

CHAPTER 933

Parks

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CROSS REFERENCES

- Parks and playgrounds – see Ohio R.C. Ch. 755
Parks and Recreation Commission – see ADM. Ch.133

933.01 DEFINITIONS.

As used in this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) “Animal” or “animals” means all quadrupeds, birds, fish, reptiles, amphibians and insects.
- (b) “Enforcement officer” means any Village employee whose duties include enforcement of ordinances of the Village relating to public parks, or any police officer of the Village.
- (c) “Motor vehicle” means any vehicle propelled or drawn by power other than muscular power (excluding models and toys that are regulated under this chapter).
- (d) “Park” means any land or water area owned, leased or otherwise controlled by the Village and managed by or through the Village; including bikeways, greenways, linear parks, transportation corridors and staging areas.
- (e) “Person” means any individual company, partnership, corporation, association, any combination of individuals or any employee or agent or officer thereof.
- (f) “Vehicle” means everything on wheels (excluding models and toys that are regulated under this chapter).

933.02 REMOVAL OR DESTRUCTION OF PROPERTY AND NATURAL FEATURES.

- (a) No person shall remove from a park (without a permit from the Village) any property that is owned, leased or otherwise controlled by the Village.
- (b) No person (without permission from an enforcement officer) shall move any property owned, leased or otherwise controlled by the Village from one location within a park to another location in that or in any other park.
- (c) No person in a park shall write upon, cut, mutilate, deface, or damage in any manner any building, structure, equipment or other property or part thereof that is owned, leased or otherwise controlled by the Village.

- (d) No person in a park shall dig, move or carry away any rock, stone, sod, sand, earth, tree, wood, shrub, plant, flower, root or other seed except with a permit from the Village.
- (e) No person in a park shall trample upon, injure, destroy, break, cut, chop or deface in any manner any stone, tree, shrub, plant or flower.
- (f) No person in a park shall install or plant any materials except with a permit from the Village.
- (g) No person in a park shall walk any animal or operate any vehicle, off any designated hiking or walking trail or designated recreation area except by permission.
- (h) No person, without privilege to do so, shall knowingly move, deface, damage, destroy or otherwise tamper with any survey marker, parking boundary marker, a park sign or safety device.

933.03 DEPOSIT OF MATERIAL.

- (a) No person shall bring in a park and deposit, intentionally or unintentionally, any trash materials, garbage, ashes or other noxious or waste material.
- (b) No person in a park shall deposit or discard, intentionally or unintentionally, any trash materials, garbage, ashes or other noxious or waste materials other than in receptacles provided for the disposal of such materials.
- (c) No person shall deposit or discard or cause to be deposited or discarded, intentionally or unintentionally, adjacent to a park any paper, garbage, ashes, refuse or other noxious or waste/hazardous material, or chemical which may blow, wash, or be transported by any other means into a park.
- (d) No person in a park shall discharge, throw, drop or cause to flow into the park waters any noxious or deleterious substance, either solid or liquid, which renders any water-course in the park harmful or is inimical to the public health or to animal life.
- (e) No person shall discharge, throw, drop or cause to flow in water adjacent to any park, any noxious or deleterious substance, whether solid or liquid, which renders park waters harmful or is inimical to the public health or to animal life.

933.04 PROTECTION OF ANIMALS.

- (a) No person in a park shall hunt, trap, or in any way abuse, molest, injure, pursue or destroy any animal.
- (b) No person in a park shall move, injure or destroy any bird nest or an animal habitation.
- (c) No person in a park shall have in his possession an animal of any kind unless the animal is controlled or unless the animal is kept in a vehicle or suitably caged.
- (d) No person in a park shall abandon an animal.
- (e) No person shall herd, graze, drive or permit to run at large within a park, any cattle, horse, mule, donkey, goat, swine or other animal, any poultry or fowl.
- (f) Any person bringing into a park or having or keeping in a park, a dog, cat, or domesticated animal shall keep such dog, cat or animal under control at all times and on a leash not more than eight feet long. No person shall bring into a park or have or keep in a park any dog, cat, household pet, wild animal or any other

animal that may be destructive, harmful, or present a threat or be dangerous to any person, bird or wildlife.

