



REGULATIONS GOVERNING THE USE OF CITY PARKS AND PLAYGROUNDS

June 15, 2022, rev. May 13, 2024

The regulations of City parks are enforced by the Berea Police Department to provide visitor safety and security, protect resources and maintain good order. Your cooperation benefits all park visitors.

To contact the Berea Police Department for non-emergencies **(440) 234-1234** or **(440) 826-5870**. For emergencies, dial **911**.

These regulations have been established in accordance with Berea Codified Ordinance 325.01:

The Mayor is authorized to promulgate regulations governing the proper use of City parks, swimming pool and accessories thereto, and establishing hours during which the City parks, swimming pool and accessories thereto shall be open for public use.

The regulations below are intended to supplement rather than to replace any ordinance or law. Regulations are subject to change. The most current version of the Regulations is available at the Recreation Center and on the webpages of the Recreation Department, Police Department, and Public Safety Department.

Unless otherwise stated, the term "city park(s)" or "park(s)" refers to all parks, playgrounds, splash pad, public restrooms and outdoor entertainment and/or athletic facilities.

Video or drone surveillance may be in use and park attendees do not have any reasonable expectation of privacy while present in city parks or adjacent parking areas.

SECTION 1. ENFORCEMENT

1.1 **Enforcement Authority:** The City of Berea Police Department, upon probable cause, is hereby authorized to enforce these regulations, and may issue citations for violations of these regulations or take other enforcement action pursuant to the Berea Codified Ordinances and other applicable law.

1.2 **Failure to Obey:** No person shall fail or refuse to comply with any reasonable order relating to these Regulations or any other order lawfully given by a law enforcement officer, or willfully resist, obstruct or abuse any officer or other official in the execution of their duties.

1.3 **Ejection from Park:** Law enforcement officers may order any person violating any of the provisions of these Regulations to leave any park and no person shall fail to obey such order.

1.4 **Loss of Park Privileges:** Any person repeatedly violating these Regulations may lose the privilege of enter a city park for a reasonable period of time as designated by the Director of Public Safety. Any person losing park privileges for a period in excess of seven (7) days may appeal the decision by submitting a letter directed to the Mayor explaining the reasons that he or she believes that the denial of privileges was unreasonable. Within ten (10) calendar days of receipt of the appeal, the Mayor shall uphold, deny or modify the decision upon considering the facts, which may include testimony of the law enforcement officers, witnesses and the party for whom access has been denied. If park privileges are lost due to the conduct of a juvenile, the appeal may be heard by a supervisor in the Youth Diversion Program.

1.5 **Prosecution:** The City, in its sole discretion, may determine to prosecute individuals for violations of any regulation or for other criminal violations, as defined by the Berea Codified Ordinances and/or the Ohio Revised Code.

SECTION 2. HOURS OF OPERATION

NEW FOR 2024: **Unfortunately, due to on-going vandalism it is necessary to close City parks and playgrounds at 10 pm, unless attending a city event, an organized sport or pursuant to a written permit.**

2.1 **Playgrounds:** All playgrounds in the City close at 10 pm and reopen at 9 am.

2.2 **Parks:** City parks close at 10 pm, unless attending a city event, organized sporting event or if present pursuant to a written permit issued by the City. In addition, Coe Lake Park will remain open after 10 pm to those actively engaging in fishing and to those traveling on the walking path between Adams Street and Bridge Street. Juveniles whom are fishing between the hours of 10 pm – 9 am must be accompanied by an adult.

2.3 **Facilities:** Unless otherwise permitted in writing by the City, the Gazebo, Splash Pad, Pavilion and Treehouse (and elevator) are closed between 10 pm – 9 am.

SECTION 3. DESTRUCTION OF PARK PROPERTY AND PRESERVATION OF NATURAL RESOURCES

3.1 **Destruction of Property:** No person shall knowingly injure, deface, disturb, or destroy any part of a City park, including but not limited to any tree, flower, shrub, rock, building, sign, equipment or any other property.

