

Administration Policies – 2050

Date: ~~February 17, 2020~~ ~~May 28, 2013~~
Accreditation Standard #: 8.4.2

POLICY RE: Removal and Suspension from use of property owned, managed or operated by the City of Bloomington Parks and Recreation Department.

I. Removal

(A) In accordance with authority established in Ind. Code § 36-10-4 et cet., and Bloomington Municipal Code 2.20, a person may be asked to leave or be removed from property owned, managed or operated by the City of Bloomington Parks and Recreation Department for reasons that include, but are not limited to:

- (1) Actions or behavior which violate the United States Code;
- (2) Actions or behavior which violate the Indiana Code;
- (3) Actions or behavior which violate the Indiana Administrative Code;
- (4) Actions or behavior which violate the City of Bloomington Municipal Code;
- (5) Actions or behavior which violate the Rules and Regulations adopted by the City of Bloomington Parks and Recreation Department or City of Bloomington Parks Board, unless the appropriate permit has been obtained;
- (6) Aggressive or violent actions or behavior;
- (7) Actions or behavior that unreasonably disrupts the activities of other users of the park or facility;
- (8) Actions or behavior that unreasonably interferes with other persons' ability to use the park or facility;
- (9) Actions or behavior which unreasonably causes or creates a risk of causing injury to persons within or on property owned, managed or operated by the City of Bloomington Parks and Recreation Department;
- (10) Actions or behavior which unreasonably causes or creates a risk of causing damage to property owned, managed or operated by the City of Bloomington Parks and Recreation Department; or
- (11) Actions or behavior which constitutes a public nuisance.

(B) The following individuals have authority to ask a person to leave or ask for a person to be removed from property owned, managed, or operated by the City of Bloomington Parks and Recreation Department:

- (1) Employees of the City of Bloomington Parks and Recreation Department;
or
- (2) Law enforcement officers as defined by Indiana Code.

(C) Any person who is asked to leave or is removed from property owned, managed

or operated by the City of Bloomington Parks and Recreation Department shall be advised of the reason he/she is being asked to leave or is being removed. Any person who is asked to leave by a law enforcement officer as defined by Indiana Code and refuses to do so may be subject to arrest.

II. Suspension

(A) In accordance with authority established in Ind. Code § 36-10-4 et cet., and Bloomington Municipal Code 2.20, a person may be suspended from use or entrance on property owned, managed, or operated by the City of Bloomington Parks and Recreation Department for reasons that include, but are not limited to:

- (1) Actions or behavior which violate the United States Code;
- (2) Actions or behavior which violate the Indiana Code;
- (3) Actions or behavior which violate the Indiana Administrative Code;
- (4) Actions or behavior which violate the City of Bloomington Municipal Code;
- (5) Actions or behavior which violate the Rules and Regulations adopted by the City of Bloomington Parks and Recreation Department or City of Bloomington Parks Board, unless the appropriate permit has been obtained;
- (6) Aggressive or violent actions or behavior;
- (7) Actions or behavior that unreasonably disrupts the activities of other users of the park or facility;
- (8) Actions or behavior that unreasonably interferes with other persons' ability to use the park or facility;
- (9) Actions or behavior which unreasonably causes or creates a risk of causing injury to persons within or on property owned, managed or operated by the City of Bloomington Parks and Recreation Department;
- (10) Actions or behavior which unreasonably causes or creates a risk of causing damage to property owned, managed or operated by the City of Bloomington Parks and Recreation Department; or
- (11) Actions or behavior which constitutes a public nuisance.

(B) The determination that a person is to be suspended from use or entrance on property owned, managed or operated by the City of Bloomington Parks and Recreation Department is limited to the Director of Parks and Recreation and/or his/her appointed designee.

(C) Notice of Suspension. A person may not be suspended from a use or entrance on property owned, managed or operated by the City of Bloomington Parks and Recreation Department unless or until he or she has been notified of the suspension.

- (1) Notification of the suspension shall be served in writing via certified mail or personal service.
- (2) The written notification shall state the reason for the suspension, the date upon which the suspension begins, the length of the suspension, the repercussion of ignoring the suspension and the process by which a person may appeal the suspension.

(3) The Notification shall be signed and dated by the Director of Parks and Recreation and/or his/~~her~~ appointed designee.

(D) Appeal of Suspension. Any person who receives a Notification of Suspension shall have the right to appeal said suspension. Any appeal shall adhere to the following requirements:

- (1) All appeals shall be in writing and on a form supplied by the Parks and Recreation Department.
- (2) All appeals shall be submitted to the City of Bloomington Parks Board, via the Parks and Recreation Department, within ten (10) days of the suspension being received. The date upon which the suspension is considered received is the date upon which the suspended person is personally served or the date upon which the certified mail is signed.
- (3) Upon receipt of a written appeal, the City of Bloomington Parks Board shall hear the appeal at its next regularly scheduled meeting, provided said appeal can be properly noticed in accordance with Indiana Open Door Law.
- (4) The person filing the appeal shall be notified, in writing, of the date, time and location of the hearing by the City of Bloomington Parks Board. This notification shall be served via personal service or certified mail.
- (5) During the pendency of any appeal the suspension is in effect, and the suspended person is prohibited from entering upon or into any property owned, managed, or operated by the City of Bloomington Parks and Recreation Department.

(E) Suspension Hearing. All hearings on a suspension shall be open to the public and comply with the Indiana Open Door Law.

- (1) Any person challenging his or her suspension shall be entitled to present his or her defense to the City of Bloomington Parks Board on his/her own behalf or through his/her representative.
- (2) Any person challenging his or her suspension shall be entitled to a minimum of ten minutes to present his or her case to the Parks Board.
- (3) Any person challenging his or her suspension shall be entitled to present evidence, documents and witnesses supporting his or her position at the suspension hearing.
- (4) Upon conclusion of the hearing, the City of Bloomington Parks Board shall make written findings of fact either upholding or overturning the suspension. Said findings of fact shall be made available to the person challenging the suspension.

(F) Maximum Length of Suspension. No suspension shall be issued that is shorter than seven (7) calendar days and lasts longer than one (1) calendar year.

(G) Entry upon or into any property owned, managed, or operated by the City of Bloomington Parks and Recreation Department by a person who is ~~suspended~~suspended in accordance with this Policy shall subject the person to arrest for criminal trespass in accordance with Ind. Code § 35-43-2-2.