

ORDINANCE 2015-5-1

**AN ORDINANCE MODIFYING ORDINANCE 2004-7-1
AUTHORIZING ENFORCEMENT OF WINONA LAKE PARK RULES AND REGULATIONS**

WHEREAS, on July 27, 2004 the Town Council of the Town of Winona Lake, Indiana adopted Ordinance 2004-7-1 at the request of the Winona Lake Park & Recreation Board for the Town to provide police protection for its property and activities as provided by IC 36-10-3-10 and to aid in the enforcement of the Rules and Regulations established by the Park Board in addition to enforcing such Ordinance violations as are set forth by the Town; and

WHEREAS, the Winona Lake Park & Recreation Board has the independent authority and powers as set forth at IC 36-10-3-10 and IC 36-10-3-11, which include but are not limited to establishing rules and regulations for the use of the Park, Recreation Facilities, but there are some matters for which the Park Board may request the Town Council to adopt an Ordinance related to the Park; and

WHEREAS, the Winona Lake Town Council desires to amend SECTION 1 of Ordinance 2004-7-1 without amending any other parts of Ordinance 2004-7-1,

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

SECTION 1: MODIFICATION OF SECTION 1 OF ORDINANCE 2004-7-1:

Section 1 of Ordinance 2004-7-1 of the Town of Winona Lake, Indiana is hereby modified by restating said Section 1 in its entirety as follows:

SECTION 1. DEFINITIONS: ENFORCEMENT AND ASSISTANCE BY POLICE:

- a.) For the purpose of this Ordinance the Winona Lake Town Marshal and the Marshal's deputies may be referred to as the "POLICE" herein..
- b.) For the purpose of this Ordinance the term "RULES AND REGULATIONS" shall mean those RULES and those REGULATIONS that are established by the Park Board of the Town of Winona Lake Park and Recreation Department".
- c.) For the purposes of this Ordinance the term when used herein the Winona Lake Park & Recreation Department, and the Winona Lake Park & Recreation Board, may be called the "Park Board" or Park Department"
- d.) The Winona Lake Town Marshal and the Marshal's deputies shall provide police protection and enforcement for the Winona Lake Town Parks' property and activities and shall have the power to enforce the rules and regulations established by the Park

Board and to enforce this ordinance and other ordinances of the Town that are not in conflict with the Park Board Rules and Regulations, to-wit:

e.g. if the Park Board determines that dogs can be on the Park Property for a Dog Show for a day, and an Ordinance of the Town prohibits a dog from being on Park Property, then for that day the Ordinance is in conflict and does not apply to those Dogs being on the Park property.

SECTION 2: CONTINUANCE OF ORDINANCE 2004-7-1

All other parts of Ordinance 2004-7-1, not specifically modified by this Ordinance herein shall remain in full force and effect.

SECTION 3. SEVERABILITY:

If any part of this ordinance is deemed by any court of law to be unconstitutional or otherwise unenforceable, then all other parts of this ordinance not so determined to be in violation of the constitution or unenforceable, shall continue in full force and effect as if such objectionable portions of this ordinance were never a part hereof.

SECTION 6. EFFECTIVE DATE:

This ordinance shall be in full force and effect upon its adoption

UPON MOTION DULY MADE, SECONDED AND PASSED BY A UNANIMOUS VOTE, of ___ ayes, this Ordinance is considered for final passage upon its first presentation.

UPON MOTION DULY MADE AND SECONDED this Ordinance was adopted by the Town Council of the Town of Winona Lake, Indiana on May 19, 2015 by a vote of _____ ayes and _____ nays.

AYE

NAY

Randy Swanson, President

Randy Swanson, President

Terry Howie, Vice-President

Terry Howie, Vice-President

Peter Christos, Council Member

Peter Christos, Council Member

Bruce Shaffner, Council Member

Bruce Shaffner, Council Member

Robert Swanson, Council Member

Robert Swanson, Council Member

WINONA LAKE TOWN COUNCIL

ATTEST:

KENT ADAMS, Clerk-Treasurer
TOWN OF WINONA LAKE

