

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON TUESDAY, MAY 7, 2024  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III. DISCUSSION:**

1. American Legal Internet Supplement Pages \$569.40.
  
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MOTOROLA SOLUTIONS, INC., FOR SOFTWARE UPGRADES, MAINTENANCE AND EQUIPMENT FOR THE CITY'S COMMUNICATIONS, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
  
3. AN ORDINANCE AMENDING AND ADDING TO CERTAIN SECTIONS OF CHAPTER 1121 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "LISTING OF PERMITTED USES FOR EACH USE DISTRICT", AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**IV. LEGISLATIVE COMMITTEE – CHAIRMAN, SCOTT:**

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 714 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "STREET VENDORS" AND DECLARING AN EMERGENCY. Introduced by Councilman Dufour.

**V. ADJOURNMENT:**

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH MOTOROLA SOLUTIONS, INC., FOR SOFTWARE UPGRADES,  
MAINTAINENCE AND EQUIPMENT FOR THE CITY'S COMMUNICATIONS, WITHOUT  
PUBLIC BIDDING, AND DECLARING AN EMERGENCY

WHEREAS, it is necessary to have software upgrades, maintenance and equipment for the City of Brook Park's emergency communications equipment in order to ensure continuity and functional operation; and

WHEREAS, Motorola Solutions, Inc., provides these highly specialized services for maintenance and support; and

WHEREAS, the Ohio Department of Administrative Services awarded a State Term telecommunications contract (Contract No. 21336) to Motorola Solutions, Inc.

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

SECTION 1: The Mayor is hereby authorized as set out in Article VII, Section 7.03 of the Charter, that there is an immediate and present emergency in the operation of the City of Brook Park, in that it is immediately necessary to enter into a contract, without public bidding with Motorola Solutions, Inc. for software upgrades, support, maintenance and equipment for the City in order to continue to meet the operational needs of the City on a prompt basis and to ensure the public health and welfare.

SECTION 2: The money needed for the reasons aforesaid, this Council approves and authorizes the Mayor to enter into a contract with Motorola Solutions, Inc., without public bidding, in an amount not to exceed \$793,535.37 for software support, upgrades, maintenance, services and equipment for a five-year period, all as more fully set forth in the proposal attached hereto as Exhibit "A" and incorporated herein by reference, and as to be reflected in a contract to be in a form approved by the Law Director.

**SECTION 3:** That the funds for the purpose of this Ordinance have been appropriated and shall be paid from the General Fund No. 401, Capital.

**SECTION 4:** 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 5:** 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 that Council deems it necessary for the Mayor to enter into said agreement without undue delay; therefore provided this Ordinance 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: \_\_\_\_\_  
Clerk of Council

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

\_\_\_\_\_  
DATE

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

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

03/28/2024



BROOK PARK, CITY OF  
6161 ENGLE RD  
BROOK PARK, OH 44142

Dear ,

Motorola Solutions is pleased to present BROOK PARK, CITY OF with this quote for quality communications equipment and services. The development of this quote provided us the opportunity to evaluate your requirements and propose a solution to best fulfill your communications needs.

This information is provided to assist you in your evaluation process. Our goal is to provide BROOK PARK, CITY OF with the best products and services available in the communications industry. Please direct any questions to Christopher Pfaff at [Christopher.Pfaff@motorolasolutions.com](mailto:Christopher.Pfaff@motorolasolutions.com).

We thank you for the opportunity to provide you with premier communications and look forward to your review and feedback regarding this quote.

Sincerely,

Christopher Pfaff

Billing Address:  
 BROOK PARK, CITY OF  
 6161 ENGLE RD  
 BROOK PARK, OH 44142  
 US

Shipping Address:  
 Brook Park C/O Motorola  
 Solutions  
 12430 Plaza Dr.  
 Parma, OH 44130  
 US

Quote Date:03/28/2024  
 Expiration Date:06/26/2024  
 Quote Created By:  
 Christopher Pfaff  
 Christopher.Pfaff@  
 motorolasolutions.com

End Customer:  
 BROOK PARK, CITY OF

Contract: 21336 - OHIO, STATE OF

### Summary:

Any sales transaction resulting from Motorola's quote is based on and subject to the applicable Motorola Standard Terms and Conditions, notwithstanding terms and conditions on purchase orders or other Customer ordering documents. Motorola Standard Terms and Conditions are found at [www.motorolasolutions.com/product-terms](http://www.motorolasolutions.com/product-terms).

