



LEGISLATIVE COVER MEMO

Introduction: February 5, 2024

Public Hearing: March 4, 2024

Effective Date: April 3, 2024

Agenda Item: **Ordinance 2024-01**

AMENDING CHAPTER 935 OF THE CITY OF FRANKLIN CODIFIED ORDINANCES

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: This Ordinance amends various provisions of Chapter 935 (Parks) to allow dogs in the City's public parks, and set forth rules and conditions for people bringing dogs into the parks.

The Council Parks and Recreation Committee as well as the Parks and Recreation Commission recommend bringing this legislation to Council for consideration.

Exhibits: Exhibit A – Chapter 935

CITY OF FRANKLIN, OHIO
ORDINANCE 2024-01

AMENDING CHAPTER 935 OF THE CITY OF FRANKLIN CODIFIED ORDINANCES

WHEREAS, the City of Franklin Parks and Recreation Commission is charged with responsibility for studying the recreational needs of Franklin residents, and recommending rules and regulations for the City’s public park system;

WHEREAS, in accordance with the Parks and Recreation Commission’s official duties, the Commission has recommended certain amendments be made to Chapter 935 of the City’s Codified Ordinances, governing the public’s use of the City’s parks;

WHEREAS, the Commission’s recommended amendments to Chapter 935 are set forth in Exhibit A attached to this Ordinance (the “Amendments”); and

WHEREAS, City Council has reviewed the Amendments and finds that their adoption is in the best interests of the Franklin community.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. Chapter 935 is hereby amended as set forth in Exhibit A attached to this Ordinance.

Section 2. All City ordinances, or parts thereof, that conflict with this Ordinance are hereby repealed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Chapter 121 of the Ohio Revised Code, and the Rules of Council.

INTRODUCED: February 5, 2024

ADOPTED: March 4, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2024-01 passed by City Council on March 4, 2024.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Law Director

CHAPTER 935 - Parks

935.01 Park Rules And Regulations

935.02 Permits And Rentals

935.03 Carrying Or Possessing Concealed Weapons In City Parks

935.04 Carrying Or Possessing Weapons In School Safety Zones

935.05 Definitions

935.06 Rules Applicable To Hazel Woods Park

935.07 Rules Applicable To Food Truck Park

935.08 Animals in Parks

935.99 Penalties

CROSS REFERENCES

See sectional histories for similar State law

Hunting prohibited - see GEN. OFF. 505.11

Juvenile Curfew - see GEN. OFF. 531.03

Parks and Recreation Commission - see CHTR. 7.03; BDS. AND COMMS. Ch. 184

Unlawful congregation - see GEN. OFF. 509.09

935.01 Park Rules And Regulations

(a) Rules and Regulations: The following rules and regulations govern the use of City-owned parks and park property, and are in addition to all local, federal and state laws. "Park" as used herein, includes "playground." **However, where the rules and regulations specifically refer to a "playground," such reference shall mean solely the area(s) within a park where the City maintains playground equipment.**

- (1) *Alcohol* - No person shall bring into or on park property, or otherwise have in his or her possession any kind of intoxicating liquor or beer within or on park property. This prohibition does not apply to alcohol sold at City-sponsored events, when such alcohol is consumed and kept within designated areas.
- (2) *Animals* - ~~No dogs,~~ **Dogs shall be permitted on park property, subject to the provisions of this Chapter. except for or any Any** other animal of any kind, including, but not limited to, horses, cattle, goats, swine and fowl are ~~allowed~~ **prohibited** within or on park property without the consent of the Parks & Recreation Commission. This prohibition does not apply to service animals, as the same are defined by the Americans with Disabilities Act (ADA). **"Animal" as used herein shall refer to dogs and service animals permitted on park property according to this Chapter.**
- (3) *Balls or golf* - No person shall throw or bat a hard ball, or drive, putt or play with a golf ball within or on park property, except at such places as are set aside therefor by the Parks & Recreation Commission.

