City of Dublin
Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager

Date: March 7, 2013

Initiated By: Fred Hahn, Director of Parks & Open Space

Re: Ordinance 20-13 - Revisions to Chapter 96 (Parks and Recreation) of the Dublin Codified Ordinances

Background

Staff is proposing changes to Chapter 96 of the Codified Ordinances regarding Parks and Recreation. Many sections of Chapter 96 have become outdated over the last 20-30 years and warrant revision. The proposed changes aim to better support the quality, safety, and longevity of the park system in Dublin.

Staff requests consideration of the following content:

- Elimination of the provision outlining the duties of the recreation director (Section 96.02)
- Replaces "Director" with "City Manager or designee"
- Provision allowing the City Manager or designee to close a park when necessary (Section 96.03)
- Provision allowing the City Manager to adopt rules for the management of parks (Section 96.04)
- Recognizes that the regulations related to firearms are not intended to apply to firearms as defined in the Ohio Revised Code Section 2923.11 and not intended to place a limitation on an individual's right to bear arms (Section 96.23, Provision F)
- Requirements for vehicles to remain on designated paths or recreational areas and prohibition of entering environmentally protected areas (Section 96.15, Provision D)
- Requirements regarding the removal of animal waste (Section 96.17, Provision A, Article 2)
- Prohibition of feeding wildlife (Section 96.17, Provision C)
- Prohibits the use of recreational vehicles in a manner that damages park property (Section, 96.19, Provision M)
- Requires that any person or party organizing an event or activity in a park or recreation area must seek a permit issued by the City Manager or designee (Section 96.28)

In addition, the revised Chapter 96 addresses the concerns raised about fishing in the community with the addition of the following content:

- Prohibiting the use of nets, buckets, or methods other than pole fishing (Section 96.17, Provision B, Article 4)
- Prohibiting fishing with other than hook or line and live or artificial bait (Section 96.17, Provision B, Article 5)
- Permitting fishing without a license in City Ponds (Section 96.17, Provision B, Article 6)
- Outlining fishing regulations in the Scioto River and the direct tributaries in accordance with the proper laws and regulations required by the State of Ohio (Section 96.17, Provision B, Article 6).

The proposed changes have been reviewed by Legal staff. Additionally, the Parks and Recreation Advisory Commission has reviewed portions of the proposed updates.

Recommendation

Staff recommends adoption of the proposed changes to Chapter 96 of the Dublin Codified Ordinances at the second reading/public hearing on March 25, 2013. Please contact Fred Hahn should you have any questions.

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 20-13 Passed _____, 20____

AN ORDINANCE AMENDING VARIOUS PORTIONS OF CHAPTER 96 (PARKS AND RECREATION) OF THE DUBLIN CODIFIED ORDINANCES

WHEREAS, the Dublin City Council desires to modify various portions of Chapter 96 of the Dublin Codified Ordinances to allow efficient management of the City's parks resources; and

WHEREAS, it is necessary to make adjustments to the various portions of the Chapter 96 to comply with recent changes in the Ohio Revised Code related to individual's right to keep and bear arms, including possession of firearms in public parks; and

WHEREAS, the Dublin City Council desires to clarify animal regulations for fishing activity and feeding of wildlife in parks; and

WHEREAS, it is necessary to update various portions of Chapter 96 of the Dublin Codified Ordinances to incorporate housekeeping changes that are required from time to time; and

WHEREAS, the Parks and Recreation Advisory Commission has reviewed a portion of the proposed changes in their advisory role to the Dublin City Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. Section 96.01 of the Codified Ordinances of the City of Dublin be amended as follows:

96.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR OR GAS GUNS. Any rifle or pistol powered by spring-piston, gas spring, pneumatic device, or any other gaseous propellant including carbon dioxide (CO_2).

ANIMAL or ANIMALS. Includes, but is not limited to, quadrupeds, birds, fish, reptiles, amphibians, crustaceans, mollusks and insects.

CITY-OWNED PROPERTY. For the purpose of this chapter, City-owned property shall include any real property and public parkland owned by the City, not including easements held or used by the City.

FISH or FISHING. 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.

MANAGER. The City Manager of the City of Dublin, Ohio or designee.

MOTOR VEHICLE. Any vehicle propelled or drawn by power other than muscular power.

OFFICER. A Dublin Police Division Officer or Code Enforcement Officer of the City of Dublin, Ohio.

