

ORDINANCE NO. 2024-86 FIRST READING August 26, 2024
INTRODUCED BY: RUTH CAVANAGH SECOND READING September 9, 2024
THIRD READING September 23, 2024

ORDINANCE AMENDING CHAPTER 646 PARKS OF THE VILLAGE OF SOUTH RUSSELL'S CODIFIED ORDINANCES.

WHEREAS, Council desires to amend Chapter 646 Parks of the Village of South Russell's Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. Effective January 1, 2025, Sections 646.01 through 646.08 of Chapter 646 of the Village of South Russell's Codified Ordinances titled "Parks" are hereby deleted and amended to read as follows:

"CHAPTER 646 PARKS

- "646.01 Reservations to Use Park Pavilion.
- "646.02 Application review.
- "646.03 Agreement to Use Village Park Pavilion.
- "646.04 Amendments.
- "646.05 Village exempted.
- "646.06 Enforcement.
- "646.07 Park rules and regulations.

"646.01 RESERVATIONS TO USE PARK PAVILION.

"(a) Any person or entity who wishes to reserve for use the Park Pavilion shall submit a reservation request form ("Reservation Form") to the Village of South Russell Building Department along with the nonrefundable \$50 deposit if a resident of the Village of South Russell or the nonrefundable \$100 deposit if not a resident of the Village of South Russell. A copy of the Reservation Form is attached hereto as **Attachment 1**. The Reservation Form is available online under the Parks page of the Village's website at southrussell.com.

"(b) A person or entity shall indicate on the Reservation Form any of the following six (6) special conditions that apply to the requested reservation:

- (1) There will be over 50 people in attendance;
- (2) There will be bounce house or entertainment props;
- (3) There will be food trucks or food catering;
- (4) There will be live music, including but not limited to bands or concerts;
- (5) There will be the promotion of any private business, including but not limited to for-profit and not-for-profit; or
- (6) The person or entity is requesting assistance from the Village Police Department or the Village Street Department.

“(c) Any Reservation Form in which any of the six (6) special conditions are checked by the person or entity requesting to reserve for use the Park Pavilion, as provided in Section 646.01(b)(1) through (6), shall be forwarded by the Village Building Department to the Mayor, who may consult with the Village Police Chief and/or the Village Street Commissioner, before making a decision, which decision is within the Mayor’s reasonable discretion, regarding the Reservation Form. The Mayor shall notify the Village Building Department Administrative Assistant of his/her decision.

“(d) Any Reservation Form that is not typical or includes other requests not listed in Section 646.01(b)(1) through (6) shall be presented to Village Council for consideration at its next regular meeting or a special meeting for this purpose.

“(e) The Village Building Department shall notify any person or entity submitting a Reservation Form as to whether the requested reservation for use is confirmed: (i) on the first-come, first serve basis when none of the six (6) special conditions in Section 646.01(b)(1) through (6) are checked on the Reservation Form; (ii) on the decision of the Mayor when any of the six (6) special conditions in Section 646.01(b)(1) through (6) are checked; or (iii) on approval of Council, as the case may be.

“646.02 APPLICATION REVIEW.

“Review of any Reservation Form submitted shall be guided by the following standards:

“(a) No likely adverse public health and/or safety impacts, including on adjacent properties.

“(b) No likely adverse environmental impacts on the Park from such event.

“(c) The terms and conditions of the Conservation Easement applicable to the Park.

“(d) Prior experience with the Applicant or group, if any. If no prior experience, references may be requested and investigated prior to a decision.

“(e) Space and date availability.

“646.03 AGREEMENT TO USE VILLAGE PARK PAVILION.

“Provided the requested reservation for use of the Park Pavilion has been approved, the person or entity requesting such reservation shall execute the "Agreement for Use of Village Park Pavilion" which is available under the Parks page of the Village’s website at southrussell.com. A copy of the Agreement for Use of Village Park Pavilion is attached hereto as **Attachment 2**. Failure to execute such Agreement for Use of Village Park Pavilion shall void the approval.

“646.04 AMENDMENTS.

Minor, non-substantive changes to “The "Reservation Form" and the "Agreement for Use of Village Park Pavilion" may be amended by Council by Motion; however, all other

changes that amend any of the provisions in this Chapter 646 must be approved through legislation of Council.

“646.05 VILLAGE EXEMPTED.

“Sections 646.01 and 646.02 shall not be applicable to any Village sponsored event or activity.

“646.06 PARK RULES AND REGULATIONS.

“Any person who violates any of the following Village of South Russell Park Rules and Regulations where another penalty is not otherwise provided by law shall be guilty of a minor misdemeanor, as defined by the Ohio Revised Code, punishable of a fine up to \$150 for a first offense and of a misdemeanor of the fourth degree for each subsequent violation, punishable up to 30 days in jail and a \$250 fine:

- “(a) Park hours - dawn to dusk.
- “(b) Please do not disturb the habitat, wildlife, or our neighbors' privacy.
- “(c) No alcoholic beverages, camping, campfires, littering or motorized vehicles permitted except authorized Village vehicles.
- “(d) Dogs are required to be on leash in the entire park at all times.
- “(e) All visitors to the park assume any and all risk of injury, loss, or damage to themselves and/or personal property which might occur at the park.