- (4) *Boating* - Except by permission of the Parks and Recreation Commission, no person shall place or use any boat, skiff or other vessel on the waters in any City park.
- (5) *Concerts* - No person or musical group shall hold any form of musical entertainment within or on park property without the consent of the Parks & Recreation Commission. This prohibition does not apply to concerts or musical entertainment sponsored by the City.
- (6) *Curfew* - No person shall be permitted in any public park after 11:00 p.m., unless he is participating in an activity authorized by the City. No juvenile shall be permitted in any public park at a time that would violate the City's Juvenile Curfew, unless he or she is participating in an activity authorized by the City.
- (7) *Disorderly conduct* - Loud, boisterous, threatening, insulting or indecent language or disorderly conduct or behavior, or any act tending to cause a breach of the public peace or the annoyance of the public is prohibited on or within park property.
- (8) *Fires* - No person, other than city employees, except with the written permission of the Parks & Recreation Commission, shall light, make or use any fire within or on park property, or close to any park fence, gate or other structure. Barbecue and charcoal grilling shall be permitted in designated areas.
- (9) *Flags and banners* - No person, except with the written consent of the Parks & Recreation Commission, shall display any banner, flag, target, sign or device for advertising or other purpose on or within park property.
- (10) *Fireworks* - No person, except with the written consent of the Parks & Recreation Commission, shall bring or display any fireworks on or within park property. This prohibition does not apply to fireworks displays sponsored by the City.
- (11) *Gambling* - No person shall operate, gamble or play at any game of chance for stakes on or within park property without the written consent of the Parks & Recreation Commission.
- (12) *Hours of Operation* - No person shall be in a City park before the posted opening time or after the posted closing time. The Public Works Director shall have the authority to change the opening and the closing times of all City parks, and to close any or all parks when, in his opinion, such changes or closings are necessary to maintain peace and safety and/or preserve and maintain the parks and equipment.
- (13) *Interference with Park Employees* - No persons shall in any way interfere or hinder or prevent any park employee from discharging his duty, nor offer or endeavor to do so.

- (14) *Lakes* - No person shall bathe, swim, fish in or send or throw anything whatsoever into, any of the lakes, pools, streams or fountains, nor in any manner disturb the water fowl, birds or animals, within park property.
- (15) *Motorcycles and motorbikes* - Motorcycles and motorbikes shall be permitted within and on park property only as a means of convenience to and from park property. Riding shall be restricted to main thoroughfares only. Hill climbing is prohibited.
- (16) *Parking* -
- (A) *Parking Lights* - No person shall drive or take any vehicle into or on park property at night unless the vehicle's headlights and taillights are lighted. No person shall park any vehicle within or on park property at night unless the vehicle's taillights are lighted, except that taillights need not be lighted if the vehicle is parked and unoccupied while the passengers are using park facilities or viewing a game or authorized show.
 - (B) *Parking Time* - No person shall park, or permit to remain parked, an automobile or other vehicle within or on park property after 11:00 p.m.
- (17) *Playground equipment* - No person shall erect any equipment within a park area without the due authorization from the Parks & Recreation Commission.
- (18) *Refuse* - No person shall drop or cause to be dropped or throw any paper, lunch box, refuse or litter on or within any park property, but shall place the same in receptacle provided for such purposes.
- (19) *Residents and Guests* - The privilege of using the City's parks and their various facilities shall be extended to residents who reside within the corporate limits of the city and their guests. The privileges mentioned herein may be extended to nonresidents, but only if conflicts concerning crowded conditions do not arise.
- (20) *Sales* - No person shall sell or display anything for sale within or on park property or on any sidewalk bounding such property without the express, written permission of the Parks & Recreation Commission. This prohibition does not apply to authorized sales being done from a park concession stand or at City-sponsored events.
- (21) *Signs* - Signs posted by the City for specific purposes within or on any park property shall become a part of the Park Rules and Regulations, and any violation of any prohibition on such signs is subject to the penalties provided in Section 935.99. Only signs posted by the City shall be permitted in the City's parks, except upon the express, written permission of the Parks & Recreation Commission.

