

**BOARD OF TRUSTEES  
SPRINGFIELD TOWNSHIP, HAMILTON COUNTY, OHIO  
RESOLUTION NUMBER 53-2012**

**PROHIBITING USE OF TOWNSHIP ATHLETIC FIELDS WITHOUT A FIELD RESERVATION  
PERMIT**

**WHEREAS**, the Board of Trustees of Springfield Township, Hamilton County, Ohio, met in Regular Session on the 10th day of July, 2012 at the Springfield Township Administration Building, 9150 Winton Road with the following members present: Mr. Tom Bryan                      Ms. Gwen McFarlin                      Mr. Joseph Honerlaw

Trustee Tom Bryan moved for the adoption of the following Resolution:

**WHEREAS**, economic conditions and reductions in funding for local governments by the State of Ohio have caused Springfield Township to evaluate its expenditures so as to maintain the Township's high level of core services to its residents while reducing costs wherever possible;

**WHEREAS**, after careful consideration and evaluation, Springfield Township determined that it could no longer afford to provide sufficient maintenance of its athletic fields to accommodate the large number of community athletic organizations that wish to utilize those fields;

**WHEREAS**, as a result of this determination, and in conjunction with the affected athletic organizations, the Board of Township Trustees, on January 25, 2012, adopted Resolution Number 16-2012 which amended the Springfield Township Park Use/Reservation Policy to require persons who wish to reserve the Township's athletic fields to enter into an agreement with the Township to provide some maintenance of the field reserved and to pay a field rental fee to offset the Township's cost in maintaining the remaining field and park areas;

**WHEREAS**, it has come to the attention of the Board of Township Trustees that certain athletic organizations and persons have utilized the Township fields without permission, without entering into the required agreements, without paying the required field rental fee, and in some cases have damaged the fields maintained by the Township and the athletic organizations who have complied with the Township's Park Use/Reservation Policy;

**WHEREAS**, the use of the athletic fields by persons who have not reserved the fields pursuant to the Township's Park Use/Reservation Policy is unfair to the athletic organizations who comply with that policy and maintain a portion of the fields and pay the required park reservation fee;

**WHEREAS**, the persons who utilize the fields without authority to do so have been undeterred from using the athletic fields even after having been advised of the Township's Park Use/Reservation Policy and the need to reserve any field used; and

**WHEREAS**, the Board of Township Trustees believes that it is important to ensure compliance with the Township's Park Use/Reservation Policy to ensure the equity of its policies and to ensure that its fields are not damaged by unauthorized users.

**NOW THEREFORE BE IT RESOLVED BY THE SPRINGFIELD TOWNSHIP BOARD OF TRUSTEES** that:

**SECTION 1  
DEFINITIONS**

For purposes of this Resolution, the following terms shall have the following meanings:

**Athletic Field:** any area in a park owned, leased, or otherwise operated by Springfield Township which is designated and reserved by Springfield Township as a location for sporting events such as football, soccer, and baseball. A list of "athletic fields" covered by this Resolution shall be created and updated yearly and placed on the Springfield Township website.

**Field Permit:** a permit issued by Springfield Township to persons, athletic organizations, or groups of individuals which authorizes those persons/entities to use specified Township athletic fields on specific dates and times.

**Use:** engaging in sporting or other activities, including games and practice or training sessions, by an athletic organization or organizations or a group or groups of individuals, whether organized or informally gathered for such

purpose. "Use" does not include engaging in sporting or other activities, including games and practice or training sessions, by fewer than four (4) persons so long as the activities in which those persons are engaged do not damage the athletic field or fields involved.

## **SECTION 2 FIELD PERMIT REQUIRED**

A Field Permit is required for all use of Springfield Township athletic fields. Persons, athletic organizations, and groups who have not been issued a Field Permit may not use the athletic fields at any time.

