

CITY OF BROOK PARK, OHIO

P/C 9/20/16 Legislative
CA _____
1st R 12/20/16
2nd R 1/3/2017
3rd R 1-17-17
B/C 11/22/16
Caucus 10/25/16
Caucus 11/15/16
Caucus 11/22/16
Caucus 12/13/16

ORDINANCE NO: 10063-2016

INTRODUCED BY: MAYOR COYNE, COUNCIL MEMBERS TROYER, MENCINI, POWERS, SCOTT, BURGIO, SALVATORE, COUNCIL PRESIDENT ASTORINO

AN ORDINANCE
ENACTING SECTION 529.022
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'UNAUTHORIZED CONSUMPTION BY UNDERAGE
PERSON ON PRIVATE PROPERTY,'
AND DECLARING AN EMERGENCY

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

SECTION 1: That Section 529.22 of the Brook Park Codified Ordinances, entitled 'Unauthorized Consumption by Underage Person on Private Property' is hereby enacted to read as follows:

509.022

(a) No person shall knowingly permit any person under the age of 21 who is not their child or ward to consume any beer or intoxicating liquor while such underage person is on real property which is under such person's control, whether by ownership, lease or otherwise, unless that underage person is accompanied by his or her parent or guardian who has consented to such consumption of alcohol.

(b) No person over 18 years of age who resides in this municipality shall negligently permit circumstances to exist at their place of residence (which includes buildings and land), which allows any person under the age of 21 who are not wards or children of such persons to consume beer or intoxicating liquor on such property. Actual consumption of beer or intoxicating liquor by an underage person while on the premises in an element of this offense. For the purpose of this division (b), a court may consider the following circumstances in determining whether a violation has occurred:

1. Whether the adult person or persons in control of the residence departed from the municipality and left the premises occupied by his or her child or ward, who is a minor, without adequate adult supervision, for a period of 24 hours or more.

2. Whether three or more underage persons, not members of the household, congregated on the premises during the absence of the adult person or persons in control of the premises and one or

more of the underage persons consumed beer or intoxicating liquor while on the premises.

3. Whether the adult person or persons in control of a residence notified the Police Department, prior to his or her departure from the municipality, and provided the Police Department with the intended dates and times of his or her departure and return, and the identification of any persons permitted to remain on the premises during his or her absence.

(c) Whoever violates division (a) of this section is guilty of a misdemeanor of the first degree. Whoever violates division (b) of this section is guilty of a minor misdemeanor on the first offense but shall be guilty of a misdemeanor of the fourth degree if a second offense occurs with two years from the date of the first conviction.

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 509.22 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: January 17, 2017

Jim Astora
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR

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

[Signature]
DIRECTOR OF LAW

1/23/17
DATE

Yea
Nay

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. 10063-2016 passed on the 17th day of January 2017 by said council.
Michelle Blazak
Clerk of Council

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 the 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. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith 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 January 23, 2017
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

Troyer
Mencini
Powers
Scott
Burgio
McCormick
Salvatore