- (22) *Skating and Sledding* - No person shall walk, skate or coast on the ice on any water within park property until the Public Works Department has ascertained the condition of the same and the Public Works Director or the Parks and Recreation Commission has given permission, nor shall anyone sled or coast anywhere on or within park property except in areas designated for the same. Sledding or skating within or on park property is done at the person's own risk, and any permission given by the Public Works Director or the Parks and Recreation Commission to skate or sled is not a warranty, guarantee or promise that such activity is inherently safe or without the risk of injury to persons or property.
- (23) *Use of Park Property* - No person shall give, receive or participate in automobile driver training, nor wash any automobile or other vehicle within or on park property, except by written permission of the Parks & Recreation Commission.
- (24) *Vehicles* - Vehicles may be driven within or on park property only on the roadways provided. All vehicular traffic through the park areas shall yield the right-of-way to pedestrians. Speed in excess of ten miles per hour (10 mph) shall be prima-facie evidence of reckless driving.

935.02 Permits And Rentals

- (a) Permits: Persons desiring to hold any public meeting, debate or other gathering (in excess of twenty-five (25)), shall request a permit from the Public Works Director or the Parks and Recreation Commission so that proper arrangements can be made. Family parties or small groups of picnickers shall not be required to obtain such written permission, but may be required to reserve a shelter.
- (b) Rentals:
 - (1) *Shelters* - Shelters within the City parks shall be rented at the fee established by the Parks and Recreation Commission. Shelters must be reserved for use and shall be booked on a first-come basis.
 - (2) *Athletic Fields* - Athletic fields within the City parks can be rented by groups or individuals for a fee, to be established by the Parks and Recreation Commission. Any group or individual renting an athletic field shall also be required to execute a facilities agreement with the City. The Public Works Director shall approve all rentals of athletic fields and the scheduling of the same.
- (c) Display of Permit or Rental Receipt: It shall be the duty of every person claiming to have a permit or valid rental for any park facility to produce and exhibit such permit or proof of valid rental upon the request of any authorized person who desires to inspect the same.

- (d) Compliance with Rules and Regulations: All permits issued and rentals approved in accordance with this section shall be subject to the Park Rules and Regulations contained in Section 935.01. The person(s) to whom such permit or rental is issued shall be bound by the Park Rules and Regulations as fully as if the same were set forth in such permit or rental and the person(s) named in the permit or in whose name the rental was made shall be liable for any loss, damage or injury caused by their use of park property.

935.03 Carrying Or Possessing Concealed Weapons In City Parks

- (a) Prohibitions: No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following while in a City park:
- (1) A deadly weapon other than a handgun;
 - (2) A handgun other than a dangerous ordnance;
 - (3) A dangerous ordnance.
- (b) Exceptions: Division (a) of this section does not apply to any of the following:
- (1) An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties.
 - (2) Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordinance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of ORC 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (b)(2) does not apply to the person.
 - (3) A person's transportation or storage of a firearm, other than a firearm described in ORC 2923.11(G) to (M), in a motor vehicle for any lawful purpose if the firearm is not on the person's person.
 - (4) Division (a)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid concealed handgun license, unless the person knowingly is in a place described in ORC 2923.126(B) or is in violation of Section 935.04 or ORC 2923.122.
- (c) Firearms in Motor Vehicles:
- (1) While in a City park, no person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

- (2) While in a City park, no person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable Ohio law or federal law, the firearm is unloaded and the firearm is carried in one of the following ways:
- (A) In a closed package, box or case;
 - (B) In a compartment that can be reached only by leaving the vehicle;
 - (C) In plain sight and secured in a rack or holder made for the purpose; or
 - (D) If the firearm is at least twenty-four inches (24") in overall length, as measured from the muzzle to the part of the stock furthest from the muzzle, and if the barrel is at least eighteen inches (18") in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.
- (d) Exceptions: Division (c) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
- (1) The person transporting or possessing the handgun is carrying a valid concealed handgun license; and
 - (2) The person transporting or possessing the handgun is not knowingly in a place described in ORC 2923.126(B).