PARK. Any land or water area owned, leased or otherwise controlled by the City of Dublin, Ohio for recreational open space or similar and related purposes.

PARK WATERS. 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.

VEHICLE. Every conveyance with wheels, treads or other means of locomotion.

('80 Code, § 951.01) (Ord. 39-89, passed 6-5-89; Am. Ord. 32-06, passed 6-5-06)

Section 2. Section 96.02 of the Codified Ordinances of the City of Dublin be amended as follows:

96.02 HOURS OF OPERATION.

(A) No person shall enter or remain in a park except during the hours of a legally permitted activity, those hours in Dublin, Ohio, being from dawn to dusk.

(B) The City Manager or designee may grant permission to enter or remain in a park after dusk and before dawn when reasonable.

('80 Code, § 951.14) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 3. Section 96.03 of the Codified Ordinances of the City of Dublin be amended as follows:

96.03 PARK CLOSURE.

The City Manager or designee, has authority to close a park to the public for a limited time for any reasonable consideration. No person shall enter a closed park when a sign at the entrance to a park indicates such restriction.

Penalty, see §96.99

Section 4. Section 96.04 of the Codified Ordinances of the City of Dublin be amended as follows:

96.04 CITY MANAGER MAY ISSUE RULES.

(A) The City Manager may adopt rules for the administration and management of City parks, recreation areas, and open space, to include all structures, facilities and land therein. The City Manager may adopt rules, including, without limitation, for:

(1) Preservation of property, vegetation, wildlife, signs, markers, buildings or other structures, and any object of scientific or historic value or interest;

(2) Restriction on or limitation of the use of any parks, recreation areas, and open space according to time, type, and manner of activities;

(3) Prohibition of conduct that may reasonably be expected to interfere substantially with the use and enjoyment of parks, parkways, recreation areas, and open space by the general public or that constitutes a nuisance;

(4) Maintenance of reasonable and necessary sanitation, health, and safety;

(5) Other requirements that are reasonable and necessary for the preservation and management of parks, parkways, recreation areas, and open space.

(B) No person shall violate any rule issued by the City Manager under this section.

Section 5. Section 96.15 of the Codified Ordinances of the City of Dublin be amended as follows:

96.15 REMOVAL OR DESTRUCTION OF PROPERTY AND NATURAL FEATURES.

(A) No person in a park shall remove 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, plant, nut or other seed from a park without a permit from the City Manager or 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 a 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 designee.

(D) No person shall enter park areas designated by the City of Dublin as environmentally protected areas without a permit from the City Manager or designee.

('80 Code, § 951.02) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 6. Section 96.16 of the Codified Ordinances of the City of Dublin be amended as follows:

96.16 DEPOSIT OF MATERIAL; ENCROACHMENT INTO CITY-OWNED PROPERTY.

(A) No person shall deposit, discard, dump or leave behind any material of any kind on any City- owned property, except materials arising from the normal use and enjoyment of City-owned property and then only in receptacles which may have been provided for this purpose.

(B) No person shall, deposit, discard, dump or leave behind any material, including, but not limited to, paper, garbage, wood, ashes or yardwaste, or other refuse which may blow, wash or be otherwise transported on any City-owned property.

(C) No person shall place or permit to be placed in any City-owned waters any noxious or destructive substance, either solid or liquid which may render such waters harmful or detrimental to the public health or to animal and plant life.

(D) No person shall place, deposit, build, or construct any encroachment, whether temporary or permanent, including but not limited to buildings, parking, driveways, sidewalks, sheds, swimming pools, patios, decks, play structures or other accessory structures, fences, antennae and basketball courts or other sport courts, in, on, above, or below the City- owned property.

('80 Code, §951.03) (Ord. 39-89, passed 6-5-89; Am. Ord. 32-06, passed 6-5-06) Penalty, see § 96.99

Section 7. Section 96.17 of the Codified Ordinances of the City of Dublin be amended as follows:

96.17 ANIMAL REGULATIONS; HUNTING AND FISHING.

(A) Animal control.

(1) 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, suitably caged, in a designated area; or restrained by a leash, except where a permit has been obtained in advance from the City Manager or designee.

(2) 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 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 possession such suitable device or container is prima-facie evidence of a violation of this section. No person shall fail to remove fecal matter left by his/her animal within a reasonable amount of time by properly placing such refuse into a waste receptacle.

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

(4) 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.

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

(6) No person shall herd, graze, drive or permit any animal to run at large in a park except in areas designated for such purpose.

