intersections or designated public access points only.

(4) **Disorderly Conduct on Trails.** No person shall purposely annoy another, or speak or shout in a loud tone, or utter any profane, threatening, abusive, or indecent language, or engage in any immoral or indecent conduct or action, including but not limited to fighting or unpermitted touching, canvass for or solicit any subscription or purchase, or play any game of chance, or be under the influence of any intoxicating liquor or other controlled substance on any Trail.

(5) **Property Damage; Use of Firearms; Alcohol Prohibited.** No person shall break, injure or damage any tree, shrub, plant or flower, or break, or pull off or remove any flower, or damage in any way, including but not limited to graffiti, any building, structure or fixture, article or thing connected with or on any trail of the City, or have or bring therein any firearm, fireworks, intoxicating liquor, controlled substance or any instrument of or for gambling of any kind or nature whatever, except upon proper resolution of the Terre Haute Parks and Recreation Board.

(6) **Littering Prohibited.** No person shall throw, place or allow to remain on any trail of the City any box, paper, food remnants, or other waste or rubbish of any kind, or display for sale or for advertising purposes on any trail of the City any goods, article, thing, placard, sign or circular, except upon written permission from the Parks and Recreation Board.

(7) **Billposting Prohibited-Exceptions.** No person shall post or affix any bill, placard, notice or sign upon any tree, fence, or other thing or structure on any trail of the City of Terre Haute. This shall not prohibit the posting of signs and notices by the Parks and Recreation Board or by its agents or employees under its authority or direction.

(8) **Animals Prohibited –Exceptions.** No animal shall be permitted on any trail of the City of Terre Haute, except those placed thereon by the authority of the Parks and Recreation Board, and excepting dogs accompanied by their owners or other persons having charge thereof

who are physically capable of restraining the dog, and then only controlled by a leash no longer than six (6) feet in length. Pet waste must be removed from the trail and properly disposed.

(9) **Public Meetings, Speeches, Events Prohibited Without Permission.** No person shall publicly hold any meeting or event or preach, pray or make a speech of any sort on any trail of the City or play music thereon, except upon written permission of the Parks and Recreation Board.

(10) **Vehicles Prohibited on Trails-Exception.** It is unlawful for any person, except duly authorized security, law enforcement, fire, paramedic and emergency medical personnel and Park Department supervisory and maintenance personnel acting within the scope of their official duties, to operate a motorized vehicle on the trails of the City. For purposes of this Section, motorized vehicles defined includes, but is not limited to, automobiles, trucks, recreational vehicles, motorcycles, motorbikes, snowmobiles, go-carts, off-road vehicles, golf carts and mopeds. (Gen. Ord. No. 31, 2002, 1-9-03)

(11) **Sales of Products and Services-Exception.** No person, organization, business shall provide any article, product, service or entertainment for sale on any trail of the City, or offer the same to any person while such person is on any trail of the City, except with written permission of the Parks and Recreation Board.

(12) **Trail Etiquette and Safety.** To promote safety on the trails of the City the following rules of etiquette must be observed: (a) travel in the right lane, pass on the left, (b) yield the right-of-way of pedestrians, (c) use appropriate warnings or signals when passing others (d) move off the paved portion when stopping, and (e) when using bicycles, skates or skateboards, maintain control and travel at speeds that are appropriate for current conditions. Trail users shall stop at all cross traffic intersections and obey signage. It is recommended bicyclists, skate and skateboard users wear proper safety equipment while on any trail of the City. Children under 12 years of age must be accompanied by an adult while using any trail of the City. No person shall have or bring therein any glass bottle or container.

(13) **Obstacles.** No person or persons shall assemble, create, construct, or erect any obstacles including, but not limited to, ramps or jumps, or groups of people blocking passage along trails.

(14) **Use of the Trails is at Your Own Risk.** Trails of the City of Terre Haute are unsupervised. Use of the trails of the City of Terre Haute could result in injury, including death, and/or property damage. The City of Terre Haute does not assume any responsibility for injuries or property damage.

- b. Violation of any rule or regulation herein shall be an ordinance violation.
- c. Penalties.

(1) Violation of any of the rules and regulations provided herein, except the use of motorized vehicles, shall be an ordinance violation which shall subject the violator to a fine of not more than Three Hundred Dollars (\$300.00) for each violation.

(2) The use of motorized vehicles on any trail of the City shall be an ordinance violation which shall subject the violator to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.

c. Enforcement. This Section may be enforced by the issuance of a citation by the Terre Haute Police Department or the Terre Haute Building Inspector's Office. (Gen. Ord. No. 24, 2002, 11-14-02)