

ORDINANCE 2004-62
Passed October 19, 2004

AN ORDINANCE ADOPTING PARK RULES AND REGULATIONS FOR PARKS WITHIN THE MUNICIPALITY OF POWELL AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND REPEALING ORDINANCE 93-15.

WHEREAS, Council has determined that it is necessary to update the rules and regulations for parks within the Municipality of Powell and to provide penalties for violation thereof, and

WHEREAS, the Parks and Recreation Advisory Board has recommended the adoption of certain rules and regulations for parks within the Municipality of Powell, and

WHEREAS, Council having determined that adoption of the attached rules and regulations for parks in the Municipality of Powell is in the best interest of the residents of the Municipality;

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the park rules and regulations together with the penalties set forth therein which are attached hereto and incorporated herein by reference are hereby adopted, ratified and approved by the Council of the Municipality of Powell.

Section 2: That the attached park rules and regulations are adopted by the Municipality of Powell for the purpose of preserving and promoting the public health, safety and welfare of the resident of the Municipality of Powell.

Section 3: These rules and regulations shall be applicable to all lands as dedicated to the Municipality in the future for park purposes and shall automatically be subject to the provisions contained herein effective on the date of such dedication.

Section 4: The rules and regulations attached hereto may be modified by Council by a subsequently enacted ordinance.

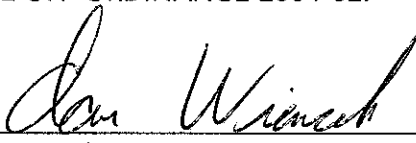
Section 5: That Ordinance 93-15 is hereby repealed.

Section 6: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 7: That this Ordinance shall take effect on the earliest possible date permitted by law.

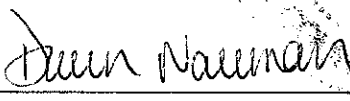
VOTE ON RULES SUSPENSION: Y _____ N _____

VOTE ON ORDINANCE 2004-62: Y 7 N 0



Dan Wiencek
Mayor

Date



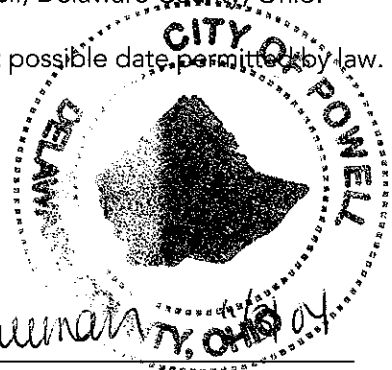
Dawn Nauman
Clerk of Council

Date

This legislation has been posted in accordance with the City Charter on this date 11/6/04.



Clerk of Council



CHAPTER 955

Parks

- | | | | |
|--------|---|--------|---|
| 955.01 | Definitions | 955.10 | Swimming, wading,
boating, and ice skating |
| 955.02 | Removal or destruction of
property and natural
features | 955.11 | Firearms and weapons |
| 955.03 | Deposit of material | 955.12 | Commercial activities |
| 955.04 | Protection of animals,
hunting and fishing | 955.13 | Erecting and attaching
signs |
| 955.05 | Animal Control | 955.14 | Hours of use |
| 955.06 | Aerosol paint cans and
hazardous materials | 955.15 | Unauthorized structures |
| 955.07 | Personal conduct | 955.16 | Vehicles and traffic |
| 955.08 | Fires | 955.17 | Reservations of multi-
purpose fields and park
entities |
| 955.09 | Camping | 955.18 | Criminal or prohibited
activity |
| | | 955.99 | Penalty |

CROSS REFERENCES

Playgrounds - see Ohio R.C. 755.12 et seq.

Power to regulate vehicle speed - see Ohio R.C. 4511.07(E)

955.01 DEFINITIONS

(a) "Park" means any land or water area owned, leased or otherwise controlled by the Municipality of Powell, Ohio for recreational open space or similar and related purposes.

(b) "Director" means the Parks, Recreation and Public Service Director.

(c) "Manager" means the City Manager.

(d) "Officer" means a Police Department Officer, Parks, Recreation and Public Service Director or any agent or employee of either.

