

**ORDINANCE 2024-04**

**TOWN OF MORGANTOWN, INDIANA**

**AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS FOR  
MORGANTOWN PARKS AND OTHER RECREATIONAL AREAS**

**WHEREAS**, the Morgantown Parks and Recreation Board (the "Park Board") has established rules governing the use of Morgantown park and recreation facilities by the public;

**WHEREAS**, the Park Board has submitted its rules to the Morgantown Town Council, (the "Council") and requested that they be adopted by the Council as a Town ordinance, to give them the effect of local law, enforceable by the Town's police officers and Town Attorney;

**ACCORDINGLY, BE IT ORDAINED** by the Town Council of the Town of Morgantown, Indiana as follows:

**Section 1. Purpose**

The purpose of this Ordinance is to enact rules for use of park and recreation areas and facilities, owned and operated by the Town of Morgantown, to promote enjoyment, health and safety of persons using those park and recreation areas and to protect and preserve the Town's property and investment in its parks and other recreation areas.

**Section 2. Parks and other Recreation Areas Defined**

The phrase "parks and other recreation areas" shall include but not be limited to, all lands, buildings, structures, waters, parks, trails, drives, and roadways in the Town of Morgantown, that are under the jurisdiction and control of the Park Board.

**Section 3. Park Hours**

No person shall enter or remain in any park or other recreation area when closed to the public. Parks and other recreation areas will be open to the public, each day, beginning one (1) hour before sunrise and ending one (1) hour after sunset, or at the conclusion of approved activities, whichever is later. The Park Board may, from time to time, change the hours during which a park or other recreation area is open to the public. In any such case, the revised hours will be posted at the park or recreation area to which they apply.

**Section 4. Vehicles Left in Parks or Other Recreation Areas**

No vehicle shall be left in any park or other recreation area. Any vehicle discovered in any park or other recreation area, while closed to the public, shall be considered an "abandoned

vehicle,” as that term is defined in the Town’s Nuisance Ordinance.

**Section 5. Disposal of Rubbish, Refuse and Garbage**

No person shall take into, leave, or deposit in any park or other recreation area any trash, waste, garbage, or other material. Trash and all other unwanted material resulting from permitted use of parks and recreation areas shall be deposited in receptacles provided. Where receptacles are not provided, or are not sufficient, all waste shall be carried away from the park or recreation area by the person responsible for its presence there.

**Section 6. Altering or Removing Signs, Structures, Fixtures and Other Improvements Prohibited**

No person shall damage, deface, remove, or otherwise alter any sign, structure, fence, fixture, or other improvement in any park or other recreation area.

**Section 7. Pet Supervision Required/Only Household Pets**

Only common household pets, such as dogs and cats, shall be permitted in parks and recreation areas. At all times while in a park or other recreation area, all pets shall be kept on leashes, no longer than six (6) feet in length held, continuously, by the pet owner or his/her designee, who shall be responsible for any damages caused by the pet and shall collect, in a sealed plastic bag, and dispose of all excrement left by the pet. Horses, ponies, and other large or traditionally farm animals shall be prohibited in park and recreation areas, unless they are participating in an event approved by the Park Board.

**Section 8. Camping Prohibited**

Camping in parks or other recreation areas is prohibited without the express written permission of the Park Board.

**Section 9. Fires Prohibited**

Except for grills designed and customarily used for noncommercial cooking, open burning of any kind in parks and recreation areas is strictly prohibited, except with the express written permission of the Park Board.

**Section 10. Possession, Consumption and Sale of Alcohol Beverages Prohibited**

No person shall possess, consume, sell, or offer to sell any alcoholic beverage in any park or other recreation area, except with the express written permission of the Park Board.

### **Section 11. Fireworks Prohibited**

Fireworks shall be prohibited at all times in parks and recreation areas, except with the express written permission of the Park Board

### **Section 12. Prohibited Persons**

No person deemed to be an offender against children and required to register under IC 5-2-12 or who has been found by a court to be a sexually violent predator under IC 35-38-1-7.5, or the law of any jurisdiction that identifies the person as being likely to repeatedly commit a sex offense, or who has been convicted of one (1) or more of the following offenses:

- (1) Rape (IC 32-42-4-1)
- (2) Criminal deviate conduct (IC 35-42-4-2)
- (3) Child molesting (IC 35-42-4-3);
- (4) Child Exploitation (IC 35-42-4-4(b));
- (5) Vicarious sexual gratification in the presence of a minor (IC 35-42-4-5);  
I.C. 9-4-1-27 and I.C. 9-4-1-28, authorize the City to regulate traffic in the parks.
- (6) Child Solicitation (IC 35-42-4-6);
- (7) Child seduction (IC 35-42-4-7);
- (8) Sexual battery (IC 35-42-48);
- (9) Sexual misconduct with a minor (IC35-42-4-9);
- (10) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age;
- (11) Public indecency; indecent exposure (IC 35-45-4-1);
- (12) Public nudity (IC 35-45-4-1.5);
- (13) Prostitution (IC 35-45-4-2);
- (14) Patronizing a prostitute (IC 35-45-4-3);
- (15) Voyeurism (IC 35-45-4-5);
- (16) An offense in another jurisdiction that is substantially similar to an offense described in subsections (1) through (15);

shall not be permitted, at any time, to be present in any park or recreation area.

This section shall not apply to any person whose name has been removed from the registry by act of a court or by expiration of the term such person is required to remain on the registry pursuant to IC 5-2-12, or to any person who is within or upon such property for the purposes of attending any electoral polling place for the purpose of voting, or campaigning for any candidate for political office at such electoral polling place, or attending an organized gathering for a political purpose.

### **Section 13. Penalties**

- A. Any person who violates this Ordinance is subject to be fined Twenty-Five Dollars (\$25.00) for each separate offense. A separate offense is subject to be deemed committed for each day during which a violation occurs or continues to occur.

B. In addition to penalties prescribed herein, any person who damages park property is subject to payment of restitution in an amount equal to the Town of Morgantown's cost to repair said damage.

**Section 14. Saving Clause**

If any section, provision, or part of this Ordinance shall be judged to be invalid or such adjudication shall not affect the validity of any other section, provision, or part of this Ordinance or this Ordinance as a whole.

**Section 15. Ordinances in Conflict**

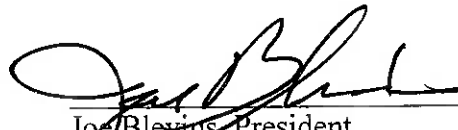
All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance.

**Section 16. Effective date**

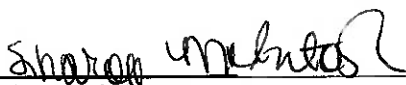
This ordinance shall be in full force and effect from and after its adoption by the Town Council and upon publication as provided by law.

Introduced and adopted by affirmative vote of a majority of the members of the Town Council of the Town of Morgantown at their meeting on the 12<sup>th</sup> day of August, 2024.

Adopted by affirmative vote of a majority of the members of the Town Council of the Town of Morgantown at their meeting on the 9<sup>th</sup> day of September, 2024.

  
\_\_\_\_\_  
Joe Blevins, President  
Morgantown Town Council

Attest:

  
\_\_\_\_\_  
Sharon McIntosh, Clerk Treasurer