

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON WEDNESDAY, NOVEMBER 8, 2023
7:30 P.M.**

A. ROLL CALL OF MEMBERS

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior To Meeting Minutes October 17, 2023.
2. Regular Council Meeting Minutes October 17, 2023.

D. REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter
Finance Committee - Chairman, Scott
Legislative Committee - Chairwoman, Coyne
Parks & Recreation Committee - Chairman, Mencini
Planning Committee - Chairman, Troyer
Safety Committee - Chairman, Roberts
Service Committee - Chairman, Poindexter
Board of Zoning Appeals - Chairman, Salvatore

E. REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini
Berea Board of Education Representative, Coyne
Technology & Innovation Council Representative, Poindexter

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:

**I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**

**J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL
APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

M. ORDINANCES AND RESOLUTIONS FIRST READING

1. ORD. NO. 11367-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MAKOVICH & PUSTI, ARCHITECTS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORD. NO. 11361-2023

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1122 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'SHORT TERM LEASES', AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

P. ADJOURNMENT:

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF NOVEMBER 8, 2023**

FIRST READING:

Ord. No. 11367-2023 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MAKOVICH & PUSTI, ARCHITECTS, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Mayor to enter into an agreement with Makovich and Pusti, architects, for design and planning services for a community gateway, municipal campus visioning, and airport parking within the City.

SECOND READING:

Ord. No. 11361-2023 AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1122 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'SHORT TERM LEASES', AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending certain sections of Chapter 1122 to add a penalty section.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT
November 1, 2023**

10-17-23 Planning
SP 10-30-23
11-08-23

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11367-2023

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MAKOVICH & PUSTI, ARCHITECTS, AND DECLARING AN EMERGENCY

WHEREAS, the firm Makovich and Pusti have provided a proposal for Architectural & Planning Services for City Visioning Planning for the City of Brook Park; and

WHEREAS, Makovich and Pusti's scope of work is in four parts: A Community Gateway, Reimagined Buildings, Municipal Campus Visioning and Airport Parking.

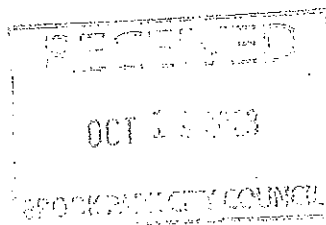
NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Authorization is given to the Mayor enter into an agreement Makovich & Pusti, Architects, the proposal is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The money needed for the aforesaid transaction shall be paid from fund #243, Capital Improvement, in an amount not to exceed \$30,500.00.

SECTION 3: 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 meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: 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 enter into an agreement with Makovich & Pusti, therefore this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.



PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS.


DIRECTOR OF LAW

September 20, 2023

Edward A. Orcutt
Mayor
City of Brook Park
6161 Engle Road
Brook Park, Ohio 44142

e-mail: eorcutt@cityofbrookpark.com



RE: Proposal for Architectural & Planning Services
 City Visioning Planning
 City of Brook Park

Dear Mayor Orcutt:

Makovich & Pusti Architects, Inc. has prepared this proposal to provide architectural and planning services for the project referenced above. To facilitate your review of our proposal, it has been organized as follows:

- Scope of Work
- Scope of Services
- Proposed Design Team
- Fee Proposal
- Qualifications and Assumptions
- Additional Services
- Owner Provided Documentation
- Authorization/Agreement

SCOPE OF WORK

The City of Brook Park is a gateway into the Cleveland region and should celebrate this concept. MPA is to explore how to best position the City to welcome visitors and showcase the vibrancy and progression of the City.

