

## PARK ORDINANCE 2025-OR3

### AN ORDINANCE PROVIDING FOR THE REMOVAL OR SUSPENSION OF INDIVIDUALS FROM THE CITY OF KNOX PARKS AND RECREATION DEPARTMENT PROPERTIES

#### Recitals

**WHEREAS**, the Board of Parks and Recreation for the City of Knox, Indiana (the “**Board**”), is responsible for the performance of various responsibilities for those properties owned by the City of Knox, Indiana (the “**City**”) which are used for purposes of public recreation and recreational facilities, and uses that are tangential thereto; and

**WHEREAS**, it is incumbent upon the Board to establish rules and procedures by which residents must adhere to, when using public facilities, including property under the jurisdiction and conservation of the Board; and

**WHEREAS**, the Board also desires to appoint agents for the Board and City who may enforce its rules and procedures, and curb other activity and behavior which may be injurious to the health, safety, and welfare of the City and its residents, as well as the public at large.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Parks and Recreation for the City of Knox, Indiana, that this Ordinance Providing for the Removal or Suspension of Individuals from the City of Knox Parks and Recreation Department Properties, is hereby adopted as follows:

#### Terms

**SECTION 1.** The Recitals are incorporated herein by reference and made a part of this Ordinance herewith.

**SECTION 2.** In accordance with the authority established in Ind. Code 36-10-4 et seq., a person may be asked to leave or be removed from property owned, managed, or operated by the City of Knox Parks and Recreation Department for reasons that include, but are not limited to:

- (1) Actions or behavior which violate the United States Code;
- (2) Actions or behavior which violate the Indiana Code;
- (3) Actions or behavior which violate the Indiana Administrative Code;
- (4) Actions or behavior which violates City Ordinances or Policies;
- (5) Actions or behavior which violates the rules and regulations adopted, from time to time, by the City of Knox Parks and Recreation, unless the appropriate permit, license, or rental agreement has been signed or obtained;
- (6) Aggressive or violent actions or behavior;
- (7) Actions or behavior which unreasonably disrupts the activities of other users of the park facilities or grounds;
- (8) Actions or behavior which unreasonably interferes with other persons’ or groups’ ability to use the park facilities or grounds, unless the appropriate permit, license, or rental agreement has been signed or obtained;

- (9) Actions or behavior which unreasonably causes or creates a risk of causing injury to persons within or on property owned, managed, or operated by the City of Knox Parks and Recreation Department;
10. Actions or behavior which unreasonably causes or creates a risk of causing damage to property owned, managed, or operated by the City of Knox Parks and Recreation Department; or
11. Actions or behavior which causes a public nuisance.

**SECTION 3.** The following individuals have authority to ask a person or group to leave, or ask for a person to be removed from property owned, managed, or operated by the City of Knox Parks and Recreation Department:

1. Employees of the City of Knox Parks and Recreation Department, including its director;
2. The Mayor of the City of Knox; and
3. Law enforcement officers, including city police officers, county deputies, and state and federal law enforcement officials.

**SECTION 4.** Any person or group who is asked to leave or is removed from property owned, managed, or operated by the City of Knox Parks and Recreation Department shall be advised of the reason he/she is being asked to leave or is being removed. Any person who is asked to leave by a law enforcement officer, and refuses to do so, may be subject to arrest.

**SECTION 5.** In accordance with the authority established in Ind. Code 36-10-4 et seq., a person may be suspended from use or entrance on property owned, managed, or operated by the City of Knox Parks and Recreation Department for reasons that include, but are not limited to:

- (1) Actions or behavior which violate the United States Code;
- (2) Actions or behavior which violate the Indiana Code;
- (3) Actions or behavior which violate the Indiana Administrative Code;
- (4) Actions or behavior which violates City Ordinances or Policies;
- (5) Actions or behavior which violates the rules and regulations adopted, from time to time, by the City of Knox Parks and Recreation, unless the appropriate permit, license, or rental agreement has been signed or obtained;
- (6) Aggressive or violent actions or behavior;
- (7) Actions or behavior which unreasonably disrupts the activities of other users of the park facilities or grounds;
- (8) Actions or behavior which unreasonably interferes with other persons' or groups' ability to use the park facilities or grounds, unless the appropriate permit, license, or rental agreement has been signed or obtained;
- (9) Actions or behavior which unreasonably causes or creates a risk of causing injury to persons within or on property owned, managed, or operated by the City of Knox Parks and Recreation Department;
10. Actions or behavior which unreasonably causes or creates a risk of causing damage to property owned, managed, or operated by the City of Knox Parks and Recreation Department; or
11. Actions or behavior which causes a public nuisance.

The determination that a person is to be suspended from use or entrance on property owned, managed, or operated by the City of Knox Parks and Recreation Department is limited to the Mayor of the City of Knox, or the Director of the Parks and Recreation Department.

**SECTION 6.** A person may not be suspended from a use or entrance on property owned, managed, or operated by the City of Knox Parks and Recreation Department, unless or until he/she has been notified of the suspension.

1. Notification of the suspension shall be served in writing via certified mail, or by personal service.
2. The written notification shall state the reason for the suspension, the date upon which the suspension begins, the length of the suspension, the repercussions of ignoring the suspension, and the process by which a person may appeal the suspension.
3. The written notification shall be signed and dated by the Mayor of the City of Knox or the Director of the Parks and Recreation Department.

**SECTION 7.** Any person who receives a notification of suspension shall have the right to appeal said suspension. Any appeal shall adhere to the following requirements:

1. All appeals shall be in writing and submitted to the Board within Ten (10) days of the notice of suspension being received. The date upon which the suspension is received shall be the date upon which the suspended person is personally served or the date upon which the certified mail is signed.
2. Upon receipt of a written appeal, the Board shall hear the appeal at its next regularly scheduled meeting, provided said appeal can be properly noticed in accordance with the Indiana Open Door Law.
3. The person filing the appeal shall be notified of the date, time, and location of the hearing by the Board. This notification shall be served via personal service or by certified mail.
4. During the pendency of any appeal when the suspension is in effect, the suspended person is prohibited from entering upon or into any property owned, managed, or operated by the City of Knox Parks and Recreation Department.

**SECTION 8.** All hearings on a suspension shall be open to the public and comply with the Indiana Open Door Law.

1. Any person challenging his or her suspension shall be entitled to present his or her defense to the Board on his or her behalf, or through his/her representative.
2. Any person challenging his or her suspension shall be entitled to a maximum of Fifteen (15) minutes to present his/her case to the Board.
3. Any person challenging his or her suspension shall be entitled to present evidence, documents, and witnesses supporting his/her position at the suspension hearing.
4. Upon conclusion of the hearing, the Board shall make written findings of fact either upholding or overturning the suspension. Said findings of fact shall be made available to the person challenging the suspension.

**SECTION 9.** No suspension shall be issued that is shorter than seven (7) calendar days and lasts longer than one (1) calendar year.

**SECTION 10.** Entry upon or into any property owned, managed, or operated by the City of Knox Parks and Recreation Department by a person who is suspended in accordance with this Ordinance shall be subject to arrest for criminal trespass in accordance with Ind. Code 35-43-2-2.


**SECTION 11.** Any minor for whom this Ordinance applies, notification shall be served upon that minor's guardian or legal representative.

**Effective Date and Repeal of Conflicts**

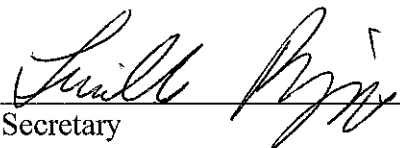
1. This Ordinance shall become effective thirty (30) days after notice of the adoption has been published in a paper as described in Indiana Code § 5-3-1-4.

Passed and Adopted this 17<sup>th</sup> day of March, 2025 by a vote of 5 in Favor and 0 Opposed.

**BOARD OF PARKS AND RECREATION**

  
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President

**ATTEST:**

  
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Secretary