(B) Hunting and fishing.

(1) 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 designee other than by fishing.

(2) No person in a park shall move, injure or destroy any bird nest or egg or any animal habitation with the exclusion of wildlife or wildlife nuisance management and with the consent of the City Manager or designee.

(3) No person in a park shall fish in park waters in violation of any sign or signs prohibiting fishing or a manner thereof.

(4) No person in a park shall use nets, buckets, or methods other than pole fishing to harvest from ponds which are solely contained within the City.

(5) No person in a park shall fish with other than hook or line and live or artificial bait; and other than in accordance with the fishing laws of the State of Ohio.

(6) Fishing is permitted without a license at City Ponds. Fishing in the Scioto River and the direct tributaries are subject to the proper license and regulations required by the State of Ohio.

('80 Code, §§ 951.04, 951.05) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

(C) Feeding Wildlife

No person shall feed any wild animal in any park or place food out with the intention to feed wild animals in a park without having obtained a permit from the City Manager or designee.

Section 8. Section 96.18 of the Codified Ordinances of the City of Dublin be amended as follows:

96.18 AEROSOL PAINT CANS.

No person in a park except an officer or the City Manager or designee shall carry on or about his or her person a container capable of propelling paint by means of a gaseous charge without having first obtained a permit from the City Manager or designee.

('80 Code, § 951.06) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 9. Section 96.19 of the Codified Ordinances of the City of Dublin be amended as follows:

96.19 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 set, 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, except where a permit has been obtained in advance from the City Manager or designee.

(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 a permit has been obtained in advance from the City Manager or designee.

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

(E) No person in a park shall loiter in the vicinity of a toilet and no person over the age of six 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 or City Manager or designee while such officer or City Manager or designee is engaged in the execution of her/his office.

(G) No person in a park shall assault or commit bodily injury upon another or engage in or abet or aid in any fight, quarrel or other disturbance.

(H) 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.

(I) No person in a park shall solicit or attempt to solicit another to engage in an act of sex perversion or solicit or request another to commit, perform or

engage in any lewd, lascivious, obscene or indecent act of behavior.

(J) No person in a park shall appear in a state of nudity or commit, perform or engage in any lewd, lascivious, obscene, illicit, carnal or indecent act of behavior and no person shall make any indecent exposure of her or his person.

(K) No person in a park shall openly display, sell, offer for sale, or be under the influence of intoxicating liquors or alcoholic beverages in a park; such beverages openly displayed, sold, or offered for sale in a park may be confiscated by an officer or the City Manager or designee.

(L) No person in a park shall sell, offer for sale, possess, receive, use, administer to his or herself or others, be under the influence of or possess any equipment for administering any narcotic drug, opiate, hallucinogen, amphetamine or barbiturate except as provided by law. Narcotic drugs, opiates, hallucinogens, amphetamines or barbiturates in a park may be confiscated by an officer or City Manager or designee, excepting those as provided by law.

(M) No person shall operate a skateboard, roller-skate, in-line-skate, bicycle or other human powered means of conveyance in a park in such a way as to cause damage to park property or public fixtures not designated for such uses. Such park properties or public fixtures not designated for such uses include but are not limited to benches, curbs, railings, planters, pavilions, picnic tables, basketball courts, tennis courts, buildings, art or any other structure not intended for such use.

('80 Code, § 951.07) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 10. Section 96.20 of the Codified Ordinances of the City of Dublin be amended as follows:

96.20 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 start or maintain a fire for the purposes of cooking or grilling food except in a place or at a site designated for this purpose.

(C) No person in a park shall build a fire at a time or period when the City Manager or designee has prohibited the building of fires.

('80 Code, § 951.08) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 11. Section 96.21 of the Codified Ordinances of the City of Dublin be amended as follows:

96.21 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 designee.

('80 Code, § 951.09) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 12. Section 96.22 of the Codified Ordinances of the City of Dublin be amended as follows:

96.22 SWIMMING, WADING, BOATING AND ICE SKATING.

No person in a park shall engage in the activities of swimming, wading, boating, or ice skating in areas or at times which have not been set aside for these purposes by appropriate signage.

('80 Code, § 951.10) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 13. Section 96.23 of the Codified Ordinances of the City of Dublin be amended as follows:

96.23 FIREARMS, WEAPONS, FIREWORKS AND EXPLOSIVES.

(A) No person in a park except officers or the City Manager or designee shall carry on his or her person knives, bows and arrows, crossbows, air and gas guns, paintball guns, missiles or missile-throwing devices, or other dangerous weapons without having first obtained a permit from the City Manager or designee.

