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CITY OF BROOK PARK, OHIO

RESOLUTION NO: 5-2023

INTRODUCED BY: MAYOR ORCUTT

A RESOLUTION TO EXTEND THE MORATORIUM ON VAPE AND SMOKE ESTABLISHMENTS OR SHOPS WITHIN THE CITY OF BROOK PARK FOR A PERIOD OF NOT MORE THAN 12 MONTHS, AND DECLARING AND EMERGENCY

WHEREAS, On July 19, 2022, this Council passed Resolution 16-2022, granting a twelve (12) months moratorium on vape and smoke establishments or shops within the City of Brook Park; and

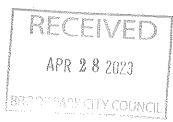
WHEREAS, this Council wishes to extend a moratorium granted by prior Resolution to further undertake a review and/or study of the Ordinances of the City of Brook Park, including zoning, building, and business regulation sections of the Brook Park Codified Ordinances; and

WHEREAS, the City's Administration, Council and the Planning and Zoning Commission require additional time to undertake a review of all applicable codes within the city; and

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

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 extends the moratorium on vape and smoke establishments or shops within the City of Brook Park 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: 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 3: 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 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 for the further reason that the City of Brook Park would like to impose a 12 month moratorium on vape and smoke establishments or shops within the City of Brook Park; 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: May 16	; 2023	PRÉSIDENT OF COUNCIL
ATTEST: Clerk of C	Council API	PROVED: Length Curt
CERTIFICATE Carol Johnson, Clerk of Council, of the City of Park, Ohio, do hereby certify that the foregotrue and accurate copy of Ordinance (Res	of Brook oling Is a colution	<u>5-16-23</u> DATE
passed on the day of 20 3 by said council. Clerk of Council CREBY APPROVE THE WITHIN STRUMENT AS TO LAGAL FORM ID CORRECTIVESS.	Troyer Yea N. Mencini Roberts Scott Coyne Poindexter Salvatore	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 onesis 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, 182 Fire Station 22530 Ruple Parkway, 183 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days. commencing CAROL JOHNSON