

**As Reported by the House Local Government Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. H. B. No. 361**

**Representative Brenner**

**Cosponsors: Representatives Arndt, Becker, Blessing, Dever, Hambley, Smith, K.,  
Rogers, Ruhl**

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**A BILL**

To amend sections 505.261, 511.23, and 755.13 of 1  
the Revised Code to authorize boards of township 2  
trustees and boards of park commissioners to 3  
expend funds for the public purpose of 4  
presenting community events in their parks and 5  
at other recreational facilities. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 505.261, 511.23, and 755.13 of 7  
the Revised Code be amended to read as follows: 8

**Sec. 505.261.** A board of township trustees may acquire 9  
suitable lands and materials, including landscape planting and 10  
other site improvement materials and playground, athletic, and 11  
recreational equipment and apparatus, to establish a township 12  
park pursuant to section 505.26 of the Revised Code and for 13  
those purposes may issue, subject to Chapter 133. of the Revised 14  
Code, securities and other public obligations as defined in 15  
division (GG) of section 133.01 of the Revised Code. 16

If lands are purchased, the board may pay for them over a 17

period of thirty years from the date of purchase, and may issue 18  
securities of the township covering the deferred payments 19  
pursuant to division (B) (4) (c) of section 133.20 of the Revised 20  
Code. If materials, including landscape planting or other site 21  
improvement materials and playground, athletic, and recreational 22  
equipment and apparatus, are purchased, the board may issue 23  
securities of the township for that purpose having a maximum 24  
maturity as specified in division (B) (7) (e) or (f) of section 25  
133.20 of the Revised Code covering the deferred payments. The 26  
securities may bear interest not to exceed the rate determined 27  
as provided in section 9.95 of the Revised Code. The securities 28  
shall not be included in the computation of the net indebtedness 29  
of the township under section 133.09 of the Revised Code. 30

The resolution authorizing the issuance of the securities 31  
shall provide for amounts sufficient to pay the interest on and 32  
principal of the securities. For this purpose, the board may 33  
expend funds from the township general fund, or the board may 34  
levy a tax, not to exceed one-half of one mill, on the taxable 35  
property of the township for a period not to exceed four years. 36  
The tax shall be collected as other taxes and appropriated to 37  
pay the interest on and principal of the securities. The 38  
securities shall contain an option for prepayment. The 39  
securities shall be offered for sale on the open market or may 40  
be given to the vendor or contractor if no sale is made on the 41  
open market. 42

The board shall have surveys and plats made of the lands 43  
acquired for a township park and shall establish permanent 44  
monuments on the boundaries of the lands. The plats, when 45  
executed according to sections 711.01 to 711.38 of the Revised 46  
Code, shall be recorded in the office of the county recorder, 47  
and such records shall be admissible in evidence for the purpose 48

of locating and ascertaining the true boundaries of the park. In 49  
furtherance of the use and enjoyment of the park lands 50  
controlled by it, the board may accept donations of money or 51  
other property, or may act as trustees of land, money, or other 52  
property, and use and administer them as stipulated by the 53  
donor, or as provided in the trust agreement. The terms of each 54  
donation or trust shall first be approved by the court of common 55  
pleas before acceptance by the board. 56

The board may receive and expend grants for park purposes 57  
from agencies and instrumentalities of the United States or of 58  
this state, and may enter into contracts or agreements with the 59  
agencies and instrumentalities, or with other townships, 60  
township park boards, municipal corporations, municipal park 61  
boards, counties, park districts, or other similar park 62  
authorities, to carry out the purposes for which the grants were 63  
furnished. 64

The board shall devise plans for the maintenance and 65  
improvement of the park and award all contracts for maintenance 66  
and improvement in the manner provided by the law governing 67  
township trustees in awarding contracts for public improvements. 68  
The board may appoint all necessary employees, fix their 69  
compensation, and prescribe their duties. The board may prohibit 70  
selling, giving away, or using any intoxicating liquors in the 71  
township park, and may pass bylaws and adopt rules for the 72  
government of the park and provide for their enforcement by 73  
fines and penalties. 74

