

ORDINANCE NO. 68-75

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Russell S. ...
ON THE 11 DAY OF August, 1975.

AN EMERGENCY ORDINANCE AMENDING THE CENTERVILLE
MUNICIPAL CODE BY THE ADDITION OF CHAPTER 555
RELATING TO PARK REGULATIONS.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. The Centerville Municipal Code is hereby amended by the addition of the following Chapter 555 relating to park regulations.

A - REGULATORY

Section 555.01. DIFFERENT HOURS.

(a) Each park shall be open to the public during daylight hours except that at specified times, selected areas shall be permitted to remain open after dark as designated by the park director. The park director shall be authorized to close the park or any part thereof if he determines that public safety or other emergency requires such closing.

(b) No person shall enter into or remain in an area of a park at a time when such area is not open to the public.

Section 555.02. FACILITIES.

(a) Facilities shall be used for their designated purposes only.

(b) Hard ball shall be played only in community parks on diamonds established for that purpose.

(c) Organized teams shall practice and play scheduled games only on diamonds in community parks.

(d) Open meadows in any neighborhood or community park may be used for informal softball, touch football, soccer, or similar games.

Section 555.03. SCHEDULING.

Where the use of facilities requires scheduling, the reserving and scheduling shall be authorized by the park director.

Section 555.04. FIRE.

(a) Fires shall be permitted in a park only in a fireplace, a charcoal burner, or in special areas designated by the park director for campfires or for fire building training by organized groups.

(b) No person shall start a fire in a park and leave the vicinity of the fire without first extinguishing the fire.

(c) No person shall deposit or scatter coals or hot ashes in any place, in any park, other than in recepticals provided by the City of Centerville or the Centerville-Washington Township Park District for that purpose.

(d) No evidence of a fire shall be permitted to remain in any park except in a fireplace.

Section 555.05. HORSES.

(a) Horses shall be permitted only in areas or on bridal paths designated by the park director to be for horseback riding.

(b) No person shall ride a horse in a park in such manner as to endanger the rider, or any other person or any property.

Section 555.06. VEHICLES.

(a) PERMITTED AREAS. Motor vehicles shall be permitted only in established parking areas.

(b) RECKLESS OPERATION. No person shall operate any type of vehicle in a park in such manner as to endanger the operator or any other person or any property.

(c) No person shall operate a vehicle in a park in excess of the posted speed limit.

(d) PARKING. No person shall park any vehicle in a park except in places designated by the park director for such purpose.

(e) AFTER HOURS PARKING. No person shall park or leave a vehicle in an area of a park at a time when such area is not open to the public.

(f) TRUCKS AND MAINTENANCE VEHICLES. No person shall drive a truck, tractor, or other vehicle which is at the time used for the transportation of goods or materials or for maintenance purposes over any park road or any park area without the permission of the director.

(g) DRIVING RESTRICTIONS. No person shall operate a motor vehicle on any area of a park except a gravel or macadam roadway or parking area.

Section 555.07. FISHING.

(a) Fishing in park waters shall be permitted except where a sign prohibits fishing or any manner thereof.

(b) No person shall fish in park waters without a valid license if such license is required by the State of Ohio.

Section 555.08. CAMPING.

No person shall camp in any park area unless authorized by the park director.

Section 555.09. SWIMMING.

No person shall swim in any park except in areas designated by the park director for such purpose.

B - PROTECTION OF THE PARK

Section 555.10. REMOVAL OR DESTRUCTION OF PROPERTY.

(a) No person shall remove any property, or part thereof, which is owned, leased, or otherwise controlled by the City of Centerville or Centerville Washington Township Park District, from its location in a park without the permission of the park director.

(b) No person shall write upon, cut, mutilate, deface, or damage in any manner any building, equipment, or other property, or part thereof, which is owned, leased, or otherwise controlled by the City of Centerville or the Centerville-Washington Township Park District.

Section 555.11. REMOVAL OR DESTRUCTION OF NATURAL FEATURES.

(a) No person shall dig, move, or carry away any rock, stone, sod, sand, earth, tree, wood, shrub, plant, flower, or a nut or other seed in a park, without the permission of the park director.

(b) No person shall trample upon, injure, destroy, break, cut, chop or deface in any manner any stone, tree shrub, plant, or flower in a park.

Section 555.12. PROTECTION OF ANIMALS.

(a) No person shall hunt, trap, or in any other way abuse, molest, injure, pursue or destroy an animal in a park, except fishing shall be permitted as provided by Section 555.07.

(b) No person shall move, injure, or destroy any bird nest or eggs or any animal habitation in a park.

Section 555.13. DEPOSIT OF MATERIALS.

(a) No person shall deposit or discard in a park any paper, garbage, ashes, refuse, or other noxious or waste material, other than in recepticals provided for the disposal of such materials.

(b) No person shall, while in a park, discharge, throw, drop, or cause to flow, into park waters any noxious or deleterious substance, either solid or liquid, which renders such waters harmful or inimical to the public health or animal life.

Section 555.14. ERECTING AND ATTACHING SIGNS.

No person shall erect any sign in a park or attach any sign to property owned or controlled by the City of Centerville or the Centerville-Washington Township Park District, nor shall any person display any placard, notice, advertisement, circular, banner, or statement of any kind in a park other than on a vehicle. This section shall not apply to signs erected by the City of Centerville or the Centerville-Washington Township Park District or any sign, placard, advertisement, circular, banner, or statement of any kind erected, attached or displayed with the permission of the park director.

C - CONDUCT OF VISITORS

Section 555.15. PERSONAL CONDUCT.

