

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11045-2018

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO *EW + MAYOR GANNIELLA*

AN ORDINANCE  
ENACTING SECTION 533.25 OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'SEX OFFENDER RESIDENCY PROHIBITION'  
AND DECLARING AN EMERGENCY

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

SECTION 1: Section 533.25 of the Brook Park Codified Ordinances, entitled 'Sex Offender Residency Prohibition' is hereby enacted to read as follows:

**533.25**

(a) It is unlawful for a child-victim sex offender who is required to register with the County Sheriff as a sexual offender to reside within one thousand (1,000) feet of a public park, school premises municipally owned recreation facility or preschool or commercial child day-care center premises.

(b) Any person who violates this provision is herein guilty of a misdemeanor of the first degree and shall be punished as provided in Sections 501.99 and 503.99 of the Codified Ordinances.

(c) Nothing in this section shall prevent the Director of Law or Prosecutor from taking action against a person convicted of a sexually oriented offense who is required to register as a sexual offender as provided in Ohio R.C. 2950.034.

(d) The City of Brook Park adopts the provisions of the law of Ohio now or hereafter in effect concerning the definition, determination, registration or classification of a person who has been convicted of, is convicted of, has plead guilty to either a sexually oriented offense and has been classified as a sexual predator.

(e) Council finds that because children are especially vulnerable to being victims of sexually abusive behavior, kidnapping, and abduction, and are likely to be present a significant amount of time on or near school premises, daycares, preschools, libraries, municipally owned recreation facilities or

municipally owned recreation facility and libraries, that certain persons who have been convicted of or have plead guilty to a sexually oriented offense or a child-victim offense and classified as a sexual predator must not establish a residence or occupy residential premises within 1,000 feet of any school premises, daycare, library, or preschool.

(f) Council adopts the determinations and intent of the Ohio General Assembly as articulated in O.R.C. 2950.02.

(g) This section applies to any person registering on or after the effective date of this legislation.

**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 533.25 of the Brook Park Codified Ordinances; provided this ordinance receives the affirmative vote of at least (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 16, 2018

M. P. Kurlin  
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak  
CLERK OF COUNCIL

APPROVED: [Signature]  
MAYOR

10/16/18  
DATE

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

[Signature]  
DIRECTOR OF LAW

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 October 19, 2018  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council

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. 11045-2018 passed on the 16th day of October 2018 by said council.  
Michelle Blazak  
Clerk of Council

	Yea	Nay
Stemm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>