

BILL NO. G-26-02-04

General Ordinance No. G-_____

**AN ORDINANCE AMENDING CHAPTER 97: PARKS AND
RECREATION (OPERATION OF VEHICLES) OF THE FORT
WAYNE MUNICIPAL CODE OF ORDINANCES**

WHEREAS, The City of Fort Wayne has an extensive system of sidewalks and trails; and

WHEREAS, The City of Fort Wayne is a fun, family-friendly, and safe community with a commitment to providing an enhanced quality of life for all; and

WHEREAS, Chapter 97 needs to be amended to correspond with proposed changes to Chapter 74 of the Fort Wayne Municipal Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA.**

SECTION 1. Chapter 97: PARKS AND RECREATION, of the City of Fort Wayne, Indiana Code of Ordinances, is amended as follows:

CHAPTER 97: PARKS AND RECREATION

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GENERAL PROVISIONS

§ 97.01 ESTABLISHMENT.

The Parks and Recreation Department, hereinafter called the Department, is hereby established as a department of the city.

(Ord. G-21-04, passed 9-14-04)

§ 97.02 THE BOARD OF PARK COMMISSIONERS.

The Department shall be under the control and direction of the Board of Park Commissioners, hereinafter called the "Board". The Board shall be constituted according to law.

(Ord. G-21-04, passed 9-14-04)

§ 97.03 GOVERNING LAW.

(A) Pursuant to state law, the Board has by resolution adopted I.C. 36-10-4-1 *et seq.* in its entirety. The Common Council of the city has by this ordinance adopted I.C. 36-10-4-1 *et seq.* in its entirety, hereinafter called "the Act". These laws control and empower the Board.

(B) The Board may establish rules and regulations as needed.

(Ord. G-21-04, passed 9-14-04)

PARK RULES AND REGULATIONS

§ 97.15 HOURS OPEN TO PUBLIC.

The parks and playgrounds shall be open to the public from 6:00 a.m. until 11:00 p.m. No person, other than employees of the Board or enforcement officers, shall be permitted to remain in public parks except when open as herein specified and for activities as authorized by the Board or its representatives. No person(s) shall enter any park when the park has been closed by order of the Department or the Mayor.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

1 **§ 97.16 REMOVAL OF BENCHES OR PICNIC TABLES.**

2 No benches, picnic tables or any park property shall at any time be removed
3 from the parks without prior written permission having been obtained from the
4 Department.

5 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

6 **§ 97.17 LITTERING.**

7 (A) No person shall throw rubbish, trash, or other litter into any lake, pond or
8 stream or upon the ice of such lake, pond or stream or into any fountain or on
9 any roadway or any public park or into any park area.

10 (B) No home or business waste shall be disposed of in any park trash can.

11 (C) No person shall dump or dispose of any harmful wastes, chemicals,
12 contaminants, brush, appliances, and/or tires on park grounds or into ponds,
13 lakes or streams.

14 (D) Ice or ice water containing salt shall not be emptied on the grounds.

15 (E) The grounds must be cleaned after use and put in their original condition
16 or better before leaving.

17 (F) Any violation(s) of this section may constitute illegal dumping as defined
18 in Chapter 50, § 50.19 of the City Code and the City Attorney may elect to
19 proceed under this section.

20 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

21 **§ 97.18 DAMAGING OR DEFACING PARK PROPERTY.**

22 (A) No person shall cut, break, or pluck flowers or in any way damage or
23 deface the trees, shrubs, plants or turf or any of the buildings, fences, benches,
24 structures or statuary within any park, boulevard strip, or on the street right-of-
25 way.

26 (B) No person shall erect stands, tents or other temporary structures without
27 prior permission from the Department.

28 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

29 **§ 97.19 FASTENING OBJECTS TO TREES.**

30 No person shall mechanically fasten or attach a swing, tree house or any other
object to any tree on park grounds, parkways, boulevard strips or street trees.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

1 **§ 97.20 SIGNS IN PARKS.**

2 No signage and/or advertising shall be erected on park property and/or
3 structures, park ways or boulevard strips without prior written permission being
4 obtained from the Department.

5 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

6 **§ 97.21 POSSESSION, SALE OR CONSUMPTION OF ALCOHOLIC
7 BEVERAGES.**

8 (A) No intoxicants of any kind, including wine, beer, ale, or other alcoholic
9 beverages, shall be brought into a park area, consumed, sold or given away on
10 the premise of any public park, parkway or boulevard strip, except the Botanical
11 Conservatory, the Fort Wayne Children's Zoo, the Foster Park Golf Course
12 Pavilion, Headwaters Park, the Community Center, the Foellinger Theater,
13 Freimann Square, Salomon Farm Park, the Old Fort, the Wells Street Bridge,
14 Robert E. Meyer's Park, and McMillen Park Community Center; and then only
15 with a prior written permit to do so having been received from the Department
16 and the Indiana Alcohol and Tobacco Commission.

17 (B) Fees for such a permit shall be pursuant to a schedule, as established by
18 the Board. Fee schedules may be obtained at the offices of the Department of
19 Parks and Recreation. Any fees imposed shall be in addition to any facility rental
20 charge imposed by the Board.

21 (C) The Board shall have the authority to develop and implement policies
22 controlling the possession and use of alcoholic beverages in the locations
23 enumerated herein.

24 (D) All permits, including those granted by the Alcohol and Tobacco
25 Commission, shall be prominently displayed and produced for inspection when
26 requested by a police officer or a park employee or representative and shall not
27 be transferable.

28 (E) No permit granted under this section shall be construed to entitle any
29 person to possess, serve, sell, consume or give away alcoholic beverages in any
30 place other than the area specifically designated in said permit. Furthermore, no
31 permit granted under this section shall be construed to allow any individual to act
32 in any fashion that would violate any other law, statute, ordinance, rule or
33 regulation.

34 (F) The permit of any person who shall violate or fail to comply with any
35 provision of this section may be immediately revoked by the Board or its
36 designees.

1 (G) All fees from issuance of such permits shall accrue to the Department's
2 general fund.

3 (Ord. G-21-04, passed 9-14-04; Am. Ord. G-12-06, passed 12-12-06; Am. Ord.
4 G-02-09, passed 2-24-09; Am. Ord. G-9-12, passed 4-24-12; Am. Ord. G-10-14,
5 passed 5-13-14) Penalty, see § 97.99

6 **§ 97.22 VENDOR PERMITS.**

7 (A) Every person who vends, sells or offers for sale from a vehicle, tent or
8 table, food, refreshments or goods and services in or upon any public park or
9 park facility shall, before engaging in such business, obtain from the Department
10 (705 E. State Blvd., Fort Wayne, Indiana 46805, 427-6000) a permit to do so.

11 (B) The Department may limit the number of any type of permit issued to a
12 quantity sufficient to adequately serve the patrons of parks and park facilities.

13 (C) The fees for a yearly vending permit for each motorized vending vehicle,
14 trailer or stand, (defined as a temporary structure, tent, table or group of tables at
15 a single location), for each non-motorized vending vehicle, and for a one-day
16 vending license, to cover a special event, shall be established by the
17 Department. Said fees may provide exemptions for not-for-profit, charitable or
18 religious organizations.

19 (D) All permits issued under this section shall be prominently displayed and
20 produced for inspection when requested by a police officer or park employee or
21 representative, are not transferable, and yearly permits expire on December 31
22 of the year in which issued.

23 (E) The Department shall designate, in writing, to each permit holder, the
24 specific times and areas in parks where vending may take place.

25 (F) No permit granted under this section shall be construed to entitle any
26 person to vend or sell in any place but in the areas specifically designated, nor to
27 sell items other than those designated in the permit.

