

RESOLUTION P-2012-001

**A RESOLUTION AMENDING AND RESTATING THE RULES OF PARK OPERATIONS
OF THE CARMEL/CLAY BOARD OF PARKS AND RECREATION**

WHEREAS, the Carmel/Clay Board of Parks and Recreation (the "Park Board") is a governmental entity created and authorized to administer the Carmel/Clay Department of Parks and Recreation (the "Department") pursuant to that certain agreement entitled "Interlocal Cooperation Agreement" signed by the respective authorized officials of Clay Township, Hamilton County, Indiana and City of Carmel, Indiana on July 30, 2002 and effective January 1, 2003, as amended from time to time; and


WHEREAS, the Interlocal Cooperation Agreement and Indiana Code Section 36-10-3-10 grants the Park Board authority to establish rules governing the use of park and recreation facilities and programs by the public; and

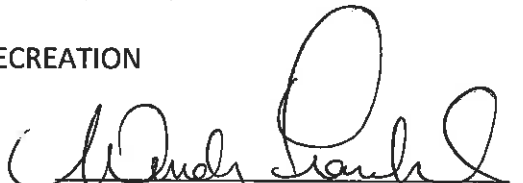
WHEREAS, it is the Park Board's practice to periodically review and revise policies to best address the appropriate use of parks and facilities for the benefit of the Carmel Clay community.


NOW, THEREFORE, BE IT RESOLVED by the Carmel/Clay Board of Parks and Recreation that the Rules of Park Operations be amended as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.


APPROVED AND ADOPTED this 11th day of September 2012.

CARMEL/CLAY BOARD OF PARKS AND RECREATION


James L. Engledow, President



Wendy Franklin, Vice President


Richard F. Taylor III, Treasurer


Richard Leirer, Secretary


Donna Cihak Hansen

Joshua A. Kirsh


Pamela S. Knowles

Jenn Kristunas


Linus Rude

ATTEST:  Secretary

All applicable state, federal and local laws, including but not limited to, laws governing vandalism, nuisance, litter, animal control, alcohol and drugs will be enforced.

The following rules are provided to supplement the laws and ensure a safe and nurturing experience while visiting the Carmel Clay Parks and Recreation system. When used in the rules, the word "Department" refers to the Carmel Clay Parks and Recreation Department. Use and enjoyment of the Monon Community Center are governed by additional site specific rules posted at the facility and encompassed in user agreements.

1) Park Hours

- a) Except in emergency or unsafe conditions, all parks and greenways shall be open at sunrise and close at sunset. Visiting a park when it is closed is strictly prohibited, except when an activity is scheduled or approved by the Department.
- b) Exceptions to the established hours of operation may be granted in certain circumstances, at the sole discretion of the Director, upon proper application for such exception.
- c) In addition to the exceptions granted by the Director, Park Hours restrictions apply to all parks within the Carmel Clay Park System except within the Monon Community Center.

2) Use of Alcohol

- a) Containers of alcohol or beverages containing alcohol are strictly prohibited in any park for any reason;
- b) The serving and consumption of alcoholic beverages shall be permitted in the Monon Community Center in the following areas: banquet and meeting center, balcony adjacent to the banquet and meeting center, program rooms and/or any portion of the Monon Community Center rented to an individual or organization to the exclusion of the general public. Alcohol may only be served by the exclusive caterer, who is required to have liquor liability insurance and all necessary catering permits and liquor licenses necessary to offer beer, wine and full service bar facilities.
- c) Exceptions to the foregoing rules regarding alcohol may be granted in certain circumstances, at the sole discretion of the Park Board, upon proper application for such exception and upon compliance with reasonable conditions regarding such authorization.

3) Use of Glass Containers

- a) Glass containers are strictly prohibited in the water play areas within all parks.

4) Use of Fire

- a) A person may kindle, build, stroke, light, maintain or use a fire within any park, provided that the fire:
 - i) Is contained in a fireplace or pedestal grill provided by the Department. Any fire must be constructed of safe, appropriate, ordinary, natural, and untreated materials, and must be continuously monitored and cared for by a competent person from kindling to complete extinguishment; or

- ii) Is in strict compliance with a specific permit issued by the Department. (Such as a campfire, prairie burn or bonfire for a specific group event.)

5) Trash

- a) It is strictly prohibited for any person to toss, drop, throw away, deposit, or otherwise discard ashes, coals, used matches, or smoking materials upon the ground, in waters or in trash containers within any park. All such matter shall be contained in a fireplace or other appropriate container designated for the deposit of such.
- b) It is strictly prohibited for any person to bring refuse (as that term is defined by the Indiana Code) into a park and to deposit such refuse within the park or in a park refuse disposal receptacle, **except** for garbage defined as paper goods, food wrappers, or food containers used in the park, in accord with the rules hereof.

