

P/C Safety 6/17/14
CA _____
1st R 7/1/14 Sp. Council
2nd R _____
3rd R _____
B/C _____
Sp. Caucus 7/1/14
Sp. Council 7/1/14

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 9925-2014

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AMENDING SECTION 1355.04 OF THE
BROOK PARK CODIFIED ORDINANCES ENTITLED 'PERMITS,'
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 1355.04(b) of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8329-1997, passed April 1, 1997 and amended by Ordinance 9647-2010, passed May 5, 2010 and reading as follows:

1355.04 PERMITS.

(b) A wireless communication antenna and/or tower shall not be constructed or erected except upon a permit issued by the Building Commissioner after approval by the Planning Commission, after a public hearing, with advance notice of the hearing published in a newspaper of general circulation in the City and by certified mail to all owners of property abutting the parcel on which the antenna and/or tower are to be located. The foregoing requirement of public notice, and a hearing may be waived by the Planning Commission for the construction of a new antenna on an existing structure, provided that the construction of a new tower and associated facilities is not required by the application. Any decision to deny a request to place, construct, or modify a wireless communication antenna and/or tower shall be in writing and supported by substantial evidence contained in a written record of the proceedings of the Planning Commission.

is hereby amended to read:

1355.04 PERMITS.

(b) A wireless communication antenna and/or tower shall not be constructed or erected except upon a permit issued by the Building

Commissioner after approval by the Planning Commission, after a public hearing, with advance notice of the hearing published in a newspaper of general circulation in the City and by certified mail to all owners of property abutting the parcel on which the antenna and/or tower are to be located. The foregoing requirement of public notice, a hearing, and approval by the Planning Commission may be waived by the Building Commissioner for the construction of a new antenna and/or replacement of existing antenna on an existing structure, provided that the construction of a new tower and associated facilities is not required by the application. Any decision to deny a request to place, construct, or modify a wireless communication antenna and/or tower shall be in writing and supported by substantial evidence contained in a written record of the proceedings of the Planning Commission.

SECTION 2: Former Section 1355.04 as enacted by Ordinance No. 8329-1997, passed April 1, 1997 and amended by Ordinance 9647-2010, passed May 5, 2010, 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 the public peace, health, safety and welfare of said City, and for the further reason of amending Sections of 1355.04; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: July 1, 2014 Dennis A. Patten
 PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak APPROVED: [Signature]
 Clerk of Council MAYOR

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

7/1/2014

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. 9925-2014 passed on the 1st day of July, 2014 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 22539 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
 commencing July 2, 2014
Michelle Blazak
 MICHELLE BLAZAK
 Clerk of Council