

CITY OF BROOK PARK, OHIO

P/C 5/20/25 Safety  
CA 6/10/25  
1st R 6/17/25  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
WC \_\_\_\_\_

ORDINANCE NO: 11475-2025

INTRODUCED BY: COUNCILMAN DUFOUR

AN ORDINANCE  
AN ORDINANCE AMENDING SECTION 339.01(j) (1) OF THE BROOK PARK  
CODIFIED ORDINANCES ENTITLED "OVERSIZE OR OVERWEIGHT VEHICLE  
OPERATION ON STATE ROUTES; STATE PERMIT" AND DECLARING AN  
EMERGENCY

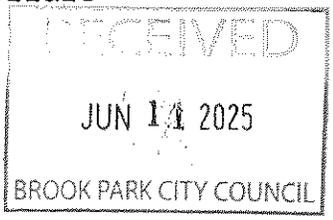
WHEREAS, overweight or oversize vehicles can contribute to the premature deterioration of City streets and damage to infrastructure, resulting in substantial repair and maintenance costs for the City or other entities; and

WHEREAS, increasing the fines for weight violations is necessary to more effectively discourage such damaging activity, thereby preserving the condition of public roadways and enhancing public safety; and

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

SECTION 1: Section 339.01(j) (1) of the Brook Park Codified Ordinances, passed by Ordinance No. 7613-1991 on July 9, 1991 and reading as follows:

(j) (1) Whoever violates this section shall be fined twenty-five dollars (\$25.00) for the first 2,000 pounds, or fraction thereof, of overload; for overloads in excess of 2,000 pounds, but not in excess of 5,000 pounds, such person shall be fined twenty-five dollars (\$25.00), and in addition thereto one dollar (\$1.00) per 100 pounds of overload; for overloads in excess of 5,000 pounds, but not in excess of 10,000 pounds, such person shall be fined twenty-five dollars (\$25.00) and in addition thereto two dollars (\$2.00) per 100 pounds of overload, or imprisoned not more than 30 days, or both. For all overloads in excess of 10,000 pounds, such person shall be fined twenty-five dollars (\$25.00), and in addition, thereto, three dollars



(\$3.00) per 100 pounds of overload, or imprisoned not more than 30 days, or both. Whoever violates the weight provisions of vehicle and loading relating to gross load limits shall be fined not less than one hundred dollars (\$100.00). Provided that no penalty prescribed in this division shall be imposed on any vehicle combination if:

- A. The overload on any axle does exceed 1,000 pounds; and
- B. If the immediately preceding or following axle, excepting the front axle of a vehicle combination, is unloaded by the same or a greater amount.

(2) For purposes of the division, two axles on one vehicle less than eight feet apart, shall be considered as one axle.

Is hereby amended to read as follows:

(j) (1) Whoever violates this section shall be fined ~~twenty-five dollars (\$25.00)~~ **eighty dollars (\$80.00)** for the first 2,000 pounds, or fraction thereof, of overload; for overloads in excess of 2,000 pounds, but not in excess of 5,000 pounds, such person shall be fined ~~twenty-five dollars (\$25.00)~~ **one-hundred dollars (\$100.00)**, and in addition thereto one dollar (\$1.00) per 100 pounds of overload; for overloads in excess of 5,000 pounds, but not in excess of 10,000 pounds, such person shall be fined ~~twenty-five dollars (\$25.00)~~ **one-hundred-thirty dollars (\$130.00)** and in addition thereto two dollars (\$2.00) per 100 pounds of overload, or imprisoned not more than 30 days, or both. For all overloads in excess of 10,000 pounds, such person shall be fined ~~twenty-five dollars (\$25.00)~~ **one-hundred-sixty dollars (\$160.00)**, and in addition thereto, three dollars (\$3.00) per 100 pounds of overload, or imprisoned not more than 30 days, or both. Whoever violates the weight provisions of vehicle and loading relating to gross load limits shall be fined not less than one hundred dollars (\$100.00). Provided that no penalty prescribed in this division shall be imposed on any vehicle combination if:

- A. The overload on any axle does exceed 1,000 pounds; and
- B. If the immediately preceding or following axle, excepting the front axle of a vehicle combination, is unloaded by the same or a greater amount.

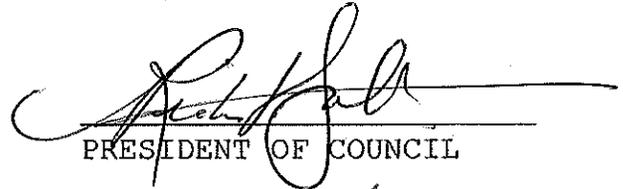
(2) For purposes of the division, two axles on one vehicle less than eight feet apart, shall be considered as one axle.

**SECTION 2:** Section 339.01(j)(1) of the Brook Park Codified Ordinances, passed by Ordinance No. 7613-1991 passed on July 9th, 1991, is hereby expressly repealed.

**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 public peace, health, safety and welfare of said City, and for the further reason to amend certain sections of section 339.01(j)(1) 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: June 17, 2025

  
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson  
Clerk of Council

APPROVED: E. L. D. Smith  
MAYOR

6-18-25  
DATE

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

Christina Cardama  
Asst. DIRECTOR OF LAW

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. 11475-2025

passed on the 17 day of June

20 25 by said council.

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"/>
McCorkle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dufour	<input checked="" type="checkbox"/>	<input type="checkbox"/>