Line #	Item Number	Description	Qty	Term	List Price	Sale Price	Ext. Sale Price
1	H35UCT9PW8AN	APX N70 7/800 MODEL 4.5 PORTABLE	3		\$9,890.60	\$6,515.91	\$19,547.73
2	PSV00S01424A	APX NEXT PROVISIONING*	1		\$0.00	\$0.00	\$0.00
3	LSV01S03060A	APX N70 DMS ESSENTIAL	3	7 YEARS	\$432.43	\$284.88	\$854.64
4	PSV01S02940A	SMARTMAPPING ENABLEMENT	1		\$0.00	\$0.00	\$0.00
5	PSV01S02941A	SMARTMESSAGING ENABLEMENT	1		\$0.00	\$0.00	\$0.00
6	SSV01S01407A	SMARTPROGRAMMING	3	1 YEAR	\$75.00	\$75.00	\$225.00
7	SSV01S01406A	SMARTCONNECT	3	1 YEAR	\$75.00	\$75.00	\$225.00
8	SSV01S01476A	SMARTLOCATE	3	1 YEAR	\$75.00	\$75.00	\$225.00
9	SSV01S01907A	SMARTMAPPING	3	1 YEAR	\$75.00	\$75.00	\$225.00
10	SSV01S01906A	SMARTMESSAGING	3	1 YEAR	\$75.00	\$75.00	\$225.00
11	LSV01S03082A	RADIOCENTRAL PROGRAMMING	3	1 YEAR	\$32.04	\$21.11	\$63.33
12	H35UCT9PW8AN	APX N70 7/800 MODEL 4.5 PORTABLE	47		\$9,890.60	\$6,515.91	\$306,247.77
13	PSV00S01424A	APX NEXT PROVISIONING*	1		\$0.00	\$0.00	\$0.00



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.  
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800

Line #	Item Number	Description	Qty	Term	List Price	Sale Price	Ext. Sale Price
14	PSV01S02944A	PROVISIONING SUPPORT	1		\$0.00	\$0.00	\$0.00
15	LSV01S03060A	APX N70 DMS ESSENTIAL	47	7 YEARS	\$432.43	\$284.88	\$13,389.36
16	LSV01S03082A	RADIOCENTRAL PROGRAMMING	47	1 YEAR	\$32.04	\$21.11	\$992.17
17	H45TGT9PW8AN	APX NEXT SINGLE BAND MODEL 4.5 PORTABLE	2		\$12,225.00	\$8,053.82	\$16,107.64
18	NNTN9217A	BATTERY PACK,BATTERY PACK,IMPRES GEN2, LIION,IP68, 4400T, UL2054 DIV 2	18		\$284.35	\$187.33	\$3,371.94
19	LSV01S03446A	APX NEXT DMS ESSENTIAL	2	7 YEARS	\$484.60	\$319.25	\$638.50
20	PSV00S01424A	APX NEXT PROVISIONING*	1		\$0.00	\$0.00	\$0.00
21	PSV03S02465A	APX DMS PROVISIONING PD3*	1		\$0.00	\$0.00	\$0.00
22	PSV01S02940A	SMARTMAPPING ENABLEMENT	1		\$0.00	\$0.00	\$0.00
23	PSV01S02941A	SMARTMESSAGING ENABLEMENT	1		\$0.00	\$0.00	\$0.00
24	SSV01S01407A	SMARTPROGRAMMING	2	1 YEAR	\$75.00	\$75.00	\$150.00
25	SSV01S01406A	SMARTCONNECT	2	1 YEAR	\$75.00	\$75.00	\$150.00
26	SSV01S01476A	SMARTLOCATE	2	1 YEAR	\$75.00	\$75.00	\$150.00
27	SSV01S01907A	SMARTMAPPING	2	1 YEAR	\$75.00	\$75.00	\$150.00
28	SSV01S01906A	SMARTMESSAGING	2	1 YEAR	\$75.00	\$75.00	\$150.00
29	H45TGT9PW8AN	APX NEXT SINGLE BAND MODEL 4.5 PORTABLE	39		\$12,019.00	\$7,918.11	\$308,806.29
30	LSV01S03446A	APX NEXT DMS ESSENTIAL	39	7 YEARS	\$484.60	\$319.25	\$12,450.75
31	PSV00S01424A	APX NEXT PROVISIONING*	1		\$0.00	\$0.00	\$0.00
32	PSV03S02465A	APX DMS PROVISIONING PD3*	1		\$0.00	\$0.00	\$0.00
33	PSV01S02944A	PROVISIONING SUPPORT	1		\$0.00	\$0.00	\$0.00



