

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2018-25

By Nick Haschka Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

ENACTING NEW SECTION 127.06, AUXILIARY EXTERIOR CODE ENFORCEMENT UNIT, IN CHAPTER 127, DEPARTMENT OF PUBLIC SAFETY, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREА, TO PROVIDE FOR AN AUXILIARY EXTERIOR CODE ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY, AND DECLARING AN EMERGENCY.

WHEREAS, City officials are charged with the duty of conducting exterior property maintenance inspections in response to complaints, or in conjunction with requirements set forth in the Codified Ordinances for point-of-sale inspections, leasing permits and foreclosed and abandoned properties; and

WHEREAS, it is more efficient and effective to have all exterior property maintenance inspections performed by employees within the same division; and

WHEREAS, the City desires to consolidate all exterior property maintenance inspections within the Department of Public Safety.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That new Section 127.06, Auxiliary Exterior Code Enforcement Unit, in Chapter 127, Department of Public Safety, of Part One, Administrative Code, of the Codified Ordinances of the City of Berea is hereby enacted, and will read as follows:

127.06 AUXILIARY EXTERIOR CODE ENFORCEMENT UNIT.

(a) Appointment of Members. There is created within the Department of Public Safety an Auxiliary Exterior Code Enforcement Unit, whose sole duties shall be related to the enforcement of exterior property maintenance codes, and whose members shall be appointed by the Director of Public Safety.

(b) Term of Service. Auxiliary Exterior Code Enforcement Officers shall serve so long as the Director of Public Safety may direct, or until a resignation submitted by such members shall be accepted by the Director of Public Safety.

(c) Qualification of Members. The members of the Auxiliary Exterior Code Enforcement Unit shall meet such other requirements as provided by the rules and regulations prescribed in accordance with subsection (f) hereof.

(d) Control of Unit. The Director of Public Safety shall direct the activities of the Auxiliary Exterior Code Enforcement Unit and shall have control of the assignment, training, stationing, and the direction of work of such unit. The Auxiliary Exterior Code Enforcement Unit shall perform only such duties as assigned by the Director of Public Safety and shall act only when in the prescribed uniform or portion of uniform. The Director of Public Safety shall prescribe the time and place such uniform or portion thereof shall be worn.

(e) Scope of Authority. Auxiliary Exterior Code Enforcement Officers are limited to enforcement of any Ordinance establishing requirements for the exterior property maintenance of properties, structures and land within the City. Auxiliary Exterior Code Enforcement Officers shall not be considered law enforcement officers or peace officers, as defined in the Ohio Revised Code, and shall not have arrest authority.

(f) Rules and Regulations. The Director of Public Safety shall prescribe the rules and regulations for the organization, administration, conduct and control of the Auxiliary Exterior Code Enforcement Unit.

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(g) Uniform. The Director of Public Safety is authorized to prescribe, by the rules and regulations, the type of uniform or part thereof which shall be worn by members of the Auxiliary Exterior Code Enforcement Unit.

(h) Nonliability. This Section is declared by Council as an exercise by the City of its police powers for the protection of public peace, health, property, safety and general welfare, and the City, agent, representative of the City, an officer appointed under the provisions of this section, any individual, firm, partnership, corporation, the receiver, trustees or any other agent thereof who, in good faith, executes any executive order, rule or regulation promulgated pursuant to the provisions of this Section shall not be liable for injury or damage sustained to person or property as the direct or proximate result of such action.

SECTION 2. That 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is necessary to begin the exterior property maintenance inspections at a time when climate conditions are most favorable to making exterior repairs. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all 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: May 7, 2018

ATTEST: [Signature]
Clerk of Council

APPROVED: May 8, 2018
[Signature]
Mayor

Approved as to Form:
[Signature]
Director of Law