



# Miami Township **PARKS & Recreation**

~ Clermont County, Ohio ~

## MIAMI TOWNSHIP BYLAWS AND RULES FOR PARK GOVERNANCE

**NOTICE TO ALL USERS: ANYONE ENTERING INTO THE PARKS AND/OR USING THE PARKS AND THE FACILITIES CONTAINED WITHIN THE PARKS DO SO AT THEIR OWN RISK AND AGREE TO INDEMNIFY AND HOLD HARMLESS MIAMI TOWNSHIP, ITS BOARD OF TRUSTEES, ITS EMPLOYEES, AGENTS, INSURERS, ATTORNEYS, AND ASSIGNS FROM ANY AND ALL CLAIMS FOR PROPERTY DAMAGE OR PERSONAL INJURY ARISING FROM THEIR ENTRY INTO THE PARK OR USE OF PARK FACILITIES.**

### **1. HOURS OF OPERATION**

All Parks shall be open from dawn to dusk or at such other times as the Board or the Township Administrator authorizes.

### **2. PRESERVATION OF PROPERTY AND NATURAL FEATURES**

No person shall damage, injure, deface or disturb any part of the Parks nor any building, sign, equipment or other property found in the Parks; nor shall any tree, flower, shrub, rock or other mineral in the Parks be removed, injured or destroyed.

### **3. GARBAGE, REFUSE, ASHES, SEWAGE AND WASTE MATERIAL**

No person shall deposit or leave any garbage, ashes, sewage, refuse or any waste material in the Parks, other than in receptacles or pits provided for such purposes; nor dump any earth within the Parks without a written permit from the Township Administrator.

No person shall bring into or cause to be brought into the Parks from outside park boundaries, any garbage, ashes, sewage, or refuse or depositing in any manner within the Parks.

No person shall discharge into, throw, cause, lay, drop or leave in any river, brook, stream, storm sewer, or drain flowing into or through the Parks, or into any river, brook or stream which may be tributary to any lake, river, brook, or stream flowing into or through the Parks, any substance, matter, or thing whether liquid or solid, which may or shall result in the pollution of the river, brook or stream within the park to such an extent as to unreasonably or improperly prevent or interfere with the conservation of the natural resources of the park, preventing, interfering with, or lessening, to an improper or unreasonable degree, the use of said lake, river, brook, or stream for recreational or other permitted park uses.

#### **4. HUNTING, FISHING AND HARMING WILDLIFE**

Unless authorized by written permit of the Township Administrator, no person shall hunt, pursue with dogs, trap, harm, harass, injure, or take any wild bird or animal found within the confines of the Parks, or harm any bird nest or take the eggs of any bird located within the Parks.

Fishing is permitted at the Miami Meadows Park during posted park hours of operation. Miami Township has adopted a "Catch and Release" policy. Unless authorized by the Board and/or Township Administrator or their designee, no fish may be removed from any body of water within the Parks. A State of Ohio fishing license is required in order to fish in permitted areas. Exemptions to the licensing requirement are granted to (i) persons under the age of 16; (ii) persons 66 years old or older; and (iii) persons who are unable to engage in fishing without the assistance of another person due to a physical disability and the person who is assisting the disabled person.

#### **5. FIRES**

No person shall start a fire in the park except small fires for cooking purposes in park grills, or privately-owned grills, or fires in places or designated areas approved for such purposes without written permit from the Board and/or the Township Administrator. The Township Administrator at his/her discretion shall prohibit fires for limited periods at any location or for any purposes when necessary for the protection of park property. All fires shall be extinguished by the person or persons starting or using the same, before leaving the immediate vicinity of the fire.

#### **6. WEAPONS**

No person shall discharge firearms, deadly weapons, dangerous ordnances, slings, bows, rockets, air rifles, missiles, projectiles, explosives, or volatile liquids within the Parks.

#### **7. CAMPS**

No person shall establish or maintain any camp or other temporary lodging place within the Parks, without specific written permit from the Board and/or the Township Administrator or their designee, except where designated.

