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CITY OF BROOK PARK, OHIO

RESOLUTION NO. 2-2021

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION TO ISSUE A
MORATORIUM ON THE GRANTING OF
BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY
BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE ANY
BUSINESS THAT ENGAGES IN HOOKAH USE (ALSO KNOW CALLED SHISHA AND
NARGILE, A WATERPIPE) ESTABLISHMENTS KNOWN AS "BARS OR LOUNGES"
FOR A PERIOD NOT TO EXCEED TWELVE MONTHS FROM THE EFFECTIVE DATE
OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION,
COUNCIL AND THE BROOK PARK PLANNING COMMISSION TO REVIEW
APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE BROOK PARK
ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY

WHEREAS, the health risks associated with hookah smoking are generally thought to be greater than those of cigarette or cigar smoking; and

WHEREAS, Hookah smoke contains significant amounts of nicotine, tar, heavy metals, and carcinogens. Waterpipe smoke may also contain charcoal and wood cinder byproduct carcinogens and carbon monoxide. The water filtration system cools the smoke allowing the user to inhale greater amounts of smoke over a longer period of time. A typical hookah session may last for an hour or more and this period of sustained inhalation increases exposure to carcinogens and is similar in result, to smoking up to 100 cigarettes; and

WHEREAS, according to numerous infectious disease experts, the greatest risk to contracting COVID-19 is in closed indoor facilities; and

WHEREAS, the United States has nearly 300,000 dead from COVID-19 with the numbers growing each day and our hospitals are overwhelmed with the sick; and

WHEREAS, as such, the City's Administration, Council and the Planning and Zoning Commission require additional time to undertake a review of all applicable codes statewide and within the city in order to formulate how such a facility may open and operate safely

in a time of the COVID-19 pandemic for our residents well-being;
and

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

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Brook Park, State of Ohio that:

SECTION 1: That the Council of the City of Brook Park, hereby places a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the opening of a business operating a Hookah Bar or Lounge or any similar business that uses waterpipe communal smoking of sweetened tobacco product, for a period not to exceed 12 months from the effective date of this Resolution, in order to allow the City Administration, Council and the Brook Park Planning and Zoning Commissions to review applicable Ohio statutes, criminal codes and the Brook Park Zoning Code relative to such use.

SECTION 2: No building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, devote any floor area of the business for the purposes of the retail sale of hookah bars or lounges for the period of this moratorium. No valid existing business in the City may expand in any way that would establish a hookah lounge or bar for the duration of the moratorium.

SECTION 3: The moratorium shall be in effect for a period of 12 months from the effective date of this Resolution or until changes are enacted to amend the Codified Ordinances of the City of Brook Park to address these issues or until, Council approves legislation explicitly revoking this moratorium, whichever occurs first.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to this Resolution 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: 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 the City of Brook Park would like to impose a 12 month moratorium on building and/or occupancy permits regarding

hookah bars and lounges; provided that this Resolution receives the affirmative vote of at least five (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: March 11, 2021

M. J. Kurbio
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR
3/18/2021
DATE

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. 2-2021
passed on the 11th day of March
20 21 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 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 March 23, 2021
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schmuck	<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