

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2022- __

By: _____ Sponsor: _____

AN ORDINANCE

AMENDING SECTION 931.02(a), CRIMINAL ACTIVITIES AS A NUISANCE; ABATEMENT, PROCEDURE AND COSTS OF ENFORCEMENT, AND SECTION 1331.05(a), NUISANCE CONDITIONS AT LEASED PROPERTIES PROHIBITED – PROCEDURES – NUISANCE HEARING OFFICER, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO ADD VIOLATIONS OF CHAPTER 1519, FIREWORKS, AS QUALIFYING INCIDENTS TO A NUISANCE DECLARATION, AND DECLARING AN EMERGENCY.

WHEREAS, it is important to periodically review and appropriately amend the Codified Ordinances of the City of Berea to ensure that it continues to serve the best interests of the City and its residents and businesses; and

WHEREAS, the Berea Police and Fire Departments receive many complaints each year about fireworks in densely populated residential areas; and

WHEREAS, Ordinance No. 2009-1 enacted Section 931.02, and was further amended in Ordinance No. 2021-29, to establish the definitions of those violations constituting a criminal nuisance; and

WHEREAS, Ordinance No. 2018-33 enacted Section 1331.05, and was further amended in Ordinance No. 2021-29, to establish definitions of those violations constituting a criminal nuisance at non-owner-occupied residential properties; and

WHEREAS, this Council finds that noise levels that result from discharging fireworks in densely-populated residential areas disturb the peace, quiet and tranquility of neighborhoods; and

WHEREAS, this Council finds that discharging fireworks constitute a public nuisance, and therefore, should be included in the offenses listed in Codified Ordinance 931.02(a) and 1331.05(a).

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

SECTION 1. That current Section 931.02(a), attached hereto as Exhibit “A” and incorporated herein by reference, shall be, and the same is hereby amended to new section 931.02(a), attached hereto as Exhibit “B” and incorporated herein by reference.

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SECTION 2. That Section 1331.05(a), attached hereto as Exhibit “C”, and incorporated herein by reference, shall be, and the same is hereby amended to new Section 1331.05(a), attached hereto as Exhibit “D”, and incorporated herein by reference.

SECTION 3. That the remaining Sections and Subsections of 931.02 and 1331.05 shall be and remain in full force and effect as previously written and codified.

SECTION 4. 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 5. 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 in order to protect residents from the effects of the illegal discharge of fireworks, this Ordinance needs to take effect before the summer season. 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:

President of Council

ATTEST: _____
Clerk of Council

APPROVED:

Mayor

APPROVED AS TO FORM:

Director of Law