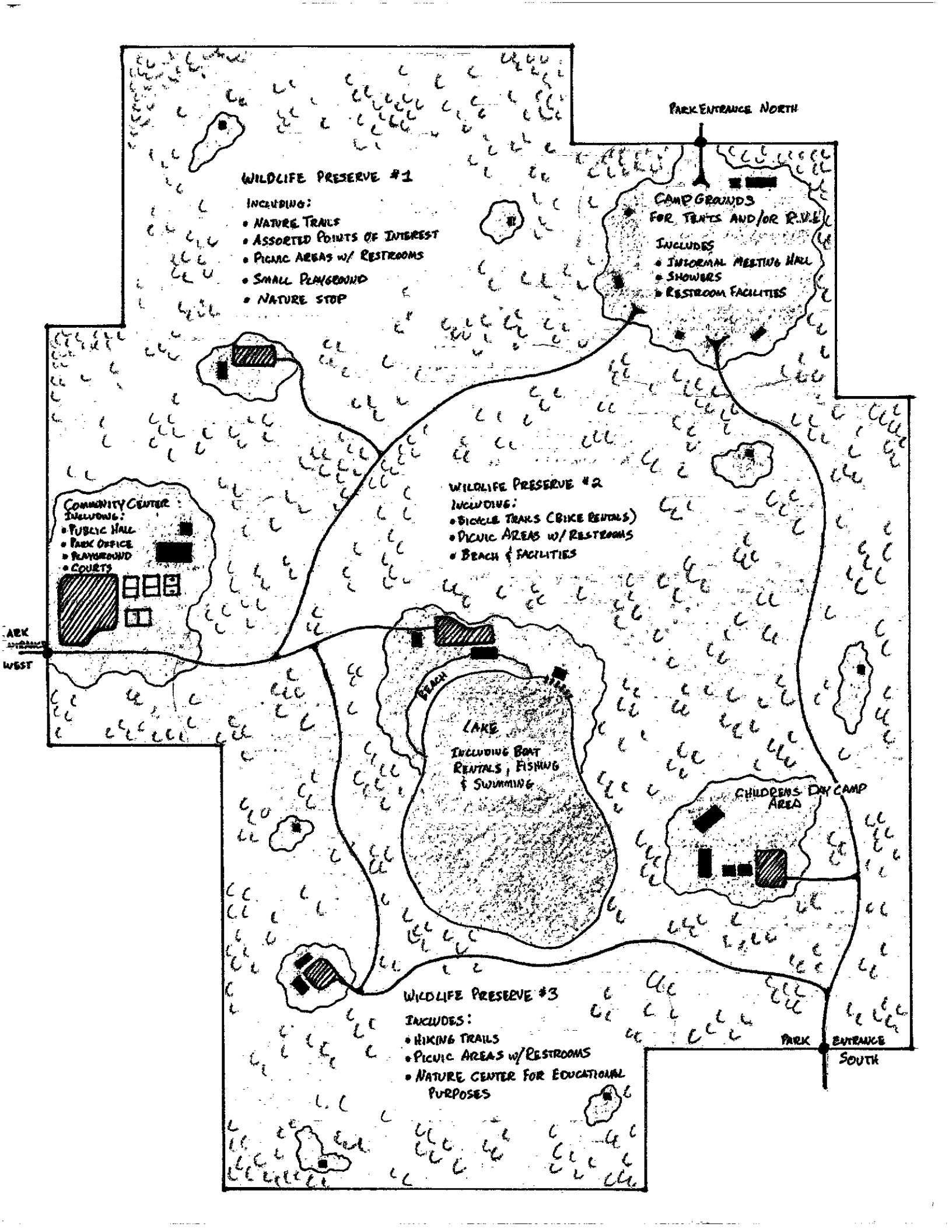


KOSCIUSKO LEADERSHIP ACADEMY
WHITE PAPER PROJECT

April 25, 1991

Laura Skinner
Rita Rider

Sponsored By: First National Bank of Warsaw



PARK ENTRANCE NORTH

WILDLIFE PRESERVE #1

INCLUDING:

- NATURE TRAILS
- ASSORTED POINTS OF INTEREST
- PICNIC AREAS w/ RESTROOMS
- SMALL PLAYGROUND
- NATURE STOP

CAMP GROUNDS FOR TENTS AND/OR R.V.'S

- INCLUDES
- INFORMAL MEETING HALL
 - SHOWERS
 - RESTROOM FACILITIES

COMMUNITY CENTER

INCLUDES:

- PUBLIC HALL
- PARK OFFICE
- PLAYGROUND
- COURTS

WILDLIFE PRESERVE #2

INCLUDING:

- BICYCLE TRAILS (BIKE RENTALS)
- PICNIC AREAS w/ RESTROOMS
- BEACH & FACILITIES

LAKE

INCLUDING BOAT RENTALS, FISHING & SWIMMING

CHILDREN'S DAY CAMP AREA

WILDLIFE PRESERVE #3

INCLUDES:

- HIKING TRAILS
- PICNIC AREAS w/ RESTROOMS
- NATURE CENTER FOR EDUCATIONAL PURPOSES

PARK ENTRANCE SOUTH

ARK ENTRANCE WEST

INTRODUCTION

Imagine how many people have at one time or another packed up the family and gone to a nearby county park for a day. Wouldn't it be nice to eliminate the long distance drive and develop one in Kosciusko County. We believe it's the community's responsibility to provide a basic county park system as well as a city system.

Considering the large number of rural residents, not to mention the city residents who would use a county park, we feel as though this would be an improvement for our community.

Leisure, when used in a constructive manner, helps to strengthen the stability of the family, and the community. How people use their leisure time is important. By providing recreation resources, the community can contribute to the physical and mental health of its residents.

We have obtained the necessary information needed to help start such a project by making contacts with state, and local personnel involved with all aspects of a county park system. The following will be giving you information on the procedure for establishing a board, choosing the appropriate land necessary, information on grants available for use, possible activities to provide for the community, and equipment needed in order to have a quality park.

Our goal is to raise enough interest in the community to get residents to let our authorities know their thoughts on this matter. For this to take place, there must be one individual who feels strongly about this matter to get the ball started. Questionnaires and polls should be taken and data recorded. This should then be taken to the mayor to show him we do have enough interest on this subject in our community. Talks should then be incorporated in with town meetings to discuss future plans, and the election of a county park board. From here an agenda should be stated and goals set in order to keep the plans running smoothly.

ESTABLISHING THE BOARD

To establish a park a Board of Directors should be established and be composed of four members. The Mayor, or Town Board President, shall select the members on the basis of their interest in and knowledge of parks and recreation. But no more than two members shall be of the same political party.

The initial members would serve a staggered term of one, two, three and four years. As their terms expire, each new member would be appointed for four years. Along with the four members, it should also include an Ex-Officio member from the Library Board, and an Ex-Officio that is a member of the School Corporation. An Ex-Officio is a member of the Board who holds his or her membership by virtue of another office or appointment on a city or county government.

The board will have the power to make regulations and establish rules governing the use of the park facilities to the public. They also will make contracts and leases for all services. The board will also establish standards and qualifications for the appointment of all personnel.

The removal of a board member may only be done upon written charges filed against him or her. A public hearing shall be held.

All meetings of the board will be held in public. You must have three members present and acting to take action on any matters at hand.

Park and recreation facilities and programs shall be made available to the public free of charge as far as possible; however, if it is necessary, in order to provide a specific activity, the board may charge a reasonable fee.

Footnote: See Appendix.

CHOOSING THE LAND

The next thing to look at is how much land is needed. Kosciusko County as of 1990 had a population size of 65,294. By general guidelines, we would need to have 325 to 520 acres of land. Now this could be in just one park or split between many. We felt that in order to serve the community better, that it could be worked into two parks. Possibly one in the northern section and one in the southern section of the county.

The type of land used must reflect the particular resources, and needs of the community. Most parks we have had contact with emphasized that they tried to keep a large portion of its park in a natural state.

A prime responsibility of government is to preserve those natural areas of land still remaining and to insure protection of these areas for future generations. If an area has unique land characteristics an effort should be made to acquire this property even if the acreage exceeds the guidelines listed.

Another consideration on choosing how much land is needed is what type of facilities are being planned for. If you're looking at having ball diamonds, tennis courts, or something on that line, you must plan for this extra room.

The concept and design should emphasize variety and open space. We have found that there are many Federal grants which will match funding sometimes up to 75% to local parks and recreation boards.

OBTAINABLE GRANTS

Up to this point, we have covered the establishing of a board and the amount of property needed. Now, let's go to some of the grants that are available.

Here again, the type of grants available for your use depends entirely on what you put into the park. The following lists a few of many possibilities we have put together.

The Indiana Waters Fishing Board Access program will provide 50% to 75% matching grants for the acquisition of land and development which would provide public fishing or fishing and boating.

There are also what are known as Nongame and Endangered Wildlife grants. Small grants providing 100% funding are available for projects involving aspects of education. Those eligible are organizations qualified in wildlife conservation.

The Tax Reduction for Wildlife Habitat enables landowners to keep and manage certain types of property for wildlife. The assessed value of classified land is reduced to \$1.00 per acre for property taxes.

Funds for Historic Preservation is a federal matching grant of 50% which may be used for protecting sites and structures which are included or nominated for the National Register or Historic Places.

Up to 50% matching grants are made to not for profit corporations registered with the Secretary of State for promoting places and events for tourism. This would include such things as brochures, radio and billboards.

There are just a few of the many assistance programs available should you decide to incorporate them in your plans. For further information on grants available, contact the Indiana Department of Natural Resources, Division of Outdoor Recreation, or U.S. Department of Interior, National Park Service.

Footnote: Resource included in Appendix.

ACTIVITIES

To determine the activities that could be provided in the parks, a number of areas should be considered. First, the choice of the land or site, the grants and money available would influence the kind of activities offered.

The recreation program should be diversified. All too often, recreation means only sports and games, although the scope of recreation is limitless. The programs should provide equal opportunity for all. Also, these programs should offer a wide variety of times to meet. Since most families have parents with a demanding work schedule, it is important to have a wide variety of times to meet those schedules.

With our society now, people are drawn to things like Arts & Craft shows. People travel many miles to attend one. This would draw attention to the park as well as to the community. The revenue would also help out, because this would be put back into the park for future plans.

Special events is another one. This could include festivals, concerts, and other community events. The community is always looking for entertainment.

An important issue now is about child care in our community. So how about a quality day camp for kids of all ages. During the summer months, wouldn't it be nice for your kids to enjoy the outdoors with some quality activities to educate them as well as promote physical fitness?

If possible, it would be nice to incorporate our program to run all year around. This can mean a lot more work and planning but in the long run could improve the overall system. When talking with other park directors, they did not provide any winter programs due to the fact that they just did not have the people to handle running them and there was lack of interest in their community. But with proper planning and good people working on the board, I know that this could be accomplished.

There are so many possibilities, but we must keep in mind there must be a variety to accommodate people of all ages.

We have put together some questions which could be used to poll residents of Kosciusko County and get their reactions to some specific questions concerning a county park program, and the type of activities they are interest in.

We must consider and analyze what our community's needs are. For example, playground equipment for children, walking paths, bike trails, nature trails, etc. Ask yourself, do we have enough places now for them? With the ones we have and where they're located, are there activities for the parents to do while their children are playing?

Footnote: Reference material on poll see Appendix.

EQUIPMENT

After a site is selected, money obtained and activities determined, equipment must be selected. This, to us, seems to be the most difficult discussion. Where to you draw the line? There are so many things that would be nice to have but obviously not everything can be included.

Probably the biggest cost would be a community building. Along with some outdoor buildings, this would be a big plus. The building could be rented out for other public uses such as weddings, concerts, reunions, and other things. The outdoor buildings would be a convenience for the everyday users of the park, such as people that want to picnic. The fees collected from renting the community building would be put back into the park system, and help to cover costs to maintain it.

With summer being the biggest time of year for the park, some kind of water is necessary. This could be done with a small pond, which could be used for swimming and fishing. Or, how about a couple of water slides? The closest place with on is in Fort Wayne. Just think how much interest would be generated by incorporating this. It's a favorite among children as well as adults.

By keeping a section of the park for nature and wildlife, it seems to be fitting we would need to have nature trails, and work with the natural habitat that already exists in the area. The schools could utilize this with field trips, as well as the preschool children.

Other small costs would be in buying basketballs, volleyballs and playground equipment. The lists of things can be endless but, again, we must step back, take a good hard look at what our community is lacking and build from that. The most important thing is getting the community involved, doing research, and taking polls to find out what they are looking for in a park system.

Footnote: Resource on Wildlife Conservation see Appendix.

CONCLUSION

We must remember public opinion is important. We need to keep the community involved from the beginning. Input should be solicited from a cross section of people in the county. The more people that you sample, the more reliable your data will be. This sample should include a variety of ages, occupations, races, sexes and handicapped people.

In conclusion, we have addressed just a small part of the whole picture which is needed to complete this program. From what we can see, the next step is getting together a board to start the process of decision making. Then you can move into the cost involved in putting in place the plans set forth. This could be an essential plan for our future to provide our county with a park to be proud of. One which will draw people from other communities to come visit and enjoy.

ADDED NOTE

While researching this project, we found that a lot of people were reluctant to discuss their system in great detail. We got some very vague information and not many concrete figures.

Also, in working with the State and Federal offices, they were willing to help out but were unable to give us what we were looking for unless we could provide them with a specific plan for the park.

SOURCES OF INFORMATION

- 1) Indiana Department of National Resources, Indianapolis, Indiana
- 2) Mr. Robert Lane, Floyd County Park Director, New Albany, Indiana
- 3) National Park Service, Omaha, Nebraska
- 4) Mr. Keith Ruble, Virgo County Park Director, Terra Haute, Indiana
- 5) U.S. Department of the Interior National Park Service
- 6) Indiana University, Bloomington, Indiana

POLL

Current Resident
Address

Please take a few minutes of your time to fill out this questionnaire concerning a county park system for Kosciusko County.

1) Do you feel as though Kosciusko County should have a county park system?

Yes _____

No _____

2) If Kosciusko County would plan for a county park, what would you like to see incorporated in it?

A. Nature Trails

B. Fishing & Swimming Lake

C. Community Building

D. Child Day Camp

E. All the above

F. Other _____

3) Would you prefer one large park centrally located, or several strategically located?

A. One

B. Two or more

4) Would you object to paying a county tax to help fund a county park?

Yes _____

No _____

5) Do you have a preference on whether hired park personnel are volunteers, or qualified park rangers?

Yes _____

No _____

6) What type of activities would you attend?

A. Concerts

B. Festivals

C. Arts & Craft Shows

D. Special Community events

E. All the above

F. Other _____

7) Would you take advantage of winter programs if they were offered?

Yes _____

No _____

8) Do you have children? If so, what age group?

Yes _____ A. 0- 5 C. 11-15
No _____ B. 6-10 D. 15 & up

9) How often do you and your family visit a park?

- A. Daily
- B. Weekly
- C. Monthly
- D. Other _____

10) How do you prefer to spend your weekends?

- A. At home
- B. Camping
- C. Indoor activities
- D. Outdoor activities
- E. All the above
- F. Other _____

Establishing a City or Town Park and Recreation Department Under Indiana's Park and Recreation Law

This publication was originally written by Professor James A. Peterson of Indiana University. It was revised by the Department of Natural Resources, Division of Outdoor Recreation in January of 1989.

In Indiana there are over 200 city and town park and recreation boards providing services to local residents. The vast majority of them are established under *The Park and Recreation Law*, I.C. 36-10-3, for authority to operate. This statute was originally adopted in 1955 and has been revised several times in the ensuing years. In 1981, the Indiana General Assembly recodified all park and recreation statutes and placed them under Title 36 of the Indiana Code. Since this publication is a summary of I.C. 36-10-3, please refer to the current Indiana Code for details.

I. Procedures for Establishment

1. The Common Council¹ passes an ordinance adopting the *Park and Recreation Law*. (I.C. 36-10-3).²
2. The Board shall be composed of four members. The Mayor, or Town Board President, shall select the members on the basis of their interest in and knowledge of parks and recreation; but no more than two members shall be of the same political party. Initially, these members are appointed for staggered terms of 1, 2, 3, and 4 years, then as terms expire, each new appointment shall be for four years.

In addition, the creating ordinance may provide for one or two ex-officio members, those being:

- A. A member of the governing body of the school corporation selected by the body;
- B. A member of the governing body of the library district selected by that body; or
- C. Both 1 and 2.

¹Common Council means the legislative body of a city or incorporated town.

²According to the Indiana State Attorney General, local units must adopt I.C. 36-10-3 in its entirety and may not choose to exclude portions of the law.

³Ex-officio is a member of the board who holds his membership by virtue of another office or appointment in a city or county government.

The ordinance shall fix the number of ex-officio³ members and shall provide that the particular ex-officio members shall be selected by their board or committee as the case may be. The board or committee shall also fill any vacancy that may occur. Ex-officio members shall have all the rights of a member including the right to vote. Neither a municipal executive nor a member of the municipal fiscal body may serve on the board.

Alternatives for Board Structure

- A. Four members appointed by mayor or town board president: total number 4.
- B. Four members appointed by mayor or town board president. One ex-officio member from the board of school trustees: total number five.
- C. Four members appointed by mayor or town board president. One ex-officio member from the library board: total number five.
- D. Four members appointed by mayor or town board president. One ex-officio member from the board of school trustees. One ex-officio member from the library board: total number six.

3. A member of the board may be removed only for cause, upon written charges filed against him. A public hearing shall be held. (I.C. 36-10-3-6).

4. In case a city is situated in a county having a county board, the city and county board each may designate a member to sit with the other board as an advisory member. (I.C. 36-10-3-7).

5. The meetings of the board shall be public. A majority of the members shall constitute a quorum and no action is official unless authorized by at least three members present and acting. (I.C. 36-10-3-8-d).

6. The members of the board may receive a salary not to exceed \$300.00 per annum. (I.C. 36-10-3-a).

II. Duties and Powers of the Board (I.C. 36-10-3-10 and 11)

1. General powers to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions.

2. Make regulations and establish rules governing the use of park and recreation facilities by the public.

3. Provide police protection for its property and activities by requesting assistance from state, city, or county police authorities, or by having specified employees deputized as police officers.

4. Make contracts and leases for facilities and services.

5. Acquire and dispose of real and personal property, either within or without the estate.

6. Exercise the power of eminent domain under authority of any laws generally made available for this purpose.

7. In a *town*, the board may appoint a superintendent of parks and recreation. The board may not consider political affiliation in the selection of the superintendent. (I.C. 36-10-3-13-a).

In a *city*, if a superintendent of parks and recreation is appointed, he/she shall be appointed under I.C. 36-4-9-2 without considering political affiliation. This statute calls for the executive (mayor) in a city to appoint the department head with approval of the park and recreation board. (I.C. 36-10-3-13-b).

In both instances above the superintendent must:

(a) be qualified by training or experience in the field of parks and recreation; or

(b) have a certification or an advanced degree in the field of parks and recreation.

8. Establish standards and qualifications for the appointment of all personnel. Personnel to be recommended by the superintendent.

9. Engage in self-supporting activities.

10. Prepare and submit an annual budget in the same manner as other departments of city government as

prescribed by the State Board of Accounts.

III. Finance

1. All territory included within the corporate limits of the city/town shall constitute a taxing district for the purpose of levying special benefit taxes. The common council as they might determine shall provide the revenues necessary for the operation of the department or for capital expenditures not provided by the issuance of bonds, or both, by a special levy or special appropriation, or both. (I.C. 36-10-3-19).

2. Park and recreation facilities and programs shall be made available to the public free of charge as far as possible; however, if it is necessary, in order to provide a particular activity, the board may charge a reasonable fee.

3. The unit's fiscal body may establish by ordinance, upon request of the board:

(a) a special nonreverting operating fund for park purposes from which expenditures may be made as provided by ordinance, either by appropriation by the board or by the unit's fiscal body; or

(b) a special nonreverting capital fund for the purpose of acquiring land or making specific capital improvements from which expenditures may be made by appropriation by the unit's fiscal body.

4. The unit's fiscal body shall designate the fund or funds into which the unit's fiscal officer shall deposit fees from golf courses, swimming pools, skating rinks, or other major facilities requiring major expenditures for management and maintenance. Money received from fees other than from major facilities or received from sale of surplus property shall be deposited by the unit's fiscal officer either in the special nonreverting operating fund or in the nonreverting capital fund, as directed by the board; however, if neither fund has been established, money received from fees or from the sale of surplus property shall be deposited in the unit's general fund. Money from either special fund may be disbursed only on approved claims allowed and signed by the president and secretary of the board.

Money placed in the special nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless the fiscal body repeals the ordinance establishing the fund. The fiscal body may not repeal the ordinance under suspension of the rules.

5. The board shall have separate bonding power not in excess of 2 percent of the assessed valuation of the taxing

Ordinance Number: _____

AN ORDINANCE ESTABLISHING A DEPARTMENT OF PARKS AND RECREATION AND REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE COMMON COUNCIL OF _____, INDIANA,

Section I

Under the provisions of I.C. 36-10-3 there is hereby created a municipal Department of Parks and Recreation.

Section II

The Park and Recreation Board shall be composed of:

1. Four members appointed by the executive on the basis of their interest in and knowledge of parks and recreation. No more than two members shall be of the same political party.

Additional members shall include:

Section III

Upon establishment of the board, the terms initially appointed shall be:

1. One member for a term of one year
2. One member for a term of two years
3. One member for a term of three years
4. One member for a term of four years

As a term expires, each new appointment shall be made by the mayor for a term of four years. All terms expire on the first Monday in January, but a member shall continue in office until his successor is appointed. If an appointment for a new term is not made by the executive by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the executive shall appoint a new member for the remainder of the unexpired term.

Section IV

At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the board during the absence or disability of the president. The Board may select a secretary from within or without its own membership.

Section V

The board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers listed in I.C. 36-10-3 et seq.

Section VI

The board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The board may accept gifts, donations, and subsidies for park and recreation purposes.

Section VII

All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

Section VIII

This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed by the Common Council of

_____, Indiana this ____ day of 19____.

Mayor/manager

Attest:

Presiding Officer of the Common Council

Clerk-Treasurer of the Common Council

Clerk-Treasurer of the Common Council

district. Hearings shall be held. Approval of the common council is required. (I.C. 36-10-3-24 through 28).

6. The board may establish a cumulative building fund to provide money for: building, remodeling, and repair of park and recreation facilities; or to purchase land for park and recreation purposes. The board shall give notice and hold a public hearing for the taxpayers affected and before the proposed action is presented to the State Board of Tax Commissioners for approval.

7. Gifts, donations, and subsidies for park and recreation purposes may be accepted by the board; however, a gift or transfer of property to the board may not be made without its approval. Grantors may specify the purposes for which expenditures are made.

IV. Advisory Council

1. The board may create an advisory council and special committees composed of citizens interested in the problems of park and recreation. (I.C. 36-10-3-17).

V. Cooperative Arrangements

1. A board may contract with another board, with a township, or a school board for the use of park and recreation facilities or for services. (I.C. 36-10-3-11-3).

2. Two boards operating under this act may establish a joint board. The boards desiring to establish a joint board shall informally agree upon the use of facilities, personnel and the distribution of financial support. After informal agreement has been reached, the respective council shall pass an ordinance embodying the terms of the agreement. (I.C. 36-10-3-29).

3. A joint board shall be organized and function in the same manner as a board. It shall be composed of all the members of the two boards. A joint board may create an executive committee composed of an equal number of members from each board. It shall exercise all the authority of the joint board, except a member may demand an issue to be submitted to the joint board. (I.C. 36-10-3-30).

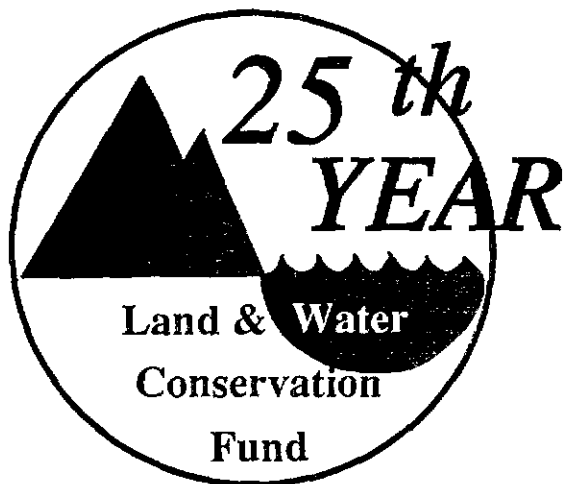
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U.S. Department of the Interior
National Park Service

LAND AND WATER CONSERVATION FUND

GRANTS ASSISTANCE FOR PARKS & RECREATION

Silver Anniversary



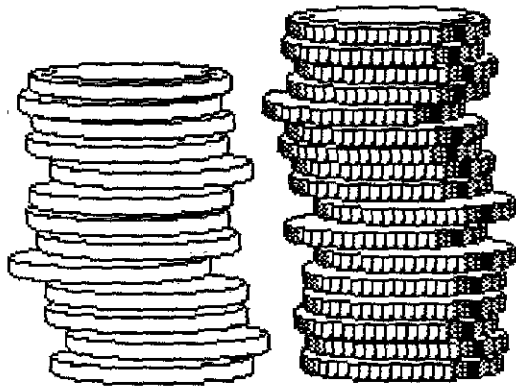
1965-1990

What it is. How it works.

The Land and Water Conservation Fund (L&WCF) was enacted in 1964 (Public Law 88-578) to create and maintain a nationwide legacy of high quality recreation areas and facilities. The L&WCF Act established a funding source for both Federal acquisition of authorized national park, conservation and recreation areas and for grants-in-aid to State and local governments to help them acquire, develop and improve outdoor recreation areas.

Areas funded through L&WCF grants must be maintained for recreation use in perpetuity. Thus L&WCF assures that recreation opportunities it helps to provide will be available for future as well as present generations. Through its planning and matching requirements, the Fund also aims to stimulate larger non-federal and private investments in protection and maintenance of recreation resources and development of new recreation opportunities all across the United States.

The L&WCF program is administered by the National Park Service (NPS) through seven regional offices and the 56 cooperating "States." For L&WCF purposes, States include the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Marianas and the Virgin Islands. The Governor of each State designates one or more "State Liaison Officers" to represent him in administration of the grants program. These individuals are the primary channels between the States, the NPS and local governments. Under the L&WCF Act, States are responsible for analyzing recreation needs, setting priorities for funding, supervising and coordinating selection of projects, supervising project work and ensuring compliance with Federal regulations and guidelines that affect the grants program. States submit project proposals to NPS Regional Offices, which give final approval to grants and oversee project implementation and compliance activities.



Where the money comes from.

The Land and Water Conservation Fund receives deposits from three main sources:

1. Sales of Federal surplus real properties.
2. A portion of Federal motorboat fuel taxes.
3. Outer Continental Shelf (OCS) revenues derived from leasing of oil and gas sites in coastal waters. The Act guarantees sufficient OCS revenues to ensure that \$900 million in deposits are available each year. Use of revenues from leasing of mineral resources to acquire, protect and develop parks is often cited as a key conservation principle, because it involves reinvestment of the proceeds of a non-renewable natural resource into more permanent resources that will supply perpetual public access to parks and recreation areas for present and future generations. This appropriations authority under the L&WCF Act was originally set to expire after 25 years, in 1989, but was extended in 1987 through 2015.

How funds are allocated. Types of projects funded.

By law, not less than 40 percent of every annual appropriation from the L&WCF goes toward acquisition of Congressionally - authorized recreation and conservation lands within National Parks, Wildlife Refuges, National Forests and Bureau of Land Management areas. The remainder of each annual appropriation is made available to the States, based on needs formulas listed in the Act, for fifty-percent matching grants. Grants may be made available to the States, and through States to their local governments, to acquire, develop or rehabilitate outdoor recreation areas in locations ranging from densely-

populated cities and suburbs to largely undeveloped natural areas.

The program encourages conservation of key open spaces such as river and ocean fronts, forests, wetlands and mountains, but generally requires that lands purchased with grants be made accessible to the public for an appropriate recreation use, whether it be fishing, picnicking, swimming, biking, nature study, canoeing or playing baseball.



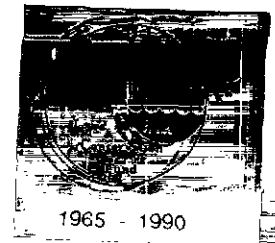
Development projects may also vary widely: from trails to boating facilities to nature centers and from improvement of park landscapes to development of basketball courts or swimming pools. Grant policies generally favor basic as opposed to elaborate facilities and projects that serve a broader public rather than a select group of users.

Like all Federal grant programs, the L&WCF program also requires recipients to avoid discrimination on the bases of race, color, national origin, physical or mental disabilities or age. This means, for example, that project sites must be open to all, without regard to race or residence and that facilities must be accessible to people with physical disabilities.



Sites assisted with L&WCF grants are also protected by Section 6(f)(3) of the L&WCF Act which prevents their conversion to non-recreation use except where approved by NPS and replaced with lands of equal market value and usefulness for recreation.

LAND AND WATER CONSERVATION FUND GRANT ASSISTANCE PROGRAM 1965-1990: AN HISTORICAL PERSPECTIVE



The unique place of the L&WCF in America's conservation and recreation legacy can be better understood through a quick history of the program.

BACKGROUND

In 1958, increasing consciousness of public health and environmental issues and an expanding need for recreational space combined into a bipartisan mandate creating the Outdoor Recreation Resources Review Commission (ORRRC).

After three years of research, the Commission developed specific recommendations for a national recreation program. The ORRRC emphasized that State and local, as well as Federal, governments and the private sector were key elements in the total effort to make outdoor recreation opportunities available. The Commission's major recommendations were:

- 1) The United States should establish a national recreation policy to preserve, develop and make accessible to all Americans the resources necessary "for individual enjoyment and to assure the physical, cultural, and spiritual benefits of outdoor recreation."
- 2) All agencies administering outdoor recreation resources—public and private—should adopt programs designed to make the best possible use of available resources in light of people's needs.
- 3) Each State, through a central agency, should develop a long-range plan for outdoor recreation, to provide adequate opportunities for the public, to acquire additional areas where necessary, and to preserve outstanding natural sites.
- 4) A Bureau of Outdoor Recreation should be established in the Department of the Interior to lead nationwide efforts by coordinating various Federal programs, conducting nationwide planning and assisting other levels of government.
- 5) A Federal funding program should be established to pay for additions to the Federal recreation estate and to provide grants to States that would stimulate and assist them to meet the demand for outdoor recreation.

LEGISLATIVE HISTORY

Largely as a result of ORRRC's work, funding legislation was introduced in 1962, during the second session of the 87th Congress. No action was taken in that Congress, but on February 14, 1963, the President again proposed legislation that would establish a "Land and Water Conservation Fund" to finance new Federal recreation lands and assist States in recreation planning, acquisition and development.

Following Commission recommendations, great emphasis was placed on planning for future recreation opportunities. In its hearings on the L&WCF bill, Congress defined requirements for Statewide Comprehensive Outdoor Recreation Plans (SCORPs) that would be a condition of State grants.

Recognizing the rapid loss of the land and water recreation base to development, one of the proposed legislation's major purposes was to reduce the lag in recreation land acquisition. The House Interior Committee's report on the bill stated that "During the first years of the program, emphasis will necessarily be on planning and land acquisition activities. . . It is important that acquisition be undertaken before the land becomes unavailable either because of skyrocketing prices, or because it has been preempted for other uses." The Senate Interior Committee's hearing report addressed the distribution of grant funds. It said that "in providing outdoor recreation resources and facilities for the American people, the greatest emphasis should be given to those areas with large concentrations of people."

Congress clearly indicated that the new Federal program should have a lasting effect on the supply of recreation sites and facilities by requiring that sites assisted be added permanently to the national recreation estate. As a result, Section 6(f)(3) of the Act states unequivocally that grant-assisted areas are to remain forever available for "public outdoor recreation use," or be replaced by lands of equal market value and recreation usefulness.

With vigorous bipartisan support in both Houses of Congress, the bill was passed and signed into law on September 3, 1964, as Public Law 88-578. The Act established a funding source for both Federal acquisition of park and recreation lands and matching grants to state and local governments for recreation planning, acquisition and development. It set requirements for state planning and provided a formula for apportioning annual L&WCF appropriations to the States and Territories. Initially, three sources of revenue to the fund were designated: proceeds from sales of surplus Federal real property, motorboat fuel taxes and fees for recreation use of Federal lands. The level of funding from FY 1966 through FY 1968 reached about \$100 million per year, which was far short of Congress' expectations. To remedy this shortfall, it was proposed that Outer Continental shelf (OCS) mineral leasing receipts be tapped. In 1968, P.L. 90-401 raised the Fund's level to \$200 million a year for five years, beginning in FY 1969, making OCS revenues available to cover the difference between this minimum level and receipts from other sources.

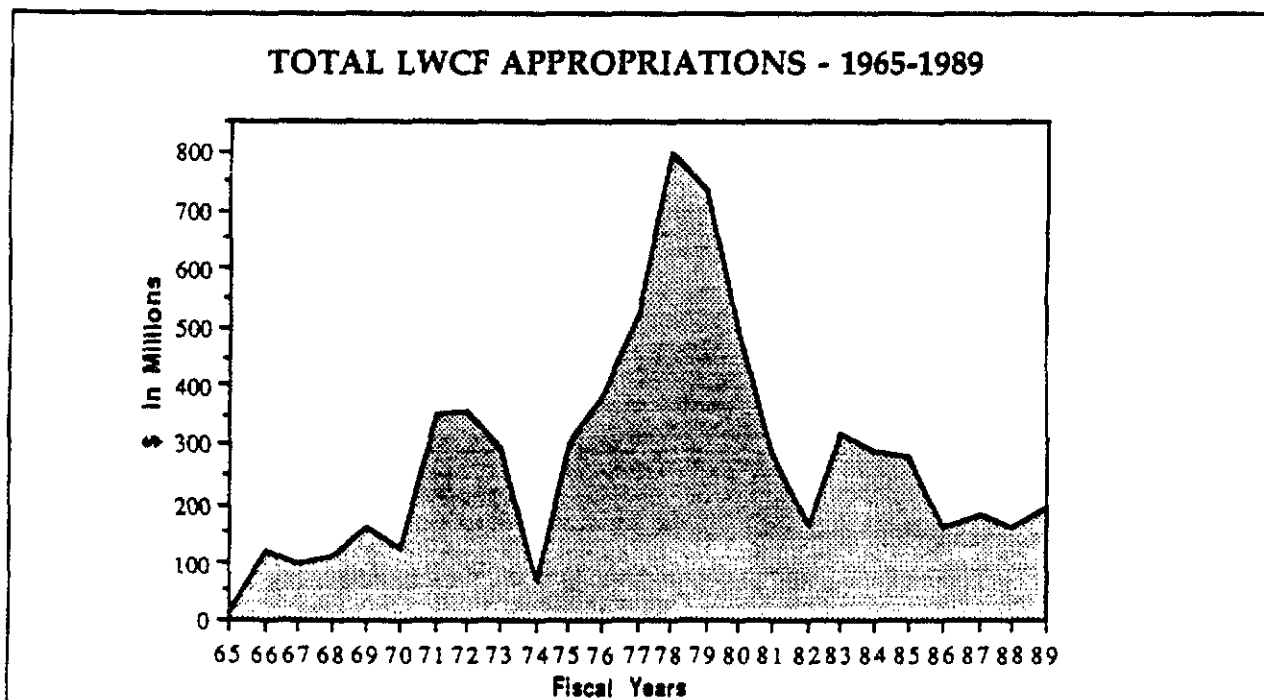
By 1970, growing demands on the Fund led to enactment of P.L. 91-485, which increased the L&WCF again to a \$300 million annual level from FY 1971 through FY 1989. This amendment reveals that Congress' perception of needs for the Fund program had expanded in three ways: the State grant program should give more emphasis to urban parks and recreation areas; the grant program should help acquire and develop recreation facilities within urban areas, not just nearby; and the Federal side of the Fund program should also contribute to meeting close-to-home recreation needs.

The Fund's increase in authorized funding to its current level came with enactment of P.L. 95-42 in June 1977, which increased the L&WCF to \$900 million for FY 1978 and subsequent years. Congress also enacted P.L. 95-625, which created, among other things, the Urban Park and Recreation Recovery Program (UPARR), as a complement to the L&WCF program. This program encouraged local governments to rehabilitate existing recreation facilities, demonstrate innovative programs, and plan for overall revitalization of community recreation systems.

In 1986, Congress, in passing the Emergency Wetlands Resources Act, added a requirement that SCORP's specifically address wetlands issues, needs and priorities. In 1987-88 all States and Territories addressed wetlands in addenda to their SCORP's.

Since 1965, funding for the grants program has averaged approximately \$125 million per year. Recently the annual appropriations have been below this average: FY 1988 and 1989 appropriations totalled less than \$17 million each year.

The appropriations authority under the original L&WCF Act was originally set to expire in 1989 but has been extended by Congress through 2015.



L&WCF PROGRAM ACCOMPLISHMENTS

Since 1965, the Federal and State "sides" of the Fund have helped to acquire over 5.5 million acres of recreation and park lands including seashore, lakeshores, critical habitats, wild and scenic rivers and national scenic trails.

Almost \$4 billion have been appropriated from the Fund for Federal recreation land acquisitions, financing expansion of the National Parks and National Forests into truly national recreation systems. Prior to 1965, almost all Federal recreation lands were located west of the Mississippi, usually in remote or rural areas at some distance from major population centers. The 3.2 million acres of new Federal lands acquired through the L&WCF is at the core of more than 50 new National Park units, including national seashores, lakeshores and national recreation areas. From Cape Cod National Seashore in Massachusetts to the Padre Islands National Seashore in Texas, from the New Jersey Pinelands National Reserve to Voyageurs National Park in Minnesota, and from the Appalachian National Scenic Trail in the east to Redwood National Park and the Oregon Dunes National Recreation Area in the west, the Fund has been used to protect natural wonders and to make new outdoor experiences available to all Americans.

New recreation areas have been established in National Forests in almost every state, ranging from basic camping, hiking and boating areas in the east and midwest to large areas like the Sawtooth and Flaming Gorge National Recreation Areas in the mountain west. Since 1968, L&WCF has provided funding for acquisition of habitat for endangered species like the Sandhill Crane and Florida Panther. Over 650,000 acres have been added to the national wildlife refuge system, including such new refuges as the Bogue Chito and Atchafalaya in Louisiana, the Lower Rio Grand in Texas, the Lower Suwanee River refuge in Florida and the San Francisco Bay refuge in California. The Fund has also financed relatively small acquisitions on BLM's national resource lands in the southwest and west that have helped to create viable trails and other recreation areas from those extensive, but scattered, holdings.

For the L&WCF Grants program, over \$3 billion have been appropriated to the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Marianas for planning, acquisition and development of outdoor recreation opportunities in the United States. Through FY 1988, a total of 35,000 projects have been approved to support the acquisition of open space for park lands or the development of outdoor recreation facilities. Federal obligations totalling \$3 billion have been matched by State and local contributions, for a total L&WCF grant investment of over \$6.1 billion.

