

CHAPTER 94: PARKS AND RECREATION

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Statutory reference:

Recreation facilities and programs, see I.C. 36-10-2-2

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Dogs prohibited on beaches, see § 91.04

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GENERAL PROVISIONS

§ 94.01 AUTHORITY TO OPERATE PARKS AND RECREATIONAL FACILITIES.

The town may establish, aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs.

('99 Code, § 5-1)

§ 94.02 DEPARTMENT OF PARKS AND RECREATION.

(A) Department created. There is created a single department of parks and recreation for the town pursuant to statutory authority to be known as the “Ogden Dunes Parks and Recreation Department.” (‘99 Code, §§ 2-100, 5-6)

(B) Parks and Recreation Board created. The department shall be governed by a Parks and Recreation Board, which shall be known as the “Ogden Dunes Parks and Recreation Board,” which shall consist of four members to be appointed by the President of the Town Council with the advice and consent of the Town Council. No more than two of such appointees shall be of the same political party. In addition, there shall be appointed one ex-officio member to the Board to be selected from the directors of the Ogden Dunes Homeowners Association; said appointee to be selected by the Board of Directors of the Ogden Dunes Homeowners Association and his or her term of office shall be coextensive with the term of his or her office as Director of the Ogden Dunes Homeowners Association. This ex-officio membership to the Parks and Recreation Board shall continue only so long as the Ogden Dunes Homeowners Association shall exist. The ex-officio member shall have all the rights and duties as the other members of the Board except that he or she shall have no vote. (‘99 Code, §§ 2-101, 5-7)

(C) Terms of office. The terms of the members initially appointed under this chapter shall be one, two, three, and four years; that thereafter, as a term expires, each new appointment shall be for a four-year term. All terms shall expire on the first Monday in January, but an appointee shall continue in office until his successor is appointed. Term of an ex-officio member shall be coextensive with the term of his office in the Ogden Dunes Homeowners Association, unless the body which selects him or her shall at its first regular meeting of a year appoint another to serve as its representative. (‘99 Code, §§ 2-101, 5-8)

(D) Powers and duties. The Park Board as addressed in this section shall be responsible for administering programs under the Park and Recreation Law, I.C. 36-10-3-1, et seq. The Parks and Recreation Board shall have the following powers, duties and responsibilities:

(1) Perform all acts necessary to acquire and develop sites and facilities;
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(2) Accept as gifts, land or equipment, and may agree to such terms and conditions that the donor may impose and the Board may bind the municipality and carry them out pursuant to authority of I.C. 36-10-3-1, et seq.

(3) Conduct such programs as are generally understood to be Park Board functions;

(4) Provide for and maintain park and recreational areas;

(5) Beautify and enhance the usability and appearance of all Park Board property;

(6) Develop and update on an annual basis, a Five Year Plan. Such plan is to be used to request/receive various grants to facilitate accomplishing the responsibilities as defined for the benefit of the citizens of the town as the Board determines.

(‘99 Code, §§ 2-101, 5-2, 5-9)

(E) Compensation. The Board members shall not be compensated for their services but the Town Council

may reimburse members for actual expenses incurred in attending meetings dealing with park and recreation problems, provided that the attendance at such meetings was authorized by the majority vote of the Park Board and further provided that all such expenses of all Board members shall not exceed the sum of \$500 per annum, which sum shall be appropriated by the Town Council at its next budget meeting for such purposes.

(⁹⁹ Code, §§ 2-101, 5-10) (Ord. 409, passed 8-3-70)

PARK REGULATIONS

§ 94.15 HOURS OF OPERATION.

No person shall be on the beaches and park property of the town between the hours of 12:00 midnight and 5:00 a.m., except upon authorization, in writing, of the Town Marshal.

(⁹⁹ Code, § 5-17) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.16 GROUP REGULATIONS.

No group or assemblage of 20 or more persons may use the beaches or parks of the town except upon authorization, in writing, of the Town Marshal.

(⁹⁹ Code, § 5-18) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

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§ 94.17 FIREARMS, FIRECRACKERS AND FIREWORKS PROHIBITED.

No person shall use or possess any firearm, firecrackers, fireworks, or explosive device of any sort at any time on the beaches and park property of the town except upon authorization, in writing, by the Town Marshal.

