

## **NOTICE**

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## **TITLE FIVE - OTHER PUBLIC SERVICES**

Chapter 941. Parks.

Chapter 943. Garbage and Refuse Collection.

Chapter 945. Public Transportation.

### **CHAPTER 941 PARKS**

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#### CROSS REFERENCES

Parks and Recreation Board - see CHTR. Art. VII, §14

Municipal parks - see Ohio R.C. 755.01 et seq.

Use of public parks for vehicular travel - see TRAF. 404.15

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The sections of this chapter may be referred to from time to time as "Park Rules." Unless specified to the contrary, the various park rules set forth in this chapter apply to all parks within the city.

**SECTION 941.01 REMOVAL, DESTRUCTION OF PROPERTY.**

- (a) No person shall remove from a park or write upon, cut, mutilate, deface or damage any building, equipment or other property which is owned, leased or otherwise controlled by the City of Kettering.
- (b) No person shall dig, move or carry away any rock, stone, sod, sand, earth, tree, wood, shrub, plant, flower or seed in a park or trample upon, injure, destroy, break, cut, chop or deface any stone, tree, shrub, plant or flower in a park.
- (c) No person shall remove any property, or part thereof which is owned, leased or otherwise controlled by the City of Kettering from a park without the written permission of the City.

**SECTION 941.02 DEPOSIT OF MATERIALS.**

- (a) No person shall deposit or discard in or adjacent to a park any paper, garbage, fireplace or stove ashes, refuse, or other noxious or waste material, other than in receptacles provided for the disposal of such materials.
- (b) No person shall bring into a park any garbage, ashes, refuse, or other noxious or waste material and deposit or discard the same in or adjacent to a park.
- (c) No person shall, while in or adjacent to a park, discharge, throw, drop, or cause to flow into park waters any noxious or deleterious substance, either solid or liquid.

**SECTION 941.03 FIRES.**

No person shall: start or maintain a fire in a park except in a fireplace or at a site designated; start a fire in a park and leave the vicinity without fully extinguishing the fire; scatter coals in other than in receptacles provided; burn wood found in a park except as provided by the City in designated containers.

**SECTION 941.04 CAMPING.**

It shall be unlawful for any person to camp in a park other than in an area designated by the city in writing as being an area where camping is authorized and then only with the advance written permission of the city.

**SECTION 941.05 WEAPONS.**

- (a) No person shall possess in a park a bow and arrow, air or gas gun, paint-pellet gun, fireworks, missile, slingshot, or other missile throwing device, without the written permission of the City Manager.
- (b) No person shall shoot or discharge in a park, or into a park, a firearm, bow and arrow, air or gas gun, paint-pellet gun, fireworks, missile, sling shot, or other missile throwing device, without the written permission of the City Manager.
- (c) No person shall possess in a park an ax, hatchet, or saw without the written permission of the City Manager.

**SECTION 941.06 COMMERCIAL ACTIVITIES.**

No person shall sell or offer for sale any article, privilege or service in a park without written permission from the City.

**SECTION 941.07 HOURS.**

No person shall enter into or remain in an area of a park at the time when such area is not open to the public. With the exception of the park referred to as the Civic Commons, parks are open only from sunrise to dusk, unless some specific park is authorized by the city to be open during later hours, with that authorization posted on one or more notices within the park. The Parks Recreation and Cultural Arts Director is authorized to close a park if public safety requires. Under Section 642.10 of the Codified Ordinances, entitled "Criminal Trespass," a police officer is also authorized to close a park if public safety requires.

**SECTION 941.08 TRAFFIC.**

- (a) It shall be unlawful for any person to:
  - 1. No person shall operate a motor vehicle whether licensed or unlicensed in a park except on and within the paths and roads provided for such motor vehicles, and no person shall drive a motor vehicle licensed or unlicensed on paths or roads to be only for the use of a specific type or types of vehicles.
  - 2. No person shall operate a motor vehicle in a park in excess of the posted speed limit.

3. No person shall park any vehicle in a park except in places designated by the City for such purpose.
  4. No person shall park or leave a vehicle in an area of a park at a time when such area is not open to the public.
  5. No person shall drive a vehicle on a road or path in a park in a direction other than the direction indicated by signs designating such road or path a one-way road.
  6. No person shall drive or take any vehicle within park property at night unless head and tail lamps are lighted; nor park any vehicle within park property at night unless a tail lamp is lighted.
  7. No person shall park or permit to remain parked an automobile or other vehicle within or on park property after eleven o'clock p.m., unless participating in a scheduled recreation activity.
- (b) Any vehicle parked in violation of this section may be removed by a Police Officer in accordance with section 404.07 Codified Ordinances.
- (c) No person shall drive a minibike, dirt bike or ATV in a park, nor take any such vehicle into a park.

