

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1778

AN ORDINANCE ESTABLISHING
RULES OF CONDUCT WITHIN THE PARKS AND RECREATION AREAS,
AND ESTABLISHING FINES AND PENALTIES FOR VIOLATIONS OF THE PARK RULES
IN THE TOWN OF ST JOHN, LAKE COUNTY, INDIANA

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, passed and adopted Ordinance No. 1764 on April 18, 2022, wherein it reestablished the Town of St. John department of parks and recreation, its operations, duties, and funding (codified in Chapter 15, Parks and Recreation, of the St. John Code of Ordinances.)

WHEREAS, in Ordinance No. 1764, the Town Council reserved Article III of Chapter 15 to later establish the permitted and expected conduct within parks and recreational areas in the Town of St. John.

WHEREAS, the St. John Town Council deems it to be in the best interest of the citizens of the Town of St. John to now establish rules for the parks and recreational areas within the Town, to grant enforcement authority, and to establish fines and penalties for violations thereof.

WHEREAS, the St. John Town Council now desires to establish *Article III. Conduct within Parks and Recreational Areas*, of Chapter 15. Parks and Recreation, of the St. John Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: Article III. Conduct within Parks and Recreational Areas, is hereby established and incorporated into Chapter 15, Parks and Recreation, of the St. John Code of Ordinances, and shall read as follows:

**Chapter 15
PARKS AND RECREATION**

**Article III
Conduct within Parks and Recreation Areas**

Division 1. Generally.

Sec. 15-41. Definitions.

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

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

Bike path means the paved walkway or greenway designated as a "bike path" or "bike trail" within a park or recreational area dedicated as a path for multiuse by pedestrians, bicycles, and other similar recreational activities, excluding vehicles, in the Town of St. John. This term does not include the portion of the street or roadway known as a "bike lane" or "bike route" which separates the bike traffic lane from the vehicle traffic lanes and is designated by striping, signage, and pavement markings.

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

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

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

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

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

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

Motor vehicle means a motor driven (gas or electric) device in, upon, or by which a person or property is, or may be, transported upon a highway. This term includes, without limitation, passenger automobiles. This term does not include watercraft, aircraft, snowmobiles, motorized carts, off-road vehicles, motor-driven cycles, electric bicycles, electric foot scooters, or electric personal assistive mobility devices.

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

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

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

Permit and reservation means any authorization issued by the Town Council, or the superintendent of the parks and recreation department or his designee, for a specific park privilege, activity or event or permitting the performance of a specific act(s) in any park.

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

Rules and regulations mean any rule or regulation that governs the use of the St John parks and recreational areas by the public that is enacted in accordance with this chapter.

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

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

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

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

Secs. 15-42. Violations; penalties.

- (a) Any person who shall violate any provision of this chapter shall, except as provided in this section, be punished as provided in section 1-9. Each violation shall constitute a separate offense.
- (b) Any person who shall violate a provision of this chapter as designated in section 1-10, may consent to the jurisdiction of the town's Ordinance Violations Bureau, in lieu of being charged with the offense in a court of law, and shall pay the fine as stipulated in section 1-10. Such penalties are payable at the Ordinance Violations Bureau in the Clerk-Treasurer's Office.
- (c) Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. The imposition of a penalty does not prevent suspension or revocation of a license or permit, or other administrative sanction, or vice-versa.
- (d) Any violation of a law, ordinance, rule or regulation, or term or condition of a permit shall constitute grounds for revocation of the permit. In case of revocation of any permit, all monies paid for the permit or on account of the permit shall be forfeited and retained by the Town. However, such forfeiture and retention by the Town shall not relieve any person from liability or punishment for any violation.