3.2 **Introduction of Natural Features:** No person shall bring, leave, or plant any tree, flower, shrub, plant, rock, soil, sand, gravel, mineral, or fossil without first obtaining written permission from the Director of Public Service.

3.3 **Removal of Natural Features:** No person shall collect, remove, or otherwise disturb any part of a City park, including but not limited to any tree, flower, shrub, rock, soil, sand, gravel, mineral, or fossil. Persons seeking to collect materials, other than fallen leaves, for educational or research purposes shall have permission of the Director of Public Service.

3.4 **Disturbance of Ground at Coe Lake:** No person shall drive any device, including but not limited to, stakes, posts, poles, signs, shovels, or picks into any ground surface, including grass, dirt, wood, bricks, mulch at Coe Lake and the Mucklo Playground.

3.5 **Firewood:** Splitting firewood on city property is prohibited.

SECTION 4. DISPOSAL OF REFUSE

4.1 **Garbage and Debris:** No person shall leave behind, or dump in any part of a City park, garbage, ashes, sewage, refuse, waste, earth or debris of any kind.

4.2 **Hazardous or Noxious Materials:** No person shall bring hazardous or noxious materials into any City park.

4.3 **Preservation of Park Waters:** No person shall place or permit to be placed in Coe Lake or other waterway, any hazardous or noxious materials which may render the waters harmful or detrimental to the public health or to animal, vegetative or aquatic life, or which may unreasonably lessen the use and enjoyment of such waters for recreational or other City uses.

SECTION 5. HUNTING, FISHING AND WILDLIFE

5.1 **Hunting:** No person shall hunt, pursue with dogs, trap or in any other way, molest any wild bird or animal in a City park.

5.2 **Birds, Nests and Eggs:** No person shall knowingly disturb or injure any bird nest or remove or injure any bird egg.

5.3 **Fishing:** Fishing is permitted in Coe Lake; however, no person may fish in Coe Lake without a valid license issued by the State of Ohio pursuant to 1533.32 of the Ohio Revised Code. The use of traps, spears, gigs, bows, arrows, or unattended hooks for fishing is prohibited.

5.4 **Feeding or Harassing Wildlife:** No person shall feed or otherwise harass wildlife, including but not limited to geese.

SECTION 6. PERSONAL CONDUCT AND PROHIBITIONS

6.1 **Disorderly Conduct:**

- No person shall commit any act that is defined as disorderly conduct by Section 2917.11 of the Revised Code or any amendments thereto or as defined in Section 909.03 of the Codified Ordinances of the City of Berea or any amendments thereto.
- No person shall engage in any game or activity that could reasonably endanger other persons or property in the park.
- No person shall use language or shall act in an obscene or indecent manner when such language or conduct actually disturbs another person's enjoyment of the park.

6.2 **Audio Disturbances - Noise:** Except upon issuance of a permit, no person shall operate or play an audio device in a City park, including but not limited to, radios, televisions, musical instruments, amplifiers or public address systems in a manner:

- that can be heard from a distance of 25 feet away from the audio device; or
- that makes noise which is unreasonable, considering the nature and purpose of the person's conduct, location, time of day or night, purpose for which the area was established; impact on other visitors to the park, and any other factor that would govern the conduct of a reasonable person under the circumstances.

6.3 Beer and Intoxicating Liquor:

- a) Except as designated in a special use permit, no person shall bring, have, keep, carry, serve or drink or be under the influence of beer or any other intoxicating beverage in a City park.
- b) Upon approval of a special use permit with alcohol and notwithstanding any law to the contrary, no one under age 21 may have, keep, carry, serve or drink beer or any other intoxicating beverage.

6.4 Controlled Substances: No person shall bring, have, keep, carry, distribute, use, or be under the influence of any type of narcotic drug, opiate, hallucinogen, controlled substance or harmful intoxicant as defined in Chapters 2925 and 3917 of the Ohio Revised Code. No person shall possess, use or distribute any instrument or equipment that is customarily or primarily used for administering such drugs or substances.