(a) Disorderly Conduct. No person shall conduct himself, by word or by act, in a riotous, disorderly, boisterous or other manner so as to disturb the peace and good order in a park.

(b) Gambling. No person shall solicit or procure participants for, engage in, or promote, in a park, any game which is played for money or other thing of value.

(c) Abusive Language. No person shall use insulting, abusive, threatening, profane or indecent language in a park.

(d) Loitering. No person shall loiter in the vicinity of a restroom located in a park and no person shall enter facilities in a park provided for the exclusive use of the opposite sex.

(e) Resisting or Obstructing an Officer. No person shall resist, obstruct, or abuse a police officer in a park while such police officer is engaged in the lawful execution of his duties.

(f) Assault. No person shall assault or threaten another in a menacing manner, or strike or wound another in a park.

Section 555.16. INTOXICATING LIQUORS AND ALCOHOLIC BEVERAGES.

No person shall bring into a park, sell, give away or drink on park property an intoxicating liquor or alcoholic beverages of any kind.

Section 555.17. FIREARMS, WEAPONS, AND TOOLS.

(a) No person in a park shall carry on or about his person, firearms of any description, bows and arrows, air or gas guns, missiles, sling shots or other missile throwing devices without authorization from the park director.

(b) No person shall discharge a firearm in a park without authorization from the park director.

(c) No person shall shoot an arrow into a park or use a bow and arrow in a park except in areas designated by the park director for the use of bows and arrows or other firearms; weapons and tools.

(d) No person shall carry on or about his person an ax or hatchet.

Section 555.18. FIREWORKS.

No person shall bring into a park, or have in his possession, or use in a park, any fireworks or explosives of any kind.

Section 555.19. COMMERCIAL ACTIVITIES.

(a) No person shall sell or offer for sale any article, privilege or service in a park unless such sale or offer is pursuant to a contract with the City of Centerville or the Centerville-Washington Township Park District.

(b) No person shall beg, peddle, or solicit in a park.

D - PENALTY.

Section 555.20.

(a) Ejection. Police officers are authorized to order any person violating any of the provisions of this chapter to leave the park. No person shall fail to obey such an order.

(b) Fines. Whoever violates any of the provisions of this Chapter is guilty of a minor misdemeanor. (See Section 501.99 for penalties applicable.)

E - EXCEPTIONS

Section 555.21. EMPLOYEES.

Acts and conduct of police officers, officials and employees of the City of Centerville or the Centerville-Washington Township Park District, or contractors of the City of Centerville or Centerville-Washington Township Park District, to the extent necessary for the performance of their authorized duties, shall be exempt from the provisions of this chapter.

F - DEFINITIONS.

Section 555.22.

(a) "Park" means any land or water area owned, leased or otherwise controlled by the City of Centerville or the Centerville-Washington Township Park District.

(b) The "neighborhood park" means a park established to provide a landscaped open space and casual recreation facilities for a residence of a neighborhood within walking or bicycling distance of their homes.

(c) "Community park" means a park established to provide landscaped open area and recreation facilities for residents living within an area of five or six square miles and would normally be reached by automobiles. Parking facilities are provided. The primary use of a community park is by organized teams and leagues. Limited picnic facilities may be provided.

(d) "Nature park" means a park established to preserve open space in its natural state for passive recreation, nature study, and the enjoyment of naturalistic areas. Nature parks are used by the entire community. Improvements consist of parking areas, walking trails and horse trails.

(e) "Park director" shall mean the person designated by the City of Centerville or the Centerville-Washington Township Park District to direct activities within a park.

(f) "Police officer" shall mean a police officer of the City of Centerville, and every other law enforcement officer of the State of Ohio or of any political subdivision thereof, including, but not limited to, State Highway patrolmen, sheriffs, deputy sheriffs, constables, and Division of Wildlife game protectors.

(g) "Person" shall mean any individual, company, partnership, corporation, or association, or any combination of individuals, or any employee, agent or officer thereof.

(h) "Park waters" shall mean any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial, located in or adjoining a park.

(i) "Fish or fishing" shall mean taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing or using any device commonly used to take fish whether resulting in such taking or not.

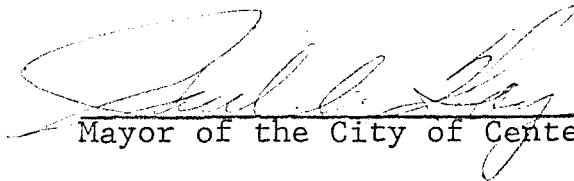
(j) "Animal or animals" shall mean quadripeds, birds, fish, reptiles, amphibians, and insects.

(k) "Motor vehicle" shall mean any vehicle propelled or drawn by power other than muscular power.

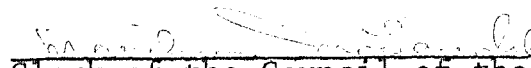
(l) "Vehicle" shall mean everything on wheels.

Section 2. This ordinance is hereby declared to be an emergency measure and shall become effective immediately upon passage. An emergency affecting public health, safety, and welfare is hereby declared to exist by virtue of the fact that there is an ongoing program within the City of Centerville and effective rules for the governing of parks are essential.

PASSED this 4th day of August, 1975.


Mayor of the City of Centerville, Ohio

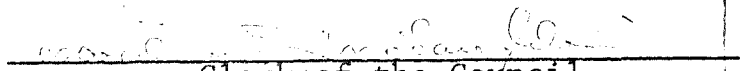
ATTEST:


Clerk of the Council of the
City of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 68-75, passed by the Council of the City of Centerville, Ohio, on the 4th day of August, 1975.

Approved as to form, consistency
with ordinance and
charter


Clerk of the Council

Municipal Attorney