



CITY OF WESTFIELD, IN
Parks and Recreation Board Meeting Agenda - 5/7/2025
Wednesday, May 7, 2025 at 7:00 PM

BOARD OR COMMISSION: Parks and Recreation Board Meeting
MEETING DATE: Wednesday, May 7, 2025 at 7:00 PM
MEETING PLACE: Westfield City Hall- Assembly Room

THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF PARKS AND RECREATION BOARD

CALL TO ORDER

NOTICE PRESENCE OF A QUORUM

PLEDGE OF ALLEGIANCE

CHANGES TO AGENDA

PUBLIC COMMENTS

APPROVAL OF MINUTES

Parks and Recreation Board Minutes - March 5, 2025

OLD BUSINESS

NEW BUSINESS

- 1. Action Item - Resolution #25-127 Chapter 93 Code Amendments**
- 2. Ordinance (Draft) - Chapter 44 Parks and Recreation**

DIRECTOR'S REPORT

OTHER BUSINESS

NEXT REGULAR MEETING

ADJOURNMENT



CITY OF WESTFIELD, IN
Parks and Recreation Board Meeting Minutes - 3/5/2025
Wednesday, March 5, 2025 at 7:00 PM

CALL TO ORDER

Attendance:

President: Julia Grimmer - Present
Vice President: Kurtis Baumgartner - Present
Secretary: Terri Wolf - Present
Board Member: Mike Hall - Present
Board Member: Mike Antrim - Absent
Board Member: LeAnne Zentz - Absent

NOTICE PRESENCE OF A QUORUM

Madam President Grimmer noted the presence of a quorum and called the meeting to order at 7:00 PM

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO AGENDA

No changes to the agenda.

Motion to Approve: Kurtis Baumgartner
Second: Mike Hall
Yes: Kurtis Baumgartner, Julia Grimmer, Mike Hall
No: None
Abstain: None
Absent: Mike Antrim, LeAnne Zentz
Motion Determination: Passed

PUBLIC COMMENTS

Countryside Residents - Armstrong Park

APPROVAL OF MINUTES

Approval of Minutes

A minor correction to the February 5, 2025, Board Minutes. Board member Mike Antrim was noted as abstained, but the correct designation should be Absent. The minutes have been updated accordingly.

Motion to Approve: Kurtis Baumgartner
Seconded: Mike Hall
Yes: Kurtis Baumgartner, Julia Grimmer, Mike Hall
No: None
Abstain: None
Absent: Mike Antrim, LeAnne Zentz
Motion Determination: Passed

OLD BUSINESS

NEW BUSINESS

Action Item #1 - Resolution #25-109 - Approving and Adopting the Five-Year Parks Master Plan

Director Chris McConnell presented a printed revised version of Resolution #25-109 to all board members during the meeting.

Motion to Approve: Kurtis Baumgartner

Second: Mike Hall

Yes: Kurtis Baumgartner, Julia Grimmer, Mike Hall

No: None

Abstain: None

Absent: Mike Antrim, LeAnne Zentz

Motion Determination: Passed

Action Item #2 - Services Agreement - Self-Service Kayaks

Board member Mike Hall moved to approve the Master Service Agreement with Rent.Fund for self-service kayak rental in the amount of \$20,000 and to authorize the Parks Director and City Legal Counsel to take all action necessary to complete the contracting process.

Motion to Approve: Mike Hall

Second: Kurtis Baumgartner

Yes: Kurtis Baumgartner, Julia Grimmer, Mike Hall

No: None

Abstain: None

Absent: Mike Antrim, LeAnne Zentz

Action Item #3 - Signing Authority Spring 2025 Round-A-Bout Landscaping Project

Board Member Mike Hall moved to authorize the Director and City Legal Counsel to take all actions necessary to complete the contracting process for the Spring 2025 Roundabout Landscaping RFP in the amount not to exceed \$200,000.

Motion to Approve: Mike Hall

Second: Kurtis Baumgartner

Yes: Kurtis Baumgartner, Julia Grimmer, Mike Hall

Absent: Mike Antrim, LeAnne Zentz

Motion Determination: Passed

DIRECTOR'S REPORT

Director Chris McConnel provided a brief summary report.

Simon Moon Park – Phase I & II

Phase I of Simon Moon Park is now complete, and we are currently working through the final punch list items. An official ribbon-cutting ceremony is planned for late April to celebrate the project's completion. Meanwhile, Phase II is well underway, with project bids anticipated in late June.

Freedom Trail Park – New Restroom Project

Plans are in motion for the design and construction of a new restroom facility at Freedom Trail Park. A Request for Proposal (RFP) for this project will be issued later this spring.

Parks Maintenance & Seasonal Preparations

Staff have been hard at work preparing all the parks for spring. Cleanup efforts are in full swing, including the reopening of facilities, trash collection, and restroom maintenance. Trash cans and restrooms throughout the park system have received a fresh coat of paint to enhance their appearance. Landscape contractors have also been actively engaged in park and city

beautification efforts. Fresh mulch applications, landscape cutback, trash collection, and maintenance of roundabouts, trails and city buildings.

Upcoming Events

Shamrock Drop – March 15th

In partnership with Westfield Welcome, we will be hosting the Shamrock Drop at Grand Junction Plaza on March 15th. This free event will feature Irish music, games, crafts, and airbrush tattoos for attendees to enjoy.

Invasive Species Removal – March 15th

Also, on March 15th, at Asa Bales Park, the Hamilton County Invasive Partnership, along with volunteers, will be leading an initiative to remove invasive plant species. This effort will help restore the park’s natural habitat and promote the health of native vegetation.

We look forward to the continued progress on our projects and the success of these upcoming community events.

OTHER BUSINESS

NEXT REGULAR MEETING

April 2, 2025 at 7:00 PM

ADJOURNMENT

Madam President adjourned the meeting at 7:26 PM

Motion: to Approve: Kurtis Baumgartner

Second: Mike Hall

Yes: Kurtis Baumgartner, Julia Grimmer, Mike Hall,

No: None

Abstain: None

Absent: Mike Antril, LeAnne Zentz

Motion: Determination: Passed

Julia Grimmer, President

Date

Terri Wolf, Secretary

Date

These minutes are a summary of actions taken at the City of Westfield Parks and Recreation Board Meeting. A full recording of the meeting is available for viewing at: <https://www.youtube.com/cityofwestfieldin>

RESOLUTION 25-127

A RESOLUTION OF THE CITY OF WESTFIELD PARKS AND RECREATION BOARD RECOMMENDING AMENDMENTS TO CHAPTER 93 (PARKS AND RECREATION) OF THE CITY OF WESTFIELD, INDIANA CODE OF ORDINANCES

WHEREAS, the City of Westfield, Indiana (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”);

WHEREAS, pursuant to Ordinance 24-08 and Ind. Code § 36-10-3 *et seq.*, the Council created a City Department of Parks and Recreation (“Department”) and a Parks and Recreation Board (“Board”);

WHEREAS, the Board understands that the Council is considering passing an Ordinance concerning the use of golf carts within the City (“Golf Cart Ordinance”);

WHEREAS, if the Council passes the Golf Cart Ordinance, certain sections of Chapter 93 (Parks and Recreation) of the City of Westfield, Indiana Code of Ordinances (“Code”) will need to be amended for clarity and consistency; and

WHEREAS, the Board finds that it is in the best interests of the City and its residents to express its support and recommend that the Council amend certain sections of Chapter 93 (Parks and Recreation) of the Code.

NOW, THEREFORE, BE IT RESOLVED by the City of Westfield Parks and Recreation Board that:

Section 1. The foregoing recitals are fully incorporated herein by reference.

Section 2. For the reasons cited herein, the Board hereby expresses its support and recommends that (if the Council passes the Golf Cart Ordinance) the Council amend certain sections of Chapter 93 (Parks and Recreation) of the Code, in accordance with the revisions and comments expressed in Exhibit “A”, attached hereto and incorporated herein.

Section 3. This Resolution is effective upon passage.

PASSED THIS _____ DAY OF _____, 2025.

PARKS AND RECREATION BOARD
CITY OF WESTFIELD, INDIANA

President

Vice President

Member

Member

Member

ATTEST:

Footnotes:

--- (1) ---

Editor's note— Ord. No. 10-28, § 1, adopted Feb. 14, 2011, has been treated by the editor as superseding former Ch. 44, § 44-1, in its entirety. Former Ch. 44 pertained to similar subject matter and derived from Ord. No. 02-15, § 1(Attach. A), 4-9-02; Ord. No. 07-01, § 1, 3-12-07).

Cross reference— Streets, sidewalks and other public places, Ch. 54.

Sec. 93-1. - General rules for the use of city parks and recreational facilities.

- (a) All applicable state, federal and local laws, including but not limited to, laws governing vandalism, nuisance, litter, animal control, alcohol and drugs will be enforced.
- (b) The following rules are provided to supplement the laws and ensure a safe and nurturing experience while visiting Westfield parks and recreation facilities. Questions concerning these rules can be directed to the Westfield Parks and Recreation Administration Office at 317-804-3184 during regular business hours.
 - (1) *Park hours:* Unless otherwise posted or stated here in, all parks and trails are open from sunrise to sunset seven days a week.
 - (2) *Parking:* Parking is allowed in designated parking lots only. No one shall park in a parking space designated for the physically challenged without a handicap permit. No overnight parking is allowed in Westfield city parks.
 - (3) *Use of vehicles:* It is strictly prohibited for any motorized vehicles; with the exception of motorized wheelchairs or official city vehicles being operated by city employees, to be operated within park boundaries. All vehicles shall be operated on roadways and/or trails specifically designated for vehicular traffic.
 - (4) *Shelter rentals:* Shelters can be reserved for a fee. Reservations can be made on a first come first served basis by calling customer service at 317-804-3150 during regular business hours. Rental fees must be paid to confirm the reservation. For more information on facilities, please visit the Westfield Parks and Recreation Department webpage.
 - (5) *Alcohol:* Unless stated otherwise here in, use of alcohol in parks is prohibited. Special event permits may be considered, and require filing liability and insurance documents along with a special event permit application with the parks and recreation administration office.
 - (6) *Use of fire:* Fires are only allowed in the designated charcoal grills at the shelters. Portable gas grills may be used in the shelter areas. Bonfires are prohibited. The use of the Council Circle Fire Pit at Simon Moon Park must be approved through the parks and recreation administration office and have staff on site during use.
 - (7) *Smoking:* All parks and trails are a smoke-free zone.
 - (8) *Fireworks:* No personal fireworks are allowed in city parks.
 - (9) *Camping:* Overnight camping is not allowed.
 - (10) *Water ways:* Use of water ways or ditches within the parks are for wildlife use only unless designated otherwise.

- (11) *Trash*: It is strictly prohibited for any person to deposit any refuse (as that term is defined by the Indiana Code) into a park or within a park refuse disposal receptacle, except for garbage defined as paper goods, food wrappers or food container used in the park.
 - (12) *Animals*: Any animal in a park must be restrained by a leash or lead no longer than six feet, or under the physical control of the animal's owner or attending party. Pet owners must have and use a container or device for the holding of their pet's waste while they are in a park, on a trail or pathway. Violations will result in fines. Dog or other pets are not permitted on any athletic playing field, or children's playground area. Horses or ponies are not allowed to be brought into city parks. It is prohibited for any person to knowingly cause or directly abandon any animal in a city park.
 - (13) *Hunting*: Capturing or harming any wild animal or bird in the parks or on the trails is prohibited.
 - (14) *Weapons*: Missile propelling devices, fireworks, bombs or other explosive devices, knives, paintball equipment or any other objects that can reasonably be considered a weapon, are strictly prohibited in any park for any reason. This prohibition does not apply to law enforcement officers as defined in Indiana Code.
 - (15) *Vandalism*: It is strictly prohibited for any person to remove, destroy, break, injure, mutilate or deface in any way any structure, sign, fence, wall, trail, railing, bench, tree, shrub, plant, flower or any other property of city parks. No person shall climb any tree; walk, stand or sit upon monuments or any other property not designated for that use.
 - (16) *Inappropriate behavior*: No sexual activity or nudity is allowed in city parks. No person shall use profane or abusive language, or conduct oneself in a disorderly manner in city parks.
 - (17) *Special events and/or programs*: All special events must be coordinated through the parks and recreation administration office using the special event application procedure.
 - (18) *Inflatables or dunk tanks*: Inflatables or dunk tanks are not allowed.
 - (19) *Music entertainment*: Unless otherwise stated here in, It is prohibited to use radios, tape machines, CD Players, IPODS, live musical entertainment or amplification systems in a loud manner which will interfere with others using the park or the park neighbors.
 - (20) *Soliciting/conducting business*: It is prohibited for any person to solicit for or conduct any business or to sell or to offer to sell any parcel or service or solicit for charitable contributions in city parks.
- (c) Violation of any of these rules can mean expulsion from the park.
 - (d) There is a \$500.00 fine for damaging or defacing public property.
 - (e) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

(Ord. No. 10-28, § 1(b), 2-14-11; Ord. No. 11-12, § 2, 6-27-11; Ord. No. 11-34, § 1(Exh. A), 1-23-12)

Sec. 93-2 Trail rules of use and operation

(a) Use of City of Westfield Multi-Use Trails facilities may cause injury or potential death. The city is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, apply to the Multi-use Trails, Paths, or Sidewalks operated by the City of Westfield. In addition, the following rules must be adhered to.

(b) Definition.

(1) *Motorized Vehicle*: Any vehicle that is propelled in whole or in part by a motor or any mechanical or artificial means, or is being pushed or towed by the same.