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.  
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800

Line #	Item Number	Description	Qty	Term	List Price	Sale Price	Ext. Sale Price
34	PMPN4639B	CHGR VEHICLE IMPRES 2 EXT NA/AU/NZ KIT	37		\$599.00	\$394.62	\$14,600.94
35	PMLN8507A	CARRY ACCESSORY- BELT CLIP,APX N70 2.5" BELT CLIP	12		\$12.90	\$8.50	\$102.00
36	PMLN5407A	2.5" REPLACEMENT SWIVEL BELT LOOP	54		\$16.74	\$11.03	\$595.62
37	RLN6488A	ANTI-SWAY STRAP	40		\$18.77	\$12.37	\$494.80
38	PMLN8371A	CARRY ACCESSORY- HOLSTER,APX N70 CLASSIC HOLSTER	12		\$37.80	\$24.90	\$298.80
39	PMLN8372A	CARRY ACCESSORY- CASE,APX N70 HYBRID LEATHER HOLSTER, PMNN4816 BATTERY	54		\$139.00	\$91.57	\$4,944.78
40	PMPN4591A	CHGR DESKTOP MULTI UNIT IMPRES 2 6 DISPLAYS INT PS US	7		\$1,799.29	\$1,185.37	\$8,297.59
41	RLN6486A	FIREMAN'S RADIO STRAP	40		\$49.23	\$32.43	\$1,297.20
42	PMLN8341A	AUDIO ACCESSORY- EARPIECE,1-WIRE SURVEILLANCE KIT WITH LOUD AUDIO TRANSLUCENT TUBE	1		\$52.00	\$34.26	\$34.26
43	PMLN8209B	CARRY ACCESSORY- CASE,CARRY ACCESSORY- HOLSTER,APX NEXT XE LEATHER CARRY CASE	40		\$81.00	\$53.36	\$2,134.40
44	PMPN4604A	CHARGER,CHGR DESKTOP SINGLE UNIT IMPRES 2 EXT US	40		\$207.14	\$136.46	\$5,458.40
45	NTN8266B	2.5 INCH BELT CLIP	12		\$12.96	\$8.54	\$102.48
46	PMLN8208A	CARRY ACCESSORY- HOLSTER,APX NEXT XE CLASSIC HOLSTER	12		\$37.80	\$24.90	\$298.80
47	PMMN4154A	XVE500 DIV 1 REMOTE SPEAKER MIC, HIGH	40		\$748.00	\$492.78	\$19,711.20



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.

Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800

Line #	Item Number	Description	Qty	Term	List Price	Sale Price	Ext. Sale Price
		IMPACT GREEN WITH KNOB, UL					
48	PMMN4097C	MOBILE MICROPHONE WITH BLUETOOTH GATEWAY	2		\$232.20	\$152.97	\$305.94
49	PMMN4158A	WM800 WIRELESS RSM WITH BATTERY	54		\$563.00	\$370.90	\$20,028.60
50	PMLN8120A	RX ONLY XL CLEAR TUBE EARPIECE, 3.5MM JACK	54		\$75.60	\$49.81	\$2,689.74
51	PMNN4846A	BATTERY PACK,BATT LIION UL DIV2 IP68 2150T	54		\$79.00	\$52.05	\$2,810.70
52	PMNN4816A	BATT IMPRES 2 LIION IP68 3200T	150		\$225.50	\$148.56	\$22,284.00
53	LSV01Q00387A	ASTRO TECHNICAL ASSISTANCE	6		\$450.00	\$450.00	\$2,700.00

**Grand Total**
**\$793,535.37(USD)**
**Notes:**

- The Pricing Summary is a breakdown of costs and does not reflect the frequency at which you will be invoiced.

