

RESOLUTION NO. P-2024-002

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

WHEREAS, the Carmel/Clay Board of Parks and Recreation (the “Park Board”) is a political subdivision 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, pursuant to Indiana Code Sections 36-10-3-10(a)(2) and 36-10-7.5-6(2), and Section 4.1(b) of the Interlocal Cooperation Agreement, the Park Board is vested with the power and duty to establish rules governing the use of park and recreation facilities by the public; and

WHEREAS, it is the Park Board’s practice to periodically review and revise the Rules of Park Operations (the “Rules”) to best address the appropriate use of park and recreation facilities for the benefit and safety of the Carmel Clay community; and

WHEREAS, it is imperative to have the Rules as established by the Park Board included within the Carmel City Code to ensure law enforcement officers have the authority to enforce the Rules and issue citations when circumstances warrant; and

WHEREAS, the Park Board has requested that the Carmel Common Council (the “Council”) amend and restate Carmel City Code Section 5-3 to conform the City Code with the Rules.

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

FURTHER RESOLVED, the amended and restated Rules shall become effective upon adoption of a revised Carmel City Code Section 5-3 by the Carmel Common Council which is substantially consistent with the Rules.

FURTHER RESOLVED, that the Director of the Department be, and he hereby is, authorized, empowered and directed to hereafter make such revisions to the Rules as are necessary to conform the Rules with the Carmel City Code Section 5-3 ultimately adopted by the Council, without further action of the Park Board.

APPROVED AND ADOPTED by the Carmel/Clay Board of Parks and Recreation this 10th day of December 2024, by a vote of 7 ayes and 0 nays.

CARMEL/CLAY BOARD OF PARKS AND RECREATION

Judith F. Hagan, President	<u> X </u>	<u> </u> Nay
Jenn Kristunas, Vice-President	<u> X </u>	<u> </u> Nay
Lin Zheng, Treasurer	<u> Absent </u>	<u> </u> Nay
Linus Rude, Secretary	<u> X </u>	<u> </u> Nay
Jonathan Blake	<u> X </u>	<u> </u> Nay
Katie Browning	<u> Absent </u>	<u> </u> Nay
James D. Garretson	<u> X </u>	<u> </u> Nay
Joshua A. Kirsh	<u> X </u>	<u> </u> Nay
Mark Westermeier	<u> X </u>	<u> </u> Nay

CERTIFICATION

I certify under the penalties of perjury that the foregoing members of the Carmel/Clay Board of Parks and Recreation voted as indicated above at a public meeting on December 10, 2024.

Judith F. Hagan, President

EXHIBIT "A"

CARMEL CLAY PARKS & RECREATION RULES OF PARK OPERATIONS

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

(b) 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 & Recreation Department.

(1) *Park hours.*

a) Except in emergency or unsafe conditions, parks shall be open at sunrise and close at sunset.

b) Visiting a park when it is closed is strictly prohibited with the following exceptions:

i. Using Department facilities located within a park during the facility's designated hours of operation.

ii. Attending an activity or event scheduled or approved by the Department.

iii. Traveling on an alternative transportation route as designated by the City or Department.

iv. Visiting a park located within any Designated Outdoor Refreshment Area during times of operation as specified in the applicable Carmel Designated Outdoor Refreshment Area ordinance.

(2) *Use of alcohol.* Containers of alcohol or beverages containing alcohol are strictly prohibited in parks and greenways with the following exceptions:

a) Any park or section of a greenway located within a Designated Outdoor Refreshment Area, and any alcohol consumption is subject to the applicable Designated Outdoor Refreshment Area ordinance.

b) For an activity or event scheduled or approved by the Department by vendor(s) who are required to have liquor liability insurance and all applicable permits and licenses required to conduct business and serve alcohol.

(3) *Use of glass containers.* Glass containers are strictly prohibited within parks.

(4) *Use of fire.*

a) A person may kindle, build, stoke, 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 continuously monitored and cared for from kindling to complete extinguishment by a competent person; 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.)

b) In the event of an emergency, including extremely dry or drought conditions, the Department may prohibit the use of fire within any park.

(5) *Dealing with 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 litter (as that term is defined in Indiana Code §14-15-2-8 as amended from time to time) into a park and to deposit the litter within the park or in a park trash container, except for garbage defined as paper goods, food wrappers, or food and beverage containers used in the park, in accord with the rules hereof.

(6) *Scattering cremated human remains.* A permit issued by the Department is required to scatter Cremated Human Remains (“cremains”) within a park subject to the following:

a) Only human cremains may be scattered. The scattering of other remains is strictly prohibited.

b) Ashes must be fully refined with no detectible remains and shall not be distinguishable to the general public.

c) Scattering must result in the complete dispersal of ashes. Cremains may not be piled in one location or buried.

d) No rocks, vegetation or other natural resources shall be moved, stacked, cut or disturbed in any way.

e) No monument, memorial, plaque, structure, urn, photo or other commemorative item may be left at the site of disposal or anywhere within the park.

f) It is strictly prohibited to bring and/or leave any potted plants or dried flower arrangements, or any plant with seeds which may introduce non-native or invasive species to the natural environment. It is also strictly prohibited to plant any flower, tree, shrub or other vegetation in the park.

g) The dispersal of cremains shall be performed in a discrete manner. Access to the park and dispersal location shall remain open to the public and shall not interfere with normal visitor activity in any manner.

h) The area of dispersal of any cremains shall not be treated as sacred or as a burial ground or cemetery. Park use, operation, programming, and development shall continue without regard to the presence of the cremains.