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

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

(g) "Fish or fishing" means 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 fish whether resulting in such taking or not.

(h) "Animal or animals" means and includes, but is not limited to, quadrupeds, birds, fish, reptiles, amphibians, crustaceans, mollusks and insects.

(i) "Vehicle" means every conveyance with wheels, treads, or other means of locomotion.

- (j) "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power. (Ord. 93-15. Passed 4-15-93)
- (k) Hours of operation shall be from dawn to dusk daily.
- (l) All persons entering a park shall adhere to any additional posted rules and regulations not set forth in these ordinances.

955.02 REMOVAL OR DESTRUCTION OF PROPERTY AND NATURAL FEATURES.

(a) No person in a park shall remove any property, natural feature or part thereof included, but not limited to, any building, equipment, sign, rock, stone, mineral formation, earth, wood, tree, shrub, flower, plant, nut or other seed from a park without a permit from the City Manager or his/her designee.

(b) No person in a park shall injure, destroy, break, cut, chop, write upon, mutilate, set fire to, deface, dig, paint or damage in any manner any property, natural feature or part thereof, including but not limited to, any building, equipment, sign, rock, stone, mineral formation, earth, wood, tree, shrub, flower or plant.

(c) No person in any park shall impound or cause to be impounded any park water or in any other way alter or affect the natural flow of such waters without a permit from the City Manager or his/her designee. (Ord. 93-15. Passed 4-14-93.)

955.03 DEPOSIT OF MATERIAL

(a) No person shall deposit, discard, dump or leave behind any material of any kind in a park without a permit from the City Manager or his/her designee except material arising from the normal use and enjoyment of a park and then only in receptacles which have been provided for this purpose.

(b) Adjacent to a park, no person shall deposit, discard, dump or leave behind any noxious or waste material included, but not limited to paper, garbage, ashes or refuse which may blow, wash or be otherwise transported into a park.

(c) No person in or adjacent to a park shall place or permit to be placed in any park waters any noxious or deleterious substance, either solid or liquid which may render such waters harmful or inimical to the public health or to animal and plant life. (Ord. 93-15. Passed 4-14-93.)

944.04 PROTECTION OF ANIMALS; HUNTING AND FISHING

(a) No person in a park shall hunt, capture, take, trap or in any other way abuse, molest, injure, pursue or destroy any animal without a permit from the City Manager or his/her designee other than by fishing.

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

(c) No person in a park shall fish in park waters in violation of any sign or signs prohibiting fishing or a manner thereof.
(Ord. 93-15. Passed 4-14-93.)

(d) Law enforcement officers of proper jurisdiction shall be exempted as required for the humane destruction of injured animals or other reason associated with preservation of public safety.

955.05 ANIMAL CONTROL

(a) No person shall bring into, have or keep in a park any dog, cat or other animal unless such animal is kept in a vehicle, suitable cage, or restrained by a leash, in such a manner as to be under the person's control at all times, except where permission has been obtained in advance in writing from the City Manager or his/her designee or in areas designated by signage.

(b) No person being the owner or having charge of any animal on any public or private property other than the property of the owner or person having charge of such animal shall fail to have in his/her possession a wood, plastic, or metal device or other container for the purpose of picking up and properly disposing of any fecal matter left by his/her animal. Failure of any such person to have in his/her possession such suitable device or container is prima-facie evidence of violation of this section.

(c) No person in a park shall ride or have under his control a horse except in areas designated for such purpose.

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

(e) No person in or adjacent to a park shall abandon any animal.

(f) No person shall herd, graze, drive or permit any animal to run at large in a park except in area designated for such purposes.
(Ord. 93-15. Passed 4-14-93.)

955.06 AEROSOL PAINT CANS AND OTHER HAZARDOUS MATERIALS

(a) No person in a park except an Officer or the City Manager or his/her designee shall carry on or about his or her person any hazardous materials including a container capable of propelling paint or other hazardous material by means of a gaseous or liquid charge without having first obtained written permission from the City Manager or his/her designee. Personal protection devices such as mace, pepper spray...etc may be excluded from this provision provided they are used only in the appropriate situation for their intended purposes. (Ord. 93-15. Passed 4-14-93.)

