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§ 95.01 DEFINITIONS.

For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "ALCOHOLIC BEVERAGES." Shall be defined as defined in (I.C. 7.1-1-3-5) and also amendments thereto.

(B) "BOARD." The Decatur City Park and Recreation Board, Adams County, Indiana.

(C) "CONTROLLED SUBSTANCES." Shall be defined as defined in the Controlled Substance Act of Indiana (I.C. 35-48-1-1) as same is amended from time to time.

(D) "DANGEROUS DRUGS." Shall be defined as defined in the Indiana Dangerous Drug

Act (I.C. 16-6-8-2) as same is amended from time to time.

(E) “DISTRICT.” The Decatur Park and Recreation District, Decatur, Indiana.

(F) “MOTOR BOAT.” Any type of watercraft which has for its primary source of power an internal combustion engine or electric motor, whether inboard or outboard.

(G) “PARK.” 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 district.

(H) “PERMIT AND RESERVATION.” Any authorization issued by the superintendent pursuant to the authority of the board for any specified park privilege, activity, or event or permitting the performance of a specified act or acts in any park.

(I) “PERSON.” An individual, company, partnership, corporation, incorporation, or association; any combination of individuals; or any employee, agent, or officers thereof.

(J) “RANGER.” Any state, city, or county police authorities requested by the board to assist it in providing police protection for its property and activities and for enforcement of the rules and regulations herein made and provided, and any employees of the district deputized as police officers for such purpose.

(K) “RULES AND REGULATIONS.” Any regulations adopted by the board.

(L) “SUPERINTENDENT.” The superintendent of the city park and recreation board and he shall act for the board, enforce the laws, maintain law enforcement, and maintain good order within the district.

(M) “VEHICLE.” Any device, conveyance, or combination of conveyances, wheeled or without wheels, (but excepting motor boats), propelled, towed, or unpropelled, that in, around, or on which a person or thing is or may be carried and shall include, without limitation, bicycles, scooters, minibikes, and snowmobiles. (Ord. 1976-11, passed 8-3-76)

§ 95.02 TERRITORIAL SCOPE.

This chapter shall be effective within and upon all areas under the jurisdiction of the board, and shall regulate the use thereof by all persons. (Ord. 1976-11, passed 8-3-76)

DEFACEMENT, DESTRUCTION, ETC. OF PROPERTY

§ 95.05 DEFACEMENT, DESTRUCTION, REMOVAL.

No person shall injure, deface, destroy, disturb, befoul, or remove any part of the park, or any building, sign, equipment or property found therein; nor shall any person maliciously cut down, destroy, or injure a standing or growing vine, brush, shrub, sapling, tree, flower, or other vegetation or fruit or seed growing on park property, or maliciously injure, destroy, disturb, or sever from the park a product standing or growing or other thing, such as rock minerals attached thereto or a part thereof. (Ord. 1976-11, passed 8-3-76)

§ 95.06 DEFACEMENT OF SURFACE.

No person shall intentionally accelerate a motor vehicle causing the rubber tires to spin, mark, or deface the park or roadway surface within the park. (Ord. 1976-11, passed 8-3-76)

LITTERING, NOXIOUS MATERIAL, AIR POLLUTION NUISANCE AND DAMAGE

§ 95.10 DEPOSITING UNAUTHORIZED WASTE IN PARK.

No person, without authorization of the board, shall bring into, leave behind, or dump any material of any kind, whether waste or otherwise, in the park, except refuse, ashes, garbage and other material arising from the normal use and enjoyment of a picnic, camp, or other permitted activity provided the material is deposited in receptacles or pits provided for such purpose. Nor shall any material of any kind be left or deposited outside or near the parks so as to pollute the land, waters, or air coursing through or over the parks or otherwise to interfere with the use and enjoyment of the park. No bottles, cans, refuse, or foreign material of any description shall be deposited or thrown in any of the streams, waterways, ponds, or lakes located in the park. (Ord. 1976-11, passed 8-3-76)

§ 95.11 PROHIBITED NOXIOUS OR DELETERIOUS MATERIALS.

No person shall, either within or outside of the park, place or permit to be placed in any river, brook, stream, pond, ditch, or drain that is maintained in or flows into or through the park, any noxious or deleterious material which may render park waters harmful to the public health, or to animal, vegetation, or aquatic life. The board may cause the park waters as it deems advisable closed to fishing and shall so post them. (Ord. 1976-11, passed 8-3-76)

FIRES

§ 95.15 STARTING FIRES.