## **SECTION 3 FIELD PERMIT LIMITATIONS**

Persons, athletic organizations, and groups who have been issued a Field Permit may only use the athletic fields specified on the Field Permit and may only use those athletic fields on the dates and times designated on the Field Permit. Use of Township athletic fields other than those specified on the Field Permit or use of the designated athletic fields on dates and times not designated thereon is strictly prohibited.

## **SECTION 4 CIVIL CITATION AND APPEAL**

**4.1 Civil Citation Issued.** Civil citations will be issued to any person engaged in conduct prohibited by this Resolution.

**4.2 Form of Civil Citation.** Civil Citations issued for a failure to comply with this Resolution shall be given in accordance with all of the following:

The Citation must be in writing on a form specifically designated as a Civil Citation form;

The Citation must include a statement advising the person charged that he/she must answer the citation within fourteen (14) days after the date on which the Citation is served upon him/her;

The Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;

The Citation must include a statement specifying that the answer must be made in person, or by mail, to the Springfield Township Fiscal Officer;

The Citation must include a statement indicating the amount of the fine arising from the violation;

The Citation must include a statement advising the person of the violation charged, the date, time and place of the violation charged; and

The Citation must include the signature and affirmation of the police officer completing the Citation.

**4.3 Method of Service.** The Civil Citation shall be deemed to be properly served if it is:

1. Delivered personally by a Springfield Township Police Officer; or
2. Presented by any other method of service permitted by the Ohio Rules of Civil Procedure.

**4.4 Permissible Answers.** Any person, firm, or corporation to whom a Civil Citation has been served may answer said Citation in one of the following ways:

Admission that the person, firm, or corporation committed the violation charged - filed in the manner and within the time permitted by this Resolution;

Express denial of the violations charged by the person, firm, or corporation charged - filed in the manner and within the time permitted by this Resolution; or

Implicit denial of the violations charged by the failure of the person, firm, or corporation charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by this Resolution.

**4.5 Admission of Guilt.** Persons, firm, or corporations served with Civil Citations may admit that he/she/it committed the violations charged by paying the fine set forth in the Civil Citation as required by Section 4.4 of this Resolution.

**1. Admission of Guilt of Violations Charged in Civil Citations – Payment of Fine by Hand Delivery.** Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation in person to the Township Fiscal Officer. Such payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

**2. Admission of Guilt of Violations Charged in Civil Citations – Payment of Fine by Mail.** Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing the payment, postage prepaid, to the Township Fiscal Officer, 9150 Winton Road, Cincinnati, Ohio 45231. Such admissions/payments must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

**3. Effect of Admission and Payment of Fine.** Persons, firms, or corporations who admit guilt as to the violation charged in a Civil Citation issued against them and who pay the fine set forth in the Citation are in no way absolved from future violations of this Resolution. If such persons, firms, or corporations continue to use a Township athletic field in violation of this Resolution, Springfield Township may continue to issue Civil Citations each day it determines that a violation occurs. The admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Springfield Township Board of Trustees from instituting, by and through its law director, appropriate action to enjoin, restrain, correct or abate a violation of this Resolution.

**4.6 Express Denial of Violations Charged in Civil Citations – Hand Delivery of Denial.** Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and presenting the denial in person to the Township Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

**4.7 Express Denial of Violations Charged in Civil Citations – Mailing of Denial.** Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and by mailing the denial, postage prepaid, to the Township Fiscal Officer, 9150 Winton Road, Cincinnati, Ohio 45231. Such denials must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

**4.8 Implicit Denial of Violations.** Persons, firms, or corporations who fail to either expressly deny the violations charged in the Civil Citation issued against them in the manner and within the time permitted by this Resolution or who fail to admit the violations charged in the Civil Citation issued against them by paying the fine or fines set forth in the Civil Citation in the manner and within the time permitted by this Resolution shall be deemed to have denied the violations charged.

**4.9 Referral to Municipal Court.** If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violations charged in the Citation within fourteen (14) days after service of the Civil Citation, the Springfield Township Fiscal Officer shall notify the Hamilton County Municipal Court of the denial so that a hearing can be set.