(⁹⁹ Code, § 5-15) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.18 VEHICLE AND BICYCLE RESTRICTIONS.

No person shall operate any vehicle, bicycle, or wheeled motorized equipment on the beaches and park property of the town except in designated parking areas and except as authorized for purposes of maintenance or emergency.

(⁹⁹ Code, § 5-16) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.19 RULES GOVERNING TENNIS COURTS AND OTHER RECREATIONAL AREAS.

No person shall violate the posted rules and regulations of the Park Board governing the use of the tennis courts and other defined recreational areas within the town.

(⁹⁹ Code, § 5-19) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.20 SAND AND VEGETATION REGULATIONS.

No person shall cut, destroy, or remove any vegetation, remove any sand, or destroy or cut into any dunes or build-up of sand on the beaches and park property of the town except as authorized by the Park Board for purposes of maintenance or for emergency purposes.

(¹⁹⁹⁹ Code, § 5-20) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.21 STORAGE PROHIBITED.

No person shall store or leave on the beach any motorized boat, boat carriers, or large sailboats.

(¹⁹⁹⁹ Code, § 5-21) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.22 DISPOSAL OF REFUSE; GLASS CONTAINERS PROHIBITED.

No person shall leave any refuse or waste of any kind on the beach or park property, except in containers provided for that purpose. No person who is present upon the beach shall have in his or her possession any beverage container made of glass, regardless of whether the container is intended for alcoholic or non-alcoholic beverages.

(¹⁹⁹⁹ Code, § 5-22) (Ord. 540, passed 11-7-88) Penalty, see § 94.99

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LAKE SHORE REGULATIONS

§ 94.35 DEFINITION.

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

WATERCRAFT. Any vessel or boat, whether motorized or a sail boat, hobie cat, jet skies, power sleds or other similarly powered devices.

(¹⁹⁹⁹ Code, § 5-30) (Ord. 554, passed 6-4-90)

§ 94.36 WATER REGULATIONS.

No person operating a watercraft and no water skier shall move at a speed above five miles per hour or create a wake within the area bounded by the shoreline of Lake Michigan and an imaginary line connecting the buoys placed offshore by the Park Board as further addressed in §§ 94.37, et seq.

(¹⁹⁹⁹ Code, § 5-31) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.37 ERECTION OF BUOYS AND MARKERS.

(A) Upon adoption and approval of this subchapter, the town may apply to the Department of Natural Resources for a rule for the safe operation of watercraft under I.C. 14-15-1-1 et seq.

(B) Upon adoption and approval of this subchapter, the town may apply to the Department of Natural

Resources and U.S. Coast Guard for the placement of buoys for designation of a special use area marking the area where the lake depth reaches approximately to the six feet to eight feet mark with buoys and other appropriate signage and marking devices.
(^99 Code, § 5-33) (Ord. 554, passed 6-4-90)

§ 94.38 ENFORCEMENT BY TOWN MARSHAL.

The provisions of this subchapter shall be enforced by the Town Marshal.
(^99 Code, § 5-32) (Ord. 554, passed 6-4-90)

§ 94.39 NO CONFLICT WITH STATE OR FEDERAL LAW.

This subchapter shall not be construed so as to conflict with any state or federal statute or with any Indiana Department of Natural Resources or U.S. Coast Guard Order, Rule or Regulation.
(^99 Code, § 5-35) (Ord. 554, passed 6-4-90)
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§ 94.40 All watercraft stored on the beach overnight must display an annual town identification sticker or it can be subjected to removal by the town Marshall at the owner's expense. New stickers go into effect as of June 1st annually and can be purchased at town hall for \$x. Non-residents can purchase a watercraft identification sticker for \$x+.

§ 94.41 Town Marshall may order the removal of any abandoned or derelict watercraft or personal property at the owner's expense.

§ 94.99 PENALTY.

Any person who violates any provision of this chapter shall be subject to a minimum fine of \$25 if paid to the Clerk-Treasurer within five days of the violation and thereafter shall be subject to a fine of \$100 for a violation.
(^99 Code, § 5-34) (Ord. 655, passed 12-6-99)