NOTICE: Motorola has certified the APX NEXT XN radio with the Boston Leather carry solution for NFPA and FCC compliance purposes. It is currently the only carry solution approved by Motorola for use with the APX NEXT XN radio. Use of non-approved accessories may void the radio's warranty and may affect continued compliance with NFPA standards and FCC regulations. By selecting "No Carry Solution," the customer acknowledges receipt of this Notice.

- Additional information is required for one or more items on the quote for an order.

Motorola's quote (Quote Number: \_\_\_\_\_ Dated: \_\_\_\_\_) is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then the following Motorola's Standard Terms of use and Purchase Terms and Conditions govern the purchase of the Products which is found at <http://www.motorolasolutions.com/product-terms>.

The Parties hereby enter into this Agreement as of the Effective Date.

Motorola Solutions, Inc.

Customer

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.  
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800



Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

- This quote contains items with approved price exceptions applied against them.
- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.



CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE AMENDING AND ADDING TO CERTAIN SECTIONS OF CHAPTER 1121 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "LISTING OF PERMITTED USES FOR EACH USE DISTRICT" AND DECLARING AN EMERGENCY

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

SECTION 1: Section 1121.04(f) of the Brook Park Codified Ordinances, passed by Ordinance No. 8407-1998 on January 27, 1998 and reading as follows:

1121.04(f) Forbidden Uses in U-3, U-3A, U-4, and U-5 Use

Districts: No open or unroofed yard for storage of lumber other new building material shall be allowed in any U-3, U-3A, U-4 or U-5 Use District.

Is hereby amended to read as follows:

1121.04(f) Forbidden Uses in U-3, U-3A, U-4, and U-5 Use Districts:  
No open or unroofed yard for storage of lumber other new building material shall be allowed in any U-3, U-3A, U-4 or U-5 Use District, the following applies to car wash establishments:

1. No car wash establishment may be established or operated within 1,000 feet of a school, public playground, recreation center or public park in the City.
2. No car wash establishment may be established, operated or enlarged within one-half mile of another car wash establishment.
3. No more than one car wash establishment shall be established or operated in the same building, structure, or portion thereof.
4. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a car wash establishment is conducted, to the nearest property line of the premises of a car wash establishment or

a school, recreation center, public playground, or public park.

5. Car wash establishments shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

**SECTION 2:** Section 1121.04(f) of the Brook Park Codified Ordinances, passed by Ordinance No. 8407-1998 on January 27, 1998 is hereby expressly repealed.

**SECTION 3:** Section 1121.23(i) of the Brook Park Codified Ordinances, passed by Ordinance No. 6808-1986 on April 29, 1986, and reading as follows:

**1121.23(i) Prohibited Uses.** Any type of establishment defined as "adult entertainment" in Section 1121.021 is prohibited in a U-3A Business District.

Is hereby amended to read:

**1121.23(i) Prohibited Uses.** Any type of establishment defined as "adult entertainment" in Section 1121.021 is prohibited in a U-3A Business District. The following applies to car wash establishments:

1. No car wash establishment may be established or operated within 1,000 feet of a school, public playground, recreation center or public park in the City.
2. No car wash establishment may be established, operated or enlarged within one-half mile of another car wash establishment.
3. No more than one car wash establishment shall be established or operated in the same building, structure, or portion thereof.
4. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a car wash establishment is conducted, to the nearest property line of the premises of a car wash establishment or a school, recreation center, public playground, or public park.
5. Car wash establishments shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

SECTION 4: Section 1121.23(i) of the Brook Park Codified Ordinances, passed by Ordinance No.6808-1986 on April 29, 1986 is hereby expressly repealed.