- (2) *Multi-use Trail*: Any named hard surface operated by the City of Westfield being greater than 10 feet in width including, but not limited to, the Monon Trail, the Midland Trace Trail, the Grand Junction Trail, the Natalie Wheeler Trail, the Monon Midland Loop Trail, the Grassy Branch Trail, and the Cool Creek Trail.
 - (3) *Path*: Any hard surface 8 to 10 feet in width, operated by the City of Westfield that exists within City Right of Way
 - (4) *Sidewalk*: Any hard surface less than 8 feet in width that exists within the City of Westfield right of way.
 - (5) *Trail User*: Any person, resident or non-resident, actively using a Multi-Use Trail, Path, or Sidewalk for purposes of recreation or transportation.
- (c) *No Motorized Vehicle Allowed*. Motorized Vehicles are prohibited on any trails in the city parks trail system. With the exception of those areas called out in Ordinance No. 18-50. Motor Vehicle being defined as any vehicle that is propelled in whole or in part by a motor or any mechanical or artificial means, or is being pushed or towed by the same, except:
- (1) A Bicycle
 - (2) A manual or power wheelchair
 - (3) An electric personal assistance mobility device that constitutes a self-balancing, two wheeled device designed to transport one person with electric propulsion system with an average power of 750 watts or one horsepower and that has a maximum speed of less than 20 miles per hour when operated on a paved and level surface powered solely by said propulsion system and is operated by a person weighing 170 pounds;
 - (4) A City of Westfield owner, leased, or contracted snow plow, snow blower, sweeper, lawn mower, maintenance vehicle, or repair vehicle
 - (5) A City of Westfield owned or leased public safety vehicle
 - (6) An authorized Emergency Vehicle
 - (7) Any Vehicle so designed in writing by the City of Westfield.
- (d) *Trail User Duty to Yield and Signal*
- (1) All users have the Duty to obey the following yield rules
 - i. Golf Carts yield to Bicycles
 - ii. Golf Carts and Bicycles yield to rollerbladers.
 - iii. Golf Carts, Bicycles and rollerbladers yield to skateboarders.
 - iv. Golf Carts, Bicycles, rollerbladers, skateboarders yield to runners.
 - v. All yield to pedestrians.
 - (2) Any Trail User upon a Multi-use trail shall yield the right-of-way to any other Trail User they approach from behind and shall give an audible signal before overtaking and then safely passing said Trail User.
- (e) *Animals*: Any animal on a Multi-use Trail must be restrained by a leash or lead no longer than six feet, or under the physical control of the animal's owner or attending party. Pet owners must have and use a container or device for the holding of their pet's waste while they are on a trail or pathway. Violations will result in fines.
- (f) *Trail User to Obey the Laws*. All Trail Users within the City of Westfield Multi-use trail system shall obey all traffic signals, traffic control devices, signs, and markings upon any Path, Sidewalk, or Multi-use Trail unless otherwise directed by a police officer. Failure to obey these will result in a fine.

- (g) *Right of Way.* Trail Users have the right of way while on any Multi-use Trail, Path, or Sidewalk located within the City of Westfield, and all others must yield or adjust their rate and direction of travel to avoid a collision with any and all such Trail Users. However, Trail Users are required to yield to vehicular traffic at those points where the Multi-use Trails, Paths, or Sidewalks intersects with or crosses the Roadway.
- (h) *Multi-use Trail Speed Limits.* No vehicle on which one or more persons and/or property is or may be transported or drawn, whether motorized, propelled by human power, the wind, or in any other manner, may operate or travel in excess of 20 miles per hour on or along any Multi-use Trail, Path or Sidewalk within the City of Westfield.
- (i) *Hours of Operations.* Trails will be available for use Sunday through Wednesday 5:00am until 9:00pm, Thursday 5:00am to 10:00pm, and Friday and Saturday 5:00am to 11:59pm, 365 days a year.
- (j) *Penalties.* Any person violating this Section shall be subject to a fine of Twenty-Five Dollars (\$25.00), for the first such offense, a fine of Fifty Dollars (\$50.00), for the second offense, and a fine of One Hundred Dollars (\$100.00), plus costs, for all subsequent offenses. This does not limit the authority of the court to impose additional penalties as permitted by law for moving violations, including suspension of driving privileges and mandating the violator attend and complete a defensive driving class.

Sec. 93-3. - Skate park rules of operations.

- (a) Use of this facility may cause injury or potential death. The city is not responsible for injuries. Know your ability and participate at your own risk. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, apply to the skate park. In addition, the following rules must be adhered to.
 - (1) *Personal safety:* For personal safety, safety equipment such as helmets, knee pads, elbow pads and wrist guards are recommended.
 - (2) *Food and beverages:* Food and beverages are not permitted within the skate park.
 - (3) *Pets:* No pets are allowed in the skate park.
 - (4) *Skate park usage:* The parks and recreation department and the police department reserve the right to revoke the use of the skate park to individuals who violate the rules and regulations. The parks and recreation department also maintain the right to close the skate park if there are persistent problems with rules or vandalism.
 - (5) *Hours of operation:* The skate park is open daily sunrise to sunset, unless closed for maintenance or rules violations.
 - (6) *Fees:* There are no fees for the use of the skate park.
 - (7) *Respect:* Treat the skate park and others with respect.
- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

(Ord. No. 10-28, § 1(b), 2-14-11; Ord. No. 11-34, § 1(Exh. A), 1-23-12)

Sec. 93-3. - Splash park rules of operations.

- (a) Quaker Park Splash Park: Use of this facility may cause injury. The City of Westfield is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, apply to the Splash Park. In addition, the following rules must be adhered to.
 - (1) *The season of operation:* The season begins on Memorial Day weekend and runs until late September, weather permitting.
 - (2) *Hours of operation:* Hours of operations during the season are daily from 9:00 a.m. to 9:00 p.m.
 - (3) *Fees:* There are no fees for the use of the splash park.
 - (4) *Parent or guardian's responsibility:* Parents/guardians are responsible for children's safety. Children using the splash park must be accompanied by an adult.
 - (5) *Diapers:* Children who are not restroom trained must wear a water diaper.
 - (6) *Running:* Running in the splash park is prohibited.
 - (7) *Glass:* Glass containers should not be used on or near the splash park.
 - (8) *Pets:* No pets are allowed in the splash park.
- (b) Violation of any of these rules can mean expulsion from the park
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

(Ord. No. 10-28, § 1(b), 2-14-11; Ord. No. 11-34, § 1(Exh. A), 1-23-12)

Sec. 93-4. – Pickle Ball Courts rules of operations.

- (a) Quaker Park Pickle Ball Courts: Use of this facility may cause injury. The City of Westfield is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, apply to the Pickle Ball Courts. In addition, the following rules must be adhered to.
 - (1) *The season of operation:* The season runs from March 1 through December 1, but has the potential to run all year as long as weather permits.
 - (2) *Hours of operation:* Hours of operations during the season are daily from dawn to dusk.
 - (3) *Fees:* There are no fees for the use of the Pickle Ball Courts.
 - (4) *Availability:* The Pickle Ball Courts are available on a first come first serve basis only.
 - (5) *Glass:* Glass containers should not be used on or near the pickle ball court.
 - (6) *Pets:* No pets are allowed in the pickle ball court.
 - (7) *Appropriate Equipment:* Only regulation pickle ball paddles and balls should be used.
 - (8) *Pickle Ball Court Usage:* The parks and recreation department and the police department reserve the right to revoke the use of the Pickle Ball Courts to individuals who violate the rules and regulations. The parks and recreation department also maintain the right to close the Pickle Ball Courts if there are persistent problems with rules or vandalism.
- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

Sec. 93-5. – Ice-Skating Rink rules of operations.

- (a) Grand Junction Ice-Skating Rink: Use of this facility may cause injury. The City of Westfield is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, as well as Section 44-8 Grand Junction Rules of Operations apply to the Ice-Skating Rink. In addition, the following rules must be adhered to.
 - (9) *The season of operation:* The season runs from the first Saturday in December through the last Saturday in February, but may be shortened due to weather.
 - (10) *Hours of operation:* Hours of operations during the season are Monday thru Thursday 3:00pm to 9:00pm, Friday 3:00pm until 10:00pm, Saturday 11:00am to 10:00pm and Sunday 12:00pm to 6:00pm.
 - (11) *Fees:* Admission rates are \$13 for those ages 13 and older and \$11 for those ages 12 and younger. Skaters may bring their own skates but skate rental is also included in the fee of admission.
 - (12) *Food and Drink:* Food and Drinks are not permitted on the skating rink
 - (13) *Pets:* No pets are allowed on the Ice-Skating Rink.
 - (14) *Appropriate Equipment:* Both figure and hockey skates are permitted for use on the Ice-Skating Rink.
 - (15) *Ice Skating Rink Usage:* The parks and recreation department and the police department reserve the right to revoke the use of the Ice-Skating Rink to individuals who violate the rules and regulations. The parks and recreation department also maintain the right to close the Ice Skating Rink if there are persistent problems with rules or vandalism.
- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

Sec. 93-6. - Playground rules of operations.

- (a) Public playground safety guidelines: For your play enjoyment, please obey the following or you may cause injury to yourself or others around you. Play safely and be courteous of others. Use of this facility may cause injury. The city is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, operation apply to playgrounds. In addition, the following rules must be adhered to.
 - (1) *Hours of operation:* Hours of operations are daily sunrise to sunset.
 - (2) *Pets:* No pets allowed on the playgrounds.
 - (3) *Parent or guardian's responsibility:* Children seven and under should be accompanied by a parent or guardian.
 - (4) *Use of play equipment:* Note age-appropriate use for equipment and adhere to guidelines.
 - (5) *Be aware:* For everyone's safety inspect play area before starting to play and remove litter.
 - (6) *Prohibited uses:* No bicycles, rollerblades, or skateboard use within the play area.
 - (7) *Caution:*
 - a. Bare feet may cause injury;
 - b. Throwing sand or any other objects within play area may cause injury;

c. Playing on this equipment when wet may cause injury.

(8) *Swings:*

- a. Hold on with both hands;
- b. Standing on swings may cause injury;
- c. Stop swinging before getting off;
- d. Never swing or twist empty seats;
- e. Stand clear of moving swings to avoid contact and possible injury.

(9) *Slides:*

- a. Slide feet first only;
- b. No running or walking up slide.

(10) *Climbers.* No pushing, running or shoving.

- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, please call the parks and recreation administrative office at 317-804-3184.

(Ord. No. 10-28, § 1(b), 2-14-11)

Sec. 93-7. - The Hill at Simon Moon Park rules of operations.

(a) The Hill at Simon Moon Park: Use of this facility may cause injury. The city is not responsible for injuries. All rules stated section 44-1, General rules for the use of city parks and recreational facilities, apply to the Hill at Simon Moon Park. In addition, the following rules must be adhered to.

(1) *Hours of operation:* Hours of operation are daily from sunrise to sunset.

(2) *Risk:* Use at your own risk. The city provides no supervision of hill conditions or activities. Users assume full responsibility for determining if conditions are safe.

(3) *Supervision:* Children are to be supervised by an adult.

(4) *Sledding:*

- a. Use of skis and snowboards is strictly prohibited.
- b. Standing on or overloading sleds is prohibited.
- c. Sled only in designated areas.
- d. Keep a safe distance from others when sledding.
- e. Wait for others to clear bottom before sledding.
- f. Exit bottom of hill promptly.
- g. Walk up hill on designated trails only.
- h. Construction of jumps, ramps or moguls is prohibited.
- i. No pets are allowed on the sledding hill.

(5) *Prohibited:* No bikes or motorized vehicles allowed on the hill at any time.

- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.

- (d) Broken equipment or anything that requires immediate attention should be reported to the parks and recreation administrative office at 317-804-3184.

(Ord. No. 11-34, § 1(Exh. A), 1-23-12)

Sec. 93-8. -Grand Junction Plaza Rules of Operations

- (a) All applicable state, federal and local laws, including but not limited to, laws governing vandalism, nuisance, litter, animal control, alcohol and drugs will be enforced.
- (b) All rules stated in section 44-1, General Rules for the use of City Parks and recreational facilities, apply to Grand Junction Plaza. In addition, the following rules, which are specific to Grand Junction Plaza, must be adhered to. Questions concerning these rules can be directed to the Westfield Parks and Recreation Administration Office at 317-804-3184 during regular business hours.
 - (1) *Park hours:* Grand Junction Plaza is open Sunday through Wednesday 5:00am until 9:00pm, Thursday 5:00am to 10:00pm, and Friday and Saturday 5:00am to 11:59pm, 365 days a year.
 - (2) *Alcohol:* The use of alcohol and/or possession of an open container of alcohol is permitted within Grand Junction Plaza. This is contingent on the park user following and not violating the provisions of the Indiana Criminal Code regulating the use and sale of alcohol.
 - (3) *Water ways:* Grass Branch Creek, which flows through the Grand Junction Plaza, is an attractive nuisance that poses a risk for injury or death. Users who chose to enter the creek do so at their own risk and the City of Westfield is not responsible for any injury that may occur, up to and including death.
 - (4) *Animals:* Any animal in a park must be restrained by a leash or lead no longer than six feet. Pet owners must have and use a container or device for the holding of their pet's waste until it can be disposed of in a proper receptacle. Violations will result in fines.
 - (5) *Skate Boards:* The use of Skate Boards within the park is strictly prohibited. Violations will result in fines.
 - (6) *Bicycles:* Bicycles should be parked at the appropriate bike racks at the perimeter of the park and not ridden within the park. If a cyclist needs to transport a bike through the park it is required that they dismount and walk the bike through.
 - (7) *Music entertainment:* The use of radios, tape machines, CD Players, IPODS, live musical entertainment or amplification systems in a loud manner is strictly regulated by Westfield Welcome and the Parks Administration. It will be used in such a manner as to enhance the Park Users experience at Grand Junction Plaza and will not interfere with the park neighbors.
 - (8) *Stage:* organized use of the stage is regulated by Westfield Welcome and the Westfield Parks and Recreation Department. Unorganized use and/or ad lib use is strictly prohibited.
- (c) Violation of any of these rules can mean expulsion from the park.
- (d) There is a \$500.00 fine for damaging or defacing public property.
- (e) Broken equipment or anything that requires immediate attention should be reported to the parks and recreation administrative office at 317-804-3184.