#### **8. DISORDERLY CONDUCT**

No person shall remain in the Parks who does not abide by these rules and bylaws. In addition, no individual shall remain in the Parks who does not abide by instructions and directions of duly authorized peace officers or other agents of the Board in the lawful performance of their duties. Any person ordered to leave the Parks shall do so promptly and peaceably.

The following activities shall be a proper basis for the removal of any individual from the Parks or the imposition of fines and penalties as set forth below:

- A. Any violation of any Township Resolution or any rules or bylaw contained herein.
- B. Any violation of local, state or federal law.
- C. Use, sale, or possession of intoxicating liquor or beer as defined in Section 4301.01 of the Ohio Revised Code or as authorized by special permit of the Board or Township Administrator.
- D. Use, sale or possession of any controlled substance or harmful intoxicant as defined by Section 2925.01 of the Ohio Revised Code.

E. Any person deemed to be under the influence of beer, intoxicating liquor, or other controlled or harmful substances shall be removed.

F. Being in the Parks after dark.

G. Trespassing in park areas which are under construction or where entrance is specifically prohibited and identified by proper signage.

H. Bathing in any stream, river, brook, lake or other waterway in the Parks.

## **9. TRAFFIC RULES**

A. No person shall drive or cause to be driven along or over any road within the Parks, any vehicle at a greater rate of speed than fifteen (15) miles per hour as posted.

B. No person shall park or store any motor vehicle, motorcycle, bicycle, wagon or other vehicle within the park, except in places and at such times designated by the Board and/or Township Administrator or their designee.

C. All applicable local, state and federal laws regulating equipment on vehicles shall apply to vehicles within the Parks.

D. Roadways, paths, walks and trails established for pedestrian travel shall not be used for motorized travel except for motorized wheelchairs.

E. No person shall drive any vehicle along or over any park road in a reckless manner without due regard for the safety of pedestrians and drivers and all other occupants of any vehicle.

F. No person shall drive or cause to be driven along or over any park road, any truck, commercial car, trailer, semi-trailer, pole trailer, bus or commercial tractor, unless authorized by the Board and/or Township Administrator to make deliveries within the Parks, or unless engaged in work in the Parks that has been contracted with the Board and/or Township Administrator, or unless delivering or picking up persons using a truck or trailer as transportation to or from the parks. No vehicles in excess of five (5) tons gross vehicular weight will be used to transport people to or from a park without prior written permit from the Board and/or Township Administrator or their designee.

G. No person shall drive any vehicle along or over any park road without complying with all traffic signs and all posted traffic regulations.

H. No person, except authorized agents of the Board and/or Township Administrator, shall ride any horse or other animal within the Parks.

I. The use of bicycles or in-line skates shall be limited to pathways and parking lots within the Parks. Bicycles or in-line skates are expressly prohibited in playground and shelter areas.

## **10. MISCELLANEOUS RULES**

A. No person shall drive or propel or cause a golf ball to be driven or propelled within the Parks.

B. RESERVED AREAS: Certain sections of the Parks may be reserved. Reserved areas of the Parks will be conspicuously marked and shall be determined based on need by the Township Administrator or their designee. Areas may only be reserved via a special events permit issued by the Recreation Director. If person(s) are not in possession of a permit, and they have been requested to leave and refuse to do so, they may be subject to penalties permitted herein or subject to other legal penalties provided by law.

C. ATHLETIC FIELDS: The Township has adopted a separate policy that governs the use of athletic fields. Priority is given to individuals and/or organizations that have obtained a field use permit. Field use permits are issued by the Recreation Department. A copy of the “MIAMI TOWNSHIP FIELD USE POLICIES” is available upon request.

D. COMMERCIAL ENTERPRISES: No person shall sell or offer for sale any article, thing, privilege or service within the Parks without a permit from the Board or Township Administrator. No person shall beg, hawk, peddle or solicit within any of the Parks as provided for in Township Resolution 2016-45.