6) Animals

- a) It is strictly prohibited for any person within a park to kill, wound, hunt, trap, shoot, throw rocks at, chase, molest, provoke or remove any feral mammal, reptile, amphibian or bird, or to remove the young of any such mammal or the eggs or young of any such reptile, amphibian or bird, or to knowingly buy, receive, have in his or her possession, sell or give away any such mammal, reptile, amphibian, bird, or egg so killed or taken within any park. This does not prohibit the harvesting for personal use of appropriate amounts of fish by fishing methods which are continuously attended and monitored and do not exceed the State of Indiana regulated amounts.
- b) It is strictly prohibited for any person to bring into or possess within any park a pet or other domesticated animal, unless the pet or other domesticated animal is:
 - i) Either continuously restrained by a firmly held or attached non-retractable leash that is of sufficient length, but not longer than six (6) feet; or secured in a fully enclosed confinement container; or within a specifically designated and posted "Pet Exercise Area" in compliance with any posted rules at such site; and
 - ii) Not designated by an ordinance of the City or Board of Commissioners of Hamilton County, Indiana, as a dangerous animal.
- c) It is strictly prohibited for any person within any park to fail to pick up and properly dispose of the waste of their pet either in an appropriate litter container in the park or elsewhere. Pet owners must have and use a container or device for the holding of their pet's waste while they are in a park, on a trail or a greenway.
- d) It is strictly prohibited for any person to bring or possess any pet or other animal inside the Monon Community Center and within any other park building or other park site that is specifically designated and posted as a "No Pets" area. This does not prohibit a person with a disability from using an animal specifically trained to assist that person anywhere within a park or facility.
- e) It is strictly prohibited for any person knowingly to cause or direct the abandonment or unlimited release in any park of any animal except in accord with a specific permit issued by the Department.

7) Vegetation and Natural Material

- a) It is strictly prohibited for any person to harvest, collect, dig up, cut, trim, break, set fire to, disturb, or otherwise damage any vegetation or tree within any park. It is permissible to harvest ripe fruit, nuts, or mushrooms in amounts appropriated for immediate consumption or use by the person or his or her family, except in areas specifically designated as "No Harvest" areas
- b) It is strictly prohibited for any person to knowingly plant, deposit, cultivate, or place within any park any vegetation or seed thereof, except in accord with a specific permit issued by the Department.
- c) It is strictly prohibited for any person to displace, excavate, carry away, otherwise remove or modify the arrangement of any soil, sand, gravel, stone, rock, asphalt, or other ground surface material within any park, except in accord with a specific permit issued by the Department.

8) Restricted Activities

- a) It is strictly prohibited for any person within any park to sell, advertise or promote publicly any services, goods or materials, including commercial products, except in accord with a specific permit issued by the Department and in compliance with all applicable local and state laws and except as specifically allowed in the Food & Beverage Policy.
- b) It is strictly prohibited for any person within a park to photograph for promotion or sale any commercial product or commercial event, except in accord with a specific permit issued by the Department.
- c) It is strictly prohibited for any person within any park to engage in hang gliding, rappelling from towers, or any use of the trees, towers or other structures for technical climbing activities or the placement of swings, tires, etc
- d) It is strictly prohibited for any person within any park to pitch or maintain a tent or other improvised shelter for the purpose of overnight camping, except in accord with a specific permit issued by the Department.
- e) It is strictly prohibited for any person within any park to swim in any lakes, ponds or rivers within the jurisdiction of the Department.
- f) It is strictly prohibited for any person within any park to use or erect such equipment as booths, air-filled devices, and tethered items such as hot-air balloons, except in accord with a specific permit issued by the Department.
- g) It is strictly prohibited for any person within any park to erect any sign, poster, or banner, except in accord with a specific permit issued by the Department.
- h) Except as otherwise specifically authorized in writing by the appropriate entity, no adjoining property owner, occupant, manager, or person in actual control of real property adjoining property owned or managed by the Carmel/Clay Board of Parks and Recreation may encroach upon park property.

9) Special Use

- a) Special Use of any portion of any park is subject to the Special Use Policy.

10) Use of Vehicles

- a) It is strictly prohibited for any person within any park to operate a snowmobile, ORV (Off-Road Vehicle), ATV (All Terrain Vehicle), mini-bike, moped, motorized scooter or motorcycle off-road or ride a horse except in those areas specifically designated for such use.
- b) It is strictly prohibited for any person within any park to operate a vehicle within a park boundary at a speed in excess of twenty (20) miles per hour. No person shall cause or permit any vehicle under his or her control to obstruct traffic or access to gates or to enter or leave a park except at established entrances or exits. All vehicles shall be operated on roadways specifically designated for vehicular traffic.
- c) Personal assistive mobility devices (as that term is defined by the Indiana Code) are permitted on all greenways and multi-purpose paved trails.

11) Parking

- a) It is strictly prohibited for any person within any park to park a vehicle in an area other than a designated parking area. No person shall park a vehicle in an area designated as "Unloading Only" and leave the same unattended for a period exceeding ten (10) minutes. No person shall leave a vehicle overnight in a parking area, except in accord with a specific permit issued by the Department. No one shall park in a parking space designated for the physically challenged without a handicapped permit from the City or Indiana BMV.
- b) It is strictly prohibited for any person within any park to use or occupy any park shelter or facility while posted as "reserved" for some specific organized function or group of persons.
- c) It is strictly prohibited for any person within any park to enter any park or area or facility without payment if the Board has established a fee for entrance, except those employees or guests granted permission by the Department.

12) Smoking and Tobacco Products

- a) The use and sale of tobacco products, including but not limited to smoking, is strictly prohibited on or in all Board owned and/or managed property and Board owned, leased, or operated vehicles and equipment.

13) Police and Enforcement

- a) It is strictly prohibited for any person within any park to disobey an order or interfere with the duty of a law enforcement officer or any park employee once they have identified themselves.
- b) It is strictly prohibited for any person within any park to disobey or disregard the rules, notices, prohibitions, instructions, or directions posted on any park sign. This includes, but is not limited to, the rules and regulations for shelters, pavilions, "No Pet" areas and "Pet Exercise" areas, playground areas or recreation areas.
- c) Except as specifically allowed under applicable Indiana law and/or in accord with a specific permit issued by or in conjunction with the Department or as otherwise authorized by the Board, the use or discharge of weapons are strictly prohibited in any park for any reason.