No person shall start a fire in the park except small fires for culinary recreational purposes in park grills, or privately owned grills, or fires in a place or designated areas approved by a park ranger or park employee and when necessary shall be continuously attended under the care and

direction of a competent person. Further, the superintendent may, at his discretion, prohibit fires for limited periods at any location or for any purpose. All fires shall be completely extinguished by the person or persons starting or using the same before leaving the immediate vicinity of the fire. (Ord. 1976-11, passed 8-3-76)

FIREARMS, WEAPONS, EXPLOSIVES, MISSILES, ETC.

§ 95.20 CARRYING, POSSESSION, OR DISCHARGE OF FIREARMS OR OTHER DEVICES.

The carrying, possession, or discharge of firearms or any device capable of injuring or killing any animal or person or damaging or destroying any property within the park is prohibited. (Ord. 1976-11, passed 8-3-76)

CAMPS AND CAMPING

§ 95.25 CAMPING IN PARKS.

No person shall camp within any park except in camping areas as may from time to time be designated by the board or upon written approval of the superintendent. (Ord. 1976-11, passed 8-3-76)

§ 95.26 SLEEPING IN PARKS.

Except in areas for camping, no person shall sleep in any park between the hours of 11:00 p.m. and 6:00 a.m. (Ord. 1976-11, passed 8-3-76)

DISORDERLY CONDUCT

§ 95.30 DISTURBING THE PEACE, LOUDNESS, FIGHTING, RIOTOUS TUMULT.

No person shall either by word or act, indulge in any noise, boisterous, disorderly, or indecent conduct, or in any manner disturb the peace or good order of the community within the park by any means. No person shall disturb or intrude upon a picnic or gathering in any park without the consent of those composing the group except park employees in the proper pursuit of their duties. (Ord. 1976-11, passed 8-3-76)

§ 95.31 CONCESSIONEERING WITHOUT PERMIT.

No person shall advertise, offer, or exchange for sale any article or merchandise or service; or do any hawking, peddling, or solicitation; or buy or offer to buy any article or merchandise; or take up any collection or solicit or receive contributions of money or articles of value except when authorized by permit from the board. (Ord. 1976-11, passed 8-3-76)

§ 95.32 DRINKING, UNDER INFLUENCE OF OR POSSESSION OF ALCOHOLIC BEVERAGES, DANGEROUS DRUGS OR CONTROLLED SUBSTANCES.

No person shall drink, sell, possess, make a gift of, or offer for sale any alcoholic beverages, dangerous drugs, or controlled substances within the park. (Ord. 1976-11, passed 8-3-76)

§ 95.33 UNLAWFUL ENTRY OF TOILETS.

No persons, except park maintenance employees on duty, or park rangers or law enforcement officers, shall enter a toilet room set aside for the opposite sex. (Ord. 1976-11, passed 8-3-76)

§ 95.34 FAILURE TO COMPLY WITH ORDERS OF PARK DISTRICT RANGER.

No person shall fail or refuse to comply with the reasonable order relating to the regulation, direction, or control of traffic, or to any other order lawfully given by any ranger or law enforcement officer acting under the authority of the board, willfully resist, obstruct, assault, or abuse any ranger or law enforcement officer or any other official in the execution of his office, in any manner give aid to any person to escape from the custody, or to attempt to escape from impending arrest or custody. (Ord. 1976-11, passed 8-3-76)

TRAFFIC

§ 95.35 SPEED LIMITS.

No person shall drive, propel, or cause to be driven along or over any road within the park, any vehicle or conveyance at a rate of speed greater than the speed limit signs erected along the right-of-way nor, in the absence of signs, at a speed in excess of 20 miles per hour in all events, at a greater speed than is reasonable and proper with regard to traffic conditions and the use of the roads, or endangers the safety of any person or property. (Ord. 1976-11, passed 8-3-76)

§ 95.36 STORAGE OF VEHICLES IN PARKS PROHIBITED.

No person shall park or store any vehicle within the park, except in places designated by the board for such purposes and payment of a parking fee which, if any, may be set by the board. A vehicle parked in the park in excess of 25 consecutive hours will be towed away at the expense of the owner thereof. (Ord. 1976-11, passed 8-3-76)

§ 95.37 VEHICLES RESTRICTED TO ROADWAYS, ETC.

