

CITY OF BROOK PARK, OHIO

P/C 9/20/16 Legislative  
Cau 10/11/16  
1<sup>st</sup> R 12/20/16 amended  
2<sup>nd</sup> R 1/3/17  
3rd R 1/17/17  
B/C 11/22/16  
Caucus 10/25/16  
Caucus 11/15/16  
Caucus 11/22/16  
B/C 1/17/17  
Caucus 2/14/17  
3rd R 2/21/17

ORDINANCE NO: 10062-2016

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO, COUNCIL MEMBERS TROYER, POWERS, McCORMICK, MENCINI, , BURGIO, ~~SALVATORE~~ AND MAYOR COYNE

AN ORDINANCE  
ENACTING SECTION 509.15 OF THE  
BROOK PARK CODIFIED ORDINANCES,  
ENTITLED 'PROHIBITING NUISANCE PARTIES,'  
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park has continued to receive complaints of excessive noise and other violations of the law from large parties and gatherings in the City; and

WHEREAS, the City of Brook Park would like to prohibit unruly, nuisance parties within the City limits in order to preserve the peace and tranquility of the City and neighborhoods;

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

SECTION 1: That Section 509.15 of the Brook Park Codified Ordinances, entitled 'Prohibiting Nuisance Parties' is hereby enacted to read as follows:

509.15

(a) Nuisance Party Defined. A social gathering or party which is conducted on premises within the City and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the said party or social gathering, or on neighboring public private property:

1. Disorderly conduct.
2. Illegal open container.
3. Outdoor urination or defecation in a public place, or on the property of another.
4. Unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing beer or intoxicating liquor to an underage person.
5. Possession or consumption of beer or intoxicating liquor by an underage person; illegal use of a controlled substance.

6. Public indecency.
7. Unlawful deposit of litter or refuse.
8. Damage or destruction of property without consent of the property owner; unlawful pedestrian or vehicular traffic.
9. Standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services; unlawfully loud noise.
10. Any other conduct or conditions that threatens injury, inconvenience, or alarm to persons or damage to property which is hereby declared to be an unlawful public nuisance.

(b) Duty to Control Premises. A person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any premises, who either sponsors, conducts, hosts, invites, or permits a social gathering or party on said premises which is or becomes a nuisance party, as defined in division (a), and which nuisance is either the intentional result of, or within the reasonable expectations of, the person or persons having such possessory control is deemed to be in violation of this section.

(c) Order to Cease and Disperse. A party or social gathering that is or becomes a nuisance party, as defined in subsection (a) hereof, shall cease upon the order of the Police Chief, or the Police Chief's designee; and all persons not residing therein at the site of such social gathering or party shall leave the premises immediately. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this Code.

(d) Retaliation. No person shall direct a verbal, physical or electronic act against the person, family or property of any individual who complains of or witnesses a violation of the nuisance party regulations for this purpose of intimidating or retaliating against that person for the exercise of the right to complain or testify to a violation of this Code.

(e) Penalty. Whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (b) or (c) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of subsection (b) or (c) of this section is a misdemeanor of the first degree. Whoever violates subsection (d) of this section is guilty of a misdemeanor of the first degree.

**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 to enact Section 509.15 of the Brook Park Codified Ordinances; 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: February 21, 2017

Jim Astorja  
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak  
Clerk of Council

APPROVED: [Signature]  
MAYOR  
2/22/17  
DATE

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

[Signature]  
DIRECTOR OF LAW

|           | Yea                                 | Nay                      |
|-----------|-------------------------------------|--------------------------|
| Troyer    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mencini   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Powers    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Scott     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Burgio    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| McCormick | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Salvatore | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in this municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4630-1975; location: City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22535 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

**CERTIFICATE**

Michelle Blazak, 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. 10062-2016

passed on the 21<sup>st</sup> day of February 2017 by said council.

Michelle Blazak  
Clerk of Council

commencing February 22, 2017  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council