28 (G) The Department may negotiate and contract with a concessionaire for
29 exclusive rights to vend food and refreshments in certain park facilities where
30 special vending times, quality or style of food and refreshments are required.

(H) The permit of any person who violates or fails to comply with any
provision(s) of this section may be revoked by the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

1 **§ 97.23 GAMBLING.**

2 (A) No person shall be allowed to beg, tell fortunes, gamble or play any game
3 of chance except in enclosed park pavilions and as permitted by I.C. 4-32-1-1 *et*
4 *seq.*

5 (B) I.C. 4-32-1-1 GAMES OF CHANCE applies to organizations qualified to
6 operate bingo events, charity game nights, door prize events, raffle events, and
7 festivals and the sale of pull tabs, punchboards and tip boards at bingo events,
8 door prize events, raffle events, charity game nights and festivals, or on the
premises owned or leased by the qualified organization and regularly used for
the activities of the qualified organization at any time.

9 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

10 ***Editor's note:***

11 *I.C. 4-32 was repealed by P.L. 91-2006, approved 3-20-06.*

12 **§ 97.24 [RESERVED FOR FUTURE REFERENCE].**

13 **§ 97.25 RESERVING PARK FACILITIES.**

14 (A) Permits are issued for the exclusive use of park facilities at the
15 administrative office of the Department.

16 (B) Permits are not transferable.

17 (C) The permittee or a permittee's designated representative shall be in
attendance at all times and have physical possession of the permit.

18 (D) Any permit granted pursuant to this chapter may be revoked upon the
19 violation of the permittee, or associated individual(s), of any provision of the
permit.

20 (E) It shall be unlawful for any person to occupy the area designated as
21 reserved by a permit. In all cases of disagreement the City Police shall make the
22 final decision.

23 (F) Reservations may be made for all pavilions and gardens by phone or in
person up to 12 months in advance.

24 (G) Reservations are not required for the use of fireplaces, outdoor grills, and
25 other picnic facilities.

26 (H) Softball and baseball diamonds, athletic fields, tennis courts and
27 horseshoe courts may be reserved for exclusive use by leagues and/or
28 individuals by obtaining a permit issued at the administrative offices of the
Department.

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1 (I) The tennis courts are to be used for tennis only. All other activity is
2 prohibited except as authorized by the Department. In all cases of
3 disagreements as to the use of the courts, the Fort Wayne Police Department
4 shall make the final decision based on a priority basis where all Fort Wayne Park
5 and Recreation Department programs have first priority, individual permit holders
6 have second priority (during the time listed on their permit), and the walk-ons
7 have third priority.

8 (J) League reservations will be accepted at a specified time prior to the
9 program season. Individual and practice permits will be issued no more than two
10 weeks in advance in a timely manner.

11 (K) The person or organization to whom a permit or reservation is issued is
12 responsible for any damage to the building, equipment or grounds. The permit
13 holder is also responsible for maintenance, outside of routine cleaning,
14 necessary to restore the premises to the condition in which they were received.

15 (L) No person or organization, without the prior written authorization of the
16 Department, shall charge a fee for admission to or participation in an event.

17 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

18 **§ 97.26 DISTURBING OR INTRUDING UPON PERSONS.**

19 No person or group of persons shall disturb or intrude upon the privacy and/or
20 quiet enjoyment of any other park visitor.

21 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

22 **§ 97.27 DISORDERLY CONDUCT.**

23 No person shall engage in disorderly conduct as defined in I.C. 35-45-1-3.

24 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

25 **§ 97.28 FIRES.**

26 (A) Open fires, except in fireplaces, charcoal grills and ovens or when
27 supervised and/or authorized by Department staff, shall not be permitted in any
28 park.

29 (B) Portable charcoal, gas, or wood grills, stoves and ovens are not permitted
30 to be used inside pavilions or under roofs thereof. All such devices shall be
operated in a safe and proper manner.

(C) It is unlawful to leave a fire unattended or fail to fully extinguish a fire.
Proper ash/coal disposal is required.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

1 **§ 97.29 OWNERS RESPONSIBLE FOR PERSONAL PROPERTY.**

2 Personal property or equipment brought into the parks shall be at the owner's
3 risk.

4 (Ord. G-21-04, passed 9-14-04)

5 **RESTRICTED RECREATIONAL ACTIVITIES**

6 **§ 97.40 SWIMMING.**

7 (A) No person shall bathe, wade or swim in any pond, fountain, stream or
8 river within any park with the exception of designated, interactive water features
9 (i.e. spray parks).

10 (B) No person is permitted to swim and/or enter the pool enclosure of any city
11 operated swimming pool when closed.

12 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

13 **§ 97.41 LAKES AND PONDS.**

14 Boating on any park and recreation lake or pond is prohibited except for boats
15 or canoes operated under the direction and supervision of the Department.

16 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

17 **§ 97.42 OUTDOOR ICE SKATING.**

18 (A) No person shall be permitted to use designated outdoor ice skating areas
19 when the red flag is displayed and/or the red light is burning. The ruling
20 established by the Department shall be final in all cases in reference to the
21 condition of the ice.

22 (B) The use of ponds, rivers, creeks, or other ice areas for skating, sledding or
23 any other purpose, shall be prohibited at all such areas which are not designated
24 for such activities by the Department.

25 (C) There must be at least four inches of hard ice before ice skating is
26 permitted on any designated pond.

27 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

28 **§ 97.43 PLAYGROUNDS AND PLAY APPARATUS.**

29 (A) For personal safety and the protection of others, all persons using swings,
30 slides, climbing devices, and other play apparatus on park owned or controlled
property must do so in a safe and appropriate manner and in accordance with
any rules and regulations which may be adopted and/or posted by the
Department.

(B) Pre-school children on playgrounds must be accompanied by an older responsible person.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.44 BALL PLAYING OR GAMES.

No ball playing or other games are permitted on park strips, esplanades, in tot lots or among playground apparatus areas. Batting of baseballs and softballs is restricted to designated areas with appropriate backstops.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.45 TENNIS COURTS.

In-line skates, roller skates, skateboards and other similar devices are prohibited from use on tennis court surfaces.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.46 GOLF.

(A) Practicing golf is not allowed in parks and playgrounds, except at the established practice areas located at Foster, McMillen and Shoaff Golf Courses.

(B) No person is allowed on the golf courses without a golf ticket and a set of golf clubs, nor when the courses are closed, except as authorized by the Department.

(C) Frisbee Golf is allowed only at designated areas at Shoaff and Swinney parks, or other park areas by permit only.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.47 RECKLESS OR HAZARDOUS OPERATION OF SKATEBOARDS AND IN-LINE SKATES, OTHER WHEELING OR SIMILAR DEVICES PROHIBITED IN CERTAIN AREAS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CERTAIN COMMERCIAL CORRIDORS. The Broadway, Calhoun and Wells Street corridors specifically described as follows: Beginning at the intersection of the east right-of-way of Spy Run Avenue and the centerline of the St. Mary's River; thence northwesterly along the centerline of the St. Mary's River and its meanderings to the intersection of the centerline of Spy Run Creek; thence northerly along the centerline of Spy Run Creek and its meanderings to the south right-of-way of Elizabeth Street; thence west along the south right-of-way of Elizabeth Street to the west right-of-way of N. Clinton Street; thence southerly along the west right-of-way of N. Clinton Street to the centerline of the St. Mary's