E. SIGNS: No person shall distribute or place a sign, advertisement, circular or notice, or display any banner, emblem or design, within the Parks without a permit from the Board and/or Township Administrator.

#### F. PERMITTING AND REGULATIONS OF MOBILE FOOD TRUCKS

##### Scope

The provisions of this section shall apply to mobile food operations engaged in the business of cooking, preparing, and distributing food or beverage with or without charge from mobile food trucks on or in the Parks.

The provisions of this section shall not apply to mobile food operations that are providing a service at the request of the Township.

##### Mobile Food Truck Permit Required

No person or business entity, including a religious or charitable organization, shall operate a mobile food truck in the Parks without a permit issued through the Board, the Township Administrator or their designee.

A mobile food truck permit is required for each and every mobile food truck in the Parks.

##### Application for a Mobile Food Truck Permit

Single Application: There shall be made available by the Board a single application form to apply for each mobile food truck permit. Said application shall include a copy of the applicant’s current food service license from the Clermont County Board of Health.

The Board shall set a reasonable annual application fee from time to time, the amount of which shall be incorporated into these rules and bylaws.

Approval Process: An application and application fee can be accessed via the Township website at [MiamiTwpOH.gov](http://MiamiTwpOH.gov). The application and fee must be delivered to the Township Recreation Department located at Miami Township Civic Center, 6101 Meijer Drive, at least fourteen (14) days prior to your event.

### Limitation on the Number of Permits

The Board may from time to time set a limit on the number of total permits that may be issued per year; provided, however, that no more than two (2) permits, may be issued to a single person or business entity or both. Upon receipt of application, the Board shall advise the applicant whether or not the limitation has been met.

### Rules and Regulations for Food Trucks

1. No operator of a permitted mobile food truck (hereinafter the "Permit Holder") shall park, stand, or move a vehicle and conduct business within areas of the Parks where the Permit Holder has not been authorized to operate.
2. No Permit Holder shall possess a permit for a mobile food truck that is in operation for a period of more than fourteen (14) days without duly notifying and obtaining approval from the Board, Township Administrator or their designee.
3. The issuance of a permit does not grant or entitle the exclusive use of the Parks, in whole or in part, to the mobile food truck permit holder, other than the time and place as approved for the term of the permit.
4. No Permit Holder shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, unless a proposal for such seating arrangements is submitted with the permit application and approved by the Board, Township Administrator or their designee.
5. Consumers shall be provided with single service articles, such as plastic forks and paper plates, and a waste container for their disposal. All Permit Holders shall provide a waste container for public use that the Permit Holder shall empty at his or her own expense.
6. No mobile food truck shall make or cause to be made any unreasonable or excessive noise in violation of Township noise regulations.
7. The Township reserves the right to temporarily move a Permit Holder to a nearby location if the approved location needs to be used for emergency purposes, snow removal, construction, or other public benefit.
8. Permit/License Display. The Permit Holder must have at ready display all permits and licenses required herein for customers and Board employees who wish to inspect said forms and documents.
9. Fire Certificates. The Permit Holder must provide at the time of application with written certification from the Miami Township Fire Department that its vehicle is in compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes.

### Prohibition Against Assignment/Transfer of a Permit.

No Permit Holder shall sell, assign or transfer a mobile food truck permit issued by the Board, Township Administrator or their designee.

Unauthorized Assignment/Transfer Voids Permit. Any unauthorized assignment/transfer or attempt to assign/transfer a permit issued by the Board shall automatically void such permit. Whoever violates this provision shall be subject to a fine of one hundred fifty dollars (\$150.00).

Each assignment/transfer or attempt to assign/transfer of a permit shall constitute a separate violation.

## Operation of Mobile Food Trucks

Operation Without Permit: Any mobile food truck being operated without a valid mobile food truck permit issued by the Board shall be deemed a public safety hazard and may be ticketed and ordered to immediately leave the Parks.

Unattended Vehicles Prohibited. No Permit Holder or mobile food truck shall be parked in any park overnight or left unattended and unsecured at any time. Any Permit Holder or mobile food truck which is found to be unattended shall be considered a public safety hazard and ordered to immediately leave the Parks.

