ORDINANCE NO. 2023- *12*

ORDINANCE TO AMEND CHAPTER § 35.48 OF THE MORGAN COUNTY CODE OF ORDINANCES CONCERNING 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 ("Parks"), created by the Commissioners in accordance with I.C. § 36-10-2-2; and,

WHEREAS, while it is intended that use and enjoyment of the Parks remain free to the public generally, Section § 35.48 of the Morgan County Code of Ordinances establishes fees for specific items, such as user fees for certain activities at festivals, vendor fees to sell goods at festivals, and rental fees for the public to rent space for private events; and,

WHEREAS, these fees are necessary in order to provide funds to support the operations and maintenance of the Parks and thereby enable both their continued regular use as well as the success of the various festivals and events hosted by the Parks; and,

WHEREAS, with the continued growth of the Parks and the growing success of its various festivals and events, along with the increasing cost of goods and services, the Commissioners believe that the addition of community yard sale(s) and/or flea market(s) hosted by the Parks would continue to generate interest and attendance in the Parks and would provide additional funds by imposing a fee to have a booth at such an event; and,

WHEREAS, the Commissioners also believe that a modest increase to the vendor fee imposed is reasonable and, along with the new event(s) described above, would help ensure the Parks continue to have the funds necessary to continue to flourish.

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

<u>Section 1.</u>   Chapter 35, Section 48 (§35.48) of the Morgan County Code of Ordinances shall be amended as follows:

a. § 35.48(C)(2)(iii) shall be amended as follows: Delete "$40.00" and insert "$50.00" in place thereof.

b. § 35.48(C)(2)(iv) shall be amended as follows: Delete "$20.00" and insert "$30.00" in place thereof.

c. Insert new language, codified as § 35.48(C)(3), that reads, "County Parks may also organize and hold community sale event(s), such as a community yard sale or flea market. Any person who desires to participate in said event(s) by having a

booth to sell goods shall complete an application provided by the Parks Department and pay a user fee of $20.00 per booth."

   d. Make the following conforming amendments: the current § 35.48(C)(3) be amended to § 35.48(C)(4); the current § 35.48(C)(4) be amended to § 35.48(C)(5) and the current § 35.48(C)(5) be amended to § 35.48(C)(6).

Section 2.   All remaining provisions contained in Chapter 35, Section 48 (§35.48) of the Morgan County Code of Ordinances not specifically amended herein shall remain in full force and effect.

Section 3.   If any section, subsection, sentence, clause, phrase, or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

Section 4.   This Ordinance shall take effect on passage and publication as required by statute, and shall remain in full force and effect until further action by the Board of Commissioners to amend or repeal the same.
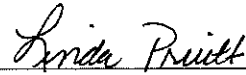
   ALL OF WHICH IS HEREBY ORDAINED BY THE MORGAN COUNTY BOARD OF COMMISSIONERS, ON THIS ___1st___ DAY OF ___May___, 2023.

MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS

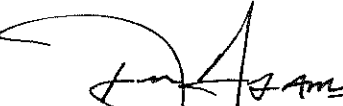**BRYAN COLLIER, President**   Attest:

KENNY HALE, Vice President   **LINDA PRUITT**
                                                            Morgan County Auditor

DON ADAMS, Member