MPA is to develop ideas for the enhanced identity of the City, refresh various elements throughout the City, and explore master planning ideas in the Municipal Campus. The scope will be explored in the following four priorities:

Priority 1 – Community Gateway

Create civic gateway elements at Snow Road and I-71 ramps. Prepare a visualization package to delineate various suggested options to be presented to the Planning Commission

- It is desired to have this complete by October 2023 to be ready for funding
- Explore ideas with the brick in the median and colors options (one option is to match the existing red brick)
- Potentially add American flags along the median and other locations along Snow Road in the middle of the grass in the southeast and northwest areas
- Run conduit under the pavers to add lighting
- Add light poles with flower baskets and banner poles in the median
- Include electrical outlets in the light poles to add holiday lighting
- Design landscaping along ramps to and from I-71
- Study strategically located welcome signs
- Prepare color options and signage to give the existing Pump Station building a new enhanced civic identity, including an awning over the door and signage lighting
- Review the Gateway Community design criteria from ODOT to understand what the State of Ohio will allow us to do

Priority 2 – Reimage Buildings

Update colors, materials, and create imagery on the Recreation Center and Building Department

- Explore colors for the exterior renovation of the Recreation Center, City Hall, and Building Department
 - Look at painting the buildings with neutral grays and accent colors
- Look at ways to update the Building Department
 - Remove the old overhead doors and provide a new exterior wall system or storefront – daylighting is important for the building

Priority 3 – Municipal Campus Visioning

Update the master plan for the Municipal Campus

- Remove from the plan the decommissioned elementary school building on the Municipal Campus and provide options for the temporary reuse of the property
- Add a retention pond to the south of the elementary building, potentially with a fountain
- Explore concepts for a plan of the new Safety Center to replace the current elementary school, which is to be demolished – this will only be to locate other elements without affecting a future Safety Center and the layout of this will be kept confidential on a separate drawing
 - This Center will consolidate the police, detention center, fire station, and dispatch center
- Update the location of fitness equipment by the concession stand and the outfield of the softball field
- Add 4 pickleball courts as an overlay on the two tennis courts to the north – these will also be tennis courts when required for multi-function courts
- Update the tennis courts surface and fence with new colors
 - Blue surface with green around the courts
 - Black for the fence
- Build a walkway from the main municipal parking lot to the new school for the use of the parents of students
 - Provide stripping on Holland Road to connect the walkway from the main municipal parking lot to the walk along the main drive to the school
 - Locate the crosswalk solar signs
- Explore options for a location of a billboard along I-71 between Holland Road and Sylvia Drive visible from I-71

Priority 4 – Airport Parking

Explore ideas for airport parking

- Create up to 3 schemes for airport parking along 5 Points Road
- The schemes will include the decommissioning of 5 Points Road

SCOPE OF SERVICES

Priority 1 – Gateway Elements

- Site visit to understand the parameters of the site and photograph existing conditions
- Review the Gateway Community design criteria from ODOT to determine what is acceptable to ODOT
- Develop conceptual plans and design concepts
- Create up to 3 concepts for the identity design

- Explore City branding elements on the Pump Station
 - This information will be provided to the City trades to paint the Pump House
- Prepare up to 6 digital renderings of the proposed concepts
- Meet with the project Stakeholders to determine the preferred concept
- Provide modifications to the preferred concept to address Stakeholder comments
- Prepare a digital package to be presented to Planning Commission for approval
- This information will then be used to produce Construction Documents as Phase II
 - A separate proposal will be provided for Phase II Construction Documents

Priority 2 – Reimage Buildings

- Site visit to understand the parameters of the site and photograph existing conditions
- Delineate the various elements to be painted or modified on the Recreation Building and Building Department
- Prepare a color board of the various proposed finishes
- Prepare 2 to 3 digital rendering of both buildings indicating the proposed colors, materials, and branding elements
- Meet with the project Stakeholders to review the color selections and branding
- Provide modifications to the concept to address Stakeholder comments
- Prepare a digital package to be presented to Planning Commission for approval
- The color information will be provided to the contractor on the Recreation Center to paint that facility
- This information for the new exterior shell and colors for the Building Department will be used to produce Construction Documents as Phase II
 - A separate proposal will be provided for Phase II Construction Documents

