

Ordinance No. 1519-17

Passed June 06, 2017

ORDINANCE**AN ORDINANCE REPEALING AND REPLACING CHAPTER 1062 OF THE POLAND VILLAGE CODE OF ORDINANCES GOVERNING THE POLAND MUNICIPAL FOREST.**

WHEREAS, the Council of the Village of Poland deems it necessary to repeal the existing regulations of Chapter 1062 of the Poland Village Code of Ordinances governing the Poland Municipal Forest, and

WHEREAS, the Council of the Village of Poland, Ohio believes that regulations governing the management of the Poland Municipal Forest by the Forest Board of Commissioners requires replacement in order to properly manage the property so as to maintain the health, safety and welfare of the residents of the Village of Poland and visitors of the property.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Poland, County of Mahoning, State of Ohio:

Section I. The existing provisions of Chapter 1062 of the Poland Village Code of Ordinances are hereby repealed, including Ordinance 245, Sections III, IV, V, VI, VII, VIII, IX; Ordinance 407; Ordinance 739-80; and Ordinance 1083-98.

Section II. Chapter 1062 of the Poland Village Code of Ordinances in its entirety is hereby replaced as follows.

1062.01. BOARD OF COMMISSIONERS

- (a) The care and management of the Poland Municipal Forest shall be vested in a Board of Commissioners consisting of seven members, one of whom shall be a member of Council who shall serve only for his or her term on Council and until a successor is elected and qualified. The remaining six Commissioners shall be appointed by the Mayor by and with the consent of Council for a term of six years. Preference shall be given to Poland Village residents, if available. Existing Board members at the passage of this ordinance shall continue their terms as established at the time of their last appointment.
- (b) In the event one of the six non-Council seats becomes vacant mid-term a replacement shall be appointed by the Mayor by and with the consent of Council for the remainder of the open term of that seat.
- (c) Any Commissioner of the Forest Board may be removed by recommendation of the Mayor and upon an affirmative vote by Council. No such removal shall be made without giving such Commissioner not less than ten days' notice, a statement of cause, if any, and an opportunity to be heard in his or her own behalf before Council. Reasons for removal include, but are not limited to:
 - (1) Violation of provisions of this ordinance.
 - (2) Village Council may remove any appointed member for inefficiency, neglect of duty, malfeasance in office, or other just cause.
 - (3) Excessive unexcused absence from meetings.

1062.02 OFFICERS OF THE BOARD

- (a) The Board of Commissioners of the Poland Municipal Forest shall organize by electing one of its members Chairperson, one of its members Vice-Chairperson, one of its members Secretary and one of its members Treasurer. Such persons so-chosen to serve for a period of two years. The Treasurer shall be bonded at such amount determined by Village Council.

1062.03 FUNDING

- (a) The Board of Commissioners of the Municipal Forest, on behalf of the Municipal Forest, may accept, on such reasonable terms and conditions as are permitted by the law, gifts of money, land or other property, made for the purpose of improving and developing the Municipal Forest and of assisting the Board in carrying out the purposes for which the Municipal forest has been established.
- (b) Active fund raising programs by the Board are permitted, with consent of Council.
- (c) Village Council may appeal to the public for a levy for maintenance of the Forest in accordance with provisions of the Ohio Revised Code 5707.08. A special revenue fund - Municipal Forest Fund - shall be established for the management of tax derived funds as well as any other forest revenue and expenditures.
- (d) All expenditures shall be managed through the established invoice and purchase order system.
- (e) Expenditures of the Municipal Forest Fund exceeding five hundred dollars must be directly approved by Council by majority vote.

Ordinance No. 1519-17 Passed June 06, 2017

- (f) No tax revenue shall be used for Forest purposes other than that derived from tax levies publicly approved for the specific use of the Forest. This is to ensure funds for Village maintenance and services are not sacrificed for Forest use.
- (g) Poland Village physical resources utilized for Forest maintenance, including labor and material resources, shall be paid for from Forest funds.
- (h) The intent to derive revenue from Forest resources must be presented to Council for approval.