- (g) No person shall leave behind, or otherwise abandon any domestic animal within or adjacent to any park.
- (h) No person shall release any wild or exotic animal within the confines of a park.
- (i) It shall be the duty of any person who owns, possesses or controls a dog to remove and dispose of any feces or excrement left or created in a park by that person's dog. If any such dog of any such person creates or leaves feces or excrement in a park, then such person shall immediately and promptly remove and dispose of all such feces with tools, implements or other devices carried by that person for such purpose.
- (j) No person who owns, possesses or controls a dog shall bring such dog to a park or allow such dog to be in a park without that person having immediately available the means to remove and dispose of any feces or excrement left or created by that person's dog. For the purposes of this section, the means of removal shall be by any tool, implement or other device carried for the purpose of picking up and containing such feces or excrement in a manner that such feces or excrement shall be unexposed to said person, any park user, and the public. For the purposes of this section, disposal shall be accomplished by transporting such feces or excrement to a place suitable and regularly used for the disposal of human feces, specifically designated for the disposal of canine feces, or otherwise designated.
- (k) Subsections (i) and (j) hereof shall not apply to any visually impaired or physically handicapped person who owns, possesses or controls a dog in a park and such dog is a guide dog or a handicapped assistance dog.

933.05 PERSONAL CONDUCT.

- (a) No person in or adjacent to a park shall conduct himself by word or by act in a riotous, disorderly, boisterous, threatening 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, TV, musical instrument or amplifying or sound equipment so as to disturb the peace and good order.
- (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.
- (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 restroom and no person shall enter a restroom facility provided for the exclusive use of the opposite sex.
- (f) No person or group of persons shall loiter in or adjacent to any park lands or facilities.
- (g) No person in a park shall resist, obstruct, or abuse an enforcement officer while such enforcement officer is engaged in the lawful execution of his duties.
- (h) No person in a park shall willfully assault or commit bodily injury upon another or engage in or abet or aid in any fight, quarrel, or other disturbance.
- (j) No person or groups of persons shall assemble in or adjacent to a park for any unlawful purpose or in a 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.

- (k) No person in a park shall solicit or attempt to solicit another to engage in an act of sexual perversion or solicit or request another to commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior.
- (l) No person in a park shall appear in a state of nudity or make any indecent exposure of his or her person.
- (m) No person in a park shall sell or offer for sale any intoxicating liquor or alcoholic beverage.
- (n) No person in a park shall be intoxicated or be under the influence of any intoxicating liquor or alcoholic beverages as defined in Ohio Revised Code 4301.01.
- (o) Except as may be permitted by the Ohio Revised Code, no person in a park shall be under the influence, possess, sell or offer for sale any type of narcotic drug, controlled substance, opiate or hallucinogen, or any equipment for administering such drugs, opiates or hallucinogens. Except as may be permitted by the Ohio Revised Code, no person in a park shall smoke, drink, have injected or inject into himself, or otherwise use any type of narcotic drug, opiate, controlled substance or hallucinogen.
- (p) No person shall bring into a park, display or leave behind any photograph, publication or apparatus of a lewd, lascivious, obscene, indecent, or pornographic nature.
- (q) No person shall pass from any park so as to trespass onto private property. All persons using any park shall enter and exit such park in or at areas designated for ingress and egress.
- (r) No person shall leave personal property in a park unattended.

933.06 FIRES.

- (a) No person in a park shall start or maintain a fire except in a place or at a site designated for such purpose. A person who starts or maintains a fire shall not leave a fire unattended and shall see that it is properly contained and fully extinguished before leaving the park. Portable charcoal or propane grills, are acceptable but shall not be left unattended.
- (b) No person in a park shall collect wood in the park for any purposes.
- (c) No person in a park shall place portable stoves or grills in shelters or on combustible picnic tables.
- (d) No person in a park shall deposit burning material or hot ashes on grass, plants or in refuse receptacles.
- (e) No person in a park shall build a fire at a time or period when a village official fire officer has prohibited the building of fires.