Priority 3 – Municipal Campus Visioning

- Site visit to understand the parameters of the site and photograph existing conditions
- Explore ideas for the Municipal Campus master plan to show a landscaped retainage pond
 - Provide a confidential layout of a safety center
 - This is to allow the future planning of the Municipal Campus without creating a conflict for the location of a future safety center
- 2-5 Renderings of the proposed design
- Rendered Site Plan including the crosswalk to Brook Park Elementary School
- Prepare a digital package to be presented to Planning Commission for approval
- Provide revisions to the package incorporating Planning Commission feedback

Priority 4 – Airport Parking

- Site visit to understand the parameters of the site and photograph existing conditions
- Explore ideas to remove 5 Points Road and maximize parking spaces
- Prepare layouts for 3 parking concepts
- Meet with the project Stakeholders to determine a preferred concept
- Provide modifications to the preferred concept to address Stakeholder comments
- Prepare up to 2 digital renderings of the proposed concepts
- Prepare a digital package to be presented to Planning Commission for approval
- This information will then be used to produce Construction Documents as Phase II
 - A separate proposal will be provided for Phase II Construction Documents

PROPOSED DESIGN TEAM

Architecture & Planning

- Makovich & Pusti Architects, Inc.
111 Front Street
Berea, Ohio 44017
Don Rerko, AIA, NCARB – Principal
Pam Haberman, Assoc. AIA – Project Designer
- phone: (440) 891-8910
e-mail: drerko@mparc.com
e-mail: phaberman@mparc.com

FEE PROPOSAL

Makovich & Pusti Architects, Inc. proposes to provide the above-listed services for a lump-sum fee of \$30,500 (Thirty Thousand, Five Hundred Dollars), plus reimbursable expenses.

Priority	
Priority 1 – Community Gateway	\$8,600
Priority 2 – Reimage Buildings	\$8,300
Priority 3 – Municipal Campus Visioning	\$8,600
Priority 4 – Airport Parking	\$5,000
Total	\$30,500

Reimbursable expenses shall be billed at 1.10 times direct cost, and shall include:

- Plotting and Printing
- Postage of Packages and Delivery Services
- Government Review Fees (ARB, Planning & Zoning)
- All mileage associated with project billed at current IRS rates

Reimbursable expenses are estimated to cost \$1,000.

Invoices will be issued on a monthly basis for time expended toward the fee, plus reimbursable expenses, incurred during the preceding month. Invoices are considered due upon receipt. Invoices outstanding beyond 35 days may be subject to a late charge of 1.5% per month on the unpaid balance. Unpaid invoices beyond 45 days will result in suspension of work on the project.

QUALIFICATIONS AND ASSUMPTIONS

The following qualifications and assumptions are being made:

- These documents will be used for communication with various entities
- MPA will also coordinate with Brian Beyer - Director Of Public Service for the City of Brook Park
- The terms and conditions of AIA document B212-2010 are included in this proposal by reference.
- The project will be prepared using AutoCAD, Sketchup, and Lumion.
- Our team shall have no responsibility for the identification, presence, handling, removal, or disposal of Hazardous Containing Materials (HCM) in any form at the Project site, including but not limited to asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic substances. The Owner shall inform our team of all known or suspected hazardous substances, materials or constituents that may be present at the site.
- This scope does not include any deconstructive testing or investigation. As such, MPA cannot confirm any systems or elements not clearly visible.

ADDITIONAL SERVICES

Additional services will only be provided upon written authorization of the Client. The following services are not included in our design fee, but could be provided at an additional cost:

- Traffic studies or roadway improvements other than drive aprons in the right of way, if required for the new curb cut
- Material testing of any kind (including geotechnical soil testing), and environmental investigations or remediation
- Landscape architectural services
- Cost estimates
- Surveys of the proposed sites
- Local utility company applications or agency coordination
- Any construction documents or engineering required for the design including but not limited to Civil, Structural, Mechanical, Electrical, Plumbing, or Technology
- Additional services will only be provided upon written authorization of the Owner and will be based on hourly rates per the agreement

