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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 9921-2014

INTRODUCED BY: MAYOR COYNE and Council Members, Troyer, Mencini, Powers, Burgio, D'Amico, Salvatore, Council President Patten and Council Member Higgins

AN ORDINANCE
ENACTING CHAPTER 1367 OF THE
BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'FORECLOSURE FILING NOTICE.'

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

SECTION 1: The Brook Park Codified Ordinances shall be supplemented by enacting a new Chapter 1367, entitled "Foreclosure Filing Notice" is hereby enacted to read as follows:

1367.01 APPLICATION.

This chapter shall be applicable to all residential, commercial and industrial buildings and structures located within the City of Brook Park.

1367.02 DEFINITIONS.

- (a) PERSON: Means a natural person or any legal entity, including but not limited to a corporation, firm, partnership, estate, trust or association.
- (b) SECURED BY OTHER THAN NORMAL MEANS: A building secured by means other than those used in the design of the building.
- (c) UNOCCUPIED: A building which is not being used for the occupancy authorized by the owner.
- (d) UNSECURED: A building or portion of a building which is open to entry by unauthorized persons.
- (e) VACANT BUILDING: A building (excluding government-owned buildings) which is:
 - 1) Unoccupied and unsecured; or
 - 2) Unoccupied and secured by other than normal means; or
 - 3) Unoccupied and an unsafe building as determined by the Building Commissioner; or
 - 4) Unoccupied and having utilities disconnected; or
 - 5) Unoccupied and has housing or building code violations; or
 - 6) Illegally occupied, which shall include loitering

- and vagrancy; or
- 7) Unoccupied for a period of time over ninety (90) days and having an existing code violation issued by a Property Maintenance Officer; or
 - 8) Unoccupied and abandoned by the property owner.

1367.03 NOTICE TO THE CITY OF FORECLOSURE FILING.

Any person who files a complaint for foreclosure involving real property located within the City of Brook Park on which there is a building or structure shall notify the City of the filing of the foreclosure complaint and shall file a complete copy of the foreclosure complaint with the Building Commissioner within ten (10) days after the filing of that complaint with the relevant court. The notice to the City shall be on a form prescribed by the Building Commissioner.

1367.04 VACANT BUILDING.

If the building or structure on the property that is subject of foreclosure is a vacant building at the time the foreclosure complaint is filed or becomes a vacant building after the foreclosure complaint is filed then the person filing the foreclosure complaint shall comply with all requirements as prescribed in Chapter 1366 of the Codified Ordinances.

1367.05 FILING FEES.

The filing fee for the notice of a foreclosed property is Two Hundred Twenty-Five Dollars (\$225.00). The fee shall be paid at the time of filing the notice as required in Section 1367.03.

1367.06 ECONOMIC DEVELOPMENT FUND.

Revenues collected from foreclosure filing fees shall be placed in the Economic Development Fund.

1367.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances.

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 shall take effect at the earliest time allowed by law.

PASSED: June 17, 2014

Dennis P. Butler
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR

6/17/2014
DATE

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

[Signature]
DIRECTOR OF LAW

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. 99212014
passed on the 17th day of June
20 14 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 6155 Engle Road, for a period of fifteen days.

commencing June 18, 2014
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council