The board may expend funds from the township general 75  
revenue fund, or revenue derived from property taxes levied for 76  
parks and recreational purposes, for the public purpose of 77  
presenting community events that are open to the public in a 78

township park. 79

**Sec. 511.23.** (A) When the vote under section 511.22 of the 80  
Revised Code is in favor of establishing one or more public 81  
parks, the board of park commissioners shall constitute a board, 82  
to be called the board of park commissioners of that township 83  
park district, and they shall be a body politic and corporate. 84  
Their office is not a township office within the meaning of 85  
section 703.22 of the Revised Code but is an office of the 86  
township park district. The members of the board shall serve 87  
without compensation but shall be allowed their actual and 88  
necessary expenses incurred in the performance of their duties. 89

(B) The board may locate, establish, improve, maintain, 90  
and operate a public park or parks in accordance with division 91  
(B) of section 511.18 of the Revised Code, with or without 92  
recreational facilities. Any township park district that 93  
contains only unincorporated territory and that operated a 94  
public park or parks outside the township immediately prior to 95  
July 18, 1990, may continue to improve, maintain, and operate 96  
these parks outside the township, but further acquisitions of 97  
land shall not affect the boundaries of the park district itself 98  
or the appointing authority for the board of park commissioners. 99

The board may lease, accept a conveyance of, or purchase 100  
suitable lands for cash, by purchase by installment payments 101  
with or without a mortgage, by lease or lease-purchase 102  
agreements, or by lease with option to purchase, may acquire 103  
suitable lands through an exchange under section 511.241 of the 104  
Revised Code, or may appropriate suitable lands and materials 105  
for park district purposes. The board also may lease facilities 106  
from other political subdivisions or private sources. The board 107  
shall have careful surveys and plats made of the lands acquired 108

for park district purposes and shall establish permanent 109  
monuments on the boundaries of the lands. Those plats, when 110  
executed according to sections 711.01 to 711.38 of the Revised 111  
Code, shall be recorded in the office of the county recorder, 112  
and those records shall be admissible in evidence for the 113  
purpose of locating and ascertaining the true boundaries of the 114  
park or parks. 115

(C) In furtherance of the use and enjoyment of the lands 116  
controlled by it, the board may accept donations of money or 117  
other property or act as trustees of land, money, or other 118  
property, and may use and administer the land, money, or other 119  
property as stipulated by the donor or as provided in the trust 120  
agreement. 121

The board may receive and expend grants for park purposes 122  
from agencies and instrumentalities of the United States and 123  
this state and may enter into contracts or agreements with those 124  
agencies and instrumentalities to carry out the purposes for 125  
which the grants were furnished. 126

(D) In exercising any powers conferred upon the board 127  
under divisions (B) and (C) of this section and for other types 128  
of assistance that the board finds necessary in carrying out its 129  
duties, the board may hire and contract for professional, 130  
technical, consulting, and other special services and may 131  
purchase goods and award contracts. The procuring of goods and 132  
awarding of contracts with a cost in excess of fifty thousand 133  
dollars shall be done in accordance with the procedures 134  
established for the board of county commissioners by sections 135  
307.86 to 307.91 of the Revised Code. 136

(E) The board may appoint an executive for the park or 137  
parks and may designate the executive or another person as the 138

clerk of the board. It may appoint all other necessary officers 139  
and employees, fix their compensation, and prescribe their 140  
duties, or it may require the executive to appoint all other 141  
necessary officers and employees, and to fix their compensation 142  
and prescribe their duties, in accordance with guidelines and 143  
policies adopted by the board. 144

(F) The board may adopt bylaws and rules that it considers 145  
advisable for the following purposes: 146

(1) To prohibit selling, giving away, or using any 147  
intoxicating liquors in the park or parks; 148

(2) For the government and control of the park or parks 149  
and the operation of motor vehicles in the park or parks; 150

(3) To provide for the protection and preservation of all 151  
property and natural life within its jurisdiction. 152

Before the bylaws and rules take effect, the board shall 153  
provide for a notice of their adoption to be published once a 154  
week for two consecutive weeks or as provided in section 7.16 of 155  
the Revised Code, in a newspaper of general circulation in the 156  
county within which the park district is located. 157

