



**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. RESOLUTION NO. 38-2019, SUPPORTING A COMMUNITY DOG PARK PROJECT IN PARTNERSHIP WITH THE CITIES OF BROOK PARK AND MIDDLEBURG HEIGHTS AND DECLARING AN EMERGENCY.  
Introduced by Councilman Burgio, Scott, Stemm, Mencini, Poindexter, Council President Vecchio and Mayor Gammella.

P/C 12-3-19 Recreated  
CA Prior 12-3-19  
1st R 12-3-19  
2nd R 12-3-19  
3rd R \_\_\_\_\_  
D/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 38-2019

INTRODUCED BY: COUNCILMAN BURGIO, STEMM, MENCINI, SCOTT, POINDEXTER, COUNCIL PRESIDENT VECCHIO AND MAYOR GAMMELLA

A RESOLUTION  
SUPPORTING A COMMUNITY DOG PARK PROJECT IN PARTNERSHIP WITH THE  
CITIES OF BROOK PARK AND MIDDLEBURG HEIGHTS,  
AND DECLARING AN EMERGENCY

WHEREAS, dog ownership has skyrocketed over the past decade; one of the most popular, fastest growing community amenities are dog parks; and

WHEREAS, a dog park is a public park offering well-behave canine citizens an off-leash, clean, safe environment to exercise and socialize without endangering or annoying people, property or wildlife; and

WHEREAS, behavior problems are the number one reason pets are brought to shelters or abandoned. Having access to a dog park means dogs get the vial exercise and socialization needed, drastically reducing the amount of behavior issues which creates a safer, more active, pet-friendly community; and

WHEREAS, a dog park is a great addition to a community, with the efforts of volunteers, city officials and community residents offering a wealth of benefits to dogs, dog owners and the community as a whole by allowing a safe area to exercise and socialize, promoting responsible dog ownership, promoting positive interaction between dog owners and the community, well exercise dogs are better neighbors; and

WHEREAS, the City of Brook Park and the City of Middleburg Heights have acted in partnership on various projects; and

WHEREAS, the proposed dog park to be located at 18825 Sheldon Road, provides a safe and accessible location taking into account the needs of park users as well as the neighbors and the

environment; and

**WHEREAS**, the start-up cost for this partnership regarding a Community Dog Park will not exceed the sum of \$35,000.00 with fundraising supplementing additional costs;

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Brook Park, State of Ohio that:

**SECTION 1:** That this Council and the Mayor hereby declare their support for a joint venture between the cities of Brook Park and Middleburg Heights for an off-leash dog park to be located at 18825 Sheldon Road.

**SECTION 2:** It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3:** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for further reason to support a joint venture with the City of Middleburg Heights to have a community dog park; therefore, provided this Resolution receives the affirmative vote of at least (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

ORDINANCE NO: \_\_\_\_\_

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AMENDING CHAPTERS 1124.08 AND 1124.08  
OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'PERMIT; FEES,' AND 'NONCONFORMING BILLBOARDS,'  
AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Chapter 1124.08 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

1124.08 PERMITS; FEES.

(a) No person shall erect, replace or modify the structure of any billboard, with the exception of the message thereon, within the City, without first having secured a permit for such activity. The holder of such permit shall notify the Building Commissioner in writing ten days prior to any routine maintenance or any change in the message displayed thereon.

(b) Application for a permit to erect, replace or modify a billboard shall be made either by the owner of the billboard or the owner of the property on which the billboard is proposed or located.