955.07 PERSONAL CONDUCT

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

(b) No person in or adjacent to a park shall operate or play a radio, television, musical instrument, amplifying of sound equipment, or operation of a radio-controlled device so as to disturb the peace and good order in a park.

(c) No person in a park shall solicit or procure participants for, engage in, or promote any game which is played for money or other thing of value, except where permission has been obtained in advance in writing from the City Manager or his/her designee.

(d) No person in or adjacent to a park shall use insulting, abusive, threatening, profane, or indecent language or other similar harassing behavior.

(e) No person in a park shall loiter in the vicinity of a toilet and no person over the age of 6 shall enter the toilet facilities provided for the exclusive use of the opposite sex.

(f) No person in a park shall willfully resist, obstruct or abuse an Officer while such Officer is engaged in the execution of her/his office.

(g) No person or groups of persons shall assemble in or adjacent to a park for any unlawful purpose or in riotous assemblage or with intent to annoy, harass, or inflict property damage or bodily injury upon another person or persons or inflict damage to a park.

(h) No person or groups of persons shall possess or consume any alcoholic beverage in a park except where permission has been obtained in advance in writing from City Council and the City Manager or his designee.

955.08 FIRES

(a) No person in a park shall start or maintain a fire except in a place or at a site designated for this purpose.

(b) No person in a park shall build a fire at a time or period when the City Manager or his/her designee or local fire official has prohibited the building of fires. (Ord. 93-15. Passed 4-14-93.)

955.09 CAMPING

No person in a park shall establish or maintain any camp or other temporary lodging or sleeping place within a park without a permit from the City Manager or his/her designee.

955.10 SWIMMING, WADING, BOATING AND ICE SKATING

No person in a park shall engage in the activities of swimming, wading, boating and/or ice skating in areas or at times which have not been set aside for these purposes by appropriate signage. Occupied motorized or manual boating is not permitted at any time or location. (Ord. 93-15. Passed 4-14-93.)

955.11 FIREARMS AND WEAPONS

(a) No person, other than law enforcement officers, shall carry a firearm of any description, air or gas gun, paint ball gun or other missile throwing device within a park, or discharge any firearms or air or gas guns into or over a park, or bring into a park any pistol, switchblade or hunting knife, dagger, metal knuckles, slingshots, or other weapon or firearms. Additionally no person shall carry or bring into a park any laser light pointing mechanism without first obtaining permission from the City Manager or his/her designee.

(b) Firearms, bows and arrows, knives, air or gas guns, missiles, slingshots or other missile-throwing devices or any snares or traps in a park may be confiscated by Officers or the City Manager or his/her designee.

(c) The use of bow and arrows, crossbows and balloon and rocket launchers are prohibited unless under written permission from the City Manager or his/her designee.

(d) Fireworks for public display may only be approved by the City Manager, the Police Chief and Fire Chief. Personal use/display of fireworks is prohibited in Powell. (Ord.93-15. Passed 4-14-93.)

955.12 COMMERCIAL ACTIVITIES

(a) No person in a park shall sell or offer for sale any article, privilege, or service without having first obtained written permission from the City Manager or his/her designee.

(b) No person in a park shall beg, peddle or solicit for money, a privilege or a service. (Ord. 93015. Passed 4-14-93.)

955.13 ERECTING AND ATTACHING SIGNS

No person in a park shall erect a sign or attach a sign to property owned or controlled by the Municipality of Powell, Ohio nor shall any person display any placard, notice, advertisement, circular, banner, or statement or any other kind of sign other than a permanent sign on a vehicle without a permit from the City Manager or his/her designee.

955.14 HOURS OF USE

No person shall enter or remain in a park after the hours of a legally permitted activity, those hours in Powell, Ohio being from dawn to dusk, without a permit from the City Manager or his/her designee. After-hours use of bike paths fully or partially contained within a park is permitted where those persons are making progression through the park by continuous movement along the paths. (Ord.93-15. Passed 4-14-93.)

