

CITY OF BROOK PARK, OHIO

P/C 2-1-22 Legislation  
CA 2-8-22  
1st R 2-15-22  
2nd R 3-1-22  
3rd R 3-15-22  
B/C

ORDINANCE NO: 11237-2022

INTRODUCED BY: COUNCILMAN POINDEXTER & CW & MAYOR ORCUTT

AN ORDINANCE  
AMENDING SECTION 537.05  
OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED  
'AGGRAVATED MENACING'  
AND DECLARING AN EMERGENCY

WHEREAS, there have been an increase in incidents where utility workers were threatened while trying to perform their jobs; and

WHEREAS, utility workers provide a vital service to our community and need to be protected while they are performing essential functions; and

WHEREAS, increasing the degree and penalty for incidents of threats against utility workers will provide additional protections to utility workers.

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

SECTION 1: Section 537.05 "Aggravated Menacing" of Chapter 537, Offenses Relating to Persons of the General Offenses Code of the City of Brook Park is hereby amended to read as follows:

(d) If the victim of the offense is a utility worker whom the offender knows or has reasonable cause to know is a utility worker, if the victim is engaged in the lawful performance of the victim's duties, and if the offender threatens the victim with a deadly weapon with intent to unlawfully obstruct the operation of a utility, aggravated menacing is a felony of the fourth degree. As used in this section, "organization" includes an entity whose primary responsibility is the operation or maintenance of a utility. "Utility" means an enterprise that provides gas, electric, steam, water, sewage, transportation, communication services, or cable and broadband services, whether publicly or privately owned.

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: 3** 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 of amending Section 537.05; 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: 3-15-22

[Signature]  
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson  
Clerk of Council

APPROVED: [Signature]  
MAYOR

3-15-22  
DATE

**CERTIFICATE**

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11237-2022 passed on the 15 day of March 2022 by said council.

\_\_\_\_\_  
Clerk of Council

I, Carol Johnson, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at five of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing 3-16-22  
Carol Johnson  
CAROL JOHNSON  
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coyne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

[Signature]  
DIRECTOR OF LAW