“646.07 ENFORCEMENT.

“If an event is held at the Park Pavilion without approval as set forth in this Chapter by a person or entity otherwise required to comply, the Village Police Chief is authorized to order the immediate cessation of such event and the removal of persons participating in same from the Park Pavilion. Failure to comply with such orders shall constitute a misdemeanor of the third degree.”

SECTION 2. Effective January 1, 2025, the current Chapter 646 of the Village of South Russell Codified Ordinances is hereby repealed, which reads as follows:

“CHAPTER 646 Parks

- “646.01 Use by large groups.
- “646.02 Application review.
- “646.03 User agreement.
- “646.04 Amendments.
- “646.05 Groups less than 50.
- “646.06 Village exempted.
- “646.07 Enforcement.
- “646.08 Park rules and regulations.

“646.01 USE BY LARGE GROUPS.

“Whenever it is reasonably anticipated that an event (including concerts, picnics, parties, races, and similar group activities) is planned to be held on Park property which will likely involve attendance at any single point in time by 50 or more persons or involve bounce houses, other entertainment props, or the use of food trucks or catering services, live musical entertainment, or promotion of private business, an Application to hold an Event in the Village Park, attached to Ordinance 2018-36 as Exhibit A, (the "Application") must be completed and submitted to the Mayor or the Mayor's designee by a sponsor or a representative participant in such event. After consideration of the standards set forth in Section 646.02, the Mayor may, in his discretion, conditionally approve or deny the Application. Notice of such conditional approval or denial shall be promptly electronically provided to all council members. Such conditional approval or denial shall become final unless two or more members of council object in writing to the Mayor within 5 business days after such Notice is sent. If two or more council members have timely objected to the Mayor's decision, then the Application shall be held in abeyance until the next regularly scheduled council meeting for further review by council. In such event, approval or denial of the conditional decision will require a Motion adopted by a majority vote of those council members present. Failure to approve or disapprove such Application within 45 days after the date of the Notice shall constitute disapproval.

“646.02 APPLICATION REVIEW.

“Review of any Application submitted pursuant to Section 646.01 shall be guided by the following standards:

“(a) No likely adverse public health and/or safety impacts, including on adjacent properties.

“(b) No likely adverse environmental impacts on the Park from such event.

“(c) The terms and conditions of the Conservation Easement applicable to the Park.

“(d) Prior experience with the Applicant or group, if any. If no prior experience, references may be requested and investigated prior to a decision.

“(e) Space and date availability.

“(f) If alcohol will be consumed during the Event as indicated on the application, the Applicant understands and agrees to pay \$35 per hour for a minimum of two hours for a police officer to be on site during the Event.

“646.03 USER AGREEMENT.

“Provided the proposed event has been approved, the Applicant shall execute the "User Agreement", attached to Ordinance 2018-36 as Exhibit B. Failure to execute such User Agreement shall void the approval.

“646.04 AMENDMENTS.

“The "Application" and the "User Agreement" may be amended by Council after the effective date of this ordinance by Motion.

“646.05 GROUPS LESS THAN 50.

“Persons or groups of persons not reasonably anticipated to likely involve attendance by 50 or more persons at a Park event or involve any of the other factors set forth in Section 646.01 are exempt from this approval process, but shall still be subject to standards set forth in Section 646.02, and to all other conditions and rules applicable to users of the Park. Scheduling of same shall be the responsibility of the Building Inspector -after consultation with the Mayor.

“646.06 VILLAGE EXEMPTED.

“The rules and regulations created in Sections 646.01 and 646.02 shall not be applicable to any village sponsored event or activity.

“646.07 ENFORCEMENT.

“If an event is held at the Park without approval as set forth in these regulations by a group of persons otherwise required to comply with these regulations, the Police Chief is authorized to order the immediate cessation of such event and the removal of persons participating in same from the Park. Failure to comply with such orders shall constitute a misdemeanor of the third degree.

“646.08 PARK RULES AND REGULATIONS.

“Any person who violates any of the following Village of South Russell Park Rules and Regulations where another penalty is not otherwise provided by law shall be guilty of a minor misdemeanor, as defined by the Ohio Revised Code, punishable of a fine up to \$150 for a first offense and of a misdemeanor of the fourth degree for each subsequent violation, punishable up to 30 days in jail and a \$250 fine:

“(a) Park hours - dawn to dusk.

“(b) Please do not disturb the habitat, wildlife, or our neighbors' privacy.

“(c) No alcoholic beverages, camping, campfires, littering or motorized vehicles permitted except authorized Village vehicles.