1 River; thence southwesterly along the centerline of the St. Mary's River and its
2 meanderings to the east right-of-way of Wells Street; thence northerly along the
3 east right-of-way of Wells Street to the south right-of-way of Putnam Street;
4 thence west along the south right-of-way of Putnam Street to the west right-of-
5 way of Wells Street; thence south along the west right-of-way of Wells Street to
6 the west right-of-way of Ewing Street; thence continuing southerly along the west
7 right-of-way of Ewing Street to the centerline of the St. Mary's River; thence
8 westerly along the centerline of the St. Mary's River and its meanderings to the
9 west right-of-way of Van Buren Street; thence southeasterly along the west right-
10 of-way of Van Buren Street to the south right-of-way of Lavina Street; thence
11 east along the south right-of-way of Lavina Street to the west right-of-way of
12 Broadway; thence southwesterly along the west right-of-way of Broadway to the
13 south right-of-way of Bluffton Road; thence east to the intersection of the east
14 right-of-way of Broadway and the south right-of-way of Oakdale Drive; thence
15 northeasterly along the east right-of-way of Broadway to the north right-of-way of
16 the Penn Central Railroad Company (1500-1600 Block of Broadway); thence
17 easterly along the north right-of-way of the Penn Central Railroad Company to
18 the west right-of-way of Calhoun Street; thence south along the west right-of-way
19 of Calhoun Street to the north right-of-way of Rudisill Boulevard; thence east to
20 the intersection of the east right of way of Calhoun Street and the north right-of-
21 way of Rudisill Boulevard; thence north along the east right-of-way of Calhoun
22 Street to the north right-of-way of the Penn Central Railroad Company; thence
23 easterly along the north right-of-way of the Penn Central Railroad Company to
24 the east right-of-way of Clay Street; thence northerly along the east right-of-way
25 of Clay Street to the south right-of-way of Columbia Street; thence east along the
26 south right-of-way of Columbia Street to the centerline of the Maumee River;
27 thence north along the centerline of the Maumee River and its meanderings to
28 the centerline of the St. Mary's River; thence west along the centerline of the St.
29 Mary's River and its meanderings to the east right-of-way of Spy Run Avenue
30 also being the point of beginning. Excluding any and all portions of the Fort
Wayne River Greenway which may cross the aforementioned area.

DOWNTOWN CENTRAL BUSINESS DISTRICT. The area bounded by Clay Street on the east to St. Mary's River on the north, to Spy Run Creek north to Elizabeth Street, west to Clinton Street, then south to the St. Mary's River, then west to Van Buren Street and south to the railroad elevation at the 1500-1600 block, then east to Clay Street.

RECKLESS OR HAZARDOUS OPERATION. Operation of a skateboard, wheeling or sliding device in a manner such that the wheels of a wheeling device leave the ground or that the skateboard or sliding device is separated from the ground at the same time (ie. airborne). It is further defined to mean the use of disability ramps, steps, walls, retention walls, doors, handrails, planters, curb or

1 gutter edges, barriers and barricades, benches, picnic tables, sculptures, stages,
2 platforms, playground equipment or other device or structure which is not
3 intended for pedestrian or vehicular traffic, jumping or stepping on or off such
4 devices or structures using wheeled equipment, or in a manner that is likely to
5 cause damage to property or to cause personal injury or failing to yield the right-
6 of-way to or otherwise interfere with pedestrian traffic.

7 **SKATEBOARD.** A foot board mounted upon four or five wheels and usually
8 propelled by the user who sometimes stands, sits, kneels or lies upon the device
9 while it is in motion.

10 **WHEELING OR SLIDING DEVICES.** Include, but are not limited to,
11 skateboards, roller skates, in line skates or bicycles or any other device
12 containing wheels which can be ridden on or otherwise utilized by an individual
13 or individuals in order to move about other than walking.

14 (B) *Operating skateboard, wheeling or sliding device prohibited.* Operating a
15 skateboard, wheeling or sliding device shall be prohibited as follows:

16 (1) In the Downtown Central Business District and certain commercial
17 corridors, the operation of a skateboard, wheeling or sliding device in a reckless
18 or hazardous manner shall be prohibited; and

19 (2) Operating a skateboard, wheeling or sliding device on any property
20 where a sign or signs are posted by property owners prohibiting such operation
21 shall be prohibited. (This provision shall be interpreted to mean that if a sign is
22 posted prohibiting skateboarding it shall be deemed to apply to the prohibition of
23 all skateboard, wheeling or sliding devices).

24 (3) Wheelchair exclusion. Notwithstanding the definition of skateboard,
25 wheeling or sliding device, nothing in this section shall prohibit the use of a
26 wheelchair, a stroller, or similar devices, for the purpose of helping an elderly,
27 disabled individual, infant, or other individual needing assistance in moving from
28 place to place.

29 (4) Extreme Sports Facility Exclusion. The provisions of this section shall
30 not apply to a skate park or extreme sports facility operated by the Department of
Parks and Recreation.

(C) *Extreme Sports Facility.* Skateboarding and in-line skating are hazardous
recreational activities. Use of the facility may result in serious injuries or death.
Each person entering the facility assumes all risk of injury or death. All
participants using the skate park shall use only skateboards and in-line skates,
wear appropriate safety helmets, elbow pads and knee pads at all times.

(1) Within the facility it shall be unlawful for any person to:

1 (a) Place or utilize obstacles or other materials within the skate park that
2 are not affixed to the skate park by the Department for recreational purposes.

3 (b) Enter the skate park for purposes other than skateboarding, in-line
4 skating or assisting a skateboarder or in-line skater.

5 (c) Use the skate park while under the influence of alcohol or drugs that
6 would impair a person's judgment or motor skills or to possess any can, bottle or
7 other receptacle containing any alcoholic beverage (as the term "alcoholic
8 beverage" is defined by Indiana Code).

9 (d) Ride or use any in-line skates or skateboards at the skate park in a
10 reckless manner or with willful disregard for the safety of persons or property, or
11 to cause such items to be ridden or used in such a manner.

12 (e) Engage in reckless or boisterous behavior or any other activity that
13 could endanger the safety of other persons using the skate park.

14 (f) Ride, operate or utilize any device other than a skateboard or in-line
15 skates, including but not limited to, bicycles, unicycles, scooters, go-carts and
16 wagons on the skating surface of the skate park facility or to cause such items to
17 be ridden or used on the skating surface of the facility.

18 (g) Allow or cause graffiti or tagging in, on or around any part of the skate
19 park facility

20 (h) Deposit or leave garbage cans, bottles, papers or waste or refuse of
21 any kind in a location other than a receptacle provided for such purpose, or to
22 cause such items to be deposited or left in such manner. If no receptacle is
23 provided, each person shall be responsible for removing and disposing of such
24 items in an appropriate manner.

25 (i) Allow or cause any animal of any kind to be brought into the skate park
26 facility with the exception of service animals.

27 (j) Allow an activity, event or competition to take place in the facility
28 without the express written permission of the Department.

29 (k) Allow or cause glass containers of any kind to be brought into the
30 skate park facility.

(l) Modify, alter or add to any portion of the skate park facility in any
manner without the written permission of the Department.

(m) Engage in skate activities on surfaces, equipment or obstacles not
installed for that purpose. No skate activity is permitted on walls or other
boundary structures or seating areas immediately surrounding or adjoining the
skate park.

1 (2) The Department is authorized to post additional rules necessary for the
2 safe operation of the skate park and shall establish hours of operation for the
3 facility.

4 (D) *Penalties and enforcement.*

5 (1) *Penalty.* Any person found in violation of any provision of this section
6 may have such skateboard or wheeling or sliding device confiscated immediately
7 by the Police Department or by any officer of the Police Department acting in his
8 or her official capacity. Said skateboard or wheeling or sliding device confiscated
9 shall be held for a maximum of 60 days after which it may be sold in the Police
10 Bike Auction or destroyed. The individual who owns any confiscated skateboard
11 or wheeling or sliding device shall have the right to repossess the skateboard or
12 wheeling or sliding device upon proof of payment of any fine and other cost for
13 which the individual is responsible as a result of having violated the provisions
14 set forth in this section. An individual operating a skateboard or wheeling or
15 sliding device in violation of any of the provisions contained herein shall be
16 subject to a fine of not less than \$50 and not more than \$200 per violation.
17 Payment of said fine shall be due within 30 days from the date the fine is
18 assessed; however, such individual shall be entitled to a notice of the
19 assessment date specifying when payment of the fine is due. In the event a
20 violator fails to pay a fine when due, such failure to pay shall result in a \$25 late
21 fee being assessed to said individual. Any individual violator of this section who
22 is under the age of 18 years of age must disclose to the police officer or other
23 enforcing authority the names, addresses, and phone numbers of their parents
24 or legal guardian.

25 (2) *Enforcing authority.* The authority for enforcing this section shall be with
26 the Fort Wayne Police Department and the Ordinance Violation Bureau.

27 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

28 **§ 97.48 MODEL AIRPLANES AND BOATS.**

29 (A) Gasoline engine or fuel propelled model airplanes, rockets and boats are
30 prohibited at all parks except by permit.

(B) Model airplanes and boats with electric motors shall be operated only at
designated areas and/or with the permission of the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

ANIMALS AND FOWL

§ 97.60 DOGS ALLOWED ONLY ON LEASH.

(A) No person owning, having a proprietary interest in, harboring or having
the care, charge, control, custody or possession of a dog, shall permit such dog

1 to be in any public park unless such dog is upon a secure leash not more than
2 six feet long held continuously in the hands of a responsible person capable of
3 controlling the dog, or unless the dog is securely confined within an automobile.

4 (B) This section shall not apply to dogs under the control of a competent
5 person in a designated fenced dog exercise area in a city park or portion of a city
6 park approved and designated for that purpose by the Board of Park
7 Commissioners.

8 (C) The following regulations and limitations shall apply to all dog exercise
9 areas:

10 (1) Designated off-leash exercise areas will be open from 6:00 a.m. to 10:00
11 p.m. Owners will be required to obtain a permit and corresponding tag from the
12 City Parks and Recreation Department. Dogs should display permit tags at all
13 times while using the exercise areas.

14 (2) As a condition of admission to such dog exercise areas, the owner of
15 such dog(s) must use a suitable container or instrument to remove dog feces
16 from the designated area and dispose of it in provided waste containers.

17 (3) Aggressive dogs are not permitted in the exercise areas. Specifically,
18 dogs with a biting history or those for whom an Indiana Animal Bite Form has
19 been completed (as the biting dog) are not permitted in the exercise area.
20 Owners are legally responsible for any injury caused by their dog.

21 (4) All dogs must be under visual and voice control by owners at all times.

22 (5) Dogs shall not be left unattended in the exercise area.

23 (6) Dogs under four months old are not permitted in the exercise areas.

24 (7) All dogs shall have been vaccinated (as required by law) and legally
25 licensed prior to using the facility. Current rabies and license tags must be worn
26 on the collar of any dog in the exercise area.

27 (8) Female dogs in heat are not permitted to use the facilities.

28 (9) Professional dog trainers may not use the facilities in the conduct of their
29 business.

30 (10) An adult shall accompany children under the age of 14 years while in
the exercise areas. Children will not be permitted to run, shout, scream, wave
their arms or otherwise excite or antagonize dogs in the exercise area.

(11) Bicycles, roller blades, roller skates, skateboards and strollers, and the
like, are not permitted in the exercise areas. Wheelchairs are permitted.

(12) Spiked collars on dogs are not permitted in the exercise area(s).

1 (13) The owner of any dog using the designated exercise areas must have
2 a leash in their possession at all times. Any dog in the exercise area must be
3 wearing their collar and current tags at all times.

4 (14) Owners shall otherwise comply with all rules governing the parks and
5 relevant parking regulations.

6 (15) Use of dog exercise areas by any dog shall constitute implied consent
7 of the dog's owner to all of the conditions stated in this section and shall
8 constitute a waiver of liability to the city and an agreement and undertaking to
9 protect, indemnify, defend and hold the city harmless for any injury or damage
10 caused by such dog during any time the dog is not on its leash.

(Ord. G-28-04, passed 10-26-04) Penalty, see § 97.99

11 **§ 97.61 FISHING.**

12 (A) Fishing is permitted at all Department ponds and lakes with a valid
13 Indiana Fishing license. State fishing rules apply.

14 (B) It shall be unlawful to take fish or other water inhabitant by spearing or by
15 any other means prohibited in I.C. 14-22-9-1.

16 (C) Through the ice fishing is prohibited on park property.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

17 **§ 97.62 HUNTING AND FIREWORKS PROHIBITED.**

18 No person shall be allowed to molest, hunt, harm, frighten, kill, trap, pursue,
19 chase, tease, shoot or throw objects at or to set snares for any wildlife, animals,
20 birds, reptiles and fish within the limits of any park or within 500 feet outside of
21 any park except with written permission of the Department. Fireworks, "BB"
22 guns, slingshots, pea shooters, blow guns and paint ball guns are prohibited in
23 all park areas unless permission has been obtained from the Department. No
24 person is permitted to practice archery or use a bow and arrow or crossbow or
25 other similar device in any park.

(Ord. G-21-04, passed 9-14-04; Am. Res. 85-16, passed 10-25-16) Penalty, see
§ 97.99

26 **§ 97.63 AVIATION.**

27 It shall be unlawful for any person to use a park as a starting or landing field for
28 aircraft, hot air balloons, parachutes, hang gliders or other flying apparatus
29 except as authorized by the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

30

1 **OPERATION OF VEHICLES**

2 **§ 97.74 DEFINITIONS.**

3 See Title VII, Chapter 74 for definitions and regulations not described below. For
4 the purpose of this subchapter the following definitions shall apply unless the
5 context clearly indicates or requires a different meaning.

6 **§ 97.76 RIDING AND PARKING REGULATIONS.**

7 (A) Vehicle parking is permitted only in the designated areas and not on the
8 grass. Parking of vehicles in any park area between the hours of 11:00 p.m. and
9 6:00 a.m. shall be prohibited except for activities sponsored and notice issued by
10 the Department.

11 (B) Bicycles must be walked through a playground area.

12 (Ord. G-21-04, passed 9-14-04; Am. Ord. G-1-11, passed 1-11-11) Penalty, see §
13 97.99

14 **§ 97.76 SNOWMOBILES.**

15 No person shall operate a snowmobile, as defined in I.C. 14-16-2-1 *et seq.*,
16 within any park, playground, boulevard strip or any other park grounds without
17 the approval of the Department.

18 (Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

19 **§ 97.77 ENFORCING AUTHORITY.**

20 The authority for enforcing this subchapter will be the Fort Wayne Police
21 Department and the Ordinance Violations Bureau.

22 (Ord. G-1-11, passed 1-11-11)

23 **PENALTY**

24 **§ 97.99 PENALTY FOR VIOLATIONS.**

25 (A) Whoever violates any of the provisions of this chapter, for which no
26 specific penalty is otherwise provided, shall, upon conviction thereof, pay a fine
27 of not more than \$2,500 and/or impoundment of vehicle. Each day any violation
28 of this code or of any ordinance shall continue shall constitute a separate
29 offense. In all cases where the same offense may be made punishable, or may
30 be created by different clauses or sections of the ordinances of the city, the City
 Attorney may elect under which to proceed.

 (B) Violations shall be subject to a fine of \$25 to \$200. First-time offenders
 shall be fined not more than \$15.

 (Ord. G-21-04, passed 9-14-04)

SECTION 2. That this Ordinance shall be in full force and effect from
and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Malak Heiny, City Attorney

CHAPTER 97: PARKS AND RECREATION

Section

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GENERAL PROVISIONS

§ 97.01 ESTABLISHMENT.

The Parks and Recreation Department, hereinafter called the Department, is hereby established as a department of the city.

(Ord. G-21-04, passed 9-14-04)

§ 97.02 THE BOARD OF PARK COMMISSIONERS.

The Department shall be under the control and direction of the Board of Park Commissioners, hereinafter called the "Board". The Board shall be constituted according to law.

(Ord. G-21-04, passed 9-14-04)

§ 97.03 GOVERNING LAW.

(A) Pursuant to state law, the Board has by resolution adopted I.C. 36-10-4-1 *et seq.* in its entirety. The Common Council of the city has by this ordinance adopted I.C. 36-10-4-1 *et seq.* in its entirety, hereinafter called "the Act". These laws control and empower the Board.

(B) The Board may establish rules and regulations as needed.

(Ord. G-21-04, passed 9-14-04)

PARK RULES AND REGULATIONS

§ 97.15 HOURS OPEN TO PUBLIC.

The parks and playgrounds shall be open to the public from 6:00 a.m. until 11:00 p.m. No person, other than employees of the Board or enforcement officers, shall be permitted to remain in public parks except when open as herein specified and for activities as authorized by the Board or its representatives. No person(s) shall enter any park when the park has been closed by order of the Department or the Mayor.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.16 REMOVAL OF BENCHES OR PICNIC TABLES.

No benches, picnic tables or any park property shall at any time be removed from the parks without prior written permission having been obtained from the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.17 LITTERING.

(A) No person shall throw rubbish, trash, or other litter into any lake, pond or stream or upon the ice of such lake, pond or stream or into any fountain or on any roadway or any public park or into any park area.

(B) No home or business waste shall be disposed of in any park trash can.

(C) No person shall dump or dispose of any harmful wastes, chemicals, contaminants, brush, appliances, and/or tires on park grounds or into ponds, lakes or streams.

(D) Ice or ice water containing salt shall not be emptied on the grounds.

(E) The grounds must be cleaned after use and put in their original condition or better before leaving.

(F) Any violation(s) of this section may constitute illegal dumping as defined in Chapter 50, § 50.19 of the City Code and the City Attorney may elect to proceed under this section.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.18 DAMAGING OR DEFACING PARK PROPERTY.

(A) No person shall cut, break, or pluck flowers or in any way damage or deface the trees, shrubs, plants or turf or any of the buildings, fences, benches, structures or statuary within any park, boulevard strip, or on the street right-of-way.

(B) No person shall erect stands, tents or other temporary structures without prior permission from the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.19 FASTENING OBJECTS TO TREES.

No person shall mechanically fasten or attach a swing, tree house or any other object to any tree on park grounds, parkways, boulevard strips or street trees.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.20 SIGNS IN PARKS.

No signage and/or advertising shall be erected on park property and/or structures, park ways or boulevard strips without prior written permission being obtained from the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.21 POSSESSION, SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES.

(A) No intoxicants of any kind, including wine, beer, ale, or other alcoholic beverages, shall be brought into a park area, consumed, sold or given away on the premise of any public park, parkway or boulevard strip, except the Botanical Conservatory, the Fort Wayne Children's Zoo, the Foster Park Golf Course Pavilion, Headwaters Park, the Community Center, the Foellinger Theater, Freimann Square, Salomon Farm Park, the Old Fort, the Wells Street Bridge, Robert E. Meyer's Park, and McMillen Park Community Center; and then only with a prior written permit to do so having been received from the Department and the Indiana Alcohol and Tobacco Commission.

(B) Fees for such a permit shall be pursuant to a schedule, as established by the Board. Fee schedules may be obtained at the offices of the Department of Parks and Recreation. Any fees imposed shall be in addition to any facility rental charge imposed by the Board.

(C) The Board shall have the authority to develop and implement policies controlling the possession and use of alcoholic beverages in the locations enumerated herein.

(D) All permits, including those granted by the Alcohol and Tobacco Commission, shall be prominently displayed and produced for inspection when requested by a police officer or a park employee or representative and shall not be transferable.

(E) No permit granted under this section shall be construed to entitle any person to possess, serve, sell, consume or give away alcoholic beverages in any place other than the area specifically designated in said permit. Furthermore, no permit granted under this section shall be construed to allow any individual to act in any fashion that would violate any other law, statute, ordinance, rule or regulation.

(F) The permit of any person who shall violate or fail to comply with any provision of this section may be immediately revoked by the Board or its designees.

(G) All fees from issuance of such permits shall accrue to the Department's general fund.

(Ord. G-21-04, passed 9-14-04; Am. Ord. G-12-06, passed 12-12-06; Am. Ord. G-02-09, passed 2-24-09; Am. Ord. G-9-12, passed 4-24-12; Am. Ord. G-10-14, passed 5-13-14)
Penalty, see § 97.99

§ 97.22 VENDOR PERMITS.

(A) Every person who vends, sells or offers for sale from a vehicle, tent or table, food, refreshments or goods and services in or upon any public park or park facility shall, before engaging in such business, obtain from the Department (705 E. State Blvd., Fort Wayne, Indiana 46805, 427-6000) a permit to do so.

(B) The Department may limit the number of any type of permit issued to a quantity sufficient to adequately serve the patrons of parks and park facilities.

(C) The fees for a yearly vending permit for each motorized vending vehicle, trailer or stand, (defined as a temporary structure, tent, table or group of tables at a single location), for each non-motorized vending vehicle, and for a one-day vending license, to cover a special event, shall be established by the Department. Said fees may provide exemptions for not-for-profit, charitable or religious organizations.

(D) All permits issued under this section shall be prominently displayed and produced for inspection when requested by a police officer or park employee or representative, are not transferable, and yearly permits expire on December 31 of the year in which issued.

(E) The Department shall designate, in writing, to each permit holder, the specific times and areas in parks where vending may take place.

(F) No permit granted under this section shall be construed to entitle any person to vend or sell in any place but in the areas specifically designated, nor to sell items other than those designated in the permit.

(G) The Department may negotiate and contract with a concessionaire for exclusive rights to vend food and refreshments in certain park facilities where special vending times, quality or style of food and refreshments are required.

(H) The permit of any person who violates or fails to comply with any provision(s) of this section may be revoked by the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.23 GAMBLING.

(A) No person shall be allowed to beg, tell fortunes, gamble or play any game of chance except in enclosed park pavilions and as permitted by I.C. 4-32-1-1 *et seq.*

(B) I.C. 4-32-1-1 GAMES OF CHANCE applies to organizations qualified to operate bingo events, charity game nights, door prize events, raffle events, and festivals and the sale of pull tabs, punchboards and tip boards at bingo events, door prize events, raffle events, charity game nights and festivals, or on the premises owned or leased by the qualified organization and regularly used for the activities of the qualified organization at any time.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

Editor's note:

I.C. 4-32 was repealed by P.L. 91-2006, approved 3-20-06.

§ 97.24 [RESERVED FOR FUTURE REFERENCE].

§ 97.25 RESERVING PARK FACILITIES.

(A) Permits are issued for the exclusive use of park facilities at the administrative office of the Department.

(B) Permits are not transferable.

(C) The permittee or a permittee's designated representative shall be in attendance at all times and have physical possession of the permit.

(D) Any permit granted pursuant to this chapter may be revoked upon the violation of the permittee, or associated individual(s), of any provision of the permit.

(E) It shall be unlawful for any person to occupy the area designated as reserved by a permit. In all cases of disagreement the City Police shall make the final decision.

(F) Reservations may be made for all pavilions and gardens by phone or in person up to 12 months in advance.

(G) Reservations are not required for the use of fireplaces, outdoor grills, and other picnic facilities.

(H) Softball and baseball diamonds, athletic fields, tennis courts and horseshoe courts may be reserved for exclusive use by leagues and/or individuals by obtaining a permit issued at the administrative offices of the Department.

(I) The tennis courts are to be used for tennis only. All other activity is prohibited except as authorized by the Department. In all cases of disagreements as to the use of the courts, the Fort Wayne Police Department shall make the final decision based on a priority basis where all Fort Wayne Park and Recreation Department programs have first priority, individual permit holders have second priority (during the time listed on their permit), and the walk-ons have third priority.

(J) League reservations will be accepted at a specified time prior to the program season. Individual and practice permits will be issued no more than two weeks in advance in a timely manner.

(K) The person or organization to whom a permit or reservation is issued is responsible for any damage to the building, equipment or grounds. The permit holder is also responsible for maintenance, outside of routine cleaning, necessary to restore the premises to the condition in which they were received.

(L) No person or organization, without the prior written authorization of the Department, shall charge a fee for admission to or participation in an event.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.26 DISTURBING OR INTRUDING UPON PERSONS.

No person or group of persons shall disturb or intrude upon the privacy and/or quiet enjoyment of any other park visitor.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.27 DISORDERLY CONDUCT.

No person shall engage in disorderly conduct as defined in I.C. 35-45-1-3.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.28 FIRES.

(A) Open fires, except in fireplaces, charcoal grills and ovens or when supervised and/or authorized by Department staff, shall not be permitted in any park.

(B) Portable charcoal, gas, or wood grills, stoves and ovens are not permitted to be used inside pavilions or under roofs thereof. All such devices shall be operated in a safe and proper manner.

(C) It is unlawful to leave a fire unattended or fail to fully extinguish a fire. Proper ash/coal disposal is required.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.29 OWNERS RESPONSIBLE FOR PERSONAL PROPERTY.

Personal property or equipment brought into the parks shall be at the owner's risk.

(Ord. G-21-04, passed 9-14-04)

RESTRICTED RECREATIONAL ACTIVITIES

§ 97.40 SWIMMING.

(A) No person shall bathe, wade or swim in any pond, fountain, stream or river within any park with the exception of designated, interactive water features (i.e. spray parks).

(B) No person is permitted to swim and/or enter the pool enclosure of any city operated swimming pool when closed.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.41 LAKES AND PONDS.

Boating on any park and recreation lake or pond is prohibited except for boats or canoes operated under the direction and supervision of the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.42 OUTDOOR ICE SKATING.

(A) No person shall be permitted to use designated outdoor ice skating areas when the red flag is displayed and/or the red light is burning. The ruling established by the Department shall be final in all cases in reference to the condition of the ice.

(B) The use of ponds, rivers, creeks, or other ice areas for skating, sledding or any other purpose, shall be prohibited at all such areas which are not designated for such activities by the Department.

(C) There must be at least four inches of hard ice before ice skating is permitted on any designated pond.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.43 PLAYGROUNDS AND PLAY APPARATUS.

(A) For personal safety and the protection of others, all persons using swings, slides, climbing devices, and other play apparatus on park owned or controlled property must do so in a safe and appropriate manner and in accordance with any rules and regulations which may be adopted and/or posted by the Department.

(B) Pre-school children on playgrounds must be accompanied by an older responsible person.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.44 BALL PLAYING OR GAMES.

No ball playing or other games are permitted on park strips, esplanades, in tot lots or among playground apparatus areas. Batting of baseballs and softballs is restricted to designated areas with appropriate backstops.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.45 TENNIS COURTS.

In-line skates, roller skates, skateboards and other similar devices are prohibited from use on tennis court surfaces.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.46 GOLF.

(A) Practicing golf is not allowed in parks and playgrounds, except at the established practice areas located at Foster, McMillen and Shoaff Golf Courses.

(B) No person is allowed on the golf courses without a golf ticket and a set of golf clubs, nor when the courses are closed, except as authorized by the Department.

(C) Frisbee Golf is allowed only at designated areas at Shoaff and Swinney parks, or other park areas by permit only.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.47 RECKLESS OR HAZARDOUS OPERATION OF SKATEBOARDS AND IN-LINE SKATES, OTHER WHEELING OR SIMILAR DEVICES PROHIBITED IN CERTAIN AREAS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CERTAIN COMMERCIAL CORRIDORS. The Broadway, Calhoun and Wells Street corridors specifically described as follows: Beginning at the intersection of the east right-of-way of Spy Run Avenue and the centerline of the St. Mary's River; thence northwesterly along the centerline of the St. Mary's River and its meanderings to the intersection of the centerline of Spy Run Creek; thence northerly along the centerline of Spy Run Creek and its meanderings to the south right-of-way of Elizabeth Street; thence west along the south right-of-way of Elizabeth Street to the west right-of-way of N. Clinton Street; thence southerly along the west right-of-way of N. Clinton Street to the centerline of the St. Mary's River; thence southwesterly along the centerline of the St. Mary's River and its meanderings to the east right-of-way of Wells Street; thence northerly along the east right-of-way of Wells Street to the south right-of-way of Putnam Street; thence west along the south right-of-way of Putnam Street to the west right-of-way of Wells Street; thence south along the west right-of-way of Wells Street to the west right-of-way of Ewing Street; thence continuing southerly along the west right-of-way of Ewing Street to the centerline of the St. Mary's River; thence westerly along the centerline of the St. Mary's River and its meanderings to the west right-of-way of Van Buren Street; thence southeasterly along the west right-of-way of Van Buren Street to the south right-of-way of Lavina Street; thence east along the south right-of-way of Lavina Street to the west right-of-way of Broadway; thence southwesterly along the west right-of-way of Broadway to the south right-of-way of Bluffton Road; thence east to the intersection of the east right-of-way of Broadway and the south right-of-way of Oakdale Drive; thence northeasterly along the east right-of-way of Broadway to the north right-of-way of the Penn Central Railroad Company (1500-1600 Block of Broadway); thence easterly along the north right-of-way of the Penn Central Railroad Company to the west right-of-way of Calhoun Street; thence south along the west right-of-way of Calhoun Street to the north right-of-way of Rudisill Boulevard; thence east to the intersection of the east right of way of Calhoun Street and the north right-of-way of

Rudisill Boulevard; thence north along the east right-of-way of Calhoun Street to the north right-of-way of the Penn Central Railroad Company; thence easterly along the north right-of-way of the Penn Central Railroad Company to the east right-of-way of Clay Street; thence northerly along the east right-of-way of Clay Street to the south right-of-way of Columbia Street; thence east along the south right-of-way of Columbia Street to the centerline of the Maumee River; thence north along the centerline of the Maumee River and its meanderings to the centerline of the St. Mary's River; thence west along the centerline of the St. Mary's River and its meanderings to the east right-of-way of Spy Run Avenue also being the point of beginning. Excluding any and all portions of the Fort Wayne River Greenway which may cross the aforementioned area.

DOWNTOWN CENTRAL BUSINESS DISTRICT. The area bounded by Clay Street on the east to St. Mary's River on the north, to Spy Run Creek north to Elizabeth Street, west to Clinton Street, then south to the St. Mary's River, then west to Van Buren Street and south to the railroad elevation at the 1500-1600 block, then east to Clay Street.

RECKLESS OR HAZARDOUS OPERATION. Operation of a skateboard, wheeling or sliding device in a manner such that the wheels of a wheeling device leave the ground or that the skateboard or sliding device is separated from the ground at the same time (ie. airborne). It is further defined to mean the use of disability ramps, steps, walls, retention walls, doors, handrails, planters, curb or gutter edges, barriers and barricades, benches, picnic tables, sculptures, stages, platforms, playground equipment or other device or structure which is not intended for pedestrian or vehicular traffic, jumping or stepping on or off such devices or structures using wheeled equipment, or in a manner that is likely to cause damage to property or to cause personal injury or failing to yield the right-of-way to or otherwise interfere with pedestrian traffic.

SKATEBOARD. A foot board mounted upon four or five wheels and usually propelled by the user who sometimes stands, sits, kneels or lies upon the device while it is in motion.

WHEELING OR SLIDING DEVICES. Include, but are not limited to, skateboards, roller skates, in line skates or bicycles or any other device containing wheels which can be ridden on or otherwise utilized by an individual or individuals in order to move about other than walking.

(B) *Operating skateboard, wheeling or sliding device prohibited.* Operating a skateboard, wheeling or sliding device shall be prohibited as follows:

(1) In the Downtown Central Business District and certain commercial corridors, the operation of a skateboard, wheeling or sliding device in a reckless or hazardous manner shall be prohibited; and

(2) Operating a skateboard, wheeling or sliding device on any property where a sign or signs are posted by property owners prohibiting such operation shall be prohibited. (This provision shall be interpreted to mean that if a sign is posted prohibiting skateboarding it shall be deemed to apply to the prohibition of all skateboard, wheeling or sliding devices).

(3) Wheelchair exclusion. Notwithstanding the definition of skateboard, wheeling or sliding device, nothing in this section shall prohibit the use of a wheelchair, a stroller, or similar devices, for the purpose of helping an elderly, disabled individual, infant, or other individual needing assistance in moving from place to place.

(4) Extreme Sports Facility Exclusion. The provisions of this section shall not apply to a skate park or extreme sports facility operated by the Department of Parks and Recreation.

(C) *Extreme Sports Facility.* Skateboarding and in-line skating are hazardous recreational activities. Use of the facility may result in serious injuries or death. Each person entering the facility assumes all risk of injury or death. All participants using the skate park shall use only skateboards and in-line skates, wear appropriate safety helmets, elbow pads and knee pads at all times.

(1) Within the facility it shall be unlawful for any person to:

(a) Place or utilize obstacles or other materials within the skate park that are not affixed to the skate park by the Department for recreational purposes.

(b) Enter the skate park for purposes other than skateboarding, in-line skating or assisting a skateboarder or in-line skater.

(c) Use the skate park while under the influence of alcohol or drugs that would impair a person's judgment or motor skills or to possess any can, bottle or other receptacle containing any alcoholic beverage (as the term "alcoholic beverage" is defined by Indiana Code).

(d) Ride or use any in-line skates or skateboards at the skate park in a reckless manner or with willful disregard for the safety of persons or property, or to cause such items to be ridden or used in such a manner.

(e) Engage in reckless or boisterous behavior or any other activity that could endanger the safety of other persons using the skate park.

(f) Ride, operate or utilize any device other than a skateboard or in-line skates, including but not limited to, bicycles, unicycles, scooters, go-carts and wagons on the skating surface of the skate park facility or to cause such items to be ridden or used on the skating surface of the facility.

(g) Allow or cause graffiti or tagging in, on or around any part of the skate park facility

(h) Deposit or leave garbage cans, bottles, papers or waste or refuse of any kind in a location other than a receptacle provided for such purpose, or to cause such items to be deposited or left in such manner. If no receptacle is provided, each person shall be responsible for removing and disposing of such items in an appropriate manner.

(i) Allow or cause any animal of any kind to be brought into the skate park facility with the exception of service animals.

(j) Allow an activity, event or competition to take place in the facility without the express written permission of the Department.

(k) Allow or cause glass containers of any kind to be brought into the skate park facility.

(l) Modify, alter or add to any portion of the skate park facility in any manner without the written permission of the Department.

(m) Engage in skate activities on surfaces, equipment or obstacles not installed for that purpose. No skate activity is permitted on walls or other boundary structures or seating areas immediately surrounding or adjoining the skate park.

(2) The Department is authorized to post additional rules necessary for the safe operation of the skate park and shall establish hours of operation for the facility.

(D) Penalties and enforcement.

(1) *Penalty.* Any person found in violation of any provision of this section may have such skateboard or wheeling or sliding device confiscated immediately by the Police Department or by any officer of the Police Department acting in his or her official capacity. Said skateboard or wheeling or sliding device confiscated shall be held for a maximum of 60 days after which it may be sold in the Police Bike Auction or destroyed. The individual who owns any confiscated skateboard or wheeling or sliding device shall have the right to repossess the skateboard or wheeling or sliding device upon proof of payment of any fine and other cost for which the individual is responsible as a result of having violated the provisions set forth in this section. An individual operating a skateboard or wheeling or sliding device in violation of any of the provisions contained herein shall be subject to a fine of not less than \$50 and not more than \$200 per violation. Payment of said fine shall be due within 30 days from the date the fine is assessed; however, such individual shall be entitled to a notice of the assessment date specifying when payment of the fine is due. In the event a violator fails to pay a fine when due, such failure to pay shall result in a \$25 late fee being assessed to said individual. Any individual violator of this section who is under the age of

18 years of age must disclose to the police officer or other enforcing authority the names, addresses, and phone numbers of their parents or legal guardian.

(2) *Enforcing authority.* The authority for enforcing this section shall be with the Fort Wayne Police Department and the Ordinance Violation Bureau.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.48 MODEL AIRPLANES AND BOATS.

(A) Gasoline engine or fuel propelled model airplanes, rockets and boats are prohibited at all parks except by permit.

(B) Model airplanes and boats with electric motors shall be operated only at designated areas and/or with the permission of the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

ANIMALS AND FOWL

§ 97.60 DOGS ALLOWED ONLY ON LEASH.

(A) No person owning, having a proprietary interest in, harboring or having the care, charge, control, custody or possession of a dog, shall permit such dog to be in any public park unless such dog is upon a secure leash not more than six feet long held continuously in the hands of a responsible person capable of controlling the dog, or unless the dog is securely confined within an automobile.

(B) This section shall not apply to dogs under the control of a competent person in a designated fenced dog exercise area in a city park or portion of a city park approved and designated for that purpose by the Board of Park Commissioners.

(C) The following regulations and limitations shall apply to all dog exercise areas:

(1) Designated off-leash exercise areas will be open from 6:00 a.m. to 10:00 p.m. Owners will be required to obtain a permit and corresponding tag from the City Parks and Recreation Department. Dogs should display permit tags at all times while using the exercise areas.

(2) As a condition of admission to such dog exercise areas, the owner of such dog(s) must use a suitable container or instrument to remove dog feces from the designated area and dispose of it in provided waste containers.

(3) Aggressive dogs are not permitted in the exercise areas. Specifically, dogs with a biting history or those for whom an Indiana Animal Bite Form has been completed (as the

biting dog) are not permitted in the exercise area. Owners are legally responsible for any injury caused by their dog.

(4) All dogs must be under visual and voice control by owners at all times.

(5) Dogs shall not be left unattended in the exercise area.

(6) Dogs under four months old are not permitted in the exercise areas.