OWNER PROVIDED DOCUMENTATION

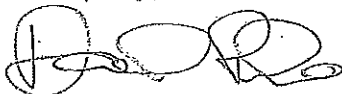
For the purposes of this project, the following information must be supplied by the Owner:

- Access to the site to review the space
- Copies of any previous contract record, or as-built drawings, showing existing walls, services, and utilities in as much detail as is possible
- A location to conduct Stakeholders meetings with Audio/Visual capabilities

Makovich & Pusti Architects, Inc. is prepared to proceed with this project upon receipt of your written authorization to proceed. A contract can be written utilizing AIA Document B212-2010, or by providing a Purchase Order for this proposal. At the option of the Owner, this proposal can be used as a contract by returning one copy with an authorized signature to our office.

Thank you for the opportunity to submit this proposal. Please contact me on my mobile phone at 216.633.3965 at any time if you have any questions.

Sincerely,



Donald Rerko, AIA
an Architect

MAKOVICH & PUSTI ARCHITECTS, INC. is a registered professional architectural firm in the State of Ohio. It is not a public utility. It is not a public entity.

AUTHORIZATION/AGREEMENT

I, _____, hereby state that I am authorized
PRINT NAME & TITLE **

by _____ to authorize Makovich & Pusti Architects, Inc. to
PRINT NAME OF OWNER

proceed with the scope of work as stated in the attached proposal and agree to remit payments within 35 days of invoice dates. By signing this authorization, I (we) take full responsibility for any and all charges made in this matter on my (our) behalf.

SIGNATURE/TITLE

DATE

** Authorization must be completed by a person representing the entity responsible for payment.

Please Provide the Following Contact Information

Contact Person _____

Phone Number _____

Fax Number _____

e-mail Address _____

Billing Address _____

PO Number _____

* Attachment 0023 City of Pierce Park - City Visioning Report City Planning Rev. 9/19/23.docx

ORDINANCE NO: 1136/-2023

INTRODUCED BY: MAYOR ORCUTT

P/C 9-5-23/legislative
CA 10/10/23
1st R 10-17-23
2nd R 11-08-23
3rd R _____
B/C _____

AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 1122 OF THE
BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'SHORT TERM LEASES', 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 1122 "Short Term Leases" shall be amended to read "Short Term **Rentals**" and as follows:

1122.01 PURPOSE; INTENT.

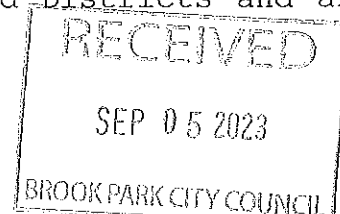
Short Term **Rentals** are unique, semi-commercial operations that adapt a residential environment into a lodging concept, limited in scope and operation. The use is clearly of a commercial nature, but may at times be more in keeping with a residential environment. The purpose of this Chapter is to provide a systematic set of requirements to ensure that such operations, if appropriate for a residential or commercial area, shall not adversely impact adjacent uses as a result of the commercial aspects of the structure and property. Short Term **Rentals** shall be the subordinate to the principal use of a structure as a single-family dwelling. The intent of this Chapter is not to provide an opportunity for the establishment of an intensive commercial lodging business, which would be considered appropriate within an intensive commercial or planned commercial zoning district, but rather in certain locations to provide a limited commercial use in a residential or commercial district.

1122.02 SHORT TERM RENTAL DEFINED.

Lease of all or any portion of a residential dwelling unit for dwelling, lodging, sleeping or any other purpose generally associated with a dwelling unit for any period of less than thirty (30) consecutive days shall be considered a Short-Term Rental. Said Rental does not require financial remuneration to the Owner to be considered a Short-Term Rental. A Short-Term Rental may be by oral or written contract.