1062.04 DUTIES OF BOARD

- (a) The Board is responsible for the management of the Forest as provided in this ordinance.
- (b) The Board shall submit an annual budget to the Council Finance Committee in January each year. The budget shall specify plans for revenue derived separately from gifts, levy funds, if any, and Forest resource revenue.
- (c) The Board shall work closely with the Village Fiscal Officer to ensure proper management of funds in order to comply with all fiscal regulations established by the State of Ohio.
- (d) The Board shall:
 - (1) Provide a safe environment for the public's enjoyment of the Forest in as much as possible in a natural area. This includes suitable trails for recreation types approved by the Board, and suitable ways for emergency vehicles to gain entry, and suitable parking facilities.
 - (2) Provide shelters and rest areas, and keep in good repair, and free from nuisance.
 - (3) Maintain the Forest in a state as natural as possible and according to best management practices as established by the State Forestry Board and principles accepted in the field or profession.
ORC 5707.08
 - (4) Establish policies designed to control the behavior of the public's use and interaction with the forest landscape and infrastructure in order to maintain the Forest's integrity.

1062.05 RECORDS OF BOARD

- (a) The Treasurer of the Board shall maintain books of record of all financial transactions under the guidance of the Village Fiscal Officer, in order to maintain records compliant with requirements of the Auditor of the State of Ohio.
- (b) The Secretary of the Board shall record detailed minutes of all meetings. Such minutes, upon majority approval of the Board, shall be maintained indefinitely.

1062.06 ADVISORS

- (a) The regional representative of the Ohio Division of Forestry shall be a permanent advisor to the Board.
- (b) The Board may utilize advisors or a committee of advisors to address specific issues requiring special expertise or public input. Advisors may attend meetings of the Board of Commissioners and provide reports on their activities and recommendations, but shall have no vote on matters coming before the Board of Commissioners and shall address only those issues which they are charged to address. Advisors shall receive no compensation for their services, nor shall they be charged with official duties and responsibilities of any nature. Upon completion of tasks for which they were designated advisors may be excused of their duty in order to attain a variety of input and participation across a range of activities.
- (c) Professional advisors may be employed if necessary to address issues requiring specific expertise. Appointment of professional advisors shall follow the same process as all other advisors. The cost for such services shall require the same approval process as defined for all other expenditures.

1062.07 RULES AND REGULATIONS

- (a) The Board of Commissioners of the Municipal forest shall have the power and jurisdiction under Ohio R.C. 5707.08 to carry into effect the object for which the Municipal Forest is created, and may enforce such rules and regulations for monitoring the Municipal Forest and for conducting the management of the same as are found necessary.
- (b) Persons found to criminally damage, tamper with, alter or remove any natural or manmade element of the Forest shall be considered in an act of criminal offense subject to the penalties enumerated within this Chapter. Additionally, persons found to be in violation of any provision of this 1062.07, dependent upon the severity of the offense, or multiple offenses, may be cited, and may be permanently prohibited from entering the property.
- (c) There shall be no hunting, trapping, or unlawful discharge of firearms in the Forest.
- (d) Dog, horse and all other animal waste shall be removed from trails by animal owners.
- (e) All alcoholic beverages are prohibited in the Forest.
- (f) Dogs must be leashed at all times.

Ordinance No. 1519-17

Passed June 06, 2017

- (g) All Village ordinances apply to the Forest and supersede regulations established by the Forest Board if a conflict exists.
- (h) The Board of Commissioners of the Municipal Forest shall have the authority to create, set conditions for, and require permits for work or improvements occurring within the Municipal Forest, in addition to any other permits required by law. The Board of Commissioners of the Municipal Forest shall have the authority to require waivers of liability for all persons lawfully using Municipal facilities or volunteering at the Municipal Forest.

1062.99 PENALTY

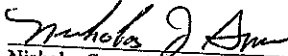
- (a) Whoever violates any of the rules and regulations of the Board of Commissioners of the Municipal Forest and the provisions of this ordinance is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). Any second or subsequent offense shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section III. That this Ordinance shall be in full force and effect at the earliest time permitted by law.

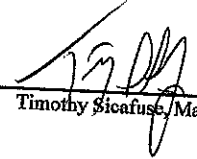
Section IV. That a copy of this Ordinance shall be entered into the official records of the Village of Poland, Ohio.

PASSED this 6th day of June, 2017

ATTEST:




 Nicholas Srnec, Fiscal Officer



 Timothy Scafuse, Mayor

Approved as to form:



 Jay Macejko, Solicitor

I, Mark Mrofchak, as Deputy Clerk of the Village of Poland, Ohio, do hereby certify that the above ordinance was published in The Youngstown Vindicator, an English newspaper of general circulation, on the following dates: _____ and _____.

 Mark Mrofchak, Deputy Clerk