**4.10 Municipal Court Hearings.** Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.

**4.11 Payment of Fine After Determination of Guilt.** Persons, firms, or corporations found to have violated the provisions of this Resolution charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment.

**4.12 Appeal.** Persons, firms, or corporations wishing to appeal an adverse determination by the Hamilton County Municipal Court may file an appeal with the First District Court of Appeals within thirty (30) days after the judgment. The court of appeals schedules a hearing on the matter, and its decision is final.

**SECTION 5  
PENALTIES AND FINES**

**5.1 Violation Penalties.** Any person, firm, or corporation who violates a provision of this Resolution shall be issued a Civil Citation in the following amounts:

In the amount of one hundred dollars (\$100.00) on the first offense;

In the amount of two hundred-fifty dollars (\$250.00) for the second offense;

In the amount of five hundred dollars (\$500.00) for the third offense;

In the amount of seven hundred-fifty dollars (\$750.00) for the fourth offense; and

In the amount of one thousand dollars (\$1,000.00) for each subsequent offense.

**5.2 Administrative Fee.** In addition to the fine imposed by this Resolution, Springfield Township will charge an administrative fee for the processing of all citations paid-out to the Township Fiscal Officer. The administrative fee for 2012 shall be ten dollars (\$10.00) for each citation paid-out. After that time, the administrative fee shall be that fee established on Springfield Township's fee schedule adopted for the relevant year.

**5.3 Continuing Violations.** Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**SECTION 6  
ABATEMENT AND OTHER LAWFUL REMEDIES**

**6.1 Abatement of violation.** The imposition of the fines and penalties herein prescribed shall not preclude the Springfield Township Board of Trustees from instituting, by and through its law director, appropriate action to enjoin, restrain, correct or abate a violation, or to prevent the use of its athletic fields in violation of this Resolution.

**SECTION 7  
COMPLIANCE WITH LAW**

That the Springfield Township Board of Trustees hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of the Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 8  
COMPLIANCE WITH READING REQUIREMENTS**

The Springfield Township Board of Trustees hereby finds and determines that this Resolution was adopted pursuant to Section 504.10 of the Ohio Revised Code and was publicly read on the following two, different dates:

June 12, 2012

July 10, 2012

**BE IT FURTHER RESOLVED** that the Township Fiscal Officer shall cause a copy of this Resolution to be posted in five (5) conspicuous places in the Township for a period of thirty (30) days. Additionally, the entire Resolution shall be posted on the Township website and shall be available as a printed document at the Township Administrative Offices during normal business hours. The section headings, numbers, a brief summary, and the availability of this Resolution shall be published in a newspaper of general circulation in the Township for three consecutive weeks.

Trustee Gwen McFarlin seconded the Motion and roll being called upon its adoption the vote resulted as follows:  
Mr. Bryan, aye                      Mr. Honerlaw, aye                      Ms. McFarlin, aye

Enacted July 10, 2012.

**Board of Trustees**

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**CERTIFICATION:**

I, Dan Berning, Fiscal Officer, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Trustees of Springfield Township at a regular scheduled meeting on July 10, 2012.

**Signed:** \_\_\_\_\_  
Township Fiscal Officer

**Approved as to Form:** \_\_\_\_\_  
Law Director

**CERTIFICATE OF AVAILABILITY AND PUBLICATION**

I, Dan Berning, Fiscal Officer of Springfield Township, Hamilton County, Ohio, hereby certify that the foregoing Resolution was made available on June 12, 2012 to the public at the office of the Board, and that the section headings, numbers, a brief summary of the Resolution, and a notice of its availability was published in accordance with the provisions of the Ohio Revised Code in *The Hilltop Press* on the following dates:

\_\_\_\_\_, and

\_\_\_\_\_.

\_\_\_\_\_  
Dan Berning, Fiscal Officer