(c) Three copies of the permit application shall be submitted to the Building Commissioner on forms furnished by the City at least forty-five calendar days prior to the date of proposed construction. The Building Commissioner shall retain one copy for the Building Department. The Building Commissioner shall provide one copy to the Fire Department and one copy to the Planning Commission, along with any recommendations of the Building Department, for consideration at the next regularly scheduled monthly Planning Commission meeting. Within forty-five days of initial receipt of the application by the Building Department, the Planning Commission shall review the application for compliance with the Building Codes of the City and the State and the requirements of this chapter. If at the end of the forty-five day period, the Planning Commission has not received any objection from the Fire Department or the Building Department, and the application demonstrates compliance with the Building Codes of the City and the State and the requirements of this chapter, the Planning Commission shall grant the permit. In the event the Fire Department, the Building Department or the

Planning Commission finds that the application does not comply with the Building Codes of the City and the State and the requirements of this chapter, the Planning Commission shall either grant the permit with conditions designed to bring the application into compliance with the Building Codes of the City and the State and the requirements of this chapter, or deny the permit with a written statement of the reasons for denial.

(d) Applications shall include the following information:

- (1) The name, address and telephone number of:
  - A. The owner of the billboard;
  - B. The billboard designer; and
  - C. The property owner.
- (2) The initial message to be displayed on the billboard.
- (3) Plans for billboard erection, replacement or modification. Such plans shall include the following:
  - A. A site location plan which shall be drawn to a scale of one inch equals fifty feet or larger and which shall indicate:
    1. The exact proposed billboard location on the site by dimensions expressed in feet or decimal parts thereof from existing property lines, road and Interstate highway limited access right-of-way lines, and pavement edges;
    2. The property lines of the site, with road right-of-way lines and Interstate or divided State primary highway limited access right-of-way lines accurately shown, as determined by actual survey and indicated by actual length and bearing;
    3. All existing and proposed structures, poles, pavements, parking areas and fences within fifty feet of the proposed billboard location and all underground and overhead lines that exist within fifty feet of the proposed billboard location;
    4. Adjacent properties, roads and right-of-ways within 600 feet of the proposed sign location shown to scale;
    5. All billboards within 1,500 feet of the proposed billboard location;
    6. Interstate and divided State highway pavement locations, which locations may be obtained from record information; and
    7. Interchange locations, including the nearest point of the beginning or ending of pavement-widening of the exit or entrance roadway to the main traveled way of the Interstate highway or divided State primary highway within 600 feet of the proposed billboard location.
  - B. Detailed structural and foundation drawings indicating that the billboard will comply with the construction and maintenance standards set forth in Section 1124.04.
  - C. The signature and seal of the billboard designer.
- (4) The cost of the erection, replacement or modification of the billboard, shown on the plans submitted.
- (5) A copy of any permit application submitted to the Department of Transportation of the State of Ohio and, if the State permit has been issued, a copy of the permit, indicating approval for the location of the billboard in relation to the Interstate and/or divided State primary highway. In no event

shall construction on any billboard commence until the Building Commissioner has received a copy of such State permit issued for the billboard.

(6) A certificate or policy of insurance showing purchase by the billboard owner of at least one million dollars (\$1,000,000) of liability insurance to cover liability arising from the construction, collapse, maintenance and removal of any billboard.

(7) A copy of that portion of any contract or agreement between the owner of the property on which the billboard is located and the billboard owner indicating any terms or conditions for maintenance and/or removal of the billboard; provided, however, that any term indicating the dollar amount of any payment between the parties may be redacted.

~~(e) A billboard permit shall be valid for a period of not more than five years and may be renewed for subsequent five-year terms; provided, however, that a billboard permit shall expire ninety (90) days from the date of issuance unless the activity authorized under the billboard permit has commenced before the end of that period. Any application for a renewal permit to authorize the continuance of any billboard which has previously been authorized shall be submitted at least ninety days prior to the expiration of the original permit.~~

(f) Upon expiration of any permit, the City will provide notice to the permit holder. If the billboard has not been removed within thirty days after expiration of the permit, the billboard shall be removed at the owner's expense without further notice or action required by the City.