No person shall ride or operate any motorized vehicle on, over, along, or upon any park except roadways, driveways, and parking areas designated for the use of a vehicle, or except in special limited areas as may be designated by the board from time to time for particular type vehicles. (Ord. 1976-11, passed 8-3-76)

§ 95.38 REDUCED SPEED LIMITS.

Whenever the board shall determine, upon the basis of an engineering and traffic investigation, that the speed of 20 miles per hour is greater than is reasonable or safe under the conditions found to exist at any intersection, playground, picnic area, or other place upon any art of the area, roads, or drives within the park, the board may determine and declare a reasonable and safe prima facie speed limit thereat, which declaration and determination so made shall be effective when appropriate signs giving notice thereof are erected at the intersections, playgrounds, picnic areas, and other places upon the park roads or drives. (Ord. 1976-11, passed 8-3-76)

§ 95.39 STOP INTERSECTIONS.

The intersections described in Schedule A, below are designated stop intersections. When appropriate signs conforming to the requirements of the City of Decatur traffic code are erected at the entrances to such intersections, the operator of a vehicle approaching any of the streets where a sign has been erected shall bring such vehicle to a full and complete stop before entering the intersection, except when directed by a police officer to do otherwise:

SCHEDULE A: STOP INTERSECTIONS.

<u>TRAFFIC ON</u>	<u>FOR TRAFFIC ON</u>	<u>SHALL STOP</u>
West Branch Beal Dr.		Meibers
West Branch Beal Dr.		East Branch Beal Dr.
East Branch Beal Dr.		Meibers
Meibers	Branch Beal Dr.	East
Meibers	Branch Beal Dr.	West

(Ord. 1989-13, passed 6-20-89)

EQUESTRIANS AND MOUNTS

§ 95.40 RIDING AREAS.

No person shall ride or drive any horses or other animal within a park except in areas that may be designated by the board as bridly paths or roadways. (Ord. 1976-11, passed 8-3-76)

SWIMMING

§ 95.45 SWIMMING AREAS.

No person shall bathe, wade, or swim in any park except in the department swimming pool or in such areas as are designated for that activity. (Ord. 1976-11, passed 8-3-76)

§ 95.46 SWIMMING RULES AND REGULATIONS.

All swimmers at the department pool shall abide by the rules and regulations posted at the pools. (Ord. 1976-11, passed 8-3-76)

ARCHERY

§ 95.50 USE OF BOW AND ARROWS.

The use of bows and arrows of any kind in the park is prohibited except in the areas designated by the board as archery ranges. (Ord. 1976-11, passed 8-3-76)

BOATS

§ 95.55 BOATS, MOTOR BOATS AND OTHER WATERCRAFT.

No person shall launch, operate, or use any watercraft on any park lands except in areas as may be designated by the board, and only within the limits and regulations as may be established by the board. (Ord. 1976-11, passed 8-3-76)

HOURS OF CLOSING

§ 95.60 HOURS OF CLOSING - 11:00 P.M. TO 6:00 A.M. CURFEW.

No person shall be permitted to remain, stop, or park within the confines of a park between the hours of 11:00 p.m. and 6:00 a.m. prevailing local time, except in an overnight fee permit, family or designated youth group camping areas; in an emergency, or with a special permit for just cause issued by the superintendent; or except at special facilities where other authorized and posted hours are designated by the board. (Ord. 1976-11, passed 8-3-76)

§ 95.61 PERMITS AND RESERVATIONS REQUIRED.

A permit or reservation shall first be obtained from the superintendent prior to the entrance into the park or the use of any park property or facility whenever required by this chapter or by any rule or regulation promulgated by the board. In addition, the fee, if any, as required by the board, must be paid at the time that the permit or reservation is applied for. All permits and reservations shall be applied for in advance at the park and recreation office. The superintendent may, in his discretion, issue the permit or reservation upon application when the same is consistent with the proper use and protection of the park property and likewise in his discretion, may refuse

the same if consistent with the proper use and protection of park property. (Ord. 1976-11, passed 8-3-76)

PERMITS, RESERVATIONS, AND FEES

§ 95.65 FEE PERMITS AND RENTAL FACILITIES AUTHORIZED.

Fees and charges for the use of various facilities operated by the department on property of the department shall be established by the board and may be changed from time to time. (Ord. 1976-11, passed 8-3-76)

§ 95.99 PENALTY.

Any violation of any of the provisions of this chapter shall be punished by a fine not less than \$10 nor more than \$200, or by an order or restitution in an amount equal to the cost of replacing or repairing any damage done to the park or park property as a result of a violation.