935.04 Carrying Or Possessing Weapons In School Safety Zones

- (a) Prohibitions:
- (1) No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance into any park that is a school safety zone.
 - (2) No person shall knowingly possess a deadly weapon or dangerous ordnance in any park that is a school safety zone.
 - (3) No person shall knowingly possess an object in any park that is a school safety zone if both of the following apply:
 - (A) The object is indistinguishable from a firearm, whether or not the object is capable of being fired; and
 - (B) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.
- (b) Exceptions: This section does not apply to any of the following:

- (1) *Law enforcement* - An officer, agent or employee of this or any other State or the United States, or a law enforcement officer, who is authorized to carry deadly weapons or dangerous ordinance and is acting within the scope of the officer's, agent's or employee's duties and/or a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment.
- (2) *Certain Uses by Schools* - A school administrator, teacher, school employee or student who uses an object indistinguishable from a firearm in a ceremonial activity, play, reenactment or other dramatic presentation or a ROTC activity or other similar activity.
- (3) *Concealed Carry License* -
 - (A) A person who conveys or attempts to convey a handgun into, or possesses a handgun in a park that is a school safety zone if, at the time of conveyance, attempted conveyance or possession of the handgun, all of the following apply:
 - (i) The person is not in on school premises and/or is not attending a school activity;
 - (ii) The person is carrying a valid, concealed handgun license;
 - (iii) The person is in the school safety zone in accordance with 18 USC 922(q)(2)(B); and
 - (iv) The person is not knowingly in a prohibited place, as described in ORC 2923.126(B)(1) or (B)(3) through (B)(10).
 - (B) A person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:
 - (i) The person is carrying a valid concealed handgun license;
 - (ii) The person is the driver or passenger in a motor vehicle and is in the school safety zone while immediately in the process of pickup up or dropping off a child; and
 - (iii) The person is not in violation of Section 935.03(c) or ORC 2923.16.

935.05 Definitions

As used in Sections 935.03 and 935.04, the following definitions apply:

"Dangerous Ordnance. "

(a) Means any of the following, except as provided in division (b):

- (1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;
- (2) Any explosive device or incendiary device;
- (3) High explosives; high explosive compositions, plastic explosives, dynamite, blasting explosives, powder or other blasting agents or other explosive substance, including all substances listed in ORC 2923.11(K)(3);
- (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
- (5) Any firearm muffler or suppressor;
- (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(b) Does not include any of the following:

- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
- (2) Any pistol, rifle or shotgun designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;
- (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
- (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (b)(3) during displays, celebrations, organized matches or shoots and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
- (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated and that is kept as a trophy, souvenir, curio or museum piece;

- (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the Gun Control Act of 1968, 18 USC 921(a)(4), as amended, and regulations issued under that act.

"Deadly weapon" any instrument, device or thing capable of inflicting death and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

"Firearm" any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, and includes an unloaded firearm and any firearm that is inoperable but that can readily be rendered operable.

"Handgun" means any of the following:

- (a) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand; and/or
- (b) Any combination of parts from which a firearm of a type described in this division can be assembled.

"School." Any school operated by a board of education, any community school established under ORC 3314, or any nonpublic school for which the state board of education prescribes minimum standards under ORC 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

"School Premises" means either of the following:

- (a) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;
- (b) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under ORC 3314. or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under ORC 3301.07, and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

"School Safety Zone." A school, school building, school premises, school activity and school bus.

"Valid Concealed Handgun License." A concealed handgun license issued pursuant to Ohio law, that is currently valid, that is not under a suspension and that has not been revoked under the provisions of the Ohio Revised Code or the provisions of the state other than Ohio in which the license was issued.