933.07 CAMPING.

- (a) No person in a park shall camp in any area or on any site.
- (b) No person in a park shall establish or maintain any camp or other temporary lodging or sleeping place within a park.

933.08 FIREARMS AND WEAPONS.

- (a) No person except a police officer shall discharge into a park from an area outside the park a firearm, arrow, air or gas gun, missile, slingshot or any other missile-throwing device.
- (b) No person in a park except a police officer shall discharge a firearm or shoot an arrow, air or gas gun, missile, slingshot or any missile-throwing device.
- (c) Firearms, knives, air or gas guns, missiles, slingshots or other missile-throwing devices or any snares or traps brought into a park may be confiscated by a law enforcement officer.

933.09 COMMERCIAL ACTIVITIES.

- (a) No person in a park shall sell or offer for sale any article, privilege or service unless such sale or offer is pursuant to a contract with the Village.
- (b) No person in a park shall beg, peddle or solicit for money, a privilege or service.
- (c) No park shall be used for commercial purposes except with a permit from the Village.

933.10 ERECTING AND ATTACHING SIGNS.

No person in a park shall erect a sign or attach a sign to property owned or controlled by the Village; nor shall any person display any placard, notice, advertisement, circular, banner, or statement of any kind, except in areas designated by the Village, other than a permanent sign on a vehicle parked in a designated parking area.

933.11 HOURS OF USE.

- (a) No person shall enter a park or remain in a park except during the hours that parks are open and so posted.
- (b) No person shall be permitted to remain within a park between sunset and sunrise, or when a park is either permanently or temporarily closed except upon permission of the Village.
- (c) The Mayor or Chief of Police may temporarily close a park or curtail or stop activities within or upon a park or any portion thereof, when it is deemed by such official or officials that such closing or curtailment or stopping is in the best interest of the public health, safety or welfare, or to maintain public order.
- (d) Any park, or any portion thereof, may be closed to the public when it has been determined by the Mayor that the park or any portion thereof, is especially environmentally sensitive and human presence will endanger or harm the especially environmentally sensitive area of the park.

933.12 FIREWORKS AND EXPLOSIVES.

- (a) No person in a park shall have in his possession or ignite any fireworks except with a permit from the Village.
- (b) No person in a park shall have in his possession or detonate any explosive except with a permit from the Village.

933.13 TRAFFIC REGULATION.

- (a) While using any path or road provided for vehicles in a park, all motor vehicles and operators shall comply with the requirements of all sections of the Ohio Revised Code pertaining to motor vehicles and all sections of the Perry Village Traffic Code pertaining to motor vehicles.
- (b) Excluding the operation of emergency, police, fire and law enforcement vehicles, no person shall operate any vehicle in a park in excess of fifteen miles per hour.
- (c) No person in a park shall park any vehicle except in places designated for this purpose. Any vehicle not so parked shall be subject to removal at the owner's expense.
- (d) No person shall leave a vehicle in a park during the hours when a park is closed. Any vehicle so parked shall be subject to removal at the owner's expense.
- (e) No person in a park shall consume any beer or intoxicating liquor while driving or parked in a motor vehicle.

933.14 POWER MODELS, TOY ENGINE UNITS AND SIRENS.

No person in a park shall operate any engine-powered model or toy airplane, boat, car siren or any noisemaking device except by permit from the Village.

933.15 SWIMMING AND WADING.

No person shall swim or wade in any park waters.

933.16 PROHIBITED ACTIVITIES.

- (a) No person in a park shall operate an all-terrain vehicle, go-cart, air balloon, hang glider, hover craft, or snowmobile without approval by the Village.
- (b) No person shall swim in or ice skate on any pond in the park.
- (c) No person shall practice or play golf in the parks except in areas designated for such purpose.

933.17 EJECTION FROM PARK.

- (a) Law enforcement officers may order any person violating any of the provisions of this chapter to leave a park and no person shall fail to obey such an order.

933.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for the first offense. For each subsequent violation, whether of the same particular subsection or not, such person shall be guilty of a misdemeanor of the fourth degree so as to be subject to a fine of not more than two hundred fifty dollars (\$250.00) or imprisonment for not more than thirty days or both.