6.5 Smoking and Vaping Prohibited:

- a) No person shall use tobacco or vapor products in a city park.
- b) No person shall throw or place upon the ground or in any waterway, any lighted match, cigar, cigarette or other burning substance.
- c) No person shall smoke any cannabis product on city property.

6.6 Fires: No person shall build, start, maintain or use a fire in a city park, except in the Pavilion Fireplace or in a grill provided by the City for the purpose of cooking food. All other grills and grilling activities are prohibited, except in accordance with a special use permit. Splitting firewood is prohibited.

6.7 Restroom Facilities:

- a) No person shall possess or use any audio or video device in any restroom facility.
- b) No person shall loiter in or around a public restroom.
- c) Cameras are prohibited in restroom facilities.

6.8 Public Indecency and Nudity: No person shall engage in any sexual conduct, as defined by Ohio Revised Code 2907.01, or masturbation or conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

6.9 Golfing: No person shall hit a golf ball or swing a golf club in the Coe Lake Park.

6.10 Projectiles: No person shall possess, hurl, throw, discharge, fire, or propel by any means, any object, including but not limited to BB guns, pellet guns, air guns, splatt guns, slingshots, bows, arrows and blowguns; stones, darts, knives, spears, and javelins. This prohibition does not apply to throwing balls, frisbees, or other similar athletic objects.

6.11 Firearms: Persons may carry firearms only in accordance with federal, state and local law.

6.12 Engine Powered Toys and Drones:

- a) No person shall operate any engine-powered model or toy airplane or toy boat or other toy vehicle in Coe Lake.
- b) No person shall operate a drone in a City park, except in accordance with federal and state law.

6.13 Loitering in Parking Areas:

- a) No person shall loiter in any public parking area adjacent to a city park.
- b) No person shall play games or participate in any activities in a public parking lot, unless said activity is pursuant to a special use permit.

6.14 Release of Materials Into the Air: No person shall release balloons or throw rice or other similar materials into the air, unless expressly authorized in writing by the Director of Public Service

6.15 Skateboards, Rollerblades and Scooters: No person shall ride any skateboard, rollerblade, or scooter on any of the sidewalks or foot-paths at Coe Lake or McKelvey Park, or on walls, walks, steps or railings adjacent thereto.

6.16 Gambling: No person shall organize, conduct or participate in schemes of chance or any gambling in any form within a park.

6.17 Swimming: No person shall swim, bathe, wade, or enter into Coe Lake.

6.18 Winter Activities:

- a) No person shall engage in ice fishing or ice skating in a City park.
- b) No person shall walk on any ice covering Coe Lake.

6.19 Boating and Watercraft:

- a) Operation of motorized boats is prohibited in Coe Lake, except as provided for in a special use permit.
- b) Lifejackets shall be worn by any person in any boat or watercraft operated in Coe Lake, including but not limited to paddleboats, canoes and kayaks.
- c) People using any watercraft on Coe Lake must:
 - 1. Stay at least 20 feet away from the fountain
 - 2. Stay away from areas marked **NO BOATS**
 - 3. Stay off the island.

6.20 Voyeurism: No person shall secretly or surreptitiously videotape, film, photograph or otherwise record another person in the park, under or through the clothing worn by that person for the purpose of viewing the body of, or the undergarments worn by, that other person.

6.21 Fireworks: No person shall possess or discharge fireworks, on City property without a permit issued by the Fire Chief and in accordance with applicable law.

6.22 Storage of Personal Belongings, Camping and Temporary Lodging:

- a) No person shall establish or maintain any tent, camp or other temporary lodging place in a city park.
- b) Storage of personal belongings in a city park is prohibited. Any property left behind shall be confiscated and stored for up to thirty days at the police station, after which the property may be disposed of in accordance with the law.

6.23 Interfering With a Permit: No person shall disturb or unreasonably interfere with any person or party occupying any area in a park or participating in any activity in a park under the authority of a permit.

SECTION 7. OPERATION OF BICYCLES, VEHICLES IN AND AROUND PUBLIC PARKS

7.1 Bicycles:

- a) At McKelvey Park and in the Coe Lake area, bicycles may not be operated beyond the stone-entranceway. For the safety of all persons present, bicycles must be walked throughout the park.
- b) No person shall operate a bicycle in a reckless manner so as to endanger the operator or any other person or property.
- c) No person shall operate a bicycle on the pier, in the Gazebo or in the Pavilion.

