

**CITY OF OBERLIN, OHIO**

**ORDINANCE NO. 19-45 AC CMS**

AN ORDINANCE AMENDING CHAPTER 927 OF THE OBERLIN CODIFIED ORDINANCES TO DESIGNATE THE CITY-OWNED LAND SURROUNDING THE UNDERGROUND RAILROAD CENTER AS A "MINOR PARK" AND DECLARING AN EMERGENCY.

WHEREAS, the City of Oberlin has recently finished a picnic pavilion and public restroom facility in the City-Owned Land surrounding the Underground Railroad Center which will significantly increase the use of this park property; and,

WHEREAS, City Council has recently rezoned the two parcels comprising City-Owned Land surrounding the Underground Railroad Center to "P-1"/Public Park and Recreation District to recognize the use of these properties as a public park space; and

WHEREAS, the regulations for the use of a "Minor Park" contained in Chapter 927 are appropriate for the use of the City-Owned Land surrounding the Underground Railroad Center by the general public; and,

WHEREAS, it is recommended by City staff that the amendment to Chapter 927 as set forth in Exhibit A be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1: That the amendment to Chapter 927 of the Oberlin Codified Ordinances as is set forth in Exhibit A be and are hereby adopted.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

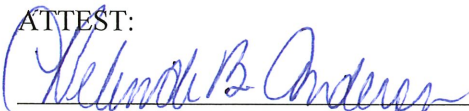
SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department to wit: to allow for the immediate enforcement of "Minor Park" regulations at City-Owned Land surrounding the Underground Railroad Center, and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading: July 1, 2019 (A) (E)

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

  
\_\_\_\_\_  
BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 07/01/2019

EFFECTIVE DATE: 07/01/2019

**Exhibit A**  
**CHAPTER 927**  
**CITY PARKS AND RECREATION AREAS**

**927.00 DEFINITIONS.**

(a) "Major Park" means any one of the following named public parks:

- (1) Morgan Street Reservoir
- (2) James F. "Bill" Long Nature Preserve
- (3) Oberlin Roadside Park
- (4) Parsons Road Reservoir
- (5) Hamilton Recreation Complex

(b) "Minor Park" means any one of the following named public parks:

- (1) Depot Park
- (2) Martin Luther King, Jr. Memorial Park
- (3) Wright Memorial Park
- (4) Legion Field
- (5) Don J. Pease Memorial Bike Trail
- (6) Park Street Park (Pleasant Street Park)
- (7) Spring Street Park
- (8) East College Street Project Plaza
- (9) Underground Railroad Park.

(Ord. 11-70 AC CMS. Passed 10-17-11.)

**927.01 ADVERTISEMENTS; SIGNS.**

No person shall post any sign, handbill, pamphlet, circular, notice, emblem or advertisement upon any structure, tree or thing on the park premises.

(Ord. 98-80 AC CMS. Passed 10-5-98.)

**927.02 ALCOHOL, DRUGS, NARCOTICS, INTOXICANTS AND CONTROLLED SUBSTANCES.**

No person shall transport, bring within, possess, distribute, sell, give away, ingest or be under the influence of alcohol, illegal drugs, narcotics, intoxicants or other controlled substances at any time in or near any park proper. Violators will be prosecuted to the fullest extent possible.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

**927.03 ANIMALS.**

No person shall bring or allow to be loose any animal in the parks, unless upon a leash not more than eight feet in length, including retractable leashes. Pets must be attended and controlled at all times, and are prohibited in playground areas. Any animal found on park property running at large may be impounded. Dog training is not permitted. It is unlawful for any person to bring a dog into a park unless it has been properly licensed. No person shall permit a pet to dig up or otherwise damage park property, nor to defecate without said person immediately removing all feces deposited by the animal, and disposing of same in a sanitary manner. It shall not be unlawful for a seeing-eye dog to be in any park when accompanied by a sight impaired person. No person shall

attempt to hunt, trap, catch, wound, kill, or treat cruelly any bird or animal, or molest or rob the nest of any bird or animal located in any park. No person shall abandon, dispose of or otherwise release any animal or fish into a park.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.04 CAMPING.

No person shall place, erect, or use any tent, camper, travel trailer, motor home, sleeping bag, hammock or other shelter, or otherwise camp or sleep in any park.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.05 DISORDERLY CONDUCT.