955.15 UNAUTHORIZED STRUCTURES

No person in a park shall construct, erect, or in any other way build any structure without a permit from the City Manager or his/her designee. (Ord.93-15. Passed 4-14-93)

955.16 VEHICLES AND TRAFFIC

(a) No person in a park shall operate any motor vehicle in or on any portion of a park not designated as a park drive nor shall any person park any motor vehicle in or on any other portion of a park not designated as a parking area.

(b) No person in a park shall operate a snowmobile or an unlicensed motor vehicle of any kind except in designated areas.

(c) No person in a park shall operate a vehicle in such a manner as to endanger the operator or any other person or any property.

(d) No person in a park shall drive around, cause to be removed or damage any barricades or barrier so placed to temporarily or permanently close a road to traffic.

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

(f) No person shall leave a vehicle in a park during the hours when a park is closed.

(g) Vehicles in parks in violation of these rules and regulations shall be removed or cause to be removed by Officers to a location, in or outside of a park, where the same may be kept until the owners or their authorized representatives obtain an order from the City Manager or his/her designee releasing such vehicles to the owners thereof or their authorized representatives. The Municipality of Powell, Ohio, shall not be responsible for any fee, charge or damage arising from such impoundment.

(h) No person in a park shall accelerate a motor vehicle causing the rubber tires to mark or deface park roadway surfaces.

(i) No person shall clean, wash or repair any automobile or other vehicle in or upon a park. (Ord.93-15. Passed 4-14-93.)

955.17 RESERVATION OF MULTI-PURPOSE FIELDS AND PARK ENTITIES

(a) Multi-purpose fields may be reserved for use by residents of the Municipality of Powell, Ohio and that resident must be present at the site during the time reserved. The person reserving the field must be a Powell, Ohio resident, however all users need not be.

(b) To reserve a field or other park entity, a permit will be required from the City Manager or his/her designee. Proof of reservation may be required at the site at any time during the reserved time.

(c) The field can be reserved a maximum of two (2) times per week for a maximum of 90 minutes for each reservation period.

(d) Reservations of field will be done on a maximum monthly basis.

(e) Permit is only for time and specific location stated on the permit. Permit does not include supplies, equipment, etc. The permitted group must leave the multi-purpose field or other park structure or court by the time the permit expires.

(f) Permit is granted on condition that if the facility is needed for a Parks & Recreation Department function, grantee agrees to forgo use of facility.

(g) Person obtaining permit (18 years or older) is responsible for group's conduct and respect for the facility. Any groups who abuse facility or violate rules and regulations will not be issued any future permits, and charges for damage will be assessed and collected.

(h) The applicant hereby agrees that the use of such Parks & Recreation Department facilities shall be upon conditions listed above and at the exclusive risk of applicant and his/her guests, and no liability shall be attached to the Municipality of Powell, Ohio for any injury growing out of or arising from the use of said facilities.(Ord.93-15. Passed 4-14-93.)

(a) No person shall engage in any criminal or prohibited activity in those areas defined as parks in the Municipality of Powell, Ohio pursuant to the provisions of any state, federal, or local law.

(b) Any person determined to be found guilty of violation of any state, federal or local law shall be subject to the penalties provided by such state, federal or local law. (Ord.93-15. Passed 4-14-93.)

955.99 PENALTY

(a) Whoever is convicted of or pleads guilty to a violation of Sections 955.02, 955.04, 955.07, 966.10, 955.11 or 955.12 shall be determined to be guilty of a misdemeanor of the first degree and imprisoned for a definite term not to exceed six months or fined not more than one thousand dollars (\$1,000) or both.

(b) Whoever is convicted of or pleads guilty to a violation of Sections 955.03, 955.08, or 955.09 shall be determined to be guilty of a minor misdemeanor on the first offense committed within a five year period and fined not more than one hundred dollars (\$100.00) and upon conviction of or a plea of guilty to each subsequent offense during a five year period, such person shall be determined to be guilty of a misdemeanor of the fourth degree and imprisoned for a definite term not to exceed thirty days or fined not more than three hundred dollars (\$300.00) or both.

(c) Whoever is convicted of or pleads guilty to a violation of Sections 955.05, 955.06 or 955.13 to 955.16 shall be determined to be guilty of a minor misdemeanor and fined not more than one hundred dollars (\$100.00). (Ord.93-15. Passed 4-14-93.)