(B) No person except officers or the City Manager or designee shall discharge into a park an arrow, air or gas gun, missile, slingshot or any missile-throwing device without having first obtained a permit from the City Manager or designee.

(C) No person in a park except officers or the City Manager or designee shall shoot an arrow or discharge an air or gas gun, missile or slingshot without having first obtained a permit from the City Manager or designee.

(D) Unauthorized 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 designee.

(E) No person in a park shall have in his or her possession any fireworks or explosives or shall cause any fireworks or explosives to ignite or detonate without having first obtained a permit from the City Manager or designee.

(F) The foregoing provisions of this section do not apply to firearms as defined in Section 2923.11 of the Ohio Revised Code, and nothing in this section shall be construed as a limitation on an individual's right to keep and bear arms under federal or state law.

('80 Code, §§ 951.11, 951.16) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 14. Section 96.24 of the Codified Ordinances of the City of Dublin be amended as follows:

96.24 COMMERCIAL ACTIVITIES.

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

(B) No person in a park shall beg, peddle or solicit for money, a privilege or a service.

('80 Code, § 951.12) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 15. Section 96.25 of the Codified Ordinances of the City of Dublin be amended as follows:

96.25 ERECTING AND ATTACHING SIGNS.

No person in a park shall erect a sign or attach a sign to property owned or

controlled by the City, nor shall any person display any placard, notice, advertisement, circular, banner or statement of any other kind other than a permanent sign on a vehicle without a permit from the City Manager or designee.

('80 Code, § 951.13) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 16. Section 96.26 of the Codified Ordinances of the City of Dublin be amended as follows:

96.26 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 designee. These unauthorized structures include but are not limited to: tents, inflatable structures, fencing, stages, portable bathrooms, and corrals.

('80 Code, § 951.15) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 17. Section 96.27 of the Codified Ordinances of the City of Dublin be amended as follows:

96.27 VEHICLE REGULATIONS.

(A) No person in a park except officers or the City Manager or designee 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 without having first obtained a permit from the Director City Manager or designee.

(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 except officers or the City Manager or designee shall drive around, cause to be moved 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 without having first obtained a permit from the City Manager or designee.

(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 designee or her/his representative releasing such vehicles to the owners thereof or their authorized representatives. The City 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 operate any motorized bicycle, motorcycle, or other motor vehicle anywhere within the limits of any public park within the City, except

on public streets or roadways, parking areas or other paved or graveled areas unless permission by the City for operation of such motorized vehicles in such other areas has clearly been posted.
('80 Code, § 951.17) (Ord. 39-89, passed 6-5-89)

Section 18. Section 96.28 of the Codified Ordinances of the City of Dublin be amended as follows:

96.28 PERMITS FOR ORGANIZED EVENTS AND ACTIVITIES.
Any person or party intending to organize, promote, or stage a recreational, athletic, or social event in a park or recreation area must seek a permit from the City Manager or designee. Such permits shall be issued at the discretion of the City Manager or designee.

Section 19. Section 96.99 of the Codified Ordinances of the City of Dublin be amended as follows:

96.99 PENALTY.
(A) Whoever violates §§ 96.03, 96.16(A), (B), or (C), 96.17(A), 96.18, 96.21 or 96.24 through 96.27 is guilty of a fourth degree misdemeanor. ('80 Code, §§ 951.03, 951.14(b), 951.05(g), 951.06(b), 951.09(b), 951.12(c), 951.13, 951.15, 951.17, 331.41(b)) (Ord. 60-80, passed 9-8-80; Ord. 39-89, passed 6-5-89; Am. Ord. 32-06, passed 6-5-06)

(B) Whoever violates §§ 96.15, 96.17(B), 96.19, 96.20, 96.22 or 96.23 is guilty of a first degree misdemeanor. ('80 Code, § 951.02(d), 951.04(d), 951.07(m), 951.08(c), 951.10(b), 951.11(e), 951.16(b)) (Ord. 39-89, passed 6-5-89)

(C) Whoever violates § 96.16(D) is guilty of a first degree misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 32-06, passed 6-5-06)

Section 20. This Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Passed this _____ day of _____, 2013.