Sec. 93-9. - Non-city sponsored special events in city parks.

- (a) *Purpose and intent.*
 - (1) The parks and recreation department assist in bringing group events to Westfield that contribute to the community's quality of life. In the continuing efforts by the city to provide the public with quality recreational choices in well maintained, clean, and safe parks, Westfield has developed

the following standard operating procedures to review requests for special events to be held in the city parks.

- (2) Park facilities may be made available for non-park related uses consistent with the policies herein and subject to availability.

(b) *Definition.*

- (1) *Special event.* "Special event" means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more people than an individual shelter rental could accommodate or a group activity in which a specific park space is requested to be reserved. Special events are not defined as casual park use by visitors or tourists, or individual shelter rental.

(c) *Uses.*

- (1) Priority shall be given to groups and individuals whose request reflects significant community interest and general value. The parks director or his/her designee will review and balance each request. The parks director or designee reserves the right to refuse rental/use.
- (2) Applicants wishing to use the park facilities shall meet requirements as outlined in the eligible user groups as developed by the parks and recreation department.

(d) *Consideration.*

- (1) Scheduling priority will be given according to the order indicated below with Group 1 having the first priority and Group 4 having the last. Scheduling will be on a first come, first served basis within a group. A Group 1 organization may bump a lower priority group with a one month or greater notification.
- (2) In order to recover some of the costs associated with special events, special event public safety and maintenance fees may be charged.
- (3) The parks director reserves the right to waive rental fees.
- (4) Facilities shall be available for only non-profit uses. Any exceptions shall be at the sole discretion of the parks director or designee and shall be evaluated by the benefit to the public.
- (5) In an emergency, the parks department shall cooperate with recognized state or federal agencies in the use of all park facilities without charge, super ceding all other scheduled events and uses.
- (6) Special events such as weddings or funerals shall be scheduled under exceptional conditions and as schedules allow.
- (7) City employees wishing to host a special event other than a shelter rental for individual use will adhere to this same policy.

(e) *Reserved.*

(f) *Eligible user groups.*

Group 1:	Direct city related activities— e.g., city department meetings, classes, special events or activity	No rental fee No maintenance fee No public safety fee
Group 2:	Joint city sponsored events— e.g., DWA, Washington Township Park Department, Hamilton County Park Departments, schools and education foundation, library	No rental fee No maintenance fee No public safety fee

Group 3:	Civic and service organizations and not-for-profits— e.g., Scouts, 4-H Clubs, youth athletics, youth organizations, Rotary, Lions, Kiwanis, churches, Chamber of Commerce, other community groups	Rental fee Maintenance fee Public safety fee (if necessary)
Group 4:	Private businesses, organizations and citizens— Acceptable events will be determined by parks and recreation director	Rental fee Maintenance Fee Public Safety Fee (if necessary)

(g) *Application procedure.*

- (1) All requests should be made in writing on the permit for special event use form and submitted to the parks and recreation administration office at a minimum of 30 days prior to the use. Applications are available online at the Westfield Parks and Recreation website below; at City Service Center - Customer Service and at the Westfield Parks and Recreation Administration Office.

<http://www.westfield.in.gov/parks>

Please note: if a large scale event (an event with estimated 500+ people in attendance) is being proposed you may need as much as a year's preparation.

- (2) The application must state the specific time and date of the event as well as all facility needs to be furnished by the city.
- (3) The parks director will determine the merits of the application and availability of the location. A copy of the signed application will be given to the fire department, police department, and the public works department for their comments regarding public safety and if any public safety and maintenance fees will be charged.
- (4) Upon approval of the special event, all rental, maintenance and public safety fees will be invoiced with the due date indicated on the invoice.
- (5) A refundable damage deposit of \$500.00 is required for all special events. If alcohol is served, the deposit increases to \$1000.00. The damage deposit should be paid with a separate check from any rental and public safety fees. Renters agree to be responsible for any additional charges incurred or damages caused by renter's activities.
- (6) Upon receipt of certificate of insurance (please see subsection (h) of this section) and payment of damage deposit and fees, a copy of the approved application will be returned to serve as the permit.
- (7) Permits granted may be subject to cancellation at any time by the parks director or his/her designee.

(h) *Insurance and liability.*

- (1) Any group using the city parks for any purpose must provide a certificate of insurance showing proof of liability insurance in the amount of \$100,000.00 property damage per occurrence and \$1,000,000.00 bodily injury per occurrence naming the city as an additional insured.

- (2) The requesting party shall protect and hold harmless the City of Westfield and its elected officials, employees, staff and representatives, and each of them, from any and all claims, suits, liabilities, damages or causes of action of any kind, provided such person was acting in the discharge of his/her duties.

(i) *Rules and regulations.*

- (1) Applicants shall comply with all rules of park operations set forth in this chapter. These rules are also posted on the parks department webpage and available upon request.
- (2) Holders of permits shall confine their use strictly to the specific area approved and will not be permitted to use any other space, equipment or apparatus unless it is approved in the application.
- (3) The applicant and his/her organization shall be held strictly accountable for complying with the rules and regulations that govern use of the city parks, and shall be responsible for damages, losses, or accidents, which might occur while the organization is using the site. If proper care is not exercised, the continued use of the city parks may be denied.
- (4) The sponsoring organization must provide adequate supervision and must ensure visitors use only the areas approved for rental/use. The organization will also provide all necessary supporting personnel such as medical personnel, parking attendants, set up and cleanup crews. A public safety fee may be charged if these services are deemed necessary to be provided by the city.
- (5) It is the sole responsibility of the user to secure additional trash receptacles or have trash hauled away if park containers will not accommodate the needs of the event. Trash that is not disposed of properly or overfills a receptacle may result in a loss of deposit. The parks and recreation administration will determine if the size of the event requires a rental of an outside dumpster. Dumpsters are only to be placed in designated areas approved by the parks and recreation administration.
- (6) The sponsoring organization is required to provide portable restrooms if the special event will have attendance of over 500 persons. The requirement is one portable restroom per 500 attendees. At least one in every three rented must be handicap accessible. Delivery must be at the latest date and time possible prior to the event and removed from park property no later than 24 hours after the event. The parks and recreation department is not responsible for any damage to portable restrooms. Portable restrooms are to be placed only in designated areas approved by parks and recreation administration. Vendors are responsible for any water supply hoses.
- (7) Vehicles are not allowed on park property not designated for parking. Deliveries or setup needs that require a vehicle to enter the park must be approved in advance by the parks and recreation administration.
- (8) The sponsoring organization is responsible for providing information if tents are being proposed and calling in and arranging for both public and private utility locates to prevent interference with irrigation, fiber and utility infrastructures.
- (9) Users are encouraged to exercise universal precautions (universal precautions refer to the practice, in medicine, of avoiding contact with bodily fluids, by means of wearing medical gloves, goggles and face shields) and to have the necessary emergency first aid kits issued to their members.
- (10) A report of any personal injury must be submitted to the parks and recreation administration office by the person securing the permit within 24 hours after an injury.
- (11) Property damage must be reported immediately to the city representative on duty, and an itemized list of any property damage must be provided to the parks and recreation administrative office by the person securing the permit within 24 hours after any such damage.
- (12) No signs, displays, or materials may be attached, nailed or otherwise affixed to shelters, trees, buildings or existing signs.
- (13) For temporary signage at locations outside of the park, or road closures or blockages, the sponsoring organization must obtain an encroachment permit through the city of community

development department, which may carry an additional fee. The encroachment permit application is available online at www.westfield.in.gov or at the city service center. Please allow ten working days from receipt for approval.

- (14) No park fixtures may be moved without consent of the parks director.
 - (15) The use of special equipment, including but not limited to, cooking equipment, musical instruments, and public address systems and sports equipment will be reviewed per application.
 - (16) Alcohol use is restricted and will be reviewed per application. All necessary licensing and insurance is required. If approved, the damage deposit increases from \$500.00 to \$1000.00.
 - (17) Use of the park facilities will be terminated if the city determines the use is being diminished or compromised by the rental organization.
 - (18) No group may monopolize more space and time than is needed to meet the needs of the approved event.
 - (19) Failure to comply with these rules and regulation will be sufficient reason to cancel future privileges.
 - (20) No park facility may be used for a special event without the presence of a city representative.
- (j) *Fees and charges.* See section 44-8.

(Ord. No. 10-28, § 1(a), 2-14-11; Ord. No. 11-34, § 2(Exh. B), 1-23-12; Ord. No. 12-38, § 1(Exh. A), 12-10-12; Ord. No. 13-32, § 1(Exh.A), 12-9-13)

Note— Formerly numbered as § 44-5.

(Ord. No. 10-28, § 1(a), 2-14-11; Ord. No. 11-34, § 3(Exh. C), 1-23-12; Ord. No. 12-38, § 1(Exh. A), 12-10-12; Ord. No. 13-32, § 1(Exh.A), 12-9-13)

Note— Formerly numbered as § 44-6.

Sec. 93-11. - Geo-caching.

- (a) *Purpose:* The purpose of this section is to provide rules, regulations and guidance for the management of geo-caching activities on parks and recreation department properties. Any person who participates is subject to all parks and recreation rules and regulations. Geocaching is an activity that requires a permit so that the parks and recreation department staff can monitor the activity within park boundaries and prevent any detrimental impact on the parks themselves, as well as protect the safety of all park visitors.
- (b) *Definitions:*
 - (1) *Cache:* Term refers to a container that is used in association with the activity of geocaching. The object usually contains such items as a logbook, pen, pencil, map and/ or trinkets.
 - (2) *Department:* Refers to Westfield Parks and Recreation Department.
 - (3) *Property:* Refers to any property owned, leased, or maintained by the parks and recreation department.
 - (4) *Geo-caching:* Refers to a game pursued by global positioning systems (GPS) users. An individual or organization places a cache and shares its location on the internet. A participant in the game applies for GPS coordinates to locate the target cache or caches. When located, the participant records the find on the designated website such as www.geocaching.com. The game may provide that objects are traded at the cache.

- (5) *Multi-cache*: Refers to containers that are located from the information received in another cache.
- (c) *Permit application*:
- (1) A person wishing to place a cache within one of the department's properties must obtain an "official geo-caching permit" before placing the cache. A cache which has been placed without obtaining a permit from the department will be removed and may be returned to the owner. If the owner cannot be reached, the cache will then be disposed of by the department staff within one month of notification.
 - (2) The department administration is authorized to issue, condition, or deny any permit application.
 - (3) The application may be obtained from and returned to the department's administration office. Applications will be reviewed within one week of receipt.
 - (4) Permits are good for two years from issuing date.
- (d) *General prohibitions, limitations and requirements*: The following applies to the placement of any cache and/or any geo-caching activity:
- (1) A person must not violate any department rules or regulations, or any local, state or federal laws.
 - (2) Areas within parks that contain any of the following may not qualify for placement of geo-caches:
 - a. Areas containing environmentally sensitive ecosystems.
 - b. Areas containing historical sites.
 - c. Areas containing endangered flora or fauna.
 - (3) A person must not dig or otherwise disrupt the ground when placing a cache.
 - (4) The department is not required to approve any multi-cache, but may approve a multi-cache with no more than four (4) stops within the multi-cache.
 - (5) The maximum number of caches per parks and recreation department properties is up to the discretion of the department's administration.
 - (6) The person who holds the permit must inspect the cache at least once every six months to ensure that it meets all permit criteria. During the inspection, the permit holder must remove any inappropriate items. These include, but are not limited to; food, alcohol, firearms, drugs, items not suitable for minors, or other items which may pose a danger to people or wildlife.
 - (7) An official geo-caching permit expires two years after the date of issue.
- (e) *Permit standards*: The department administration shall exercise reasonable discretion in determining whether to issue, condition, or deny an application for an official geo-caching permit. In the exercise of discretion, the following factors and principles apply:
- (1) A cache cannot be approved for placement in any sensitive archaeological, historical or ecological area.
 - (2) Any schedule resource management activity, such as prescribed burns and species eradication, shall be considered in evaluating a permit application.
 - (3) A cache cannot be approved for placement in an area that could reasonably cause danger to a geo-caching participant or to any other person who visits a department property.
 - (4) The department administration has the right to require a person requesting an official geo-caching permit to provide a photograph of the cache, the exact site and coordinates where the cache is placed, or both.
 - (5) Any factor reasonably consistent with proper use and protection of the particular site.
- (f) *Permit suspension or revocation and site reclamation*:

- (1) The department may suspend or revoke a geo-caching permit if a term is violated, or if the location of the cache is found to pose a threat to the safety of park visitors or the surrounding environment. The department shall make every attempt to notify the permit holder of the action, as well as any designated websites.
- (2) Upon the suspension, revocation or termination of a geo-caching permit, the permit holder is responsible for the removal of the cache, for the site restoration, and for any associated expenses.
- (3) The reason for the department's actions shall be recorded on the permit. If the permit holder elects to relocate the cache, a new permit will need to be reviewed and issued.

(Ord. No. 10-28, § 1(d), 2-14-11; Ord. No. 11-34, §§ 1—3, 1-23-12; Ord. No. 12-38, § 1(Exh. A), 12-10-12)

Note— Formerly numbered as § 44-7.

Sec. 44-12. - Miscellaneous fees.

SHELTER RENTALS	
For Westfield residents, all Park shelters rented in 4 hour increments	\$55
For Non-Westfield residents, all Park shelters rented in 4 hour increments	\$75

ANNUAL FARM LAND RENTAL- OSBORNE PARK
\$150 to \$300/acre paid annually

SPECIAL EVENT RENTAL FEES
Accessed per event see Special Event Policy PK01-11

EVENT FEES

Event fees, including, but not limited to, vendor and registration fees, will not exceed \$500 each depending on the operating costs and processing fees associated with the event. The Westfield Welcome Director will determine the specific amounts.

