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CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2023-50

Introduced By: Mayor Matthew Castelli

A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON VAPE AND SMOKE ESTABLISHMENTS OR SHOPS WITHIN THE CITY OF MIDDLEBURG HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort, and peace of the citizens of the municipality, including restricting areas used for business and trade; and

WHEREAS, this Council desires to issue a moratorium, for a temporary period of time while it undertakes a review of information on the effects of vaping and e-cigarettes and a review and/or study of the Ordinances of the City of Middleburg Heights, including zoning, building, and business regulations; and

WHEREAS, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace, and comfort of the citizens of the City of Middleburg Heights more effectively if a moratorium is in place.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That Council hereby approves a temporary moratorium, for a period of six months from the effective date of this resolution, that the City shall not accept, process, or approve any new applications or issue any new permits, licenses, variances, or any zoning applications from or for vape/smoke establishments or shops within the City of Middleburg Heights.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 3: That 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 for the further reason that this measure is necessary in order to establish this temporary moratorium as soon as possible. Wherefore, provided this Resolution receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 6/13/23

President of Council

Attest: M. Meola
Clerk of Council

Approved On: 6-14-23

Presented to Mayor: 6/14/23

Mayor

	Yea	Nay
Bortolotto	X	
Ali	X	
Sage	X	
Meany	X	
McGregor	X	
Ference	X	
Grech	X	

I, MaryAnn Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Res. 2023-50 adopted by the Council of the City of Middleburg Hts., on 6/13/23 was posted for a period of fifteen days, beginning 6/15/23 and remained so posted for fifteen days at the two posting places as designated by Charter.

MaryAnn Meola
Clerk

CERTIFICATE

I, MaryAnn Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Res. 2023-50 passed on the 13th day of June 2023 by said Council.

MaryAnn Meola
Clerk of Council