No person shall make or assist in making any improper noise, riot, disturbance or breach of the peace in any park, or be guilty of any disorderly conduct. No person shall collect with other persons, in bodies or crowds, for unlawful purposes, or for any purpose to the annoyance, obstruction or disturbance of other persons. No person shall utter any profane, obscene or abusive language or ethnic slur, nor make any indecent, threatening or obscene advances or gestures while within a park. No person shall take, or attempt to take any immoral, improper or indecent liberties with any child or adult of either sex in any park. No person shall appear in a park in a state of nudity, or perform or engage in sexual contact or conduct, nor make any indecent exposure of his or her person, nor solicit to engage in sexual activity for hire.

Boisterous, excessively loud, immoral or indecent behavior and fighting are prohibited. No person shall engage in any activity in a manner so as to endanger, injure, or damage persons or property in the parks. Climbing trees, rocks and park structures, (with the exception of playground equipment), is not permitted, nor is repelling from such.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.06 FIREWORKS.

No person shall carry, discharge or cause to be exploded any fireworks or other explosive substances in the parks, except City-sponsored events or otherwise by written permission of the City Manager.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.07 FIREARMS AND WEAPONS.

The unlawful possession, use or discharge of any type of a firearm or the possession of any knife, switchblade, bow and arrow, air gun, paintball gun, B-B gun, spring-operated gun, slingshot, or other offensive weapon within a City park or recreation area is strictly forbidden. The throwing of stones or the launching of other harmful projectiles within a City park or recreation area is forbidden. The term "firearm" as used in this section shall have the same meaning as in Ohio R.C. 2923.11.

(Ord. 13-44 AC CMS. Passed 9-16-13.)

#### 927.08 FIRES.

No person shall light or make use of any fire in the parks, except such portions thereof as may be designated by the City for the cooking of food, such as in a grill. Every fire, ember or burning briquettes shall be under the continuous care and direction of a competent person from the time the fire is kindled until it is completely extinguished. No person shall throw away or discard any

match, cigarette, cigar, ember or briquettes or other burning object which has not been entirely extinguished before being thrown away or discarded in receptacles or areas provided. Dumping hot ashes or fire into the grass is prohibited. No portable stoves or grills shall be permitted in shelters, park buildings or on combustible picnic tables.  
(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.09 FISHING.

Fishing in park waters is permitted and is subject to the statutes of the State of Ohio, except that the use of unattended hooks, traps, gigs, bows and arrows, fishing between the hours that the park is closed, or in areas posted by the City as no fishing, is prohibited. Ice fishing is not permitted.  
(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.10 GAMBLING.

No person shall operate or participate in gambling, play at or abet any game of chance or use any gambling device in any park for money or other thing of value.  
(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.11 HINDERING OF EMPLOYEES.

No person shall interfere with, or in any manner hinder any employee or agent of the City while engaged in constructing, repairing, patrolling or caring for any park property.  
(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.12 HOURS OF OPERATION.

No person shall be permitted to remain, stop or park within the confines of any major park thirty (30) minutes after sunset and (30) minutes before sunrise, except in emergency. No person shall leave any vehicle within the confines of any park once closed. If so, the vehicle shall be subject to a parking fine and removal at the owner's expense.  
(Ord. 11-53 AC CMS. Passed 7-5-11.)

#### 927.13 HUNTING AND TRAPPING.

No person shall within the confines of a park hunt, pursue with animals, with electric or mechanical devices, trap or in any other way molest any bird or animal. No person shall use spotlights or headlights of any kind to illuminate wildlife within the confines of any park, except in cases where the purpose for doing so is to avoid injury to persons, property or wildlife. Personnel authorized by the City to do so may trap animals for the purpose of re-locating them.  
(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.14 LOITERING.

No person or group of persons shall loiter in or near a motor vehicle or vehicles within or adjacent to any park. No person or group of persons shall commit upon any public sidewalk, entrance or exit to any public place in the park any act or thing which is an obstruction or interference to the free and lawfully conducted use thereof by anyone.  
(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.15 MINORS.