SECTION 5: New Section 1121.33(f) of the Brook Park Codified Ordinances is hereby created to read as follows:

1121.33(f) Prohibited Uses. The following applies to car wash establishments:

1. No car wash establishment may be established or operated within 1,000 feet of a school, public playground, recreation center or public park in the City.
2. No car wash establishment may be established, operated or enlarged within one-half mile of another car wash establishment.
3. No more than one car wash establishment shall be established or operated in the same building, structure, or portion thereof.
4. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a car wash establishment is conducted, to the nearest property line of the premises of a car wash establishment or a school, recreation center, public playground, or public park.
5. Car wash establishments shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

SECTION 6: New Section 1121.40(g) of the Brook Park Codified Ordinances is hereby created to read as follows:

1121.40(g) Prohibited Uses. The following applies to car wash establishments:

1. No car wash establishment may be established or operated within 1,000 feet of a school, public playground, recreation center or public park in the City.
2. No car wash establishment may be established, operated or enlarged within one-half mile of another car wash establishment.
3. No more than one car wash establishment shall be established or operated in the same building, structure, or portion thereof.

4. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a car wash establishment is conducted, to the nearest property line of the premises of a car wash establishment or a school, recreation center, public playground, or public park.
5. Car wash establishments shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

SECTION 7: 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 8: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, safety and welfare of said City, and for the further reason to amend and certain sections of Chapter 1121 of the Brook Park Codified Ordinances therefore provided this Ordinance 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: \_\_\_\_\_  
Clerk of Council

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

\_\_\_\_\_  
DATE

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

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

*Legislative*

PIC 4/16/24  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
S/C \_\_\_\_\_

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

CITY OF BROOK PARK, OHIO

INTRODUCED BY: COUNCILMAN DUFOUR

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 714 OF THE  
BROOK PARK CODIFIED ORDINANCES ENTITLED "STREET VENDORS" AND  
DECLARING AN EMERGENCY

WHEREAS, the health, safety, and welfare of the public are paramount concerns regarding the regulation of street vending; and

WHEREAS, establishing clear guidelines for street vendors promotes fairness, maintains cleanliness, and ensures compliance with all applicable laws and regulations; and

WHEREAS, requiring the display of approved applications at the point of sale during street vending activities will inspire public confidence that our city's safety forces have appropriately approved the street vendor.

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

SECTION 1: Section 714.02 of the Brook Park Codified Ordinances, passed by Ordinance No. 9661-2010 on June 22, 2010 and reading as follows:

**714.02 LICENSE REQUIRED.**

No vendor shall engage in street vending within the City, unless he or she is the holder of a valid license issued pursuant to this chapter.



Is hereby amended to read as follows:

**714.02 LICENSE REQUIRED.**

No vendor shall engage in street vending within the City, unless he or she is the holder of a valid license issued pursuant to this chapter. In addition, all vendors must prominently and clearly display their valid license facing the intended point of sale while engaged in street vending activities.

**SECTION 2:** Section 714.02 of the Brook Park Codified Ordinances, passed by Ordinance No. 9661-2010 on June 22, 2010 is hereby expressly repealed.

**SECTION 3:** Section 714.03 of the Brook Park Codified Ordinances, passed by Ordinance No. 9661-2010 on June 22, 2010, and reading as follows:

**714.03 LICENSE APPLICATION AND FEE.**

(a) Any vendor seeking a license in conformity with this chapter shall obtain an application for the same from the Chief of Police and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Chief, which shall contain the following information:

- (1) Full name of applicant;
- (2) Date of birth of the applicant;
- (3) Local address, if any;
- (4) Permanent home address;
- (5) A physical description of the applicant, setting forth age, height, weight, color of hair and eyes and sex;
- (6) Social Security number;
- (7) A description of the nature of the business and the goods, wares, merchandise, property and/or services to be sold;
- (8) Telephone number of the applicant;
- (9) Whether the applicant has ever been convicted of a crime, and if so, where, the nature of the offense and the punishment or penalty imposed therefor, if any;

(10) Such other information as the Chief may require in order to protect the public health, safety and/or general welfare.

(b) Any vendor seeking a license in conformity with this chapter shall have a criminal record check conducted by the Police Department. Said criminal record check shall be paid for by the applicant.