(g) Billboards shall be maintained in like-new appearance and good repair for the entire permit period. Billboards are subject to inspection by the Building Commissioner with or without notice. ~~but at least once per year.~~ Deficiencies shall be corrected within thirty (30) days of notice to the permit holder. ~~The inspection fee for billboards shall be one thousand dollars (\$1,000.00) per sign face per year, payable by January 31 of each calendar year. The annual fee to maintain a billboard permit shall be Sixty-Two Dollars (\$62.00) per static billboard and One Hundred Thirteen (\$113.00) per digital billboard, per sign face, per year. Failure to comply with this subsection shall result in cancellation of the permit. The annual fee shall be payable by January 31 of each calendar year. Upon failure to make the January 31 payment, the City shall notify the permit holder. The permit holder will have thirty (30) days after such notice to comply or the City may cancel the permit. Failure to comply with this subsection shall result in cancellation of the permit.~~

~~(h) The permit fee for billboards shall be one thousand five hundred dollars (\$1,500.00) per sign face.~~

**SECTION 2:** Former Section 1124.08 of the City's Codified Ordinances passed by Ordinance No. 8496-1998, January 1, 1999 and Ordinance 9543-2008, passed December 16, 2008 are hereby repealed.

**SECTION 3:** Chapter 1124.09 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

**1124.09 NONCONFORMING BILLBOARDS.**

(a) Owners, lessees or holders of permits for existing billboards shall, within sixty days of the effective date of this chapter, apply to the Building Commissioner on forms provided by the Building Department for an inspection of each billboard under their responsibility. The application shall include:

- (1) The age and original cost of the billboard;
- (2) The name and address of the billboard owner and of the owner or lessee of the property on which the billboard is located;
- (3) A copy of all permits, licenses or variances issued for the billboard by the City of Brook Park, the Department of Transportation of the State of Ohio, or any other governmental entity;
- (4) A copy of the certificate of insurance covering the billboard;
- (5) Plans which include the information set out in Section 1124.08(d)(3); and
- (6) Photographs of the front and back of the complete billboard structure.

(b) Any existing billboard, if under permit and found on inspection to be in conformance with the Planning and Zoning Code and the Building Code of the City of Brook Park effective at the time of the original erection of the billboard, shall be classified as a legal nonconforming billboard. If an existing billboard is found to have been erected without a permit, or in violation of regulations applicable at the time of erection without an authorized variance therefor, it shall be classified as unlawful and a public nuisance. Notice of such unlawful status shall be provided to the owner of the billboard.

(c) Any unlawful billboards shall be removed within one year from the date of notice of unlawful status, or the City shall cause it to be removed at the owner's expense.

(d) Any legal nonconforming billboard shall, if otherwise found to be in like-new condition and good repair, be granted a ~~five-year permit renewable as set forth in Section 1124.08(e).~~

(e) No maintenance, repair, modification or other work shall be performed on any legal nonconforming billboard which would increase the degree of nonconformance of such billboard.

(f) Maintenance, repair, modification or other work on any legal nonconforming billboard costing more than fifty percent of the billboard's replacement value will result in the City's cancellation of the legal nonconforming permit and the issuance of an order requiring the billboard to be removed or brought into conformity with this chapter.

(g) Voluntarily discontinuing use of any legal nonconforming billboard for six months or longer will result in the City's cancellation of the legal nonconforming permit and the issuance of an order for removal. The use of a legal nonconforming billboard shall be considered voluntarily discontinued when the billboard has been modified to conform to the requirements

related to size, color, illumination and other construction requirements under this chapter, or when the intent of the permittee to discontinue use is otherwise apparent in the condition of the billboard. Evidence of such intent shall include, but is not limited to, billboards which have ceased to display advertising matter, which display obsolete advertising messages, which require repairs costing more than fifty percent of the replacement value of the billboard or for which neither the billboard owner nor the landowner claims any responsibility. (Ord. 8496-1998. Passed 1-5-99.)

**SECTION 4:** Former Section 1124.09 of the City's Codified Ordinances passed by Ordinance No. 8496-1998, January 1, 1999 is hereby repealed.

**SECTION 5:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 6:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to amend Chapters 1124.08 and 1124.09 of our codified ordinances; therefore, provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Clerk of Council

MAYOR

\_\_\_\_\_  
DATE

DIRECTOR OF LAW  
I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS