

ORDINANCE No. 2024-11

AN ORDINANCE AMENDING TITLE XIII, CHAPTER 130 TO ESTABLISH REGULATIONS CONCERNING TRESPASS IN CITY PARKS DUE TO UNLAWFULLY ACCESSING CITY PARKS OUTSIDE OF AUTHORIZED HOURS, UNLAWFUL CAMPING IN CITY PARKS, AND DISTURBING THE PEACE

WHEREAS, there have been recent incidents of unauthorized camping and disorderly conduct within city parks owned and operated by the City of Delphi, Indiana, which have negatively impacted the ability for the public to safely use and enjoy the parks; and

WHEREAS, the Common Council of the City of Delphi, Indiana recognizes a need to establish penalties for a person found trespassing in a city park whether by unlawfully accessing a city park outside of authorized hours or refusing to leave a city park when requested by the Parks Superintendent, or designee of the Parks Superintendent, or a law enforcement officer; and

WHEREAS, the Common Council of the City of Delphi, Indiana desires to establish an Ordinance to regulate unauthorized camping, littering and storage of personal items in city parks, as well as disturbing the peace in city parks;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Delphi, Indiana that:

Section 1. § 130.07 “Hours of Operation for City Parks” under Title XIII, Chapter 130 of the Code of Ordinances of the City of Delphi is hereby amended to add placement on a “no trespass” list as a penalty for violation of this section, and the amended § 130.07 shall read as stated in Exhibit A attached herein.

Section 2. Title XIII, Chapter 130 of the Code of Ordinances of the City of Delphi is hereby amended to include a new § 130.08 “Camping, Littering, and Storage of Personal Property in City Parks,” which shall read as stated in Exhibit B attached herein.

Section 3. Title XIII, Chapter 130 of the Code of Ordinances of the City of Delphi is hereby amended to include a new § 130.09 “Parks – Disturbing the Peace,” which shall read as stated in Exhibit C attached herein.

Section 4. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared severable.

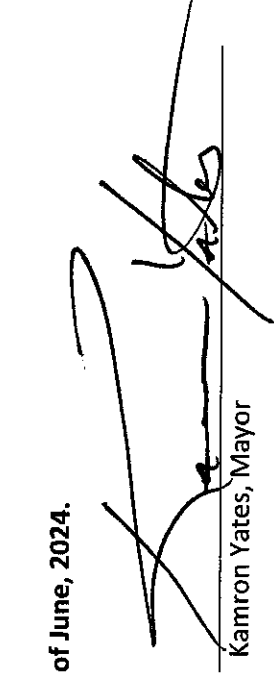
Section 5. Pursuant to IC 36-4-6-14(b) and IC 5-3-1(h), this Ordinance shall be published in the Carroll County Comet newspaper one (1) time within thirty (30) days after its passage and approval by the Mayor. The Ordinance shall be in full force and effect from and after its required publication.

Passed and adopted by a majority of the Common Council of the City of Delphi, Indiana, this 3rd day of June, 2024.


Kamron Yates, Presiding Officer


Attest: Julie Price, Clerk-Treasurer

Approved / Vetoed by me, the Mayor, this 3rd day of June, 2024.


Kamron Yates, Mayor


Attest: Julie Price, Clerk-Treasurer

EXHIBIT A
AMENDED § 130.07 HOURS OF OPERATION FOR CITY PARKS

Amended:

§ 130.07 HOURS OF OPERATION FOR CITY PARKS.

- (A) All city parks shall be open from 5:00 a.m. to 11:00 p.m. unless otherwise ordered by the Chief of Police due to weather conditions, flooding, other dangerous conditions, or special events.
- (B) It shall be unlawful for any person to be in any city park between the hours of 11:01 p.m. and 4:59 a.m.
- (C) Penalties.
- (1) Any person who is asked to leave by a law enforcement officer and refuses to do so may be subject to arrest.
- (2) Whoever violates this section may:
- a) Be placed on a "no trespass" list for a period of up to one year and shall not enter the premises of the subject park area during said time; and/or
- (b) Be fined not more than \$500.
- (3) The Parks Superintendent or designee of the Parks Superintendent and any law enforcement officer shall have the authority to place a violator of this section on a "no trespass" list.
- (4) In the event that any person who is placed on the "no trespass" list desires to appeal, they may initiate an appeal by filing with the Board of Public Works and Safety, within ten (10) days after placement on the "no trespass" list, a written request for hearing. The Board of Public Works and Safety shall place said request on the agenda for its next regularly scheduled meeting, and after the hearing, shall affirm or reverse the placement on the "no trespass" list.

Original included as reference:

§ 130.07 HOURS OF OPERATION FOR CITY PARKS.

- (A) All city parks shall be open from 5:00 a.m. to 11:00 p.m. unless otherwise ordered by the Chief of Police due to weather conditions, flooding, other dangerous conditions, or special events.
- (B) Any person found in any city park between the hours of 11:01 p.m. and 4:59 a.m. may be fined not more than \$500.

EXHIBIT B
NEW § 130.08 CAMPING, LITTERING, AND STORAGE OF PERSONAL PROPERTY IN CITY PARKS

§ 130.08 CAMPING, LITTERING, AND STORAGE OF PERSONAL PROPERTY IN CITY PARKS.

