

ORDINANCE 2020-28
INTRODUCED BY: ROGOFF

4260

**AN ORDINANCE
AMENDING CHAPTER 951 OF THE CODIFIED
ORDINANCES, AMENDING SECTION 951.01 OF THE
CODIFIED ORDINANCES AND ADDING REGULATIONS
REGARDING OVERNIGHT USAGE OF PUBLIC
PROPERTY, AND DECLARING AN EMERGENCY**

WHEREAS, currently Section 951.01 of the Codified Ordinances provides that Riverside Park is closed from 11:00 p.m. to 6:00 a.m. daily and the Council for the Village of Chagrin Falls has determined that overnight use of any public park, or public grounds including, but not limited to, the Village Hall, the cemeteries, the utility plant facilities, the public parks, and any other property owned by the Village of Chagrin Falls, but excluding the streets and sidewalks (collectively the “Public Property”) except in limited circumstances in order to promote public safety, conservation of Public Property, preservation of public resources, the Public Property should be used sparingly for overnight use and intending to promote public expression, but imposing narrowly tailored restrictions, recognizing that alternate avenues of communication remain available to the public on Public Property and other locations in the Village and through other means.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

Section 1. The Title to Chapter 951 of the Codified Ordinances of the Village of Chagrin Falls is hereby amended to be known as “Parks and Public Property”.

Section 2. Section 951.01 of the Codified Ordinances is hereby amended to read as follows:

951.01 PROHIBITED HOURS IN PUBLIC PROPERTY

- (a) For the purposes of this Section, Public Property shall mean the Village Hall, the Village cemeteries, the Village utility plant facilities, the Village public parks, and any other property owned by the Village of Chagrin Falls, but excluding the streets and sidewalks.
- (b) No unauthorized person shall remain on or in any portion of the Public Property in the Village between the hours of 11:00 p.m. to 6:00 a.m. daily and except when authorized in subsection (d) below, no overnight camping or sleeping shall be permitted at any Public Property and no permit shall be

ORDINANCE 2020-28
INTRODUCED BY: ROGOFF

issued by the Chief Administrative Officer that would allow camping or sleeping over the course of an entire evening into the morning hours of the following day on any Public Property.

- (c) The Chief Administrative Officer shall cause signs notifying the public of the closing hours of all parks, cemeteries, village hall grounds, utility facilities, and other grounds the Chief Administrative Officer determines should have signs notifying the public of closing of such Public Property, but the placement of such signs shall not be a pre-requisite to enforcing this Section 951.01.
- (d) Persons may be authorized to remain in River Run Park beyond 11:00 p.m., by obtaining a Park Use Permit for Extended Hours from the Chief Administrative Officer. Such Park Use Permit for Extended Hours shall be issued within two days after the permit request is received by the Chief Administrative Officer, when the Chief Administrative Officer finds:
 - 1. The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety;
 - 2. The proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct;
 - 3. The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the village;
 - 4. The facilities desired has not been reserved for other use at the day and hour required in the application;
- (e) A Park Use Permit for Extended Hours shall satisfy the following conditions:
 - 1. No individual or group applicant may request more than one overnight camping permit per calendar year.
 - 2. An applicant must provide a Certificate of Insurance for One Million Dollars (\$1,000,000.00) naming the Village of Chagrin Falls as an additional insured for the dates of the event.
 - 3. An applicant must provide on-site sanitary facilities appropriate for the permitted group size by a vendor approved by the Chief Administrative Officer. Sanitary Facilities may be delivered up to 24 hours prior to the start of the event and must be removed within 24 hours of the conclusion of the event.
 - 4. An applicant using cooking facilities must comply with all Fire Prevention Codes and shall obtain approval from the Fire Marshall.
- (f) The regulation for use of any Public Property, may provide for earlier closures and/or later reopening on the following day. In the event of a conflict between this Section and another section of the Codified Ordinances, or Rules or Regulations of the Cemetery Commission, the provisions for the specific property shall apply.

ORDINANCE 2020-28
INTRODUCED BY: ROGOFF

- (g) In no event shall a Park Use Permit for Extended Hours be authorized for Riverside Park, Conservation Land, Triangle Park, Bell Street Park, Franklin Park, Falls Viewing Area 1, Falls Viewing Area 2, Grove Hill Park (or by the officially designated name that is hereafter determined by the Village Council) or the Cemeteries.
- (h) Any person violating this Section shall be guilty of a misdemeanor of the third degree.

Section 3. Existing Section 951.01, the full text of which follows, is hereby repealed:

951.01 CLOSING TIME OF RIVERSIDE PARK.

- (a) Riverside Park shall be deemed closed from 11:00 p.m. to 6:00 a.m. daily.
- (b) The Chief Administrative Officer shall cause the proper signs notifying the public of the closing of Riverside Park at 11:00 p.m. in conspicuous places throughout Riverside Park.
- (c) Special civic or community functions may extend beyond the 11:00 p.m. closing by permit from the Mayor received in advance and in writing.
- (d) Any person violating this section shall be guilty of a misdemeanor of the third degree.

Section 4 Nothing contained in this Ordinance shall effect (i) the ability of the Chief of Police to close streets or otherwise interfere with the authority granted to the Chief of Police in Section 311.03 of the Codified Ordinances, (ii) the Chief Administrative Officer's authority in Codified Ordinance Section 953.06 to administer and enforce the provisions of Chapter 953 of the Codified Ordinances, (iii) the rules and regulations of the Chief Administrative Officer or the Cemetery Commission with respect to the care and management of all Village cemeteries, or (iv) any provision of the Codified Ordinances granting authority or power to the Chief of Police or Chief Administrative Officer or their designees.

Section 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

Section 6. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

Section 7. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the Village and for the further reason that this Ordinance must be immediately effective so that the Public Property of the Village is used in a safe and sanitary manner, and to avoid extensive use of any Public Property which is currently constrained due to the limited area of Public Property available in the Village and to preserve the public wellbeing and promote the safety of the

ORDINANCE 2020-28
INTRODUCED BY: ROGOFF

inhabitants, employees working in the Village and persons traveling through the Village; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: August 10, 2020

Erinn W Grube

Erinn Grube, Council President

Submitted to the Mayor for
his approval on this

10th day of August, 2020

Approved by the Mayor

08/12/2020

_____, 2020

William A. Tomko

Mayor William Tomko

I hereby certify that **Ordinance No. 2020-28** was duly enacted on the 10th day of August, 2020, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

David B. Bloom

David Bloom, Clerk of Council