Of the total number of projects, 9,800 projects have been for the acquisition of over 2,300,000 acres of park land, while 25,000 projects have been for the development of outdoor recreation facilities. 75 percent of the total funds obligated have gone to locally sponsored projects to provide close-to-home recreation opportunities that are readily accessible America's youth, adults, senior citizens and physically/mentally challenged. In addition to thousands of smaller recreation areas, grants have helped to acquire and develop new parks of statewide or national significance such as the Allagash Wilderness Waterway (Maine), Liberty State Park (New Jersey), the Willamette River Greenway (Oregon), Platte River park (Denver), Herman Brown Park (Houston), and Illinois Beach State Park (Chicago).

THE LEGACIES OF THE L&WCF

From a historical perspective, the L&WCF has contributed significantly to the outdoor recreation estate over its 25 years of existence. With grants ranging from several thousand dollars for picnic areas to millions for new State park lands and facilities, the L&WCF has had broad impact on outdoor America. Significant also is that a considerable amount of the income going to the Fund has come about through the leasing of offshore oil rights, thus recycling an important natural resource back to public use. While one resource is being used another is being protected.

It is important to note that, in addition to the large number of projects, L&WCF grants have had substantial long-term effects on our overall attitudes and policies toward outdoor recreation. The first legacy of this kind is the notion, basic to the L&WCF Act, that States must assume a leadership role as providers of recreation opportunities. Today, there is clear evidence that the grant program has been successful in encouraging States to take greater responsibility for the protection and development of recreation resources at every level.

The results of State leadership extend beyond simple increases in the size and number of recreation areas. Among other things, they include State actions to establish their own scenic river and recreational trail systems, to recognize the value of recreation resources in stimulating tourism and other economic

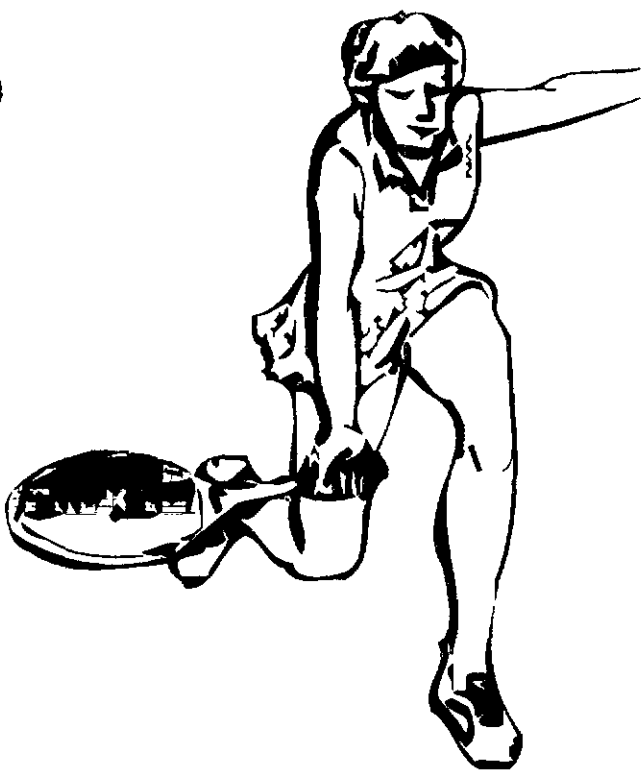
opportunities, and to provide additional financial and technical assistance to local recreation efforts through State planning, grant, and loan programs. Maryland, for example, has its Program Open Space to acquire key parklands; Texas and Minnesota have dedicated portions of their cigarette taxes to support state and local recreation programs; New Jersey has a Green Acres program that provides loans as well as grants for local acquisition, rehabilitation and development. This legacy extends to the present. In 1988, Californians approved the largest state bond issue in American history, \$775 million, for parks and recreation. And California is only one of many states that continue to provide leadership.

Second, when the Fund was established, State recreation planning was essentially non-existent. Statewide recreation planning has come a long way in 25 years, and has given States and their citizens new tools to analyze recreation needs and alternatives in a systematic and responsive way. Indeed, many states now require that local governments develop recreation plans as a condition for any type of Federal or State recreation assistance.

A 1976 amendment to the L&WCF Act, which requires Governors to certify public participation in the SCORP process led to development of the Open Project Selection Process (OPSP) now used by each State to link plan-defined priorities with actual selection of L&WCF projects for funding. These processes ensure that all eligible applicants for L&WCF assistance are aware of the availability of grants and understand the application procedures. By increasing public awareness of the links between state planning and real projects, OPSPs have increased involvement in state recreation policy by citizens at all levels.

The third legacy, and the one with the greatest impact on long-term protection of recreation resources, is the provision of Section 6(f)(3) of the Act that requires **all property acquired or developed with L&WCF assistance be maintained perpetually in public outdoor recreation use.** Consistent enforcement over the years has ensured permanency of L&WCF's contributions to the national recreation estate. The most tangible evidence of the program in future years will be the tens of thousands of recreation sites across the country that remain available for our children and our grandchildren.

In conclusion, the Land and Water Conservation Fund program is building a permanent legacy for future generations. The source of this legacy will not always be obvious to the thousands of Americans who want places to hike in the woods, play ball, chase a pigeon, swim in a pool or sit under a tree. But the recreation lands and opportunities supplied and protected by the Land and Water Conservation Fund Act will remain as perpetual monuments to the foresight of its authors and the American people.



How States set priorities. The Statewide Comprehensive Outdoor Recreation Plan.

To be eligible for grant assistance, each State must prepare and regularly update a Statewide plan that identifies needs for conservation and development of outdoor recreation resources, defines State objectives for meeting identified needs and sets forth an action program to meet the goals defined. The State plan or "SCORP" must be comprehensive in scope and must take into account all State, local and Federal resources and programs that affect the availability of recreation opportunities to its citizens, including resources in adjacent States and private sector programs. It must also cover all significant forms of outdoor recreation and include considerations of special population groups such as the elderly or people with disabilities. In 1986, Congress added a requirement that outdoor recreation plans specifically address wetlands within the State to the extent appropriate, in accord with the Emergency Wetlands Resources Act and the national wetlands priority conservation plan.

Plans are usually updated and submitted for approval at least once in every five years. When a SCORP has been approved by the National Park Service, all applications for acqui-

sition or development grants must be in accord with plan goals and priorities. State eligibility for continued funding is also based on its continuing planning efforts.

How projects are selected for funding.

To address the highest priority recreation needs and ensure public participation in the awarding of L&WCF grants, each State has developed its own Open Project Selection Process. This process incorporates a selection criteria and priority ranking system that allows objective consideration of the quality of each grant proposal in relation to the goals and priorities established in a State's planning program.

Open project selection systems are designed to provide regular opportunities for all eligible State and local agencies and interested citizens to become aware of L&WCF assistance opportunities and submit applications to the authorized State agency. State Liaison Officers and their staffs - who are generally located within a State's park, natural resources, conservation or environmental protection department - are prepared to assist potential sponsors in formulating proposals and preparing applications for eligible projects.

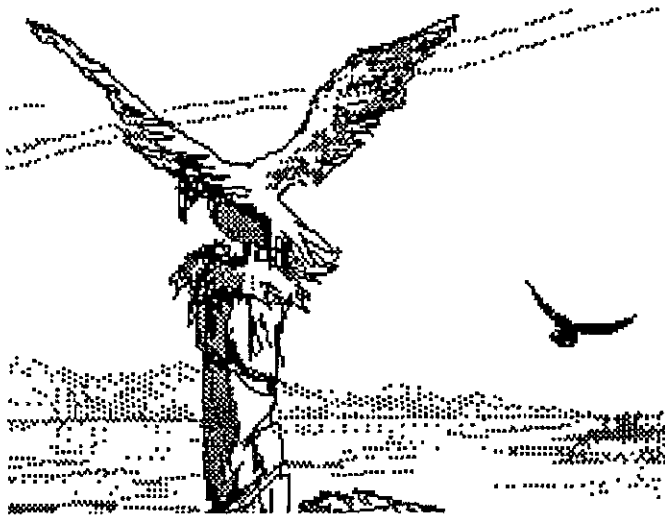
What has been funded since 1965.

Since the first funding of L&WCF grants in 1965, over \$3 billion have been appropriated and allocated to the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Marianas and the Virgin Islands. More than 35,000 projects have been approved for acquisition, development and planning aimed at improving the quantity and quality of outdoor recreation opportunities in the United States. Federal grants have been matched by equal State and local contributions, for a total investment exceeding \$6.1 billion.

Of the total number of projects approved through fiscal 1988, 6,800 were for acquisition of parklands and over 25,000 for development of recreation facilities. In addition, some 3,000 projects have combined acquisition and development, with many of these involving private land donations under special matching provisions of the program.

Over 2,300,000 acres of land have been acquired for outdoor recreation. Seventy-five percent of all funds obligated have gone to locally-sponsored projects that have supplied close-to-home recreation opportunities.

the appropriation, but on the State's funding history. For further information on current availability of funding, as well as on eligibility questions, selection criteria and application procedures, contact your State Liaison Officer.



Current funding status.

Funding over the life of the program has averaged about \$125 million per year, with a peak of \$369 million in fiscal 1979. Recent annual appropriations have been below this average: FY 1987 - \$32.7 million; FY 1988 - \$16.6 million; FY 1989 - \$16.7 million.

The amounts available in any given fiscal year vary substantially from State to State, depending not only on the total amount appropriated for that year and the State's share of



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Recreation Grants Division-784
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Washington, D.C. 20013-7127

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Hometown Indiana Grant Program

Information



February 1990
Indiana Department of Natural Resources

Program Authorization and Funding

The 1988 session of the Indiana General Assembly, in I.C. 14-6-35, authorized the Indiana Department of Natural Resources to create a new state funding program to provide 50% matching grants for local historic preservation, community forestry and public parks. The 1989 session of the legislature did not provide funding for the grant program. Since the state operates on a two-year budget, the next opportunity to seek funds for the next budget will be the 1991 legislative session.

Guidelines and Rules

The Department of Natural Resources has established administrative rules for the program. Public meetings and a survey were conducted in June and July of 1988 to solicit local agencies' input to the development of these procedures. The rules were adopted after two public hearings in January 1989. The grant applications and instruction manuals will be available after March 12, 1990.

Applicants

Many types of local governmental agencies will be eligible for all three types of grants, while private not-for-profit agencies may apply for historic and forestry funding.

An applicant for a park grant from the Hometown Indiana program will need to have an approved 5-year master plan for parks and recreation, or a comprehensive plan which includes parks and recreation, for its jurisdiction (community, township, or county) before the agency may apply for a grant for a park project.

Application Date

Applications will be due May 18, 1990 for projects which would be funded in the state's 1991-93 biennial budget, if funds are made available by the 1991 session of the Indiana General Assembly.

For applicants needing to do park and recreation master or comprehensive plans to become eligible to apply, the final drafts of plans are due June 1 each year to the Division of Outdoor Recreation for review and approval. The criteria and instructions for park and recreation master plans are available from the Division of Outdoor Recreation.

Types of Projects

- Public park acquisition, development and renovation.
- Historic preservation of sites and buildings on the *State Register of Historic Sites and Structures*.
- Community forestry planning, education, research, inventory, and planting projects involving street trees and other landscaping on public lands.

Contact To Request an Application

If you would like to receive a grant application, please contact the office below.

All Projects

Division of Outdoor Recreation
605 State Office Building
Indianapolis, IN 46204
(317) 232-4190

Contacts for Project Information

We encourage you to consult with us early in your planning to be sure your agency and project are eligible for funding.

Historic Preservation Projects

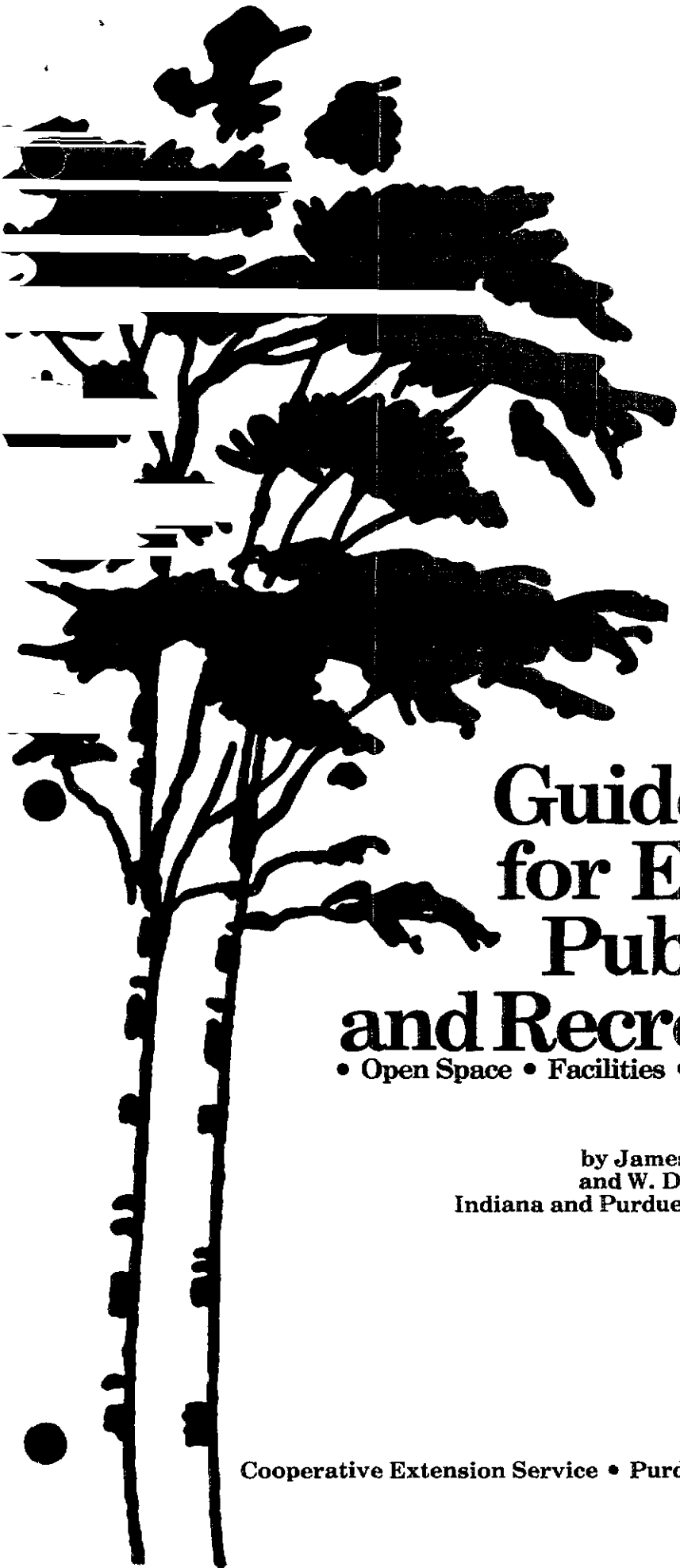
Division of Historic Preservation and Archaeology
2 Market Square Building, Suite 880
251 East Ohio Street
Indianapolis, IN 46204
(317) 232-1646

Community Forestry Projects

Division of Forestry
613 State Office Building
Indianapolis, IN 46204
(317) 232-4105

Park Projects

Division of Outdoor Recreation
605 State Office Building
Indianapolis, IN 46204
(317) 232-4070



Guidelines for Evaluating Public Parks and Recreation

• Open Space • Facilities • Programs

by James A. Peterson
and W. Donald Martin
Indiana and Purdue Universities

Cooperative Extension Service • Purdue University • West Lafayette, Indiana

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Checklist of Information Needed in Order to Complete This Evaluation

Section I—Open Space Evaluation

- Knowledge of the total amount of park acreage existing in your community.
- Knowledge of the size of each park in your community.
- A current copy of your community and/or park and recreation master plan if one is available.
- A map of your community indicating where your parks are located.

Section II—Facility Evaluation

- A current copy of your community and/or park and recreation master plan if one is available.
- A list of all public facilities used for recreational purposes.

Section III—Program Evaluation

- Knowledge of any agreements which allow for the use of public facilities, such as schools, libraries, etc., beyond their normal period of operation or in conjunction with their daily operation.
- Knowledge of all activities which public and quasi-public agencies in your community may sponsor, such as park and recreation departments, libraries, schools, YM/YWCA, Boys and Girls Clubs, etc.
- Knowledge of the methods used in your community to promote recreational activities.

About the Authors: James A. Peterson is Specialist in Recreation and Parks for the Cooperative Extension Service, Purdue University, and Professor of Recreation and Park Administration at Indiana University, Bloomington. Dr. W. Donald Martin is Associate Professor in the Department of Recreation and Park Administration, Indiana University.

How This Publication Will and Will Not Help You

This publication will...

- help you determine how your agency compares with state and national guidelines concerning park facilities and programs.
- pinpoint areas of concern that may require more detailed analysis.
- aid planners, landscape architects, and other park and recreation specialists serve your special needs.
- serve as an aid to convince local authorities, corporations, foundations and private citizens of the need to expand your facilities and programs.

This publication will not...

- make a park and recreation planning expert out of the person(s) using it; nor does it attempt to do so.
- equate one community with another, but tends to generalize into broad categories possible community strengths and weaknesses.
- make recommendations on specific procedures that need to be applied to be applied to alleviate a particular problem. Please refer to the technical assistance page for further information.
- serve to fulfill all state regulations for participation in the Land and Water Conservation Fund.

Local Government's Responsibility in Providing Leisure Services, Open Space Areas and Recreational Facilities

The question is often asked, "Why should a community provide park and recreation services? Where does a community's responsibility begin and end?"

A community's responsibility begins by providing a basic park, recreation, and leisure service system. It ends when an acceptable balance of service from all community resources is reached, as determined by the people.

- The city park, with its great promise for recreation, beauty, and balance in our urban environment, is an essential part of what makes life in the city worthwhile.

- The quality of park and recreation services is a reflection on the entire city—on the appointed park board, on elected officials. It is a mirror of their perception of what life in the city is all about.

- Leisure, used in a constructive manner, is basic to the self-fulfillment and life enrichment of the individual and therefore helps to strengthen the stability of the family, the community, and the nation.

- How people use their leisure time is an important social question. By providing recreation resources, a community is contributing to the physical, mental, and social health of its residents.

- Leisure and recreation are recognized as effective ways to enhance life in a community by developing leadership potential and stimulating popular participation for community betterment.

- It is only through public recreation services that a large portion of the population will have access to many recreational facilities, such as pools, tennis courts, picnic areas, and golf courses.

- Recreation and leisure services consume space. Local government is best suited to acquire, develop, and maintain that space in the best interest of the entire community.

- Government sponsorship of recreation services assumes equal participation by all ages, races, and creeds, all seasons of the year; it is democratic and inclusive.

- It is only through government that equitable fair-share financing is available for the acquisition, development, and maintenance of park facilities and programs.

- A park and recreation board can, through cooperative agreements with school boards, library boards, and other governmental agencies, energize and maximize the leisure and recreation potential of a community.

What Should Your Park System Look Like?

Local/Close-to-Home Space:
(6.25-10.5 acres per 1,000 population)

Community Park*

Use: Area of diverse environmental quality. May include areas suited for intense recreational facilities, such as athletic complexes, large swimming pools. May be an area of natural quality for outdoor recreation, such as walking, viewing, sitting, picnicking. May be any combination of the above, depending upon site suitability and community need.

Service area: Several neighborhoods; 1 to 3 mile radius.

Desirable size: 25+ acres

Space guideline: 5 to 8 acres/1,000

Desirable characteristics: May include natural features such as bodies of water, and areas suited for intense development. Easily accessible to neighborhoods served.

Neighborhood Park*

Use: Areas for intense recreational activities such as field games, court games, crafts, playground apparatus area, skating, picnicking, etc.

Service area: 1/4 to 1/2 mile radius to serve a population up to 5,000(a neighborhood).

Desirable size: 15+ acres

Space guideline: 1.0 to 2.0 acres/1,000

Desirable characteristics: Suited for intense development. Easily accessible to neighborhood population—geographically centered with safe walking and bike access. May be developed as school-park facility.

Mini-Park*

Use: Specialized facilities that serve a concentrated or limited population or specific group such as tots or senior citizens.

Service area: Less than 1/4 mile radius

Desirable size: 1 acre or less

Space guideline: 0.25 to 0.5 acres/1,000

Desirable characteristics: Within neighborhoods and in close proximity to apartment complexes, townhouse developments, or housing of the elderly.

* Source: National Recreation and Park Association, *Recreation, Park and Open Space Standards and Guidelines*, 1983.

Space That May Be Local or Regional and Is Unique to Each Community:

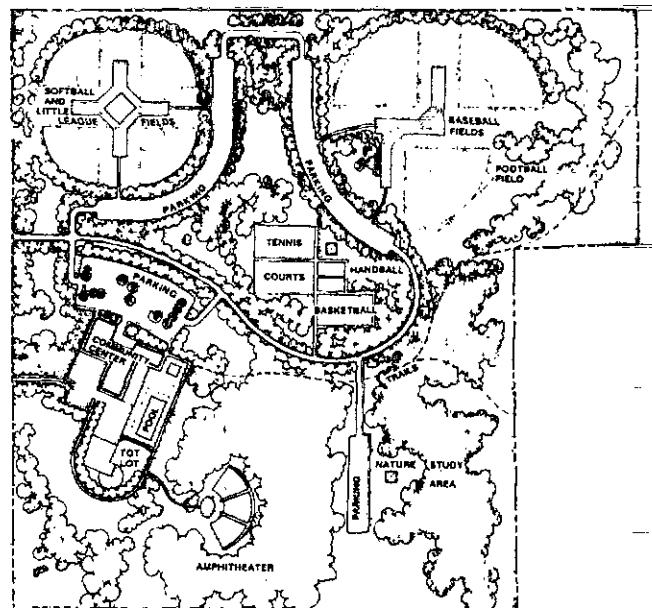
(No applicable space guideline)

Almost every community has environmental corridors, flood plains, or unique resources that should be an integral part of the community's open space system. Efforts should be made by local government to acquire and protect such properties. Examples of these areas are as follows:

Linear Parks: Areas developed for one or more varying modes of recreational travel such as hiking, jogging, biking, snowmobling, horseback riding, cross country skiing, canoeing, pleasure driving, etc.

Special use areas: Areas for specialized or single purpose recreational activities such as golf courses, nature centers, marinas, zoos, conservatories, arboreta, gardens, arenas, outdoor theaters, downhill ski areas, etc.

Conservancy areas: Unique natural or cultural areas with recreation use as a secondary objective.



COMMUNITY PARK

HOW MUCH PARK LAND SHOULD YOUR COMMUNITY HAVE?

Size of community	Community parks	Neighborhood parks	Mini-parks	Total
Population	5.8-8.0 acres per 1,000 pop.	1.0-2.0 acres per 1,000 pop.	.25-.50 acres per 1,000 pop.	6.25-10.5 acres per 1,000 pop.
	(acres)	(acres)	(acres)	(acres)
1,000	5- 8	1- 2	.25- 0.5	6.25- 10.5
2,000	10- 16	2- 4	.50- 1.0	12.50- 21
3,000	15- 24	3- 6	.75- 1.5	19.00- 31.5
4,000	20- 30	4- 8	1.00- 2	25.00- 42
5,000	25- 40	5- 10	1.25- 2.5	31.00- 53
10,000	50- 80	10- 20	2.50- 5	63.00- 105
15,000	75-120	15- 30	3.75- 7.5	94.00- 158
20,000	100-160	20- 40	5.00-10	125.00- 210
25,000	125-200	25- 50	6.25-12.5	156.00- 263
50,000	250-400	50-100	12.50-25	313.00- 525
100,000	500-800	100-200	25.00-50	625.00-1050

Refer to this table to determine how much land there should be in your park system based on the size of your city. For example, if your city has a population of 38,000, you would combine the suggested ranges for populations of 25,000, 10,000, and 3,000 to arrive at the appropriate range for your community. Using this formula, a city of 38,000 should have in the range of 190-304 acres of community parks, 38-76 acres of neighborhood parks, and 10-19 acres of mini-parks.

How Do You Compare?

Inventory your park lands and compare the acreage with the ranges in the table.

Answer questions 2 through 6 in the chart below using the following scale:

Answer question 1 in the chart below using the following scale:

- 3 = top 1/4 of the range or higher
- 2 = middle of the range
- 1 = lower 1/4 of the range
- 0 = below minimum in the range

- 3 = yes
- 2 = almost
- 1 = to some degree
- 0 = no

(Please circle number in appropriate column)	Top	Middle	Lower	Below range
1. How does your community compare with the chart above for park land of each type?				
Community Parks	3	2	1	0
Neighborhood Parks	3	2	1	0
Mini-Parks	3	2	1	0
Total park acreage (a combination of all types)	3	2	1	0
	Yes	Almost	To some degree	No
2. Has your community completed a long range plan within the past five years for parks and recreation?	3	2	1	0
3. In addition to the master plan above, or contained within, does your community have a specific plan for future park land acquisition and development?	3	2	1	0
4. Has your town's master plan been accepted by the Division of Outdoor Recreation for participation in the Land and Water Conservation Fund?	3	2	1	0
5. Does your community have a board or commission (e.g., Department of Parks and Recreation, Department of Public Works and Safety) that is charged with the responsibility for acquisition, development, and maintenance of public land for recreational purposes?	3	2	1	0
6. Are your park lands and open space distributed throughout the community so each citizen can walk to a park?	3	2	1	0
Column Total				
Total Score				

What Is Your Range?

- 27 - 24 = It appears your community is meeting the minimal standards for community space allocations and proper development of these areas.
- 23 - 15 = Your community should address itself to acquiring needed park land and/or have professional planning started to enable proper development.
- 14 - 0 = Your community should be concerned about the provision of park lands. Both your land acreage and initiation in planning for parks and recreation areas is not in proper proportion with existing state and national planning guidelines. Your community should begin to give greater attention to park and recreation land acquisition and planning.

Why Should a Community Plan for Leisure Services?

1. Plans are made to meet **expected change**. As an example, a community might plan to extend and improve existing park and recreational facilities to accommodate increased population.
2. **Desired change** requires planning to be accomplished. For instance, landscaping a riverfront might be planned to make the community more attractive.
3. Planning is a means to **prevent undesirable change**. Downtown beautification is an example of planning as a precaution against community deterioration.

Savings Resulting from Planning

1. Savings resulting from advance land acquisition.
2. Savings resulting from eliminating conflicting public uses.
3. Savings resulting from postponing or eliminating premature or uneconomic projects.
4. Savings resulting from projects constructed in advance of apparent need.
5. Planning encourages gifts of land and money.
6. Savings resulting from early financial planning.
7. Savings resulting from preparedness for unforeseen developments.
8. Savings resulting from sharing community information collected for other purposes.



Open Space

Guidelines for Evaluating Land Acquisition

As you work through this section, keep the following guidelines in mind.

- These prepared guidelines are based on recommendations established by the National Recreation and Park Association.
- The design of individual open space should emphasize variety and avoid park stereotypes. The charts shown represent only a general concept of space utilization to help the reader visualize the areas being discussed.
- Land guidelines must reflect the particular resources and needs of each individual community. The guidelines set forth are general and their application to all communities in Indiana should only serve, as the title indicates, as "guidelines."
- A prime responsibility of government is to preserve those natural areas of land still remaining and to insure protection of these areas for future generations. If an area has unique land characteristics, a major effort should be made to acquire this property even if the acreage exceeds the guidelines listed.
- These guidelines represent a **minimum** for land acreage and **should not** be interpreted as ideal or maximum.

Facilities

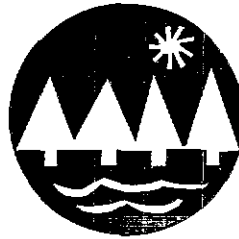
Guidelines for Evaluating Community Recreational Facilities

As you work through this section, keep the following guidelines in mind.

- These prepared guidelines are based on scales established by the National Recreation and Park Association.
- These prepared guidelines are based on an incremental scale reflecting the practicality

of a community size, budget, and space limitations.

- When using these guidelines, facilities associated with public organizations, such as schools, should be included in the determination provided these facilities are open to the general public on a regular basis.
- Even though a community has met the minimal standards outlined for facilities, this is not necessarily a reflection of the type or quality of service offered. Therefore, the effectiveness of the facility may be reduced and not meet the minimal amount of people it was designed to serve.



SUGGESTED FACILITY GUIDELINES*

Activity/Facility	No. of Units per Population	Service Radius
Baseball (official)	1 per 5000 (lighted, 1/30,000)	1/4 to 1/2 mile
Softball	1 per 5,000 (if also used for youth baseball)	1/4 to 1/2 mile
Basketball	1 per 5,000	1/4 to 1/2 mile
Tennis	1 court per 2,000	1/4 to 1/2 mile
Volleyball	1 court per 5,000	1/4 to 1/2 mile
Football	1 per 20,000	15 to 30 min. travel time
Soccer	1 per 10,000	1 - 2 miles
Swimming pools	1 per 20,000 (pools should accommodate 3 to 5% of total population at a time)	15 to 30 min. travel time
Golf (9 hole standard)	1 per 25,000	1/2 to 1 hr. travel time
(18 hole standard)	1 per 50,000	1/2 to 1 hr. travel time
Ice hockey	Indoor - 1 per 100,000	1/2 to 1 hr. travel time

*Source: National Recreation and Park Association, *Recreation, Park and Open Space Standards and Guidelines*, 1983.

Note: The above-mentioned facilities are desirable in small communities, even though their population may actually be less than the guideline. Also efforts should be made to light appropriate facilities for night use, thus extending their utility.

Facilities Check List

(Please circle number in appropriate column)

	To Some Degree			
	Yes	Almost	Degree	No
1. Has your community completed a long-range plan for parks and recreation?	3	2	1	0
2. Based on the population of your community and using preceding charts, does your community meet the established minimum guidelines for facilities?	3	2	1	0
3. Have you ever conducted any type of community survey to establish how effective your facilities are in reaching the people in your community?	3	2	1	0
4. Does your agency have any written or verbal joint arrangements with the schools to use the facilities for general recreation purposes beyond the normal school day?	3	2	1	0
5. Does your community have a non-reverting capital improvement fund for parks and recreation development? (Capital improvements include pools, buildings, land acquisition and development, etc.)	3	2	1	0
6. Are your facilities totally accessible to the handicapped (e.g., ramps where needed, accessible parking for handicapped, etc.)?	3	2	1	0
Column Total				
	Total Score _____			

What Is Your Range?

- 18-16 = Your community is meeting a minimal standard in providing services to the community through use of facilities (see page 11).
- 15-9 = Your community should address itself to developing and expanding its facility base for parks and recreation (see page 11).
- 9-0 = Your community has a potential limitation in delivering leisure services. Basic facilities available to the public are not in proportion to the size of your community (see page 11).

Have You Considered These Facilities?

<ul style="list-style-type: none"> Aquariums Arboretums Arenas & coliseums Beaches Bike right-of-ways Boccie courts Botanical gardens Camp grounds Casting pools Coasting & tobogganing areas Cultural centers 	<ul style="list-style-type: none"> — Day camps — Environmental studies areas Exercise/Fitness trails Fishing piers Football fields Handball/Racquetball courts Hiking & riding trails — Historic building preservation Horseshoe courts Jogging pathways 	<ul style="list-style-type: none"> Lake & water sports — Libraries Liveries—bikes, canoes, horses Nature centers Nature trails — Picnic areas — Public access areas Running tracks Scenic overlooks Shuffleboard courts 	<ul style="list-style-type: none"> Ski centers Soccer fields Spray pools Stables Stadiums Surfaced play areas Community centers— Volleyball courts Wading pools Wildlife preserves— Zoological parks
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Program Section

Guidelines for Evaluating Community Recreation Programs

As you work through this section, keep the following guidelines in mind.

- The recreation program should attempt to meet the individual and group needs and desires of the people.
- The recreation program should be diversified. All too often, recreation means only sports and games, although the scope of recreation is limitless, covering programs from aquatics to visiting the zoo.
- The program should provide equal opportunity for all regardless of race, creed, social status, economic need, sex, age, interest, or mental and physical capacity.
- Programs should be offered at a wide variety of times to meet the diverse living schedules of the population.
- Recreation programs for the community should be planned and coordinated through a

central agency to make best use of community facilities and personnel resources, not to mention making things less complex for the citizens.

- Leadership must be employed as the backbone of recreation offerings. It is the responsibility of the local recreation agency to seek out, train and extensively develop the talents of people to meet this capacity.
- Adequate financial backing is necessary if programs are to succeed. Statutory regulations have been established to help make funds available for recreation programs.
- Programs should be constantly re-evaluated both during and after programs in light of set objectives and public acceptance. Records should be kept concerning this information.
- Programs should be offered in each season of the year.

General Program Inventory

Preface

The intent of this section is to identify the scope and variety of public recreational programs offered in your community. The purpose is not to evaluate or make judgments of program offerings. By checking the appropriate boxes, you will be able to look at your current program offerings and observe how they are balanced.

Directions

Place a () in the appropriate box in which your community offers public park and recreation programs. By using a different symbol (use key) identify program offerings by other agencies in your community.

In the example it is obvious that the five agencies included in the analysis are providing only minimal recreational opportunities. Preschoolers have been completely ignored; young adults and the disabled have few programs offered. Program areas such as arts and crafts, social recreation, and special events for all age groups are practically non-existent.

To get a more accurate picture of year-around planning this overview of spring programs should be coupled with the summer, fall, and winter inventories.

EXAMPLE	PRESCHOOL	ELEMENTARY	JR. HIGH	SR. HIGH	YOUNG ADULTS	ADULTS	SR. CITIZENS	ALL AGES SPECIAL POP. (DISABLED)
*SPRING—March April, May								
ARTS & CRAFTS—ceramics, painting, leathcrafts, etc.						✓	□	
DANCE—social, folk, square, etc.	●	●				✓		
MENTAL—book clubs, lectures, puzzles	▲	▲	☆		▲	▲		▲
MUSIC—band concerts, choruses, glee clubs, etc.		☆	☆		▲	▲		
OUTDOOR RECREATION—nature programs, trails, gardens, etc.	✓	✓	✓			✓		
SOCIAL RECREATION—banquets, parties, fun-night, etc.			✓					
HOBBIES—hobby clubs, hobby shows, talks and demonstrations	●	●				✓		
SERVICE ACTIVITIES—voluntary programs, leadership programs, commission or advisory membership			□			□	▲	
SPECIAL EVENTS—city-wide festivals, fish fries, athletic contests							✓	
SPORTS & GAMES—sport leagues, tournaments, bridge, chess, etc.	✓ ☆	✓ ☆	✓ ☆	✓ ●	✓ ●			
DRAMA—theatrical productions, playground skits, storytelling, etc.		▲	▲		▲			

KEY

- ✓ PARK AND RECREATION DEPARTMENT
- ☆ PUBLIC SCHOOL SYSTEM
- YM-YWCA
- CHURCH GROUPS
- ▲ LIBRARY

In order to have a complete inventory of activities for the entire year it is suggested that you

photocopy the chart below and complete an inventory for the fall, winter, spring, and summer seasons.

SEASON	PRESCHOOL	ELEMENTARY	JR. HIGH	SR. HIGH	YOUNG ADULTS	ADULTS	SR. CITIZENS	ALL AGES	SPECIAL POP. (DISABLED)
*SPRING—March April, May									
ARTS & CRAFTS—ceramics, painting, leathercrafts, etc.									
DANCE—social, folk, square, etc.									
MENTAL—book clubs, lectures, puzzles									
MUSIC—band concerts, choruses, glee clubs, etc.									
OUTDOOR RECREATION—nature programs, trails, gardens, etc.									
SOCIAL RECREATION—banquets, parties, fun-night, etc.									
HOBBIES—hobby clubs, hobby shows, talks and demonstrations									
SERVICE ACTIVITIES—voluntary programs, leadership programs, commission or advisory membership									
SPECIAL EVENTS—city-wide festivals, fish fries, athletic contests									
SPORTS & GAMES—sport leagues, tournaments, bridge, chess, etc.									
DRAMA—theatrical productions, playground skits, storytelling, etc.									



Program Discussion Questions

- Looking at the overall inventory you have just completed, does it appear that there is a balance of program offerings when comparing one season with the others? If not, where is there an imbalance?
- Looking again at the inventory, do there appear to be recreational opportunities for each age level and both sexes in all seasons?
- Does your community offer recreational opportunities for special populations (all types of disabled) in each season?
- In what area does there seem to be an abundance of program offerings?
- Is there any individual or group of individuals who are excluded from participating in these programs because of transportation restrictions? (Either they don't have cars, or perhaps are disabled and can't get to the program, or a major intersection is the prohibitive problem.)
- Could the cost of any of the programs offered be prohibitive to any individual? If so, what might be done to alleviate this problem?
- What are your current methods for promoting activity programs? Can you think of any other ways to reach the people?
- Has your community conducted a recreational attitude interest survey?
- Has your park and recreation department established a non-reverting operating fund which allows for expanding recreation activities on a fee basis?
- Have you considered the commercial sector in providing recreation services to the public, e.g., movie theaters, bowling alleys, etc.? Consider the types of persons who may be excluded from using these facilities.

Recreational Program Summary

As stated earlier, the inventory and accompanying questions are only to serve as guidelines for making observations and raising pertinent questions. If, after answering these questions, there appears to be a potential or identifiable problem in the area of recreational programming, turn to the technical assistance page and consult the sources listed for advice and/or help.

What Does It Mean?

Now that you have completed open space, facility, and program services evaluations, or have chosen only to investigate a particular segment of your operation, you are probably ready to take some sort of action. BUT WHAT TYPE?

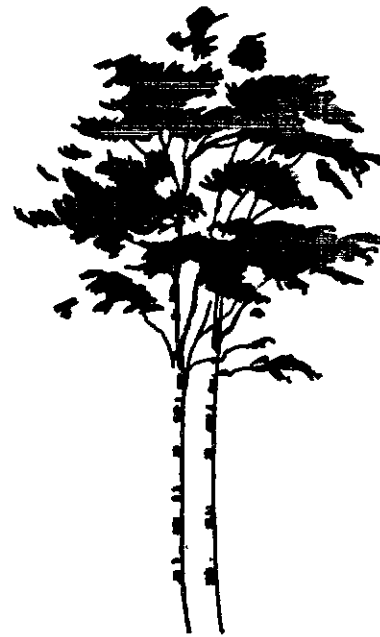
It is understandable that your community will fall into one of two categories after the evaluation: 1) SATISFACTORY or 2) AN EXISTING OR POTENTIAL CONCERN. In either case, some specific steps should be taken.