No person shall violate any of the bylaws or rules. Fines 158  
levied and collected for violations shall be paid into the 159  
treasury of the township park district. The board may use moneys 160  
collected from those fines for any purpose that is not 161  
inconsistent with sections 511.18 to 511.37 of the Revised Code. 162

(G) The board may do either of the following: 163

(1) Establish and charge fees for the use of any 164  
facilities and services of the park or parks regardless of 165  
whether the park or parks were acquired before, on, or after 166

September 21, 2000; 167

(2) Enter into a lease agreement with an individual or 168  
organization that provides for the exclusive use of a specified 169  
portion of the park or parks within the township park district 170  
by that individual or organization for the duration of an event 171  
produced by the individual or organization. The board, for the 172  
specific portion of the park or parks covered by the lease 173  
agreement, may charge a fee to, or permit the individual or 174  
organization to charge a fee to, participants in and spectators 175  
at the event covered by the agreement. 176

(H) The board may expend moneys from the treasury of the 177  
township park district, or revenue derived from property taxes 178  
levied for parks and recreational purposes, for the public 179  
purpose of presenting community events that are open to the 180  
public in the park or parks within the township park district. 181

(I) If the board finds that real or personal property 182  
owned by the township park district is not currently needed for 183  
park purposes, the board may lease that property to other 184  
persons or organizations during any period of time the board 185  
determines the property will not be needed. If the board finds 186  
that competitive bidding on a lease is not feasible, it may 187  
lease the property without taking bids. 188

~~(I)~~ (J) The board may exchange property owned by the 189  
township park district for property owned by the state, another 190  
political subdivision, or the federal government on terms that 191  
it considers desirable, without the necessity of competitive 192  
bidding. 193

~~(J)~~ (K) Any rights or duties established under this 194  
section may be modified, shared, or assigned by an agreement 195

pursuant to section 755.16 of the Revised Code. 196

**Sec. 755.13.** (A) The authority to supervise and maintain 197  
parks, playgrounds, playfields, gymnasiums, public baths, 198  
swimming pools, or indoor recreation centers, may be vested in 199  
any existing body or board, or in a recreation board, as the 200  
legislative authority of the municipal corporation, the board of 201  
township trustees, or the board of county commissioners 202  
determines. The local authorities of any such municipal 203  
corporation, township, or county may equip, develop, operate, 204  
and maintain such facilities as authorized by sections 755.12 to 205  
755.18 of the Revised Code. Such local authorities may, for the 206  
purpose of carrying out such sections, employ play leaders, 207  
recreation directors, supervisors, superintendents, or any other 208  
officers or employees, and may procure and pay all or any part 209  
of the cost of a policy or policies insuring such officers or 210  
employees against liability on account of damage or injury to 211  
persons or property arising from the performance of their 212  
official duties. 213

(B) The board of township trustees may expend funds from 214  
the township general revenue fund, or revenue derived from 215  
property taxes levied for parks and recreational purposes, for 216  
the public purpose of presenting community events that are open 217  
to the public at such parks, playgrounds, playfields, 218  
gymnasiums, public baths, swimming pools, or indoor recreation 219  
centers. 220

(C) The board of county commissioners may adopt rules for 221  
the preservation of good order within parks, playfields, and 222  
reservations of land under its jurisdiction and on adjacent 223  
highways, rivers, riverbanks, and lakes, and the preservation of 224  
property and natural life therein. Such rules shall be published 225



as provided in sections 731.21 to 731.25 of the Revised Code 226  
before taking effect, and shall be enforced by a "law 227  
enforcement officer" as defined in section 2901.01 of the 228  
Revised Code. No person shall violate a rule adopted under this 229  
division. Whoever violates a rule adopted under this division 230  
shall be fined not more than one hundred dollars. If the 231  
offender has previously been convicted of a violation of the 232  
rule, the offender shall be fined not more than five hundred 233  
dollars. All fines collected for any violation of any rule 234  
adopted under this division shall be paid into the general fund 235  
of the county treasury. 236

**Section 2.** That existing sections 505.261, 511.23, and 237  
755.13 of the Revised Code are hereby repealed. 238