(e) The penalties for violations of Chapter 15 are as follows:

Chapter 15 Penalties		
Section:	Violation:	Fine amount (not including statutory court costs):
15-54	Failure to comply with orders of enforcement authority in a Park	\$50.00
15-63	Failure to respond to lightning warning signal in a Park	\$250.00
15-71	Park hours violation	\$50.00
15-72	Use of bike paths	\$50.00
15-73	Golfing prohibited in Parks	\$50.00
15-74	Fishing prohibited in Parks	\$50.00
15-75	Swimming, boating & ice skating prohibited in Parks	\$50.00
15-76	Skateboards & bikes prohibited in Parks	\$50.00
15-77	Camping prohibited in Parks	\$50.00
15-78	Open burning prohibited in Parks	\$50.00
15-79	Snowmobiles prohibited in Parks	\$50.00
15-80	Motor vehicle operation/parking in Parks	\$50.00
15-81	Fireworks prohibited in Parks	\$50.00
15-82	Hunting & feeding wildlife prohibited in Parks	\$50.00
15-83	Animal violation in a Park	\$50.00
15-84	Wiggly Field Dog Park violation	\$50.00
15-85	Alcoholic beverages prohibited in Parks	\$50.00
15-86	Merchants, solicitors, peddlers violation in a Park	\$50.00
15-87	Park rental violation	\$50.00

Sec. 15-43. – 15-50. Reserved.

Division 2. Administration and Enforcement.

Sec. 15-51. Purpose and application.

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

Sec. 15-52. Enforcement.

The provisions of this chapter shall be enforced by the department of parks and recreation, law enforcement officers of the Town, code enforcement, and those persons or agencies designated by the Town Council or by state law for such a purpose, with the authority to issue citations for

violations of this chapter, order and remove such person(s) in violation of this chapter from any park or recreational area, revoke a Town issued permit, license, or membership to a park facility, and any other authority as provided by law.

Sec. 15-53. Failure to comply with orders of enforcement authority.

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

Secs. 15-54. – 15-60. Reserved.

Division 3. Lightning Prediction System.

Secs. 15-61. Definitions.

In addition to the definitions set forth in Section 15-41, the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

Sec. 15-62. Required response to lightning warning signal.

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

Sec. 15-63. Failure to respond to lightning warning signal.

The following are violations of this section:

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

Sec. 15-64. Penalty for violation of division 3.

- (a) All supervisory personnel in violation of this division 3, upon conviction, shall each be fined as provided in sec. 15-42, per violation.
- (b) Liability for a violation of this division shall apply separately to each and every individual, league, organization, etc., defined as supervisory personnel in section 15-61.
- (c) For any violation of this division, the violator may be punished as prescribed in this section, and additionally, may be prohibited from the use of the parks and recreation facilities in the sole discretion of the Superintendent.

Secs. 15-65. – 15-70. Reserved.

Division 4. Rules and Regulations.

Sec. 15-71. Park hours.

- (a) All parks are open to the public from 6:00 a.m. to 10:00 p.m. every day.
- (b) No person shall enter or remain in any park or recreational area, or on any bike path, except those portions of the bike paths that are town sidewalks, after the park, recreational area, or bike path is closed to the public.
- (c) It is not a violation of this section to be in a park or recreational area in accordance with a valid Town issued permit, when attending a permitted function, or when participating in a Town sanctioned event.

Sec. 15-72. Use of bike paths.

- (a) In accordance with section 15-51, and unless otherwise indicated, this Code, all ordinances, and all rules and regulations shall apply to all parks and recreational areas in the Town of St. John, including all bike paths in the Town, wherever located.
- (b) It shall be a violation of this section for any person to loiter on any bike path at any time.

Sec. 15-73. Golfing.

No person shall golf in any park or recreational area. This includes the playing of golf, or the driving of golf balls.

Sec. 15-74. Fishing.

No person shall fish by any method or of any type, including ice fishing, in any public body of water in any park or recreational area where a sign is posted prohibiting fishing.

- (a) In the public bodies of water in a park or recreational area where fishing is permitted (when there are no posted signs prohibiting fishing) then only catch-and-release fishing is permitted.
- (b) No person shall take or attempt to take any fish from any public body of water in any park or recreational area, or at any time throw an object at any fish, or at any time place in such waters any fish, poison, or substance injurious to fish.

