

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1789

**AN ORDINANCE CREATING A DEPARTMENT OF PARKS AND RECREATION
IN ACCORDANCE WITH INDIANA CODE 36-10-3 ET SEQ.,
AND AMENDING PORTIONS OF PRIOR ORDINANCES REGARDING
THE CURRENT PARK AUTHORITY, PARK FUNDING, AND PARK ENFORCEMENT,
IN THE TOWN OF ST JOHN, LAKE COUNTY, INDIANA**

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, deems it to be in the best interest of the citizens of the Town of St. John to create a Department of Parks and Recreation, consisting of a park and recreation board, a superintendent, and other personal, in accordance with Indiana Code 36-10-3 *et seq.*, in the Town of St. John, Indiana;

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, desires to adopt an ordinance creating a Department of Parks and Recreation and amend the applicable portions of Ordinance No. 1764 (04/18/2022), codified, in part, at Chapter 15, Article I, in the St. John Code of Ordinances, that established the current park and recreation authority in the Town.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, desires to amend the applicable portions of Ordinance Nos. 1764 (04/18/2022) and 1769 (05/11/2022), codified, in part, at Chapter 15, Article II, Sections 15-23, 15-24, 15-25, and 15-26, in the St. John Code of Ordinances, regarding the funding of the current park and recreation authority in the Town.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, desires to amend the applicable portions of Ordinance No. 1778 (08/24/2022), codified, in part, at Chapter 15, Article III, Section 15-52, in the St. John Code of Ordinances, regarding the enforcement authority of the current park and recreation authority in the Town.

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

SECTION ONE: Ordinance No. 1764, Section Two (adopted April 18, 2022), codified, in part, at Chapter 15, Parks and Recreation; Article I, St. John Parks and Recreation, of the St. John Code of Ordinances, is hereby amended, and Chapter 15, Article I. is replaced with the following:

Chapter 15. PARKS AND RECREATION

Article I. Department of Parks and Recreation.

Sec. 15-1. 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:

Board means the St. John Parks and Recreation Board created under this article.

Department means the St. John Parks and Recreation Department created under this article, which is composed of the St. John Parks and Recreation Board, a superintendent, and such other personnel as the Board may determine.

District means the area within the jurisdiction of the St. John Parks and Recreation Board.

Park(s) means 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 Town of St. John, Indiana and/or the St. John Parks and Recreation Department for public recreational use.

Recreational area means any parks, buildings, grounds, greenspace, and sites under the jurisdiction of the Town of St. John, Indiana and/or the St. John Parks and Recreation Department, and any improvements thereon, including but not limited to, play equipment, athletic fields, swimming pools, parking lots, picnic shelters, restrooms, performing arts facilities, public buildings, bike paths or trails, and any other structures or improvements dedicated to recreation purposes, community entertainment, relaxation, social activity, and other leisure needs.

Superintendent, also referred to as Director, means the administrative head of the St. John Parks and Recreation Department.

Sec. 15-2. Creation of Department of Parks and Recreation; Establishment of Board.

(a) There is hereby established a Department of Parks and Recreation, in conformance with provisions of Indiana Code 36-10-3 et seq., as amended from time to time. The Department shall consist of a Parks and Recreation Board, a superintendent, and other personnel that the Board determines.

(b) The Parks and Recreation Board shall be composed of five (5) members as follows:

(1) Town Council Appointments

(A) Four (4) citizen members of the Board shall be appointed by the Town Council as the town legislative body;

(B) The citizen members shall be appointed on the basis of their interest in and knowledge of parks and recreation; and,

(C) No more than two (2) citizen members shall be of the same political party;

(2) School Corporation Appointment

(A) The governing body of the Lake Central School Corporation or the Hanover Community School Corporation, in the discretion of the Town Council, shall appoint one (1) member of the Board, either:

- (i) a member of the governing body of the selected School Corporation, serving ex officio, selected by that body. The Board member appointed by the applicable school board shall serve for a term which is concurrent with his/her term as a member of the school board, not to exceed four (4) years; or
 - (ii) an individual designated by the governing body of the selected School Corporation. The Board member appointed by the applicable school board shall serve for a term of four (4) years.
- (c) All members of the Board must be residents of the District.
- (d) Ex officio members have all the rights of regular members, including the right to vote.
- (e) The Town Council's initial appointments of the citizen members of 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 each term expires, each new appointment is for a four (4) year term
- (f) An appointing authority shall make the initial appointment within ninety (90) days after the creation of the Department.
- (g) All terms expire on the first Monday in January, but a member continues in office until the member's successor is appointed. If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term.
- (h) If a vacancy occurs on the Board, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.
- (i) A municipal executive, member of a county fiscal board, county executive, or member of a municipal fiscal body may not be appointed to membership on the Board.
- (j) A member may only be removed for cause, in accordance with I.C. 36-10-3-6, as amended from time to time.
- (k) Waiver of political affiliation. Notwithstanding subsection (b)(1)(C) of this section, the Town Council may, by a majority vote, waive one (1) or both of the following requirements of a citizen Board member only if the waiver is necessary due to absence of persons who are willing to serve on the Board and who satisfy any or all of the requirements:
 - (1) The requirement that a citizen member of the Board be affiliated with a political party.

- (2) The requirement that not more than two (2) of the four (4) citizen members of the Board be affiliated with the same political party.

Sec. 15-3. Governance; Election of officers.

- (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.
- (c) At its first regular meeting each year, the Board shall elect a president and a vice-president. The vice-president shall have the authority to act as the president of the Board during the absence or disability of the president. The Board may additionally select a secretary 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 members present and acting, in accordance with I.C. 5-14-1.5-3.5, as amended from time to time.

Sec. 15-4. Powers and duties.

The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions, including those powers and duties as set forth in I.C. 36-10-3, et seq., as amended from time to time. All books, papers, documents, and other property of the former parks and recreation authorities are transferred to and are now property of the Board.

Sec. 15-5. Rule-making authority.

- (a) Pursuant to its authority under this chapter and subject to the applicable Indiana law, the Board shall exercise general supervision of and make rules for the Department and establish rules governing the use of the parks and recreational areas by the public.
- (b) Any person who violates or fails to comply with the rules and regulations of the Parks and Recreation Department of the Town may be punished by a fine in accordance with I.C. 36-1-3-8 and section 1-9, provided that the rule or regulation shall be adopted by ordinance of the Town Council. Every day of any violation of this chapter shall constitute a separate offense.
- (c) The Board shall have the authority to enforce its rules and regulations according to rules it may promulgate, including bringing suit in the name of the municipality for all legal or equitable relief, provided that:
 - (1) a majority vote of the entire membership of the Board shall be sufficient to pass and adopt any rule, regulation, order or resolution, unless a greater vote is required by statute, ordinance or rule; and

- (2) any rule or regulation regarding the use of the parks and recreational areas that may be punished by any penalty or fine shall be effective only if also set forth in an ordinance adopted by the Town Council.

Sec. 15-6. Superintendent of Parks and Recreation.

- (a) The Board may appoint a superintendent of the Parks and Recreation Department. The Board may not consider political affiliation in the selection of the superintendent.
- (b) The superintendent must be qualified by training or experience in the field of parks and recreation or have a certification or an advanced degree in the field of parks and recreation.
- (c) Under the direction of the Board, the superintendent shall:
 - (1) Propose annually a plan for the operation of the Department;
 - (2) Administer the plan as approved by the Board;
 - (3) Supervise the general administration of the Department;
 - (4) Keep the records of the Department and preserve all papers and documents of the Department;
 - (5) Recommend persons for appointment as assistants if the Board determines there is a need;
 - (6) 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;
 - (7) Prepare and present to the Board an annual report;
 - (8) Perform other duties that the Board directs; and
 - (9) All other duties set forth in I.C. 36-10-3-14, as amended from time to time.
- (d) 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.
- (e) Assistants are directly responsible to the superintendent and shall perform the duties specified by the superintendent.