Satisfactory (meeting minimal standards)

- Check with the Division of Outdoor Recreation, Department of Natural Resources, to make sure your current master plan is in accordance with recommended state guidelines. Determine if you are still eligible for participation in the Land and Water Fund (50% federal matching program for land acquisition and development).
- Consider special research studies on needs and attitudes taking place in your community.
- Don't become complacent, particularly if you are on the low side of the satisfactory scale. This evaluation deals with minimal standards, and if your community is to maintain a satisfactory rating, you must continue to move ahead. No community stands still—it either progresses or falls behind.
- Avoid obsolescence by joining the Indiana Park and Recreation Association and the National Recreation and Park Association; attend state, regional, and national workshops and conferences.

Existing or Potential Concerns

- If your community has an existing or potential concern about delivery of leisure services, contact one of the technical assistance resources listed on this page or consider employing a professional planning firm to develop a long-range program that will bring your community up to satisfactory standards.
- Write to the Park and Recreation Specialist for his mimeographs on "Park and Recreation Consultants—Guidelines for Selection" and "Master Planning for Parks and Recreation."



Summary

This publication has been developed to assist you and your community in determining the present status of your park and recreation system and to help you identify and think about your community's leisure service in an organized manner. Its purpose is not to evaluate or make judgments about specific problem identification but to help you look at the potential and vast sources of opportunities for creative agency development and service.

Technical Assistance— Where to Write or Call

- I. **Primary Contacts Cooperative Extension Service**—each county in Indiana has an Extension Office capable of referring you to local, area, or university resources to assist you on problems relating to soils, forestry, turf management, wildlife management, lake and pond management, surveying population data, community development and planning—call your county Extension Agent for assistance.
- II. **Park and Recreation Specialist, Indiana/Purdue Universities**
James A. Peterson
Room 133, HPER Building
Indiana University
Bloomington, IN 47401
(812) 335-8037
- III. **Department of Natural Resources, Division of Outdoor Recreation**
Room 612
State Office Building
Indianapolis, IN 46204
(317) 232-4070

Selected State and National Resources

American Alliance for Health,
Physical Education, Recreation,
and Dance
1900 Association Drive
Reston, VA 22091

American Camping Assn.
Bradford Woods
Martinsville, IN 46151

Athletic Institute
Merchandise Mart, Room 805
Chicago, IL 60656

Bicycle Manufacturers Assn.
of America, Inc.
1101 Fifteenth St., N.W.
Washington, D.C. 20005

Ice Skating Institute of America
1000 Skokie Boulevard
Wilmette, IL 60091

Indiana Arts Commission
155 East Market St. 6th Floor
Indianapolis, IN 46204

Indiana Committee for the Humanities
4200 North Michigan Road
Indianapolis, IN 46208

Indiana Department on Aging
and Community Services
115 North Pennsylvania St.
Indianapolis, IN 46204

Indiana Park and Recreation Assn.
HPER 148
Indiana University
Bloomington, IN 47405

National Golf Foundation, Inc.
804 Merchandise Mart
Chicago, IL 60654

National Park Service
Midwest Regional Office
1709 Jackson Street
Omaha, NE 68102

National Recreation and Park Assn.
3101 Park Center Drive
Alexandria, VA 22302

National Rifle Assn. of America
1600 Rhode Island Ave., N.W.
Washington, D.C. 20036

National Swimming Pool Foundation
2000 K Street, N.W.
Washington, D.C. 20006

State Conservationist
Soil Conservation Service
Corporate Square West, Suite 2200
5010 Crawfordsville Rd.
Indianapolis, IN 46224

United States Lawn Tennis Assn.
51 East 42nd Street
New York, NY 10017

**ASSISTANCE FOR PARKS AND RECREATION
IN INDIANA**

Compiled by
Indiana Department of Natural Resources
Division of Outdoor Recreation
January 1987

Funding

Information

Parks

Facilities

Programs

Planning

Management

The Indiana Department of Natural Resources does not discriminate on the basis of sex, race, color, religion, national origin, age or handicap in its programs, facilities, services, activities, admissions or employment policies as required by both state and federal laws. Any violation of this policy should be referred to the Indiana Civil Rights Commission, 32 East Washington Street, Suite 900, Indianapolis, Indiana 46204.

INTRODUCTION

This directory was prepared by the Grants Section of the Indiana Department of Natural Resources' Division of Outdoor Recreation, to assist local recreation and park agencies in identifying possible sources of assistance in developing parks and programs. This publication lists some of the agencies and organizations which provide funding or other types of assistance that might be helpful to park and recreation agencies in Indiana. This directory covers primarily governmental agencies at the state and federal level. A few private sources are also included. A brief description of the applicable programs offered and contact information is given for each source.

This listing includes some of the more readily identifiable and continuous governmental programs. Because programs and funding levels change frequently, and this directory does not cover all possible sources, those seeking assistance should research these and other potential sources further. Local park and recreation agencies are encouraged to also consider alternatives which are not covered in this publication such as local park foundations, volunteers, private donations, fund raising projects, revenue producing programs and facilities, and cooperative ventures and contracting with private businesses, not-for-profit organizations and governmental units.

This publication is updated periodically, and suggestions of additional sources to include are welcome. Please contact:

Special Projects Coordinator
Grants Section
Indiana Department of Natural Resources
Division of Outdoor Recreation
605 State Office Building
Indianapolis, IN 46204
Telephone: (317)232-4070



INDIANA DEPARTMENT OF
NATURAL RESOURCES

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INDIANA DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources offers a variety of programs and services through its different Divisions which may assist local park and recreation agencies.

DIVISION OF OUTDOOR RECREATION

Grants for Local Park Acquisition and Development

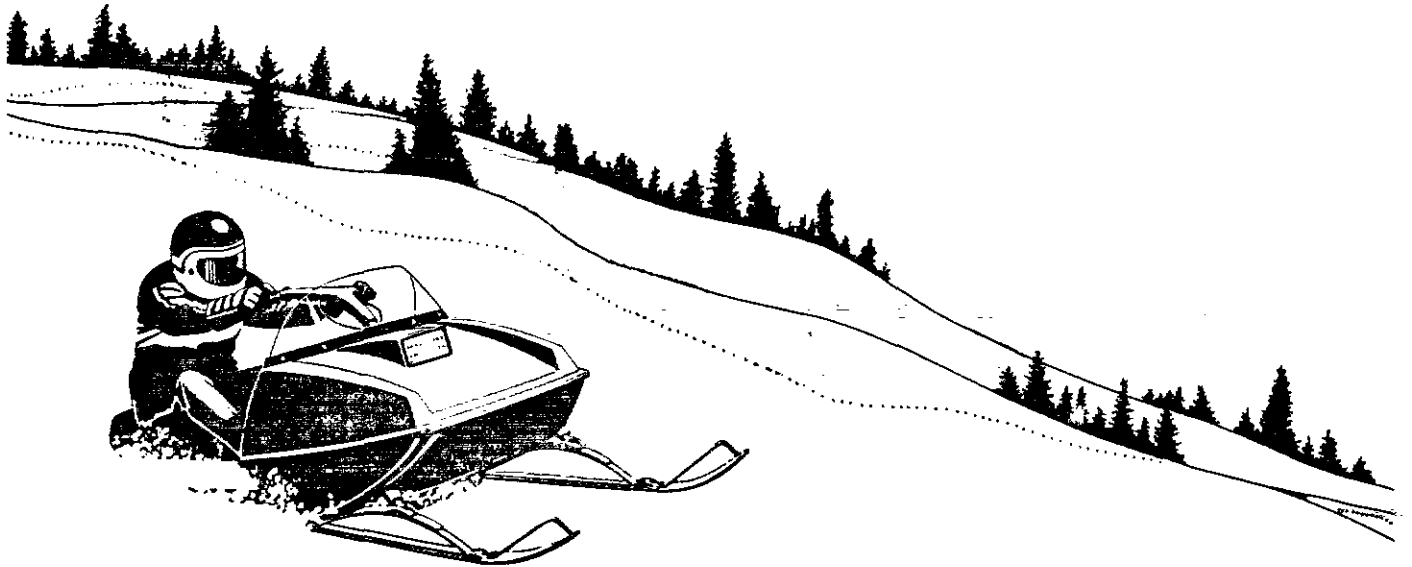
Federal 50% matching grants may be made to local park and recreation boards from the Land and Water Conservation Fund. Eligible projects include the acquisition of land and the development or renovation of outdoor recreation facilities for public parks.

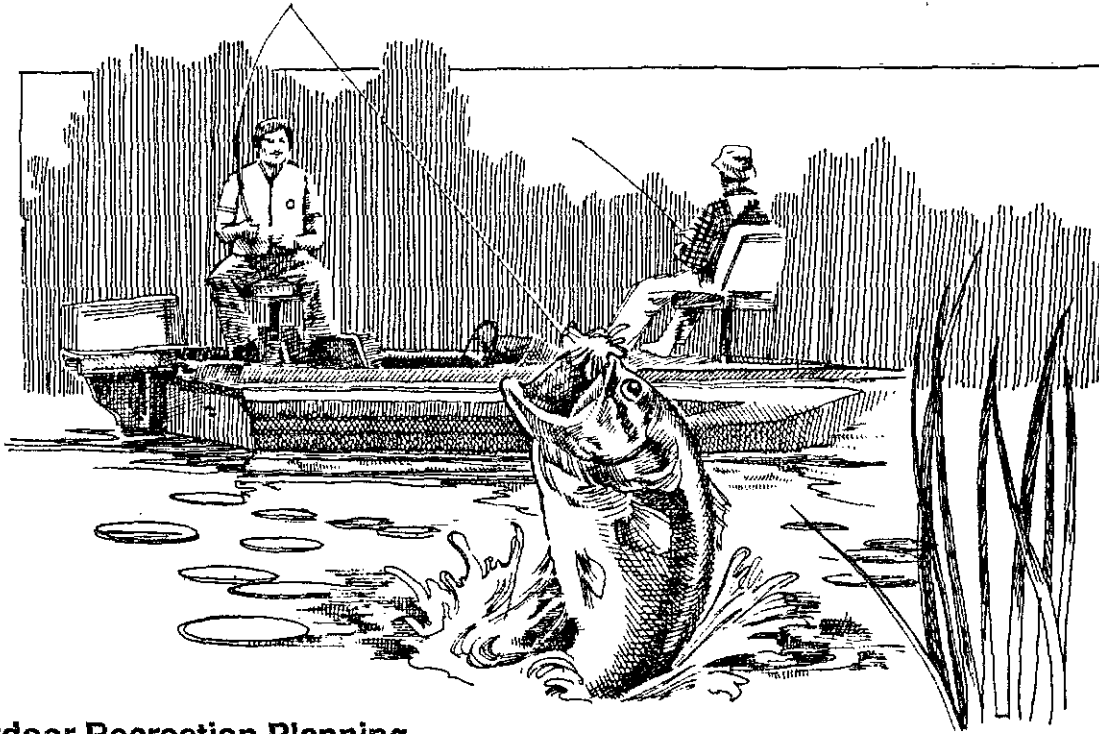
Trail Development

With funds from snowmobile registration fees, the State develops snowmobile trails in cooperation with the Indiana Snowmobile Association. The State pays for leasing a trail on private property and provides equipment for trail maintenance, provided a local agency or snowmobile club supplies the labor. Opportunities also exist for local parks to be located along the expanding state bicycle route system, sometimes with cooperative development possibilities. Publications are also available on trail construction; hiking, backpacking and bicycling trails; and canoeing streams in Indiana.

Grants for Fishing and Boating Sites and Facilities

The Indiana Waters Fishing and Boating Access Program provides 50-75% matching grants to local park and recreation boards for the acquisition of land and development or renovation of park sites which will provide public fishing or fishing and boating. The boats come from Federal Aid in Sport Fish Restoration Act, commonly called the Dingell-Johnson Program.





Outdoor Recreation Planning

A variety of information and special studies are produced in the preparation of the Indiana Outdoor Recreation Plan, which is updated approximately every five years. Copies of the State Plan are available, as well as publications on subjects such as designing park facilities for handicapped access and low maintenance.

"Take Pride in America" Volunteer Program

"Take Pride in America" is a national campaign to promote the careful use and preservation of city, county, state and national public lands and natural and cultural resources. It encourages citizens to do projects that improve public property and educate others about stewardship and responsibility for public lands. An annual state and national awards program recognizes volunteer projects.

Contact: Indiana Department of Natural Resources
Division of Outdoor Recreation
605 State Office Building
Indianapolis, IN 46204
Telephone: (317)232-4070

DIVISION OF FISH AND WILDLIFE

Fishing Access Site Construction

Public fishing access sites are developed by the Department of Natural Resources, provided another agency agrees to maintain the facility. Development usually includes a parking area and boat ramp, which may be built on local public lands, such as park, or the state may acquire a site.

Fish Stocking and Management

Through district fisheries biologists and state fish hatcheries, fishery management services are provided free of charge. Services available include a pre-impoundment survey of streams and ponds in the watershed and fish eradication project, if necessary; recommendations for the placement of fish attractors, types of fish to stock, weed control and fishing regulators for a lake; and once a lake is established, stocking of fish and management surveys to evaluate fishery conditions. A variety of publications are available on fishing.

Wildlife Management

District wildlife biologists offer free consultation with landowners on techniques to develop wildlife habitat. District biologists can provide wildlife management plans for parks, which illustrate how and where plantings can provide food and cover for wildlife. A number of publications are available on wildlife and habitat management.

Grants for Nongame and Endangered Wildlife Conservation

Small grants providing 100% funding are available for projects involving many aspects of education. Eligible applicants are individuals qualified in wildlife conservation or natural history including persons affiliated with universities, conservation organizations and private industry.

Tax Reduction for Wildlife and Riparian Habitat

Under the state's Classified Wildlife Habitat Act, landowners may keep and manage certain types of property as riparian or wildlife habitat and have the land officially classified for this use. The assessed value of classified lands is reduced to \$1.00 per acre for property tax purposes. Qualifying riparian property is that within 100 feet of a stream, (no minimum size), and qualifying wildlife areas may include wetlands, grasslands, shrublands and partially wooded sites of at least 15 acres.

Contact: Indiana Department of Natural Resources
Division of Fish and Wildlife
607 State Office Building
Indianapolis, IN 46204
Telephone: (317)232-4080

Wildlife Education

The Division of Fish and Wildlife is the state sponsor of Project WILD, a national wildlife and environmental education program for children from kindergarten through the 12th grade. The state coordinator trains volunteer facilitators who are available locally to conduct workshops for anyone interested in using the two curriculum guides with children. After attending a 6-hour workshop, participants receive the educational materials at no charge. Each guide contains 80 activities which can be used by nature centers, youth groups and classroom teachers.

Contact: Project WILD Coordinator
5610 Crawfordsville Road, Suite 2200
Indianapolis, IN 46204
Telephone: (317)248-4324

DIVISION OF FORESTRY

Forest Management

District foresters advise landowners at no charge on forest management, including a woodland inventory, preparation of a forest management plan and technical assistance to carry out the plan, such as tree planting and timber stand improvement. Information is available on harvesting and marketing timber, heating with wood, windbreaks, erosion control, wildlife habitat, city beautification, maple syrup production, nature trail design and natural areas.

Urban Forestry Grants

Federal funds may be provided in 50% matching grants for urban forestry projects. Funds may be used for planning or education, such as street tree inventories and ordinance, insect and disease control surveys, Arbor Day programs, and street tree plans.

Tax Reduction for Forests and Field Windbreaks

Under two programs conducted by the Division of Forestry, landowners may have their land "classified", whereby the assessed value is reduced to \$1.00 per acre for property tax purposes. Areas of ten or more acres supporting native or planted trees which are set aside for timber and wildlife production, watershed protection, or soil erosion control may qualify under the Forest Land Classification Act. Through the Classified Field Windbreak Act, existing and new windbreak areas at least 50 feet by 450 feet adjacent to tillable land may qualify.

Contact: Indiana Department of Natural Resources
Division of Forestry
613 State Office Building
Indianapolis, IN 46204
Telephone: (317)232-4105

Tree Seedlings

The Division of Forestry operates two State nurseries which produce tree and shrub seedlings for sale to Indiana landowners. The trees must be used for reforestation, erosion control, wildlife habitat development, watershed improvement, windbreaks, Christmas tree production, or other conservation purposes. The seedlings are only one or two years old, so they are not suitable for landscape purposes. Mail orders are taken each year from October through March 15, after which trees may be purchased over the counter until late April at the nurseries.

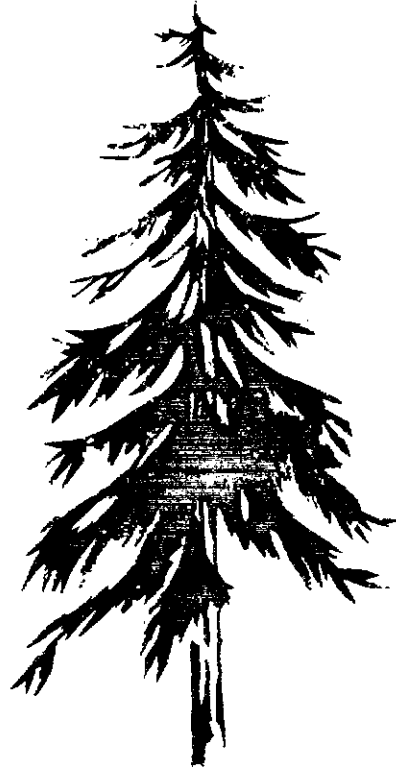
Contact: Jasper-Pulaski Nursery
Route 1
Medaryville, IN 47957
Telephone: (219)843-4827

Vallonia Nursery
Vallonia, IN 47281
Telephone: (812)358-3621

Forestry Education

Project Learning Tree is a national forestry and environmental education program sponsored at the state level by the Division of Forestry. Volunteer facilitators are trained by the State coordinator. They then conduct local workshops for people providing outdoor education to children, including classroom teachers, youth group leaders, and nature center staff. Those who attend a 6-hour training workshop receive a free copy of the Project Learning Tree guide, which contains 175 educational activities

Contact: Educational Specialist
Division of Forestry
5610 Crawfordsville Road, Suite 2200
Indianapolis, IN 46224



DIVISION OF NATURE PRESERVES

State Nature Preserves

Areas owned privately or by local governmental units may be designated as State Nature Preserves if the ecological features are of state-wide significance.

Grants from the Indiana Natural Heritage Protection Campaign

This program created a fund of up to \$10 million, to be raised from private contributions matched equally by state monies. The fund is to be used to acquire sites of state-wide ecological significance and to develop and maintain those sites as nature preserves. Up to 100% funding may be available to local park agencies to preserve sites which qualify for the program.

Inventory of Significant Natural Areas

The Indiana Natural Heritage Program is an ongoing inventory of plant communities, geological features, and rare plants and animals. Information on significant ecological sites may be submitted to or obtained from the Indiana Natural Heritage Program.

Contact: Indiana Department of Natural Resources
Division of Nature Preserves
605 B State Office Building
Indianapolis, IN 46204
Telephone: (317)232-4052

DIVISION OF PUBLIC INFORMATION AND EDUCATION

Map Sales

U.S. Geological Survey topographic maps are sold for all areas of Indiana. Also for sale are base maps for Indiana, surrounding states, and the U.S.; maps of the majority of the 855 lakes in Indiana; streams and lakes in the state; county outline; and historic Indiana maps.

Natural Resources Information

Publications on properties and services provided by the Department of Natural Resources and a variety of conservation information are available. A film lending service offers movies on conservation topics.

Contact: Indiana Department of Natural Resources
Division of Public Information and Education
612 State Office Building
Indianapolis, IN 46204
Telephone: (317)232-4200

DIVISION OF HISTORIC PRESERVATION

Funds for Historic Preservation

Federal 50% matching grants may be made for recording and protecting sites and structures which are included on or nominated for the National Register of Historic Places. Funds may be used for planning and survey work.

Contact: Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
202 N. Alabama Street
Indianapolis, IN 46204
Telephone: (317)232-1646

DIVISION OF LAW ENFORCEMENT

Outdoor Recreation Safety Education

Conservation Officers and certified volunteer instructors conduct free courses in hunter, boater, and snowmobile safety. Local agencies may sponsor courses.

Contact: Indiana Department of Natural Resources
Division of Law Enforcement
606 State Office Building
Indianapolis, IN 46204
Telephone: (317)232-4010



DIVISION OF WATER

Information, Permits and Funds for Water-Related Construction

Any construction in a flood plain or involving a lake needs to be reviewed and may require a permit from the Indiana Natural Resources Commission. State funds are available in limited amounts for 100% of the cost of constructing, operating and maintaining lake level control structures for the public interest on public lakes. Projects are selected based on urgency of need. A variety of publications and technical assistance is available on water-related construction.

Contact: Indiana Department of Natural Resources
Division of Water
Park Fletcher
2475 Directors Row
Indianapolis, IN 46241
Telephone: (317)232-4160

INDIANA GEOLOGICAL SURVEY

Information on Geological Features

Located in the Geology Building on the Indiana University campus, the State Geological Survey has available detailed maps and inventories of the geological features of many of Indiana's counties. The staff may be able to also provide on site technical assistance regarding specific conditions.

Contact: Indiana Geological Survey
611 N. Walnut Grove
Bloomington, IN 47405
Telephone: (812)335-2862

INDIANA ARTS COMMISSION

Funding for Arts Programs

Grants are available for community oriented arts programs such as lectures, demonstrations, and concerts, among others. Proposals may be submitted for such areas of the arts as crafts, music, dance, drama, visual arts, and landscape architecture and historic preservation as design arts.

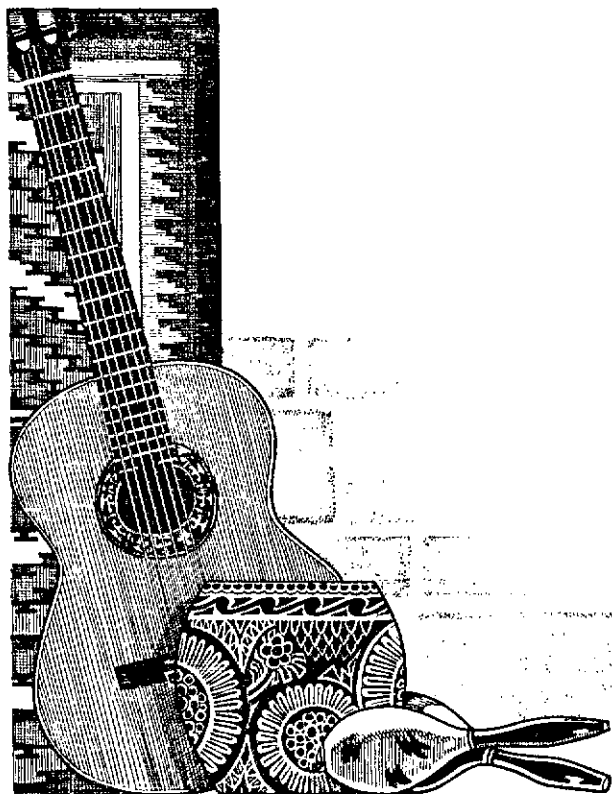
Contact: Indiana Arts Commission
32 East Washington Street, 6th Floor
Indianapolis, IN 46204
Telephone: (317)232-1268

INDIANA COMMITTEE FOR THE HUMANITIES

Resources and Funding for Humanities Programs

Grants may be given for lectures, conferences, exhibits and other public programs or topics in the humanities, such as history, philosophy, literature, archaeology, language, science, and the arts. Their resource center is a lending library of films, audio and video tapes, and books available for only the cost of the postage.

Contact: Indiana Committee for the Humanities
3135 North Meridian Street
Indianapolis, IN 46208
Telephone: (317)925-5216



INDIANA DEPARTMENT OF AGING AND COMMUNITY SERVICES

Funding and Services for Senior Citizens Programs

Grants are available for meals, social services, and employment of senior citizens through area agencies on aging. The state office offers staff training on conducting programs for senior citizens, a publications list and national bibliography, and will provide information for contacting area agencies on aging.

Contact: Indiana Department on Aging and Community Services
115 North Pennsylvania Street
Indianapolis, IN 46204
Telephone: (317)232-1071

GOVERNOR'S VOLUNTARY ACTION PROGRAM

Assistance with Volunteer Programs

Training for staff and volunteers is available on management topics including volunteer recruitment, retention, recognition and sources of funding from the private sector, among others. Volunteers may be nominated for recognition through a state awards program and agencies may be placed on the mailing list for the program's newsletter. Services are free but help with travel expenses may be requested.

Contact: Governor's Voluntary Action Program
State House, Room 117
Indianapolis, IN 46204
Telephone: (317)232-2503

INDIANA FEDERAL PROPERTY PROGRAM

Equipment and Supplies

A variety of surplus federal property, such as automobiles, office supplies and equipment, is available to public agencies. The only cost is a minimal handling charge.

Contact: Indiana Federal Property Program
601 Kentucky Avenue
Indianapolis, IN 46204
Telephone: (317)232-1384

INDIANA DEPARTMENT OF COMMERCE

Funds for Tourism Promotion

Up to 50% matching grants are made to not-for-profit corporations registered with the Secretary of State for promoting places and events for tourism. Potentials for funding include media such as brochures, billboards, and radio and television. Governmental agencies may work with not-for-profit organizations to obtain assistance.

Energy Conservation Information

Free advice on saving energy is available, including on-site energy audits of facilities with recommendations for energy conservation techniques. For convenient and quick advice call the Energy Information Center toll free at 1-800-382-4631. Assistance is also available for organizing programs for fairs, mall exhibits, and energy weeks/months, as well as ride sharing programs for cities and industries.

Neighborhood Assistance Tax Credit

Under the Neighborhood Assistance Tax Credit Program, not-for-profit organizations may submit proposals to the Department of Commerce for projects for economic revitalization and community service. If the project qualifies, individuals and businesses who donate to the project may receive a 50% tax credit against their income tax for their contributions.

Industrial Promotion Matching Grants

Up to 50% matching grants are made to cities, towns, counties and not-for-profit corporations for the promotion of a community or area for the attraction of new business and industry and the retention of existing industry. Eligible projects include printed materials, such as brochures and information kits, advertising, direct mail campaigns, trade show booths and registration, and existing industry promotions.

Community Development Funds

Federal funding for community facilities is provided to larger cities on an entitlement basis from the U.S. Department of Housing and Urban Development. These funds may be used for public park development, depending on priorities determined by the local unit of government. Smaller communities may compete for federal community development funds through the Indiana Department of Commerce. In recent years, the Federal Government has placed emphasis on projects which will encourage economic development by creating full time low and moderate income jobs.

Rural Endowment Funds

Small grants for 100% funding are available for agriculturally oriented, labor intensive projects. Eligible applicants are rural youth and senior citizen groups. While local units of government may not apply for funds directly, eligible applicants, such as 4-H clubs and Future Farmers of America, may submit applications for projects which benefit their communities. Although agricultural projects, such as improvements to county fairgrounds, are a prime objective of the program, park and recreation projects may also qualify.

Contact: Indiana Department of Commerce
One North Capitol Avenue, Suite 700
Indianapolis, IN 46204-2288
Telephone: (317)232-8800



STATE BOARD OF HEALTH

Regulations and Guidelines for Campgrounds and Water-based Recreation

Publications available from the State Board of Health cover regulations and guidelines for water-based recreation safety, the development and operation of campgrounds in Indiana, health practices and standards for campground sanitary facilities, including water supply, toilets and sanitary dumping stations. While a permit is not required to build a campground, the Board must approve plans for water and sewage facilities.

Contact: Indiana State Board of Health
Division of Sanitary Engineering
1220 West Michigan Street
Indianapolis, IN 46206
Telephone: (317)633-0787

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Regulations and Assistance Regarding Pollution

The Department of Environmental Management administers state programs and regulations concerning pollution. Inquiries about the potential problems should be directed to the applicable division of air, land, or water pollution control. Recreation development involving sanitary facilities, such as public buildings, restrooms, sewer systems, pools, bathhouses, dump stations, and campgrounds, may need a permit from the Division of Water Pollution Control.

Contact: Indiana Department of Environmental Management
105 S. Meridian Street
Indianapolis, IN 46204
Telephone: (317)232-3283

UNIVERSITIES IN INDIANA

Park Planning and Recreation Program Assistance

Universities may be able to provide assistance in park planning and design or recreation programs through class or faculty projects or student internships at little cost.

Contact: Department of Recreation and Park Administration
133 HPER Building
Indiana University
Bloomington, IN 47405
Telephone: (812)335-4711

Department of Forestry and Natural Resources
Forestry Building
Purdue University
West Lafayette, IN 47907
Telephone: (317)494-3622

Department of Physical Education, Health and Recreation Studies
Lambert Gym
Purdue University
West Lafayette, IN 47907
Telephone: (317)494-3163

Department of Recreation and Leisure Studies
Reeve Hall
Indiana State University
Terre Haute, IN 47809
Telephone: (812)232-6311 Ext. 5853

Department of Natural Resources
Ball State University
West Quad
Muncie, IN 47306
Telephone: (317)285-5780

Department of Landscape Architecture
Ball State University
Architecture Building, Room 226
Muncie, IN 47306
Telephone: (317)285-1971
Department of Recreation and Leisure Services
Vincennes University
Davis Hall
Vincennes, IN 47591
Telephone: (812)885-4158

COOPERATIVE EXTENSION SERVICE

Park Site Planning Assistance

The Extension Specialist in Landscape Architecture at Purdue University provides assistance in site design. Preliminary site visits may be done and advice given on other resources to contact, including consultants, to do park design work.

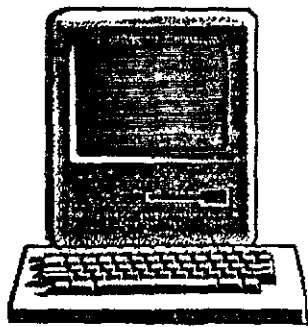
Contact: Extension Specialist
Landscaping Architecture
Horticulture Building
Purdue University
West Lafayette, IN 47909
Telephone: (317)494-1332

Publications and General Information

The Extension Service produces an extensive list of publications on a variety of topics, which may be a helpful resource for programs and services.

Contact: County Cooperative Extension Office or/
Cooperative Extension Service
Agricultural Administration Building
Purdue University
West Lafayette, IN 47907
Telephone: (317)494-8496

FACTS Computer System



A computer system with 70 different educational programs, some of which are applicable to recreation, is accessible at Extension Service offices in each county.

U.S. SOIL CONSERVATION SERVICE

Soil Surveys

Surveys are available for all counties in Indiana, which identify locations of soil types and indicate limitations and suitable uses for those soils.

Land Use Planning Assistance

Assistance may be provided for planning involving soils such as erosion control, waterways, travel lanes, drainage structures and no-till planting, and for designing outdoor classrooms for conservation/nature education.

Watershed Protection and Flood Prevention Grants

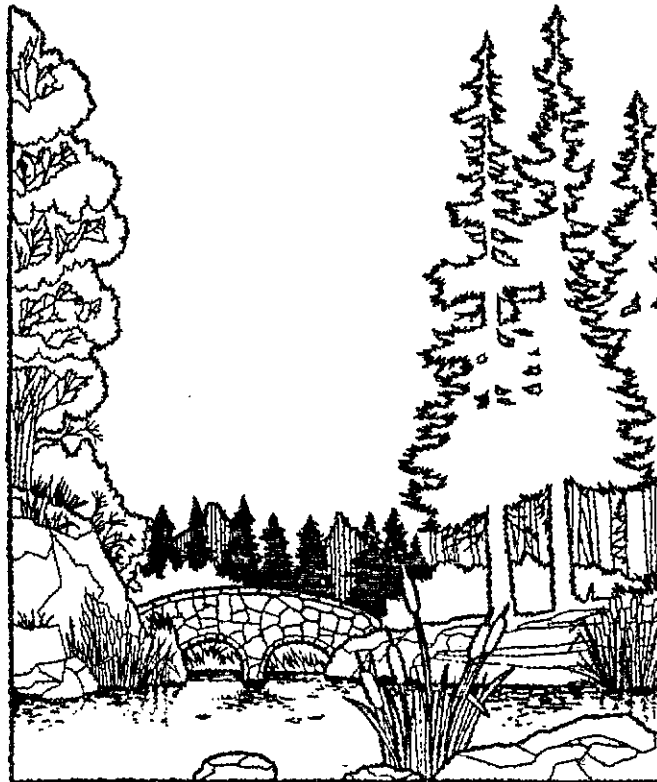
Grants are available on a 50% matching basis for planning, designing and installing facilities that may benefit fish, wildlife and water-based recreation. The primary purpose of a project has to be flood protection. Due to funding reductions emphasis is being placed on land use planning assistance rather than grants.

Flood/Erosion Control and Recreation and Wildlife Grants

Technical assistance and funds may be available from the six Resource Conservation and Development Districts in the State, for areas within RC&D boundaries. Grants may be provided for flood control (up to 65% of construction costs and 65% of land rights not to exceed 100% of the total cost), and for erosion control (50% of total cost), and water-related recreation and wildlife projects. Projects must provide benefit to the community and have a legal body to operate and maintain the property, for which local park departments would qualify.

Contact:

State Conservationist
Soil Conservation Service
Corporate Square West, Suite 2200
5610 Crawfordsville Road
Indianapolis, IN 46224
Telephone: (317)248-4350



NATIONAL PARK SERVICE

Federal Surplus Real Property

Land declared surplus by the Federal Government was in the past able to be conveyed to state and local governmental units for public recreation purposes at no cost. Application is made after receiving notification from the General Services Administration or National Park Service that land has been determined surplus. In recent years, Congress and the Administration have been proposing selling surplus federal lands rather than making the property available to other governmental units for free.

Contact: National Park Service
Midwest Regional Office
1709 Jackson
Omaha, Nebraska 68102
Telephone: (402)221-3482

INSTITUTE OF MUSEUM SERVICES

Grants for Museums

Grants are available to maintain or improve the operations of museums, for innovative or exemplary projects, and for a professional assessment of a museum's programs and operations. Grants are generally made for up to 50% of a project's cost. Public and private not-for-profit aquariums, zoological parks, botanical gardens, arboreta, nature centers, planetariums, and museums relating to art, history (including historic buildings), natural history and science and technology are eligible to apply.

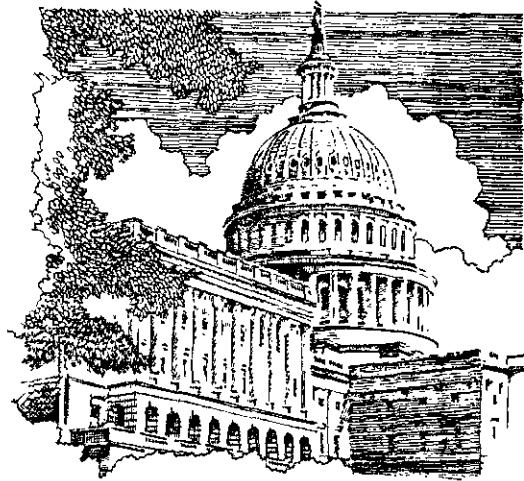
Contact: Institute of Museum Services
Room 4006
330 C Street, S.W.
Washington, D.C. 20202
Telephone: (202)426-6577

FARMERS HOME ADMINISTRATION

Surplus Real Property

The Farmers Home Administration maintains a surplus land inventory which makes lands that they acquired through loan default available for sale at auction. These lands are available to both public and private organizations and are often available at very good prices. Since many of the properties include "marginal lands" such as wetlands, wooded areas, stream bottoms, etc., the FmHA may be willing to work with an agency to subdivide these areas and offer them for sale separately if it will not detract from the overall utility of the property. Such tracts may obviously be of interest for park and wildlife area development. A list containing a short description and location of each parcel is available from FmHA.

Contact: Farmers Home Administration
Corporate Square West, Suite 1700
5610 Crawfordsville Road
Indianapolis, IN 46224
Telephone: (317)248-4440



U.S. GOVERNMENT PRINTING OFFICE

Publications

The Federal Government produces a variety of informational publications. Especially useful in researching federal funding sources is the *Federal Catalog of Domestic Assistance*, which is an annually produced digest of federal grant programs. The *Federal Register* is a daily record of all federal program rules and regulations and other information. These two publications are commonly available at public libraries.

Contact: Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

ECONOMIC DEVELOPMENT ADMINISTRATION

Grants for Public Works Projects

Funding is available through 50-80% matching grants for the construction of public facilities, including public tourism facilities, which will stimulate economic growth and long-term employment opportunities in qualified areas. Projects must be part of an approved county or regional overall economic development plan to be eligible for this federal funding program.

Contact: Economic Development Administration
State Office
Federal Courts Building, Room 355
46 East Ohio Street
Indianapolis, IN 46204
Telephone: (317)269-6104

U.S. DEPARTMENT OF EDUCATION

Funding for Educational Programs

A wide variety of funding programs are available, including areas such as handicapped education and services, Indian education and services, rehabilitation services, research, and vocational and adult education. In a number of cases, grants may be made to governmental and not-for-profit organizations in addition to schools.

Contact: Department of Education
Region V Office
Room 1600
300 South Wacker Drive
Chicago, IL 60606
Telephone: (312)353-0966

Handicapped Information

A national clearinghouse on the handicapped provides information and data on handicapped services programs, research, legislation, regulations and funding.

Contact: Office of Information and Resources
for the Handicapped
Office of Assistant Secretary for Special
Education and Rehabilitation Services
Department of Education
Federal Office Building #6
300 Maryland Avenue, S.W.
Washington, D.C. 20202
Telephone: (202)245-0082

GREEN THUMB, INC.

Workers for Community Services

Green Thumb, Inc., is sponsored by the National Farmers Union, with funding from the U.S. Department of Labor and local and state sponsors. The program employs unemployed low-income persons 55 years old or older and assigns them where they can use their skills to work part-time for not-for-profit community service agencies. They may work on projects such as outdoor beautification, recreation, crime control, outreach, day care, fire prevention, nutrition, and information referral for a variety of agencies, including park departments, senior centers, schools, libraries, jails and youth and women's shelters.

Contact: Green Thumb, Inc.
Indiana Unit
P.O. Box 687
Seymour, IN 47274
Telephone: (812)522-7930

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Funds for Health and Human Services

A variety of funding programs are available to government and not-for-profit organizations for projects in such areas as research, education, and employment training, welfare, health, and nutrition for native Americans, children, senior citizens, the developmentally disabled, and low income populations.

Contact: Region V Office
Department of Health and Human Services
300 South Wacker Drive
35th Floor
Chicago, IL 60606
Telephone: (312)353-7800

PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

Development of Fitness Programs

Professional consultation, publication and program evaluation and development assistance are available to introduce or improve physical fitness programs.