Sec. 15-75. Swimming, boating and ice skating.

No person shall swim, bathe, operate any watercraft, or ice skate in or on any body of water in any park or recreational area.

Sec. 15-76 Skateboards, skates, and bicycles.

- (a) No person shall ride, operate, or use a bicycle, electric bicycle, skateboard, roller skates, inline skates, or similar item in any park or recreational area as follows:
 - (1) On any athletic court, including but not limited to, tennis courts, pickleball courts, basketball courts, or volleyball courts;
 - (2) Up or down steps or stairs, on railings, retaining walls, seat walls, benches, picnic tables, or similar architectural features.
 - (3) This section does not apply to the operation or use of a skateboard, roller skates, inline skates, bicycle, or similar item in the area designated as the skatepark in the Gates of St. John Skatepark, where such activity is permitted.
 - (4) This section does not apply to and shall not restrict the use in any park or recreational area of an electric personal assistive mobility device or an electric scooter, which operate in accordance with the needs and requirements of the American with Disabilities Act (ADA).

Sec. 15-77. Camping.

No person shall erect or maintain a tent or other shelter, or otherwise camp in any park or recreational area.

Sec. 15-78. Open burning, fires, and grilling.

- (a) No person shall build, kindle, maintain, or use a fire within any park, including but not limited to, open burning, campfires, etc.
- (b) Notwithstanding subsection (a), charcoal grilling is permitted on the commercial charcoal grills provided and installed by the Town in designated parks, only, subject to the following conditions:
 - (1) Timber, wood, twigs, branches, leaves, or other forest materials are prohibited as a fire starter or fuel for any grill. Only the use of charcoal is permitted.
 - (2) All grills shall be continuously attended during use and prior to properly extinguishing the hot coals.
 - (3) Charcoal and/or hot ashes shall be disposed of in designated receptacles in specified areas, only. The dumping of hot coals and/or ashes on the ground or in a receptacle not specifically designated is prohibited.
- (c) All other grills not provided and installed by the Town are prohibited, including but not limited to, gas, pellet, kamado, etc.
- (d) This section shall not apply to the Town of St. John, an authorized sponsor of a permitted special event, or any Town authorized individual, only when acting in strict compliance with state law and with the terms of a valid Town issued permit or contract.

Sec. 15-79. Snowmobiles.

Snowmobiles are prohibited in all parks and recreational areas.

Sec. 15-80. Motor vehicle operation and parking.

- (a) All motor vehicles, motorized carts, and off-road vehicles are prohibited in all parks and recreational areas in the Town of St. John, except as set forth herein.
- (b) This section shall not apply to or restrict:
 - (1) Properly licensed and registered motor vehicles are permitted upon any improved roadways or paved parking areas in all parks and recreational areas, so long as the operation of the motor vehicle complies with the traffic laws of the State and the Town of St. John.
 - (2) The operation of motor vehicles, motorized carts, or off-road vehicles owned or operated by employees of the Town of St. John, or an individual authorized by the Town, when operation of such vehicle is for park or recreational area maintenance,

patrol, rule enforcement, or any other authorized purpose, and is in strict compliance with state law and local ordinance.

(3) The use in any park or recreational area of an electric personal assistive mobility device or an electric scooter, which operate in accordance with the needs and requirements of the American with Disabilities Act (ADA).

(c) No person shall leave a vehicle within any park or recreational area in the Town of St. John after the location has closed to the public, except in case of an emergency or written consent of the town manager or the superintendent of the parks and recreation department. The registered owner of a vehicle shall be responsible for the vehicle being within any park or recreational area after the location is closed to the public.

Sec 15-81. Fireworks

(a) Notwithstanding Chapter 98, Article II of this Code (Fireworks), fireworks are prohibited in all parks and recreational areas.

(b) It shall be a violation of this section for any person to use, ignite, or discharge consumer fireworks at any time in any park or recreational area.

(c) This section does not apply to the Town of St. John, an authorized sponsor of a permitted special event, or any Town authorized individual, only when acting in strict compliance with state law and with the terms of a valid Town issued permit or contract.