Sec. 15-7. – 15-20. Reserved

SECTION TWO: Ordinance No. 1769, Section I. (adopted May 11, 2022), codified, in part, at Chapter 15, Parks and Recreation; Article II., Funding for Parks and Recreation; **Section 15-23. Special revenue operating fund., subsection (d), only,** of the St. John Code of Ordinances, is hereby amended as follows:

Sec. 15-23. Special revenue operating fund.

...

- (d) When approved and authorized by the Board, monies in the operating account shall be appropriated and expended for:
- (1) Parks and recreation activities, programs, and projects; and,
 - (2) Parks and recreation expenses, which may include, salaries, supplies, contractual services, capital outlays, debt service, and other expenses related thereto.

SECTION THREE: Ordinance No. 1764, Section Two (adopted April 18, 2022), codified, in part, at Chapter 15, Parks and Recreation; Article II., Funding for Parks and Recreation; **Section 15-24. Special nonreverting capital fund., subsection (b), only,** of the St. John Code of Ordinances, is hereby amended as follows:

Sec. 15-24. Special nonreverting capital fund.

...

- (b) Any gift or grant of money to the Town for parks and recreation purposes shall be deposited in the non-reverting fund to be available for expenditure by the Town for purposes specified by the grantor or in accordance with law.

SECTION FOUR: Ordinance No. 1764, Section Two (adopted April 18, 2022), codified, in part, at Chapter 15, Parks and Recreation; Article II., Funding for Parks and Recreation; **Section 15-25. Family Gardening Program special revenue fund., subsection (c), only,** of the St. John Code of Ordinances, is hereby amended as follows:

Sec. 15-25. Family Gardening Program special revenue fund.

...

- (c) The monies deposited in the Parks and Recreation Family Gardening Program Special Revenue Fund 284 shall be utilized and expended only for the costs incurred in connection with the planning, coordination and carrying out of the Family Gardening Program and all activities related thereto, as approved and authorized by the Board.
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SECTION FIVE: Ordinance No. 1764, Section Two (adopted April 18, 2022), codified, in part, at Chapter 15, Parks and Recreation; Article II., Funding for Parks and Recreation; Section 15-26. Memorial Bench and Tree Program special revenue fund., subsection (c), only, of the St. John Code of Ordinances, is hereby amended as follows:

Sec. 15-26. Memorial Bench and Tree Program special revenue fund.

...

- (c) The monies deposited in the Memorial Bench & Tree Program Special Revenue Fund shall be utilized and expended for the costs incurred in connection with the purchase of benches, trees, and plaques; the purchase of equipment, supplies, and related expenses for installation, construction, care, and maintenance of the benches, trees, and memorial sites; and, planning, coordination and carrying out of the Memorial Bench & Tree Program, and all activities related thereto, as approved and authorized by the Board.
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SECTION SIX: Ordinance No. 1778, Section One (adopted August 24, 2022), codified, in part, at Chapter 15, Parks and Recreation; Article III., Conduct within Parks and Recreation Areas; Section 15-52. Enforcement., of the St. John Code of Ordinances, is hereby amended and Section 15-52. is replaced with the following:

Sec. 15-52. Enforcement.

The provisions of this chapter shall be enforced by the Board, law enforcement officers of the Town, code enforcement, and those persons or agencies designated by the Board, 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.

SECTION SEVEN: 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.

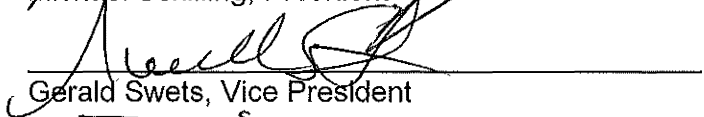
SECTION EIGHT: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION NINE: 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.

ALL OF WHICH IS PASSED AND ADOPTED THIS 25 DAY OF January 2023, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

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


Michael Schilling, President


Gerald Swets, Vice President


Bryan Blazak


Wayne Pondinas


Mike Aurelio

ATTEST:


Beth R. Hernandez, Clerk-Treasurer