Contact: President's Council on Physical
Fitness and Sports
Suite 7103
450 Fifth Street, N.W.
Washington, D.C. 20001
Telephone: (202)272-3427



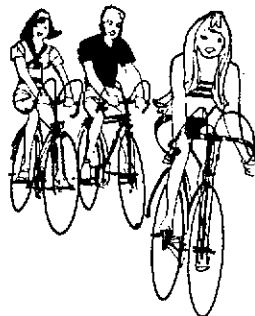
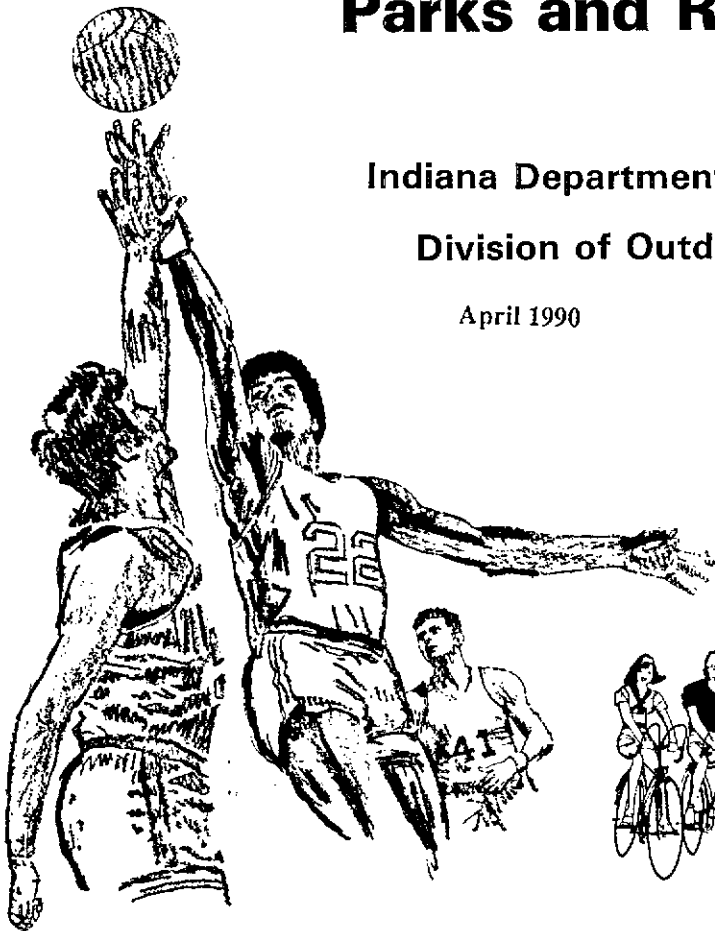


Planning Guidelines for Parks and Recreation

Indiana Department of Natural Resources

Division of Outdoor Recreation

April 1990



The Indiana Department of Natural Resources does not discriminate on the basis of sex, race, color, religion, national origin, age or handicap in its programs, facilities, services, activities, admissions or employment policies as required by both state and federal laws. Any violation of this policy should be referred to the Indiana Civil Rights Commission, 32 East Washington Street, Suite 900, Indianapolis, Indiana 46204.

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REQUEST FOR ELIGIBILITY

We hereby request eligibility to participate in the Federal Land and Water Conservation Fund Program administered by the Indiana Department of Natural Resources.

NAME OF PARK AND RECREATION BOARD: _____

ADDRESS: _____ CITY: _____

COUNTY: _____ ZIP: _____ PHONE: _____

PRESIDENT'S NAME: _____ (Please Type or Print)

PRESIDENT'S HOME ADDRESS: _____

PRESIDENT'S HOME PHONE: _____ BUSINESS PHONE: _____

Our Park and Recreation Board is organized by ordinance under the Enabling Acts of the State of Indiana, identified in the Indiana Code as I.C. Number (example: 36-10-3) _____. A certified copy of our ordinance is attached for your review. This Act empowers the Board to plan, construct, operate, and maintain recreation and park facilities.

By virtue of the powers vested in our Board by the Indiana General Assembly we agree, if approved, to abide by all applicable State and Federal laws and the provisions outlined in the Guidelines for Local Agencies Participating in the Land and Water Conservation Fund Program.

DATE: _____

PRESIDENT: _____
(Signed)

SECRETARY: _____
(Signed)

Return with a CERTIFIED copy of the ordinance and a list of current board member's names and addresses to:

Division of Outdoor Recreation
Department of Natural Resources
605 State Office Building
Indianapolis, Indiana 46204

**SAMPLE ORDINANCE FOR ESTABLISHING A
CITY PARK AND RECREATION BOARD**

Ordinance No. _____

AN ORDINANCE CONCERNING PUBLIC PARKS AND RECREATION IN
THE CITY OF _____, INDIANA, AS AUTHORIZED BY IC 36-10-3

SECTION I

Under the provisions of IC 36-10-3 there is hereby created a municipal Department of Parks and Recreation.

SECTION II

A Park and Recreation Board shall be created composed of:

1. Four (4) members appointed by the mayor on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party.
2. One (1) ex officio member who is a member of and appointed by the board of school trustees.
3. One (1) ex officio member who is a member of and appointed by the library district board.

The library district and school boards shall fill any vacancies of their ex officio members. Ex officio board members have all the rights of regular members, including the right to vote.*

SECTION III

Upon establishment of the board, the terms of the members initially appointed shall be:

1. One (1) member for a term of one (1) year,
2. One (1) member for a term of two (2) years,
3. One (1) member for a term of three (3) years, and
4. One (1) member for a term of four (4) years.

As a term expires, each new appointment shall be made by the mayor for a term of (4) years. All terms expire on the first Monday in January, but a member shall continue in office until his successor is appointed. If an appointment for a new term is not made by the mayor by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the mayor shall appoint a new member for the remainder of the unexpired term.

SECTION IV

At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership.

* The two ex officio members are optional for a municipal park and recreation board. Either or both the school or library boards may be represented, but if one or both are to be included the provision must be written in the ordinance.

SECTION V

The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition the Board shall have all the powers and duties listed in IC 36-10-3.

SECTION VI

The Board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes.

SECTION VII

All other ordinances, resolutions or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

SECTION VIII

This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed by the Common Council of
_____, Indiana
this ____ day of _____ 19____.
_____, Mayor
Presiding Officer of the Common Council
of the City of _____, Indiana.

Attest:

_____, Clerk Treasurer
Common Council of the City
of _____, Indiana.

**SAMPLE ORDINANCE FOR ESTABLISHING A
COUNTY PARK AND RECREATION BOARD**

Ordinance No _____.

AN ORDINANCE CONCERNING PUBLIC PARKS AND RECREATION IN _____
COUNTY, INDIANA, AS AUTHORIZED BY IC 36-10-3.

SECTION I

Under the provisions of IC 36-10-3 there is hereby created a County Department of Parks and Recreation.

SECTION II

A Park and Recreation Board shall be created composed of:

1. Two (2) members appointed by the judge of the circuit court.
2. One (1) member appointed by the county commissioners.
3. Two (2) members appointed by the county council.

Members appointed under subdivisions (1), (2) and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation but no more than one (1) member appointed under subdivisions (1) and (3) shall be affiliated with the same political party.

4. The Mayor(s) of _____ (city or cities over 35,000 population) shall appoint one person as an ex officio board member. The member appointed by the Mayor(s) must be affiliated with a different political party than the member appointed by the county commissioners.¹
5. The County Extension Committee shall select one of its members, the County Extension Coordinator, or the County Extension Agent to serve as an ex officio board member.²
6. The Board of Supervisors of the Soil and Water Conservation District shall select a representative to serve as a board member.³

Ex officio board members have all the rights of regular members, including the right to vote.

SECTION III

Upon establishment of the board, the terms of its members shall be as follows:

1. The appointments by the circuit court judge shall be one (1) and three (3) year terms, respectively.
2. The appointment by the county commissioners shall be for a (2) two year term.
3. The appointments by the county council shall be for two (2) and four (4) year terms respectively.
4. The appointment by the mayor(s) shall be coterminous with the Mayor(s) term of office.⁴

As a term expires, each new appointment shall be for a four (4) year term. All terms shall expire on the first Monday in January, but a member shall continue in office until his or her successor is appointed. The appointing authorities shall make initial appointments within ninety (90) days after the creation of the department. If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term. If a vacancy on the board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

SECTION IV

At its first regular meeting in each year, the Board shall elect a president and a vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership.

SECTION V

The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition the Board shall have all the powers and duties listed in IC 36-10-3.

SECTION VI

The Board shall prepare and submit an annual budget in the same manner as other departments of County government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes.

SECTION VII

All other ordinances, resolutions or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

SECTION VIII

This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed by the County Council of
_____ County, Indiana,
this ____ day of _____, 19____.

President of the County Council of
_____ County, Indiana

Attest:

Auditor of _____ County, Indiana

- 1 If the county has a city of at least 35,000 population, the ordinance *must* provide for an ex officio member appointed by the Mayor. If a county has more than one such city, the Mayors of those cities shall agree on the member.
- 2 The Extension representative is optional, but if one is to be included, the provision must be written in the ordinance.
- 3 If a county has no first or second class cities, the ordinance may provide for a member of the county board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county board is located. The member is optional, but if one is to be included, the provision must be written in the ordinance.
- 4 This appointment applies to counties with one or more cities over 35,000 population as indicated previously.

PUBLIC PARTICIPATION

Public input and citizen involvement are continuing, changing processes of two-way communication between your agency and the people in your planning area. During this process, you will constantly make choices among alternatives and, through these choices, narrow the field until you arrive at a final decision or solution. The objectives of public involvement* include:

1. To inform and educate the public, regarding the problems and choices (alternatives) and their associated impacts and opportunities.
2. To identify and document the needs, values, and goals of various affected portions of the planning area.
3. To fully inform decision makers of the impacts, values, etc. associated with a proposed action.
4. To incorporate community needs, goals, and opinions into a planning and decision making process.
5. To identify conflict and provide a process through which a conflict can be resolved.
6. To achieve substantial community agreement that is flexible, fair, desirable, and feasible.

Public Meetings

Public meetings can be a part of regular park board meetings, or they may be separate. The purpose

*Adapted from a conference on "Productive Citizen Participation, Methods for Natural Resources Planning", United States Forest Service, November, 1981, Indianapolis, Indiana.

is to communicate with the public and to receive their ideas and comments about the park and recreation master plan.

Types:

1. Neighborhood meetings can be conducted in each neighborhood in the planning area. This type of meeting educates, informs, and motivates constructive input on a geographic basis.
2. Meetings with key community people provide local officials with an insight into community needs and desires and give you a chance to obtain valuable input.
3. Meetings with active service organizations and community groups allow you to directly contact special interest groups and receive their input.
4. General public meetings can be held where all members of the community are invited to attend. At least one general public meeting must be held on your draft master plan.

How to get good attendance:

1. Get the word out! Use telephone calls, notices, door-to-door, the mass media, special announcements at club meetings, flyers, billboards, word of mouth, and any combination.
2. At a minimum, the meeting must be announced in advance in the local newspaper. Many park boards have found it helpful in generating participation to specifically call and invite key neighborhood and interest groups and community leaders to the meeting.

How to structure the meeting:

Structure the meetings to educate the public and to get their reaction to parks and recreation in the planning area. You may wish to introduce the goals of the plan; show the diversity of your facilities and programs (slide presentation); ask for their suggestions on new programs and facilities, as well as renovations and changes in existing services. In addition to asking what people want, you may wish to get their ideas on park system issues and problems, where projects should be located, what potential multiple use there might be with other organizations, and how projects should be funded, including operation and maintenance costs. Record all questions and comments, and remember that it is your responsibility to motivate everyone beyond just their special interests.

Record keeping

1. Keep an accurate record of all comments and suggestions generated at the meeting. Park board minutes can include these. A very useful technique is to have a "workbook", a handout with a series of questions which the audience fills out as each topic is discussed in the meeting. The park board collects the workbooks at the end of the meeting, so everyone's comments are received even if they didn't speak during the meeting. The workbook can also be completed by people unable to attend.
2. Include in the record the date, time, place, attendance, material presented, discussion, and comments made.

Surveys

Conducting a survey can be one of the most useful ways to collect information about your planning area. It is a major source for attitudinal information. Unfortunately, it can also be one of the most difficult ways to collect information. It is a multi-step process that requires careful preparation at each step.

The first step is to choose the method of administration. The method that you choose depends on the type of information you want and the amount of time and resources that you can devote to the survey. There are three basic ways to administer the survey: mail, phone, and personal interview.

1. Mail surveys tend to be the easiest to administer, because they simply need to be mailed out, printed in a local paper, or enclosed with the newspaper. They are returned by the respondents themselves. Unfortunately, mail surveys generally have the lowest response rates, and the sample tends to be biased towards park users.
2. Phone surveys tend to have much better response rates than mail surveys, and they have the added advantage that questions can be explained by the person administering the questionnaire. Phone surveys are, however, very labor intensive and can, therefore, be expensive to administer.
3. Personal interviews tend to get the most reliable information; however, they are the most costly to administer in terms of time and energy.

The second step is to prepare the questionnaire. First, write down all of the questions that you would like to ask members of your com-

munity. Be as comprehensive as you can, as this list will be reduced later when you decide exactly what you want to ask. Then, prepare a draft of the questionnaire that includes all of the questions that you would like answered. For each question, you should ask yourself how the responses will be used. If you are not sure, then the question should not be used. This questionnaire should then be tested on several members of the community. After testing, reword or drop any questions that were not understood correctly or left unanswered.

The third step is to choose the sample. The sample should be random and every member of the planning area should have an equal chance of being selected. Random sampling can be systematic, by calling every 100th person in the phone directory, for example. Random sampling can also be stratified, by selecting an equal proportion from different areas or "segments" of the planning area. Or the sample can be completely random by using a random numbers table or drawing numbers from a hat.

The response rate will probably be lower than what you would expect, so be prepared to increase your sample size. Try to get at least 50% back so you can draw some relatively reliable conclusions about your planning area. If less than 50% are returned, you should be suspect of the results. If less than 33% are returned, the results are not reliable and should not be used.

The fourth step is to administer the questionnaire. Before you administer the questionnaire, you should make an announcement in the planning area so that people will be prepared to participate in the survey. In the announcement, include when the survey will be conducted, the general types of questions that will be asked, and



how the survey results will be used. Make it clear in the announcement and while administering the questionnaire that the respondents are helping you, not that you are doing this for their own good.

If you are administering the questionnaire over the phone or in person, do not force the respondents to answer questions that they do not want to answer. Convince them of the importance of their responses and of the anonymity of the questionnaires.

The fifth step of the process is the analysis of the questionnaires. In general, you use the survey results to make inferences about your entire planning area. To begin, calculate basic statistics, such as means, medians, and modes for each of the questions. You may also want to calculate the percentage of people who responded in a particular way to certain questions.

The information that you collected will need to be analyzed to identify facility needs and to project future participation. All analytical techniques have limitations and are subject to bias. Therefore, results from any analysis should be used only as a guide, and compared to other analyses or sources of information.

Advisory Committees

The planning effort affects all people and agencies in the planning area. It is often useful to form one or more committees of people or agencies who are interested in, will be affected by, or will be using the plan. A committee can bring diverse backgrounds and interests into the planning process. Also, by pooling resources with other agencies, planning costs can be kept to a minimum.



To be most effective, a committee should be relatively small, consisting of 5-7 members. People to consider for membership on a committee include members of the parks and recreation board and staff, the mayor or city manager, elected officials, local business leaders, community organization officers, other recreation professionals, interested citizens, students, and recreation administrators from neighboring communities or the county. The committee members should also represent different geographic areas of the community and include representation from minority and

special interest groups in the community. Final selection of the advisory committee should be made by the Park and Recreation Board

The primary purpose of an advisory committee is to provide positive citizen participation during the entire planning process. The advisory committee may:

1. Express recreation and park needs, desires, and problems.
2. Assist in the organization and distribution of pertinent study information, such as surveys and community meeting announcements.
3. Mobilize private and public support of and delivery of recreation services.
4. Assist in preparation and critique of major study components.

Mass Media

The following are suggestions for obtaining publicity through the mass media, such as newspapers, radio, and television.

1. Write a news release. News releases are usually written on department letterhead and include date of issue, release date, contact name and phone number, headline, and are double-spaced. Contact your local newspaper for other format suggestions.
2. Write a feature article. Feature articles are not "news stories", but rather public interest or human interest stories. They can present some aspect of your park system that will help project a favorable image to the public and increase awareness of your activities. Forget about self-interest, and concern

yourself with what will be of interest to the readers.

3. Compose a photo story. A picture is worth a thousand words. Send your staff photographer (usually that's you) to newspapers, so that editors can look through contact sheets and slides, especially when you have established a personal working relationship with the editor. This approach works very well with daily and weekly papers which are often short on staff anyway.
4. Write letters to the editor. A well written, short and to-the-point letter to the editor can bring out some aspect of your park system which is misunderstood or needs the exposure. Get supporters of your system to write letters, too. Some of the most effective letters are written by community leaders.
5. Talk to reporters. Make sure that your phone number is available to the press. Reporters will often call with a question or a need for clarification of an issue. Be sure that you are informed, and be able to organize

this information into an easily understood package. Be sure to give factual answers, and if you don't know something, be honest, and just say, "I don't know," or "I'll check into it and get back to you."

6. Stage an event. An ideal example of this would be to hold a public meeting in one of your parks and invite the media to cover it. Newspapers, television, and radio stations can attend these. Pass out press kits (printed information about the topic of the meeting). Get a list of the reporters in attendance and, most importantly...make sure that people show up!

RESOLUTION

WHEREAS, the _____ Park and Recreation Board is aware of the parks and recreation needs of the residents of _____ Indiana, and

WHEREAS, the Board realizes the importance of sound planning in order to meet the needs of its citizens,

NOW, THEREFORE, BE IT RESOLVED THAT THE _____ PARK AND RECREATION BOARD, by unanimous declaration, does adopt the _____ Park and Recreation Master Plan as its official plan for the next five years, for the growth and development of parks and recreational opportunities in _____

Passed and signed this _____ day of _____, 19____.

ATTEST:

President

Town Attorney

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Theobald, William F. *Evaluation of Recreation and Park Programs*. New York: John Wiley and Sons, 1979.

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INTRODUCTION

This guide is addressed to local park and recreation boards, serving jurisdictions with populations over 7,000, which intend to complete a five-year park and recreation master plan. This publication replaces the *Park and Recreation Planning Guide*, distributed by the Indiana Department of Natural Resources' (IDNR), Division of Outdoor Recreation (DOR). Another guide, *The Small Community Park and Recreation Planning Guide* is utilized by park boards with jurisdictions under 7,000 in population. Park and recreation master plans will be reviewed by the Division of Outdoor Recreation, according to the elements contained in this guide.

The intent of this guide is to provide guidelines for park and recreation boards to use in developing master plans for their park systems. The Indiana Department of Natural Resources provides this information for local park boards as part of the eligibility requirements to participate in the federal Land and Water Conservation Fund (LWCF) program.

The federal government, through the National Park Service in the U.S. Department of the Interior, distributes the annual LWCF appropriation to each state, after funds have been approved for the program in the federal budget. The LWCF program in Indiana, administered by the Division of Outdoor Recreation, provides 50% matching grants for park land ac-

quisition and outdoor recreation facility construction to local park and recreation boards.

The plan will only be as realistic and useful as you make it. ("You" refers to the person or persons who will coordinate the park board's planning effort.) This guide is designed to help you:

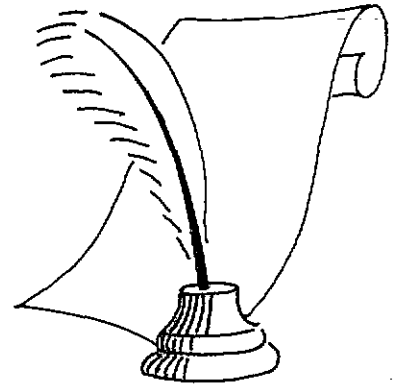
1. Examine your park system;
2. Analyze what people need and desire;
3. Determine what you can afford; and
4. Identify what should be done and how it will be accomplished.

It is a good idea to seek assistance from local experts when developing the plan. The park board, park department staff, elected officials, community leaders, and citizens should work together in preparing and completing the park and recreation master plan. By organizing this pool of talent, you will be able to evaluate the forces which affect your parks and choose the appropriate course that will best benefit your park system and its users.

LAND AND WATER CONSERVATION FUND (LWCF) ELIGIBILITY

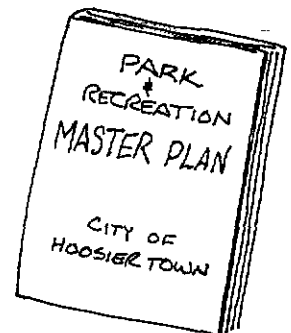
To be eligible for Land and Water Conservation Fund assistance, there are two requirements:

1. A town, city, township, or county shall establish a park and recreation board under current Indiana law. A park board may be established under one of the following Indiana Codes: 36-10-3, 36-10-4, 36-10-5,



36-10-6, 36-10-7, or by exercising home rule provisions of the state statutes. If a park board is established under home rule, it should have similar powers as boards under I.C. 36-10-3. In all cases, the board shall be established by ordinance, which must be submitted along with a Request for Eligibility form to the Division of Outdoor Recreation for review and approval. Sample ordinances and Request for Eligibility forms are included in the Appendix of this guide.

2. The park board must have a five-year park and recreation master plan which has been approved by the Division of Outdoor Recreation.



LWCF CYCLE

The LWCF program is operated on an annual cycle. Local park and recreation master plans and grant applications fall into this cycle as follows:

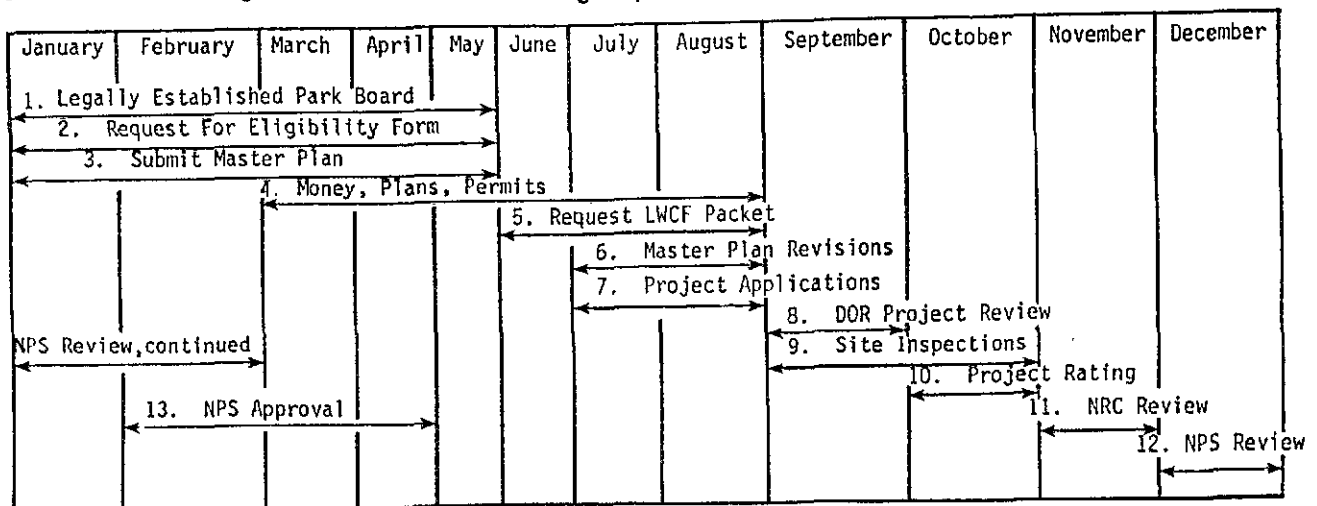
1. **Legally Established Park Board**
If not established, a park and recreation board must be formed under an existing Indiana law. This may be done anytime prior to master plan preparation.
2. **Request for Eligibility Form**
Return the Request for Eligibility form, which is included in the appendix of this publication, with a copy of the ordinance establishing the park and recreation board. This may be done anytime prior to master plan submission.
3. **Submit Master Plan (by June 1)**
Submit a five-year parks and recreation master plan for the park and recreation board's jurisdiction, which meets the planning criteria in this guide. June 1st is the deadline for submission of final drafts of new master plans and amendments to current master plans.
4. **Money, Plans, Permits**
Obtain local financing for the

project. Prepare any archaeological surveys, construction plans, appraisals for land acquisition, and development cost estimates, and obtain permits and public input for the LWCF application. This should be done during spring and summer.

5. **Request LWCF Application**
Request a Land and Water Conservation Fund packet which contains forms necessary to submit a project application. Forms are available beginning in June.
6. **Master Plan Revisions**
Make any revisions to the master plan in July and August, after review comments are received from the Division of Outdoor Recreation, and print the final copies. Submit two copies of the plan, with a park board resolution officially adopting it, by the September 1 deadline.
7. **Project Applications**
Submit the project application to the Division of Outdoor Recreation. Only park boards which have completed the master planning requirements may apply.

Once the application is submitted to the Division of Outdoor Recreation, the project progresses through the remaining steps:

8. **DOR Project Review**
The grant application is reviewed by the Division of Outdoor Recreation (DOR) for eligibility, and additional information may be requested from the local sponsor.
9. **Site Inspections**
A site inspection of the project area is conducted by the Division of Outdoor Recreation staff during September and October.
10. **Project Rating**
The project is rated in October, along with other requests.
11. **The Natural Resources Commission Review**
The ranking of all applications is submitted in November to the Natural Resources Commission. Those projects which rank high enough within the limit of available federal funds are recommended for funding.
12. **NPS Review**
Projects approved for funding are submitted for state agency reviews and to the National Park Service (NPS) for final review from December through February.
13. **NPS Approval**
From February through April, the NPS approves the projects, after which acquisition and/or development may begin.



LOCAL AND STATE PLANS AS PART OF THE LWCF PROGRAM

In order for Indiana to be eligible to receive LWCF assistance the state must maintain an ongoing outdoor recreation planning program, which is reviewed and approved by the NPS. The current Indiana plan (approved by the National Park Service) is entitled *Indiana Outdoor Recreation 1984: An Assessment and Policy Plan*. This plan identifies Indiana's outdoor recreation priorities at the statewide level.



Indiana's outdoor recreation priorities are reflected in the LWCF rating formula, which is used to determine which local project applications will receive funding. Copies of the plan are available upon request from:

Division of Outdoor Recreation
Indiana Department of Natural Resources
605 State Office Building,
Indianapolis, Indiana 46204

The State of Indiana requires that LWCF grant applicants complete a five-year park and recreation master plan. Local master plans give the state assurance that LWCF funding goes toward projects which have been identified by local park and recreation boards as high priorities.

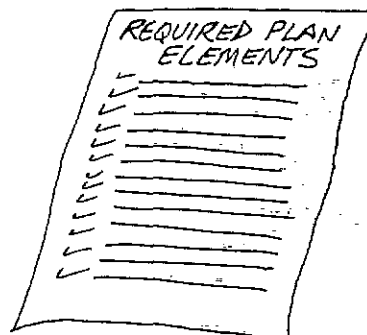
Local needs and priorities are best determined and satisfied at the local level. If your plan priorities coincide with any of the state priorities, this should be noted in the **Needs Analysis** section of your plan.

HOW TO PRODUCE AN APPROVED PLAN

Park and recreation planning occurs at three levels: systemwide master planning, site planning, and operation and maintenance planning.

This guide deals only with parks and recreation planning at the master planning level, since that is a requirement for participation in the LWCF program. All park boards will, by necessity, deal with site planning as they develop parks, but many function without an operation and maintenance plan. We strongly endorse all three levels of planning for park boards.

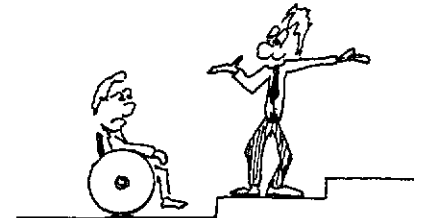
All park and recreation master plans must contain certain components. Park boards may use any method of determining recreation need, but the plan must include the items covered in the required plan elements section of this guide. Each of these have been required in previous planning guides. The guide includes a checklist of required plan elements which should be included when the plan is submitted for Division of Outdoor Recreation review.



The required plan elements should be considered as a minimum effort. Additional components may be included in your plan to make it more meaningful to your particular situation.

HANDICAPPED ACCESSIBILITY SELF-EVALUATION

Section 504 of the Rehabilitation Act of 1973 requires all programs, activities, and services of agencies which have received federal funds to be accessible to handicapped in-



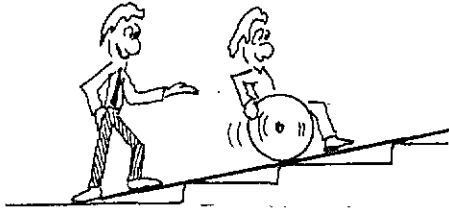
dividuals. The Act also applies to employment and administrative practices of the recipient agency and some related contractual and user groups' services and practices.

The U.S. Department of the Interior issued guidelines for compliance with Section 504 in 1984. Once a park board receives federal funds, it is required to perform a self-evaluation of all its programs, activities, services, facilities, employment practices, and policies to ensure compliance with Section 504.

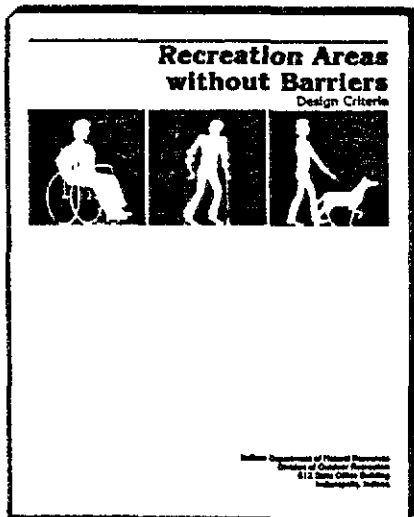
If your agency employs fifteen or more full- or part-time employees, the results of this evaluation must be maintained on file for public inspection for three years after completion.

If the self-evaluation indicates that structural changes to facilities are necessary, a transition plan to accomplish the adaptations must be

prepared. Recipients of past LWCF grants were instructed to complete structural adaptations by July 8, 1985. New recipients are to develop transition plans within one year of receiving federal funds.



Many local units of government have already complied with these requirements. If your park board has done so, you should briefly describe your evaluation and findings in the master plan. If you have not yet completed a Section 504 self-evaluation, it should be completed as part of your master plan. Any necessary structural adaptations to your park facilities may then be included in the action schedule of your master plan. The Division of Outdoor Recreation strongly suggests that you complete a self-evaluation as a part of your master planning process.

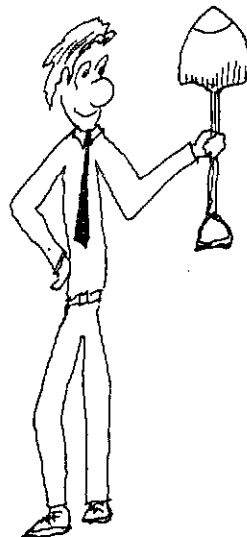


The federal guidelines for complying with Section 504 and a guide for evaluating the accessibility of park sites and facilities are available

from the Division of Outdoor Recreation upon request. The Division of Outdoor Recreation has also produced a publication entitled *Recreation Areas without Barriers: Design Criteria*, which illustrates standards for adapting park facilities. Copies are available from the Division, free, upon request.

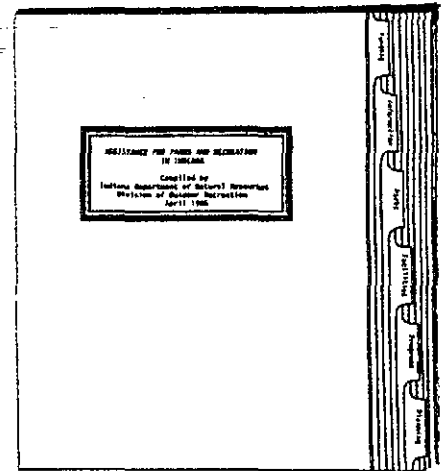
SOURCES OF PLANNING ASSISTANCE

Throughout the planning process, you will find that many of the items needed in a plan have already been compiled by other individuals and agencies, within or outside of your planning area. A major task in planning is to locate these sources of information and use them efficiently.



In this guide, specific sources of information are suggested. To use these sources most effectively, pursue only the information that is pertinent to your situation. The more you dig, the more you'll find, and too much information can bog down your planning effort. Therefore, you should use these sources wisely and only pursue the information that you need for your plan.

There are other sources of assistance which may be unique to your area. Those listed in the guide may be able to refer you to others. The Division of Outdoor Recreation has a publication entitled *Assistance for Parks and Recreation in Indiana*, which lists a variety of agencies providing funding, planning information, and other forms of assistance to local park and recreation boards. Copies are available free, upon request.



THE PLANNING PROCESS

In this guide, planning is stressed as a common sense approach to decision making. Planning involves examining what you have today, so that you will know what to do tomorrow. Similarly, park and recreation master planning allows you to review your present situation, analyze local issues and needs, evaluate alternatives, and determine the priorities and actions to meet those needs.

Because we live in rapidly changing times, planning must be flexible, or else the plan may quickly go out of date. All of the information, assumptions, and rationale behind recommendations should be clearly stated, so that as things change, you can determine which recommendations are still valid and which are not.

The rationale supporting all recommendations must be included in the information gathering section. The reader should be able to easily tell from the background information why a recommendation was made. If they cannot, then a key part of the plan is missing. If your plan is inflexible, it will likely become quickly outdated as times change. People are not like fixtures that remain here forever. Write the plan as if it was for your successor(s), so that they know why those proposals were made and can determine why they are no longer valid or what new recommendations should be made.

By incorporating new information and its resulting rationale along with your revised recommendations, the plan stays up-to-date. It can be easily updated as conditions change. You can maintain a plan that is always current by following this process. Although you will need to submit a new plan to maintain LWCF eligibility every five years, it will basically be an update, rather than an entirely new effort.

TIME FRAME FOR PLANNING

The entire master planning process usually takes a year or longer in preparation. In order to gather adequate information, a minimum

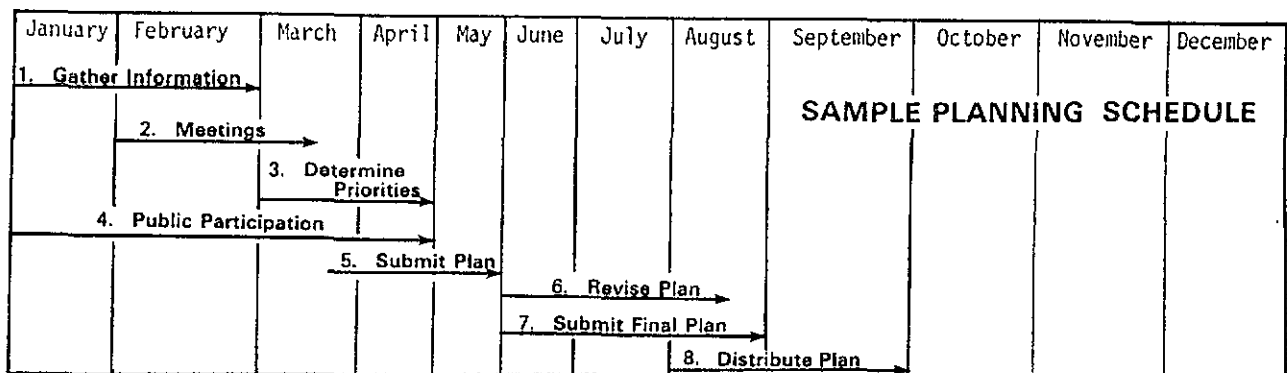
of six months will be needed to complete the plan. Suggested steps for completing the park and recreation master plan are listed below. The time frame will vary considerably between agencies, but it is important that the park board establish a time schedule with target dates early in the planning process.

SAMPLE PLANNING SCHEDULE

1. **Gather Information**
Gather data on the park and recreation system, January 1—March 1.
2. **Meetings**
Meet with neighborhood associations, elected officials, civic groups, and community leaders to gain input on issues and needs, February 1—March 15.
3. **Determine Priorities**
Determine the park board priorities based on all collected data and public input, March 15—April 15.
4. **Public Participation**
A draft of the plan is made available for public review, priorities are announced, and a public meeting is held by May 1st.

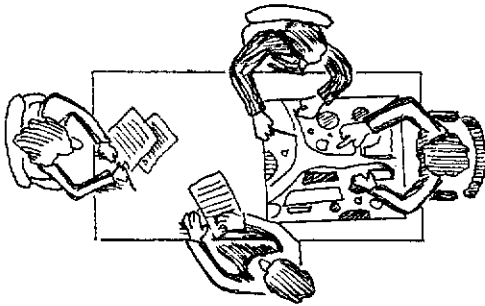
5. **Submit Plan**
Submit your draft plan to the Division of Outdoor Recreation by June 1st. At this point, it will be considered a draft plan, subject to change.
6. **Revise Plan**
After receiving review comments from the Division of Outdoor Recreation, the park board should make the necessary revisions (if any), print the final version, and adopt the plan by formal resolution by August 31.
7. **Submit Final Plan**
Submit two copies of the finalized plan and resolution to the Division of Outdoor Recreation before September 1st.
8. **Distribute Plan**
Distribute the plan to interested persons, groups, city officials, and the news media by September 15.

NOTE: LWCF applications are also due September 1st of each year and will not be accepted unless the **final** park and recreation master plan has been submitted by that date. LWCF applications may be submitted between July 1 and September 1 of each year. Grant application forms are available in June.



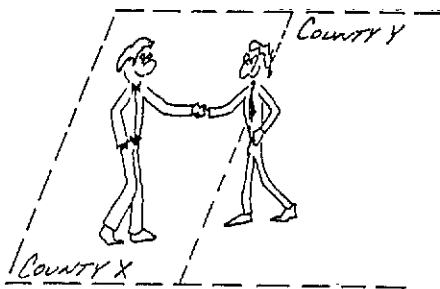
WHO PREPARES THE PLAN

Park and recreation master plans should be prepared by competent professionals. Park departments with a full-time staff have the expertise to insure that proper attention goes into the planning process.



For park boards or agencies without full-time personnel, private consultants or regional planners are possible alternatives. If consultants are employed to complete the plan, be certain that the individuals doing the planning have documented expertise and credible past performance in similar planning. Always indicate who prepared the plan either on or inside the cover of your plan.

JOINT PLANNING



Joint planning occurs when neighboring park and recreation boards decide to complete a five-year master plan together. For example, several cities and towns may wish to combine their resources along with the county's to formulate a county wide master plan. The primary requirement is that all park boards involved must

address each of the required plan elements. A separate action schedule (explained later) must be completed for each agency. When done properly, a single master plan can provide several park boards with five-year strategies toward their respective goals. Those who jointly plan will have greater awareness and understanding of their park systems, service areas, and priorities. Hopefully, unnecessary duplication of services or facilities can be avoided. Another benefit may be the discovery that you and your neighbors are striving toward a common goal and that you can cooperate and jointly implement actions to achieve that goal. Joint planning allows each park board five years of LWCF eligibility.

Cooperative planning can be quite specific and may also take place between two agencies within the same jurisdiction. Often, mutual needs can be met through the same facility or program. In this case, a project in a park and recreation master plan would meet the specific program/plan objectives of another agency. For example:

1. A city park and community development agency jointly plan the renovation of an old park in a city's central business district, where the park is an integral part of a downtown revitalization plan.
2. Several park boards plan the development of a greenbelt river corridor trail system to connect segments of the trail system in several cities and the county.
3. A city park board plans to develop a golf course which is proposed in a regional overall economic development plan.
4. Park and school boards cooperatively plan facilities for a park/school complex; each includes the complex in their own master plans.

TECHNICAL ASSISTANCE

Technical assistance may be gained in a variety of ways. When the park board solicits advice from other agencies or private firms who possess technical expertise in a particular aspect of planning, then the park board is provided with technical assistance. When an outside source of technical assistance is utilized and the recommendations are incorporated into the plan, always identify the source of assistance in the plan. Park boards should seek information from a variety of sources when planning parks and programs. The following are examples of sources and the types of information which might be obtained.

User groups are usually pleased to have the opportunity to offer suggestions about how park facilities could be designed to accommodate their special needs. Such groups might include agencies serving handicapped people, daycare centers, senior citizen centers, athletic leagues (softball, soccer, etc.), YMCA/YWCA's, youth agencies (Boy and Girl Scouts, Girls and Boys clubs, etc.), nature organizations (Sierra Club, Izaak Walton League, etc.), and schools.

The **Soil Conservation Service** may provide data and land use planning assistance, regarding soils, erosion, drainage, watershed protection, and flood prevention.

The **Indiana Department of Natural Resources** may provide information on fish, wildlife and forest management, trails, location and preservation of natural areas, geologic features, development related to water bodies, historic preservation, and safety/law enforcement.



REQUIRED PLAN ELEMENTS

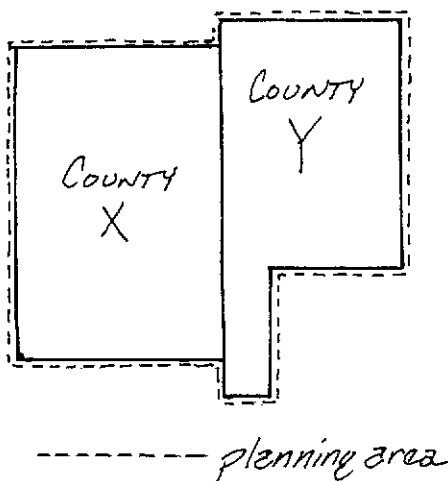
All park and recreation master plans submitted to the Division of Outdoor Recreation for approval must contain certain elements. At a minimum these are:

1. Definition of the Planning Area
2. Public Participation
3. Information Gathering
4. Needs Analysis
5. Priorities and Action Schedule

The content and extent of each section is entirely dependent upon your situation. There is no rule of thumb for the length of any section.

PLANNING AREA

Before you begin, the park board will need to define the planning area. This is usually the area encompassed by the jurisdictional boundaries or taxing district of the park board. In the case of joint planning it will be the combination of jurisdictional areas. You should also consider fringe areas (service areas of your park system) which lie just outside the jurisdictional area. Even though these fringes are beyond your taxing district, they contain potential park users and may include potential park and recreation sites. A simple map is usually the easiest method of identifying the planning area.



PUBLIC PARTICIPATION



It is the responsibility of the board and/or consultant to generate citizen involvement and input into the plan at some point in the planning process by any of the following methods:

1. Meetings with the public, civic groups, elected officials, school officials, etc.
2. Survey questionnaires by mail, telephone, or newspaper
3. Advisory committees
4. Media coverage, survey/meeting(s)

An explanation of each method can be found in the Appendix. The plan should contain a summary of methods used to obtain input and comments from the public on the issues which confront your park system. The park board should make a sincere effort to solicit public opinion. If one method does not produce sufficient public comment, then another should be tried. A combination of several methods will produce the best results. You should insure that park staff input is part of the planning process, too. Through meetings, surveys, questionnaires, or committee work, comments about recreation issues should be obtained. Public support

for the plan and priorities is the most favorable by-product of the entire process.

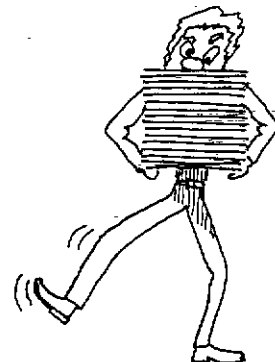
Public input should be solicited from a cross section of people in your area. A random sample of people is best. The more people in your sample, the more reliable your data will be. Be careful to get input from a broad range of people. This includes a variety of ages, occupations, races, both sexes, park users and nonusers, handicapped people, and others which may be unique to your planning area.

You may wish to include information on:

1. Methods (questionnaire, public meetings, advisory committee, etc.) used in obtaining input;
2. Number of people surveyed or in attendance at meetings;
3. Date(s) and location(s) of the survey/meetings(s); and
4. Summary of the comments (grouping similar comments).

INFORMATION GATHERING

In order to make projections about the future, we must know what surrounds us today. Rather than focusing on the past, you



want to document your present situation and any trends which will shape the future. Required elements in this section include:

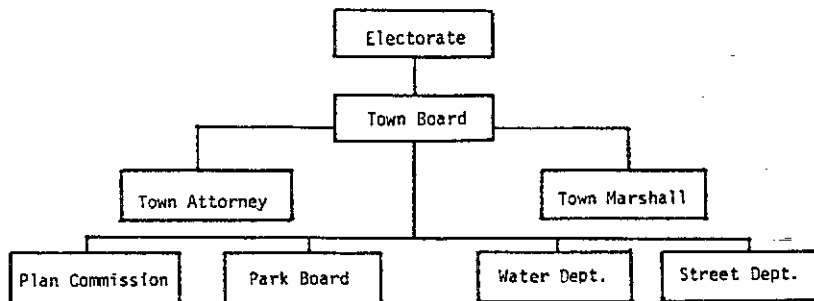
1. The Park Board/Department
2. Park and Recreation Facilities and Programs
3. Natural Features and Landscape
4. Man-made Features
5. Social and Economic Factors

The Park Board/Department

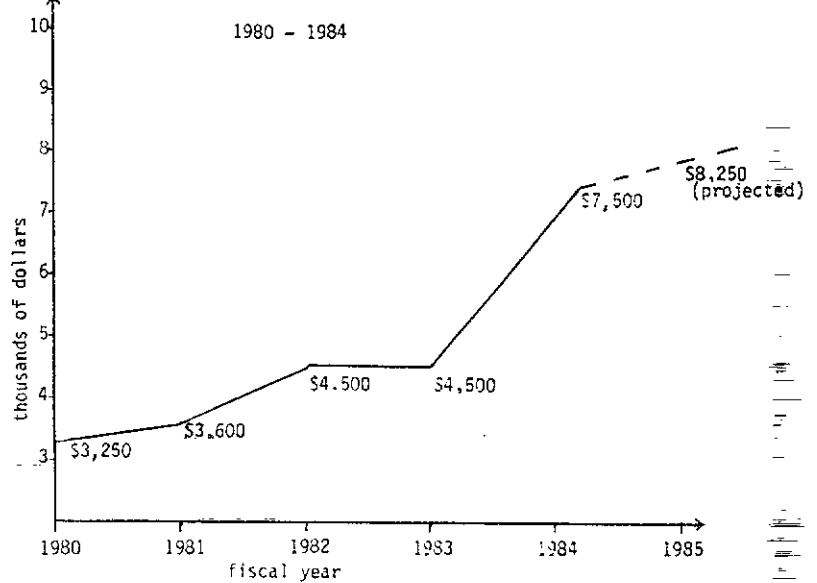
Briefly describe the park and recreation board/department and the park and recreation system. This portion of the plan should address the park board's ongoing efforts.

The following should be included:

1. A brief history of the park and recreation board/agency, including a progress evaluation of the previous five years.
2. An organizational chart showing the park board/agency within the local government structure and an organizational chart showing the structure of the park department.



PARKS AND RECREATION BUDGET



3. An overview of the department's management, such as budget summaries, sources of revenue, and services provided.
4. A list of the park board's goals. Goals are the general statements toward which the board strives in providing public park and recreation opportunities. Example: Acquire sufficient park land to meet the growing recreational needs of the community.
5. A description of growth trends of the park board as they have evolved. Are budgets, facilities, or services increasing, decreasing, or remaining the same? How will these affect your park system in the next five years?

Parks and Recreation Facilities and Programs

This section should consist of three parts: (1) a narrative description, (2) an inventory of recreation facilities, and (3) a map showing their location. The effectiveness of the master plan depends upon the completeness of this section. Major private and not-for-profit recreation programs and facilities (campgrounds, country clubs, apartment complex pools, racquet clubs, fitness centers, the "Y" [YMCA's, YWCA's, and family Y's], industrial recreation, etc.) which can supplement and/or compete with your park and recreation programs should be included.

1. The narrative should describe all park and recreation sites and facilities, programs, and activities which are available at the sites. It should also address maintenance issues and preventive maintenance practices at each site. Indicate and describe undeveloped sites owned by the park board that have park and recreation potential.
2. The inventory lists all public and private park and recreation areas (parks, schools, etc.) and the number of facilities offered at each. A sample inventory form can be found on the next page.

Statewide Public Outdoor Recreation Areas Inventory

This information will be used by DNR in preparation of the SCORP and in special studies; it is also available to other interested persons. Please fill out one form for each recreation area which is controlled by the park board.

Name of Recreation Area:

County:

Location/Address of Area: (So that the area can be found; no P.O. Boxes, please!)

Name of Owning/Operating Agency:

Type of Owner/Operator:

(Federal, State, County, Twp., Municipal)

Type of Area:

(Check 1 ONLY; what it's called OR what it primarily is.)

(Park/Recreation Area, Forest, Fish/Wildlife Area, Access Site (Fish/Boat),
 State Dedicated Nature Preserve, Reservoir, Historic/Cultural Area)

Acreage under Agency Control: (Land & water)

(Round to the nearest whole number; if fraction is 1/2, round UP when the whole number is EVEN and DOWN when the whole number is ODD. Example: 10.5 would become 11, and 9.5 would become 9.)

Name of Lake(s) or Stream(s): (On or abutting the property)

Acreage of Lake(s) within Area:

(ONLY for lakes TOTALLY contained within the property boundaries; round the number as above.)

LWCF: (Were Land & Water Conservation Funds used on the property?) (Yes, No)

Activities/Facilities: (Check if available; only include numbers where # is indicated.)

Boat launching ramp, boat docks (overnight mooring), boat rental, waterskiing, canoeing,
 fishing pier, bank fishing, picnicking (# picnic shelters), Class AA camping (full hookups),
 Class A camping (modern restrooms, electricity), Class B camping (modern restrooms OR electricity),
 Class C camping (primitive), playground, swimming beach, # swimming pools, # tennis courts,
softball/baseball diamonds, # football/soccer fields, # basketball courts, golf, miniature golf,
 handball/racquetball, horseshoe courts, shuffleboard courts, volleyball, foot trails, fitness trails,
 bike trails, horse trails, ORV trails, backpacking, group camp buildings, cabins, inns,
 hunting, shooting range, archery range, zoo, nature interpretation (nature center),
 cultural/historic interpretation, visitor center, amphitheaters, snowmobile trails,
 ice skating (warming shelter), X-country skiing, downhill skiing, sledding/tobogganing,
other: _____

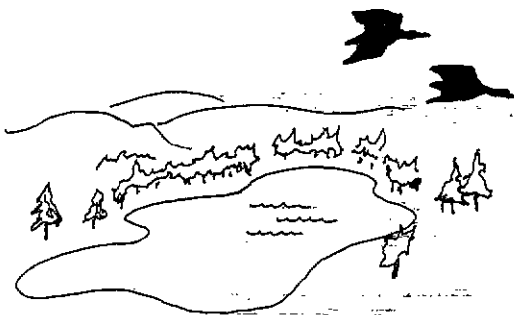
Comments:

3. The map indicates the location of all park and recreation sites in the inventory. Separate maps of public and private sites may be desirable.

A review of park and recreation sites which are nearby (but outside the jurisdictional area) and provide services for citizens in the planning area may also be included if applicable. Summarize the inventory and narrative by identifying trends in new development, land acquisition, renovation, or service expansions/cutbacks.

Sources of information include previous park and recreation plans, park staff, local planning agencies, other recreation agencies/businesses, and park and recreation inventory data, collected in 1976 through the IDNR's Outdoor Recreation Planning Program, which is available by county from the Forestry Department, Purdue University. This information is quite dated, but may be useful if this is to be your first plan.

Natural Features and Landscape



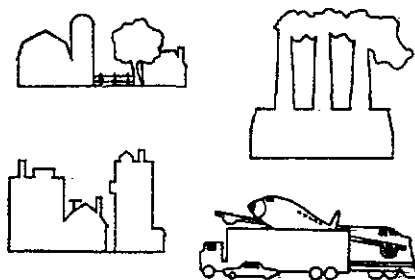
In this section you are looking at the natural features in the planning area. Briefly describe these features in terms of their recreation potential. In this section you should include:

1. Open space areas with park potential (surplus lands, abandoned railroads, idle agricultural areas, etc.);

2. Water features (rivers, creeks, lakes, ponds, etc.) that would support or enhance recreational activities;
3. Vegetation and wildlife habitat that would allow passive or active recreation opportunities (woods, wetlands, etc.);
4. Unique topography and geological features (hills, caves, sand dunes, etc.); and
5. Soils which are compatible with recreation development and human activity.

In trying to assess the recreation potential of these features, you may wish to consult with the Indiana Department of Natural Resources' Division of Nature Preserves which has county inventories of natural areas. The IDNR's Divisions of Fish and Wildlife and Forestry provide district biologists and foresters who can help evaluate sites and prepare plans for fish and wildlife habitat and forest management. The Indiana Geological Survey has data on geological features in certain counties. U.S. Geological Survey maps are available from the IDNR's Division of Public Information. Soils data may be obtained from the Soil Conservation Service. The IDNR's Division of Water can provide data on water bodies, floodplains, and permits for construction in these areas. Other sources include the Cooperative Extension Service and biology/natural sciences departments at colleges, universities, and high schools.

Man-made Features



Briefly discuss the man-made features in the planning area. Try to predict how they will affect the park and recreation system in the future. Address only those features which affect the parks system and recreational opportunities. Some man-made features may have recreation potential such as abandoned railroad rights-of-way for trails, abandoned schools for community centers, schools which could become park/school complexes, and utility properties which could be developed with recreation facilities. Consider recreation facilities which could be developed jointly with other agencies and businesses, such as a community center at a shopping mall or a downtown park and street landscaping in conjunction with commercial "facelifts" in downtown revitalizations. Analyze where people live and how accessible your parks are by foot, bike, car, and bus.

Man-made features can include:

1. Commerce (agriculture, retail, wholesale, manufacturing)
2. Housing
3. Transportation facilities and services
4. Utility service areas
5. Schools, daycare centers
6. Planned development
7. Health risk areas
8. Hospitals and health facilities
9. Local government facilities and services.

Maps illustrating land uses, growth patterns, types of development and their location, etc. may be useful.

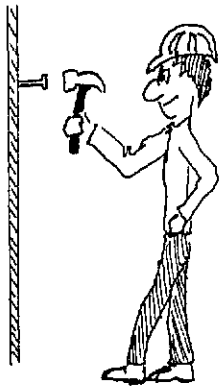
Sources of information are local government departments of health, transportation, utilities, housing, planning, commerce, chambers of commerce, and school corporations.

Social and Economic Factors

Now that you are aware of the physical features (natural and man-made) in your area, it is time to look at the people themselves. Specifically you need to know about the many social and economic factors that are important to the planning area.

These factors may include:

1. Population characteristics: total population, minorities, handicapped populations, elderly people, low-income or distressed areas, densely populated areas, growth/decline trend of the population, in- or out-migrations (tourism, colleges, conventions) including numbers and origin/destination, and length of stay/absence and impact on local parks and recreation.
2. Occupational data: major occupation types, numbers,



unemployment figures (bluecollar, white collar, small business, major industry, etc.), and trends. A chart such as the one below may be helpful.

Occupation Type	Number of workers	Employment trends	Source of information
Manufacturing	12,360	Growing fast, 6%/year	U.S. Census, 1980
Professional (service)	11,648	increasing slowly 1%/year	Empmt. Security Div.
Agriculture	831	declining steadily 20 jobs/year	Cooperative Extension Service

Since the most recent U.S. Census was prepared in 1980, the information could be outdated and may not accurately represent today's figures. Therefore, you are encouraged to find and use the most recent information available, provided that it is from a reliable source. Be sure to cite the sources of data in the text of your plan.

Sources of information include the U.S. Census, local libraries, chambers of commerce, local government offices, the State Employment Security Division (employment offices), and the Cooperative Extension Service.

NEEDS ANALYSIS

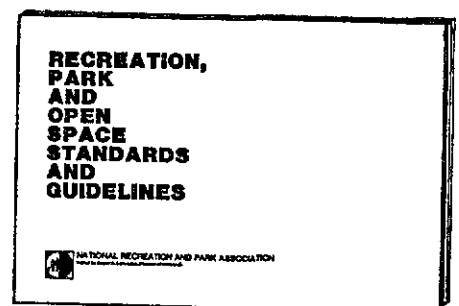
One of the most important and complex tasks in parks and recreation planning is to analyze the recreation needs of people in your area. There are several methods of determining this need, a number of which are outlined in this section. You may use these or any method of your choice in the needs analysis. Regardless of the method chosen, it must synthesize supply and demand components of the plan to tell you what additional recreation opportunities should be provided. From these needs (facilities, programs, and administration), you will determine which are priorities and then recommend actions to satisfy the need. Hopefully, the actions will be in accord with the goals listed earlier in the description of the park board section.

In this section you should:

1. Explain the method chosen, and show how you have used it to determine recreation need. Be sure to tie the information gathering step into the needs analysis.
2. Summarize the recreation needs which have been identified. You may wish to identify alternatives and then specify which of these would satisfy the need in light of your particular situation.

Standards Method

The standards approach is considered traditional, whereby ratios, based on the facility inventory and population are established and compared with a standard. The difference between these two ratios is considered either a deficit or a surplus. For example, if you have twelve public tennis courts which serve a population of 12,000, your ratio would be 1 court/1,000 people. Compare this to the National Recreation and Park Association standard of 1 court/2000 people and you would have a surplus of 6 tennis courts.



Strengths:

- Easy to use, apply, and interpret results;
- Standards are available for open space, park area, and facilities.

Weaknesses:

- Does not address program or

administrative needs;

- Recreation behavior and use is averaged across the nation, and what occurs in other areas may not correspond to Indiana.
- Inflexibility, since it does not take into account changing attitudes and behavior which may affect popularity of activities; you may be left with unused facilities if you have built new facilities to respond to an old need;

member of an age group participated in a given activity in one year. Supply is measured in acres or numbers of facilities, depending on the activity.

Strengths:

- Relatively easy to use;
- Numbers of needed facilities can easily be put into the budget.

Weaknesses:

- Can only be used where some supply exists; for example, if there is no place to go boating, there will be no participation rate for boating, so the impression will be left that there is no

need for boating which may not be true;

- Expensive method, since you need to conduct a participation survey; if you use someone else's survey results to avoid the expense, their results may not be applicable to your situation;
- Inflexibility, since it does not take into account changing attitudes and behavior which may affect popularity of activities; you may be left with unused facilities if you have built new facilities to respond to an outdated need;
- Does not address program or administrative needs.

Demand-Supply = Needs

In this model, activity participation is considered as an indicator of demand. The rate of participation is the average number of times a

Example:

Camping

Average Participation Rate <i>(per activity per year)</i>		Population of Planning Area		Total Activity Occasions demanded/year
3.615	X	13,486	=	48,751.89

This figure must now be translated into demand:

Activity Occasions		Total Seasonal Capacity		Demand for Acres of Campgrounds
48,751.89	-	48,686	=	65.89

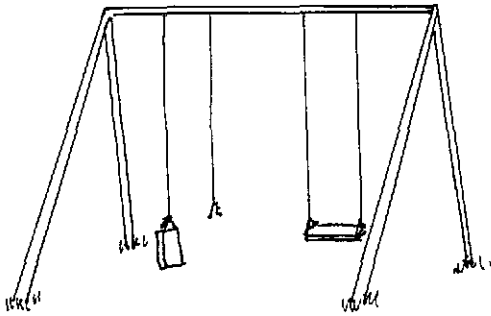
Now plug the demand figure into the formula:

Demand		Supply		Needs
66 acres	-	38 acres	=	28 acres of campground

A positive figure indicates that there is a deficit or need for facilities, while a negative number indicates there is a surplus, and no additional facilities are needed at present.

Issues Analysis Method

This is a qualitative approach which addresses only the issues (problems) that face the park agency. Based on the information collected in the description section, you would list all of the issues you have identified, affecting facilities, programs, and administration of the



park system. Then, identify what is needed to solve the problem. You will probably find that a number of issues are related and can be

solved in the same basic way. By referring back to the issues, you can then make specific recommendations to address those needs, which may become priorities (depending on their importance) for action.

By looking at the information collected in previous sections, you can tell which parks and which neighborhoods would be best for actions to meet the need.



Strengths:

- Facility, program, and administrative needs are addressed;
- Needs are tailored to your own situation, not what some standard or formula says you should do;
- May be less expensive than a participation survey.

Weaknesses:

- Requires more time and effort than the quantitative methods;
- Doesn't take into account changing attitudes and behavior of the public which may affect future use of facilities;
- The needs do not provide numbers that can easily be put into the budget; must first be translated into specific recommendations.

For example:

Issues:

- Children don't have enough places to play.
- Some of the existing playgrounds are frequently vandalized which lessens their usefulness.
- Many existing playgrounds are not located near the children's homes, so that they are not used.
- In playgrounds that are remotely located, to which parents need to bring their children, there is no place for parents to sit or activities for them to participate in while their kids play.

Need:

There is a need for more usable playgrounds.

Recommendations:

- Build 3 vandal resistant playgrounds near neighborhoods B, D, and H (where there are major concentrations of children).
- Relocate the playground at Park A (remote) to Park C.
- Provide 3 benches at Park B (remote) for parents to use while watching their kids play.
- Put \$X amount into the budget to allow for repairs to vandalized playgrounds.



A Futures Method

This qualitative approach is more flexible than the issues approach. By studying issues (problem areas in your parks system) and demographic trends, the needs are predictions which address how those issues might be affected by those trends. Based on the information gathered so far, you would list the issues you have identified which affect park facilities, programs, and administration, as in the previous method.

But before you identify needs which resolve the issues, you look at demographic trends to see how the issues might be affected by

those trends in the future. For instance, using the issues from the example in the previous method, and comparing them against the trend of fewer young children in your area, for example, you will find that your conclusion and needs differ in this approach. You will not need more play facilities; you would still need to address the other issues. The need would be for "play facilities to be more usable." Except for the recommendation for 3 new playgrounds, the other recommendations would still be relevant.

This approach allows you to take into account changes in society which may affect activity participation. Your predictions may not all come true, but the key is to be flexible enough to deal with whatever may happen. In the example, if you found that children continued to be a large segment of the population, you could amend the recommendations to include the construction of new playgrounds. If (unlikely as it may be) you found that vandalism was no longer a problem, you would no longer have to worry about having a large budget for repairs.

Strengths:

- Flexibility;
- Changing attitudes and behaviors are taken into account, thus decreasing the likelihood of unpopular and thereby unused facilities;
- Needs are tailored to your own situation, not what some standard or formula says you should do;
- Facility, program, and administrative needs are addressed;
- May be less expensive than a participation survey.

Weaknesses:

- Requires more time and effort than the quantitative methods;
- The needs don't provide numbers that can easily be put into the budget; must first be translated into specific recommendations.

For example:

Issues:

- Children don't have enough places to play.
- Some of the existing playgrounds are frequently vandalized which lessens their usefulness.
- Many existing playgrounds are not located near the children's homes, so that they are not used.
- In playgrounds that are remotely located, to which parents need to bring their children, there is no place for parents to sit or activities for them to participate in while their kids play.

Trend

fewer young children in area



Need:

- There is a need for play facilities to be more usable.

Recommendations:

- Relocate the playground at Park A (remote) to Park C.
- Provide 3 benches at Park B (remote) for parents to use while watching their kids play.
- Put \$X amount into the budget to allow for repairs to vandalized playgrounds.

PRIORITIES AND ACTION SCHEDULE

At this point, you have examined the planning area, identified needs and issues, and recommended strategies to accomplish the park board's goals. Along the way, public input has provided many ideas. Now, considering everything that you have done so far, you need to designate priorities which can be achieved over the next five years.

Based on the previous section, select the needs and issues which are your highest priorities. The priorities should be limited to a workable number which can be realistically accomplished within the next five years. Consider your time, money, and resources carefully. Each priority can be achieved by specific actions.

First, briefly state the priorities in narrative form. If any correspond to the state plan priorities mentioned earlier, then note it here.

Then, this information should be charted on an action schedule similar to the one pictured below. Remember that projects for which Land and Water Conservation

Funds will be sought should be listed on this schedule since part of the rating formula for grant applications includes points for projects included in master plans. Applications may only be submitted for projects which meet a general need in the master plan or which meet a state plan priority. Do not depend on the availability of federal funds, which have been greatly reduced in recent years. To be realistic, local sources of funds and potential donations should generally be the revenues on which the action schedule is based.

Using the action schedule format, provide the following information:

Site:

Name of the park, or if unnamed, indicate future park location. You may wish to identify the general area to avoid land speculation.

Action:

Specific task to be accomplished: capital improvements, land acquisition, renovation, etc.

Year:

Estimated starting date; if project duration exceeds 1 year, note ending date also.

Projected Cost:

The estimated cost of completing the action; be sure to take inflation into consideration.

Primary Source of Funds:

The probable origin of money for completing the action. Since grant funds are becoming scarce, do not assume that they will be available when needed.

Secondary Source of Funds:

If the primary source of funds should fall through, indicate potential backup sources.

Next, include a map of your area showing the location of proposed new parks and expansions to existing parks. In some cases you may want to be site specific. In other instances, you may wish to show a general vicinity needing a new park. The map of proposed future park sites may be combined with the map of existing recreation sites required in the inventory section.

Finally, explain how and when the park board will continue to evaluate its progress over the next five years. A periodic review of the master plan will make your plan more useful and effective.

The basic components of the parks and recreation plan have now been completed. Your thorough planning effort has probably uncovered some recurring problems and also pointed out some new ones. The park board has determined what its needs are and plotted a course toward meeting those needs.

PRIORITY ACTIONS

YEAR	SITE	ACTION	COST ESTIMATE	POTENTIAL SOURCE OF FUNDS
Administrative	Priorities			
1986	N/A	Develop new 5 year master plan	\$500	Operations Budget
Systemwide	Priorities			
1988		Begin Rock Creek Corridor planning and development in cooperation with Town Planning and local industries	\$10,000	Donations from fundraising and pledges, LWCF grant potential



KEEPING THE PLAN CURRENT

As mentioned earlier, planning should be an ongoing effort. You should constantly seek feedback from park users and nonusers alike. Use this information to guide the park board's decisions and to shape the future of your park system. The plan should be designed for flexibility and have the ability to adjust to change. If you have followed the planning process, this flexibility is now built into your plan. You may also want to put your plan in a loose leaf (three-ring) binder so that pages may be easily changed and/or replaced. This also permits ongoing planning to be flexible. As the environment changes during the five-year planning period, your priorities may be affected. When this happens, plan amendments

may be submitted to the Department of Natural Resources, incorporating the revised priorities. Amendments alone will not extend the five-year eligibility or planning period of the recreation master plan.

Formal amendments are recommended if they involve projects proposed in LWCF grant applications. Since the competitiveness and, in some cases, eligibility of a LWCF grant application depends in part on the project being included in the park board's master plan, it is important that a project not originally in the plan be added by a plan amendment. Master plan amendments must be submitted by June 1st for project applications to be submitted the following September 1st.

In order to amend the master plan, there are several items which

need to be submitted to the Division of Outdoor Recreation. These are reviewed and, when approved, retained on file with the two copies of your park and recreation plan. Please send two copies each of the following:

1. A brief explanation of the circumstances which made the amendment necessary;
2. Documentation of the public input which went into the amendment process;
3. Copies of the new plan pages which contain any changes or additions; these pages will be inserted into the plans that are already on file at the Division of Outdoor Recreation;
4. A resolution passed by the park board adopting the plan as amended; this will make the revised plan an official document of the park board.

REQUIRED PLAN ELEMENTS

Checklist

Completed (X)	Page numbers
<input type="checkbox"/> Definition of the planning area..... (map)	
<input type="checkbox"/> Public participation..... (method, # of people, dates, location, summary)	
<input type="checkbox"/> Information gathering <ul style="list-style-type: none"> <input type="checkbox"/> The park board/department..... (history, organization, management, goals, trends) <input type="checkbox"/> Parks and recreation facilities and programs..... (narrative, inventory, map) <input type="checkbox"/> Natural features and landscape..... (open space, water, plants/animals, topography soils) <input type="checkbox"/> Man-made features..... (commerce, housing, transportation, utilities, schools, health facilities, local government facilities, health risk areas) <input type="checkbox"/> Social and economic factors..... (population, occupations) <input type="checkbox"/> Handicapped Accessibility Self-Evaluation..... (results of study, recommendations must be included in the priorities and action schedule) 	
<input type="checkbox"/> Needs analysis..... (methodology, summary of results)	
<input type="checkbox"/> Priorities and action schedule..... (narrative, action schedule, map, future progress evaluation)	

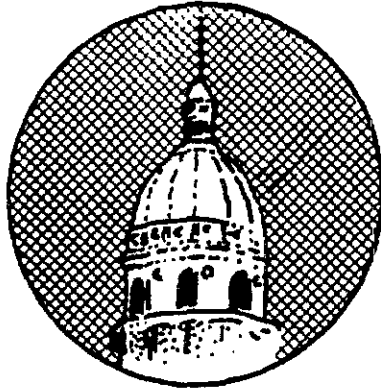


Department of Natural Resources

DNR

Division of Outdoor Recreation

Grants Section



Indiana's
Park
and
Recreation
Law



...A digest of Indiana
Code 36-10-3

REVISIONS THROUGH 1988

CITE THIS VOLUME

INDIANA CODE

By Title, Article, Chapter, and Section

Thus: IC 1-1-1-1

**NOTE: To indicate this volume is cited, add the
parenthetical reference (1988 Ed.)**

Thus: IC 1-1-1-1 (1988 Ed.)

This booklet comprises Indiana Codes 36-10-4, 36-10-5, 36-10-6, and 36-10-7 (1988 Edition). It is intended for instructional and informational use only. Please refer to the Indiana Code and case law for changes and interpretation. This publication may be obtained free, upon request from:

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Indiana Park and Recreation Association
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Franklin, IN 46131
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Chapter 3. General Park and Recreation Law

- | | | | |
|------------|--|------------|---|
| 36-10-3-1 | Application of chapter | 36-10-3-30 | Joint board of parks and recreation; organization and function, powers and duties; executive committee, membership, authority and limitations |
| 36-10-3-2 | Definitions | 36-10-3-31 | Joint board of parks and recreation; budget request; disposition of money appropriated |
| 36-10-3-3 | Department of parks and recreation; creation; transfer of property to park and recreation board | 36-10-3-32 | Joint board of parks and recreation; withdrawal of participating unit; termination; distribution of money remaining in fund; continuation of obligation |
| 36-10-3-4 | Municipal board; membership; ex officio members; additional members | 36-10-3-33 | Extension of service to unincorporated area; request; petition |
| 36-10-3-5 | Board of park and recreation; initial appointments; vacancy | 36-10-3-34 | Extension of service to unincorporated area; public hearing; notice; approval or rejection; joint board |
| 36-10-3-6 | Board of park and recreation; removal; procedure | 36-10-3-35 | Extension of service to unincorporated area; approval of petition and adoption of ordinance; election, notice, ballot; cost and expense of election |
| 36-10-3-7 | Board of park and recreation; advisory member | 36-10-3-36 | Extension of service to unincorporated area; area to become part of district; appointment of member to board; application of chapter |
| 36-10-3-8 | Board of park and recreation; meetings, regular, special; election of officers; quorum | 36-10-3-37 | Extension of service to unincorporated area; property subject to levy; certification of rate; review; issuance of bond |
| 36-10-3-9 | Board of park and recreation; compensation | 36-10-3-38 | Application of section; levy on annexed territory |
| 36-10-3-10 | Board of park and recreation; duties | 36-10-3-39 | Application of section; discharge of firearm or shooting of arrow with bow, Class B misdemeanor; hunting, firearm sport or archery area |
| 36-10-3-11 | Board of park and recreation; powers | 36-10-3-40 | Issuance of bonds payable from county innkeeper's tax |
| 36-10-3-12 | Board of park and recreation; public or private sale of personal property declared to be surplus | 36-10-3-41 | Approval of bond issuance by county council; reduction of innkeeper's tax rate |
| 36-10-3-13 | Superintendent of parks and recreation; appointment; qualifications; incumbents | 36-10-3-42 | Hearing; appropriation of proceeds; sale |
| 36-10-3-14 | Superintendent of parks and recreation; duties | 36-10-3-43 | Certification of debt service schedule |
| 36-10-3-15 | Assistant superintendent of parks and recreation; appointment; qualifications; duties | 36-10-3-44 | Lease or contracts for performance of historical pageants and admissions and maintenance of facilities |
| 36-10-3-16 | Officers' and employees' bonds | 36-10-3-45 | Sections not to be repealed during period of outstanding bonds |
| 36-10-3-17 | Advisory council and special committees; composition; selection; duties; reports | | |
| 36-10-3-18 | Gifts, donations and subsidies; approval; disposition | | |
| 36-10-3-19 | Special taxing district for purposes of levying special benefit taxes; determination of revenues necessary for expenditures not covered by issuance of bonds | | |
| 36-10-3-20 | Special nonreverting capital fund; purposes; withdrawals | | |
| 36-10-3-21 | Cumulative building fund; purposes; notice; hearing; objections; hearing; approval; levy of tax; reduction or revision of levy; collection of tax | | |
| 36-10-3-22 | Fees for particular activities; special funds; deposits; withdrawals | | |
| 36-10-3-23 | Acquisition of real property; resolution; improvements; notice; option or contract; appraisal; hearing | | |
| 36-10-3-24 | Bonds; purpose; denominations; interest exempt from taxation; limitations | | |
| 36-10-3-25 | Bonds; notice; hearing; ordinance approving issue | | |
| 36-10-3-26 | Bonds; disposition of proceeds | | |
| 36-10-3-27 | Levy of special tax on real and personal property; park district bond fund | | |
| 36-10-3-28 | Primary obligation on bond | | |
| 36-10-3-29 | Joint department of parks and recreation; creation; eligibility; agreement, amendments | | |

36-10-3-1 Application of chapter

Sec. 1. This chapter applies to the following units:

- (1) All counties.
- (2) All municipalities.
- (3) All townships.

*As added by Acts 1981, P.L.309, SEC.110.
Amended by Acts 1981, P.L.319, SEC.1;
P.L.354-1985, SEC.1; P.L.227-1986, SEC.1.*

36-10-3-2 Definitions

Sec. 2. As used in this chapter:

"Board" refers to a park and recreation board.

"Department" refers to a department of parks and recreation.

"District" means the area within the jurisdiction of a department. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-3 Department of parks and recreation; creation; transfer of property to park and recreation board

Sec. 3. (a) The fiscal body of a unit may adopt an ordinance, or in the case of a township, a resolution, creating a department of parks and recreation, repealing in the ordinance or resolution prior ordinances or resolutions creating separate park and recreation authorities. The department consists of a park and recreation board, a superintendent, and other personnel that the board determines.

(b) After a board has been created, all books, papers, documents, and other property of former park and recreation authorities shall be transferred to and become the property of the board. *As added by Acts 1981, P.L.309, SEC.110. Amended by P.L.354-1985, SEC.2; P.L.11-1987, SEC.34.*

36-10-3-4 Municipal board; membership; ex officio members; additional members

Sec. 4. (a) A municipal board consists of four (4) members to be appointed by the executive of the municipality. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

(1) a member of the governing body of the school corporation selected by that body;

(2) a member of the governing body of the library district selected by that body; or

(3) both (1) and (2).

(b) A county board shall be appointed as follows:

(1) Two (2) members shall be appointed by the judge of the circuit court.

(2) One (1) member shall be appointed by the county executive.

(3) Two (2) members shall be appointed by the county fiscal body.

The members appointed under subdivisions (1), (2), and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) member appointed under subdivisions (1) and (3) may be affiliated with the same political party. In a county having at least one (1) city with a population of at least thirty-five thousand (35,000), the creating ordinance must provide for one (1) ex officio board member to be appointed by the executive of that city. The member appointed by the city executive must be affiliated with a different political party than the member appointed by the county executive. However, if a county has more than one (1) such city, the executives of those cities shall agree on the member. The member serves for a term coterminous with the term of the appointing executive or executives.

(c) A township board consists of the township executive and the members of the township fiscal body, who serve until their successors are elected and qualified.

(d) Ex officio members have all the rights of regular members, including the right to vote. A vacancy in an ex officio position shall be filled by the appointing authority.

(e) Neither a municipal executive nor a member of a county fiscal body, county executive, or municipal fiscal body may serve on a board.

(f) The creating ordinance in any county may provide for:

- (1) the county cooperative extension coordinator;
- (2) the county extension agent; or
- (3) a member of the county extension committee selected by the committee;

to serve as an ex officio member of the county board, in addition to the members provided for under subsection (b).

(g) The creating ordinance in a county having no first or second class cities may provide for a member of the county board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county board is located. The member selected under this subsection is in addition to the members provided for under subsections (b) and (f). *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.320, SEC.1; P.L.207-1984, SEC.1.*

36-10-3-5 Board of park and recreation; initial appointments; vacancy

Sec. 5. (a) Initial appointments to a municipal board are as follows:

- (1) One (1) member for a term of one (1) year.
- (2) One (1) member for a term of two (2) years.
- (3) One (1) member for a term of three (3) years.
- (4) One (1) member for a term of four (4) years.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

(b) Initial appointments to a county board are as follows:

(1) The circuit court judge's appointments are for one (1) and three (3) year terms, respectively.

(2) The county executive's appointment is for a two (2) year term.

(3) The county fiscal body's appointments are for two (2) and four (4) year terms, respectively.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

(c) An appointing authority shall make initial appointments within ninety (90) days after the creation of the department.

(d) If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term.

(e) In making initial appointments under subsections (a) or (b), an appointing authority, in order to provide continuity of experience and programs, shall give special consideration to the appointment of members from previous park or recreation boards.

(f) If a vacancy on the board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.320, SEC.2.*

36-10-3-6 Board of park and recreation; removal; procedure

Sec. 6. A member may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges, the unit's fiscal body shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is

entitled to present evidence and argument and to be represented by counsel. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.320, SEC.3.*

36-10-3-7 Board of park and recreation; advisory member

Sec. 7. If a municipality is located in a county having a county board, the municipal and county boards may each designate a member to sit with the other board in an advisory capacity. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.320, SEC.4.*

36-10-3-8 Board of park and recreation; meetings, regular, special; election of officers; quorum

Sec. 8. (a) All meetings of the board are open to the public. The board shall fix the time and place of its regular meetings, but it shall meet at least quarterly.