“(d) Dogs are required to be on leash in the entire park at all times.

“(e) All visitors to the park assume any and all risk of injury, loss, or damage to themselves and/or personal property which might occur at the park.”

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed this 23RD day of SEPTEMBER 2024.

William G. Rouns
Mayor - President of Council

ATTEST:

Danielle Romanowski
Fiscal Officer

I certify that Ordinance No. 2024-86 was duly enacted on the 23rd day of SEPTEMBER 2024, by the Council of the Village of South Russell, and published in accordance with the Codified Ordinances of the Village.

Danielle Romanowski
Fiscal Officer



**VILLAGE OF SOUTH RUSSELL
PARK PAVILION
RESERVATION FORM**

Village of South Russell
5205 Chillicothe Road
South Russell, OH 44022
440-338-6700 x 233

Reservations for the Park Pavilion located at 1000 Bell Road require a **nonrefundable deposit of \$50 for Village of South Russell residents** and a **nonrefundable deposit of \$100 for non-residents**. Check the online calendar on the **Parks** page of *SouthRussell.com* to see if your date is available. Fill out this form and submit it with cash or a check in the amount of the nonrefundable deposit above made payable to: "Village of South Russell" to the address listed above c/o the Village Building Department. Reservations will be confirmed to applicant either directly in person, by telephone with the phone number provided, or to the email address provided below.

Park Regulations

- *Park hours are from dawn until dusk.*
- *Please do not disturb the habitat, wildlife or our neighbors' privacy.*
- *No alcoholic beverages, camping, campfire, littering or motorized vehicles are permitted in the Park.*
- *All visitors to the Park assume all risk of injury, loss or damage while in the Park.*
- *Dogs must be leashed at all times.*
- *Any issues should be reported to the South Russell Police Department at 440-338-7611; in the case of emergency, please call 911.*
- *All park rules are subject to a waiver by the Village of South Russell Council at its discretion.*
- *Parking is limited to approximately 50 cars. Parking on the grass is prohibited. Please park cars elsewhere.*
- *Applicant is responsible for clean-up of Village property that is damaged or defaced in any manner.*

Please check if any of the following apply:

- | | |
|---|---|
| <input type="checkbox"/> Over 50 people attending | <input type="checkbox"/> Required assistance from Police or Service |
| <input type="checkbox"/> Promotion of private business | <input type="checkbox"/> Catering or food trucks |
| <input type="checkbox"/> Bounce houses or entertainment props | <input type="checkbox"/> Bands or concerts |

Name/Applicant _____ Phone Number _____

E-mail Address _____

Address _____

Reservation Day & Date _____ Start Time _____ End Time _____

Type of Event _____ Number of People Attending _____

The Village of South Russell will post your reservation date on the calendar of the kiosk located at the Park to notify other park users. Reservations are filled on a first-come, first-serve basis. Users of the Pavilion are expected to clean up their trash. For excess rubbish beyond what is in the trash cans, please bag, tie securely, and place by the portable toilets before leaving the Park.

AGREEMENT FOR USE OF VILLAGE PARK PAVILION

This Agreement is by and between the Village of South Russell, Ohio (“Village”) and _____ (the “User”) and is effective upon the latest date of the signatories appearing below.

User is hereby granted permission by the Village to use the Village Park Pavilion for the following purpose:

_____, (the “Event”). The Event shall be restricted to the following described areas:

_____.

The date for such Event shall be: _____

In consideration of being granted permission by the Village to use the Village Park Pavilion for such Event, User agrees:

1. To conduct such Event in a safe and responsible way and to provide adequate supervision and control to protect both attendees and the general public at all times.
2. To make necessary provisions, in cooperation with the Village, to ensure traffic safety on Bell Road or E. Washington Street, as appropriate prior to, during, and after the Event.
3. To make necessary provisions, in cooperation with the Village, for adequate parking facilities for attendees.
4. To protect all Village improvements at the Village Park from damage or injury.
5. To completely and thoroughly clean up and/or repair the Village Park Pavilion after the Event and return it to as close a condition as existed prior to the Event as reasonably possible. In the event User fails to do so, the Village may undertake such clean up and/or repairs and User agrees to be responsible for the costs thereof.
6. To obey all instructions from the Village Police Department or other official safety personnel concerning the Event.
7. To indemnify, hold harmless, and defend the Village from any claims, injuries, damages, or other actions resulting from the Event.
8. To provide the Village, if requested by the Mayor prior to the Event, with proof of adequate liability insurance for the Event.

- 9. To release the Village from all liability for injury or damages resulting from the use of the Village property, unless such injury or damages result from intentional or malicious acts of the Village, its officials, or its employees.
- 10. To call 911 in case of any emergency.
- 11. To further agree as follows: _____

_____.

USER

Date: _____

VILLAGE OF SOUTH RUSSELL

By: _____

Its: _____

Date: _____