(c) All license applications shall be referred to the Chief of Police who shall, within five days after receipt of the completed application, issue a license unless he or she finds that:

(1) The applicant has provided false, misleading or deceptive information in his or her application; and/or

(2) The applicant has been convicted of a felony or misdemeanor violation involving weapons, theft, moral turpitude, violence or sex offense within the last five years.

(d) Each applicant shall pay a non-refundable license application fee of one hundred dollars (\$100.00) which fee shall be paid at the time the application is submitted.

(e) Once issued, a license may be used only in conformity with the laws of the City and the State of Ohio; may not be assigned or transferred; must be carried by licensee at all times; and may be revoked or suspended by the Chief of Police for any of the following causes:

(1) The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application;

(2) The licensee is convicted of a felony or a misdemeanor involving weapons, theft, moral turpitude, violence or a sex offense;

(3) The licensee violates any provision of this chapter or acts in any unlawful manner.

(f) The license issued under this chapter shall be valid for not more than 180 days.

Is hereby amended to read:

#### **714.03 LICENSE APPLICATION AND FEE.**

(a) Any vendor seeking a license in conformity with this chapter shall obtain an application for the same from the Chief of Police and shall submit the completed application, along with



the appropriate fee, to such office, on a form supplied by the Chief, which shall contain the following information:

- (1) Full name of applicant;
- (2) Date of birth of the applicant;
- (3) Local address, if any;
- (4) Permanent home address;
- (5) A physical description of the applicant, setting forth age, height, weight, color of hair and eyes and sex;
- (6) Social Security number;
- (7) A description of the nature of the business and the goods, wares, merchandise, property and/or services to be sold;
- (8) Telephone number of the applicant;
- (9) Whether the applicant has ever been convicted of a crime, and if so, where, the nature of the offense and the punishment or penalty imposed therefor, if any;
- (10) Such other information as the Chief may require in order to protect the public health, safety and/or general welfare.

(b) Any vendor seeking a license in conformity with this chapter shall have a criminal record check conducted by the Police Department. Said criminal record check shall be paid for by the applicant.

(c) All license applications shall be referred to the Chief of Police who shall, within five days after receipt of the completed application, issue a license unless he or she finds that:

- (1) The applicant has provided false, misleading or deceptive information in his or her application; and/or
- (2) The applicant has been convicted of a felony or misdemeanor violation involving weapons, theft, moral turpitude, violence or sex offense within the last five years.

(d) Each applicant shall pay a non-refundable license application fee of ~~one hundred dollars (\$100.00)~~ **one hundred fifty dollars (\$150.00)** which fee shall be paid at the time the application is submitted.

Once issued, a license may be used only in conformity with the laws of the City and the State of Ohio; may not be assigned or transferred; must be carried by licensee at all times; and may be revoked or suspended by the Chief of Police for any of the following causes:

(1) The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application;

(2) The licensee is convicted of a felony or a misdemeanor involving weapons, theft, moral turpitude, violence or a sex offense;

(3) The licensee violates any provision of this chapter or acts in any unlawful manner.

(f) The license issued under this chapter shall be valid for not more than 180 days.

**SECTION 4:** Section 714.03 of the Brook Park Codified Ordinances, passed by Ordinance No. 9661-2010 on June 22, 2010, is hereby expressly repealed.

**SECTION 5:** Section 714.99 of the Brook Park Codified Ordinances, passed by Ordinance No. 9661-2010 on June 22, 2010, and reading as follows:

**714.99 PENALTY**

Whoever violates or fails to comply with any of the provisions of this chapter is 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 30 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Is hereby amended to read:

**714.99 PENALTY**

Whoever violates or fails to comply with any of the provisions of this chapter is 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 30 days~~ **third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 60 days**, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

**SECTION 6 :** Section 714.99 of the Brook Park Codified Ordinances, passed by Ordinance No. 9661-2010 on June 22, 2010, is hereby expressly repealed.

**SECTION 7:** 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 8:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, safety and welfare of said City, and for the further reason to amend certain sections of Chapter 714 of the Brook Park Codified Ordinances therefore provided this Ordinance 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: \_\_\_\_\_  
Clerk of Council

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

\_\_\_\_\_  
DATE

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

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