935.06 Rules Applicable To Hazel Woods Park

The following rules and regulations shall apply only to the park known as Hazel Woods Park:

~~(a) **Animals.** The prohibition contained in Section 935.01 (a)(2) of this Chapter shall not apply to Hazel Woods Park, and animals are permitted in Hazel Wood Park, subject to the following conditions:~~

- ~~(1) All pets brought into Hazel Woods Park must be on a leash, no more than eight feet (8') long, and shall be kept under control at all times.~~
- ~~(2) No person shall permit animals of any kind under their ownership or control to run at large in Hazel Woods Park.~~
- ~~(3) No person shall permit any animal under their ownership or control to be tied to any tree, plant or other object within Hazel Woods Park, except in areas specifically designated for such purpose.~~
- ~~(4) Persons shall clean up after their pets, and must deposit their pets' refuse in containers marked for such purposes. Any person failing to meet this requirement may be denied future access to Hazel Woods Park.~~
- ~~(5) Any damage caused to property within Hazel Woods Park by an animal running at large or who has been improperly tied up shall be the financial responsibility of the owner of said animal.~~
- ~~(6) No person shall enter onto or remain in Hazel Woods Park other than during the hours listed in this Section without a valid permit from the City of Springboro.~~

(a)(b) **Hours of Operation.** The hours of operation contained in Section 935.01(a)(12) of this Chapter shall not apply to Hazel Woods Park, and the following shall be the hours of operation in Hazel Woods Park:

- (1) Hazel Woods Park shall be open during the following hours, or as otherwise designated by the order of the City Manager of the City of Springboro:

April 1 - October 31: 6:00 a.m. to 10:00 p.m.

November 1 - March 31: 8:00 a.m. to 6:00 p.m.

(b)(c) **Permits.** Section 935.02 of this Chapter shall not apply to Hazel Woods Park, and permits and/or rentals for any facility or activity within Hazel Woods Park shall be applied for to the City of Springboro, and shall be issued or denied by the City of Springboro, as owner of Hazel Woods Park.

935.07 Rules Applicable To Food Truck Park

The following rules and regulations shall apply only to the park known as the Food Truck Park:

~~(a) **Animals.** The prohibition contained in Section 935.01(a)(2) of this Chapter shall not apply to the Food Truck Park, and animals are permitted at the Food Truck Park, subject to the following conditions:~~

~~(1) All pets brought to the Food Truck Park must be on a leash, no more than eight feet (8') long, and shall be kept under control at all times;~~

~~(2) No person shall permit animals of any kind under their ownership or control to run-at-large at the Food Truck Park;~~

~~(3) No person shall permit any animal under their ownership or control to be tied to any tree, plant, sign, or other object at the Food Truck Park;~~

~~(4) Persons shall clean up after their pets, and must deposit their pets' refuse in containers marked for such purposes. Any person failing to meet this requirement may be denied future access to the Food Truck Park;~~

~~(5) Any damage caused to property at the Food Truck Park by an animal running-at-large or who has been improperly tied up shall be the financial responsibility of the owner of said animal;~~

~~(a)~~ (b) ~~Use of tobacco, tobacco products, or tobacco derivatives prohibited.~~ No person shall use any form of tobacco at or on the City-operated Food Truck Park.

~~(b)~~ (c) ~~Hours of Operation.~~ The hours of operation contained in Section 935.01(a)(12) of this Chapter shall not apply to the Food Truck

(1) Dawn to dusk;

(2) During City-sponsored events or otherwise permitted events, the hours of operation may be modified by the Public Works Director.

~~(c)~~ (d) ~~Parking.~~ No person shall drive or take any vehicle into or park on the Food Truck Park at any time other than those vehicles permitted.

~~(d)~~ (e) ~~Fire Pit.~~ The fire pit located at the Food Truck Park may only be lit, used, cleaned, and operated by City employees. No person shall light or cause to be lit any items in the fire pit.