(b) Special meetings of the board may be called by the president or by any two (2) members by written request to the secretary. The secretary shall send to each member, at least two (2) days before a special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting.

(c) At its first regular meeting each year the board shall elect a president and a vice president. The vice president may act as president during the absence or disability of the president. The board may select a secretary either from within or outside its membership.

(d) A majority of the members constitutes a quorum. Action of the board is not official unless it is authorized by at least three (3) members present and acting. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-9 Board of park and recreation; compensation

Sec. 9. (a) The members of the board may receive a salary not to exceed three hundred dollars (\$300) per year.

(b) If the board determines that members or employees should attend a state, regional, or national conference dealing with park and recreation problems, it may authorize the payment of the actual expenses involved in attending the conference. However, the amount must be available as part of the board's appropriation.

(c) A county fiscal body may appropriate and approve a per diem allowance to a member of a county board for attending a meeting of the board.

(d) The unit shall provide suitable quarters for holding meetings and conducting the work of the board. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.320, SEC.5.*

36-10-3-10 Board of park and recreation; duties

Sec. 10. (a) The board shall:

(1) exercise general supervision of and make rules for the department;

(2) establish rules governing the use of the park and recreation facilities by the public;

(3) provide police protection for its property and activities, either by requesting assistance from state, municipal, or county police authorities, or by having specified employees deputized as police officers; the deputized employees, however, are not eligible for police pension benefits or other emoluments of police officers;

(4) appoint the necessary administrative officers of the department and fix their duties;

(5) establish standards and qualifications for the appointment of all personnel and approve their appointments without regard to politics;

(6) make recommendations and an annual report to the executive and fiscal body of the unit concerning the operation of the board and the status of park and recreation programs in the district;

(7) prepare and submit an annual budget in the same manner as other executive departments of the unit; and

(8) appoint a member of the board to serve on another kind of board or commission, whenever a statute allows a park or recreation board to do this.

(b) In a municipality, the board shall fix the compensation of officers and personnel appointed under subsections (a)(4) and (a)(5), subject to IC 36-4-7-5 and IC 36-4-7-6. As added by Acts 1981, P.L.309, SEC.110.

36-10-3-11 Board of park and recreation; powers

Sec. 11. (a) The board may:

(1) enter into contracts and leases for facilities and services;

(2) contract with persons for joint use of facilities for the operation of park and recreation programs and related services;

(3) contract with another board, a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the board for the use of park and recreation facilities or services;

(4) acquire and dispose of real and personal property, either within or outside Indiana;

(5) exercise the power of eminent domain under statutes available to municipalities;

(6) sell, lease, or enter into a royalty contract for the natural or mineral resources of land

that it owns, the money received to be deposited in a nonreverting capital fund of the board;

(7) engage in self-supporting activities as prescribed by section 22 of this chapter;

(8) contract for special and temporary services and for professional assistance;

(9) delegate authority to perform ministerial acts in all cases except where final action of the board is necessary;

(10) prepare, publish, and distribute reports and other materials relating to activities authorized by this chapter;

(11) sue and be sued collectively by its legal name, as the "____ (unit's name) Park and Recreation Board", with service of process being had upon the president of the board, but costs may not be taxed against the board or its members in any action;

(12) invoke any legal, equitable, or special remedy for the enforcement of this chapter, a park or recreation ordinance, or the board's own action taken under either; and

(13) release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities of another unit for park and recreational purposes upon petition of the park or recreation board of the acquiring unit.

(b) The board may also lease any buildings or grounds belonging to the unit and located within a park to a person for a period not to exceed twenty-five (25) years. The lease may authorize the lessee to provide upon the premises educational, research, veterinary, or other proper facilities for the exhibition of wild or domestic animals in wildlife parks, dining facilities, swimming facilities, golf courses, skating facilities, dancing facilities, amusement rides generally found in amusement parks, or other recreational facilities. A lease may be made for more than one (1) year only to the highest and best bidder, after notice that the lease will be

made has been given by publication in accordance with IC 5-3-1. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.320, SEC.6; P.L.228-1986, SEC.1.*

36-10-3-12 Board of park and recreation; public or private sale of personal property declared to be surplus

Sec. 12. The board may sell, or order sold through a designated representative, by public or private sale, any personal property that the board has declared to be surplus at a regular or special meeting and has declared to have an aggregate appraised value of five thousand dollars (\$5,000) or less. Whenever the board decides to sell at a private sale, the board must employ a qualified appraiser to determine a reasonable selling price for each kind of surplus item and must publish, in the manner provided in IC 5-3-1:

- (1) the fact that a private sale will be held;
- (2) the location of the sale;
- (3) the dates of the beginning and end of the sale;
- (4) the time of day during which the sale will take place;
- (5) the kinds of items to be sold at the sale; and
- (6) the price of each kind of item, which may not be less than the reasonable selling price determined by the qualified appraiser.

If the board decides to sell at a public sale, the board shall conduct the sale in the manner provided by law for the unit. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-13 Superintendent of parks and recreation; appointment; qualifications; incumbents

Sec. 13. (a) This subsection applies to counties, towns, and townships. The board may

appoint a superintendent of parks and recreation. The board may not consider political affiliation in the selection of the superintendent.

(b) This subsection applies to cities. If a superintendent of parks and recreation is appointed, he shall be appointed under IC 36-4-9-2 without considering political affiliation.

(c) If there is more than one (1) superintendent of any park or recreation department involved at the time the creating ordinance is adopted, the board may appoint only one (1) superintendent for the new department.

(d) The superintendent must:

- (1) be qualified by training or experience in the field of parks and recreation; or
- (2) have a certification or an advanced degree in the field of parks and recreation.

(e) An incumbent performing park and recreation functions in a supervisory capacity at the time a unit adopts a creating ordinance under this chapter is eligible for appointment as superintendent or as an assistant, but he must have the required training, experience, or certification. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.320, SEC.7.*

36-10-3-14 Superintendent of parks and recreation; duties

Sec. 14. Under the direction of the board, the superintendent shall:

- (1) propose annually a plan for the operation of the department;
- (2) administer the plan as approved by the board;
- (3) supervise the general administration of the department;
- (4) keep the records of the department and preserve all papers and documents of the department;

(5) recommend persons for appointment as assistants if the board determines there is a need;

(6) appoint the employees of the department, subject to the approval of the board, according to the standards and qualifications fixed by the board and without regard to political affiliation;

(7) prepare and present to the board an annual report; and

(8) perform other duties that the board directs.

As added by Acts 1981, P.L.309, SEC.110.

36-10-3-15 Assistant superintendent of parks and recreation; appointment; qualifications; duties

Sec. 15. (a) If the board determines that the size of the department's operation requires assistants for the superintendent, the board may appoint, upon the recommendation of the superintendent, one (1) or more assistants. The board shall determine their qualifications on a basis similar to that prescribed for the superintendent.

(b) Assistants are directly responsible to the superintendent and shall perform the duties specified by the superintendent. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-16 Officers' and employees' bonds

Sec. 16. (a) Every officer and employee who handles money in the performance of duties as prescribed by this chapter shall execute an official bond for the term of office or employment before entering upon the duties of the office or employment.

(b) The fiscal body of the unit may, under IC 5-4-1-18, authorize a blanket bond to cover all officers' and employees' faithful performance of duties. The penal amounts of the bond shall be

fixed by the fiscal body and, in the case of a municipality, must be approved by the executive.

(c) All bonds shall be filed and recorded in the office of the county recorder of the county in which the department is located. *As added by Acts 1981, P.L.309, SEC.110. Amended by P.L.201-1988, SEC.1.*

36-10-3-17 Advisory council and special committees; composition; selection; duties; reports

Sec. 17. (a) The board may create an advisory council and special committees composed of citizens interested in parks and recreation.

(b) In selecting an advisory council or special committees, the board shall give consideration to the groups in the community particularly interested in parks and recreation. In a resolution creating an advisory council or a special committee, the board shall specify the terms of its members and the purposes for which it is created.

(c) The advisory council or a special committee shall:

(1) study the subjects and problems specified by the board and recommend to the board additional problems in need of study;

(2) advise the board concerning these subjects, particularly as they relate to different areas and groups in the community; and

(3) upon the invitation of the board, sit with and participate in the deliberations of the board, but without the right to vote.

(d) The advisory council or a special committee shall report only to the board and shall make inquiries and reports only in those areas specified by the board's resolution creating the council or committee. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-18 Gifts, donations and subsidies; approval; disposition

Sec. 18. (a) The board may accept gifts, donations, and subsidies for park and recreational purposes. However, a gift or transfer of property to the board may not be made without its approval.

(b) A gift or grant of money shall be deposited in a special nonreverting fund to be available for expenditure by the board for purposes specified by the grantor. The disbursing officer of the unit may draw warrants against the fund only upon vouchers signed by the president and secretary of the board. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.320, SEC.8.*

36-10-3-19 Special taxing district for purposes of levying special benefit taxes; determination of revenues necessary for expenditures not covered by issuance of bonds

Sec. 19. (a) The territory within the boundaries of the unit comprises a special taxing district for the purpose of levying special benefit taxes for park and recreational purposes as provided in this chapter.

(b) The fiscal body of the unit shall determine and provide the revenues necessary for the operation of the department or for capital expenditures not covered by the issuance of bonds by:

- (1) a specific levy to be used exclusively for these purposes;
- (2) a special appropriation; or
- (3) both of these methods.

As added by Acts 1981, P.L.309, SEC.110.

36-10-3-20 Special nonreverting capital fund; purposes; withdrawals

Sec. 20. (a) Upon the request of the board, the fiscal body of the unit may establish, by

ordinance, a special nonreverting capital fund for the purposes of acquiring land or making specific capital improvements. The fiscal body may include in the board's annual budget an item and an appropriation for these specific purposes.

(b) Money placed in the nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless the fiscal body repeals the ordinance. The fiscal body may not repeal the ordinance under suspension of the rules. *As added by Acts 1981, P.L.309, SEC.110. Amended by P.L.358-1987, SEC.1.*

36-10-3-21 Cumulative building fund; purposes; notice; hearing; objections; hearing; approval; levy of tax; reduction or revision of levy; collection of tax

Sec. 21. (a) The board may establish a cumulative building fund to provide money for:

- (1) building, remodeling, and repair of park and recreation facilities; or
- (2) purchase of land for park and recreation purposes.

Before a fund may be established, the proposed action must be approved by the fiscal body of the unit and by the state board of tax commissioners.

(b) If the board decides to establish a cumulative building fund, it shall give notice and hold a public hearing for the taxpayers affected after approval by the fiscal body of the unit and before the proposed action is presented to the state board of tax commissioners for approval. Notice of the proposal and of the public hearing must be given by publication in accordance with IC 5-3-1.

(c) If, after the public hearing, the proposed action is submitted for approval to the state board of tax commissioners, the state board of tax commissioners shall require notice of that submission to be given to the taxpayers of the

unit by publication in accordance with IC 5-3-1. If thirty (30) or more taxpayers of the unit file a petition with the county auditor not later than thirty (30) days after the publication, setting forth their objections to the proposed fund, the county auditor shall immediately certify the petition to the state board of tax commissioners.

(d) Whether or not a petition of objection is received, the state board of tax commissioners shall, within a reasonable time, fix a date for a hearing on the proposal to establish a fund. The hearing shall be held in the affected unit. Notice of the hearing shall be given to the county auditor, who shall publish it in accordance with IC 5-3-1. If a petition of objection was filed, notice shall also be given to the first ten (10) taxpayers whose names appear upon the petition by a letter signed by the secretary or any member of the board and sent by mail with full prepaid postage to the auditor and to those taxpayers at their usual place of residence at least five (5) days before the date fixed for the hearing. After the hearing upon the proposal, the state board of tax commissioners shall certify their approval, disapproval, or modification of the proposal to the county auditor. The action of the state board of tax commissioners with respect to the proposed levy is final and conclusive.

(e) To provide for the cumulative building fund, the unit's fiscal body may levy a tax not to exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation of taxable property within the unit. The tax may be levied annually beginning with the first annual tax levy after approval by the state board of tax commissioners and may continue for a period not exceeding ten (10) years. The tax shall be advertised annually as are other tax levies. After the levy has been approved, the fiscal body may reduce or rescind the annual levy.

(f) Before August 2 of a year, a petition for reduction or revision of the levy may be filed with the county auditor by at least fifty (50)

taxpayers of the unit that sets forth their objections to the levy. The petition shall be certified to the state board of tax commissioners, with notice and hearing given as prescribed by subsection (d). After the hearing the state board of tax commissioners may reduce or rescind the levy, and this action is final and conclusive.

(g) The tax shall be collected and held in a special fund known as the unit's park and recreation cumulative building fund. The fund may not be expended for a purpose other than the purpose for which it was levied. Expenditures may be made from the fund only after an appropriation has been made in the manner provided by statute for making other appropriations. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.45, SEC.93; P.L.358-1987, SEC.2.*

36-10-3-22 Fees for particular activities; special funds; deposits; withdrawals

Sec. 22. (a) Park and recreation facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the board may charge a reasonable fee.

(b) The unit's fiscal body may establish by ordinance, upon request of the board:

(1) a special nonreverting operating fund for park purposes from which expenditures may be made as provided by ordinance, either by appropriation by the board or by the unit's fiscal body; or

(2) a special nonreverting capital fund for the purpose of acquiring land or making specific capital improvements from which expenditures may be made by appropriation by the unit's fiscal body.

The unit's fiscal body shall designate the fund or funds into which the unit's fiscal officer (or county treasurer) shall deposit fees from golf courses, swimming pools, skating rinks, or

other major facilities requiring major expenditures for management and maintenance. Money received from fees other than from major facilities or received from the sale of surplus property shall be deposited by the unit's fiscal officer (or county treasurer) either in the special nonreverting operating fund or in the nonreverting capital fund, as directed by the board. However, if neither fund has been established, money received from fees or from the sale of surplus property shall be deposited in the unit's general fund. Money from either special fund may be disbursed only on approved claims allowed and signed by the president and secretary of the board.

(c) Money placed in the special nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless the fiscal body repeals the ordinance establishing the fund. The fiscal body may not repeal the ordinance under suspension of the rules.

(d) Money procured from fees or received from the sale of surplus property under section 12 of this chapter shall be deposited at least once each month with the fiscal officer of the unit. *As added by Acts 1981, P.L.309, SEC.110. Amended by P.L.372-1983, SEC.1.*

36-10-3-23 Acquisition of real property; resolution; improvements; notice; option or contract; appraisal; hearing

Sec. 23. (a) This section applies only to:

- (1) the acquisition of real property; or
- (2) a work of improvement;

that will be financed by the issuance of bonds.

(b) If the board decides to:

- (1) acquire land for any of the purposes prescribed in this chapter, either by purchase or by appropriation, and in conjunction with the acquisition to proceed with a work of improvement authorized by this chapter;

(2) acquire real property without proceeding at the time with a work of improvement; or

(3) proceed with a work of improvement where the real property has been already secured;

it shall adopt a resolution stating the purpose, describing the land to be acquired, the manner of acquisition, and, in the case of an appropriation, the other land that may be injuriously affected, or describing the lands already acquired and intended to be used in connection with the proposed work of improvement.

(c) If a work of improvement is provided for in the resolution, the board shall have preliminary plans and specifications and an estimate of the cost of the proposed work prepared by the engineer selected to do the work. The resolution must be open to inspection by all persons interested in or affected by the appropriation of land or the construction of the work. The board shall have notice of the resolution and its contents published in accordance with IC 5-3-1. The notice must state a date on which the board will receive or hear remonstrances from persons interested in or affected by the proceedings and on which it will determine the public utility and benefit.

(d) Notice shall be sent by certified mail to each owner of land to be appropriated under the resolution, using the owner's address as shown on the tax duplicates. In addition, notice of the land to be appropriated shall be published in accordance with IC 5-3-1. All persons affected in any manner by the proceedings, including all taxpayers in the district, are considered notified of the pendency of the proceedings and of all subsequent acts, hearings, adjournments, and orders of the board by the original notice by publication.

(e) In the resolution and notice, separate descriptions of each piece or parcel of land are not required, but it is a sufficient description of the property purchased, to be purchased, or to

be appropriated or damaged to give a description of the entire tract by a platted description or by metes and bounds, whether the land is composed of one (1) or more lots or parcels and whether it is owned by one (1) or more persons. If the land or a part of it is to be acquired by purchase, the resolution must also state the maximum proposed cost.

(f) The board may, at any time before the adoption of the resolution:

- (1) obtain from the owner or owners of the land an option for its purchase; or
- (2) enter into a contract for its purchase upon the terms and conditions that the board considers best.

The option or contract is subject to the final action of the board confirming, modifying, or rescinding the resolution and to the condition that the land may be paid for only out of the special fund resulting from the sale of bonds as provided by this chapter.

(g) If the board decides to acquire any lots or parcels of land by purchase, the board shall appoint three (3) qualified appraisers to appraise its value. The appraisers may not be interested directly or indirectly in any land that is to be acquired under the resolution or that may be injured or incur local benefits. The appraisers shall take an oath that they have no interest in the matter and that they will honestly and impartially make the valuation. They shall then view the land, determine the true market value of it at that time, and report the appraisal in writing. The report shall be filed with and becomes a part of the record of the proceeding.

(h) The board may not take an option on the land or enter into a contract to purchase it at a higher price than the value named in the report. The title to land to be acquired under the resolution, whether by purchase or appropriation, does not vest until the land is paid for out of the special fund established by the sale of

bonds as provided in this chapter. Any indebtedness or obligation of any kind incurred by the board due to the acquisition of land or to construction work shall be paid out of the funds under the control of the board and are not an indebtedness or obligation of the unit.

(i) At the time fixed for the hearing, or at any time before the hearing, an owner of land to be appropriated under the resolution or injuriously affected or a person owning real or personal property located in the district may file a written remonstrance with the secretary of the board.

(j) At the hearing, which may be adjourned from time to time, the board shall hear all persons interested in the proceedings and all remonstrances that have been filed. After considering the evidence, the board shall take final action determining the public utility and benefit of the proposed project by confirming, modifying, or rescinding the resolution. The final action shall be recorded and is final and conclusive upon all persons. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.320, SEC.9.*

36-10-3-24 Bonds; purpose; denominations; interest exempt from taxation; limitations

Sec. 24. (a) In order to raise money to pay for land to be acquired for any of the purposes named in this chapter, to pay for an improvement authorized by this chapter, or both, and in anticipation of the special benefit tax to be levied as provided in this chapter, the board shall cause to be issued, in the name of the unit, the bonds of the district. The bonds may not exceed in amount the total cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to

acquiring the land and the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one (1) resolution or proceeding of the board under section 23 of this chapter is confirmed whereby different parcels of land are to be acquired, or more than one (1) contract for work is let by the board at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

(b) The bonds may be issued in any denomination not less than one thousand dollars (\$1,000) each, in not less than five (5) nor more than forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the board shall certify a copy of the resolution to the unit's fiscal officer. The fiscal officer shall prepare the bonds and the unit's executive shall execute them, attested by the fiscal officer.

(c) The bonds and the interest on them are exempt from taxation as prescribed by IC 6-8-5-1. Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds, the right of taxpayers to remonstrate against the issuance of bonds, the appropriation of the proceeds of the bonds and approval by the state board of tax commissioners, and the sale of bonds at public sale for not less than their par value.

(d) The board may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the total assessed valuation of the property in the district. All bonds or obligations issued

in violation of this subsection are void. The bonds are not obligations or indebtedness of the unit, but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. The bonds must recite the terms upon their face, together with the purposes for which they are issued. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-25 Bonds; notice; hearing; ordinance approving issue

Sec. 25. (a) Before bonds may be issued under section 23 of this chapter, the board shall give notice of a public hearing to disclose the purposes for which the bond issue is proposed, the amount of the proposed issue, and all other pertinent data.

(b) The board shall have published in accordance with IC 5-3-1 a notice of the time, place, and purposes of the hearing.

(c) After the public hearing and before additional proceedings on the bond issues, the board must obtain an ordinance approving the bond issue from the unit's fiscal body. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.45, SEC.94.*

36-10-3-26 Bonds; disposition of proceeds

Sec. 26. All proceeds from the sale of bonds issued under section 24 of this chapter shall be kept in a separate fund. The fund shall be used to pay for land and other property acquired and for the construction of a work under the resolution, including all costs and expenses incurred in connection with the project. The fund may not be used for any other purpose. The fund shall be deposited as provided in this chapter. A surplus remaining from the proceeds of the bonds after all costs and expenses are paid shall be paid into and becomes a part of the park district bond fund. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-27 Levy of special tax on real and personal property; park district bond fund

Sec. 27. (a) In order to raise money to pay all bonds issued under section 24 of this chapter, the board shall levy annually a special tax upon all of the real and personal property located in the district sufficient to pay the principal of the bonds as they mature, including accrued interest. The board shall have the tax to be levied each year certified to the auditor of the county in which the district is located at the time for certification of tax levies. The tax shall be collected and enforced by the county treasurer in the same manner as other taxes are collected and enforced.

(b) As the tax is collected, it shall be accumulated and kept in a separate fund to be known as the park district bond fund. The tax shall be applied to the payment of the district bonds and interest as they mature and may not be used for another purpose. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-28 Primary obligation on bond

Sec. 28. If a board or district is discontinued under section 3 of this chapter, the primary obligation on its bonds is not affected, and the unit assumes liability for the payment of the bonds according to their terms. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-29 Joint department of parks and recreation; creation; eligibility; agreement, amendments

Sec. 29. (a) Two (2) or more units may create a joint department of parks and recreation.

(b) Only a unit that has by ordinance created a department under this chapter is eligible to participate in the creation of a joint department.

(c) The boards of the units that desire to create a joint department must agree upon the use of facilities, personnel, the distribution and

raising of financial support, and other matters. The agreement may provide:

- (1) for a joint district and joint board to supersede the separate districts and boards; or
- (2) that the separate districts and boards be maintained.

After agreement has been reached, the fiscal body of each unit must adopt an ordinance approving the terms of the agreement before the agreement becomes final. The ordinances may not be passed under suspension of the rules.

(d) Failure of one (1) of the units to adopt the ordinance within ninety (90) days after the agreement has been reached voids the arrangement for all parties. However, the remaining parties may proceed with a new agreement.

(e) Amendments to an agreement may be made by adoption of an ordinance by the fiscal body of each unit. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-30 Joint board of parks and recreation; organization and function, powers and duties; executive committee, membership, authority and limitations

Sec. 30. (a) A joint board shall be organized and shall function in the same manner as a separate board. The joint board consists of all the members of the separate boards. Two-thirds (2/3) of the members constitute a quorum, and official action must be authorized by two-thirds (2/3) of the members. The joint board has all of the powers and duties of a separate board under this chapter, including the authority to issue bonds of the joint district.

(b) The joint board may create an executive committee composed of an equal number of members from each participating unit. The executive committee has all of the authority

and limitations of the joint board, except that official action by the executive committee must be authorized by each member of the committee. In addition, an executive committee member may demand that an issue be submitted to the joint board. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-31 Joint board of parks and recreation; budget request; disposition of money appropriated

Sec. 31. (a) The joint board shall determine its total budget request. The members of each participating unit shall present to their fiscal body the total budget and shall state the amount chargeable to their unit by the terms of the agreement and ordinance. If their fiscal body does not appropriate an amount sufficient to meet the unit's proportionate share, the joint board may:

- (1) reduce the expenditures attributable to that unit; or
- (2) treat the reduced appropriation as a repudiation of the agreement and terminate the relationship according to section 32 of this chapter.

(b) Money appropriated by the participating units shall be deposited in a joint park and recreation board fund in the custody of the fiscal officer of the participating unit making the largest appropriation to the fund. Money may be withdrawn from the fund only upon vouchers signed by the president and secretary of the joint board. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-32 Joint board of parks and recreation; withdrawal of participating unit; termination; distribution of money remaining in fund; continuation of obligation

Sec. 32. (a) A participating unit may withdraw from a joint department at the end of a fiscal year by repealing its adopting ordinance

and filing a copy of the repealing ordinance with the other participating units.

(b) The joint board may by resolution terminate the participation of a unit when the unit does not contribute its proportion of the total budget agreed upon in the original agreement and ordinance. The termination occurs at the end of the fiscal year in which the joint board makes its finding.

(c) At the conclusion of the fiscal year in which a withdrawal or termination occurs, the joint board shall equitably distribute to participating units all money remaining in the fund.

(d) A withdrawal does not alter the obligation of the units and the joint board to continue to levy and collect special benefit taxes to provide debt service on all outstanding bonds of the joint district.

(e) If a unit has appropriated money for payment to a joint board that has been discontinued, the money shall be placed in the fund of the board of that unit. If the separate board no longer exists, the money shall be deposited in the general fund of the unit. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-33 Extension of service to unincorporated area; request; petition

Sec. 33. (a) A request to a municipality to extend park and recreation service to the unincorporated area of a township in which the municipality is located or in a township adjacent to the township in which the municipality is located may be made by twenty-five (25) persons who reside in that area or township, unless the area is already located within another park district.

(b) The request must be made by petition to the board of the municipality and must:

- (1) state the reasons for the need of service;
- (2) specify the unincorporated area or township to be served; and

(3) include the signatures and addresses of the petitioners.

As added by Acts 1981, P.L.309, SEC.110.

36-10-3-34 Extension of service to unincorporated area; public hearing; notice; approval or rejection; joint board

Sec. 34. (a) The board shall fix a date for a public hearing on each petition filed under section 33 of this chapter. The board shall publish in accordance with IC 5-3-1 a notice of the time, place, and purpose of the hearing. The cost of the notice shall be paid by the petitioners.

(b) After the public hearing has been held, the board may by resolution approve the petition and recommend an ordinance accomplishing its objectives to the municipal fiscal body. The secretary or a member of the board shall present the petition and ordinance to the fiscal body at its first meeting after approval of the petition. However, if the board rejects the petition, it may not be presented to the fiscal body.

(c) If the board involved is a joint board, the petition must also be approved by the members from the municipality involved, and then the petition and ordinance shall be presented to the fiscal body of the municipality involved. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.45, SEC.95.*

36-10-3-35 Extension of service to unincorporated area; approval of petition and adoption of ordinance; election, notice, ballot; cost and expense of election

Sec. 35. (a) If the fiscal body approves the petition and adopts the ordinance presented under section 34 of this chapter, the ordinance takes effect.

(b) After the adoption of the ordinance, the fiscal body shall fix a date for a special election to be held not later than ninety (90) days after

adoption. The election shall be held in the area described in the petition. IC 3-10-8-6 applies to the special election. Any person who is qualified to vote and who lives in the affected area may vote in the election.

(c) The fiscal body shall give public notice of the special election by publication in accordance with IC 5-3-1. The notice must state the time, place, and purpose of the election.

(d) The ballot must be in the form prescribed by IC 3-10-9-4 and must state "Shall park and recreation services be extended?"

(e) If the special election is not conducted at a general election or primary election, the fiscal body shall appropriate a sum sufficient to defray the cost of the ballots and to pay the expense of the election as prescribed by IC 3. The appropriation may be from the general fund or by transfer from the operating budget of the department. *As added by Acts 1981, P.L.309, SEC.110. Amended by Acts 1981, P.L.45, SEC.96; P.L.3-1987, SEC.568.*

36-10-3-36 Extension of service to unincorporated area; area to become part of district; appointment of member to board; application of chapter

Sec. 36. (a) If a majority of those voting in a special election vote under section 35 of this chapter for the extension of park and recreation services, then at the beginning of the next fiscal year the area becomes part of the district of the department.

(b) At the time the area becomes part of the district, the circuit judge of the county shall appoint a member from the area to the board. The member shall be appointed with the same qualifications and for the same term as other members and has the same powers and duties. If the petition of more than one (1) area is approved, the circuit judge shall make the selection of members so as to maintain the bipartisan character of the board as far as possible. As each additional member is appointed,

the quorum of the board is increased by one (1).

(c) The board has the same powers and duties to provide park and recreation service to the area as it has for the municipality, and this chapter applies as fully to the area to which service is extended as it applies to a municipality. However, the board need not provide service to the area before revenues from the area are available. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-37 Extension of service to unincorporated area; property subject to levy; certification of rate; review; issuance of bond

Sec. 37. (a) After a favorable special election under section 35 of this chapter, all property in the area to which service is extended is subject to the same levy for park and recreational purposes as other property within the district. After determining the levy for park and recreational purposes, the fiscal body of the municipality shall certify the rate to be applied to the area in the same manner as all other municipal levies are certified. In reviewing the park and recreation levy, all reviewing authorities shall treat the levy on the district property as a single levy so that the ultimate rate of tax for park and recreation purposes on all property in the district is identical.

(b) The authority of the board to issue bonds under sections 23 through 28 of this chapter includes all property in the area to which service is extended, but bonds may not be issued upon property in the area to which service is extended that do not obligate other property in the district to the same degree. After determining the levy for the park district bond fund, the board shall certify the rate to be applied to the area in the same manner as the rate to be applied to property in the municipality. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-38 Application of section; levy on annexed territory

Sec. 38. (a) This section applies only in each county having a population of more than two hundred sixty thousand (260,000) and less than four hundred thousand (400,000).

(b) This section applies only if a municipality annexes territory that is part of a district under this chapter.

(c) Any annexed territory that is in the district before the effective date of the annexation ordinance remains a part of the district, and the property in the annexed territory is subject to the same levy for park and recreational purposes as other property within the district. The annexing municipality may not impose an additional levy on the property in the annexed territory for park and recreational purposes. *As added by Acts 1981, P.L.309, SEC.110. Amended by P.L.56-1988, SEC.15.*

36-10-3-39 Application of section; discharge of firearm or shooting of arrow with bow, Class B misdemeanor; hunting, firearm sport or archery area

Sec. 39. (a) This section applies only to parks within the jurisdiction of a county board.

(b) A person who knowingly discharges a firearm or shoots an arrow with a bow into or inside a park commits a Class B misdemeanor.

(c) This section does not apply to an area that the board designates as a hunting, firearm sport, or archery area. *As added by Acts 1981, P.L.309, SEC.110.*

36-10-3-40 Issuance of bonds payable from county innkeeper's tax

Sec. 40. As an alternative to issuing bonds under section 24 of this chapter, the board may issue bonds payable from the county innkeeper's tax. The issuance of the bonds must be initiated by a resolution of the commission

established by IC 6-9-7-2, recommending the issuance of the bonds and their purpose. As added by P.L.74-1986, SEC.7.

36-10-3-41 Approval of bond issuance by county council; reduction of innkeeper's tax rate

Sec. 41. The bonds may not be issued until they have been approved by the county council. After the county council has approved the issuance of the bonds, the county council may not reduce the innkeeper's tax rate below a rate that would produce one and twenty-five hundredths (1.25) times the highest annual debt service on the bonds to their final maturity, based on an average of the immediately preceding three (3) years tax collections, if the tax has been levied for the last preceding three (3) years. If the tax has not been levied for the last preceding three (3) years, the county council may not reduce the rate below a rate which would produce one and twenty-five hundredths (1.25) times the highest debt service, based upon a study by a qualified public accountant or financial advisor. As added by P.L.74-1986, SEC.8.

36-10-3-42 Hearing; appropriation of proceeds; sale

Sec. 42. (a) The board shall hold a hearing as required by section 25 of this chapter. The board shall appropriate the proceeds of the bonds as required by law for special taxing district bonds.

(b) IC 6-1.1-20, except for:

(1) IC 6-1.1-20-3; and

(2) IC 6-1.1-20-4;

applies to the issuance of the bonds.

(c) The bonds may be sold at public sale in accordance with IC 5-1-11 or may be sold at a negotiated sale. As added by P.L.74-1986, SEC.9.

36-10-3-43 Certification of debt service schedule

Sec. 43. After the sale of the bonds the secretary of the board shall certify to the county auditor a debt service schedule for the bonds. As added by P.L.74-1986, SEC.10.

36-10-3-44 Lease or contracts for performance of historical pageants and admissions and maintenance of facilities

Sec. 44. The board may enter into a lease or contracts with not-for-profit corporations providing detailed terms and conditions for:

(1) the performance of historical pageants and entertainments; and

(2) the charging of admissions and maintenance of the facilities.

The contract must not extend for a longer term than the term of the bonds. As added by P.L.74-1986, SEC.11.

36-10-3-45 Sections not to be repealed during period of outstanding bonds

Sec. 45. The general assembly covenants that it will not repeal or amend:

(1) IC 6-9-7-6;

(2) IC 6-9-7-7;

(3) IC 36-10-3-40;

(4) IC 36-10-3-41;

(5) IC 36-10-3-42; and

(6) IC 36-10-3-43;

in a manner that would adversely affect owners of the bonds as long as the bonds are outstanding. As added by P.L.74-1986, SEC.12.

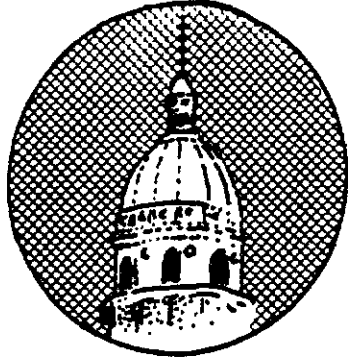


Department of Natural Resources

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**Division of Outdoor Recreation
Grants Section**

1989



INDIANA'S
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Chapter 4. Parks Department in Certain Cities

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36-10-4-24	Appropriations		
		36-10-4-1	Application of chapter
			Sec. 1. (a) This chapter applies to each second class city in which the legislative body has adopted all or part of this chapter by ordinance.
			(b) This chapter applies to each third class city in which the legislative body has adopted all or part of this chapter by ordinance.

(c) In addition, in a consolidated city sections 9(a) and 12 through 40 of this chapter apply to the department of parks and recreation and the board of parks and recreation, subject to IC 36-3-4-23. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.320, SEC.10; Acts 1982, P.L.33, SEC.48.*

36-10-4-2 Definitions

Sec. 2. As used in this chapter:

"Board" refers to a board of park commissioners, or board of parks and recreation of a consolidated city.

"Department" refers to a department of public parks, or department of parks and recreation of a consolidated city.

"District" means the area within the jurisdiction of a department. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-3 Department of public parks; establishment; membership; compensation; oath

Sec. 3. (a) A department of public parks is established as an executive department of the city.

(b) The department is under the control of a board of park commissioners. The board consists of four (4) commissioners appointed by the city executive. Each commissioner must be a freeholder residing in the city, and no more than two (2) commissioners may have the same political affiliation.

(c) A second class city may, with the approval of the executive and legislative body, pay each commissioner an annual salary not to exceed six hundred dollars (\$600). The commissioners shall be paid their actual expenses upon approval by the city executive.

(d) Before beginning his duties each commissioner shall take and subscribe the usual oath of office. The oath shall be indorsed upon the certificate of appointment and filed with the

city clerk. If a commissioner has not filed his oath:

(1) within thirty (30) days after the beginning of his term; or

(2) by the date of his appointment if he was appointed after the beginning of the term;

he is considered to have refused to serve and the office becomes vacant. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-4 Commissioner; appointment; removal

Sec. 4. (a) By February 1 each year, the executive shall appoint a commissioner to fill the vacancy caused by the expiration of a term. Each commissioner appointed holds office for a term of four (4) years, beginning with January 1 in the year of appointment. If a vacancy occurs on the board, the executive shall appoint a commissioner for the remainder of the term.

(b) A commissioner may not be removed from office except upon charges preferred in writing before the executive, with a hearing held on them. If the executive is bringing the charges, the fiscal body shall appoint a hearing officer. The only permissible reasons for removal are as follows:

(1) Inefficiency.

(2) Neglect of duty.

(3) Malfeasance in office.

As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.320, SEC.11.

36-10-4-5 Second class city; resolution to extend boundaries; remonstrance; referendum; election; effective date of extension; operation of parks

Sec. 5. (a) In a second class city, the board may adopt a resolution to extend the boundaries of the district to the county boundaries unless the county has already established a

park district under IC 36-10-3. The board must file a certified copy of the resolution with the county auditor and county treasurer. Notice of the adoption of the resolution shall be given by publication once each week for two (2) weeks in accordance with IC 5-3-1.

(b) Whenever the board has adopted a resolution under subsection (a), remonstrances may be filed by the affected voters within ninety (90) days after the last publication under subsection (a). Remonstrances must be signed in ink by the voter in person and state the address of each signer and that the signer is a registered voter. A person who signs a remonstrance when he is not a registered voter commits a Class D felony. More than one (1) voter may sign the same remonstrance.

(c) A referendum shall be held if five percent (5%) or more of the registered voters of the county file remonstrances under subsection (b) with the county clerk protesting the extension of the district.

(d) The county clerk shall certify to the county election board in accordance with IC 3-10-9-3 whether or not five percent (5%) or more of the registered voters of the county have filed remonstrances. If sufficient remonstrances have been filed, the county election board shall publish a notice of the election once a week for two (2) consecutive weeks in accordance with IC 5-3-1-4, the first publication to be at least thirty (30) days before the date of the election. The question presented to the voters at the election shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the county park district be established?".

The election is governed by IC 3 whenever not in conflict with this chapter. The county election board shall make a return of the votes cast at the referendum.

(e) If a majority of the votes cast are against the extension of the district, the district is not extended. If sufficient remonstrances are not

filed or if a majority of the votes cast support the extension of the district, the district is extended.

(f) The extension of the district is effective on January 1 of the year following the adoption of the resolution or, if an election is held, on January 1 of the year following the date of the election.

(g) A municipality that becomes part of a district by reason of the extension of the district under this section may continue to establish, maintain, and operate parks and other recreational facilities under any other law. The parks and other recreational facilities shall be operated by the municipality separate from the parks and other recreational facilities under the jurisdiction of the board in the same manner as they would be operated by the municipality if it was not within the district.

(h) The operation of separate parks or recreational facilities by a municipality does not affect the obligation of property owners within the municipality to pay all taxes imposed on property within the district.

(i) The legislative body of a municipality may elect that the separate parks or other recreational facilities of the municipality be maintained or operated as a part of the district by adopting a resolution or ordinance to that effect. The separate park or other recreational facility comes under the jurisdiction of the board at the time specified in the resolution or ordinance. *As added by Acts 1981, P.L.309, SEC.111. Amended by P.L.358-1987, SEC.3; P.L.3-1987, SEC.569.*

36-10-4-6 Extended districts not in counties of more than 140,000 but less than 200,000 population; board of park commissioners, term, vacancy

Sec. 6. (a) This section applies whenever a district is extended under section 5 of this chapter and such district is not located in a county with a population of more than one

hundred forty thousand (140,000) but less than two hundred thousand (200,000).

