

BOARD OF TRUSTEES  
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KENDAL A. TRACY  
MARY MAKLEY WOLFF

FISCAL OFFICER  
ERIC C. FERRY

ADMINISTRATOR  
JEFFREY A. WRIGHT



## MIAMI TOWNSHIP

6101 MEIJER DRIVE • MIAMI TOWNSHIP, OH 45150-2189

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

### RESOLUTION 2022-54

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on December 13, 2022, 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, OR VAPING BUSINESS IN ANY ZONING DISTRICT ESTABLISHED WITHIN THE TOWNSHIP 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**, the Township seeks to have the Board of Trustees pass a six-month moratorium to allow the Township Planning & Zoning 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, and vaping products and 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, as follows:

**SECTION 1:** The 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 and vaping products and 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 Planning & Zoning 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 Planning & Zoning Department and the Zoning Commission is instructed to review the Township Zoning Resolution for amendments to recognize and reflect the compatibility of the uses for a smoke, tobacco or vape business with the surrounding land uses in the various zoning districts in the Township.

**SECTION 4:** This Ordinance 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 Zoning Department and Zoning Commission has 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 5:** 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 6:** This Resolution shall take effect at the earliest period allowed by law.

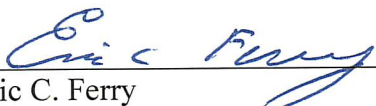
First Reading:	<u>December 13, 2022</u>
Second Reading:	<u>N/A</u>
Effective:	<u>December 13, 2022</u>

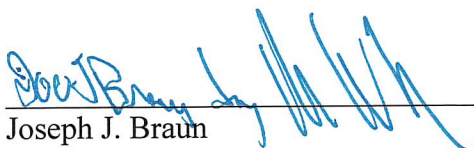
The motion was seconded, and the resolution was adopted.

Resolution 2022-54 adopted December 13, 2022.

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