

**AN ORDINANCE ESTABLISHING A RECREATIONAL EQUIPMENT LAW  
FOR THE VILLAGE OF MAGNETIC SPRINGS  
Ordinance No. 11- 01**

**WHEREAS**, the Village of Magnetic Springs is located within Union County, State of Ohio; and

**WHEREAS**, the Village of Magnetic Springs finds it necessary for the preservation of public peace, health and safety of the citizens of the Village to enact a law to regulate the placement of certain pieces of recreational equipment within the village limits.

**WHEREAS**, Chapter 723.01 of the Ohio Revised Code authorizes the Village of Magnetic Springs to enact said law to regulate the use of the village streets.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MAGNETIC SPRINGS, OHIO THAT:**

- Section 1. The Village Council enacts the following recreational equipment law regulating the placement of certain pieces of recreational equipment on private property or Village property.
- Section 2. Recreational structure means any structure used for recreational activity. Recreational structures include, but are not limited to, basketball goals, goal nets, backstops, trampolines, half-pipes, quarter pipes, ramps, and playground equipment. The Zoning Inspector may decide what will be determined to be a recreational structure.
- Section 3. Due to issues of public safety, both vehicular and pedestrian, created by the location of recreational structures in the public right-of-way and some easements, recreational structures are prohibited from being located in any public right of way and/or easements designated for the purpose of public access.
- Section 4. No person shall place or cause to be placed a permanent or portable basketball pole or other recreational equipment near or on Village property for the purpose of playing basketball in a traffic lane of any street.
- Section 5. Village property includes, but is not limited to any roadway, sidewalk, driveway apron area, tree lawn area, or in any other public right-of-way area, adjacent to a public street or roadway.
- Section 6. If any person or entity violates this Ordinance, said person or entity shall be deemed to have consented to the removal of said portable equipment by

the Village. Once said equipment has been removed by the Village, the owner of said equipment shall have thirty days within which to contact the Village and recover the equipment upon paying a one hundred dollar (\$100.00) fee. If said equipment is not claimed within thirty days, it shall be deemed forfeited and the Village may dispose of it in any manner it chooses.

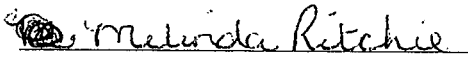
Section 7. The Village Council declares the enactment of this legislation to be an emergency, in that it provides for the public peace, health, and safety of the residents of the Village of Magnetic Springs, Ohio.

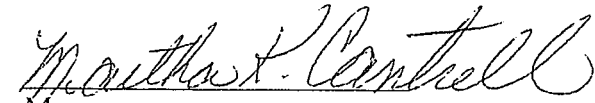
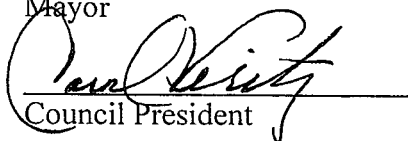
Section 8. Due to the public health, safety and welfare issue addressed in this section, the location of any recreational structure within the right-of-way of any street or any other public access easement is strictly prohibited and the requirements of this Ordinance shall be effective toward all existing and future recreational structures upon the effective date of this Ordinance. Any other recreational structure properly installed at the effective date of this Ordinance is allowed to remain as installed. Any new recreational structure installed, or any existing recreational structure added on to or relocated after the effective date of this Ordinance, shall conform to the requirements of this Ordinance.

Section 9. This ordinance shall take effect on the earliest date permitted by law.


Passed this 16<sup>th</sup> day of June, 2011.

**ATTEST:**

  
Clerk-Treasurer

  
Mayor  
  
Council President

**APPROVED AS TO FORM**

  
Alison Boggs  
Village Counsel

**CERTIFICATE OF PUBLICATION**

Pursuant to the provisions of the Ohio Revised Code, Section 731.25, I Melinda Ritchie, Clerk-Treasurer of the Village of Magnetic Springs, published by posting the same on this 16<sup>th</sup> day of June, 2011, at each of the following public places in the Village of Magnetic Springs, as follows:

Village Hall

Post office

and the Magnetic Springs Municipal Building on this 16<sup>th</sup> day of June, 2011.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and affixed my seal of office this 16<sup>th</sup> day of June, 2011.

Melinda Ritchie  
Melinda Ritchie