(7) Dealing with animals.

a) It is strictly prohibited for any person within a park to kill, wound, hunt, trap, shoot, throw rocks or missiles 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 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 either:

i. Continuously restrained by a firmly held or attached non-retractable leash that is of sufficient length, but not longer than six feet; or

ii. Secured in a fully enclosed confinement container; or

iii. Within a specifically designated and posted "Pet Exercise Area" or "Dog Park" in compliance with any posted rules at such site; or

iv. Not designated by an ordinance of the City or Board of Commissioners of Hamilton County, Indiana, as a dangerous animal.

c) Equines are strictly prohibited in any park or greenway unless used by a law enforcement officer while performing official duties.

d) 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.

e) It is strictly prohibited for any person to bring or possess any pet or other animal inside any park building or other park site that is specifically designated and posted as a "No Pets" area. This does not prohibit an individual with a disability from being accompanied by a service animal that has been individually trained to do work or perform tasks for the individual in accordance with the Americans with Disabilities Act.

f) 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.

(8) Dealing with 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 appropriate for immediate consumption or use by the person or the person's family, except in areas specifically designated and posted as "No Harvest" areas.

b) It is strictly prohibited for any person knowingly to 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.

(9) Dealing with solicitation and commercial activities.

a) It is strictly prohibited for any person within any park to sell, advertise or promote publicly any services, good or materials, including commercial products, except in accord with a specific permit or agreement issued by the Department and in compliance with all applicable local and state laws and Department policies.

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 or entity to use any park for the purpose of generating revenue without a specific permit or agreement issued by the Department and in compliance with local and state laws and Department policies.

(10) Dealing with specific activities.

a) 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.

b) 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 permit issued by the Department.

c) It is strictly prohibited for any person to swim in any lake or pond within any park. Unless posted as a “No Swimming” area, swimming or wading is permitted in creeks and rivers at your own risk.

d) It is strictly prohibited for any person to use a motorized boat or watercraft in any lake, pond or creek located within any park except Department personnel or authorized contractors for the purpose of maintaining the body of water.

e) Unless entering from a designated launch site, it is strictly prohibited for any person to use a non-motorized boat, canoe, kayak, paddle board, or similar watercraft in any lake, pond or creek within any park except for an activity or event planned or approved by 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 specifically allowed under applicable federal, state or City law and/or in accord with a permit issued by the Department, the use or discharge of any firearm, projectile or other explosive device, including fireworks, is strictly prohibited in any park.

i) 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 Department may encroach upon park property.

(11) *Use of vehicles and bicycles.*

a) It shall be strictly prohibited for any person within any park or greenway to operate a motorized vehicle as defined in Carmel City Code §6-63, including but not limited to a golf cart, snowmobile, ORV (Off-Road Vehicle), ATV (All-Terrain Vehicle), minibike, moped, motorized scooter or motorcycle off-road except in those areas specifically designed and/or designated for such use.

b) It is strictly prohibited for any person within any park to operate any vehicle within a park boundary at a speed in excess of twenty (20) miles per hour.

c) Bicycles shall not exceed the lesser of fifteen (15) miles per hour or the posted speed limit on all trails within any park or greenway. Racing activity is strictly prohibited upon any trail designed for bicycle and pedestrian use. In-line skaters, skateboarders, and bicycles shall yield to pedestrians. Bicycles shall yield to all trail users.

d) No person shall operate a bicycle or vehicle, whether motorized or propelled by human power, within any park or greenway in a reckless manner that could reasonably endanger or cause injury to another person or animal.

e) No person shall cause or permit any vehicle under the person's 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.

f) 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 a person with disabilities without a disability parking placard or license plate from the Indiana Bureau of Motor Vehicles.

g) Nothing within this section should be construed to prohibit personal assistive mobility devices as defined by Indiana Code within parks or greenways. Such devices may be used in compliance with the Americans with Disabilities Act and all applicable federal, state, and City laws.

(12) *Use of drones.* The use of unmanned aerial vehicles, also referred to as drones, are permitted only in open areas of parks with the following conditions:

a) It is strictly prohibited to fly a drone over an aquatic center, dog park, greenway, playground, or splash pad without a permit issued by the Department.

b) It is strictly prohibited to use a drone to harass an animal or person.

c) Drone operators must comply with all applicable federal, state, and City laws and regulations.

(13) *Use of park facilities.*

a) It is strictly prohibited for any person within any park to use or occupy any park shelter or facility while posted as "reserved" for a specific organized function or group of persons. Such reservations may be subject to a fee established by the Park Board.

b) It is strictly prohibited for any person within any park to enter any park area or facility without payment if the Park Board or Department has established a fee for entrance, except those employees or guests granted permission by the Department.

(14) *Smoking and use of tobacco products.* The use and sale of tobacco products, including but not limited to smoking and vaping, is strictly prohibited in all parks.

(15) *No abusive or lewd conduct.* No unlawful, threatening, abusive, profane, lewd or indecent language, gesture or conduct shall be permitted in or in the vicinity of any park property, nor shall any person who is lawfully at any such place be so annoyed or unlawfully touched.

(16) *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 these Rules of Park Operations or any 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) Any person who violates any provision of these Rules of Park Operations shall be guilty of an infraction punishable by a fine not exceeding \$100 for a first violation; not exceeding \$250 for a second violation within one (1) year; and not exceeding \$500 for each additional violation within one (1) year. Fines under these Rules of Park Operations shall not apply if the prohibited conduct is the subject of a criminal proceeding under any applicable state or federal law or is the basis for revocation of any conditions of parole or probation.