



Legislation Details (With Text)

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Type: Ordinance **Status:** Approved
File created: 4/20/2023 **In control:** City Council
On agenda: 5/2/2023 **Final action:** 5/2/2023
Title: Repealing Toledo Municipal Code, Section 521.05, Playing ball in streets; and declaring an emergency.
Sponsors: Sam Melden, John Hobbs III, Vanice Williams, Cerssandra McPherson
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
5/2/2023	1	City Council	Suspension	Pass
5/2/2023	1	City Council	Emergency	Pass
5/2/2023	1	City Council	Passage	Pass

Council Members Melden, Hobbs, Williams and McPherson

Repealing Toledo Municipal Code, Section 521.05, Playing ball in streets; and declaring an emergency.

SUMMARY & BACKGROUND:

Children spending less time outdoors has been linked to decreased appreciation of our environment, health problems including childhood obesity and vitamin D deficiency, diminished use of the senses, attention difficulties, and higher rates of emotional illnesses like anxiety and depression.

Playing outside creates new opportunities for socializing and friendships. These are often across age groups, or with children that go to other schools. Playing out also increases contact between children and adults, helping to build up familiarity and trust. Creating atmospheres in the neighborhood of kids coming together for an impromptu game of football or street hockey in order to allow for neighbors to meet each other and try to find common ground.

This will repeal the code section that penalizes our children for going outside, having fun in a safe manner and gathering in the street for a simple ball game, and hopefully bringing neighbors together to talk and mingle with each other in order to lessen our differences.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Section 521.05, Playing ball in streets, which reads as follows:

521.05. Playing ball in streets.

(a) No person shall throw, pitch, toss, knock or bat any ball in, or along the street, lane or highway in the

City or play any game of ball therein.
(1952 Code § 17-6-104; Ord. 122-74)

(b) It is an affirmative defense to a charge under this section that the actor was playing basketball at a City-authorized basketball hoop during daylight hours in the public right of way and that the actor did not refuse to yield the right of way to lawful use of the street.

(c) Whoever violates this section is guilty of a minor misdemeanor.

Is hereby repealed.

SECTION 2. That this Ordinance is declared to be an emergency measure and shall take effect and be enforced from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that the immediate action is necessary in order to repeal this section of the municipal code regarding children playing outdoors.

Vote on emergency clause: yeas 11, nays 0.

Passed: May 2, 2023, as an emergency measure: yeas 9, nays 2.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

May 2, 2023
Wade Kapszukiewicz
Mayor