

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 361

Representative Brenner

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

A BILL

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

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

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

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

If lands are purchased, the board may pay for them over a
period of thirty years from the date of purchase, and may issue

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 in a township park. 78

Sec. 511.23. (A) When the vote under section 511.22 of the 79

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

(B) The board may locate, establish, improve, maintain, 89
and operate a public park or parks in accordance with division 90
(B) of section 511.18 of the Revised Code, with or without 91
recreational facilities. Any township park district that 92
contains only unincorporated territory and that operated a 93
public park or parks outside the township immediately prior to 94
July 18, 1990, may continue to improve, maintain, and operate 95
these parks outside the township, but further acquisitions of 96
land shall not affect the boundaries of the park district itself 97
or the appointing authority for the board of park commissioners. 98

The board may lease, accept a conveyance of, or purchase 99
suitable lands for cash, by purchase by installment payments 100
with or without a mortgage, by lease or lease-purchase 101
agreements, or by lease with option to purchase, may acquire 102
suitable lands through an exchange under section 511.241 of the 103
Revised Code, or may appropriate suitable lands and materials 104
for park district purposes. The board also may lease facilities 105
from other political subdivisions or private sources. The board 106
shall have careful surveys and plats made of the lands acquired 107
for park district purposes and shall establish permanent 108
monuments on the boundaries of the lands. Those plats, when 109
executed according to sections 711.01 to 711.38 of the Revised 110

Code, shall be recorded in the office of the county recorder, 111
and those records shall be admissible in evidence for the 112
purpose of locating and ascertaining the true boundaries of the 113
park or parks. 114

(C) In furtherance of the use and enjoyment of the lands 115
controlled by it, the board may accept donations of money or 116
other property or act as trustees of land, money, or other 117
property, and may use and administer the land, money, or other 118
property as stipulated by the donor or as provided in the trust 119
agreement. 120

The board may receive and expend grants for park purposes 121
from agencies and instrumentalities of the United States and 122
this state and may enter into contracts or agreements with those 123
agencies and instrumentalities to carry out the purposes for 124
which the grants were furnished. 125

(D) In exercising any powers conferred upon the board 126
under divisions (B) and (C) of this section and for other types 127
of assistance that the board finds necessary in carrying out its 128
duties, the board may hire and contract for professional, 129
technical, consulting, and other special services and may 130
purchase goods and award contracts. The procuring of goods and 131
awarding of contracts with a cost in excess of fifty thousand 132
dollars shall be done in accordance with the procedures 133
established for the board of county commissioners by sections 134
307.86 to 307.91 of the Revised Code. 135

(E) The board may appoint an executive for the park or 136
parks and may designate the executive or another person as the 137
clerk of the board. It may appoint all other necessary officers 138
and employees, fix their compensation, and prescribe their 139
duties, or it may require the executive to appoint all other 140

necessary officers and employees, and to fix their compensation 141
and prescribe their duties, in accordance with guidelines and 142
policies adopted by the board. 143

(F) The board may adopt bylaws and rules that it considers 144
advisable for the following purposes: 145

(1) To prohibit selling, giving away, or using any 146
intoxicating liquors in the park or parks; 147

(2) For the government and control of the park or parks 148
and the operation of motor vehicles in the park or parks; 149

(3) To provide for the protection and preservation of all 150
property and natural life within its jurisdiction. 151

Before the bylaws and rules take effect, the board shall 152
provide for a notice of their adoption to be published once a 153
week for two consecutive weeks or as provided in section 7.16 of 154
the Revised Code, in a newspaper of general circulation in the 155
county within which the park district is located. 156

No person shall violate any of the bylaws or rules. Fines 157
levied and collected for violations shall be paid into the 158
treasury of the township park district. The board may use moneys 159
collected from those fines for any purpose that is not 160
inconsistent with sections 511.18 to 511.37 of the Revised Code. 161

(G) The board may do either of the following: 162

(1) Establish and charge fees for the use of any 163
facilities and services of the park or parks regardless of 164
whether the park or parks were acquired before, on, or after 165
September 21, 2000; 166

(2) Enter into a lease agreement with an individual or 167
organization that provides for the exclusive use of a specified 168

portion of the park or parks within the township park district 169
by that individual or organization for the duration of an event 170
produced by the individual or organization. The board, for the 171
specific portion of the park or parks covered by the lease 172
agreement, may charge a fee to, or permit the individual or 173
organization to charge a fee to, participants in and spectators 174
at the event covered by the agreement. 175

(H) The board may expend moneys from the treasury of the 176
township park district, or revenue derived from property taxes 177
levied for parks and recreational purposes, for the public 178
purpose of presenting community events in the park or parks 179
within the township park district. 180

(I) If the board finds that real or personal property 181
owned by the township park district is not currently needed for 182
park purposes, the board may lease that property to other 183
persons or organizations during any period of time the board 184
determines the property will not be needed. If the board finds 185
that competitive bidding on a lease is not feasible, it may 186
lease the property without taking bids. 187

~~(I)~~(J) The board may exchange property owned by the 188
township park district for property owned by the state, another 189
political subdivision, or the federal government on terms that 190
it considers desirable, without the necessity of competitive 191
bidding. 192

~~(J)~~(K) Any rights or duties established under this 193
section may be modified, shared, or assigned by an agreement 194
pursuant to section 755.16 of the Revised Code. 195

Sec. 755.13. (A) The authority to supervise and maintain 196
parks, playgrounds, playfields, gymnasiums, public baths, 197

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

(B) The board of township trustees may expend funds from 213
the township general revenue fund, or revenue derived from 214
property taxes levied for parks and recreational purposes, for 215
the public purpose of presenting community events at such parks, 216
playgrounds, playfields, gymnasiums, public baths, swimming 217
pools, or indoor recreation centers. 218

(C) The board of county commissioners may adopt rules for 219
the preservation of good order within parks, playfields, and 220
reservations of land under its jurisdiction and on adjacent 221
highways, rivers, riverbanks, and lakes, and the preservation of 222
property and natural life therein. Such rules shall be published 223
as provided in sections 731.21 to 731.25 of the Revised Code 224
before taking effect, and shall be enforced by a "law 225
enforcement officer" as defined in section 2901.01 of the 226
Revised Code. No person shall violate a rule adopted under this 227
division. Whoever violates a rule adopted under this division 228

shall be fined not more than one hundred dollars. If the 229
offender has previously been convicted of a violation of the 230
rule, the offender shall be fined not more than five hundred 231
dollars. All fines collected for any violation of any rule 232
adopted under this division shall be paid into the general fund 233
of the county treasury. 234

Section 2. That existing sections 505.261, 511.23, and 235
755.13 of the Revised Code are hereby repealed. 236