_____
Mayor - Presiding Officer

ATTEST:

_____
Clerk of Council

20-13

AN ORDINANCE AMENDING VARIOUS PORTIONS OF CHAPTER 96, PARKS AND RECREATION, OF THE DUBLIN CODIFIED ORDINANCES

WHEREAS, the Dublin City Council desires to modify various portions of Chapter 96 of the Dublin Codified Ordinances to allow efficient management of the City's parks resources; and

WHEREAS, it is necessary to make adjustments to the various portions of the Chapter 96 to comply with recent changes in the Ohio Revised Code related to individual's right to keep and bear arms, including possession of firearms in public parks; and

WHEREAS, the Dublin City Council desires to clarify animal regulations for fishing activity and feeding of wildlife in parks; and

WHEREAS, it is necessary to update various portions of Chapter 96 of the Dublin Codified Ordinances to incorporate housekeeping changes that are required from time to time; and

WHEREAS, the Parks and Recreation Advisory Commission has reviewed a portion of the proposed changes in their advisory role to the Dublin City Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. Section 96.01 of the Codified Ordinances of the City of Dublin be amended as follows:

96.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR OR GAS GUNS. Any rifle or pistol powered by spring-piston, gas spring, pneumatic device, or any other gaseous propellant including carbon dioxide (CO_2).

ANIMAL or ANIMALS. Includes, but is ~~be~~ not limited to, quadrupeds, birds, fish, reptiles, amphibians, crustaceans, mollusks and insects.

CITY-OWNED PROPERTY. For the purpose of this chapter, city-owned property shall include any real property and public parkland owned by the city, not including easements held or used by the city.

~~DIRECTOR. The Director of Parks and Recreation of the City of Dublin, Ohio.~~

FISH or FISHING. 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.

MANAGER. The City Manager of the City of Dublin, Ohio or designee.

MOTOR VEHICLE. Any vehicle propelled or drawn by power other than muscular power.

OFFICER. A Dublin Police Division Officer or Code Enforcement Officer of the City of Dublin, Ohio. ~~the Parks and Recreation Director or any agent or employee of either.~~

PARK. Any land or water area owned, leased or otherwise controlled by the City of Dublin, Ohio for recreational open space or similar and related purposes.

PARK WATERS. 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.

VEHICLE. Every conveyance with wheels, treads or other means of locomotion.

('80 Code, § 951.01) (Ord. 39-89, passed 6-5-89; Am. Ord. 32-06, passed 6-5-06)

Section 2. Section 96.02 of the Codified Ordinances of the City of Dublin be amended as follows:

96.02 HOURS OF OPERATION.
~~96.02 DUTIES OF RECREATION DIRECTOR.~~
~~(A) The Recreation Director shall:~~

~~(1) Schedule all recreational and special events activities of the city;~~

~~(2) Correlate and schedule the use of all city owned tennis courts, ball diamonds, and the like and, if agreed to by the Dublin School officials, schedule their resources also;~~

~~(3) Be in charge of parks maintenance and the personnel and equipment involved;~~

~~(4) Special events shall include July 4th celebration activities; and~~

~~(5) Make recommendations to the Parks and Recreation Committee regarding additional personnel and equipment required to accomplish recreational programs and parks maintenance.~~

~~(B) Hours required will be on a "seasonal" basis with more hours required in the summer recreation period, than in the other months of the year.~~

('80 Code, § 143.01) (Ord. 25-79, passed 3-10-79)

§ 96.023 HOURS OF OPERATION.

(A) No person shall enter or remain in a park except during the hours of a legally permitted activity, those hours in Dublin, Ohio, being from dawn to dusk.

(B) The ~~Director of Parks and Open Space~~ City Manager or designee may grant permission to enter or remain in a park after dusk and before dawn when reasonable.

Section 3. Section 96.03 of the Codified Ordinances of the City of Dublin be amended as follows:

96.03 PARK CLOSURE.

The City Manager or designee, has authority to close a park to the public for a limited time for any reasonable consideration. No person shall enter a closed park when ~~there is~~ a sign at the entrance to a park indicates such restriction.

Penalty, see §96.99

Section 4. Section 96.04 of the Codified Ordinances of the City of Dublin be amended as follows:

96.04 CITY MANAGER MAY ISSUE RULES.

(A) The City Manager may adopt rules for the administration and management of city parks, recreation areas, and open space, to include all structures, facilities and land therein. The City Manager may adopt rules, including, without limitation, for:

(1) Preservation of property, vegetation, wildlife, signs, markers, buildings or other structures, and any object of scientific or historic value or interest;

(2) Restriction on or limitation of the use of any parks, recreation areas, and open space according to time, type, and manner of activities;

(3) Prohibition of conduct that may reasonably be expected to interfere substantially with the use and enjoyment of parks, parkways, recreation areas, and open space by the general public or that constitutes a nuisance;

(4) Maintenance of reasonable and necessary sanitation, health, and safety;

(5) Other requirements that are reasonable and necessary for the preservation and management of parks, parkways, recreation areas, and open space.