(Ord. No. 10-28, § 1(e), 2-14-11; Ord. No. 11-34, §§ 1—3, 1-23-12; Ord. No. 12-38, §§ 1—3, 12-10-12; Ord. No. 13-32, § 1(Exh.A), 12-9-13; Ord. No. 19-64, § 1(Exh. F), 12-19-19)

Note— Formerly numbered as § 44-8.

Sec. 93-13. - Tree inspection.

- (a) *Purpose.* Trees are a major asset as they add beauty to the City of Westfield properties. Trees also save the community money by shading buildings, filtering air, slowing down water run-off and adding to the property values of individual homes. The City of Westfield also recognizes that if trees are not maintained, they can become a major detriment. It is for this reason that the city realizes a need for a tree inspection policy. The parks and recreation department will implement and manage this policy for the city.
- (b) *Tree inspection policy.*
 - (1) *The policy.*
 - a. The city recognizes a need to inspect trees within its managed grounds. The parks and recreation department (hereafter called department) intends to inspect trees within the city's managed grounds pursuant to the policy.
 - b. To perform this function, the department has developed an active policy to maintain the safety of city-managed grounds, keeping them free from potentially hazardous trees, by timely removal of any tree or tree part deemed hazardous. To assist in assessing the condition of its trees, the department proposes to train maintenance and other pertinent staff members on the principles of visual tree assessment (VTA).
 - c. Since the city has limited fiscal and human resources, the removal of high risk trees shall be done on a risk priority basis. The parks director will administer this policy and have the final determination in all matters concerning the mitigation measures to be taken for any tree deemed potentially hazardous.
 - (2) The parks director further determines the following as a standard of care related to this policy:
 - a. *Oversight of policy:* The parks director in overseeing this policy directs the department to have the day-to-day (or general) oversight of this policy. A report should be prepared for the board of public works and safety/tree board at their spring board meeting.
 - b. *Objectives of policy:* The goal of this policy is to protect the residents, city employees, visitors and general public from harm that might be caused by trees on the city's properties, rights-of-way, common areas, grounds and/or other managed properties. To protect the woodland feel of the city's grounds this policy will strive to:
 - 1. Maintain the integrity of the woodland feel that provides beauty to city properties.
 - 2. Increase ecologic benefits to the community in the way of water retention, air cleansing, heat reduction and increased property values.
 - 3. Provide an excellent offset for some of the carbon usage that the city consumes.

Note: It should be noted that this policy and standard of care is formalizing the practices and procedures that have been taking place for many years, as the city has worked to provide safe premises.

- (3) *Means of inspection:* Due to the magnitude of the woodland element of the city grounds, this policy will be performed by the use of an internationally recognized technique called visual tree assessment (VTA). The department proposes to train its maintenance staff members in the elements of VTA so that they can better recognize trees that are structurally unsound and are in need of attention. The department staff will be required to attend training in VTA prior to starting inspections. Training will be available to other city employees.
- a. The department maintenance staff will use the VTA outline and inspection document attached as (Exhibit 1) to Ord. No. 10-28.
 1. Visual tree assessment: (VTA) encompasses visual and physical assessment for each tree. Typically, the tree is identified, described, and, sometimes photographed. Findings of the assessment are noted with recommended next steps, such as maintenance, follow-up, monitoring or no action. Areas to be assessed for overall tree health and safety factors are:
 - (i) The ground around the root flare (area where the roots are growing underground).
 - (ii) The root flare itself (sometimes looks like an "elephant's foot").
 - (iii) The hole or trunk of the tree (also sometimes called the stem).
 - (iv) The limb junctions (where limbs branch off of the trunk).
 - (v) The scaffold branches (big limbs which make up the crown of the tree).
 - (vi) The branches (attached to scaffold branches).
 - (vii) Twigs and fruit that could cause slip and fall accidents.
 - (viii) Miscellaneous hazards, such as thorns, low hanging branch and line-of-sight conflicts that impede the safe flow of traffic.
 2. Red flags: A visual tree assessment looks for:
 - (i) Obviously rotted, dead or decayed limbs, trunks or roots;
 - (ii) Large holes in trunk;
 - (iii) Broken limbs;
 - (iv) Lightning damage;
 - (v) Storm damage;
 - (vi) Insect infestation;
 - (vii) Wind damage;
 - (viii) Improper trimming or aberrant growth;
 - (ix) Trees too close to the road;
 - (x) Line-of-sight obstructed by vegetation.
 - b. The city also desires a second level of expertise so it proposes to continue to work with a registered consulting arborist, or the equivalent, to assist in assessing trees that are beyond individual staff members' level of expertise. This second level may include the use of, climbing arborist assessment, drill test or other means as necessary and agreed upon by the parks director.
 - c. The department will be encouraged to provide and gather additional information. To do this the department proposes to:

1. Educate future park's board members, the tree board, department maintenance staff, and other city employees to look for and report tree problems.
 2. Place a notice in city newsletters, seeking community comments "We are attempting to regularly inspect our trees so please feel free to alert the Westfield Parks and Recreation Department if you see any tree that raises concern".
 3. Place a notice and the tree inspection policy on the Westfield Parks and Recreation Department website.
- d. The Parks director authorizes and recommends:
1. A twice annual window/or walking inspection by the department staff with the intent to recognize trees of concern.
 2. A window/walking inspection following any major weather event.
 3. A bi-annual walking-window inspection by a registered consulting arborist or equivalent.
- (4) *Standard of assessment:* The department proposes to use the following assessment scale so that trees may be dealt with on a fiscally responsible basis.
- a. The scale:
1. Excellent tree—Requires no care.
 2. Good tree—Requires little care.
 3. Fair tree—May require future attention.
 4. Poor tree—Will require attention as time evolves.
 5. Trees needing mitigation.
 - (i) ASAP—Needs immediate care.
 - (ii) Needs further assessment by consulting arborist.
 - (iv) Priority—Needs care faster than maintenance schedule.
 - (v) Routine—Can be done as part of annual maintenance.
- (5) *Parks and recreation department tree inspection policy funding:*
- a. Assessment scale number 5's will be scheduled and funded by the parks and recreation's service contractual budget and as funding is available.
 - b. Trees with assessment value of 4 will be treated as funds allow.
- (6) *Documentation of history of care:* The parks director determines that this policy should be documented using WestPoint and by establishing a chronological tree inspection policy file in a tree inspection policy (TIP) binder. The documentation should be a progressive file to show the history of care. Documents to be kept are:
- a. Copies of all invoices for work performed on the trees.
 - b. Documentation of any grants concerning trees or care.
 - c. All department maintenance staff efforts to inspect and/or mitigate potentially hazardous situations.
 - d. Copies of letters sent, articles published or any other means to educate community.
 - e. Any reports by outside consultants.
 - f. Postings on websites or in utility bills.
 - g. Any other notifications.

- (7) *Bodily injury*: In case of an incident with bodily injury the parks director directs the department staff to:
 - a. Seek immediate emergency care for injured party.
 - b. Notify the police department.
 - c. Notify the parks director.
 - d. Take photos of the tree (or tree part) prior to removal from incident site.
 - e. Complete a liability loss form located in WestPoint HR library of forms in its entirety and notifies the parks director when completed.
- (8) *Media communication*: Inquiries from the news media are given a high priority by the city and should be directed to the communications division as quickly and efficiently as possible. Every effort should be made to ensure that all information which is transferred to the communications division is accurate. Responding to media inquiries will be the sole responsibility of the communications division and no comments should be made without the assistance or prior approval from the communications division.

(Ord. No. 10-28, § 1(c), 2-14-11; Ord. No. 11-34, §§ 1—3, 1-23-12)

Note— Formerly numbered as § 44-9.

Sec. 44-14. - Trail access permit policy.

(a) *Purpose.*

- (1) The trails throughout Westfield are for the enjoyment of the residents and visitors to our community. The parks and recreation department must assure safe access to the trails for public and private use.
- (2) The city is responsible for maintaining all named trails and linear parks specified in the Alternative Transportation Plan in the Westfield Thoroughfare Plan and in Trail Overlay Zoning Ordinance, and it is therefore necessary to set minimum standards for construction of all improvements for which the city will be responsible in order to avoid assuming unnecessary maintenance cost and inconvenience to the citizens and businesses of the city.
- (3) In order to not compromise the drainage along trails, the director of parks and recreation may require an engineered drainage plan to be submitted from a licensed engineering firm. Such a plan will be at the cost of the applicant.
- (4) All improvements intended for public or private use to be constructed on the city's named trail corridors as a privately maintained improvement must be approved by the director of parks and recreation using this permitting process.
- (5) Anyone wishing to have access to the trails where a public access point has not been provided by the city must complete the trail access permit process.

(b) *Authority.*

- (1) The parks and recreation department has the legal responsibility for managing all city parks and trail property. All trail access permits shall be in accordance with this section and subject to the authority of the director of parks and recreation.
- (2) The city council shall hereby grant the director of parks and recreation the authority to approve trail access permits, as an agent of the city.
- (3) The director shall have the right to appoint a deputy to perform the duties of the trail access permit administration.

(c) *Trail access permit procedures.*

(1) *Application.*

- a. All trail access permit applications shall be in written form using the trail access permit application (included in exhibit A to Ord. No. 12-38).
- b. The permit must be submitted and approved before any work can be done on city property. No work will be allowed prior to the review. A penalty fee of up to \$500.00 will be enforced by the city with a stop work order for unauthorized work performed before permits are approved.
- c. Upon review of the application, if it is found to be incomplete or if an engineering plan is necessary, the applicant will be notified of what documentation is required to process the application.
- d. If an engineering plan is required the application cannot be considered until the engineering plan is received.

(2) *Trail access detail.*

- a. An 11" × 17" drawing of the proposed access point must be included with the application.
- b. Site photographs showing the location of the proposed access point and the proximity to the trail must be provided.
- c. Specifications and/or descriptions of the materials to be used must be included with the application.
- d. A maintenance plan specific to the improvement planned at the trail access location should be included. Areas of maintenance that should be included but are not limited to are landscaping, hardscape, and drainage.
- e. Proof of property insurance.

(3) *Notification.*

- a. The applicant shall be notified after a review period of the approval or denial of said plan.
- b. All written notification will be done by e-mail or by U.S. Mail.
- c. Approved permits will be mailed to the applicant once all requirements are met and a written notification has been provided to the applicant.
- d. Upon approval, a boundary sign will be placed at the trail access location with the permit number and expiration date indicated.

(4) *Permit Life.*

- a. A permit is good for two years for the original applicant only.
- b. If the property is sold, a new application must be submitted by the new owners.
- c. Any changes to the original access permit design must be resubmitted for approval before the changes can be made.
- d. The permit can be automatically renewed by the original applicant if the following stipulations are met:
 - i. Access has been maintained per approved maintenance plan.
 - ii. Proof of Insurance is current and updated for additional year.
 - iii. No problems have arisen as a result of the permit being granted.

(5) *Permit cancellation procedures.*

- a. If at any time the requirements of the original permit are not being met, the director of parks and recreation can revoke the permit and remove all improvements within the trail corridor.
- b. Any cost incurred by such removal will be charged to the permittee, and fees may be accessed.

(6) *Penalties.*

- a. Any person, firm, corporation or any other entity that shall be in violation of this section, or any amendment thereto, shall receive a fine of not more than \$500.00. Each day an entry or access is made without the issuance of a proper permit shall constitute a separate offence and each separate offense shall subject the violator to a separate fine.
- b. A person, firm, corporation or any other entity that fails to maintain the approved improvement in accordance with the access permit shall be liable to the city in a civil action for damages in an amount equal to the cost of court cost, litigation expenses and attorney's fee incurred by the city.

(Ord. No. 11-22, § 1(Exh. A), 9-12-11; Ord. No. 11-34, §§ 1—3, 1-23-12; Ord. No. 12-38, § 1(Exh. A), 12-10-12)

Editor's note— Ord. No. 11-22, § 1(Exh. A), adopted Sept. 12, 2011, amended to Code to add provisions to former § 44-1. As Ch. 44 has been reorganized by the editor to facilitate the use of the format used in the Code, the editor has included the provisions of Ord. No. 11-22 as § 44-10. The permit for trail access form has not been set out herein but is available at the parks and recreation administration office. The section has subsequently renumbered as § 44-11.

Sec. 44-15. - The Grand Park Sports Complex fee schedule.

ITEM DESCRIPTION	PRICE
25' Extension Cord	\$5
Gatorade Cooler 10 Gallon	\$0
Gatorade Cooler 5 Gallon	\$0
Gatorade Cups 100	\$0
30" Power Strip	\$1
4' Folding Table/day	\$5
6' Plastic Beholding Table/day	\$5
8' Plastic Folding Table/ day	\$5

Air Frame Insert (CSI)	\$25
Air Frame Rental	\$25
Air Frame SU & TD	\$15
Avant	\$200
Black Folding Chair/day	\$2.50
Matte Black Folding Chair/day	\$2.50
Black Rolling Chair/day	\$5
Bose Stereo System w/ one microphone	\$150
Classroom Folding Table/day	\$7.75
Easel	\$1
Event Radio/day	\$5
Golf Cart/day	\$45
GP Podium	\$100
Hand Truck	\$5
Labor/hour	\$50
Matrax Aluminum Tools	\$10
Matrax Edge Blocks	\$4.50
Matrax Female Ramps	\$2.50
Matrax Male Ramps	\$2.50
Matrax Steel Tools	\$10

Matrax Straps	\$2
Microphone	\$25
Pallet Jack	\$5
Projector and Screen	\$200
Rolling Folding Table	\$10
SAFETY Cage	\$50
Stage Deck 4'x8'	\$50
Stanchions	\$10
Trash Can	\$0
Video Monitor w/ Apple TV	\$150
Wagon	\$5
IT Support by City Staff/hr	\$80
IT Support by Contracted Staff/hr	\$125

INFORMATION TECHNOLOGY FEES

Information technology fees, including, but not limited to, Wi-Fi, hard lines, special connections, and additional services will be dependent on the operating costs and fees associated with the technology and/or service. The Grand Park Director, with recommendations by the Informatics Director, will determine the specific amounts.

PROGRAMMING FEES

Individual programming fees will not exceed \$1,000 and will be dependent on the operating costs and fees associated with the program. The Grand Park Director will determine the specific amounts.

(Ord. No. 19-64, § 1(Exh. G, 12-19-19)

Editor's note— Ord. No. 19-64, § 1(Exh. G), adopted Dec. 19, 2019, set out provisions to establish fees related to the Grand Park Sports Complex. At the editor's discretion they were added as § 44-12, set out herein.

Chapter 44 - PARKS AND RECREATION¹¹

Footnotes:

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Editor's note— Ord. No. 10-28, § 1, adopted Feb. 14, 2011, has been treated by the editor as superseding former Ch. 44, § 44-1, in its entirety. Former Ch. 44 pertained to similar subject matter and derived from Ord. No. 02-15, § 1(Attach. A), 4-9-02; Ord. No. 07-01, § 1, 3-12-07).

Cross reference— Streets, sidewalks and other public places, Ch. 54.

Sec. 44-1. - General rules for the use of city parks and recreational facilities.

- (a) All applicable state, federal and local laws, including but not limited to, laws governing vandalism, nuisance, litter, animal control, alcohol and drugs will be enforced.
- (b) The following rules are provided to supplement the laws and ensure a safe and nurturing experience while visiting Westfield parks and recreation facilities. Questions concerning these rules can be directed to the Westfield Parks and Recreation Administration Office at 317-804-3184 during regular business hours.
 - (1) **Park hours:** Unless otherwise posted or stated here in, all parks and trails are open from sunrise to sunset seven days a week.
 - (2) **Parking:** Parking is allowed in designated parking lots only. No one shall park in a parking space designated for the physically challenged without a handicap permit. No overnight parking is allowed in Westfield city parks.
 - (3) **Use of vehicles:** It is strictly prohibited for any motorized vehicles; with the exception of motorized wheelchairs or official city vehicles being operated by city employees, to be operated within park boundaries. All vehicles shall be operated on roadways and/or trails specifically designated for vehicular traffic.
 - (4) **Shelter rentals:** Shelters can be reserved for a fee. Reservations can be made on a first come first served basis by calling customer service at 317-804-3150 during regular business hours. Rental fees must be paid to confirm the reservation. For more information on facilities, please visit the Westfield Parks and Recreation Department webpage.
 - (5) **Alcohol:** Unless stated otherwise here in, use of alcohol in parks is prohibited. Special event permits may be considered, and require filing liability and insurance documents along with a special event permit application with the parks and recreation administration office.
 - (6) **Use of fire:** Fires are only allowed in the designated charcoal grills at the shelters. Portable gas grills may be used in the shelter areas. Bonfires are prohibited. The use of the Council Circle Fire Pit at Simon Moon Park must be approved through the parks and recreation administration office and have staff on site during use.
 - (7) **Smoking:** All parks and trails are a smoke-free zone.
 - (8) **Fireworks:** No personal fireworks are allowed in city parks.
 - (9) **Camping:** Overnight camping is not allowed.
 - (10) **Water ways:** Use of water ways or ditches within the parks are for wildlife use only unless designated otherwise.

Commented [CM1]: Need input from Council on Trails Hours

- (11) *Trash*: It is strictly prohibited for any person to deposit any refuse (as that term is defined by the Indiana Code) into a park or within a park refuse disposal receptacle, except for garbage defined as paper goods, food wrappers or food container used in the park.
- (12) *Animals*: Any animal in a park must be restrained by a leash or lead no longer than six feet, or under the physical control of the animal's owner or attending party. Pet owners must have and use a container or device for the holding of their pet's waste while they are in a park, on a trail or pathway. Violations will result in fines. Dog or other pets are not permitted on any athletic playing field, or children's playground area. Horses or ponies are not allowed to be brought into city parks. It is prohibited for any person to knowingly cause or directly abandon any animal in a city park.
- (13) *Hunting*: Capturing or harming any wild animal or bird in the parks or on the trails is prohibited.
- (14) *Weapons*: Missile propelling devices, fireworks, bombs or other explosive devices, knives, paintball equipment or any other objects that can reasonably be considered a weapon, are strictly prohibited in any park for any reason. This prohibition does not apply to law enforcement officers as defined in Indiana Code.
- (15) *Vandalism*: It is strictly prohibited for any person to remove, destroy, break, injure, mutilate or deface in any way any structure, sign, fence, wall, trail, railing, bench, tree, shrub, plant, flower or any other property of city parks. No person shall climb any tree; walk, stand or sit upon monuments or any other property not designated for that use.
- (16) *Inappropriate behavior*: No sexual activity or nudity is allowed in city parks. No person shall use profane or abusive language, or conduct oneself in a disorderly manner in city parks.
- (17) *Special events and/or programs*: All special events must be coordinated through the parks and recreation administration office using the special event application procedure.
- (18) *Inflatables or dunk tanks*: Inflatables or dunk tanks are not allowed.
- (19) *Music entertainment*: Unless otherwise stated here in, It is prohibited to use radios, tape machines, CD Players, IPODS, live musical entertainment or amplification systems in a loud manner which will interfere with others using the park or the park neighbors.
- (20) *Soliciting/conducting business*: It is prohibited for any person to solicit for or conduct any business or to sell or to offer to sell any parcel or service or solicit for charitable contributions in city parks.

~~(21) *Trails*: No motorized vehicle, including golf carts, are allowed on any trails in the city parks trail system, with the exception of motorized wheelchairs or official city vehicles being operated by city employees. Ride, walk, run and skate on the right, except when passing. Cyclists are asked to announce and slow down when they are approaching a pedestrian on the trail and to observe all of the other rules of the road for cyclists. Do not disturb or harass wildlife. Observe additional trail rules as posted on/or along the trail corridors. Please remember the yield rules:~~

- ~~a. Bicycles yield to rollerbladers.~~
- ~~b. Bicycles and rollerbladers yield to skateboarders.~~
- ~~c. Bicycles, rollerbladers, skateboarders yield to runners.~~
- ~~d. All yield to pedestrians.~~

- (c) Violation of any of these rules can mean expulsion from the park.
- (d) There is a \$500.00 fine for damaging or defacing public property.
- (e) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

(Ord. No. 10-28, § 1(b), 2-14-11; Ord. No. 11-12, § 2, 6-27-11; Ord. No. 11-34, § 1(Exh. A), 1-23-12)

Commented [CM2]: To be removed and replaced with new Trails Section 44-2

Sec. 44-2 Trail rules of use and operation

(a) Use of City of Westfield Multi-Use Trails facilities may cause injury or potential death. The city is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, apply to the Multi-use Trails, Paths, or Sidewalks operated by the City of Westfield. In addition, the following rules must be adhered to.

(b) *Definition.*

- (1) *Motorized Vehicle:* Any vehicle that is propelled in whole or in part by a motor or any mechanical or artificial means, or is being pushed or towed by the same.
- (2) *Multi-use Trail:* Any named hard surface operated by the City of Westfield being greater than 10 feet in width including, but not limited to, the Monon Trail, the Midland Trace Trail, the Grand Junction Trail, the Natalie Wheeler Trail, the Monon Midland Loop Trail, the Grassy Branch Trail, and the Cool Creek Trail.
- (3) *Path:* Any hard surface 8 to 10 feet in width, operated by the City of Westfield that exists within City Right of Way
- (4) *Sidewalk:* Any hard surface less than 8 feet in width that exists within the City of Westfield right of way.
- (5) *Trail User:* Any person, resident or non-resident, actively using a Multi-Use Trail, Path, or Sidewalk for purposes of recreation or transportation.

(c) *No Motorized Vehicle Allowed.* Motorized Vehicles are prohibited on any trails in the city parks trail system. With the exception of those areas called out in Ordinance No. 18-50, Motor Vehicle being defined as any vehicle that is propelled in whole or in part by a motor or any mechanical or artificial means, or is being pushed or towed by the same, except:

- (1) A Bicycle
- (2) A manual or power wheelchair
- (3) An electric personal assistance mobility device that constitutes a self-balancing, two wheeled device designed to transport one person with electric propulsion system with an average power of 750 watts or one horsepower and that has a maximum speed of less than 20 miles per hour when operated on a paved and level surface powered solely by said propulsion system and is operated by a person weighing 170 pounds;
- (4) A City of Westfield owner, leased, or contracted snow plow, snow blower, sweeper, lawn mower, maintenance vehicle, or repair vehicle
- (5) A City of Westfield owned or leased public safety vehicle
- (6) An authorized Emergency Vehicle
- (7) Any Vehicle so designed in writing by the City of Westfield.

(d) *Trail User Duty to Yield and Signal*

- (1) All users have the Duty to obey the following yield rules
 - i. Golf Carts yield to Bicycles
 - ii. Golf Carts and Bicycles yield to rollerbladers.
 - iii. Golf Carts, Bicycles and rollerbladers yield to skateboarders.
 - iv. Golf Carts, Bicycles, rollerbladers, skateboarders yield to runners.
 - v. All yield to pedestrians.

Commented [CM3]: Will need to update this once the new Gold Cart Ordinance number is established

Commented [CM4]: Also should use Golf Cart Ord. to establish hours of operations

Commented [CM5]: This is new yield order

- (2) Any Trail User upon a Multi-use trail shall yield the right-of-way to any other Trail User they approach from behind and shall give an audible signal before overtaking and then safely passing said Trail User.
- (e) *Animals*: Any animal on a Multi-use Trail must be restrained by a leash or lead no longer than six feet, or under the physical control of the animal's owner or attending party. Pet owners must have and use a container or device for the holding of their pet's waste while they are on a trail or pathway. Violations will result in fines.
- (f) *Trail User to Obey the Laws*. All Trail Users within the City of Westfield Multi-use trail system shall obey all traffic signals, traffic control devices, signs, and markings upon any Path, Sidewalk, or Multi-use Trail unless otherwise directed by a police officer. Failure to obey these will result in a fine.
- (g) *Right of Way*. Trail Users have the right of way while on any Multi-use Trail, Path, or Sidewalk located within the City of Westfield, and all others must yield or adjust their rate and direction of travel to avoid a collision with any and all such Trail Users. However, Trail Users are required to yield to vehicular traffic at those points where the Multi-use Trails, Paths, or Sidewalks intersects with or crosses the Roadway.
- (h) *Multi-use Trail Speed Limits*. No vehicle on which one or more persons and/or property is or may be transported or drawn, whether motorized, propelled by human power, the wind, or in any other manner, may operate or travel in excess of 20 miles per hour on or along any Multi-use Trail, Path or Sidewalk within the City of Westfield.
- (i) *Hours of Operations*. Trails will be available for use Sunday through Wednesday 5:00am until 9:00pm, Thursday 5:00am to 10:00pm, and Friday and Saturday 5:00am to 11:59pm, 365 days a year.
- (j) *Penalties*. Any person violating this Section shall be subject to a fine of Twenty-Five Dollars (\$25.00), for the first such offense, a fine of Fifty Dollars (\$50.00), for the second offense, and a fine of One Hundred Dollars (\$100.00), plus costs, for all subsequent offenses. This does not limit the authority of the court to impose additional penalties as permitted by law for moving violations, including suspension of driving privileges and mandating the violator attend and complete a defensive driving class.

Sec. 44-3. - Skate park rules of operations.

- (a) Use of this facility may cause injury or potential death. The city is not responsible for injuries. Know your ability and participate at your own risk. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, apply to the skate park. In addition, the following rules must be adhered to.
- (1) *Personal safety*: For personal safety, safety equipment such as helmets, knee pads, elbow pads and wrist guards are recommended.
 - (2) *Food and beverages*: Food and beverages are not permitted within the skate park.
 - (3) *Pets*: No pets are allowed in the skate park.
 - (4) *Skate park usage*: The parks and recreation department and the police department reserve the right to revoke the use of the skate park to individuals who violate the rules and regulations. The parks and recreation department also maintain the right to close the skate park if there are persistent problems with rules or vandalism.
 - (5) *Hours of operation*: The skate park is open daily sunrise to sunset, unless closed for maintenance or rules violations.
 - (6) *Fees*: There are no fees for the use of the skate park.
 - (7) *Respect*: Treat the skate park and others with respect.

- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

(Ord. No. 10-28, § 1(b), 2-14-11; Ord. No. 11-34, § 1(Exh. A), 1-23-12)

Sec. 44-3. - Splash park rules of operations.

- (a) Quaker Park Splash Park: Use of this facility may cause injury. The City of Westfield is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, apply to the Splash Park. In addition, the following rules must be adhered to.
 - (1) *The season of operation:* The season begins on Memorial Day weekend and runs until late September, weather permitting.
 - (2) *Hours of operation:* Hours of operations during the season are daily from 9:00 a.m. to 9:00 p.m.
 - (3) *Fees:* There are no fees for the use of the splash park.
 - (4) *Parent or guardian's responsibility:* Parents/guardians are responsible for children's safety. Children using the splash park must be accompanied by an adult.
 - (5) *Diapers:* Children who are not restroom trained must wear a water diaper.
 - (6) *Running:* Running in the splash park is prohibited.
 - (7) *Glass:* Glass containers should not be used on or near the splash park.
 - (8) *Pets:* No pets are allowed in the splash park.
- (b) Violation of any of these rules can mean expulsion from the park
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

(Ord. No. 10-28, § 1(b), 2-14-11; Ord. No. 11-34, § 1(Exh. A), 1-23-12)

Sec. 44-4. – Pickle Ball Courts rules of operations.

- (a) Quaker Park Pickle Ball Courts: Use of this facility may cause injury. The City of Westfield is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, apply to the Pickle Ball Courts. In addition, the following rules must be adhered to.
 - (1) *The season of operation:* The season runs from March 1 through December 1, but has the potential to run all year as long as weather permits.
 - (2) *Hours of operation:* Hours of operations during the season are daily from dawn to dusk.
 - (3) *Fees:* There are no fees for the use of the Pickle Ball Courts.
 - (4) *Availability:* The Pickle Ball Courts are available on a first come first serve basis only.
 - (5) *Glass:* Glass containers should not be used on or near the pickle ball court.
 - (6) *Pets:* No pets are allowed in the pickle ball court.
 - (7) *Appropriate Equipment:* Only regulation pickle ball paddles and balls should be used.

- (8) *Pickle Ball Court Usage*: The parks and recreation department and the police department reserve the right to revoke the use of the Pickle Ball Courts to individuals who violate the rules and regulations. The parks and recreation department also maintain the right to close the Pickle Ball Courts if there are persistent problems with rules or vandalism.
- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

Sec. 44-5. – Ice-Skating Rink rules of operations.

- (a) Grand Junction Ice-Skating Rink: Use of this facility may cause injury. The City of Westfield is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, as well as Section 44-8 Grand Junction Rules of Operations apply to the Ice-Skating Rink. In addition, the following rules must be adhered to.
 - (9) *The season of operation*: The season runs from the first Saturday in December through the last Saturday in February, but may be shortened due to weather.
 - (10) *Hours of operation*: Hours of operations during the season are Monday thru Thursday 3:00pm to 9:00pm, Friday 3:00pm until 10:00pm, Saturday 11:00am to 10:00pm and Sunday 12:00pm to 6:00pm.
 - (11) *Fees*: Admission rates are \$13 for those ages 13 and older and \$11 for those ages 12 and younger. Skaters may bring their own skates but skate rental is also included in the fee of admission.
 - (12) *Food and Drink*: Food and Drinks are not permitted on the skating rink
 - (13) *Pets*: No pets are allowed on the Ice-Skating Rink.
 - (14) *Appropriate Equipment*: Both figure and hockey skates are permitted for use on the Ice-Skating Rink.
 - (15) *Ice Skating Rink Usage*: The parks and recreation department and the police department reserve the right to revoke the use of the Ice-Skating Rink to individuals who violate the rules and regulations. The parks and recreation department also maintain the right to close the Ice Skating Rink if there are persistent problems with rules or vandalism.
- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, should be reported to the parks and recreation administrative office at 317-804-3184.

Sec. 44-6. - Playground rules of operations.

- (a) Public playground safety guidelines: For your play enjoyment, please obey the following or you may cause injury to yourself or others around you. Play safely and be courteous of others. Use of this facility may cause injury. The city is not responsible for injuries. All rules stated in section 44-1, General rules for the use of city parks and recreational facilities, operation apply to playgrounds. In addition, the following rules must be adhered to.
 - (1) *Hours of operation*: Hours of operations are daily sunrise to sunset.
 - (2) *Pets*: No pets allowed on the playgrounds.

- (3) *Parent or guardian's responsibility:* Children seven and under should be accompanied by a parent or guardian.
- (4) *Use of play equipment:* Note age-appropriate use for equipment and adhere to guidelines.
- (5) *Be aware:* For everyone's safety inspect play area before starting to play and remove litter.
- (6) *Prohibited uses:* No bicycles, rollerblades, or skateboard use within the play area.
- (7) *Caution:*
 - a. Bare feet may cause injury;
 - b. Throwing sand or any other objects within play area may cause injury;
 - c. Playing on this equipment when wet may cause injury.
- (8) *Swings:*
 - a. Hold on with both hands;
 - b. Standing on swings may cause injury;
 - c. Stop swinging before getting off;
 - d. Never swing or twist empty seats;
 - e. Stand clear of moving swings to avoid contact and possible injury.
- (9) *Slides:*
 - a. Slide feet first only;
 - b. No running or walking up slide.
- (10) *Climbers.* No pushing, running or shoving.
- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention, please call the parks and recreation administrative office at 317-804-3184.

(Ord. No. 10-28, § 1(b), 2-14-11)

Sec. 44-7. - The Hill at Simon Moon Park rules of operations.

- (a) The Hill at Simon Moon Park: Use of this facility may cause injury. The city is not responsible for injuries. All rules stated section 44-1, General rules for the use of city parks and recreational facilities, apply to the Hill at Simon Moon Park. In addition, the following rules must be adhered to.
 - (1) *Hours of operation:* Hours of operation are daily from sunrise to sunset.
 - (2) *Risk:* Use at your own risk. The city provides no supervision of hill conditions or activities. Users assume full responsibility for determining if conditions are safe.
 - (3) *Supervision:* Children are to be supervised by an adult.
 - (4) *Sledding:*
 - a. Use of skis and snowboards is strictly prohibited.
 - b. Standing on or overloading sleds is prohibited.
 - c. Sled only in designated areas.
 - d. Keep a safe distance from others when sledding.

- e. Wait for others to clear bottom before sledding.
- f. Exit bottom of hill promptly.
- g. Walk up hill on designated trails only.
- h. Construction of jumps, ramps or moguls is prohibited.
- i. No pets are allowed on the sledding hill.

(5) *Prohibited*: No bikes or motorized vehicles allowed on the hill at any time.

- (b) Violation of any of these rules can mean expulsion from the park.
- (c) There is a \$500.00 fine for damaging or defacing public property.
- (d) Broken equipment or anything that requires immediate attention should be reported to the parks and recreation administrative office at 317-804-3184.

(Ord. No. 11-34, § 1(Exh. A), 1-23-12)

Sec. 44-8. -Grand Junction Plaza Rules of Operations

Commented [CM6]: Do we need to specifically address the DORA

- (a) All applicable state, federal and local laws, including but not limited to, laws governing vandalism, nuisance, litter, animal control, alcohol and drugs will be enforced.
- (b) All rules stated in section 44-1, General Rules for the use of City Parks and recreational facilities, apply to Grand Junction Plaza. In addition, the following rules, which are specific to Grand Junction Plaza, must be adhered to. Questions concerning these rules can be directed to the Westfield Parks and Recreation Administration Office at 317-804-3184 during regular business hours.
 - (1) *Park hours*: Grand Junction Plaza is open Sunday through Wednesday 5:00am until 9:00pm, Thursday 5:00am to 10:00pm, and Friday and Saturday 5:00am to 11:59pm, 365 days a year.
 - (2) *Alcohol*: The use of alcohol and/or possession of an open container of alcohol is permitted within Grand Junction Plaza. This is contingent on the park user following and not violating the provisions of the Indiana Criminal Code regulating the use and sale of alcohol.
 - (3) *Water ways*: Grass Branch Creek, which flows through the Grand Junction Plaza, is an attractive nuisance that poses a risk for injury or death. Users who chose to enter the creek do so at their own risk and the City of Westfield is not responsible for any injury that may occur, up to and including death.
 - (4) *Animals*: Any animal in a park must be restrained by a leash or lead no longer than six feet. Pet owners must have and use a container or device for the holding of their pet's waste until it can be disposed of in a proper receptacle. Violations will result in fines.
 - (5) *Skate Boards*: The use of Skate Boards within the park is strictly prohibited. Violations will result in fines.
 - (6) *Bicycles*: Bicycles should be parked at the appropriate bike racks at the perimeter of the park and not ridden within the park. If a cyclist needs to transport a bike through the park it is required that they dismount and walk the bike through.
 - (7) *Music entertainment*: The use of radios, tape machines, CD Players, IPODS, live musical entertainment or amplification systems in a loud manner is strictly regulated by Westfield Welcome and the Parks Administration. It will be used in such a manner as to enhance the Park Users experience at Grand Junction Plaza and will not interfere with the park neighbors.
 - (8) *Stage*: organized use of the stage is regulated by Westfield Welcome and the Westfield Parks and Recreation Department. Unorganized use and/or ad lib use is strictly prohibited.
- (c) Violation of any of these rules can mean expulsion from the park.

- (d) There is a \$500.00 fine for damaging or defacing public property.
- (e) Broken equipment or anything that requires immediate attention should be reported to the parks and recreation administrative office at 317-804-3184.

Sec. 44-9. - Non-city sponsored special events in city parks.

(a) *Purpose and intent.*

- (1) The parks and recreation department assist in bringing group events to Westfield that contribute to the community's quality of life. In the continuing efforts by the city to provide the public with quality recreational choices in well maintained, clean, and safe parks, Westfield has developed the following standard operating procedures to review requests for special events to be held in the city parks.
- (2) Park facilities may be made available for non-park related uses consistent with the policies herein and subject to availability.

(b) *Definition.*

- (1) *Special event.* "Special event" means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more people than an individual shelter rental could accommodate or a group activity in which a specific park space is requested to be reserved. Special events are not defined as casual park use by visitors or tourists, or individual shelter rental.

(c) *Uses.*

- (1) Priority shall be given to groups and individuals whose request reflects significant community interest and general value. The parks director or his/her designee will review and balance each request. The parks director or designee reserves the right to refuse rental/use.
- (2) Applicants wishing to use the park facilities shall meet requirements as outlined in the eligible user groups as developed by the parks and recreation department.

(d) *Consideration.*

- (1) Scheduling priority will be given according to the order indicated below with Group 1 having the first priority and Group 4 having the last. Scheduling will be on a first come, first served basis within a group. A Group 1 organization may bump a lower priority group with a one month or greater notification.
- (2) In order to recover some of the costs associated with special events, special event public safety and maintenance fees may be charged.
- (3) The parks director reserves the right to waive rental fees.
- (4) Facilities shall be available for only non-profit uses. Any exceptions shall be at the sole discretion of the parks director or designee and shall be evaluated by the benefit to the public.
- (5) In an emergency, the parks department shall cooperate with recognized state or federal agencies in the use of all park facilities without charge, super ceding all other scheduled events and uses.
- (6) Special events such as weddings or funerals shall be scheduled under exceptional conditions and as schedules allow.
- (7) City employees wishing to host a special event other than a shelter rental for individual use will adhere to this same policy.

(e) *Reserved.*

(f) *Eligible user groups.*

Group 1:	Direct city related activities— e.g., city department meetings, classes, special events or activity	No rental fee No maintenance fee No public safety fee
Group 2:	Joint city sponsored events— e.g., DWA, Washington Township Park Department, Hamilton County Park Departments, schools and education foundation, library	No rental fee No maintenance fee No public safety fee
Group 3:	Civic and service organizations and not-for-profits— e.g., Scouts, 4-H Clubs, youth athletics, youth organizations, Rotary, Lions, Kiwanis, churches, Chamber of Commerce, other community groups	Rental fee Maintenance fee Public safety fee (if necessary)
Group 4:	Private businesses, organizations and citizens— Acceptable events will be determined by parks and recreation director	Rental fee Maintenance Fee Public Safety Fee (if necessary)

(g) *Application procedure.*

- (1) All requests should be made in writing on the permit for special event use form and submitted to the parks and recreation administration office at a minimum of 30 days prior to the use. Applications are available online at the Westfield Parks and Recreation website below; at City Service Center - Customer Service and at the Westfield Parks and Recreation Administration Office.

<http://www.westfield.in.gov/parks>

Please note: if a large scale event (an event with estimated 500+ people in attendance) is being proposed you may need as much as a year's preparation.

- (2) The application must state the specific time and date of the event as well as all facility needs to be furnished by the city.
- (3) The parks director will determine the merits of the application and availability of the location. A copy of the signed application will be given to the fire department, police department, and the public works department for their comments regarding public safety and if any public safety and maintenance fees will be charged.
- (4) Upon approval of the special event, all rental, maintenance and public safety fees will be invoiced with the due date indicated on the invoice.
- (5) A refundable damage deposit of \$500.00 is required for all special events. If alcohol is served, the deposit increases to \$1000.00. The damage deposit should be paid with a separate check from any rental and public safety fees. Renters agree to be responsible for any additional charges incurred or damages caused by renter's activities.

- (6) Upon receipt of certificate of insurance (please see subsection (h) of this section) and payment of damage deposit and fees, a copy of the approved application will be returned to serve as the permit.
 - (7) Permits granted may be subject to cancellation at any time by the parks director or his/her designee.
- (h) *Insurance and liability.*
- (1) Any group using the city parks for any purpose must provide a certificate of insurance showing proof of liability insurance in the amount of \$100,000.00 property damage per occurrence and \$1,000,000.00 bodily injury per occurrence naming the city as an additional insured.
 - (2) The requesting party shall protect and hold harmless the City of Westfield and its elected officials, employees, staff and representatives, and each of them, from any and all claims, suits, liabilities, damages or causes of action of any kind, provided such person was acting in the discharge of his/her duties.
- (i) *Rules and regulations.*
- (1) Applicants shall comply with all rules of park operations set forth in this chapter. These rules are also posted on the parks department webpage and available upon request.
 - (2) Holders of permits shall confine their use strictly to the specific area approved and will not be permitted to use any other space, equipment or apparatus unless it is approved in the application.
 - (3) The applicant and his/her organization shall be held strictly accountable for complying with the rules and regulations that govern use of the city parks, and shall be responsible for damages, losses, or accidents, which might occur while the organization is using the site. If proper care is not exercised, the continued use of the city parks may be denied.
 - (4) The sponsoring organization must provide adequate supervision and must ensure visitors use only the areas approved for rental/use. The organization will also provide all necessary supporting personnel such as medical personnel, parking attendants, set up and cleanup crews. A public safety fee may be charged if these services are deemed necessary to be provided by the city.
 - (5) It is the sole responsibility of the user to secure additional trash receptacles or have trash hauled away if park containers will not accommodate the needs of the event. Trash that is not disposed of properly or overfills a receptacle may result in a loss of deposit. The parks and recreation administration will determine if the size of the event requires a rental of an outside dumpster. Dumpsters are only to be placed in designated areas approved by the parks and recreation administration.
 - (6) The sponsoring organization is required to provide portable restrooms if the special event will have attendance of over 500 persons. The requirement is one portable restroom per 500 attendees. At least one in every three rented must be handicap accessible. Delivery must be at the latest date and time possible prior to the event and removed from park property no later than 24 hours after the event. The parks and recreation department is not responsible for any damage to portable restrooms. Portable restrooms are to be placed only in designated areas approved by parks and recreation administration. Vendors are responsible for any water supply hoses.
 - (7) Vehicles are not allowed on park property not designated for parking. Deliveries or setup needs that require a vehicle to enter the park must be approved in advance by the parks and recreation administration.
 - (8) The sponsoring organization is responsible for providing information if tents are being proposed and calling in and arranging for both public and private utility locates to prevent interference with irrigation, fiber and utility infrastructures.
 - (9) Users are encouraged to exercise universal precautions (universal precautions refer to the practice, in medicine, of avoiding contact with bodily fluids, by means of wearing medical gloves, goggles and face shields) and to have the necessary emergency first aid kits issued to their members.

- (10) A report of any personal injury must be submitted to the parks and recreation administration office by the person securing the permit within 24 hours after an injury.
 - (11) Property damage must be reported immediately to the city representative on duty, and an itemized list of any property damage must be provided to the parks and recreation administrative office by the person securing the permit within 24 hours after any such damage.
 - (12) No signs, displays, or materials may be attached, nailed or otherwise affixed to shelters, trees, buildings or existing signs.
 - (13) For temporary signage at locations outside of the park, or road closures or blockages, the sponsoring organization must obtain an encroachment permit through the city of community development department, which may carry an additional fee. The encroachment permit application is available online at www.westfield.in.gov or at the city service center. Please allow ten working days from receipt for approval.
 - (14) No park fixtures may be moved without consent of the parks director.
 - (15) The use of special equipment, including but not limited to, cooking equipment, musical instruments, and public address systems and sports equipment will be reviewed per application.
 - (16) Alcohol use is restricted and will be reviewed per application. All necessary licensing and insurance is required. If approved, the damage deposit increases from \$500.00 to \$1000.00.
 - (17) Use of the park facilities will be terminated if the city determines the use is being diminished or compromised by the rental organization.
 - (18) No group may monopolize more space and time than is needed to meet the needs of the approved event.
 - (19) Failure to comply with these rules and regulation will be sufficient reason to cancel future privileges.
 - (20) No park facility may be used for a special event without the presence of a city representative.
- (j) *Fees and charges.* See section 44-8.

(Ord. No. 10-28, § 1(a), 2-14-11; Ord. No. 11-34, § 2(Exh. B), 1-23-12; Ord. No. 12-38, § 1(Exh. A), 12-10-12; Ord. No. 13-32, § 1(Exh.A), 12-9-13)

Note— Formerly numbered as § 44-5.

Sec. 44-10.— Special events fees and charges.

(a) — Specific sites.

(1) *Asa Bales Park—North (205 W. Hoover Street):* \$150.00 for up to four hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: three shelters, 14 picnic tables, large permanent grill, drinking fountain, restrooms, skate park, playground, large open grass field, lots of trees, creek, paved trails and paved parking lot (20 spaces). Asa Bales North is located across the street from Westfield High School, next to the Westfield Middle School, the Public Library and just two blocks from Freedom Trail Park.

(2) *Asa Bales Park—South (200 Camilla Court):* \$100.00 for up to four (4) hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: playground, natural amphitheater, paved trail, lots of trees, creek, paved parking lot (18 spaces), and paved trail access from Union Street.

- (3) *Freedom Trail Park Fields* (500 Deer Walk Trace): \$200.00 for up to four hours, \$20.00 for each additional hour. This includes use of three football fields. The fields can be rented individually for \$100.00 for up to four (4) hours, \$20.00 for each additional hour.
- (4) *Freedom Trail Park Play Area* (500 Deer Walk Trace): \$150.00 for up to four hours, \$20.00 for each additional hour. Amenities include: all inclusive playground, sensory garden, paved and gravel trails, prairie establishment, and a paved parking lot.
- (5) *Hadley Park* (100 W. Main Street): \$40.00 for up to four hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Hadley Park is a small intimate space ideal for small weddings or small gatherings. It is located in the center of downtown Westfield. Amenities include: a portico, benches, memorial brick walkway, beautiful gardens, and trees. It is adjacent to Asa Bales Park.
- (6) *Quaker Park* (17501 Dartown Road): \$150.00 for up to four hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: Shelters 2, 3 and 4, 18 picnic tables, playground, splash park, basketball goals, Midland Trace Trail, which includes Born Learning Trail, drinking fountain, permanent grill, restrooms, paved parking (44 spaces), large open grass field, trees, and creek. Shelter No. 1 cannot be included in special event rentals.
- (7) *Simon Moon Park* (2710 E. 171st Street): \$100.00 for up to four hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Anyone wanting to rent the shelter and use the Council Circle Fire Pit must apply as a special event. Amenities include: Shelter with six picnic tables, additional picnic tables on top of hill, sledding hill, Council Circle with fire pit, fire host (park staff), wood and fuel for fire, fire maintenance and extinguishing of fire, trail connection to Midland Trace Trail, 2–5 year old playground, 5–12 year old playground, drinking fountain, permanent grill, paved parking (eight spaces) and additional parking at the city services center.
- (8) *Old Friends Cemetery Park* (302 S. Union Street): \$100.00 for up to four hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: 1834 Historical Friends (Quaker) Cemetery in a beautiful serene setting in the heart of downtown Westfield, plaza, gazebo, Martha Doan Memorial Garden, stoned walkways, interpretive signage that shares Westfield's story, benches, drinking fountain, bike racks, adjacent to the Midland Trace Trail and Grand Junction Trail across the street.
- (9) *Monon Trail*: \$100.00 for up to four hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: 12-foot paved asphalt trails with two-foot stone shoulders, drinking fountain, benches, Greyhound Pass Trail Head (1155 E. Greyhound Pass) with parking, bike racks and restrooms, connection to Carmel/Indy Monon Trail and the Midland Trace Trail.
- (10) *Midland Trace Trail*: \$100.00 for up to four hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: Three sections of the trail now open (Carey Road to Union Street; Oak Ridge Road to Quaker Park and Springmill Road toward Ditch); 12-foot paved asphalt trails with two-foot stone shoulders, drinking fountains, benches, bike racks, connections to Simon Moon Park, Old Friends Cemetery Park, Grand Junction Trail/Natalie Wheeler Trail, Downtown Westfield and Quaker Park; parking available at Simon Moon Park and Quaker Park.
- (11) *Grand Junction Trail*: \$100.00 for up to four hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: 10-foot paved asphalt/brick trail with granite shoulder, benches, landscaping and bio-swales, leisure urban feeling; connections to Midland Trace Trail, Natalie Wheeler Trail, Old Friends Cemetery Park, Union Bible College, close proximity to Hadley Park and Asa Bales Park.
- (12) *Natalie Wheeler trail*: \$100.00 for up to four hours, \$20.00 for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: 12-foot paved

~~asphalt trails, connecting to Grand Junction Trail, Cool Creek Park, future Cool Creek Trail extension and Liberty Park. Parking at Liberty Park and Cool Creek Park.~~

~~(13) Grand Junction- The Grand Lawn.~~

~~(14) Grand Junction- The Plaza.~~

~~(15) Grand Junction- Jersey Street.~~

~~(16) Grand Junction- The Overlook.~~

~~(17) Grand Junction- The Wetland Amphitheater.~~

~~(18) Grand Junction- The Meadow.~~

~~(b) A refundable damage deposit of \$200.00 is required for all special events; if alcohol is served, the deposit increases to \$600.00.~~

~~(c) All fees are final and non-refundable. Rental fees include: Clean up prior to event, set up of additional trash receptacles (if needed), and trash removal after the event, any necessary furniture moving and on-site staff during event.~~

(Ord. No. 10-28, § 1(a), 2-14-11; Ord. No. 11-34, § 3(Exh. C), 1-23-12; Ord. No. 12-38, § 1(Exh. A), 12-10-12; Ord. No. 13-32, § 1(Exh.A), 12-9-13)

Note— Formerly numbered as § 44-6.

Sec. 44-11. - Geo-caching.

- (a) *Purpose:* The purpose of this section is to provide rules, regulations and guidance for the management of geo-caching activities on parks and recreation department properties. Any person who participates is subject to all parks and recreation rules and regulations. Geocaching is an activity that requires a permit so that the parks and recreation department staff can monitor the activity within park boundaries and prevent any detrimental impact on the parks themselves, as well as protect the safety of all park visitors.
- (b) *Definitions:*
- (1) *Cache:* Term refers to a container that is used in association with the activity of geocaching. The object usually contains such items as a logbook, pen, pencil, map and/ or trinkets.
 - (2) *Department:* Refers to Westfield Parks and Recreation Department.
 - (3) *Property:* Refers to any property owned, leased, or maintained by the parks and recreation department.
 - (4) *Geo-caching:* Refers to a game pursued by global positioning systems (GPS) users. An individual or organization places a cache and shares its location on the internet. A participant in the game applies for GPS coordinates to locate the target cache or caches. When located, the participant records the find on the designated website such as www.geocaching.com. The game may provide that objects are traded at the cache.
 - (5) *Multi-cache:* Refers to containers that are located from the information received in another cache.
- (c) *Permit application:*
- (1) A person wishing to place a cache within one of the department's properties must obtain an "official geo-caching permit" before placing the cache. A cache which has been placed without obtaining a permit from the department will be removed and may be returned to the owner. If the owner cannot be reached, the cache will then be disposed of by the department staff within one month of notification.
 - (2) The department administration is authorized to issue, condition, or deny any permit application.

- (3) The application may be obtained from and returned to the department's administration office. Applications will be reviewed within one week of receipt.
 - (4) Permits are good for two years from issuing date.
- (d) *General prohibitions, limitations and requirements:* The following applies to the placement of any cache and/or any geo-caching activity:
- (1) A person must not violate any department rules or regulations, or any local, state or federal laws.
 - (2) Areas within parks that contain any of the following may not qualify for placement of geo-caches:
 - a. Areas containing environmentally sensitive ecosystems.
 - b. Areas containing historical sites.
 - c. Areas containing endangered flora or fauna.
 - (3) A person must not dig or otherwise disrupt the ground when placing a cache.
 - (4) The department is not required to approve any multi-cache, but may approve a multi-cache with no more than four (4) stops within the multi-cache.
 - (5) The maximum number of caches per parks and recreation department properties is up to the discretion of the department's administration.
 - (6) The person who holds the permit must inspect the cache at least once every six months to ensure that it meets all permit criteria. During the inspection, the permit holder must remove any inappropriate items. These include, but are not limited to; food, alcohol, firearms, drugs, items not suitable for minors, or other items which may pose a danger to people or wildlife.
 - (7) An official geo-caching permit expires two years after the date of issue.
- (e) *Permit standards:* The department administration shall exercise reasonable discretion in determining whether to issue, condition, or deny an application for an official geo-caching permit. In the exercise of discretion, the following factors and principles apply:
- (1) A cache cannot be approved for placement in any sensitive archaeological, historical or ecological area.
 - (2) Any schedule resource management activity, such as prescribed burns and species eradication, shall be considered in evaluating a permit application.
 - (3) A cache cannot be approved for placement in an area that could reasonably cause danger to a geo-caching participant or to any other person who visits a department property.
 - (4) The department administration has the right to require a person requesting an official geo-caching permit to provide a photograph of the cache, the exact site and coordinates where the cache is placed, or both.
 - (5) Any factor reasonably consistent with proper use and protection of the particular site.
- (f) *Permit suspension or revocation and site reclamation:*
- (1) The department may suspend or revoke a geo-caching permit if a term is violated, or if the location of the cache is found to pose a threat to the safety of park visitors or the surrounding environment. The department shall make every attempt to notify the permit holder of the action, as well as any designated websites.
 - (2) Upon the suspension, revocation or termination of a geo-caching permit, the permit holder is responsible for the removal of the cache, for the site restoration, and for any associated expenses.
 - (3) The reason for the department's actions shall be recorded on the permit. If the permit holder elects to relocate the cache, a new permit will need to be reviewed and issued.

(Ord. No. 10-28, § 1(d), 2-14-11; Ord. No. 11-34, §§ 1—3, 1-23-12; Ord. No. 12-38, § 1(Exh. A), 12-10-12)

Note— Formerly numbered as § 44-7.

Sec. 44-12. - Miscellaneous fees.

SHELTER RENTALS	
For Westfield residents, all Park shelters rented in 4 hour increments	\$55
For Non-Westfield residents, all Park shelters rented in 4 hour increments	\$75

ANNUAL FARM LAND RENTAL- OSBORNE PARK
\$150 to \$300/acre paid annually

SPECIAL EVENT RENTAL FEES
Accessed per event see Special Event Policy PK01-11

EVENT FEES
Event fees, including, but not limited to, vendor and registration fees, will not exceed \$500 each depending on the operating costs and processing fees associated with the event. The Westfield Welcome Director will determine the specific amounts.

(Ord. No. 10-28, § 1(e), 2-14-11; Ord. No. 11-34, §§ 1—3, 1-23-12; Ord. No. 12-38, §§ 1—3, 12-10-12; Ord. No. 13-32, § 1(Exh.A), 12-9-13; Ord. No. 19-64, § 1(Exh. F), 12-19-19)

Note— Formerly numbered as § 44-8.

Sec. 44-13. - Tree inspection.

(a) *Purpose.* Trees are a major asset as they add beauty to the City of Westfield properties. Trees also save the community money by shading buildings, filtering air, slowing down water run-off and adding to the property values of individual homes. The City of Westfield also recognizes that if trees are not maintained, they can become a major detriment. It is for this reason that the city realizes a need for a tree inspection policy. The parks and recreation department will implement and manage this policy for the city.

(b) *Tree inspection policy.*

(1) *The policy.*

- a. The city recognizes a need to inspect trees within its managed grounds. The parks and recreation department (hereafter called department) intends to inspect trees within the city's managed grounds pursuant to the policy.
- b. To perform this function, the department has developed an active policy to maintain the safety of city-managed grounds, keeping them free from potentially hazardous trees, by timely removal of any tree or tree part deemed hazardous. To assist in assessing the condition of its trees, the department proposes to train maintenance and other pertinent staff members on the principles of visual tree assessment (VTA).
- c. Since the city has limited fiscal and human resources, the removal of high risk trees shall be done on a risk priority basis. The parks director will administer this policy and have the final determination in all matters concerning the mitigation measures to be taken for any tree deemed potentially hazardous.

(2) The parks director further determines the following as a standard of care related to this policy:

- a. *Oversight of policy:* The parks director in overseeing this policy directs the department to have the day-to-day (or general) oversight of this policy. A report should be prepared for the board of public works and safety/tree board at their spring board meeting.
- b. *Objectives of policy:* The goal of this policy is to protect the residents, city employees, visitors and general public from harm that might be caused by trees on the city's properties, rights-of-way, common areas, grounds and/or other managed properties. To protect the woodland feel of the city's grounds this policy will strive to:
 1. Maintain the integrity of the woodland feel that provides beauty to city properties.
 2. Increase ecologic benefits to the community in the way of water retention, air cleansing, heat reduction and increased property values.
 3. Provide an excellent offset for some of the carbon usage that the city consumes.

Note: It should be noted that this policy and standard of care is formalizing the practices and procedures that have been taking place for many years, as the city has worked to provide safe premises.

(3) *Means of inspection:* Due to the magnitude of the woodland element of the city grounds, this policy will be performed by the use of an internationally recognized technique called visual tree assessment (VTA). The department proposes to train its maintenance staff members in the elements of VTA so that they can better recognize trees that are structurally unsound and are in need of attention. The department staff will be required to attend training in VTA prior to starting inspections. Training will be available to other city employees.

- a. The department maintenance staff will use the VTA outline and inspection document attached as (Exhibit 1) to Ord. No. 10-28.
 1. Visual tree assessment: (VTA) encompasses visual and physical assessment for each tree. Typically, the tree is identified, described, and, sometimes photographed. Findings

of the assessment are noted with recommended next steps, such as maintenance, follow-up, monitoring or no action. Areas to be assessed for overall tree health and safety factors are:

- (i) The ground around the root flare (area where the roots are growing underground).
 - (ii) The root flare itself (sometimes looks like an "elephant's foot").
 - (iii) The hole or trunk of the tree (also sometimes called the stem).
 - (iv) The limb junctions (where limbs branch off of the trunk).
 - (v) The scaffold branches (big limbs which make up the crown of the tree).
 - (vi) The branches (attached to scaffold branches).
 - (vii) Twigs and fruit that could cause slip and fall accidents.
 - (viii) Miscellaneous hazards, such as thorns, low hanging branch and line-of-sight conflicts that impede the safe flow of traffic.
2. Red flags: A visual tree assessment looks for:
- (i) Obviously rotted, dead or decayed limbs, trunks or roots;
 - (ii) Large holes in trunk;
 - (iii) Broken limbs;
 - (iv) Lightning damage;
 - (v) Storm damage;
 - (vi) Insect infestation;
 - (vii) Wind damage;
 - (viii) Improper trimming or aberrant growth;
 - (ix) Trees too close to the road;
 - (x) Line-of-sight obstructed by vegetation.
- b. The city also desires a second level of expertise so it proposes to continue to work with a registered consulting arborist, or the equivalent, to assist in assessing trees that are beyond individual staff members' level of expertise. This second level may include the use of, climbing arborist assessment, drill test or other means as necessary and agreed upon by the parks director.
- c. The department will be encouraged to provide and gather additional information. To do this the department proposes to:
- 1. Educate future park's board members, the tree board, department maintenance staff, and other city employees to look for and report tree problems.
 - 2. Place a notice in city newsletters, seeking community comments "We are attempting to regularly inspect our trees so please feel free to alert the Westfield Parks and Recreation Department if you see any tree that raises concern".
 - 3. Place a notice and the tree inspection policy on the Westfield Parks and Recreation Department website.
- d. The Parks director authorizes and recommends:
- 1. A twice annual window/or walking inspection by the department staff with the intent to recognize trees of concern.
 - 2. A window/walking inspection following any major weather event.

3. A bi-annual walking-window inspection by a registered consulting arborist or equivalent.
- (4) *Standard of assessment:* The department proposes to use the following assessment scale so that trees may be dealt with on a fiscally responsible basis.
- a. The scale:
 1. Excellent tree—Requires no care.
 2. Good tree—Requires little care.
 3. Fair tree—May require future attention.
 4. Poor tree—Will require attention as time evolves.
 5. Trees needing mitigation.
 - (i) ASAP—Needs immediate care.
 - (ii) Needs further assessment by consulting arborist.
 - (iv) Priority—Needs care faster than maintenance schedule.
 - (v) Routine—Can be done as part of annual maintenance.
- (5) *Parks and recreation department tree inspection policy funding:*
- a. Assessment scale number 5's will be scheduled and funded by the parks and recreation's service contractual budget and as funding is available.
 - b. Trees with assessment value of 4 will be treated as funds allow.
- (6) *Documentation of history of care:* The parks director determines that this policy should be documented using WestPoint and by establishing a chronological tree inspection policy file in a tree inspection policy (TIP) binder. The documentation should be a progressive file to show the history of care. Documents to be kept are:
- a. Copies of all invoices for work performed on the trees.
 - b. Documentation of any grants concerning trees or care.
 - c. All department maintenance staff efforts to inspect and/or mitigate potentially hazardous situations.
 - d. Copies of letters sent, articles published or any other means to educate community.
 - e. Any reports by outside consultants.
 - f. Postings on websites or in utility bills.
 - g. Any other notifications.
- (7) *Bodily injury:* In case of an incident with bodily injury the parks director directs the department staff to:
- a. Seek immediate emergency care for injured party.
 - b. Notify the police department.
 - c. Notify the parks director.
 - d. Take photos of the tree (or tree part) prior to removal from incident site.
 - e. Complete a liability loss form located in WestPoint HR library of forms in its entirety and notifies the parks director when completed.
- (8) *Media communication:* Inquiries from the news media are given a high priority by the city and should be directed to the communications division as quickly and efficiently as possible. Every effort should be made to ensure that all information which is transferred to the communications division is accurate. Responding to media inquiries will be the sole responsibility of the

communications division and no comments should be made without the assistance or prior approval from the communications division.

(Ord. No. 10-28, § 1(c), 2-14-11; Ord. No. 11-34, §§ 1—3, 1-23-12)

Note— Formerly numbered as § 44-9.

Sec. 44-14. - Trail access permit policy.

(a) *Purpose.*

- (1) The trails throughout Westfield are for the enjoyment of the residents and visitors to our community. The parks and recreation department must assure safe access to the trails for public and private use.
- (2) The city is responsible for maintaining all named trails and linear parks specified in the Alternative Transportation Plan in the Westfield Thoroughfare Plan and in Trail Overlay Zoning Ordinance, and it is therefore necessary to set minimum standards for construction of all improvements for which the city will be responsible in order to avoid assuming unnecessary maintenance cost and inconvenience to the citizens and businesses of the city.
- (3) In order to not compromise the drainage along trails, the director of parks and recreation may require an engineered drainage plan to be submitted from a licensed engineering firm. Such a plan will be at the cost of the applicant.
- (4) All improvements intended for public or private use to be constructed on the city's named trail corridors as a privately maintained improvement must be approved by the director of parks and recreation using this permitting process.
- (5) Anyone wishing to have access to the trails where a public access point has not been provided by the city must complete the trail access permit process.

(b) *Authority.*

- (1) The parks and recreation department has the legal responsibility for managing all city parks and trail property. All trail access permits shall be in accordance with this section and subject to the authority of the director of parks and recreation.
- (2) The city council shall hereby grant the director of parks and recreation the authority to approve trail access permits, as an agent of the city.
- (3) The director shall have the right to appoint a deputy to perform the duties of the trail access permit administration.

(c) *Trail access permit procedures.*

(1) *Application.*

- a. All trail access permit applications shall be in written form using the trail access permit application (included in exhibit A to Ord. No. 12-38).
- b. The permit must be submitted and approved before any work can be done on city property. No work will be allowed prior to the review. A penalty fee of up to \$500.00 will be enforced by the city with a stop work order for unauthorized work performed before permits are approved.
- c. Upon review of the application, if it is found to be incomplete or if an engineering plan is necessary, the applicant will be notified of what documentation is required to process the application.
- d. If an engineering plan is required the application cannot be considered until the engineering plan is received.

(2) *Trail access detail.*

- a. An 11" × 17" drawing of the proposed access point must be included with the application.
- b. Site photographs showing the location of the proposed access point and the proximity to the trail must be provided.
- c. Specifications and/or descriptions of the materials to be used must be included with the application.
- d. A maintenance plan specific to the improvement planned at the trail access location should be included. Areas of maintenance that should be included but are not limited to are landscaping, hardscape, and drainage.
- e. Proof of property insurance.

(3) *Notification.*

- a. The applicant shall be notified after a review period of the approval or denial of said plan.
- b. All written notification will be done by e-mail or by U.S. Mail.
- c. Approved permits will be mailed to the applicant once all requirements are met and a written notification has been provided to the applicant.
- d. Upon approval, a boundary sign will be placed at the trail access location with the permit number and expiration date indicated.

(4) *Permit Life.*

- a. A permit is good for two years for the original applicant only.
- b. If the property is sold, a new application must be submitted by the new owners.
- c. Any changes to the original access permit design must be resubmitted for approval before the changes can be made.
- d. The permit can be automatically renewed by the original applicant if the following stipulations are met:
 - i. Access has been maintained per approved maintenance plan.
 - ii. Proof of Insurance is current and updated for additional year.
 - iii. No problems have arisen as a result of the permit being granted.

(5) *Permit cancellation procedures.*

- a. If at any time the requirements of the original permit are not being met, the director of parks and recreation can revoke the permit and remove all improvements within the trail corridor.
- b. Any cost incurred by such removal will be charged to the permittee, and fees may be assessed.

(6) *Penalties.*

- a. Any person, firm, corporation or any other entity that shall be in violation of this section, or any amendment thereto, shall receive a fine of not more than \$500.00. Each day an entry or access is made without the issuance of a proper permit shall constitute a separate offence and each separate offense shall subject the violator to a separate fine.
- b. A person, firm, corporation or any other entity that fails to maintain the approved improvement in accordance with the access permit shall be liable to the city in a civil action for damages in an amount equal to the cost of court cost, litigation expenses and attorney's fee incurred by the city.

(Ord. No. 11-22, § 1(Exh. A), 9-12-11; Ord. No. 11-34, §§ 1—3, 1-23-12; Ord. No. 12-38, § 1(Exh. A), 12-10-12)

Editor's note— Ord. No. 11-22, § 1(Exh. A), adopted Sept. 12, 2011, amended to Code to add provisions to former § 44-1. As Ch. 44 has been reorganized by the editor to facilitate the use of the format used in the Code, the editor has included the provisions of Ord. No. 11-22 as § 44-10. The permit for trail access form has not been set out herein but is available at the parks and recreation administration office. The section has subsequently renumbered as § 44-11.

Sec. 44-15. - The Grand Park Sports Complex fee schedule.

ITEM DESCRIPTION	PRICE
25' Extension Cord	\$5
Gatorade Cooler 10 Gallon	\$0
Gatorade Cooler 5 Gallon	\$0
Gatorade Cups 100	\$0
30" Power Strip	\$1
4' Folding Table/day	\$5
6' Plastic Beholding Table/day	\$5
8' Plastic Folding Table/ day	\$5
Air Frame Insert (CSI)	\$25
Air Frame Rental	\$25
Air Frame SU & TD	\$15
Avant	\$200
Black Folding Chair/day	\$2.50
Matte Black Folding Chair/day	\$2.50

Black Rolling Chair/day	\$5
Bose Stereo System w/ one microphone	\$150
Classroom Folding Table/day	\$7.75
Easel	\$1
Event Radio/day	\$5
Golf Cart/day	\$45
GP Podium	\$100
Hand Truck	\$5
Labor/hour	\$50
Matrax Aluminum Tools	\$10
Matrax Edge Blocks	\$4.50
Matrax Female Ramps	\$2.50
Matrax Male Ramps	\$2.50
Matrax Steel Tools	\$10
Matrax Straps	\$2
Microphone	\$25
Pallet Jack	\$5
Projector and Screen	\$200
Rolling Folding Table	\$10
SAFETY Cage	\$50

Stage Deck 4'x8'	\$50
Stanchions	\$10
Trash Can	\$0
Video Monitor w/ Apple TV	\$150
Wagon	\$5
IT Support by City Staff/hr	\$80
IT Support by Contracted Staff/hr	\$125

INFORMATION TECHNOLOGY FEES
Information technology fees, including, but not limited to, Wi-Fi, hard lines, special connections, and additional services will be dependent on the operating costs and fees associated with the technology and/or service. The Grand Park Director, with recommendations by the Informatics Director, will determine the specific amounts.

PROGRAMMING FEES
Individual programming fees will not exceed \$1,000 and will be dependent on the operating costs and fees associated with the program. The Grand Park Director will determine the specific amounts.

(Ord. No. 19-64, § 1(Exh. G, 12-19-19)

Editor's note— Ord. No. 19-64, § 1(Exh. G), adopted Dec. 19, 2019, set out provisions to establish fees related to the Grand Park Sports Complex. At the editor's discretion they were added as § 44-12, set out herein.