CHAPTER 96: PARKING AND ASSEMBLIES ON WALKWAYS,
DRIVEWAYS, AND PARKING AREAS

Section

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- 96.02 Driving motor vehicles through parking areas or driveways restricted
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- 96.04 Entering upon walkways, driveways, or parking areas restricted
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- 96.06 Removing, defacing, or tampering with sign posting notice

- 96.99 Penalty

§ 96.01 BLOCKING ENTRANCES OR EXITS TO PARKING AREAS.

It shall be unlawful to intentionally block entrances or exits to any parking area adjacent to any business building in any manner, unless by direction of the owner or manager of the public, business, or church building, whereby doing so causes any difficulty in entering or exiting the premises, adjacent drive, or parking area, except for the purpose of repairs by municipal authorities or private contractors engaged by the owners. (Ord. 1988-21, passed 9-27-88)

§ 96.02 DRIVING MOTOR VEHICLES THROUGH PARKING AREAS OR DRIVEWAYS RESTRICTED.

It shall be unlawful for any person to drive a motor vehicle through any parking area or driveway of any public, business, or church building without attempting to park said vehicle. (Ord. 1988-21, passed 9-27-88)

§ 96.03 PROHIBITING UNOCCUPIED MOTOR VEHICLES LEFT UPON WALKWAYS, DRIVEWAYS, OR PARKING AREAS.

It shall be unlawful for any person to leave an unoccupied motor vehicle upon a walkway, driveway, or parking area of a public, business, or church building and leave such premises to go elsewhere without the knowledge and consent of the owner, manager, or person in charge of such premises, if the premises are so posted by the owner or manager. (Ord. 1988-21, passed 9-27-88)

§ 96.04 ENTERING UPON WALKWAYS, DRIVEWAYS, OR PARKING AREAS RESTRICTED.

It shall be unlawful for any person to enter upon a walkway, driveway, or parking area of a public, business, or church building, unless the individual entering the premises does so for the purpose of conducting business or does so with the knowledge and consent of the owner, manager, or person in charge of such premises, if the premises are so posted by the owner or manager. (Ord. 1988-21, passed 9-27-88)

§ 96.05 NOTICE POSTING PROVISIONS; AGREEMENT.

(A) To come under the provisions of this chapter, the owner or manager of public, business, or church premises shall be required to post notices in a conspicuous location, by one or more signs displaying the fact that said premises are protected by the terms of this chapter.

(B) It shall be the duty of the owner or manager of the public, business, and church premises to sign an agreement with the Board of Public Works that the owner or manager shall post notices as described in this chapter and that the owner or manager shall cooperate to prosecute any person charged with violation of this chapter.

(C) After the above agreement is filed, the city shall design and furnish, for a fee determined by the Board of Public Works, a notice to the owner or owners to be posed.

(D) The above agreement must be signed and filed in the office of the City Clerk-Treasurer and notice must have been posted in conspicuous places on the property intended to be covered by this chapter. (Ord. 1988-21, passed 9-27-88)

§ 96.06 REMOVING, DEFACING, OR TAMPERING WITH SIGN POSTING NOTICE.

It shall be unlawful for anyone, other than the owner or one designated by the owner, to remove, deface, or tamper with a sign posting notice pursuant to this chapter. (Ord. 1988-21, passed 9-27-88)

§ 96.99 PENALTY.

Any person who shall violate any provision of this chapter shall be fined not less than \$5 nor more than \$50. (Ord. 1988-21, passed 9-27-88)

CHAPTER 97: RULES AND REGULATIONS COVERING
THE CARE AND MAINTENANCE OF TREES, SHRUBS AND VEGETATION.

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§ 97.01 JUSTIFICATION.

The selection, planting, maintenance, and removal of trees, shrubs, and hedges along public ways and on public grounds substantially affect such matters as: pedestrian and vehicle safety, the location and maintenance of utility services, tree maintenance costs, the incidence of tree diseases, the general appearance of the cityscape, and the general quality of life of our City.

THEREFORE, it is hereby found and determined that such selection, planting, maintenance, and removal are matters of city-wide concern over which the City must exercise the control set forth in this chapter.

§ 97.02 ESTABLISHMENT OF TREE BOARD INCLUDING DUTIES AND RESPONSIBILITIES.

A tree board for the City of Decatur is hereby established which membership shall consist of the following individuals:

The Superintendent of Parks Department.
City Street Commissioner.
City Council Member.