Sec. 15-82. Hunting and feeding wildlife.

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

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

Sec. 15-83. Animals.

(a) It shall be a violation of this section for any person to bring, have, or possess any animal in any park or recreational area in the Town of St. John, except as set forth in subsection (b), and Sec. 15-84.

(b) Dogs and cats are permitted in all parks and recreational areas, so long as the dog or cat is properly restrained by a leash and controlled by its handler, in accordance with Chapter 3 of this Code (Animals).

(c) Dog and cat owners or handlers shall prevent their pet from excreting in all parks and recreational areas, unless the owner or handler immediately removes the excreta deposited by the animal and disposes of it properly.

(d) Field Dog Park membership revoked and/or be excluded from future membership.

Sec. 15-84. Wiggly Field Dog Park.

- (a) All persons must abide by the posted rules at the Wiggly Field Dog Park, as well as the terms of his/her Dog Park membership contract. Unauthorized use of the dog park is a violation of this section and all persons involved are separately liable regardless of whether a person has a membership to the Wiggly Field Dog Park.
- (b) Notwithstanding Sec. 15-83 [Animals], pet owners with a valid membership to the Wiggly Field Dog Park may remove his/her dog from its leash in the off-leash area of the dog park, only.
- (c) Any person who shall violate this section shall be punished as prescribed by this chapter, and additionally, in the sole discretion of the Superintendent, may have his/her current Wiggly Field Dog Park membership revoked and/or be excluded from future membership.

Sec. 15-85. Alcoholic beverages.

- (a) No person shall drink, possess, offer for sale, consume, giveaway, or handle any alcoholic beverage of any type or form in a park or recreational area, regardless of if such person is in a vehicle or on any other type of device or conveyance, except as provided for in subsections (b) through (d).
- (b) It is not a violation of this section to possess an alcoholic beverage in a vehicle or on any type of device or conveyance in a park or recreational area so long as the seal on the opening of the container containing the alcoholic beverage is intact and has not been broken.
- (c) This section shall not apply to the Town of St. John, an authorized sponsor of a permitted special event, or any Town authorized individual, only when acting in strict compliance with state law and with the terms of a valid Town issued permit or contract.
- (d) This section shall not apply to persons consuming alcoholic beverages obtained from an entity or individual identified in subsection (c) provided that the consumption of alcoholic beverages is within the area designated on the valid Town issued permit or contract.

Sec. 15-86. Merchants, solicitors, and peddlers.

- (a) No person shall sell, offer, exchange, solicit, exhibit, or lease any object, article, privilege, or service, nor solicit for charitable contributions within a park or recreational area without first having:
 - (1) Registered with the Town clerk-treasurer, in accordance with Chapter 10 of this Code (Business Regulations);
 - (2) Applied for and obtained a license from the Town clerk-treasurer, in accordance with Chapter 10 of this Code (Business Regulations); and
 - (3) Applied for and obtained a permit from the Superintendent of the parks and recreation department.

(b) This section applies to all commercial enterprises, including, but not limited to, concessions, food-trucks, craftsmen, artists, etc., as well as all parties defined in Chapter 10 of this Code (Business Regulations).

Sec. 15-87. Park rental violation.

Any person who refuses to immediately vacate a park or recreational area or facility, including but not limited to, pavilions, gazebos, and sports fields/courts, upon presentation of a valid Town issued permit, rental agreement, or receipt in favor of another person is in violation of this section.

Section 15-88. – 15-100. Reserved.

SECTION TWO: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION THREE: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION FOUR: That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law.

SIGNATURES ON NEXT PAGE

ALL OF WHICH IS PASSED AND ADOPTED THIS 24 DAY OF August
2022, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA
BY ITS TOWN COUNCIL:



Gerald Swets, President



Michael Schilling, Vice President



Bryan Blazak, Member



Wayne Pondinas, Member



Mike Aurelio, Member

ATTEST:



Beth R. Hernandez, Clerk-Treasurer