The parent or legal guardian of a minor, (defined as a person under the age of eighteen years), who resides with such parent or legal guardian shall be liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violation of this chapter; provided that the minor has not paid the fine or made restitution or reparation within the time ordered by the court; and further provided, that said parent or legal guardian has been served with summons or notice to appear in the original cause and all proceedings thereafter as provided by law.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.16 NOISE.

Except as a warning for danger, no person, or animal under a person's control, shall make an unusually loud or unnecessary noise, or which in any manner annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within and immediately adjacent to any park. No person shall, in or in proximity to a park, play any radio, stereo, boom box, musical instrument, tape player, etc. at a volume that is annoying to others.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.17 NOXIOUS MATERIAL AND SEWAGE DUMPING.

No person shall, either within or adjacent to any park, place or permit to be placed into the air, stream, reservoir, pond, water fountain, ditch or drain that flows into or through park lands, any noxious material or sewage which may render park waters or land harmful to public health, or to animal, vegetative or aquatic life, or which may prevent, limit or interfere with the use of such waters for domestic or agricultural purposes, or which may lessen to an unreasonable degree the use and enjoyment of the park.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.18 POWERED MODEL TOYS.

No person shall operate or permit to be operated any gasoline, battery or fuel powered miniature model or toy airplane, helicopter, rocket, boat, car or similar device in any park, without prior authorization from the City Manager.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.19 REFUSE.

No person shall throw, drop, discard, place or leave any litter, garbage, debris, rubbish or any other form of refuse in or on any park or waters, except in receptacles provided for that purpose. No person shall discharge or cause to be discharged any injurious or vile substance of any kind into the air or upon any park land or waters. No person shall use any park trash receptacle to deposit any bulk quantity of household refuse or material of any kind that has been brought to the park for the purpose of disposing of that material (violators will be prosecuted). No person shall utilize any picnic shelter, gazebo, playground or other facility and upon vacating said facility or area, cause it then to be left in a state of clutter or disarray, unsanitary or unclean, inclusive but not limited to food scraps, animal droppings, graffiti or litter.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.20 RESERVATIONS.

Persons may inquire about making a reservation for a picnic shelter or other park facility, for a specific date and time, subject to availability and fees, if any, as determined by the City, by contacting the City Recreation Department.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.21 SOLICITING AND CONCESSIONEERING.

No person shall offer or exchange for sale any article, thing, privilege or service, or do any hawking, peddling, begging or soliciting, or buy or offer to buy any article, thing, privilege or service; nor shall any person take up any collection, invite subscriptions, solicit or receive contributions of money or anything of value for gift or donation in any park, without written permission from the City Manager. No concession operations shall be allowed to vend or offer for sale any goods, foods, wares, merchandise, produce or supplies in any park without prior written authorization from the City Manager.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.22 TRAFFIC AND PARKING.

No person shall operate automobiles, trucks, motorbikes, all terrain vehicles, go-carts, snowmobiles or other motor-driven vehicles, except for authorized park vehicles or emergency vehicles, within any park. The only exception shall be Westwood Cemetery, where licensed automobiles and motorcycles are permitted on designated park roads. No person shall park any vehicle in any park except in such places and in such a manner as designated by the City. No person shall park any vehicle in any parking area of a park between dusk and dawn, unless otherwise posted. No person shall perform in any park or its parking areas any non-emergency maintenance and repairs on any vehicle, nor leave debris from such action in any of the parks. Campers and travel trailers may not be parked in vehicular parking spaces. Vehicles may not be backed into a pull-in parking space, but rather must park in a head-in fashion. The City is not responsible for preventing theft or damage in relation to private vehicles while parked at any City park.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.23 TRESPASSING.

Whoever enters upon any major park, as defined in this chapter, between thirty (30) minutes after sunset and thirty (30) minutes before sunrise, unless otherwise posted or in an emergency, shall be guilty of trespass. Whoever loiters in any minor park, as defined in this chapter, thirty (30) minutes after sunset and thirty (30) before sunrise, shall be guilty of trespass. Entrance into any minor park thirty (30) minutes after sunset and thirty (30) minutes before sunrise shall be for the sole purpose of passing through to a public place outside of that park. Any violation of such hours shall be subject to criminal prosecution. No person shall at any time trespass from park property onto private property.

(Ord. 11-53 AC CMS. Passed 7-5-11.)

