

ORDINANCE No. 2022-10

**ORDINANCE TO AMEND CHAPTER § 35.48 OF THE MORGAN COUNTY CODE OF  
ORDINANCES CONCERNING CERTAIN FEES AT MORGAN COUNTY PARKS**

**WHEREAS**, the Board of Commissioners of Morgan County, Indiana (“Commissioners”) serves as the executive and legislative body for Morgan County, Indiana (“County”), in accordance with I.C. 36-1-2-5 and I.C. 36-1-2-9; and,

**WHEREAS**, for the benefit and enjoyment of the public and the preservation of its natural beauty and history, the County has previously established various parks for the use and enjoyment of the public, under the management of the Morgan County Parks Department, created by the Commissioners in accordance with I.C. § 36-10-2-2; and,

**WHEREAS**, in accordance with the aforementioned purpose of the parks being for the enjoyment of the public, there is typically no fee or other charge assessed to members of the public for entrance and use of County Park facilities; and,

**WHEREAS**, however, Old Town Waverly Park hosts three (3) annual events—the Old Town Waverly Festival; the Haunting in the Park; and Santa in the Park—that have grown in popularity and thereby increased attendance each year, resulting in the need to impose certain user fees in order to generate funds to support Parks operations and enable these events to continue and flourish; and,

**WHEREAS**, as a result of the success of these events and the aforementioned need for operating funds, the Commissioners adopted Ordinance 2020-6 which created a new Section in the Morgan County Code of Ordinances, §35.48, entitled “Old Town Waverly Park Fees”; and,

**WHEREAS**, the fees established by §35.48 are minimal and the continued growth requires additional funds to operate and host these festivals; and,

**WHEREAS**, as opposed to requiring a general admittance fee to all attendees, it is believed that these funds can be acquired by imposing a fee for any Food Vendor as well as any Craft/Merchandise Vendor who wish to operate at the festival(s), and said fee shall be submitted along with said Vendor’s Application to participate in the festival(s); and,

**WHEREAS**, additionally, §35.48 addresses only certain fees imposed at these festivals at Old Town Waverly Park and makes no reference to other County Parks facilities and the rental fees typically collected by the County;

**WHEREAS**, the Commissioners believe it is prudent to amend the current Ordinance to include all fees of any type assessed at a Morgan County Parks Department facility, and further believe that amending the fees as described herein is necessary for the continued viability and long-term sustainability of the County’s Park facilities, and the same are authorized by I.C. § 36-10-3-22.

**NOW THEREFORE IT IS HEREBY ORDAINED**, by the Board of Commissioners of Morgan County, Indiana that:

1. The existing Chapter 35, Section 48 (§35.48) of the Morgan County Code of Ordinances is hereby repealed.
2. The document attached hereto and labeled as Exhibit A is the amended version of said Chapter 35, Section 48 (§35.48) of the Morgan County Code of Ordinances and shall be inserted into the Code of Ordinances at such Chapter and Section as indicated.
3. All fees collected shall be delivered to the Morgan County Treasurer and ultimately deposited into the Parks Department Fund.
4. This Ordinance shall have the effect of replacing any previously adopted Ordinance that contradicts the language herein.
5. This Ordinance shall become effective upon its passage.

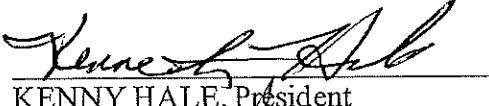
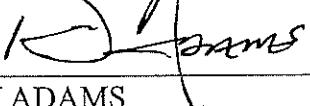
**IN WITNESS WHEREOF, ALL OF WHICH IS AGREED, ADOPTED, and SO**

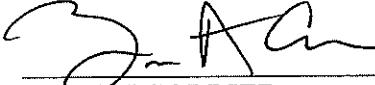
**ORDAINED**, this 21 day of June, 2022.  
Second reading July 5, 2022.

**MORGAN COUNTY, INDIANA  
BOARD OF COMMISSIONERS**

ATTEST:

  
DAN BASTIN  
Morgan County Auditor

  
KENNY HALE, President  
  
DON ADAMS

  
BRYAN COLLIER

**A. Policy and Purpose of County Park Facilities.**

1. It shall remain the policy of the County that the primary purpose of the County Park facilities is that they are to be used and enjoyed by the citizens of Morgan County, and our guests and visitors, by providing unique opportunities for education, fellowship, physical fitness, historical preservation, and many other uses, all in a setting that demonstrates the natural beauty of the County.

**B. Regular Daily Use by the Public Free of Charge.**

1. Except for events with high-volume attendance and for private events or functions, as both such exceptions are further described below, the typical daily use of Facilities owned by the County and operated as public parks shall remain available for use to the public free of any user fees or charges.

**C. Fees Charged During Certain Festivals.**

1. Any and all fees collected in accordance with the provisions of this Chapter §35.48 shall be delivered to the Morgan County Treasurer and deposited into the Parks Department Fund.
2. There are three (3) events conducted annually at Old Town Waverly Park—Old Town Waverly Park Festival; The Haunting in the Park; and Santa in the Park—that attract a large number of attendees and continues to grow every year. In order to sustain these events and continue to expand the offerings and services of the County Park facilities, the following nominal fee(s) and related process(es) shall be imposed on some attendees at these three (3) events, as follows:
  - i. User fees shall be charged for hayrides at the aforementioned events at the rate of \$10.00 for each adult and \$5.00 for each child.
  - ii. User fees shall be charged for golf cart rides at the aforementioned events at the rate of \$3.00 per person.
  - iii. For-profit food vendors shall complete an application, which includes an agreement that they abide by certain space and size limitations, obtain insurance, among other reasonable requirements, and that they shall also pay a nonrefundable fee in the sum of \$40.00 at the time they submit their application.
  - iv. For-profit craft vendors, or any other vendor permitted to engage in the sale of goods at the Park during these events, shall complete an application, which includes an agreement that they abide by certain space and size limitations, obtain insurance, among other reasonable

requirements, and that they shall also pay a nonrefundable fee in the sum of \$20.00 at the time they submit their application.

3. The County and its Parks Department also has a standard practice of offering certain facilities as available for use by the public for private events, such as family reunions, baby showers, and other social functions.
4. The County Park facilities available for such use are:
  - i. Wilbur School.
  - ii. Burkhart Creek Park, Pierce Shelter.
  - iii. Burkhart Creek Park, Duckworth Wildland Shelter.
  - iv. Old Town Waverly, Square Gazebo.
  - v. Old Town Waverly, Art Wall Gazebo.
  - vi. Old Town Waverly, Town Square.
5. The use for private events, as described above, is subject to certain terms and conditions, as follows:
  - i. The facilities are rented on a first come, first serve basis.
  - ii. An individual must complete and submit an Application supplied by the Morgan County Parks Department or the Office of the Board of Commissioners.
  - iii. Applicants must also provide proof of sufficient liability insurance coverage.
  - iv. At the time of submission of their Application, an applicant will submit a rental fee and damage deposit as follows:
    1. For Morgan County residents to use a facility for a private event that will not include the consumption of alcoholic beverages, a rental fee in the sum of Fifty Dollars (\$50.00) per day and a damage deposit in the sum of Fifty Dollars (\$50.00) per day.
    2. For individuals who are not residents of Morgan County, but who desire to use a facility for a private event that will not include the consumption of alcoholic beverages, a rental fee in the sum of One Hundred Dollars (\$100.00) per day and a damage deposit in the sum of One Hundred Dollars (\$100.00) per day.

3. For any applicant who desires to rent a facility for a private event that will include the consumption of alcoholic beverages, a rental fee in the sum of Twenty-Five Dollars (\$25.00) per day and a damage deposit in the sum of Four Hundred Dollars (\$400.00) per day.