7.2

All-Terrain, All-Purpose Vehicles and Snowmobiles: No person shall drive or propel, or cause to be driven or propelled, any all-terrain vehicle, snowmobile or other all-purpose vehicle, as defined in Section 4519.01 of the Ohio Revised Code or any self-balancing transponder in any City park.

7.3

Loading and Unloading: Loading and unloading of equipment, supplies, food, etc. shall be from the public drive and/or parking lot area. Vehicles may not be operated, stopped or parked on or over grass, walkways or paths without a special use permit specifically authorizing such act.

SECTION 8. DOGS, CATS, HORSES AND OTHER ANIMALS

8.1 Control of Animals: Except for guide or other service dogs used by blind, deaf, or mobility impaired persons, domesticated animals shall be controlled at all times on a leash, held in hand, provided that the animal(s) do not unreasonably disturb the use and enjoyment of the park by other visitors. Leashes shall not be longer than 8-feet in length.

8.3

Horses and Other Equine Animals: No person shall ride any equine animal, including but not limited to horses, mules, burros, donkeys, or any other animal, except in areas designated and posted specifically for such use, or with the written consent of an authorized City official.

8.2 Animal Waste: Persons bringing or riding animals in a City park or adjacent parking area, shall pick up and dispose of any waste left by their animal.

8.4

Releasing of Animals: No person shall bring any domestic or wild animal into a City park for the purpose of releasing or abandoning said animal; nor shall any person release or abandon any animal within a City park.

8.5

Swimming Prohibited: No person shall allow their pet to swim in Coe Lake.

SECTION 9. COMMERCIAL ENTERPRISES AND SOLICITATION

9.1 Sales: No person shall sell or offer for sale any article, thing, privilege or service without first obtaining a permit or without having an express written agreement with the Department of Recreation.

9.2 Panhandling: Panhandling means any solicitation made in person requesting an immediate donation, but shall not include passively standing or sitting with a sign or other non-verbal indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

No person shall engage in panhandling by:

- a) blocking the path of the person being asked for a donation;
- b) following a person who walks away from the panhandler;
- c) making any statement, gesture or other communication by which the panhandler knowingly causes another to believe that the panhandler will cause physical harm to the person or property of another; or
- d) violating any applicable local or state law regarding panhandling.

SECTION 10. ADDITIONAL REGULATIONS FOR USE OF THE SPLASH PAD

10.1 Supervision: Children shall be under the supervision of an adult at all times.

10.2 Conduct:

- a) Running and rough play is prohibited
- b) Anyone with an infectious wound, communicable disease or diarrhea is prohibited from playing in the splash pad.
- c) No bikes, scooters, skateboards, rollerblades are permitted in the splash pad area.

SECTION 11. SPECIAL USE PERMITS

11.1 Permits Required: Permits are required in the following circumstances:

- a) When seeking to reserve any park, playground, athletic field or their adjacent parking areas, or parts thereof; or
- b) A public assembly in excess of 25 people; or
- c) Parades; or
- d) Runs, walks and similar competitions; or
- e) Car shows; or
- f) Fundraisers; or
- g) Sales of food, goods or services; or
- h) Exposing, displaying distributing, projecting, or placing any sign, advertisement; banner, emblem, design or electronic image, other than a permanent sign on a vehicle; or

11.2 Permit Holders:

- a) Permit holders and their guests shall be bound by all park regulations and all applicable laws and ordinances, unless otherwise designated on their permit.
- b) Permit holders shall have a copy of their permit and shall display the permit upon request of a law enforcement officer.

11.3 Application Process:

- a) Applications to reserve any park or park amenity such as the Gazebo, Pavilion or Treehouse or playground or athletic field are available through the Recreation Department.
- b) All other applications, including but not limited to those permits involving activities on public streets and parking lots are available through the Department of Public Service.