1122.03 SHORT TERM RENTALS AS CONDITIONAL USES; PERMIT REQUIRED.

Short Term **Rentals** are hereby classified as a conditional use which may be permitted in Single Family Zoned Districts and all



Community Business Districts in accordance with the corresponding standards and requirements of the Planning and Zoning Code. A conditional use permit issued pursuant to Chapter 1121 of these Codified Ordinances shall be required in order to allow said permit shall be effective for two (2) years at a biennial cost to be determined by City Council, and said permit shall be automatically voided by operation of law without further notice or hearing upon the sale or transfer of the real property upon which the short term **rentals** is located. In submitting an application for a conditional use permit, and with every re-application, the applicant shall provide to the Planning Commission a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, if any, and any additional information as required by the Planning Commission. Notification of the request for the conditional use permit shall be given by the Secretary of the Planning Commission to all record title holders of real property lying within 500 feet of the property line of the area requesting the conditional use approval. Said notice shall be first class mail, postage prepaid.

1122.04 GENERAL DEVELOPMENT STANDARDS.

The following development standards apply to Short Term **Rentals**.

- (a) Uses Permitted in Single-Family Detached Dwellings. Short Term **Rentals** shall be allowed in any detached structure, or in a garage. Only minimal interior modifications of said single-family dwelling shall be permitted in the original architectural style of the house for safety purposes only. Interior modifications of the size of bedrooms and baths shall be permitted. Each Short Term **Rental** shall be required to have a dining room no smaller than 100 square feet. No more than fifty percent of the house floor area shall be used for such Short Term **Rental** which percent of use shall include bedrooms, guest baths and dining room.
- (b) Occupation of Premises by Owner. The owner of a Short Term **Rental** shall live full-time on the premises. Such owner shall be the record owner of no less than fifty percent interest of the property in question.
- (c) Compliance With Fire Protection Standards; Certificates Required. Certificates of compliance from the Brook Park Fire Department shall be required for approval of a request for a conditional use permit for Short Term **Rentals**. The following fire protection standards shall be continually met during the term of the conditional use permit, and shall be certified to exist by the City Fire Prevention Officer at the inception of the conditional use permit and annually therefor:

- (1) There be a battery-type smoke detector in each guest room;

- (2) There shall be a 110-volt electrical smoke detector per floor protecting the sleeping areas;
 - (3) There shall be one carbon dioxide detector per floor protecting the sleeping areas;
 - (4) There shall be ten pound ABC extinguishers per floor;
 - (5) Electrical work shall conform to current residential standards;
 - (6) There shall be a fire inspection; and
 - (7) No portable heating devices shall be allowed in sleeping rooms.
- (d) Consecutive Nights. Each paying guest may stay at a property designated as a Short Term **Rental** Property for not more than seven (7) consecutive nights at any single visit.
- (e) Kitchen Facilities. Only one kitchen facility shall be permitted per structure for which a conditional use permit is granted to operate a Short Term **Rental**. No cooking facilities of any type shall be permitted in individual guest quarters, and no food shall be served in guest quarters.
- (f) Bathrooms. A minimum of one full bathroom, including tub or shower, toilet and sink, shall be required for every two guest rooms, to be available for the exclusive use of Bed and Breakfast paying guests. No bathroom shall be located in the basement.
- (g) Owner Requirements. The owner must maintain current guest registration records which contain the following information about each guest: the guest's name, address, signature, room assignment and dates of accommodation. The registration records shall be kept on file for three years and upon request by any authorized City official, shall be made available for inspection by such City official during regular business hours or in case of an emergency.
- (h) Nuisance Conditions; Revocation or Suspension of Permits. Short Term **Rentals** shall not be permitted to create or continue a nuisance under either state or local law, and a conditional use permit shall be revoked or suspended by the City whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a nuisance.
- (i) Guest Rooms. There shall be no more than three guest rooms within a single-family dwelling that are utilized by Short Term **Rental** customers. A guest room shall contain no less than 100 square feet of living space, not including closets. Guest rooms must be limited to only the first and second floors; no guest room may be located on the third floor, or in the basement.