(b) After the district is extended under section 5 of this chapter, the board consists of five (5) commissioners. Two (2) commissioners shall be appointed by the city executive, two (2) commissioners shall be appointed by the county executive of the county in which the city is located, and one (1) commissioner shall be appointed by a majority vote of the presidents of the school boards of the school corporations in the county in which the city is located. The commissioners appointed by the county executive must be residents of the area of the district outside the corporate boundaries of the city. The commissioners appointed by the county executive may not be members of the same political party, and the commissioners appointed by the city executive may not be of the same political party.

(c) A commissioner of an extended district may hold office for an unlimited number of terms.

(d) After the initial terms have expired, all of the commissioners after the extension of the district shall be appointed for terms of four (4) years, beginning on January 1. The terms of office of the three (3) commissioners in office at the time of the extension terminate January 1, and the terms of office of the new commissioners begin January 1. The city executive shall appoint one (1) commissioner for an initial term of two (2) years and one (1) for an initial term of four (4) years. The county executive shall appoint two (2) commissioners, one (1) commissioner for an initial term of two (2) years and the other commissioner for an initial term of four (4) years. The presidents of the school boards shall appoint one (1) commissioner for an initial term of four (4) years.

(e) A vacancy in the office of a commissioner shall be filled for the remainder of the term by the appointing authority. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.320, SEC.12; P.L.358-1987, SEC.4.*

36-10-4-6.1 Extended districts in counties of more than 140,000 but less than 200,000 population: board of park commissioners, term, vacancy

Sec. 6.1. (a) This section applies whenever a district is extended under section 5 of this chapter and such district is located in a county with a population of more than one hundred forty thousand (140,000) but less than two hundred thousand (200,000).

(b) After the district is extended under section 5 of this chapter, the board consists of five (5) commissioners. Three (3) commissioners shall be appointed by the city executive, and two (2) commissioners shall be appointed by the county executive of the county in which the city is located. The commissioners appointed by the county executive must be residents of the areas of the district outside the corporate boundaries of the city. No more than two (2) of the three (3) commissioners appointed by the city executive may be members of the same political party, and the commissioners appointed by the county executive may not be of the same political party.

(c) A commissioner of an extended district may hold office for an unlimited number of terms.

(d) All commissioners after the extension of the district shall be appointed for terms of four (4) years, beginning on January 1. The three (3) commissioners whose terms of office have not expired continue in office and are considered appointees of the city executive until the expiration of the four-year terms for which they each were originally appointed. The county executive shall appoint two (2) commissioners, one for a term of two (2) years and the other for a term of four (4) years. As the term of each commissioner expires, a new commissioner shall be appointed for a term of four (4) years so that at all times the board consists of three

(3) commissioners appointed by the city executive and two (2) commissioners appointed by the county executive.

(e) A vacancy in the office of a commissioner shall be filled for the remainder of the term by the appointing authority. *As added by P.L.358-1987, SEC.5.*

36-10-4-7 Board of park commissioners; election of officers; quorum; regular meetings; office; report; disposition of money received

Sec. 7. (a) The board shall elect at its first regular meeting in February each year one (1) of the commissioners president and another vice president. The vice president shall perform the duties of the president during the absence or disability of the president.

(b) A majority of the commissioners constitutes a quorum. Action of the board is not binding unless authorized by a majority of the commissioners at a regular or duly called special meeting of the board. If there is a tie vote on any question, the city executive shall cast the deciding vote.

(c) The board shall fix a time for holding regular meetings. Special meetings of the board may be called at any time by its president, or by any two (2) of the commissioners, upon a written request to the secretary. If a special meeting is called, the secretary shall notify the commissioners by mailing written notices of the time of the meeting at least one (1) day before the meeting. All meetings are open to the public.

(d) The proper authorities of the city shall provide a suitable office for the board where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at all reasonable times.

(e) By February 1 of each year the board shall make a report to the city executive of:

(1) its proceedings, including a full statement of its receipts and disbursements for the preceding calendar year;

(2) the acquisition of lands by the board;

(3) improvements made by the board; and

(4) general character of the work of the board during the preceding year.

(f) Money received by the board shall immediately be paid into the city treasury and credited to the department. All expenditures relating to the parks, parkways, public grounds, public ways, and other places of the city under the control of the department shall be provided for by a special levy of taxes. The money shall be paid from the city treasury when ordered by the board. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-8 Taxing district for levying special benefit taxes

Sec. 8. All of the area:

(1) within the corporate boundaries of a city; and

(2) in unincorporated areas of the county to which the district has been extended;

constitutes a taxing district for levying special benefit taxes for park purposes as provided in this chapter. Area added to the district under section 5 of this chapter is considered to have received a special benefit from the park facilities of the district equal to or greater than the special taxes imposed on the area by this chapter in order to pay all or a part of the cost of the facilities. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-9 Control of property within district; public ways passing through park property; powers of board

Sec. 9. (a) The board has, subject to statute and to the right given by section 5 of this chapter to other municipalities within the district to

operate separate parks and recreational facilities, exclusive control of all property within the district used for park purposes.

(b) In addition, the part of all public ways that pass through park property is considered to be a part of this property and is also under the control of the board.

(c) The board may do the following:

(1) Acquire, lay out, and improve land for park purposes in the district and may equip, operate, maintain, and regulate the public use of that property.

(2) Appoint a secretary, and, in his absence a secretary pro tempore, landscape architects, engineers, surveyors, attorneys, clerks, guards, laborers, playground directors, and other employees, prescribe their duties and authority, and fix their compensation. If a superintendent of the department is appointed, he shall be appointed under IC 36-4-9-2.

(3) Make rules not in conflict with statutes or the ordinances of the city for the management of the property under its control.

(4) Require the department of public safety of the city to detail police officers to execute the orders and enforce the rules made by the board and to be subject to the board, with the city executive deciding any disagreement between the two (2) departments as to the number and duration of the details of police officers.

(5) Locate, erect, and maintain fountains in parks, as well as in the public ways that form the boundaries of parks, or intersect with them.

(6) Erect and maintain suitable fences around parks.

(7) Seize and impound animals found running at large in any of the parks, including establishing suitable places for the impounding.

(8) Lease or sell any buildings, grounds, materials, equipment, or any parts of them owned by the city that are under the control of the department and that the board determines are not required for park purposes, permitting any other department of the city or the school city to occupy or use the property upon terms that are approved by the executive. All sums realized from the lease, sale, or other disposition of property shall be deposited in the city treasury to the credit of the department and expended for park purposes. All buildings and structures erected upon land under the control of the board are under the control of the board, and the board may not permit the erection of any building or structure upon land unless it becomes the property of the city. A lease or sale of minerals, mineral rights, or royalties for minerals for more than one (1) year from land owned by a second class city or a lease for more than one (1) year in a city that adopted this chapter by ordinance under IC 19-7-9 may be made only to the highest and best bidder after notice of the sale or lease has been given by publication in accordance with IC 5-3-1.

(d) The board may also do the following:

(1) Vacate public ways, or parts of them, on land under the control of the board in the same manner as the city works board may vacate them.

(2) Take over and control public ways, or parts of them, within the city and convert them into boulevards or pleasure driveways if they connect with or run into or through a park, parkway, or boulevard or are necessary for the establishment of a park or boulevard system in the city, including grading, improving, and beautifying them and relinquishing to other departments of the city the control of a public way or parkway in streets taken over that are not necessary or desirable for maintenance as part of the park system of the city.

(3) Petition the proper board of the city to construct any necessary drainage or sanitary sewers and connections in a public way or parkway bordering park property and require a public service corporation to lay, install, and connect water and gas mains and electric light conduits in and along a boulevard or park drive when reasonably necessary.

*As added by Acts 1981, P.L.309, SEC.111.
Amended by Acts 1981, P.L.45, SEC.97; Acts 1981, P.L.320, SEC.13.*

36-10-4-10 Powers of board extended five miles outside corporate city boundaries

Sec. 10. In a city that adopted this chapter by ordinance under IC 19-7-9, the powers granted the board by section 9(a) extend five (5) miles outside the corporate boundaries of the city. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.320, SEC.14.*

36-10-4-11 Shade trees and lawns along public ways; resolution assessing cost; hearing; assessments; playgrounds; public school grounds or buildings

Sec. 11. (a) The board has exclusive control over the planting, trimming, and maintenance of shade trees along the public ways of the city. The board may:

(1) take over and control the improvement, maintenance, and embellishment of all lawns and street centers in and along the public ways of the city; or

(2) compel the owners of lots and parcels of land bordering on the public ways to plant, trim, protect, and maintain shade trees and to sod, plant, and maintain lawns and centers after first adopting a resolution showing the public necessity and assessing the cost against the abutting lots and parcels of land.

(b) After adopting a resolution under subsection (a), the board shall give notice and provide a hearing, with right of remonstrance, in the same manner as is provided for street and sidewalk improvements by the works board of the city. However, instead of letting a contract to the highest and best bidder, the board may carry out the improvement with its own employees and charge the actual cost in the same manner as if a contract was let. The cost may include a reasonable guaranty, but may not, however, exceed the estimate to be made and placed on file at the time of the adoption of the resolution.

(c) All assessments levied for the improvements are payable in one (1) payment, without notice, at the next regular taxpaying time after the completion of the improvement. The assessments are liens against the separate lots and parcels of land abutting the improvement. If they are not paid when due, they may be enforced by foreclosure, after giving notice, in the same manner as assessments for street and sidewalk improvements.

(d) The board has exclusive control over the establishment and maintenance of public playgrounds, public playfields, public swimming pools, public baths, community centers, and recreation centers in the city. The board shall select directors, assistants, and employees to manage and control the facilities and shall prescribe their duties and fix their compensation. The board may expend the sums from the general park fund for recreation purposes that it considers advantageous to the city.

(e) The governing body of the school corporation of the city may permit the use of public school grounds or buildings under its control that are required or adaptable for recreation purposes when that use will not interfere with use for school purposes. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-12 Open spaces for park, recreational or civic purposes

Sec. 12. The board may develop open spaces for park, recreational, or civic purposes in cities where areas have become blighted or require redevelopment for the public welfare in cooperation with the redevelopment commission and the plan commission for the city, providing out of park funds, by bond issue, from other available funds, or by the receipt of grants or donations for such purposes the money necessary for the redevelopment commission to acquire the areas for the department and paying the money to the redevelopment commission for the project. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-13 Law governing adoption of plans, giving of notice and receiving of bids in letting of contract

Sec. 13. The board is subject to IC 36-1-12 governing similar action by the works board when adopting plans, giving notice, and receiving bids in the letting of a contract for public improvements or repairs. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.57, SEC.43.*

36-10-4-14 Actions to recover damages for breach of agreement, penalties for violation of ordinance, damages for injury to property, and possession of property

Sec. 14. The board may bring an action in the name of the city to recover:

- (1) damages for the breach of an agreement, expressed or implied, relating to or growing out of the establishment, management, or improvement of the parks, public ways, and other property used for park purposes under its control;
- (2) penalties for the violation of an ordinance;

(3) damages for injury to the personal or real property relating to the parks, public ways, and other property used for park purposes; or

(4) possession of property.

As added by Acts 1981, P.L.309, SEC.111.

36-10-4-15 Publication of rules adopted by board

Sec. 15. All rules that the board adopts under this chapter shall be published in accordance with IC 5-3-1. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.45, SEC.98.*

36-10-4-16 Taxes; disbursements; borrowing; general park fund; special funds; fees; deposits; withdrawals

Sec. 16. (a) A tax on the taxable property in the district, as it appears on the tax duplicate, shall be levied annually by the city legislative body for park purposes.

(b) The tax shall be collected the same as other city taxes are collected, and the city fiscal officer (or county treasurer acting under IC 36-4-10-6) shall, between the first and fifth days of each month, notify the board of the amount of taxes collected for park purposes during the preceding month. At the date of notification, the city fiscal officer (or county treasurer) shall credit the park fund with the amount.

(c) The board may expend on behalf of the city all sums of money collected from:

- (1) taxes;
- (2) the sale of privileges in the parks of the city;
- (3) the sale of bonds of the city for park purposes; and
- (4) any other source.

All gifts, donations, or payments that are given or paid to the city for park purposes belong to the general park fund, the special nonreverting operating fund, or the special nonreverting capital fund to be used by the board as provided by this chapter. Warrants for expenditures shall be drawn by the city fiscal officer upon a voucher of the board signed by the president or vice president and secretary.

(d) The city legislative body may borrow money for the use of the department and may issue the bonds of the city to pay back the borrowed money in the manner provided by statute for the issue of bonds for the general purposes of the city. However, the board may not contract debts beyond the amount of its annual income and the amount available from the sale of bonds or other sources.

(e) All money remaining in the treasury to the credit of the board at the end of the calendar year belongs to the general park fund, the special nonreverting operating fund, or the special nonreverting capital fund for use by the board for park purposes.

(f) Park and recreation facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the board may charge a reasonable fee.

(g) The city legislative body may establish by ordinance upon request of the board:

(1) a special nonreverting operating fund for park purposes from which expenditures may be made as provided by ordinance, either by appropriation by the board or by the city legislative body; or

(2) a special nonreverting capital fund for the purpose of acquiring land or making specific capital improvements from which expenditures may be made by appropriation by the city legislative body.

The city legislative body shall designate the fund or funds into which the city fiscal officer (or county treasurer) shall deposit fees from golf courses, swimming pools, skating rinks, or other major facilities requiring major expenditures for management and maintenance. Money received from fees other than from major facilities or received from the sale of surplus property shall be deposited by the city fiscal officer (or county treasurer) either in the special nonreverting operating fund or in the nonreverting capital fund, as directed by the board. However, if neither fund has been established, money received from fees or from the sale of surplus property shall be deposited in the general park fund. Money from either special fund may be disbursed only on approved claims allowed and signed by the president and secretary of the board.

(h) Money placed in the special nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless the fiscal body repeals the ordinance establishing the fund. The fiscal body may not repeal the ordinance under suspension of the rules.

(i) Money procured from fees or received from the sale of surplus property shall be deposited at least once each month with the city fiscal officer. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.320, SEC.15; P.L.372-1983, SEC.2.*

36-10-4-17 Granting of public utility franchise

Sec. 17. A franchise may not be granted by the city for the construction or maintenance of railways or telephone, telegraph, pipe, or conduit lines upon, across, over, or through a park, parkway, park boulevard, boulevard, or driveway under the control of the board without the consent of the board. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-18 Ordinance authorizing sale of park lands; disposition of proceeds

Sec. 18. If a board decides to sell a part of the park lands owned by the city, it shall prepare an ordinance authorizing the sale and submit it to the city legislative body. If the legislative body passes the ordinance, the land shall be sold as other land of the city is sold and the proceeds of the sale credited to the department. The proceeds shall be expended for the improvement of the remaining park land or for the purchase of other land for park purposes, as the board considers best for the city. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-19 Building lines; establishment by resolution; nature of rights in land between building line and park property; procedure; regulation of use of property; conflict of interest

Sec. 19. (a) The board may, by resolution, establish a building line determining the distance at which all structures erected upon any premises fronting a park, parkway, or boulevard may be erected. Upon the adoption of the resolution, the board shall acquire, in the name of the city, by donation, condemnation, or purchase, the land between the building line and the park, parkway, or boulevard, or an interest in the land that will secure to the board the right to prevent the erection of or to require the removal of all structures outside of the line, or both. After the adoption of the resolution, a permit may not be issued by a department or officer of the city authorizing the erection of a structure outside of the established line unless approved by the board.

(b) The establishment of a building line outside of a park, parkway, or boulevard in connection with the donation, condemnation, or purchase of land or an interest in it is a

perpetual annihilation of all rights of the owners of property over and across which the building line runs to erect a structure or a part of one between the building line and the park, parkway, or boulevard. However, the perpetual and irrevocable free license to use and occupy the land between a building line and the park property is reserved to the property owner for purposes other than the erection of structures.

(c) If the board decides to establish a building line, the board has the same powers and shall proceed in the same manner in the condemnation, assessment, and collection of benefits, awards of damages, remonstrances, hearings, appeals, rehearings, and other matters as it does in the acquisition of real property. Benefits may not be assessed against property other than that abutting on the park, parkway, or boulevard along which the building line is established and within the limits of the building line. However, the total amount of benefits assessed against lots and parcels of land fronting on the park, parkway, or boulevard and located within the limits of the building line must equal the total cost of the establishment of the building line.

(d) A subdivision of lots or parcels of land lying within five hundred (500) feet of park, parkway, or boulevard may not be accepted for record and is not valid without the approval of the board. If the board considers it necessary, in order to promote public health, safety, morals, or general welfare, the board may, by general order or resolution, regulate:

(1) horse racing; and

(2) the location of trades, industries, commercial enterprises, buildings, or devices designed for uses that, in the order or resolution, are specified as injurious to the public health, safety, morals, or general welfare;

within five hundred (500) feet of a park, parkway, or boulevard. The right to regulate the use

of this property for these purposes is considered to be included in a gift, donation, acquisition, or condemnation under this chapter. However, a lawful business being conducted upon adjacent property when jurisdiction is acquired over the property may not be prohibited or abated without a fair valuation and due compensation.

(e) Commissioners, and clerks, assistants, appointees, or employees of the board may not hold an interest, either directly or indirectly, in any kind of enterprise conducted for profit within one thousand (1,000) feet of a park, parkway, or boulevard under the jurisdiction of the board. The possession or ownership of an interest operates to vacate the officer or position held by the person and makes him ineligible to hold an office or position under the board while the interest is, either directly or indirectly, possessed or retained by him. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-20 Acquisition of property for various purposes; holding property in trust; establishment of museums; contracts for management and maintenance of facilities

Sec. 20. (a) Real and personal property may be granted, devised, leased, bequeathed, or conveyed to a city for park purposes or for the establishment, improvement, maintenance, or ornamentation of a park, playground, boulevard, pleasureway, parkway, wheelway, garden for horticulture and floriculture, museum, zoological garden, collection of natural history, observatory, library, fountain, monument, work of art, art gallery, or other public ground.

(b) The city may take and hold the property in trust or upon conditions that are approved by the board. The property and the rents, issues, and profits from it are subject to the exclusive control of the board.

(c) The board shall also provide accommodations and take the steps that the money at its disposal will justify for securing and preserving collections of natural history and the establishment of museums in the parks of the city.

(d) The property may be improved, added to, and changed at the board's discretion and shall be protected, preserved, and arranged by the board for the public use and enjoyment under the rules that the board prescribes.

(e) The public may use and enjoy the facilities, although the board may impose an admission charge for entrance into the gardens, museums, and other collections.

(f) The board may also contract for the management and maintenance of gardens, museums, art galleries, or other institutions with a society incorporated under statute, as long as the public has the right to use and enjoy the facilities. The board may also impose an admission charge for entrance into these facilities, which remain subject to the control of the board. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-21 Eminent domain; damages; prior public use

Sec. 21. (a) The board may exercise the power of eminent domain:

(1) within the corporate boundaries of the city; and

(2) outside of the city within ten (10) miles, or five (5) miles if the city adopted this chapter by ordinance under IC 19-7-9, of the corporate boundaries of the city and within the county in which the city is located;

for the purposes of this chapter. The board may award damages to landowners for real property and property rights appropriated or injuriously affected and assess benefits to property beneficially affected. If the board cannot agree with the owners, lessees, or occupants of any real property selected by the board for the

purposes of this chapter, the board may condemn the property as provided in this chapter, and, when not inconsistent with this chapter, may proceed under statutes governing the condemnation of land and rights-of-way for other public purposes.

(b) If the land or surface of the ground on, over, or across which it is necessary or advisable to establish, construct, or improve a boulevard, parkway, or pleasure driveway is already in use for another public purpose or has been condemned or appropriated for a use authorized by statute and is being used for that purpose by the entity appropriating it, the public use or prior condemnation does not bar the board from condemning the use of the ground for park purposes. However, the use by the board does not permanently prevent the use of the land or the surface of the ground for the prior public use or by the entity condemning or appropriating it. In a proceeding prosecuted by the board to condemn the use of land or the surface of the ground for purposes permitted by this chapter, the board must show that its proposed use will not permanently or seriously interfere with the continued use of the land or the surface of the ground. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.320, SEC.16.*

36-10-4-22 Application of section to rivers, streams and waterways

Sec. 22. (a) This section applies only to the parts of rivers, streams, and waterways that are within or bordering park land and boulevards under the control of the board.

(b) The board may:

- (1) keep open rivers, streams, and waterways and prevent the deposit of unsightly or obnoxious materials in or along them;
- (2) take over, improve, control, and provide for the protection of the banks of rivers, streams, and waterways, including building levees and taking over levees already built;

(3) control the flow of water;

(4) make rules and regulations concerning rivers, streams, and waterways and their banks as is necessary for these purposes;

(5) dam or change the course of a river, stream, or waterway to provide water for sprinkling, boating, or other purposes;

(6) provide pools or artificial lakes in parks; and

(7) construct bridges and viaducts over or tunnels under rivers, watercourses, or railroads.

(c) The board may also require the owners of real property abutting along and upon rivers, streams, and waterways to remove unsightly or obnoxious materials, filth, and unhealthy and unsanitary substances in or along them. Five (5) days' written notice shall be given to the owners that states the materials, filth, or substances to be removed. If a property owner fails to comply with the notice the board may remove the materials, filth, or substances. The expense of removal shall be certified by the board to the county treasurer and shall be collected by the treasurer in the same manner as assessments by the board for the improvement of boulevards are collected under this chapter and other statutes, including the sale of the property by the treasurer to pay delinquent expenses. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-23 Improvement of parkway, pleasure driveway or boulevard; orders; assessment of costs; remonstrance; changing and fixing grade

Sec. 23. (a) The board may, in a proceeding separate from the acquisition of land by purchase or appropriation, order the improvement of a parkway, pleasure driveway, or boulevard, or part of any of these, under the control of the board by surface grading, paving, curbing, or constructing sidewalks in the same

manner as the works board of the city may improve a public way or sidewalk within the city. The powers, rights, and duties of the board in carrying out this work are the same as the powers, rights, and duties of the works board in the performance of similar work under general procedures. In addition, the board may determine the kind of pavement to be used. The powers, rights, and duties of the persons to be assessed are the same as those provided under general procedures for doing similar work by the works board, with the cost of improvements assessed to the same extent as property is assessed.

(b) When costs are assessed, they become a lien upon the property to the same extent, are enforceable in the same manner, and have the same rights to payment by installments and appeal as are provided for street and sidewalk improvements ordered by the works board.

(c) If a majority of the resident freeholders affected by the proposed improvement remonstrate in writing against the improvement, the board may, after giving ten (10) days' notice to the remonstrators, petition the circuit court to specifically order the improvement. If at the hearing on the petition the board establishes the public necessity of the proposed improvement and demonstrates that the benefits will equal the assessments against the separate lots or parcels of land, the order shall be made.

(d) If land along one (1) side of a parkway, pleasure driveway, or boulevard is owned by the city or used by it for park purposes, one-half (1/2) of the cost of the improvements under this section, as well as any part of the other one-half (1/2) of the cost of the improvements that cannot be met by special assessments against abutting property, is considered to be benefits accruing to all of the property, real and personal, not exempt from taxation under this chapter and located within the boundaries of the district. The cost shall be paid out of the proceeds of the bonds of the taxing district that

are issued and sold for those purposes. Payment shall be made as provided in sections 35 and 37 of this chapter.

(e) The board may provide for the rough grading of a parkway, pleasure driveway, or boulevard at the same time as the acquisition of the property or after the property, or a necessary part of it, has already been secured under section 21 of this chapter.

(f) The board may change and fix the grade of a boulevard, park boulevard, public driveway, or public ground under its control to the same extent as the works board of the city may change and fix the grade of a public way or public place within the city. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-24 Appropriations

Sec. 24. The board may appropriate property for:

- (1) establishing a park, parkway, pleasure driveway, or boulevard;
- (2) widening or extending a park, parkway, pleasure driveway, or boulevard;
- (3) opening, widening, or extending a route or right-of-way for a sewer or channel of a watercourse connected with or necessary for the protection of a park, parkway, pleasure driveway, or boulevard;
- (4) constructing an embankment or levee along a watercourse for the protection of a park, parkway, pleasure driveway, or boulevard;
- (5) constructing a bridge or viaduct upon or connected with a park, parkway, pleasure driveway, or boulevard; or
- (6) converting a public way connecting a park, parkway, or boulevard in the city into a boulevard or pleasure driveway.

The board may also, in the same proceeding, provide for the construction of improvements to the property for the purposes for which the

property is appropriated. In addition, the board may provide for the construction of any of the improvements when the property or a part of it has been secured by contract or other means. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-25 Resolution to acquire property; adoption; contents; notice of adoption; appraisal; title; hearing; remonstrance, final action

Sec. 25. (a) This section applies only to:

- (1) the acquisition of real property; or
- (2) a work of improvement;

that will be financed by the issuance of bonds.

(b) If a board decides to:

- (1) acquire land for any of the purposes of this chapter, either by purchase or appropriation, and to proceed with an improvement authorized by this chapter, other than surface grading and paving under section 23 of this chapter; or
- (2) acquire property without proceeding at that time with an improvement; or
- (3) proceed with an improvement when the property has been already secured by purchase or otherwise;

it shall adopt a resolution under subsection (c).

(c) The resolution must:

- (1) declare the purpose;
- (2) describe the land to be acquired, the manner of acquisition, and, in case of appropriation, other land that may be injuriously affected; or describe the land already acquired and intended to be used for the proposed improvement; and
- (3) if the improvement is provided for in the resolution, require that preliminary plans and specifications and an estimate of the

cost of the proposed improvement be prepared by the engineer selected to do the work.

The resolution must be open to inspection by all persons interested in or affected by the appropriation of the land or the construction of the work.

(d) Upon the adoption of the resolution, the board shall have notice of the adoption and content of it published in accordance with IC 5-3-1. The notice must name a date on which the board will receive or hear remonstrances from persons interested in or affected by the proceedings and determine the public utility and benefit of the proposed project.

(e) Notice shall be sent by certified mail to each owner of land to be appropriated under the resolution, using the owner's address as shown on the tax duplicates. In addition, notice of the land to be appropriated shall be published in accordance with IC 5-3-1. All persons affected in any manner by the proceedings, including all taxpayers in the district, are considered to be notified of the pendency of the proceedings and of all subsequent acts, hearings, adjournments, and orders of the board by the original notice by publication.

(f) In the resolution and notice, separate descriptions of each piece or parcel of land are not required, but it is a sufficient description of the property purchased, to be purchased, or to be appropriated or damaged to give a description of the entire tract by metes and bounds. It does not matter if the property is composed of one (1) or more lots or parcels or owned by one (1) or more persons.

(g) If the land or a part of it is to be acquired by purchase, the resolution must also state the maximum proposed cost. The board may, at any time before the adoption of the resolution:

- (1) obtain from the owner or owners of the land an option for its purchase; or

(2) enter into a contract for its purchase upon the terms and conditions that the board considers best.

The option or contract is subject to the final action of the board confirming, modifying, or rescinding the resolution and to the condition that the land shall be paid for only out of the special fund resulting from the sale of district bonds and from local assessments, as provided in this chapter.

(h) If the board decides to acquire any lots or parcels of land by purchase, the board shall appoint three (3) qualified appraisers to appraise the land. The appraisers may not be interested, directly or indirectly, in any land to be acquired under the resolution or that may be injured or incur local benefits. The appraisers shall take an oath that they have no interest in the matter and that they will honestly and impartially make the valuation. They shall then immediately view the land and determine the true market value of it at that time. They shall report the appraisal in writing, which shall be filed with and becomes a part of the record of the proceeding. The board may not take an option on the land or enter into a contract to purchase it at a higher price than the value named in the report.

(i) The title to any land to be acquired under the resolution, whether by purchase or appropriation, does not vest in the city until it is paid for out of the special fund created by the sale of bonds and from local assessments of special benefits as provided in this chapter. Any indebtedness or obligation incurred by the board due to the acquisition of land or to construction of a work shall be paid out of the funds under the control of the board and is not an indebtedness or obligation of the city.

(j) At or before the time fixed for the hearing, an owner of land to be appropriated or injuriously affected under the resolution, or a person owning real or personal property located within the corporate boundaries of the city, may file a written remonstrance with the secretary of the

board. At the hearing, which may be adjourned from time to time, the board shall hear all persons interested in the proceedings and all remonstrances that have been filed. After considering this evidence, the board shall take final action determining the public utility and benefit of the proposed project by either confirming, modifying, or rescinding the resolution. The action shall be recorded and is final and conclusive upon all persons. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.320, SEC.17.*

36-10-4-26 Letting of contract for construction; bidder's deposit; payment, limitation of cost; validity of contract

Sec. 26. (a) If the board orders acquisition and construction and has advertised for bids for the construction after final adoption of the resolution, it shall require each bidder to deposit with his bid a certified check for an amount not less than two and one-half percent (2 1/2%) of the engineer's estimate of the cost of the improvement to insure the execution of the contract for which the bid is made.

(b) The contract must state that payments for all work under the contract shall be made only from the special fund derived from the proceeds of bonds and special assessments. A contract may not be let for a higher amount than the estimated cost of the work, and the board may let parts of the proposed work under different contracts. The board may, at any time before the execution of a contract for the work, rescind any acts or orders in relation to the proposed work or take the supplementary proceedings that the board considers necessary.

(c) The validity of a contract may not be subsequently questioned by any person except in an action to enjoin the performance of the contract instituted within fifteen (15) days after the execution of the contract. After that fifteen (15) day period, all proceedings and orders of the board preliminary to the contract

are valid, conclusive, and binding upon all persons and are not subject to attack. The amount of the benefits resulting to all property in the city and the special tax shall be levied only for the balance. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-27 Properties subject to special tax; lands subject to special assessment for benefits; determination of benefits to all property in city

Sec. 27. (a) After final action of the board confirming the resolution in its original form, all property located within the corporate boundaries of the city is subject to a special tax to provide money to pay the total cost of acquiring land, of an improvement, or of both, including all necessary incidental expenses. The special tax constitutes the amount of benefits resulting to the property from the proceedings and shall be levied as provided in this chapter.

(b) If the board determines that any lots or parcels of land, exclusive of improvements, lying within two thousand (2,000) feet of either side of property to be acquired for a work of construction will incur a particular benefit because of proximity to the property to be acquired or the work of construction, the lots and parcels of land are subject to a special assessment for benefits in addition to the benefits received by them in common with all other property located in the city. The special assessment shall be determined in accordance with this chapter, but the total amount of the additional benefits assessed may not exceed twenty-five percent (25%) of the total cost of acquiring land, of the improvement, or of both.

(c) The total amount of additional benefits assessed and finally confirmed or adjudged against lots and parcels of land, exclusive of improvements, lying within two thousand (2,000) feet shall be deducted from the total cost of acquiring new park land, of the improvement, or of both. The balance of the

total cost constitutes the amount of the benefits resulting to all property in the city, with the special tax levied only for the balance. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-28 Lists of property sought to be taken, certain property incurring particular benefit and persons affected injuriously or beneficially

Sec. 28. (a) When the resolution has been finally confirmed by the board, the board shall have prepared a list of all the owners or holders or property sought to be taken or that will be injuriously affected either by the appropriation of the land or the improvement. The board shall also have prepared a list of all of the owners or holders of lots or parcels of land lying within two thousand (2,000) feet on either side of the land to be acquired for park or boulevard purposes, for an improvement, or for both that will incur a particular benefit as provided in section 27 of this chapter by the acquisition, location, establishment, construction, or improvement of a park, playground, parkway, pleasure driveway, boulevard, improvement, or structure provided in the resolution.

(b) In addition to the names, the list must show with reasonable certainty a description of the property belonging to each person that will be appropriated or affected either injuriously or beneficially. A greater certainty in names and description is not necessary for the validity of an award or assessment than is required in the assessment of taxes. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-29 Exempt personal and real property, exception

Sec. 29. All real and personal property that is exempt from taxes by statute is exempt from all taxes and assessments under this chapter, except assessments against abutting property for improvements constructed by the board under section 23 of this chapter. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-30 Awards, determination; notice describing location of land appropriated or acquired

Sec. 30. (a) After completion of the list, the board shall proceed to determine and award:

(1) the amount of damages sustained by the owners of the parcels of land required to be appropriated, if any, as provided in the resolution or that will be injuriously affected; and

(2) the amount of particular benefits that will accrue to the lots or parcels of land, exclusive of improvements, lying within two thousand (2,000) feet on either side of the property to be acquired, of the improvement, or of both because of proximity to the land to be acquired and the establishment or construction of a project for park purposes as provided in the resolution and in addition to the benefits received by the lots or parcels of land in common with all property located in the city.

However, the total amount of benefits assessed against the lots and parcels of land, exclusive of improvements, located within two thousand (2,000) feet may not exceed twenty-five percent (25%) of the total cost of land acquisition or of the improvement.

(b) When the list has been completed, the board shall have published in accordance with IC 5-3-1 a notice describing the location of the land appropriated or acquired by the purchase or the land on which the improvement is to be made. The notice must also state:

(1) the general character of the improvement;

(2) what assessments have been made against land within two thousand (2,000) feet of park property; and

(3) that the assessment list, with the names of the owners to whom damages have been awarded and against whom assessments have been made, a description of property affected, and the amounts of preliminary

awards or assessments for each parcel of property affected is on file and can be seen in the board's office.

(c) In addition, the board shall have a written notice served upon the owner of each parcel of land taken or injuriously affected, by leaving a copy at his last and usual place of residence in the city or by delivering a copy to the owner personally. The notice must show separately each item of the determination regarding property owned by him.

(d) The board shall also have mailed a notice to the residence, if known, of persons owning land or parts of land against which special assessments have been made, showing each item of the determination as it affects those persons. If a person is a nonresident or his residence is not known, then he is considered to have been notified by the publication. The notice must name a day, not earlier than ten (10) days after service of the notice, the last day of publication, or the date of mailing, on which the board will receive and hear remonstrances from persons regarding the amount of their respective awards or assessments. Persons not included in the lists, assessments, or awards who claim to be entitled to an assessment or award are considered to have been notified of the pendency of the proceedings by the original notice of the resolution of the board and by the publication as provided in this section. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.45, SEC.99.*

36-10-4-31 Notice to person of unsound mind or under eighteen years of age; defects or irregularities in proceedings

Sec. 31. (a) If a person having an interest in land affected by the proceedings is of unsound mind or under eighteen (18) years of age, the board shall certify this fact to its attorney. The attorney shall then apply to the court and secure the appointment of a guardian for the person. The board shall give notice to the

guardian, who shall appear and protect the interest of his ward. However, if the ward already has a guardian, the notice may be served upon that guardian. The requisites of notice to the guardian are the same as for other notices.

(b) If there are defects or irregularities of any kind in the proceedings with respect to one (1) or more interested persons, they do not affect the proceedings as to any other person. In case of a defect, supplementary proceedings of the same general character as those already prescribed may be had in order to cure it. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-32 Remonstrance against award or assessment; hearing; decision; appeal; procedure; costs

Sec. 32. (a) A person notified or considered to be notified under the preceding sections of this chapter may remonstrate in writing against an award or assessment and appear before the board on the day fixed for hearing remonstrances. Every person appearing before the board having an interest in the proceedings shall be given a hearing. After the remonstrances have been received and the hearings held, the board shall either sustain, increase, or decrease the awards or assessments.

(b) A person remonstrating in writing who is aggrieved by the decision of the board may take an appeal to the circuit or superior court in the county in which the city is located. The appeal affects only the amount of the assessment or award of the person appealing.

(c) The appeal may be taken by filing an original complaint in court against the board within ten (10) days after the board's decision. The complaint must set forth the action of the board regarding the assessment or award and the facts relied upon as showing an error of the board. The court, or if requested by a property owner or the board, a jury, shall rehear the matter of the assessment or award de novo and either confirm, decrease, or increase the

amount. The cause shall be tried as a civil case. All remonstrances upon which an appeal is taken may be consolidated and heard as one (1) cause of action and shall be heard and determined as soon as practical.

(d) If the amount of benefits assessed against the property is decreased by ten percent (10%) or more, or if the amount of damages is increased by ten percent (10%) or more, the plaintiff is entitled to recover costs. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-33 The local assessment duplicate; collection by county treasurer; payment date, foreclosure; installment payments; law governing; assessment bonds; expense of notices

Sec. 33. (a) Upon completion of the assessment roll by the board, the board shall immediately prepare a duplicate of the assessment roll of benefits, to be known as "The Local Assessment Duplicate", and deliver it, duly certified, to the county treasurer. The amounts of benefits assessed are then liens superior to all other liens, except taxes, against the respective lots or parcels of land upon which they are assessed. The duties of the treasurer are the same as are prescribed by law for the collection of assessments for street improvements.

(b) The assessments of benefits are due and payable to the treasurer from the time of the delivery of the assessment duplicate to the treasurer. If the assessments are not paid within sixty (60) days after delivery, the board, through its attorney, shall proceed to foreclose the liens in a court of competent jurisdiction as mortgages are foreclosed, with similar rights of redemption and the right to sell the property to pay the assessments. The board may recover costs, reasonable attorney's fees, and interest from the expiration of the sixty (60) day period at the rate of six percent (6%) per year. If the person against whom the assessment is made is a resident of the city, demand shall be made by delivery to him personally or mailing to his last

and usual place of residence a notice of the assessment and demand for payment.

(c) A person assessed for special and local benefits may, within thirty (30) days after confirmation of the assessments, decide to pay the assessment in installments in the same manner as provided for the payment of assessments for the improvement or paving of streets in the city.

(d) Statutes concerning the payment of street improvement assessments by installments, the issuance of bonds and coupons to anticipate assessments, and the rights of bondholders and landholders apply to assessments made under this chapter when consistent with this chapter. If assessment bonds are issued, they shall promptly be sold by the board in the same manner as park district bonds are authorized to be sold under section 35 of this chapter. Assessment bonds are exempt from taxation for all purposes. The expense of all notices with respect to assessments and delinquencies shall be paid by the board and all interest on delinquencies shall be deposited into the general fund of the board. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-34 Damage awards; certificates; payment; disputes as to claimants

Sec. 34. (a) The board shall, upon completion of a damage award or upon the determination of an appeal, make out certificates for the proper amounts and in favor of the proper persons. When a person presents a certificate to the city fiscal officer, the person is entitled to a warrant on the city treasury. The warrant shall be countersigned by the president or vice president and the secretary of the board.

(b) The city shall pay the persons the amounts due them as shown by the certificates. The certificates or vouchers shall, whenever practical, be actually tendered to the person entitled to them, but if this is impractical they shall be kept for the persons in the office of the

board. The making and filing of the certificates is a valid effectual tender to the person entitled to them when there is sufficient money to pay them. The certificates shall be delivered to the person on request.