A Permit Holder operating outside of an approved route, at an unauthorized location, or beyond the hours for which the operation has been permitted shall be deemed in violation of this section and may be subject to enforcement.

## Enforcement

Fine for Violation: Any Permit Holder operating a mobile food truck or service in the Township in violation of any provision of this section or any rules and regulations promulgated by the Board shall be ticketed or fined not more than one hundred fifty dollars (\$150.00 ) for the first offense and for each subsequent offense not more than one thousand dollars (\$1,000.00).

Revocation, Suspension, Modification: Once a permit has been issued it may be revoked, suspended, modified, or not renewed by the Board or Township Administrator for failure to comply with the provisions of this section or any rules and regulations promulgated by the Board without notice.

G. DOMESTIC ANIMALS GRAZING: No person shall allow any cattle, horse, mule, donkey, goat, swine, sheep, or other animal, or any poultry or other fowl, to be in the Parks without the specific permit of the Board or the Township Administrator.

H. DOMESTIC ANIMALS, LEASH, EXCLUSIONS: No person shall bring into, have or keep in the park, any animal destructive of wildlife. All domestic dogs or domestic cats brought into the Parks shall be under constant control and supervision by its owner and held on a leash no longer than ten (10) feet in length. All such animals brought into the Parks shall comply with all regulations of the Clermont County Board of Health and any other applicable laws regarding such animals.

I. DOMESTIC ANIMALS, SUPERVISION: No pets or other animals shall be allowed to disturb or become a nuisance to the use and enjoyment of the Parks by others.

J. DOMESTIC ANIMALS, REMOVAL OF FECAL MATTER: It shall be the duty and responsibility of the owner, keeper, or person in control of any pet which has deposited any fecal matter on park trails or in the Parks' recreation areas, to immediately cause said fecal matter to be removed and deposited in a suitable container or receptacle under the immediate control of the owner, keeper, or person in control of the pet.

K. DOMESTIC ANIMALS, PETS IN PLAY AREAS: Pets are not permitted in play equipment areas unless the animal is an "assistance dog" and falls under the definition provided for in Ohio Revised Code 955.011.

L. BARK PARK RULES:

1) Dog Owners are legally responsible for their dogs and any injury caused by them. If your dog becomes unruly, or aggressive, you must immediately leash or otherwise control your dog and leave the Bark Park. In case of an incident between dogs, owners are required to provide personal contact information to all involved parties.

- 2) Dogs must be licensed and vaccinated and wearing a collar with current tags.
- 3) Dogs less than four (4) months old are not permitted in the large dog area.
- 4) Female dogs in season are not permitted.
- 5) Dog owners must keep their dog(s) in view always. No dog may be left in the Bark Park area unattended. Unattended dogs will be removed by the Humane Society, Clermont County Dog Warden, or other appropriate agency.
- 6) There is a limit of three (3) dogs per owner at any given time in the Bark Park.
- 7) Owners are responsible for the cleanup and disposal of feces left by their dog.
- 8) Owners must always carry a leash. All dogs must be leashed in all other areas of the Parks.
- 9) Children under the age of 16 must be accompanied by an adult.
- 10) Please maintain the safety of the corral gate system. Do not enter if another dog is in the corral.
- 11) Food, dog treats and chew toys are not permitted inside the Bark Park.
- 12) Glass containers and alcoholic beverages are prohibited in the Bark Park.
- 13) Failure to follow the Bark Park rules subjects a violator to penalties provided herein or criminal prosecution and may result in a ban from any future use of the Bark Park.
- 14) The Township is not a guarantor of the physical health, safety or fitness of any Bark Park user or the safety of any person or animal using the Bark Park. All users of the Bark Park use the Bark Park at their own risk, without any guaranty or warranty of any kind by the Township.

