

P/C 8-22-23 Legislative  
CA 9-12-23  
1st R 9-19-23  
2nd R 10-3-23  
3rd R 10-17-23  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11359-2023

INTRODUCED BY: COUNCILMAN SCOTT, *Councilman Salvatore, Councilwoman Coyne, Councilman Roberts, Councilman Mencini, Council President Vecchio*

AN ORDINANCE ENACTING A NEW SUB-SECTION OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED "DISORDERLY CONDUCT AT SPORTING EVENTS", AND DECLARING AN EMERGENCY

WHEREAS, officiating at Sports Events provides an opportunity for the Sports Official to play an active role in the education of athletes, regardless of the athletes' age; and

WHEREAS, attending a Sports Event provides an opportunity for all of the attendees and other participants to play an active role in the education of athletes, regardless of the athletes' age; and

WHEREAS, orderly conduct is necessary at Sporting Events to enhance the experience for everyone in attendance; and,

WHEREAS, disorderly conduct at a Sporting Event serves to diminish the experience for everyone in attendance; and,

WHEREAS, voicing one's opinions is a sacred right of American citizenry; however, disorderly conduct directed at Sports Officials may, at times, cause a dangerous scenario for the Sports Officials and others; and

WHEREAS, any disorderly conduct by attendees exhibited towards the Sports Officials, as defined below, is detrimental to the overall experience of those otherwise attending the Sports Events in an orderly fashion, including those partaking in the Sports Events; and,

WHEREAS, the National Association of Sports Officials has found that their members are frequently the subject of significant verbal abuse and other mistreatment during a Sports Event and, on occasion, thereafter; and,

WHEREAS, a shortage of Sports Officials can fairly be attributed to the significant verbal abuse and other mistreatment directed at them during a Sports Event and, on occasion, thereafter; and,

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BROOK PARK CITY COUNCIL

**WHEREAS**, Sports Officials at Brook Park Sports Events have had to forcibly remove an attendee from an Event due to their recalcitrant conduct directed towards the Sports Official, and

**WHEREAS**, Sports Officials have advised the Brook Park Recreation Director that they will decline to officiate at Sporting Events in Brook Park due to prior instances of Disorderly Conduct directed at them during Sporting Events, and

**WHEREAS**, the number of available Sporting Officials has drastically dropped as a direct result of Disorderly Conduct directed at them; and

**WHEREAS**, enactment of a new subdivision of Brook Park Codified Ordinance §509.03 will serve to enhance the overall experience of Sports Officials, Sports participants, and other attendees by defining disorderly conduct at a Sporting Event to be a separate and distinct offense, subject to enhanced penalties as well.

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

SECTION 1: Brook Park Codified Ordinance §509.03 is hereby amended to add subsection (a)(6), as follows:

**509.03 (a)(6) Engaging in any conduct:**

- (i) Which results in a physical confrontation with a Sports Official at Sports Events or thereafter; or
- (ii) Which causes any physical harm to a Sports Official at Sports Events or thereafter; or
- (iii) Which otherwise directly or indirectly serves to create an atmosphere of contempt for the Sporting Official to such a degree that the Sports Official is unable to continue their service at the Sporting Event without a stoppage in play and forcibly removing the person from the Event.

Whoever violates subdivision (a)(6) of this section is guilty of Disorderly Conduct at a Sports Event.

Engaging in conduct defined in subsection (a)(6) while voluntarily intoxicated shall cause the penalty shall be enhanced one level.

2. Disorderly Conduct at a Sports Event is a misdemeanor of the Third Degree for the First Offense if the offender has no prior convictions of the within ordinance or a similar ordinance in a different jurisdiction.

3. Disorderly Conduct at a Sports Event is a misdemeanor of the Second Degree if the offender has been previously convicted of the within ordinance or a similar ordinance in a different jurisdiction.

4. Disorderly Conduct at a Sports Event is a misdemeanor of the First Degree for the Third Offense if the offender has been two (2) previous convictions of the within ordinance or a similar ordinance in a different jurisdiction.

As used in this section:

1. "Sports Event" includes team and individual performances, regardless of the age and expertise of the participants, for which Sports Officials attend and participate, regardless of the event site, including but not limited to, all of the following: Any interscholastic, intramural, or other athletic event sponsored by a community, business, or nonprofit organization;

2. "Sports Official" means any person who serves as a referee, umpire, timer, scorer, coach, athletic trainer, manager, or assistant for a school or community sponsored "Sports Event" or serves in a similar capacity, regardless of title and whether the person is compensated or a volunteer, or in a similar capacity.

**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 meeting 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 to enact new subsection 509.03(a)(6) 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: October 17, 2023

  
PRESIDENT OF COUNCIL

ATTEST:   
Clerk of Council

APPROVED:   
MAYOR

10-17-23  
DATE

CERTIFICATE

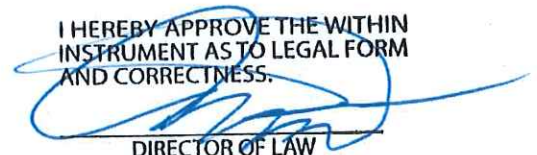
Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance / Resolution No. 11359-2023 passed on the 17 day of October 2023 by said council.

  
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input checked="" 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"/>
Polindexter	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Vote 5 to 2

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

  
DIRECTOR OF LAW