#### **SECTION 941.09 WATER AREAS.**

It shall be unlawful for any person to swim in any park or to ice skate or fish except in areas where authorized by the city and where a notice of such authorization has been posted or to operate any boat in any park except by written permission from the city.

#### **SECTION 941.10 CONTROL OF PETS IN PARKS.**

- (a) No person shall take a dog or other pet into a public park, nor allow any dog or other pet attended by or in the charge of such person to enter a public park, unless such dog or pet is on a leash not more than ten (10') feet long which is held by a person.
- (b) Any person attending, having charge of, or holding the leash of, any dog or other pet which is in a public park shall have the duty to remove immediately feces left by such pet and to dispose of the feces in a sanitary manner.

- (c) This section shall not apply to seeing eye dogs engaged in the performance of their duties or to dogs while being used to assist police of this city in the performance of their duties.

**SECTION 941.11 POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES.**

- (a) No person shall consume, nor possess with intent to consume, any beer or intoxicating liquor in a city park. This section shall not apply to the Polen Farm rental areas, to the Ice Arena, to the Civic Commons, to the Government Center grounds, or to parks hosting community-wide special events when an application for servicing or selling such a beverage has been granted by the Director of the Department of Parks, Recreation and Cultural Arts.
- (b) Whoever violates this section is guilty of a fourth degree misdemeanor.

**SECTION 941.12 GOLF PROHIBITED.**

No person may practice or play golf in any park.

**SECTION 941.13 SCHEDULING USE OF ATHLETIC FIELDS.**

Certain athletic fields are posted as being for league activities. Any use of those fields must be scheduled in advance through the Parks, Recreation and Cultural Arts Department.

**SECTION 941.14 SOLICITING AND SCHEMES AND GAMES OF CHANCE PROHIBITED.**

No person may solicit funds nor operate any scheme or game of chance within a park.

**SECTION 941.15 SIGNS PROHIBITED.**

No one other than the city itself may erect any sign in any park, except to the extent authorized in advance by the city.

**SECTION 941.16 GLASS CONTAINERS PROHIBITED.**

No glass containers are allowed in any park.

**SECTION 941.17 HUNTING, TRAPPING OR FEEDING ANIMALS PROHIBITED.**

No person shall hunt, trap or in any other way abuse, molest, injure or chase or destroy any animal or bird within a park.

**SECTION 941.18 RIDING OF SPORTS EQUIPMENT IN COMMUNITY CENTER DISTRICT AND IN GOVERNOR'S PLACE.**

- (a) No person shall ride a skateboard, roller blades, in-line skates, roller skates, or a scooter on any street, alley or public ground in the Community Center District. For purposes of this section, the Community Center District shall be that area then currently zoned as "Community Center District" pursuant to the Kettering Zoning Code.
- (b) No person shall ride a skateboard, roller blades, in-line skates, roller skates or a scooter on any street, alley or public ground in Governor's Place. For purposes of this section, Governor's Place shall be defined as that area included in Sections 1 through 4, and all sections created hereafter, of the Hills and Dales Redevelopment Record Plan, Sec. 11, Twp. 1, Range 6, MRS, and as recorded in the Plat Records of Montgomery County, Ohio.

**SECTION 941.19 CIVIC COMMONS RULES.**

- (a) No person shall enter into or remain in the Civic Commons after midnight, except at such times as a performance scheduled at Frazee Pavilion has extended to such a time that the midnight closing hour shall be deemed to be extended until such time as persons attending the performance have time to depart.
- (b) No person may use in-line skates in the Civic Commons.
- (c) No person may ride a bicycle within the Civic Commons, and instead bicycles must be walked.

**SECTION 941.99 PENALTY.**

Whoever violates any of the provisions of this chapter shall be guilty of a minor misdemeanor for the first offense. A second violation of any of the provisions of this chapter by the same person within one year after the first violation, whether of exactly the same section or not, shall constitute a fourth degree misdemeanor.

**Legislative history:** Ord. 2511-73; passed 8/28/73. Ord. 3579-92; passed 10/27/92. Ord. 3643-94; passed 7/26/94. Ord. 3661-95; passed 1/31/95; Ord. 3904-02; passed 2/12/02. Ord. 4204-12; passed 8/14/12; Ord. 4386-22; passed 8/9/22;