(B) No person shall violate any rule issued by the City Manager under this section.

Section 5. Section 96.15 of the Codified Ordinances of the City of Dublin be amended as follows:

96.15 REMOVAL OR DESTRUCTION OF PROPERTY AND NATURAL FEATURES.

(A) No person in a park shall remove any property, natural feature or part thereof ~~included~~ including, 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 ~~Director~~ City Manager or 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 a 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 Director City Manager or designee.

(D) No person shall enter park areas designated by the City of Dublin as environmentally protected areas without a permit from the City Manager or designee.

('80 Code, § 951.02) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 6. Section 96.16 of the Codified Ordinances of the City of Dublin be amended as follows:

96.16 DEPOSIT OF MATERIAL; ENCROACHMENT INTO CITY-OWNED PROPERTY.

(A) No person shall deposit, discard, dump or leave behind any material of any kind on any city- owned property, except materials arising from the normal use and enjoyment of city-owned property and then only in receptacles which may have been provided for this purpose.

(B) No person shall, ~~adjacent to any city-owned property,~~ deposit, discard, dump or leave behind any ~~noxious or waste~~ material, including, but not limited to, paper, garbage, wood, ashes or yardwaste, or other refuse which may blow, wash or be otherwise transported on any city-owned property.

(C) No person ~~in or adjacent to any city-owned property~~ shall place or permit to be placed in any city-owned waters any noxious or destructive substance, either solid or liquid which may render such waters harmful or detrimental to the public health or to animal and plant life.

(D) No person ~~on or adjacent to any city-owned property~~ shall place, deposit, build, or construct any encroachment, whether temporary or permanent, including but not limited to buildings, parking, driveways, sidewalks, sheds, swimming pools, patios, decks, play structures or other accessory structures, fences, antennae and basketball courts or other sport courts, in, on, above, or below the city- owned property.

('80 Code, §951.03) (Ord. 39-89, passed 6-5-89; Am. Ord. 32-06, passed 6-5-06) Penalty, see § 96.99

Section 7. Section 96.17 of the Codified Ordinances of the City of Dublin be amended as follows:

96.17 ANIMAL REGULATIONS; HUNTING AND FISHING.

(A) Animal control.

(1) 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, suitably caged, in a designated area; or restrained by a leash, ~~in such a manner as to be under the person's control at all times~~, except where a permit ~~permission~~ has been obtained in advance ~~in writing~~ from the ~~Director~~ City Manager or designee.

(2) 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 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 possession such suitable device or container is prima-facie evidence of a violation of this section. No person shall fail to remove fecal matter left by his/her animal within a reasonable amount of time by properly placing such refuse into a waste receptacle.

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

(4) 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.

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

(6) No person shall herd, graze, drive or permit any animal to run at large in a park except in areas designated for such purpose.

(B) Hunting and fishing.

(1) 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 ~~Director~~ City Manager or designee other than by fishing.

(2) No person in a park shall move, injure or destroy any bird nest or egg or any animal habitation with the exclusion of wildlife or wildlife nuisance management and with the consent of the City Manager or designee.

(3) No person in a park shall fish in park waters in violation of any sign or signs prohibiting fishing or a manner thereof.

(4) No person in a park shall use nets, buckets, or methods other than pole fishing to harvest from ponds which are solely contained within the City.

(5) No person in a park shall fish with other than hook or line and live or artificial bait; and other than in accordance with the fishing laws of the State of Ohio.

(6) Fishing is permitted without a license at City Ponds. Fishing in the Scioto River and the direct tributaries are subject to the proper license and regulations required by the State of Ohio.

('80 Code, §§ 951.04, 951.05) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

(C) Feeding Wildlife

No person shall feed any wild animal in any park or place food out with the intention to feed wild animals in a park without having obtained a permit from the City Manager or designee.

