

P/C 6-21-22 Legislative
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CITY OF BROOK PARK, OHIO

RESOLUTION NO. 15-2022

INTRODUCED BY: COUNCILMAN MENCINI

A RESOLUTION OPPOSING HOUSE BILL 563, WHICH, IF PASSED, WILL PROHIBIT A MUNICIPAL CORPORATION FROM ADOPTING OR ENFORCING ANY REGULATION OR RESTRICTION THAT PROHIBITS SHORT-TERM RENTAL PROPERTIES OR REGULATES THE NUMBER, DURATION OR FREQUENCY OR RENTAL PERIODS FOR SHORT-TERM RENTAL PROPERTIES, AND DECLARING AN EMERGENCY

WHEREAS, H.B. 563, if passed, will prohibit a municipal corporation from adopting or enforcing any regulation or restriction that prohibits short-term rental properties or regulates the number, duration or frequency of rental periods for short-term rental properties; and

WHEREAS, H.B. 563 conflicts with Article XVIII, Section 3, of the Ohio Constitution, which states that: "Municipalities shall have the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with the general laws"; and

WHEREAS, H.B. 563 is another attempt by members of the General Assembly to preempt the Home Rule authority; and

WHEREAS, even the Ohio Legislative Service Commission recognizes the H.B. 563 may raise constitutional concerns, as evidenced by the following comment in their analysis of the bill: "The bill may raise an issue under the Ohio Constitution Home Rule Amendment"; and

WHEREAS, H.B. 563 will prohibit cities from creating necessary regulations that protect the health, safety and best interests of the residents in each municipality in Ohio, including Brook Park; and

WHEREAS, the preservation of local control in Ohio is critical because what works for large urban cities and its suburbs do not always work for Ohio's small rural villages; and

WHEREAS, Home Rule Authority, as established in the Ohio Constitution, grants the residents of municipalities a voice in deciding what is best for the community they call home; and

WHEREAS, H.B. 563 is a clear preemption of that constitutional authority.

NOW, THEREFORE, BE IT HEREBY RESOLVED by HON. MAYOR ORCUTT and COUNCIL OF BROOK PARK, OHIO, two-thirds (2/3) or more of the members elected thereto concurring:

Section 1: That the government of Brook Park continuously incorporated for past SIXTY YEARS, urges the Ohio General Assembly not to support nor enact Sub. House Bill 563.

Section 2: That a duly executed and inscribed copy of this RESOLUTION shall be made a part of the official

RECEIVED
JUN 13 2022
BROOK PARK CITY COUNCIL

record of the COUNCIL and MAYOR OF BROOK PARK in order that due notice of its adoption shall be given to the residents of this community, GOVERNOR HON. MIKE DEWINE, REPRESENTATIVE HON. BRIDE ROSE SWEENEY and SENATOR HON. NICKIE J. ANTONIO.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this RESOLUTION were adopted in an open meeting of the 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 §121.22 of the Revised Code of the State of Ohio.

Section 4: This RESOLUTION 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 oppose House Bill 563, which would prohibit regulation of short-term rental properties but municipalities; therefore, provided this Resolution 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: July 19, 2022

M. P. Kachio
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
Clerk of Council

APPROVED: E. A. Smith
MAYOR

CERTIFICATE

Carol Johnson, 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. 15-2022
passed on the 19 day of July
20 22 by said council.

Carol Johnson
Clerk of Council

7-19-22
DATE

I, Carol Johnson, 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 five 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, #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 7-20-2022
Carol Johnson
CAROL JOHNSON
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coyne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

[Signature]
DIRECTOR OF LAW