

ORDINANCE NO. 2023-07

AN ORDINANCE TO ESTABLISH GREEN SPACE WITHIN THE TOWN OF MONROVIA, MORGAN COUNTY, INDIANA, AND TO DEFINE TERMS AND ESTABLISH PROPERTIES AS GREEN SPACES, PRESCRIBE RULES AND REGULATIONS FOR THE USE OF GREEN SPACES, PROHIBIT OR RESTRICT SPECIFIED ACTIVITIES, AND PRESCRIBE PENALTIES FOR VIOLATIONS

WHEREAS, the Town Council of the Town of Monrovia (hereinafter "Council") serves as its legislative body in accordance with I.C. § 36-5-2-2; and the President of the Town Council (hereinafter "President") serves as its executive in accordance with I.C. § 36-5-2-7; all of which authority is derived from I.C. § 36-1 eq. seq. and I.C. § 36-5 et. seq.; and,

WHEREAS, pursuant to I.C. § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

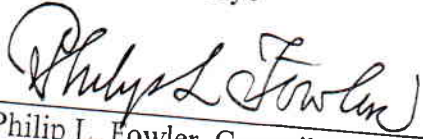
WHEREAS, the Council believes that designating certain areas or places within the Town as green spaces will aid in preserving the natural beauty of the Town and ensure that such green spaces are preserved for the use and enjoyment of visitors and citizens of the Town, both at present and for many years to come.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF MONROVIA, INDIANA AS FOLLOWS:

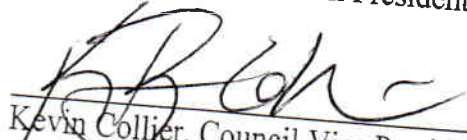
1. The Ordinance attached hereto and incorporated herein by reference shall be codified within the Code of Ordinances of the Town of Monrovia, in such Chapter and Section as deemed appropriate in accordance with the subject matter herein and the rules of construction of said Code.
2. That if this Ordinance is in contradiction with any existing term within said Code, the language of this Ordinance shall take precedent and have the affect of invalidating or nullifying said contradictory language.
3. That this Ordinance shall take effect at such time as it has been property adopted by the Town Council and notice of such adoption has been published, in accordance with I.C. § 36-2-4-8.

SO ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONROVIA,
INDIANA, this 26 day of September, 2023.

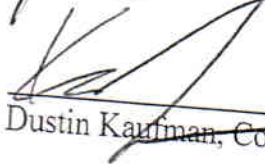
"Aye"



Philip L. Fowler, Council President



Kevin Collier, Council Vice President



Dustin Kaufman, Council Member



Carol Youngblood, Council Member



Loren Moore, Council Member

"Nay"

Philip L. Fowler, Council President

Kevin Collier, Council Vice President

Dustin Kaufman, Council Member

Carol Youngblood, Council Member

Loren Moore, Council Member

ATTEST:



Stephanie Ramirez, Monrovia Clerk-Treasurer

ORDINANCE ESTABLISHING GREEN SPACES

I. Establishment.

- A. Establishment of Green Space: A Town Green Space system shall be established and maintained to permanently preserve natural Green Spaces, wildlife habitats and scenic views, and to protect woodlands, wetlands, rivers and streams.
- B. Establishment of Rules for Operation: Rules for the operation of the Town's designated Green Spaces shall be established in order to preserve and maintain the Green Spaces for the benefit of the community and to safeguard life and property.

II. Applicability. This Ordinance shall apply to all property owned and/or operated as Green Space by the Town. The Town Council shall designate Green Space areas by Resolution. Such Resolution will contain a full legal description of the Green Space Property. Town Green Spaces shall be posted as such by the Town and their borders delineated to inform the public that the area is a Green Space.

III. Rules and Regulations.

A. Hours. The Town Council may establish official hours of operation for Green Spaces by Resolution. NO person shall enter or remain within a Green Space at any other time unless the hours have been extended by the Town Council or the Town Council's designee. The established hours of operation will be posted at the designated Green Space.

B. Closed Areas. The Town Council or their designee may declare a Green Space (or portion thereof) closed to public use or entry. During these periods, it shall be unlawful to enter or remain within such closed area at any time, except by persons whose presence is related to or in conjunction with a municipal activity or an activity that has been permitted to be carried out within such Green Space. Closed areas should be posted as such.

C. Motor Vehicles.

1. Operation Within Green Space: It shall be unlawful to operate any type of motorized vehicle except on Green Space designated roads or parking area, except as may be necessary for authorized maintenance or an emergency.
2. Stopping, Standing, or Parking: It shall be unlawful for the operator of a motor vehicle to stop, stand, or park upon and roadway or in any Green Space parking area in such a manner that it impedes or obstructs vehicular or pedestrian passage.

D. Camping. Camping is prohibited in Green Spaces, except in authorized areas pursuant to a permit being issued by the Town Council or their designee.

E. Fires. It shall be unlawful to build or ignite any fire within a Green Space, except within locations / receptacles established / installed by the Town, i.e., barbeque grills, fire pits, etc.

IV. Prohibited Activities.

A. Malicious Destruction.

1. **Property:** It shall be unlawful to willfully destroy, deface, mark, cut, break, alter, change, or remove any marker, structure, equipment, fence, foundation, gate, or notice of any kind within a Green Space.
2. **Trees, Plants, and Natural Surroundings:** Within a Green Space, the following shall be unlawful except as may be authorized by the Town for management purposes:
 - i. Cut, remove, poison, or destroy any plant (including trees), or deface or injure any plant in any way;
 - ii. Pick, uproot, remove, or destroy any flower, plant, or grass; or
 - iii. Remove or cause to be removed any sod, earth, bark, boulder, gravel, or sand.

B. Littering.

1. **General:** No person shall drop, throw, or otherwise discard/scatter any material, object, or substance that is not part of the natural environment in a Green Space, except in designated waste receptacles.
2. **Inflammable Materials:** No person shall drop, throw, or otherwise discard lighted matches or any other lit material/items or flammable material within a Green Space.

C. Alcoholic Beverages. It shall be unlawful to bring in, possess, consume, or use alcoholic beverages within a Green Space.

D. Smoking. Smoking is prohibited in Green Spaces.

E. Drugs. It shall be unlawful to bring in, possess, use, ingest, or be under the influence of intoxicants, narcotics, or any other controlled or illegal substance

while in a Green Space, unless such possession or use is in accordance with a valid prescription.

F. Firearms and Weapons. It shall be unlawful to discharge any firearm or weapon that propels projectiles by any means in a Green Space. This does not apply, however, to any authorized law enforcement officer while carrying out their duties or to any individual who discharges a firearm in lawful self-defense or the lawful self-defense of another individual.

G. Peddling, Soliciting, Advertising. It shall be unlawful to peddle or solicit business of any nature or distribute any written material of a commercial nature or post unauthorized signage within a Green Space.

V. Penalty. All violations of this Ordinance shall be subject to the penalty/fine amount(s) established under civil law and/or those reflected in the current, approved Monrovia Ordinance Violation Fee Schedule.