Section 8. Section 96.18 of the Codified Ordinances of the City of Dublin be amended as follows:

96.18 AEROSOL PAINT CANS.

No person in a park except an officer or the ~~Director or her/his agents~~ City Manager or designee shall carry on or about his or her person a container capable of propelling paint by means of a gaseous charge without having first obtained a permit ~~written permission~~ from the ~~Director~~ City Manager or designee.

('80 Code, § 951.06) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 9. Section 96.19 of the Codified Ordinances of the City of Dublin be amended as follows:

96.19 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 set, 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, except where a permit has been obtained in advance from the City Manager or designee.

(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 a permit ~~permission~~ has been obtained in advance ~~in writing~~ from the ~~Director~~ City Manager or designee.

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

(E) No person in a park shall loiter in the vicinity of a toilet and no person over the age of six 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 or ~~Director~~ City Manager or designee while such officer or ~~Director~~ City Manager or designee is engaged in the execution of her/his office.

(G) No person in a park shall assault or commit bodily injury upon another or engage in or abet or aid in any fight, quarrel or other disturbance.

(H) 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.

(I) No person in a park shall solicit or attempt to solicit another to engage in an act of sex perversion or solicit or request another to commit, perform or engage in any lewd, lascivious, obscene or indecent act of behavior.

(J) No person in a park shall appear in a state of nudity or commit,

perform or engage in any lewd, lascivious, obscene, illicit, carnal or indecent act of behavior and no person shall make any indecent exposure of her or his person.

(K) No person in a park shall openly display, sell, offer for sale, or be under the influence of intoxicating liquors or alcoholic beverages in a park; such beverages openly displayed, sold, or offered for sale in a park may be confiscated by an officer or ~~Director~~ the City Manager or designee.

(L) No person in a park shall sell, offer for sale, possess, receive, use, administer to his or herself or others, be under the influence of or possess any equipment for administering any narcotic drug, opiate, hallucinogen, amphetamine or barbiturate except as provided by law. Narcotic drugs, opiates, hallucinogens, amphetamines or barbiturates in a park may be confiscated by an officer or ~~Director~~ City Manager or designee, excepting those as provided by law.

(M) No person shall operate a skateboard, roller-skate, in-line-skate, bicycle or other human powered means of conveyance in a park in such a way as to cause damage to park property or public fixtures not designated for such uses. Such park properties or public fixtures not designated for such uses include but are not limited to benches, curbs, railings, planters, pavilions, picnic tables, basketball courts, tennis courts, buildings, art or any other structure not intended for such use.

('80 Code, § 951.07) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 10. Section 96.20 of the Codified Ordinances of the City of Dublin be amended as follows:

96.20 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.

(A) No person in a park shall start or maintain a fire for the purposes of cooking or grilling food except in a place or at a site designated for this purpose.

(C) ~~(B)~~ No person in a park shall build a fire at a time or period when the ~~Director~~ City Manager or designee has prohibited the building of fires.

('80 Code, § 951.08) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 11. Section 96.21 of the Codified Ordinances of the City of Dublin be amended as follows:

96.21 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 ~~Director~~ City Manager or designee.

('80 Code, § 951.09) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 12. Section 96.22 of the Codified Ordinances of the City of Dublin be amended as follows:

96.22 SWIMMING, WADING, BOATING AND ICE SKATING.

No person in a park shall engage in the activities of swimming, wading, boating, or ice skating in areas or at times which have not been set aside for these purposes by appropriate signage.

('80 Code, § 951.10) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 13. Section 96.23 of the Codified Ordinances of the City of Dublin be amended as follows:

96.23 FIREARMS, WEAPONS, FIREWORKS AND EXPLOSIVES.

(A) No person in a park except officers or the ~~Director~~ City Manager or designee shall carry on his or her person ~~firearms of any description~~, knives, bows and arrows, crossbows, air and gas guns, paintball guns, missiles or missile-throwing devices, or other dangerous weapons without having first obtained a permit ~~written permission~~ from the ~~Director~~ City Manager or designee.

(B) No person except officers or the ~~Director~~ City Manager or designee shall discharge into a park an ~~firearm~~, arrow, air or gas gun, missile, slingshot or any missile-throwing device without having first obtained a permit ~~written permission~~ from the ~~Director~~ City Manager or designee.

(C) No person in a park except officers or the ~~Director~~ City Manager or designee shall shoot an arrow or discharge an ~~firearm~~, air or gas gun, missile or slingshot without having first obtained a permit ~~written permission~~ from the ~~Director~~ City Manager or designee.

(D) ~~Firearms~~,Unauthorized 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 ~~Director~~ City Manager or designee.