- (j) Parking. One off-street parking space shall be provided for each guest room. Such off-street parking spaces shall be provided in an existing driveway behind the existing building line or in a garage.
- (k) Signage. One on-premises, flat sign against the dwelling shall be permitted for each Short Term **Rental**, not to exceed three square feet in area. The sign shall not be internally illuminated. No window display or signboard shall be allowed.
- (l) Part-Time Employees. One individual who is a nonresident of the dwelling may be employed in the operation of an owner of the Short Term **Rental** on a part-time basis.
- (m) Security. Outdoor security cameras must be provided. No security lighting shall be permitted which reflects or is directed out of the yard of the owner of the Short Term **Rental**.
- (n) Exits. In addition to the requirements of the Residential Code of Ohio, a minimum of two exits from the bed and breakfast area at the level of exit discharge shall be provided.
- (o) Bed Tax. The bed tax applying to the Short Term **Rentals** shall be the same as that for hotels and motels.
- (p) Allowable Number of Occupants. A maximum of six (6) guests, including minor children, shall be permitted at any one time.
- (q) Location. No Short Term **Rental** shall be permitted within 500 feet of a school or recreational facility.

1122.05 REQUIRED INFORMATION.

A resident approved to offer Short Term **Rentals** shall be subject to annual inspection, and inspection at other times upon reasonable notice to the owner. In addition to the requirement set forth in Section 1122.03, above, an application for and, if requested, renewal of, a conditional use permit to engage in the business of Short Term **Rental** establishment shall be accompanied by the following information:

SHORT TERM RENTAL

- (a) Proof of commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the permit. Each policy of insurance shall be used by an insurer authorized to do business in the State of Ohio; and include a provision requiring 30 days advance notice to the City prior to cancellation or lapse of the policy. The owner shall maintain the insurance required under this Section in full force and effect for the duration of the permit period. A single violation of this subsection shall result in revocation of the permit;
- (b) A statement as to whether the owner or any controlling person has ever been convicted in any

- jurisdiction of any felony;
- (c) Proof that the owner has legal title to the property on which the establishment is located;
- (d) A written statement that the establishment shall be the owner's legal primary residence throughout the duration of the license period;
- (e) A copy of an evacuation diagram; and
- (f) A valid certificate of registration in food handling and sanitation by the Department of Health.

1122.06 PROHIBITED ACTS.

It shall be unlawful for any person engaged in the business of Short Term **Rentals** to:

- (a) Exceed the scope of the permit, as set forth in this Chapter;
- (b) Allow occupancy of the establishment or any part thereof to exceed one person per 125 feet of floor area, excluding elevators, stairways or other shaft enclosures;
- (c) Rent any sleeping room in the establishment for 7 or more consecutive days to any person other than members of the owner's family as defined in Brook Park Zoning Ordinance;
- (d) Use or permit the use of a hot plate, coffee maker or other cooking device in any sleeping room or bathroom;
- (e) Permit any criminal activity or public nuisance to take place on the premises. If an owner knows or suspects that any criminal activity or public nuisance is taking place on or immediately adjacent to the premises, the owner shall immediately notify the Brook Park Police Department of such fact, and shall cooperate with the Brook Park Police Department in any investigation that may ensue; or
- (f) Knowingly make any false or misleading statement about such person's criminal background in connection with any application submitted pursuant to this Chapter. A single violation of this subsection shall result in permit revocation.

1122.99 PENALTY. Whoever violates subsection six of this Chapter is guilty of Wrongful Rental/Use of Residential Property, a misdemeanor of the third degree. A second violation of this Chapter is a misdemeanor of the second degree. Any violation of this Chapter that represents a third or further violation shall be a misdemeanor of the first degree. A separate offense shall be deemed committed each day a violation occurs or continues.

SECTION 2: 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 meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: 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 further reason that Council desires to amend certain sections of Chapter 1122, therefore, provided this ordinance 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

DATE

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


DIRECTOR OF LAW