(A) Definitions. For the purposes of this section, the words and phrases contained herein shall have the following meanings unless the context clearly indicates otherwise.

CAMP (CAMPING). Pitching, erecting, or occupying camp facilities, or using camp paraphernalia, or both, for the purpose of remaining overnight, or parking in a trailer, camper, or other vehicle for the purpose of remaining overnight.

CAMP FACILITIES. Structures that include, but are not limited to, tents, huts, temporary shelters, or lean-tos (cardboard or other materials), and vehicles used for the purpose of camping.

CAMP PARAPHERNALIA. Equipment used for the purpose of camping, which includes, but is not limited to, tarpaulins, cots, beds, hammocks, campfires, or other cooking facilities, and similar equipment.

REMOVAL (REMOVE). The act of changing the existing location or position of a person or property to another location or position.

STORE. To put aside or to accumulate for use when needed, to put for safekeeping, to place or leave in a location.

(B) Unlawful Camping. Except as otherwise provided by ordinance, it shall be unlawful for any person to camp, occupy camp facilities, or use camp paraphernalia within city parks without the express permission of the Parks Department.

(C) Removal of Persons.

(1) In accordance with authority established in I.C. § 36-10-3 *et. seq.* and Delphi Code of Ordinances § 31.02, a person may be asked to leave or be removed from a city park for violation of this section.

(2) Any person who is asked to leave or is removed from a city park shall be advised of the reason he/she is being asked to leave or is being removed.

(3) The following individuals have authority to ask a person to leave or ask for a person to be removed from a city park:

- (a) Parks Superintendent or any designee of the Parks Superintendent; or
- (b) Law enforcement officers.

(D) Removal of camp paraphernalia, and any other property owned or controlled by persons in violation of unlawful camping and disposal of unlawfully stored personal property.

(1) Except as otherwise provided by ordinance, it shall be unlawful for any person to place trash, garbage, or solid waste or to store personal property within the city parks.

(2) Personal property that is stored in violation of unlawful camping shall be removed by City employees.

(3) Prior to removal of the property, notice will be posted of the intent to remove the property at least 72 hours prior to removal. The notice shall contain: the date and time after which the property will be removed; the location to which the property will be removed; the telephone number and name of the person to be contacted regarding recovery of the property, and a statement that the personal property remaining on the

site at the scheduled removal date and time shall be deemed abandoned and subject to disposal. Notices shall be posted at locations and in a manner reasonably calculated to effectively communicate notice to the property owners.

- (4) In the event the unlawful storage is deemed to consist of trash, garbage, or solid waste, or to constitute a significant health hazard, the 72-hour notification need not be given, and that property may be disposed of immediately.

(E) Penalties.

- (3) Any person who is asked to leave by a law enforcement officer and refuses to do so may be subject to arrest.

- (4) Whoever violates this section may:

- a) Be placed on a "no trespass" list for a period of up to one year and shall not enter the premises of the subject park area during said time; and/or
- (b) Be fined not more than \$250.

- (3) The Parks Superintendent or designee of the Parks Superintendent and any law enforcement officer shall have the authority to place a violator of this section on a "no trespass" list.

- (4) In the event that any person who is placed on the "no trespass" list desires to appeal, they may initiate an appeal by filing with the Board of Public Works and Safety, within ten (10) days after placement on the "no trespass" list, a written request for hearing. The Board of Public Works and Safety shall place said request on the agenda for its next regularly scheduled meeting, and after the hearing, shall affirm or reverse the placement on the "no trespass" list.

EXHIBIT C

NEW § 130.09 PARKS – DISTURBING THE PEACE

§ 130.09 PARKS – DISTURBING THE PEACE.

- (A) Any person found to be creating a disturbance or other breach of the peace in any public park, building owned, operated or administered by the Parks Department, or on fields, playgrounds, recreational areas, or other grounds used for park purposes by the Parks Department shall leave immediately when so directed by the Parks Superintendent or a designee of the Parks Superintendent or by any law enforcement officer.
- (B) It is unlawful for any person to enter and remain on any park grounds or in park buildings after having been requested to leave by the Parks Superintendent or designee of the Parks Superintendent or by any law enforcement officer.
- (C) Penalties.
 - (1) Any person who is asked to leave by a law enforcement officer and refuses to do so may be subject to arrest.
 - (2) Whoever violates this section may:
 - (a) Be placed on a “no trespass” list for a period of up to one year and shall not enter the premises of the subject park area during said time; and/or
 - (b) Be fined not more than \$100 for the first offense and not more than \$200 for each offense thereafter. A separate offense shall be deemed committed for each day during which or on which a violation occurs or continues to occur.
 - (3) The Parks Superintendent or designee of the Parks Superintendent and any law enforcement officer shall have the authority to place a violator of this section on a “no trespass” list.
 - (4) In the event any person who is placed on the “no trespass” list desires to appeal, they may initiate an appeal by filing with the Board of Public Works and Safety, within ten (10) days after placement on the “no trespass” list, a written request for hearing. The Board of Public Works and Safety shall place said request on the agenda for its next regularly scheduled meeting, and after the hearing, shall either affirm or reverse the placement on the “no trespass” list.