(c) If a dispute or doubt arises as to which person shall be paid the money, the board shall make out the certificate in favor of the attorney appointed by the board for the use of the person entitled to it. The attorney shall then draw the money and pay it into court in a proper proceeding, requiring the various claimants to interplead and have their respective rights determined. If an injunction is obtained because damages have not been paid or tendered, the board shall tender the amount of them, with interest from the time of the entry of the property, if entry has been made, and all accrued costs. The injunction shall then be disposed of, if there is sufficient money to pay the certificate. The pendency of an appeal to the circuit or superior court of a county does not affect the validity of a tender made under this section, but the board is entitled to proceed with its appropriation of the property in question. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-35 Bonds; issuance, purpose; deduction of benefits from cost; inclusion of estimated costs in one bond issue; denomination; issuance and sale procedure

Sec. 35. (a) In order to pay for:

- (1) land to be acquired for any of the purposes of this chapter;
- (2) an improvement authorized by this chapter; or
- (3) both;

the board shall issue the bonds of the district in the name of the city in anticipation of the special benefits tax to be levied under this chapter. The amount of the bonds may not exceed the estimated cost of all land to be acquired and the

estimated cost of all improvements provided in the resolution, including all expenses necessarily incurred in the proceedings and a sum sufficient to pay the estimated costs of supervision and inspection during the period of construction. Expenses include all expenses actually incurred preliminary to acquisition of the land and the construction work, such as the estimated cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other expenses necessary to letting the contract and selling the bonds.

(b) The total amount of any benefits that have been assessed by the board and confirmed against lots and parcels of land, exclusive of improvements, lying within two thousand (2,000) feet on either side of the land to be acquired or of the improvement, however, shall be deducted from the estimated cost.

(c) If more than one (1) resolution or proceeding of the board under section 25 of this chapter is confirmed whereby different parcels of land are to be acquired or more than one (1) contract for work is let by the board at approximately the same time, the estimated cost involved under all of the resolutions and proceedings may be contained in one (1) issue of bonds.

(d) The bonds shall be issued in any denomination up to five thousand dollars (\$5,000) each. The bonds are negotiable instruments and bear interest at a rate established by the board and approved by the city legislative body.

(e) The bonds may be payable in equal annual or semiannual installments of one (1) to forty (40) years, subject to subsection (k).

(f) After adopting a resolution ordering the bonds, the board shall certify a copy of the resolution to the fiscal officer of the city. The fiscal officer shall then prepare the bonds, which shall be executed by the city executive and attested by the fiscal officer. The bonds are exempt from taxation for all purposes and are subject to IC 6-1.1-20 concerning the filing of a

petition requesting the issuance of bonds and the right of taxpayers to remonstrate against the issuance of bonds.

(g) All bonds shall be sold at not less than par value plus accrued interest to date of delivery by the city fiscal officer to the highest bidder after giving notice of the sale of the bonds by publication in accordance with IC 5-3-1.

(h) The bonds are subject to approval by the city legislative body, in the manner it prescribes by ordinance or resolution.

(i) The bonds are not corporate obligations or indebtedness of the city, but are an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all property of the district. The bonds must recite these terms upon their face, together with the purposes for which they are issued.

(j) An action to question the validity of bonds of the district or to prevent their issue may not be brought after the date set for the sale of the bonds.

(k) The board may, instead of selling the bonds in series, sell the bonds to run for a period of five (5) years from the date of issue for the purposes of this chapter at any rate of interest payable semiannually, also exempt from taxation for all purposes. The board may sell bonds in series to refund the five (5) year bonds. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.320, SEC.18; P.L.27-1986, SEC.8.*

36-10-4-36 Cumulative building and sinking fund; establishment; public hearing; action of state board of tax commissioners; levy of tax; disposition of tax collected

Sec. 36. (a) To raise money for any of the purposes for which bonds may be issued under section 35 of this chapter, the board may request the city legislative body to adopt an

ordinance establishing a cumulative building and sinking fund. If the legislative body adopts an ordinance establishing a cumulative building and sinking fund, it shall give notice to the taxpayers affected and provide for a public hearing before the proposed action is presented to the state board of tax commissioners for approval. Notice of the proposal and public hearing shall be given by publication in accordance with IC 5-3-1.

(b) If, after the public hearing, the legislative body confirms its original ordinance or modifies the ordinance and confirms the original ordinance as modified, the proposed action shall be submitted to the state board of tax commissioners, who shall require notice of the submission to be given to the taxpayers of the district by publication in accordance with IC 5-3-1. Ten (10) or more taxpayers in the district who will be affected by the proposed tax rate may file a petition with the auditor of the county in which the district is located, not later than ten (10) days after the publication, stating their objection to the proposed levy.

(c) After the petition is filed, the auditor shall immediately certify the petition to the state board of tax commissioners. The state board of tax commissioners shall, within a reasonable time, fix a date for a hearing on the petition to be held in the county in which the district is located. Notice of the hearing shall be given to the city legislative body and to the first ten (10) taxpayers whose names appear on the petition by a letter signed by the secretary or any member of the state board of tax commissioners. The letter shall be mailed to the legislative body and to the taxpayers at their usual place of business or residence at least five (5) days before the date of the hearing.

(d) After the hearing, the state board of tax commissioners shall certify its approval, disapproval, or modification of the proposal to the county auditor. The action of the state board of tax commissioners is final and conclusive. After

approval by the state board of tax commissioners, the city legislative body shall levy annually, for a period of twelve (12) years, the amount of tax prescribed in the ordinance and approved by the state board of tax commissioners. However, the tax may not exceed ten cents (\$.10) on each one hundred dollars (\$100) of taxable personal and real property in the district.

(e) If the legislative body considers it advisable, it may, by ordinance, reduce the annual levy at any time. In addition, ten (10) or more taxpayers in the district who will be affected by the tax may file with the auditor of the county in which the district is located, not later than August 1 of any year, a petition for reduction of the levy stating their objections. The petition shall be certified to the state board of tax commissioners, with the same provisions for notice and hearing followed as for the original establishment of the levy. After the hearing, the state board of tax commissioners may reduce or rescind the levy, and the action is final and conclusive.

(f) The tax, when collected, shall be held in a public depository in a special fund to be known as the park district cumulative building and sinking fund. The fund may not be expended by the board for a purpose other than the purposes of this chapter. Expenditures may be made from the fund only after appropriation has been made in the manner provided by law for making other appropriations for the expenditure of other money by the board. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.45, SEC.100.*

36-10-4-37 District bond fund; proceeds from sale of bonds; disposition of fund

Sec. 37. (a) All proceeds from the sale of bonds issued under section 35 of this chapter shall be kept as a separate fund to pay for:

- (1) the cost of land and other property acquired;
- (2) the cost of improvement; and

(3) all costs and expenses incurred in connection with the project.

(b) The fund may not be used for any other purpose. The fund shall be deposited, at interest, with the depository or depositories of other public funds of the city, and all interest collected on it belongs to the fund. A surplus remaining from the proceeds of the bonds after all costs and expenses are fully paid shall be paid into and becomes a part of the district bond fund. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-38 Special tax to pay principal of bonds and accruing interest; collection; accumulations of fund before use for payment

Sec. 38. (a) To raise money to pay all bonds issued under section 35 of this chapter, including interest, the board shall levy each year a special tax upon all of the real and personal property located in the district to pay the principal of the bonds as they mature, together with all accruing interest. The board shall have the tax levied each year certified to the auditor of the county in which the district is located by October 1 each year.

(b) The tax levied and certified shall be collected and enforced in the same manner as other city taxes are collected and enforced. As the tax is collected, it shall be accumulated and kept in a separate fund to be known as the park district bond fund. The tax shall be used to pay the bonds and interest as they mature and may not be used for any other purpose.

(c) All accumulations of the fund before use for the payment of bonds and interest shall be deposited, at interest, with one (1) of the depositories of other public funds of the city, with interest collected belonging to the fund. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-39 Payment for land taken or purchased or work done by contract; recording of land

description and purpose of acquisition

Sec. 39. (a) The board shall pay to the parties the amounts respectively due them for land taken or purchased or work done by contract or otherwise from the fund derived from the sale of bonds and from assessments of benefits. No other source may be used for this payment. If the land or a part of it is secured by purchase or contract, the payment shall be made according to the terms of the contract. If land is taken by condemnation, the amount of damages assessed shall be paid or tendered within ninety (90) days after the final determination of the condemnation proceedings, or as soon after that as the bond fund is available. The title to the land, or that part paid for or otherwise acquired for these purposes, then vests in the city in the manner, to the extent, for the purposes, and subject to the limitations provided.

(b) Within sixty (60) days after land or an interest in it is acquired or taken under this chapter, the board shall file and have recorded in the recorder's office in the county in which the land is situated a description of it sufficiently accurate for its identification, including a statement of the purposes for which it is required or taken signed by a majority of the board. *As added by Acts 1981, P.L.309, SEC.111.*

36-10-4-40 Separate contracts with another party for public improvements or repairs; violation of section

Sec. 40. (a) Unless the board publicly declares an emergency, it may not during any six (6) month period make separate contracts with another party for public improvements or repairs under section 13 of this chapter on the same construction or repair site or on the same construction or repair project involving more than one (1) site, without advertising for and accepting public bids, if the aggregate cost of the separate contract is more than fifteen thousand dollars (\$15,000).

(b) A commissioner who knowingly violates subsection (a) commits a Class D felony.

(c) A person who accepts a contract with the board, knowing that subsection (a) was violated in connection with the contract, commits a Class D felony and may not be a party to or benefit from any contract with an Indiana governmental entity for two (2) years after the date of his conviction. *As added by Acts 1981, P.L.309, SEC.111. Amended by Acts 1981, P.L.57, SEC.44.*

Chapter 5. Miscellaneous Municipal Park Provisions

- 36-10-5-1 Application of chapter
 36-10-5-2 Municipalities having populations less than 35,000; designation and powers and duties of park authority; powers of municipality; tax levy, borrowing and issuance of bonds; deposit of funds
 36-10-5-3 Municipalities except consolidated cities; issuance of bonds or appropriations; revenue bonds
 36-10-5-4 Municipalities having populations less than 20,000; sale of parkland and minerals and mineral rights; disposition of sale proceeds; transfer of sale proceeds to school corporation; notice; hearing

36-10-5-1 Application of chapter

Sec. 1. This chapter applies to the municipalities indicated in each section. *As added by Acts 1981, P.L.309, SEC.112.*

36-10-5-2 Municipalities having populations less than 35,000; designation and powers and duties of park authority; powers of municipality; tax levy, borrowing and issuance of bonds; deposit of funds

Sec. 2. (a) This section applies to municipalities having a population of less than thirty-five thousand (35,000), unless otherwise provided by law.

(b) As used in this section, "park authority" means the municipal legislative body. However,

the legislative body may designate the governing body of the school corporation, a recreation board, the municipal works board, or any other appropriate board or commission as the park authority.

(c) If a recreation board is established under subsection (b), it must consist of five (5) resident freeholders appointed by the city executive or the town legislative body. At least one (1) member must be a member of the governing body of the school corporation and no members may serve on the municipal legislative body. All members must be qualified by an interest in and knowledge of the social and educational value of recreation. The members serve without compensation. The members shall be appointed for four (4) year terms from January 1 of the year of their appointment or until their successors are appointed. The initial terms of board members, however, are as follows:

- (1) One (1) for a term of one (1) year.
- (2) One (1) for a term of two (2) years.
- (3) One (1) for a term of three (3) years.
- (4) Two (2) for terms of four (4) years.

A vacancy shall be filled by the appointing authority for the remainder of the unexpired term.

(d) The park authority shall manage all public parks, including approaches, that belong to the municipality.

(e) If a municipality decides, by ordinance, to establish, lay out, or improve a public park or grounds, or to make an extension of a park or grounds, it may locate the park or grounds, including appurtenances, and it may lay out and open the public ways necessary for the improvement. If it is necessary to acquire land, water rights or easements, or a pool, lake, or natural stream of water, the park authority may condemn that property and take possession of it if it is located within five (5) miles of the municipality. Before the park authority

condemns the property, it shall assess the damages to the owners of the property at a meeting of the authority. Additional condemnation proceedings are the same as those provided for the taking of property to open streets.

(f) The park authority may adopt rules concerning the laying out, improvement, preservation, ornamentation, and management of parks. The park authority shall allow monuments or buildings for libraries, works of art, or historical collections to be erected in a park, as long as they are under the control of the persons in charge of the park and no inclosure separates them from the rest of the park.

(g) The legislative body of the municipality may also levy a tax on all taxable property in the municipality to pay for park property and for its improvement. The legislative body may also borrow money and issue the bonds of the municipality at any rate of interest payable annually or semiannually and may sell them for at least par value. The money derived from the sale of bonds may be used only for the purchase or improvement of parks. The legislative body shall annually levy a tax sufficient to pay the interest on the debt on all taxable property in the municipality to create a sinking fund for the liquidation of the principal of the debt.

(h) If the park authority of a city decides to lease any buildings or grounds belonging to the city and located in a public park when they are not required for public use, the proceeds shall be deposited with the city fiscal officer to the credit of park funds and devoted to the improvement of public parks.

(i) Any nonreverting fund that was created under IC 19-7-6 before September 1, 1981, continues until abolished by ordinance of the municipal legislative body. The legislative body may include in the park authority's annual budget an item and an appropriation for the specific purposes of a nonreverting capital fund. Money put in the fund may not be withdrawn except for the purposes for which the fund was created, unless the legislative body

repeals the ordinance creating the fund. The repeal may not be made under suspension of the rules. Money procured from fees shall be deposited at least once each month with the municipal fiscal officer. The fiscal officer shall deposit the money either in a special nonreverting operating fund or in the nonreverting capital fund as directed by the park authority. The legislative body may provide by ordinance that expenditures may be made from the special nonreverting operating fund without appropriation. Money from fees procured from golf courses, swimming pools, skating rinks, or other similar facilities requiring major expenditures for management and maintenance may not be deposited in this fund. Money from either fund shall be disbursed only on approved claims that are allowed and signed in the same manner as other claims of the municipality are allowed and signed. *As added by Acts 1981, P.L.309, SEC.112. Amended by Acts 1981, P.L.320, SEC.19.*

36-10-5-3 Municipalities except consolidated cities; issuance of bonds or appropriations; revenue bonds

Sec. 3. (a) This section applies to all municipalities except consolidated cities.

(b) If a municipality decides to acquire, construct, develop, improve, and operate a golf course, swimming pool, or ice rink, it may issue the bonds of the municipality to pay the cost of acquisition, development, and improvement, subject to statutes concerning the issuance of bonds and the making of appropriations by municipalities.

(c) As an alternative method of financing the cost of acquisition, development, and improvement, the municipality may issue revenue bonds. The revenue bonds are not obligations of the municipality within the meaning of constitutional limitations, but are payable solely from the income and revenues of the golf course, swimming pool, or ice rink for which they are issued. If the proceeds of the bonds are

used to acquire land, the payment of the bonds may be secured by a pledge of the land. Statutes concerning the issuance of revenue bonds by municipalities to construct, acquire, extend, or improve waterworks apply, as far as applicable, to revenue bonds issued under this section regarding the authorization, issuance, sale, character, and immunities of the bonds and the rights, privileges, and powers of the bondholders. However, neither a petition nor an election is required in these proceedings. If statutes authorizing the issuance of waterworks revenue bonds contain different provisions regarding procedure or the rights and remedies of bondholders, the ordinance authorizing the issuance of revenue bonds under this section must set out the particular procedure that the municipal legislative body has adopted and the rights and remedies given to the bondholders. *As added by Acts 1981, P.L.309, SEC.112.*

36-10-5-4 Municipalities having populations less than 20,000; sale of parkland and minerals and mineral rights; disposition of sale proceeds; transfer of sale proceeds to school corporation; notice; hearing

Sec. 4. (a) This section applies to municipalities having a population of less than twenty thousand (20,000).

(b) If the legislative body of a municipality decides to sell the parkland, a part of it, the minerals, mineral rights, or royalties for minerals under the parkland, or part of them, the legislative body may do so upon passing an ordinance for that purpose providing for the manner and terms of the sale. The legislative body may plat the land by laying it off into lots and public ways, and then selling the lots, after passing an ordinance to that effect or including it in the original ordinance. However, the land may not be sold until it is appraised as required in cities for the conveyance of property. If there is a board of park commissioners in a city, the

legislative body shall proceed only upon a resolution of the board filed with the legislative body.

(c) The proceeds derived from the sale of parkland or from minerals, mineral rights, or royalties for minerals under parkland shall be expended for:

- (1) the improvement of the remaining parkland of the municipality;
- (2) the purchase of other land for park purposes;
- (3) the purchase, improvement, equipment, or maintenance of playgrounds, swimming pools, comfort stations, or recreation stations in the municipality; or
- (4) a combination of these purposes.

In addition, money may be used for these purposes if it is derived in part from another source or under another statute.

(d) The legislative body of the municipality may transfer the proceeds or a part of them derived from the sale of parkland or minerals, mineral rights, or royalties for minerals under parkland to the school corporation of the municipality. The proceeds shall be used by the school corporation for providing, equipping, and maintaining playgrounds, swimming pools, comfort stations, or recreation stations, whether they are on school grounds, used in connection with school grounds or school buildings, or on separate grounds. Before proceeds may be transferred to the school corporation for any of these purposes, the legislative body must pass an ordinance providing for the transfer of the proceeds and for what purposes they may be used.

(e) Before final passage of the ordinance for the platting or sale of land by a town, notice of a hearing on the ordinance shall be given in accordance with IC 5-3-1. At the hearing any citizen of the town may appear and present objections to the ordinance and the sale of the land. If a remonstrance signed by twenty-five

percent (25%) of the legal voters in the town is filed in the office of the town clerk within the time limits prescribed in the ordinance, the ordinance may not be passed or the land sold. *As added by Acts 1981, P.L.309, SEC.112. Amended by Acts 1981, P.L.45, SEC.101.*

Chapter 6. Miscellaneous County Park Provisions

36-10-6-1	Application of chapter
36-10-6-2	Counties; definitions; establishment of area park district, procedure; powers of board; withdrawal from district
36-10-6-3	[Reserved]
36-10-6-4	[Reserved]
36-10-6-5	Repealed
36-10-6-6	Repealed

36-10-6-1 Application of chapter

Sec. 1. This chapter applies to the counties indicated in each section. *As added by Acts 1981, P.L.309, SEC.113.*

36-10-6-2 Counties; definitions; establishment of area park district, procedure; powers of board; withdrawal from district

Sec. 2. (a) This section applies to all counties.

(b) As used in this section, "board" refers to an area park board established under this chapter.

(c) As used in this section, "district" refers to an area park district established under this chapter.

(d) Two (2) or more counties may establish an area park district for the purposes of establishing, owning, maintaining, and controlling one (1) or more public parks for the use and benefit of the residents of those counties. To establish a district, the legislative body of each county desiring to join shall adopt substantially identical ordinances indicating this intention. Before the ordinances take effect, they must be published in their respective counties in

accordance with IC 5-3-1. Within ten (10) days after the publication of the ordinance, the auditor of each county shall file a certified copy of the ordinance with the auditor of each of the other counties involved. When the ordinances have been adopted and filed by all the counties joining, the district is considered established. All of the territory of the counties joining comprises the district.

(e) Within ten (10) days after the publication of the ordinance, any registered voter may notify the legislative body of his intent to file a remonstrance petition. Within sixty (60) days after this notice, petitions for and against the county's joining in the proposed district may be filed with the legislative body. The petitions must be signed and acknowledged by registered voters of the county. The petition that contains the greater number of signatures prevails.

(f) Within thirty (30) days after the establishment of the district, the legislative body of each county joining shall appoint members to the area park board. Each county may appoint one (1) member to the board. In addition, each county may appoint an additional member for each fifty thousand (50,000) residents or fraction thereof of that county's population. Each member must be a resident of the county from which he is appointed, and at least one (1) member from each county must be an elected official of that county. Members serve for terms of four (4) years and may be reappointed. Vacancies shall be filled by the appointing authority for the unexpired term of the vacating member.

(g) The board shall meet within thirty (30) days after the appointment of all members. Notice of the meeting shall be given by the auditor of the county that passed the first ordinance to establish the district. At the meeting the board shall elect one (1) of its members chairman and one (1) secretary and shall adopt rules of order that it considers necessary. The board shall then meet at times and places that it determines. Members serve on the board

without compensation. However, all members except the elected official members are entitled to receive a per diem and mileage for time spent in the performance of their duties.

(h) Except as provided in subsection (i), the board has all of the powers of a board under IC 36-10-3 except the power of eminent domain.

(i) The board may levy a tax for the establishment, purchase, maintenance, and control of the parks established and controlled by the board, but the tax may not exceed five cents (\$0.05) for each one hundred dollars (\$100) of assessed valuation of property in the district. When the board determines the rate of the levy, the board shall certify it to each county auditor. The levy shall then be placed upon the tax duplicate of each county in the district, and the tax shall be collected in the same manner as other taxes are collected. All money received for the district shall be paid into the treasury of the county with the greatest population. The money shall be deposited and kept as other public funds are deposited and kept, and interest earned on the money shall be credited to the area park fund. Money may be paid out by the treasurer only upon the written order of the board.

(j) A county may withdraw from a district only upon a two-thirds (2/3) vote of its legislative body. If a county decides to withdraw from a district, the date of withdrawal must be effective on January 1 of a year at least one (1) year after the date upon which the county voted to withdraw. *As added by Acts 1981, P.L.309, SEC.113. Amended by Acts 1981, P.L.45, SEC.102; P.L.213-1986, SEC.10.*

36-10-6-3 [Reserved]

36-10-6-4 [Reserved]

36-10-6-5 Repealed

(Repealed by Acts 1982, P.L.6, SEC.30).

36-10-6-6 Repealed

(Repealed by Acts 1982, P.L.6, SEC.32).

Chapter 7. Miscellaneous Township Recreation Provisions

- 36-10-7-1 Application of chapter
- 36-10-7-2 Townships except those in county having consolidated city; establishment of community center or recreational land area; bonds; maintenance
- 36-10-7-3 Townships; programs, facilities or services; tax levy; appropriation
- 36-10-7-4 Certain townships; public park or playground, management, records; violation
- 36-10-7-5 Certain townships located in counties having more than two second class cities; acquisition of land for park purposes, procedure; establishment, maintenance, etc., of parks; issuance of bonds; tax levy; park and recreation fund; fees; superintendent of parks; appointment; duties
- 36-10-7-6 Townships containing a town and having a population of at least 8,500; acquisition, improvement, etc., of land for park purposes, procedure; issuance of bonds; tax levy; employment of needy persons
- 36-10-7-7 Certain townships; acquisition and maintenance of grounds and structures to be used as public parks; public park fund
- 36-10-7-8 Certain townships; acquisition of land for park purposes; improvements; maintenance; bonds; levy of taxes; disposition of property; procedures; limitations

36-10-7-1 Application of chapter

Sec. 1. This chapter applies to the townships indicated in each section. *As added by Acts 1981, P.L.309, SEC.114.*

36-10-7-2 Townships except those in county having consolidated city; establishment of community center or recreational land area; bonds; maintenance

Sec. 2. (a) This section applies to all townships except those in a county having a consolidated city.

(b) The township executive may, upon petition of at least twenty-five (25) resident freeholders and approval of the township legislative body, purchase or improve suitable land or

purchase, construct, reconstruct, renovate, remodel, or improve room space, buildings, or equipment for:

(1) a township community center for civic, social, recreation, or other township purposes; or

(2) a township recreational land area.

(c) A township may issue general obligation bonds for the purposes set forth in subsection (b) in the manner provided by IC 36-10-3 for the issue of bonds under that chapter.

(d) Money for the purposes set forth in subsection (b) must be appropriated as provided by statute from funds belonging to the township or from the proceeds of a general obligation bond.

(e) The executive may operate and maintain the community center or recreational land area with the approval of the legislative body. A property tax levy may be imposed as provided by statute for the cost of all or part of the operation and maintenance expense incurred under this section.

(f) The executive may, with the approval of the legislative body, rent to others all or part of the community center or recreational land area when it is not needed for township purposes. The money received for rent shall be used to pay maintenance and utility expenses of the community center or recreational land area. *As added by Acts 1981, P.L.309, SEC.114. Amended by P.L.354-1985, SEC.3.*

36-10-7-3 Townships; programs, facilities or services; tax levy; appropriation

Sec. 3. (a) This section applies to all townships.

(b) The township executive may:

(1) levy a tax; and

(2) appropriate township funds;

to pay for recreation programs, facilities (including a community center used for recreational purposes), or services. *As added by Acts 1981, P.L.309, SEC.114. Amended by P.L.354-1985, SEC.4.*

36-10-7-4 Certain townships; public park or playground, management, records; violation

Sec. 4. (a) This section applies to each township:

(1) in a county having a consolidated city; or

(2) containing a second class city within its boundaries that is not a county seat.

(b) If there is a public park or playground in the township under the jurisdiction of the township, the township executive shall manage the park or playground. The executive shall keep complete records of the management and all related transactions, including receipts such as fees, concessions, licenses, permits, and sales. The receipts shall be credited to the general fund of the township.

(c) An executive who violates this section commits a Class C infraction. *As added by Acts 1981, P.L.309, SEC.114.*

36-10-7-5 Certain townships located in counties having more than two second class cities; acquisition of land for park purposes, procedure; establishment, maintenance, etc., of parks; issuance of bonds; tax levy; park and recreation fund; fees; superintendent of parks; appointment; duties

Sec. 5. (a) This section applies to each township having a population of not less than one hundred eighty thousand (180,000) nor more than two hundred four thousand (204,000) that is located in a county having more than two (2) second class cities.

(b) The township executive, subject to approval by resolution of the township legislative body may purchase, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land for park purposes within the township, either inside or outside the corporate boundaries of a municipality, and may make necessary improvements.

(c) If the executive and legislative body refuse to purchase, accept, or acquire land within the township for park purposes or to make necessary improvements, two hundred (200) resident taxpayers and voters of the township may petition the executive and legislative body in writing to:

- (1) purchase, accept, or otherwise acquire the land described in the petition so that a township park may be established under this section; or
- (2) make the improvements designated in the petition.

The petition must be addressed to the executive and legislative body and bear the signatures and addresses of the petitioners in ink, acknowledged before a notary public. After the petition is filed in the office of the executive, the executive shall have notice of the filing published in accordance with IC 5-3-1. The notice must name a date at least sixty (60) days after the date of the last publication on which the executive and legislative body will hear and consider the petition. The notice constitutes notice of the proceedings to all taxpayers within the township, whether resident or nonresident.

(d) At the hearing the executive and legislative body shall hear and consider all remonstrances, whether written and signed in ink or from a resident of the township upon the question of whether the land should be purchased, accepted, or acquired by the township and a township park established, maintained, and improved. After the hearing, the executive and legislative body shall approve the petition

unless twenty percent (20%) of the resident taxpayers of the township remonstrate in writing by filing their remonstrance on or before the day fixed for the hearing. In that case the executive and legislative body shall dismiss the petition.

(e) If land has been acquired for park purposes, the executive subject to approval by resolution of the legislative body shall establish a park. After it is established, the executive subject to approval by resolution of the legislative body shall provide for necessary improvements and construct facilities for the comfort and convenience of the public in the township park. Except as otherwise provided, all expenses incurred shall be paid out of the park and recreation fund of the township.

(f) If a park or parkland is acquired by a township under this section and the expense of the acquisition or of the development and improvement of the park is too great to be borne by the park and recreation fund of the township, the legislative body may authorize its chairman to issue the bonds of the township to procure money for these purposes. However, the total bonded indebtedness of the township for park purposes may not exceed one million dollars (\$1,000,000). Upon special notice of the chairman in writing to each member of the legislative body stating the time, place, and purpose of the meeting, the legislative body may determine whether to issue the bonds of the township to pay the cost of acquiring, developing, or improving the park or parkland. If the legislative body determines that it is of public benefit to issue the bonds of the township, the legislative body, by a special order entered and signed upon the record, may authorize its chairman to issue the bonds of the township. The bonds may run for a period not to exceed ten (10) years, may bear interest at any rate, and may be sold for not less than their par value. Before issuing the bonds, the chairman shall publish notice of their sale in accordance with IC 5-3-1. The notice must state the amount of bonds offered, the denomination,

the period to run, the rate of interest, and the date, place, and hour of sale. The legislative body shall attend the sale and must concur before bonds are sold.

(g) The legislative body shall annually levy a sufficient tax to pay at least one-tenth (1/10) of the amount of the bonds, together with the accrued interest, each year, and the legislative body shall apply the annual tax to the payment of the bonds and interest each year. The tax levy is in addition to all other tax levies authorized by statute. A tax levy authorized by this section shall be levied and collected on all property within the boundaries of the township, including municipalities.

(h) There is established a special nonreverting operating fund for park purposes to be known as the park and recreation fund. Expenditures may be made from the fund by the township's legislative body for park purposes only. The cost of the maintenance and improvement of the park shall be paid out of the park and recreation fund of the township, and the legislative body shall increase the levy of the fund each year by an amount sufficient to provide the money to maintain the park.

(i) Money in the form of fees procured from golf courses, swimming pools, skating rinks, clubhouses, social centers, or other similar facilities requiring major expenditures for maintenance and improvement shall be deposited in the park and recreation fund and shall be appropriated by the township legislative body either in the annual budget or by additional appropriation in the manner as set out in IC 6-1.1-18-5.

(j) The executive, subject to the approval of the legislative body, shall appoint a superintendent of parks. Said appointment shall be made on or before July 1, 1985, or within thirty (30) days of a vacancy in the position of superintendent of parks. If the executive fails to make said appointment within the prescribed period, the legislative body shall have the power to make said appointment. Political affiliation

may not be considered in the selection of the superintendent. The superintendent must:

- (1) be qualified by training or experience in the field of parks and recreation; and
- (2) have a certificate or an advanced degree in the field of parks and recreation.

(k) Under the direction of the legislative body, the superintendent must:

- (1) propose annually a plan for the operation of the park;
- (2) administer the plan as approved by the legislative body;
- (3) supervise the general maintenance of the park;
- (4) keep the records of the park and preserve all papers and documents of the park;
- (5) keep accurate records of park income and expenditures in the manner prescribed by the state board of accounts;
- (6) appoint and discharge employees of the park, subject to the approval of the legislative body, without regard to political affiliation;
- (7) prepare and present to the legislative body an annual report; and
- (8) perform other duties that the legislative body directs.

(l) The legislative body shall execute an employment contract with the superintendent that must contain the terms and conditions of the superintendent's employment. *As added by Acts 1981, P.L.309, SEC.114. Amended by Acts 1982, P.L.6, SEC.29; Acts 1982, P.L.1, SEC.69; P.L.207-1984, SEC.2; P.L.355-1985, SEC.1.*

36-10-7-6 Townships containing a town and having a population of at least 8,500; acquisition, improvement, etc., of land for park purposes, procedure;

**issuance of bonds; tax levy;
employment of needy persons**

Sec. 6. (a) This section applies to all townships having a population of at least eight thousand five hundred (8,500) that contain a town.

(b) The township executive, with the consent of the township legislative body, may:

- (1) purchase, acquire by eminent domain, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land within the township for park purposes;
- (2) make necessary improvements;
- (3) maintain and operate the land; and
- (4) dispose of all or part of the land that is unnecessary for the park or park purposes.

(c) If the executive, with the consent of the legislative body, decides to acquire land for park purposes under this section, a resolution to that effect shall be adopted by the legislative body and shall be entered upon the minutes of the legislative body. The resolution must be signed by the members of the legislative body and by the executive. Upon a petition signed in ink by at least one hundred (100) resident taxpayers and freeholders of the township, the executive shall, after the adoption of the resolution, fix a day not less than fifteen (15) nor more than twenty (20) days after adoption during which time remonstrances may be filed with the executive against the resolution. The executive shall also give notice by publication of the resolution and of the time limits for filing remonstrances in accordance with IC 5-3-1. The remonstrances must also be signed in ink and shall be filed not later than the day fixed for the expiration of the time for filing remonstrances in the notices. If the number of signers of remonstrances exceeds the number of signers who have signed the original petition, determined by the same qualifications, the executive may give notice, in accordance with IC 5-3-1, of a date by which time a supplementary petition containing the names of qualified signers in

addition to the names signed to the first petition may be filed asking for acquisition. The supplemental petition must also be signed in ink by signers having the same qualifications as provided for the original petition. If, after the expiration of the period for filing a supplemental petition, it is determined that the number of qualified signers to the original petition and the supplemental petition exceeds the number of signers to the remonstrance, the executive may proceed with the acquisition of land and the improvement and operation of it. If the number signing the remonstrance is greater than the number signing the original and supplemental petition, then the township may not proceed with the improvement. However, the remonstrance does not prevent the acquisition of land or inhibit the power of the executive, with consent of the legislative body, to acquire parkland unless at least twenty percent (20%) of the resident freeholders who are also legal voters, execute the remonstrance. Only the executive and the legislative body may determine the sufficiency of a petition or remonstrance and the qualifications of a signer. These matters are subject to review only for fraud.

(d) The executive may acquire any property, land, privilege, immunities, or other species of interest reasonably necessary for the park or for the purpose of improving, maintaining, or operating it. The executive may sue in the name of the township for the condemnation of any property, land, privilege, immunities, or other species of interest in accordance with statutes available to municipal corporations for condemnation.

(e) To provide money for any of the purposes of this section, the legislative body may authorize the executive to issue the bonds of the township. However, the total bonds issued and outstanding at any time for such purposes may not exceed ninety thousand dollars (\$90,000). The bonds may bear interest at any rate, may be made payable semiannually, shall be sold for at least their par value, and run for a period of not less than ten (10) nor more than twenty

(20) years. Parts of the total issue may be sold from time to time as the executive, with the consent of the legislative body, determines. After the authorization of the bonds, the executive shall, in accordance with IC 5-3-1, publish notice of that part of the bonds that will be sold at that time. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. No part of the bonds may be sold except after notice. The legislative body shall attend the sale and must concur before bonds are sold.

(f) The legislative body shall levy annually a sufficient tax to pay at least the principal and interest of bonds that will mature in the following year, and the executive shall apply the tax to the payment of bonds and interest. The tax levy is in addition to other tax levies. The tax shall be levied and collected on all property within the boundaries of the township, including municipalities. The cost of the care, upkeep, repair, maintenance, and improvement of the park shall be paid out of the general fund of the township, and the legislative body shall increase the levy of the fund each year by an amount sufficient to provide the money to maintain the park.

(g) The executive shall direct the expenditure of the money raised by the bond issue to save money that otherwise would be expended for poor relief. The executive may offer persons who are able-bodied and capable of work the opportunity to work upon the park improvement. If a person refuses without good excuse, the executive shall consider the refusal prima facie evidence that the person is not entitled to poor relief. *As added by Acts 1981, P.L.309, SEC.114. Amended by Acts 1982, P.L.6, SEC.31.*

36-10-7-7 Certain townships; acquisition and maintenance of grounds

and structures to be used as public parks; public park fund

Sec. 7. (a) This section applies to all townships having a population between two thousand (2,000) and three thousand (3,000).

(b) The township executive and legislative body may accept, acquire, and maintain grounds and structures to be used as public parks upon petition of at least fifty-one percent (51%) of the resident taxpayers of the township.

(c) Whenever a park has been established in the township, the legislative body shall, at its annual meeting and annually each following year, levy a tax not exceeding five cents (\$.05) on each one hundred dollars (\$100) of taxable property in the township. The money shall be set aside in a public park fund to be used by the executive for the maintenance and improvement of the park and for no other purpose. *As added by Acts 1981, P.L.309, SEC.114.*

36-10-7-8 Certain townships; acquisition of land for park purposes; improvements; maintenance; bonds; levy of taxes; disposition of property; procedures; limitations

Sec. 8. (a) This section applies to all townships having a population of less than two thousand (2,000).

(b) The township executive and legislative body may lease, purchase, accept by grant, devise, bequest, or other conveyance to the township, or otherwise acquire land for park purposes and may make necessary improvements only as provided by this section.

(c) The legislative body may establish a township park and may, by resolution, appropriate from the general fund of the township the necessary money to lease, purchase, accept, or otherwise acquire land for park purposes or make improvements thereon. The executive shall then lease, purchase, accept, or acquire

the land for park purposes or shall make improvements thereon as directed in the resolution. However, the costs of the park grounds or of the improvements provided for in the resolution may not exceed in one (1) year one-fifth of one percent (0.2%) of all taxable property of the township according to its assessed valuation as it appears on the tax duplicates of the auditor of the county in which the township is located.

(d) If a park has been established under this section, the executive shall have the park maintained and may make improvements and construct and maintain facilities for the comfort and convenience of the public. However, the executive annually may not spend more than three cents (\$.03) on each one hundred dollars (\$100) of assessed valuation of taxable property in the township as it appears on the tax duplicates of the auditor of the county in which the township is located. The money shall be paid from the general fund of the township.

(e) If the general fund of the township is insufficient to meet the expenses of acquiring or improving the land for park purposes, the executive shall call a special meeting of the legislative body by written notice to each member of the legislative body at least three (3) days before the date of the meeting. The notice must state the time, place, and purpose of the meeting. The legislative body shall meet and determine whether an emergency exists for the issuance of the warrants or bonds of the township. The legislative body shall, by resolution, authorize the issuance and sale of the warrants or bonds of the township in an amount not exceeding two percent (2%) of all taxable property in the township according to its assessed valuation as it appears on the tax duplicates of the auditor of the county in which the township is located. The amount of bonds may not exceed the total estimated cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings. The proceeds from the sale of the bonds shall

be deposited in the general fund of the township. The bonds become due and payable not less than two (2) nor more than ten (10) years after the date of issuance, may bear interest at any rate, and may not be sold for less than par value. The bonds shall be sold after giving notice of the sale of bonds in accordance with IC 5-3-1. The bonds and the interest thereon are exempt from taxation as provided by IC 6-8-5 and are subject to the provisions of IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds, the appropriation of the proceeds of the bonds, and the approval by the state board of tax commissioners.

(f) The legislative body shall, at its next annual meeting after authorization of bonds and annually each following year, levy a sufficient tax against all the taxable property of the township to pay the principal of the bonds, together with accruing interest, as they become due. The executive shall apply the money received from the levy only to the payment of bonds and interest as they become due.

(g) In addition to the levy required by subsection (f), the legislative body shall, when a park has been established under this section and at every annual meeting after establishment, levy a tax not exceeding three cents (\$.03) on each one hundred dollars (\$100) of taxable property in the township. The levy required by this subsection shall be used by the executive for the maintenance and improvement of the park. The executive may not expend more for maintenance and improvement of the park than the amount collected by the levy except:

- (1) upon petition by fifty-one percent (51%) of the taxpayers of the township; or
- (2) when warrants or bonds are to be issued under this section to finance the expenses of improvements.

The amount received from the levy shall be deposited in the general fund of the township.

(h) A park established under this section shall be kept open to the public in accordance with rules prescribed by the executive.

(i) If the legislative body determines that land or other property used for park purposes under this section should be disposed of and that the park should no longer be maintained, the executive shall appoint three (3) disinterested appraisers to appraise the property. The property shall then be disposed of either at public or private sale for at least its appraised value. All money from the sale of park property, less the expenses incurred in making the appraisal and sale, shall be paid into the general fund of the township. *As added by Acts 1981, P.L.309, SEC.114. Amended by P.L.373-1983, SEC.1; P.L.208-1984, SEC.1.*



Department of Natural Resources

DNR

Division of Outdoor Recreation
Grants Section

1989