(E) No person in a park shall have in his or her possession any fireworks or explosives or shall cause any fireworks or explosives to ignite or detonate without having first obtained ~~in writing~~ a permit from the ~~Director~~ City Manager or designee.

(F) The foregoing provisions of this section do not apply to firearms as defined in Section 2923.11 of the Ohio Revised Code, and nothing in this section shall be construed as a limitation on an individual's right to keep and bear arms under federal or state law.

('80 Code, §§ 951.11, 951.16) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 14. Section 96.24 of the Codified Ordinances of the City of Dublin be amended as follows:

96.24 COMMERCIAL ACTIVITIES.

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

(B) No person in a park shall beg, peddle or solicit for money, a privilege or a service.

('80 Code, § 951.12) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 15. Section 96.25 of the Codified Ordinances of the City of Dublin be amended as follows:

96.25 ERECTING AND ATTACHING SIGNS.

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

('80 Code, § 951.13) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 16. Section 96.26 of the Codified Ordinances of the City of Dublin be amended as follows:

96.26 UNAUTHORIZED STRUCTURES.

No person in a park shall construct, erect, or in any other way build any structure without a permit from the ~~Director~~ City Manager or designee. These unauthorized structures include but are not limited to: tents, inflatable structures, fencing, stages, portable bathrooms, and corrals.

('80 Code, § 951.15) (Ord. 39-89, passed 6-5-89) Penalty, see § 96.99

Section 17. Section 96.27 of the Codified Ordinances of the City of Dublin be amended as follows:

96.27 VEHICLE REGULATIONS.

(A) No person in a park except officers or the City Manager or designee 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 without having first obtained a permit from the Director City Manager or designee.

(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 except officers or the City Manager or designee shall drive around, cause to be moved 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 without having first obtained a permit from the City Manager or designee..

(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 ~~Director~~ City Manager or designee or her/his representative releasing such vehicles to the owners thereof or their authorized representatives. The city 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.

('80 Code, § 951.17) (Ord. 39-89, passed 6-5-89)

(I) No person shall operate any motorized bicycle, motorcycle, or other motor vehicle anywhere within the limits of any public park within the city, except on public streets or roadways, parking areas or other paved or graveled areas unless permission by the city for operation of such motorized vehicles in such other areas has clearly been posted. ('80 Code, § 331.41) (Ord. 60-80, passed 9-8-80)

~~(J) No person shall operate a skateboard, roller-skate, in-line-skate, bicycle or other human-powered means of conveyance in a park in such a way as to cause damage to park property or public fixtures not designated for such uses. Such park properties or public fixtures not designated for such uses include but are not limited to benches, curbs, railings, planters, pavilions, picnic tables, basketball courts, tennis courts, buildings or any other structure not intended for such use.~~

Penalty, see § 96.99

Section 18. Section 96.28 of the Codified Ordinances of the City of Dublin be amended as follows:

96.28 PERMITS FOR ORGANIZED EVENTS AND ACTIVITIES.

Any person or party intending to organize, promote, or stage a recreational, athletic, or social event in a park or recreation area must seek a permit from the City Manager or designee. Such permits shall be issued at the discretion of the City Manager or designee.

Section 19. Section 96.99 of the Codified Ordinances of the City of Dublin be amended as follows:

96.99 PENALTY.

(A) Whoever violates §§ 96.03, 96.16(A), (B), or (C), 96.17(A), 96.18, 96.21 or 96.24 through 96.27 is guilty of a fourth degree misdemeanor. ('80 Code, §§ 951.03, 951.14(b), 951.05(g), 951.06(b), 951.09(b), 951.12(c), 951.13, 951.15, 951.17, 331.41(b)) (Ord. 60-80, passed 9-8-80; Ord. 39-89, passed 6-5-89; Am. Ord. 32-06, passed 6-5-06)

(B) Whoever violates §§ 96.15, 96.17(B), 96.19, 96.20, 96.22 or 96.23 is guilty of a first degree misdemeanor. ('80 Code, § 951.02(d), 951.04(d), 951.07(m), 951.08(c), 951.10(b), 951.11(e), 951.16(b)) (Ord. 39-89, passed 6-5-89)

(C) Whoever violates § 96.16(D) is guilty of a first degree misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 32-06, passed 6-5-06)

Section 20. This Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Passed this _____ day of _____, 2013.

_____
Mayor - Presiding Officer

ATTEST:

_____
Clerk of Council