

BOARD OF TRUSTEES
MARK C. SCHULTE
KENDAL A. TRACY
MARY MAKLEY WOLFF

FISCAL OFFICER
ERIC C. FERRY

ADMINISTRATOR
JEFFREY A. WRIGHT



ADMINISTRATION
248-3725
248-3730 (FAX)
COMMUNITY DEVELOPMENT
248-3731
SERVICE DEPARTMENT
248-3728
POLICE DEPARTMENT
248-3721
FIRE/EMS
248-3700
PARKS / RECREATION
248-3727

MIAMI TOWNSHIP

6101 MEIJER DRIVE • MIAMI TOWNSHIP, OH 45150-2189

RESOLUTION 2023-05

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on February 13, 2023, with the following members present: Mark Schulte, Ken Tracy and Mary Makley Wolff.

A motion was made to adopt the following Resolution:

RESOLUTION ESTABLISHING A 180-DAY MORATORIUM ON THE ACCEPTANCE OF ALL APPLICATIONS AND THE ISSUANCE OF ANY PERMITS FOR ANY TYPE OF SMOKE, TOBACCO, ELECTRONIC CIGARETTE, VAPING, OR CBD BUSINESS IN ANY ZONING DISTRICT ESTABLISHED WITHIN THE TOWNSHIP, DISPENSING WITH A SECOND READING, AND DECLARING AN EMERGENCY.

WHEREAS, The Miami Township Zoning Resolution allows for the operation of various types of commercial businesses in each of the underlying zoning districts in Miami Township (the "Township"); and

WHEREAS, U.S. Food and Drug Administration and the U.S. Centers for Disease Control and Prevention (CDC) found that 2.55 million U.S. middle and high school students reported e-cigarette use in 2022, which includes 14.1% of high school students and 3.3% of middle school students; and

WHEREAS, The proliferation of establishments selling smoke, tobacco, electronic cigarettes, vaping products, CBD (or other marijuana derivatives), and/or paraphernalia, particularly when concentrated geographically, may have harmful impacts on the public health, safety and welfare of Township residents; and

WHEREAS, the Township seeks to have the Board of Trustees pass a six-month moratorium to allow the Township Community Development Department and Zoning Commission to study and review the appropriate location for any business that derives 50% or more of its revenue collectively from smoke, tobacco, electronic cigarettes, vaping products, CBD (or other marijuana derivatives), and/or paraphernalia in each of the underlying zoning districts in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio by authority of Section 519 of the Ohio Revised Code, and its home rule authority, as follows:

- SECTION 1:** The Board hereby adopts and approves a 180-day moratorium on the acceptance of any applications or issuance of any zoning permits related to the operation of any business that derives 50% or more of its revenue collectively from smoke, tobacco, electronic cigarettes, vaping products, CBD (or other marijuana derivatives), and/or paraphernalia in each underlying zoning district in the Township.
- SECTION 2.** This moratorium suspends and tolls the time periods prescribed by law within which the Township Community Development Department and the Zoning Commission, or any other public official or body with the Township is required to take action upon an application. No such action shall be deemed approved by the failure of the Zoning Commission or any other public official or public body to approve or deny an application during the time when this moratorium is in effect.
- SECTION 3.** The Board believes such a review is warranted and the Township Community Development Department and the Zoning Commission are instructed to review the Township Zoning Resolution for amendments to recognize and reflect the compatibility of the uses for a smoke, tobacco, electronic cigarette, vape and/or CBD (or other marijuana derivatives) business with the surrounding land uses in the various zoning districts in the Township.
- SECTION 4.** The Board does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and authorizes the adoption of this Resolution upon its first reading.
- SECTION 5:** This Resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety, welfare and morals of Miami Township specifically in order to allow for the review of uses in all zoning districts to take place until the Township Community Development Department and Zoning Commission have reviewed the matter and any recommendations have been considered by the Board, and this legislation shall take effect immediately upon its passage by the affirmative vote of all members of the Board.
- SECTION 6:** That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.
- SECTION 7:** This Resolution shall take effect at the earliest period allowed by law.

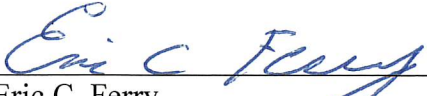
First Reading: February 13, 2023
Second Reading: Dispensed with
Effective: February 13, 2023

The motion was seconded, and the resolution was adopted.

Resolution 2023-05 adopted February 13, 2023

ATTEST:

APPROVED AS TO FORM:


Eric C. Ferry
Township Fiscal Officer


Joseph J. Braun
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.


Eric Ferry, Fiscal Officer

16196338.1