#### N. SPIRIT OF 76 PARK

No motor bikes, bicycles or scooters are permitted on the walkways of the Parks, although wheelchairs are acceptable. There is no swimming in or walking on frozen water in the Spirit of 76 pond area. The walking path in the Spirit of 76 Park is not de-iced and therefore, walk and use at your own risk. Please do not disturb the wildlife and do not feed the waterfowl within the Spirit of 76 Park. Catch and release of fish is permitted at the pond. Please be respectful to all Spirit of 76 memorials.

#### O. DRONES/OTHER REMOTED CONTROL DEVICES

The use of drones is governed by federal law. Drones shall only be used in areas of the Parks where they do not pose an annoyance or safety hazard to other users of the Parks.

#### P. WATERCRAFT

No personal watercraft is permitted on any Township owned waterway without prior written permit from the Board and/or Township Administrator.

#### Q. TOBACCO/VAPE, ILLEGAL DRUGS, ALCOHOL

The Parks have been designated as smoke and vape free per Township Resolution #2016-50. Alcohol is permitted in pavilions within the Parks only when a Miami Township Facility Rental Agreement has been signed. *See* the Miami Township Recreation Department for additional information.

### 11. CONDUCT IN THE PARKS

No person shall conduct, sponsor or promote any public meeting, concert, theater, athletic event or other public activity in the Parks without prior authorization of the Board, Township Administrator, or as provided by the rules or bylaws of the Parks. No event or activity sponsored or promoted by any person shall be permitted if, in the opinion of the Board or Township Administrator will constitute hazards and dangers to the personal safety of the participants or other park visitors; endangers peace

and good order in the Parks; interferes with the regular and normal use of the facilities and activities by park visitors; or which is inconsistent with the use of the Parks as provided herein.

## **12. TERMS**

“Bark Park” shall mean and refer to the designated area within Miami Meadows Park for dogs to recreate.

"Board" shall mean and refer to the Board of Trustees of Miami Township.

“Food Establishment” shall mean a business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.

"Park" shall mean and include any and all property or land owned or controlled by the Board of Trustees of Miami Township.

“Mobile Food Truck” shall mean a mobile food vehicle.

“Mobile Food Vehicle” shall mean a food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared and served for individual portion service, such as a mobile food kitchen.

"Person" shall mean and include natural person and corporations.

"Pet" shall mean any privately-owned animal, whether domestic or wild.

“Spirit of 76 Park” shall mean and refer to the portion of Miami Meadows Park so titled.

“Township” shall mean and include Miami Township, Clermont County, Ohio, as well as its trustees, employees, contractors and agents.

## **13. PENALTIES**

As provided by Ohio Revised Code Section 505.261, any person violating any of the foregoing rules and regulations and any amendments or additions thereto shall be fined in any sum not exceeding one hundred fifty dollars (\$150.00) dollars for the first offense, nor more than five hundred (\$500.00) for each second or further offense.

## **14. EFFECTIVE DATE**

These rules and regulations shall take effect and be in force upon passage by the Board. The Board reserves the right to modify these bylaws and rules for park governance as needs arise.

## **15. EQUAL OPPORTUNITIES**

All Township facilities are open to the public. The Board does not discriminate on the basis of race, color, creed, national origin, age, sex, or disability.

## **PARK PAVILION & PERFORMANCE PAVILION FEE POLICY**

Park pavilions are available for rental on a first come, first serve basis unless already reserved by the Recreation Department. A Maintenance Impact Fee may be charged for pavilions and the Performance pavilion.



Reservations for the coming calendar year will be made after January 1. Reservations are for rain or shine and the fee is refundable if the event is cancelled 30 days in advance of the scheduled date.

Reservations must be made by an adult at least 18 years of age who assumes responsibility for the group and condition of the area after the group has departed. The reservation can be made online through our website, [MiamiTwpOH.gov](http://MiamiTwpOH.gov). They can also be reserved in person at the Recreation Department.

#### Non-Profit 501C3 Policy

Any groups with the above designation may on a first come first serve basis rent any of the park pavilions at no charge on any Monday - Thursday of the calendar year.

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