The tree board has the responsibility for administering the City of Decatur tree program as established in this Ordinance.

§ 97.03 DEFINITIONS.

A. Street Trees: "Street Trees" are herein defined as trees, shrubs, and all other woody vegetation on land lying within the city right of way on either side of all streets, avenues or alleyways within the City.

B. Park Trees: "Park Trees" are herein defined as trees, shrubs, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

§ 97.04 STREET TREE SPECIES TO BE PLANTED.

No tree species other than those trees included in the official list of trees as promulgated by the Superintendent of Parks and the Street Commissioner may be planted as Street Trees without written permission by the City.

§ 97.05 SPACING.

The spacing of Street Trees will be in accordance with the tree species size classes listed in the official list of trees, and no trees may be planted closer together than the following: Small trees, 30 feet; Medium trees, 40 feet; and Large Trees, 50 feet; except in special planting approved by the City.

§ 97.06 DISTANCE FROM CURB AND SIDEWALK.

The distance trees must be planted from curbs or curblines and sidewalks will be in accordance with the tree species size class as published in the official list of Street Trees, no trees may be planted closer, without written permission, to any curb or sidewalk than the following: Small trees, two feet; Medium Trees, three feet; and Large Trees, four feet.

§ 97.07 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersection curbs or curblines. No Street Tree shall be planted closer than ten feet of any fireplug.

§ 97.08 UTILITIES.

No Street Tree, other than those species listed as Small Trees in the official list of trees, may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

§ 97.09 PUBLIC TREE CARE.

A. The City shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the city right of way along all streets, avenues and alleyways and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The City may remove, or cause, or order to be removed, any street tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 3 through 7 of this Ordinance.

C. Expenses of planting, pruning, maintaining, and removal of trees, plants, and shrubs under this section for the reasons specified above shall be borne by the City. However, any removal of Street Trees, plants, or shrubs at the request of an adjoining property owner for merely esthetic reasons, or reason other than safety, prevention of damage to property or improvements, or prevention of disease, shall be borne by said property owner. Any removal of Street Trees at the request of a property owner for esthetic reasons or reasons other than promotion of safety, or prevention of property damage or disease, shall be done only with the concurrence of the City.

§ 97.10 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm, or City Department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires, or other obstructions where other pruning practices are impractical may be exempted from this Ordinance at the determination of the City.

§ 97.11 PRUNING AND CORNER CLEARANCE ON PRIVATE PROPERTY.

Every owner of any tree located on private property overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign, or obstructs the view of any street intersection and charge the cost of pruning to the owner of said property.

§ 97.12 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owners of said property.

§ 97.13 REMOVAL OF STUMPS.

It is preferred policy that stumps of street and park trees shall be removed at or below the surface of the ground; however, this statement of preferred policy shall not be treated as a mandatory requirement.

§ 97.14 INTERFERENCE WITH CITY.

It shall be unlawful for any person to prevent, delay, or interfere with the City or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of said Street Trees, Park Trees, or trees on private grounds, as authorized in this Ordinance.

§ 97.15 PERMIT REQUISITE TO TRIMMING, REMOVING OR PLANTING STREET OR PARK TREES.

Other than the pruning of branches of less than two inches in diameter, it shall be unlawful for any person to trim, remove or plant, injure or destroy any Street or Park Tree within the City without first applying for and obtaining a written permit from the street Department of the City. Prior to issuance of any such permit, the said Street Department will determine whether or not the proposed trimming, removing, planting, or destruction is within the regulations and guidelines established by this Ordinance. Any person may appeal from any ruling of the City Street Department to the Board of Public Works and Safety which may grant a variance from the strict provisions of this Ordinance, in case of hardship or in cases where the granting of a variance will not substantially conflict with the purpose and intent of this Ordinance. The Department of Parks of the City will be exempt from the provisions of this section and may trim, remove, plant, and manage any trees and other vegetation within the parks under its jurisdiction without the necessity of approval or issuance of a permit by the City or Street Department.

§ 97.16 REVIEW BY THE BOARD OF WORKS.

The Board of Works of the City of Decatur shall have the right to review the conduct, acts and decisions of the City Street Commissioner and Superintendent of Parks Department. Any person may appeal any ruling or order to the Board of Works of the City of Decatur which may hear the matter and make final decision.

§ 97.17 PENALTY.

Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$500.00. (Ord. 1993-10, passed 12-7-93)