

ORDINANCE 2019-28_

An ordinance amending the penalty, remedy, and enforcement provisions of Monroe County Code Chapter 262, which chapter establishes hours of operation and other regulations for the use of the Monroe County Courthouse grounds.

WHEREAS, Indiana Code 36-2-2-24 requires the Board of Commissioners of the County of Monroe, Indiana (“Board of Commissioners”) to establish and maintain the Monroe County Courthouse;

WHEREAS, Indiana Code 36-1-4-6 authorizes the Board of Commissioners to adopt regulations to protect and maintain the property of Monroe County, Indiana;

WHEREAS, Indiana Code 36-8-2-4 authorizes the Board of Commissioners to regulate conduct and the use of property that might endanger the public health safety and welfare;

WHEREAS, the Board of Commissioners established regulations regarding littering and the consumption of alcohol on the grounds of the Monroe County Courthouse and regarding the hours of operation or public use of the Courthouse grounds, through the establishment of Monroe County Code Chapter 262;

WHEREAS, the Board of Commissioners adopted Chapter 262 in order to respond to the following conditions, which the Board of Commissioners found to exist:

numerous individuals have been camping overnight on the Monroe County Courthouse grounds, including at the entrances to the Courthouse;

individuals camping overnight on the Monroe County Courthouse grounds are leaving trash and garbage on the grounds, in violation of Indiana law;

individuals camping overnight on the Monroe County Courthouse grounds have been urinating and leaving human waste on the grounds, in violation of Indiana law;

individuals camping overnight on the Monroe County Courthouse grounds have been consuming alcohol on the grounds to the point of vomiting on the grounds and the walkways around the grounds, in violation of Indiana law;

the littering, the human waste deposits, and other by-products of excessive alcohol consumption must be, and expeditiously are, removed and cleaned up by the Commissioners’ Maintenance Department personnel;

the placement of trash, garbage, human waste, and vomit on the Monroe County Courthouse grounds have created conditions that might endanger the public health, safety, and welfare;

the placement of trash, garbage, human waste, and vomit on the Monroe County Courthouse grounds has increased the cost of maintaining the grounds and has unreasonably increased the workload of the Commissioners' Maintenance Department;

the Monroe County Courthouse grounds are neither intended nor zoned for use as an overnight camping facility; and,

amending the Monroe County Code to include provisions addressing the health dangers and maintenance costs created by unlawful overnight camping, littering, human waste deposit, and alcohol consumption on the Monroe County Courthouse grounds would promote the public health, safety, and welfare, would protect the County fisc, and would help preserve the beauty and utility of the grounds;

WHEREAS, the Board of Commissioners further find that incidents of alcohol consumption during the day, fighting, and the deposit of trash, garbage, human waste, and used syringes on the Courthouse grounds persist and remain a detriment to the healthful and peaceful enjoyment of the grounds, and constitute a public health and safety hazard to those visiting the Courthouse to work and to conduct public business;

WHEREAS, certain amendments have been proposed to Monroe County Code Chapter 262;

WHEREAS, the Board of Commissioners have reviewed the proposed amendments and find that adopting the proposed amendments would promote the public health, safety, and welfare, in a manner that is both reasonable and respectful of the public's right to enjoy the grounds as a place for rest and conversation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners as follows:

Section 1. Section 262-1 of the Monroe County Code shall be, and hereby is, amended to read as follows:

262-1. Monroe County Courthouse Hours of Operation, Violations

The Monroe County Courthouse grounds shall be open for public use during the hours of 6:00 a.m. through 10:00 p.m., Monday through Sunday, unless extended hours are approved for an event in accordance with M.C.C. 260. Otherwise, the Monroe County Courthouse grounds shall be closed to public use. Signs stating the foregoing hours of operation shall be posted on the Monroe County Courthouse grounds. A person who violates this section commits a Class E ordinance violation and is subject the civil penalties and terms set forth in Monroe County Code Chapter 115. Additionally, or in the alternative, a person using of the

Monroe County Courthouse grounds during the hours of closure may be directed to leave the grounds and may be charged by the State of Indiana, pursuant to Indiana Code 35-43-2-2, with the offense of trespass.

262-2. Littering on the Monroe County Courthouse Grounds, Violations

Littering is prohibited on the Monroe County Courthouse grounds. For purposes of this section, the term "littering" means "recklessly, knowingly, or intentionally placing or leaving refuse, which may include solid and semisolid wastes, dead animals, and offal, on the Monroe County Courthouse grounds, except in a container provided for such refuse." A person violating this section commits a Class E ordinance violation and is subject to the civil penalties and terms set forth in Monroe County Code Chapter 115. Additionally, or in the alternative, a person responsible for littering on the Monroe County Courthouse grounds may be charged by the State of Indiana, pursuant to Indiana Code 35-45-3-2, with the criminal offense of littering.

262-3. Consuming Alcohol on the Monroe County Courthouse Grounds, Violations

The consumption of alcohol on the Monroe County Courthouse grounds is prohibited, unless expressly authorized as part of an event approved pursuant to M.C.C. 260. A person violating this section commits a Class E ordinance violation and is subject to the civil penalties and terms set forth in Monroe County Code Chapter 115.

262-4. Courthouse Grounds

For purposes of this section, the term Monroe County Courthouse grounds refers to the land surrounding and adjacent to the Monroe County Courthouse building, between the public sidewalks along Walnut Street, Kirkwood Avenue, College Avenue, and Sixth Street.

262-5. Subsequent Violations and Enforcement

In addition to the penalties and remedies set forth above, a person who commits a second or subsequent violation of this chapter is subject to an escalating scale of expulsion from the Courthouse grounds (e.g., expulsion for thirty days for the second violation, sixty days for the third violation, 90 days for the fourth violation, and so forth). Those who are found on the Courthouse grounds during a period of expulsion, are trespassing on the property, and may be so charged, unless they are actively engaged in conducting County business (e.g., recording a document, attending a

meeting, etc.). The provisions of this ordinance may be enforced by Monroe County Maintenance staff and by law enforcement officers.

Section 2. This ordinance shall take effect upon adoption and publication in accordance with Indiana Code 36-2-4-8.

SO APPROVED AND ORDAINED by the Commissioners this 4 day of Sept, 2018.

AYE VOTES

NAY VOTES



JULIE THOMAS, President

JULIE THOMAS, President

Not Present

LEE JONES, Vice President

LEE JONES, Vice President



PENNY GITHENS

PENNY GITHENS

ATTEST: Catherine Smith

CATHERINE SMITH, Auditor

CERTIFICATION OF PUBLICATION

I certify that the publication requirements of IC 36-2-4-8(b) have been fulfilled by the publication of this ordinance, after adoption by the Board of Commissioners, in the Herald-Times (Bloomington) on 9.18, 2019 and ~~_____~~, 2019, and in the Journal (Ellettsville) on 9.18, 2019 and ~~_____~~, 201. Thus, the effective date of the ordinance is 9.18, 2019.

Catherine Smith

CATHERINE SMITH, Auditor