#### 927.24 VANDALISM.

No person shall injure, deface, write upon, destroy, disturb, or remove any part of a park or structure therein, be it naturally occurring or man-made, including but not limited to any tree, shrub, flower, plant, turf, stone surface, or any of the buildings, fences, bridges, lamps, posts, signs,

public notices, monuments, benches, water fountains, playground equipment, road, trail, or any part thereof in any park.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.25 WATERS, USE OF.

No person shall swim, wade or bathe in any of the reservoirs, ponds or creeks in any park. No person shall operate any type of water vehicle, including aquatic boats, ice boats, sail boards, and Jet-Skis, nor make use of scuba diving or flotation equipment in park waters, unless authorized in writing by the City Manager, or in an emergency by City-authorized personnel. The lone exception for boating is the Parson's Road reservoir, where this is permitted subject to the City's agreement with the State of Ohio, and to other restrictions that the City may set. Ice fishing and ice skating is not permitted. No person or company shall be allowed to pump water from any park property, unless granted written permission from the City Manager.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.26 ENFORCEMENT; PENALTY.

City police officers are authorized to patrol City parks and to issue citations to persons for violations of this chapter and other applicable laws. City auxiliary police officers may assist with park rule enforcement to the extent of their authority as established by the City. Any person who has violated a park rule or other applicable law may be ejected from any and all park properties for the remainder of the day on which the violation occurred. Ejection from park property may be instituted in conjunction with written warnings or citations. No person shall resist, fail or refuse to obey, or in any way interfere with, hinder, or prevent any officer in the discharge of their duty. Each and every violation of the provisions of this chapter shall constitute a separate offense. Any person who shall violate any provision of this chapter shall be guilty of a minor misdemeanor for each offense upon conviction thereof. Nothing contained in this chapter shall prevent violators from being charged or penalized under other provisions of the Ohio Revised Code, municipal ordinances or other applicable laws, rules or regulations.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.27 PARK RULES AND REGULATIONS.

Copies of park rules and regulations shall be on file in the offices of the City Recreation Department, Clerk of Council and the Police Department. These rules and regulations shall be published in booklet form and made available to the public upon request. It shall be the responsibility of any individual entering a City park to be aware of and obey all park rules and regulations. Failure to comply with park rules, posted or not, may result in the issuance of a citation(s), expulsion from park grounds, or arrest. The City reserves the right to sponsor special events or to grant written permission to individuals or organizations for special events, which may result in some temporary exceptions or waivers of certain park rules, as permitted and specified by the City at the City's discretion.

(Ord. 98-57. Passed 9-8-98.)

#### 927.28 LIABILITY.

The City of Oberlin is not liable for injuries, lost possessions or property damage which may occur to visitors while on park premises. Use of City parks is at a visitor's own risk.

(Ord. 98-57 AC CMS. Passed 9-8-98.)

#### 927.29 SMOKING AND TOBACCO.

(a) Smoking, as defined in Chapter [506](#), of the Codified Ordinances, and the use of smokeless tobacco products is hereby prohibited in any areas of any Oberlin Park, as defined in Section [927.00](#), as may be established by the City Manager as non-smoking and tobacco-free zones.

(1) No person found to be smoking or using smokeless tobacco products in such designated non-smoking and tobacco-free zones in a park shall fail to immediately cease said activity when requested to do so by City staff, a Police Officer, or a person charged with the management, operation or care of any City-owned park, including any baseball or softball umpire or soccer official.

(2) Should a person found to be smoking or using smokeless tobacco products in a non-smoking and tobacco free zone in a park not immediately cease said activity when requested to do so, as described in subsection (a)(1) hereof, he or she shall be guilty of a minor misdemeanor.

(3) Persons who repeatedly violate this section, may be permanently banned from City Parks.

(4) Lack of intent to violate a provision of this chapter shall not be a defense to a violation. (Ord. 14-22AC CMS. Passed 7-7-14.)

(b) At least one sign informing the public of the ban shall be placed at the entrance of each such non-smoking and tobacco-free zone established by the City Manager. Notice shall also be placed at such location(s) within each park designated for notices and information, and shall be included in appropriate forms, documents and other materials provided to residents and others when reserving park facilities or space. (Ord. 10-25AC CMS. Passed 5-3-10.)