(7) All dogs shall have been vaccinated (as required by law) and legally licensed prior to using the facility. Current rabies and license tags must be worn on the collar of any dog in the exercise area.

(8) Female dogs in heat are not permitted to use the facilities.

(9) Professional dog trainers may not use the facilities in the conduct of their business.

(10) An adult shall accompany children under the age of 14 years while in the exercise areas. Children will not be permitted to run, shout, scream, wave their arms or otherwise excite or antagonize dogs in the exercise area.

(11) Bicycles, roller blades, roller skates, skateboards and strollers, and the like, are not permitted in the exercise areas. Wheelchairs are permitted.

(12) Spiked collars on dogs are not permitted in the exercise area(s).

(13) The owner of any dog using the designated exercise areas must have a leash in their possession at all times. Any dog in the exercise area must be wearing their collar and current tags at all times.

(14) Owners shall otherwise comply with all rules governing the parks and relevant parking regulations.

(15) Use of dog exercise areas by any dog shall constitute implied consent of the dog's owner to all of the conditions stated in this section and shall constitute a waiver of liability to the city and an agreement and undertaking to protect, indemnify, defend and hold the city harmless for any injury or damage caused by such dog during any time the dog is not on its leash.

(Ord. G-28-04, passed 10-26-04) Penalty, see § 97.99

§ 97.61 FISHING.

(A) Fishing is permitted at all Department ponds and lakes with a valid Indiana Fishing license. State fishing rules apply.

(B) It shall be unlawful to take fish or other water inhabitant by spearing or by any other means prohibited in I.C. 14-22-9-1.

(C) Through the ice fishing is prohibited on park property.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

§ 97.62 HUNTING AND FIREWORKS PROHIBITED.

No person shall be allowed to molest, hunt, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw objects at or to set snares for any wildlife, animals, birds, reptiles and fish within the limits of any park or within 500 feet outside of any park except with written permission of the Department. Fireworks, “BB” guns, slingshots, pea shooters, blow guns and paint ball guns are prohibited in all park areas unless permission has been obtained from the Department. No person is permitted to practice archery or use a bow and arrow or crossbow or other similar device in any park.

(Ord. G-21-04, passed 9-14-04; Am. Res. 85-16, passed 10-25-16) Penalty, see § 97.99

§ 97.63 AVIATION.

It shall be unlawful for any person to use a park as a starting or landing field for aircraft, hot air balloons, parachutes, hang gliders or other flying apparatus except as authorized by the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

OPERATION OF ~~MOTOR~~ VEHICLES

§ 97.74 DEFINITIONS.

See Title VII, Chapter 74 for definitions and regulations not described below. -For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~—ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.~~ A single-passenger, self-balancing mode of transport with a maximum speed of 15 mph.

~~—FORT WAYNE TRAILS NETWORK.~~ The designated, active, non-motorized transportation system in Fort Wayne, Indiana consisting of trails, paths, multi-use trails, shared-use paths, greenways and rails-to-trails maintained by the Board of Park Commissioners and the Board of Public Works including such parts of the Network that are located within the limits of the City of Fort Wayne but maintained by other jurisdictions.

~~(Ord. G-1-11, passed 1-11-11)~~

§ 97.75 TYPES OF VEHICLES ALLOWED:

~~—(A) The Department shall be empowered to designate the kind of vehicles or other modes of transportation and the load thereon that may not be used or hauled in all or any of the parks, parkways, boulevards, paths, streets and roadways, including the Fort Wayne Trails Network; and, it shall be unlawful for any person to use any vehicle or other mode of transportation contrary to the provisions of any such departmental order.~~

~~—(B) The following vehicles or other modes of transportation are allowed on all designated paths, trails and greenways, including the Fort Wayne Trails Network: public safety vehicles, service or maintenance vehicles including public utilities, wheelchairs (standard or motorized), electric personal assistive mobility devices, non-motorized bicycles and skating devices.~~

~~—(C) The following vehicles or other modes of transportation are prohibited on the Fort Wayne Trails Network: any standard motorized vehicle powered by gas, diesel, electric or hybrid motors, including, but not limited to, golf carts enclosed or open, motorized bikes, motorcycles, mopeds, scooters, ATVs, go carts, swamp buggy, snowmobiles or any other off-road or air-cushioned type vehicle, unless authorized by the Chief of Police or his or her designee.~~

~~(Ord. G-21-04, passed 9-14-04; Am. Ord. G-1-11, passed 1-11-11) Penalty, see § 97.99~~

§ 97.76 RIDING ~~AND PARKING~~OR DRIVING REGULATIONS.

~~—(A) No person shall operate any vehicle or other mode of transportation within any park except on the avenues and roads at a speed not to exceed 25 miles per hour, or as otherwise posted.~~

~~(AB)~~ Vehicle parking is permitted only in the designated areas and not on the grass. Parking of vehicles in any park area between the hours of 11:00 p.m. and 6:00 a.m. shall be prohibited except for activities sponsored and notice issued by the Department.

~~(BC)~~ Bicycles must be walked through a playground area.

~~—(D) Horses and horseback riders are not permitted in parks, on pathways, boulevards, paths, streets or roadways within the Fort Wayne parks system including the Fort Wayne Trails Network.~~

~~(Ord. G-21-04, passed 9-14-04; Am. Ord. G-1-11, passed 1-11-11) Penalty, see § 97.99~~

§ 97.767 SNOWMOBILES.

No person shall operate a snowmobile, as defined in I.C. 14-16-2-1 et seq., within any park, playground, boulevard strip or any other park grounds without the approval of the Department.

(Ord. G-21-04, passed 9-14-04) Penalty, see § 97.99

~~§ 97.78 OPERATION OF NON-REGISTERED MOTOR VEHICLES:~~

~~No person shall operate a go-cart, all terrain vehicle, swamp buggy, race car or any other type of motor vehicle which is not registered with the Department of Motor Vehicles of the state in any park, playground, boulevard, strip or any other park grounds including the Fort Wayne Trails Network, except in areas which may be designated by the Department for such usage. Motorized bicycles, as defined in I.C. 9-21-11-12 et seq., are permissible while operated on roadways designated for motor vehicle traffic.~~

~~(Ord. G-21-04, passed 9-14-04; Am. Ord. G-1-11, passed 1-11-11) Penalty, see § 97.99~~

§ 97.779 ENFORCING AUTHORITY.

The authority for enforcing this subchapter will be the Fort Wayne Police Department and the Ordinance Violations Bureau.

(Ord. G-1-11, passed 1-11-11)

PENALTY

§ 97.99 PENALTY FOR VIOLATIONS.

(A) Whoever violates any of the provisions of this chapter, for which no specific penalty is otherwise provided, shall, upon conviction thereof, pay a fine of not more than \$2,500 and/or impoundment of vehicle. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the city, the City Attorney may elect under which to proceed.

(B) Violations shall be subject to a fine of \$25 to \$200. First-time offenders shall be fined not more than \$15.

~~Whoever violates any of the provisions of this chapter, for which no specific penalty is otherwise provided, shall, upon conviction thereof, pay a fine of not more than \$2,500. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the city, the City Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.~~

~~—(B) Any violation of any of the provisions of § 97.21 by any person shall be punishable by a fine in a sum of not less than \$25 not more than \$200 for each offense.~~

~~—(C) Violation of § 97.48 shall subject the violator to a fine not to exceed \$50 per violation. First time offenders shall be fined not more than \$15.~~

~~—(D) Any violation of any of the provisions of § 97.60 by any person shall be punishable by a fine not less than \$50 not more than \$1,000 for each offense.~~

(Ord. G-21-04, passed 9-14-04)