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Am. H. B. No. 361

Representative Brenner

**Cosponsors: Representatives Arndt, Becker, Blessing, Dever, Hambley, Smith, K.,
Rogers, Ruhl, Amstutz, Anielski, Barnes, Bishoff, Boose, Boyd, Brown, Buchy,
Cera, Conditt, Craig, Dovilla, Driehaus, Fedor, Grossman, Johnson, T., Lepore-
Hagan, O'Brien, M., O'Brien, S., Patterson, Ryan, Sheehy, Slaby, Sweeney,
Thompson**

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