935.08 Animals in Parks

(a) The following rules and regulations shall apply to all animals in parks:

- (1) Subject to Section 935.08(b) below, all animals must be on a leash that extends no farther than six feet (6') in length. The leash must be attached to a collar or harness worn by the animal, which is of proper size and strength for the particular animal.
- (2) Animals shall be kept under control at all times by a person who possesses sufficient strength and discretion to exercise reasonable strength and control over the animal based on the animal's size, temperament and training.
- (3) No animal shall be permitted to run-at-large in the park.
- (4) No animal shall be permitted in any playground area in the park, or on any athletic field when such field is actively in use for athletic or other coordinated recreational activities.
- (5) No animal shall be tied to any tree, plant or other object within a park, except with respect to areas and objects specifically designated for such purpose.
- (6) Any person in possession of an animal on park property shall clean up after the animal, and must deposit any and all refuse generated by or related to such animal (including but not limited to fecal matter) in proper containers marked for such purposes.
- (7) Where an animal causes damage to any person, or real or personal property in the park, the owner of such animal, and/or other person in physical possession of such animal at the time of the damage, shall be financially responsible for such damage.
- (8) Any regulation set forth in this Section 935.08(a) may be modified with respect to a service animal pursuant to a reasonable accommodation request for such animal submitted to the City.

(b) The following rules and regulations shall apply to dogs in any area of a park designated as a "dog park":

- (1) No animals other than a dog shall be permitted in any dog park.
- (2) Any person who brings a dog into a dog park must remain in the dog park boundaries at all times while the dog is in the dog park.
- (3) All dogs in the dog park must be properly immunized in accordance with Ohio law.
- (4) Where a dog has been registered as a "dangerous dog," "nuisance dog" or "vicious dog" as those terms are defined in Ohio Revised Code 955.11, or the person in possession of a dog knows or reasonably should know the dog qualifies as one of the aforementioned designations, the dog shall not be permitted to enter a dog park.

- (5) Dogs in a dog park may off-leash while confined to the dog park area. However, all dogs in the dog park shall be kept under reasonable control at all times by a person who possesses sufficient strength and discretion to exercise reasonable strength and control over the animal based on the animal's size, temperament and training.
- (6) Children are permitted in dog parks, but must be under the continuous supervision of an adult at all times.
- (7) No dog shall be tied to any tree, plant or other object within the dog park.
- (8) Any person in possession of a dog in the dog park shall clean up after the dog, and must deposit any and all refuse generated by or related to such animal (including but not limited to fecal matter) in proper containers marked for such purposes.
- (9) Where an animal on park property causes damage to any person, or real or personal property in the park, the owner of such animal, or other person in physical possession of such animal at the time of the damage, shall be financially responsible for such damage.

935.99 Penalties

(a) Penalties:

- (1) Whoever violates any of the provisions of Section 935.01 or Section 935.02 of this Chapter shall be guilty of an unclassified misdemeanor and shall be fined no less than fifty dollars (\$50) nor more than one hundred fifty dollars (\$150) fined not more than one hundred dollars.
 - (2) Whoever violates any of the provisions of Section 935.03(a), to whom the exceptions contained in Section 935.03(b) do not apply, may be charged with a violation of ORC 2923.12.
 - (3) Whoever violates any of the provisions of Section 935.03(c) to whom the exceptions contained in Section 935.03(d) do not apply, may be charged with a violation of ORC 2923.16.
 - (4) Whoever violates any of the provisions of Section 935.04(a), to whom the exceptions contained in Section 935.04(b) do not apply, may be charged with a violation of ORC 2923.211, Conveyance or Possession of a Deadly Weapon or Dangerous Ordnance in a School Safety Zone, a felony to be prosecuted under appropriate State law.
- (b) Restitution: Where a violation of any of the provisions of Section 935.01 or 935.02 of this Chapter results in damage or injury to any City property, facility or employee, the Court shall order the offender to pay restitution for the same.
- (c) Trespass: Nothing in this Chapter shall be interpreted to prevent the City from trespassing any person from any City-owned park, in accordance with ORC Section 2911.21 or Section 541.05 of the City's General Offenses Code.