

ORDINANCE NO. 016-2024

AMENDING SECTION 351.13-TITLED "LIMITATION OF PARKING IN RESIDENTIAL DISTRICTS "OF THE PARKING GENERALLY CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections or phrases of the Planning and Zoning Code were unintentionally removed and need to be amended; and

WHEREAS, the penalty provision for 351.13 was removed and needs to be restored; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: Section 351.13 of the Limitation of Parking in Residential Districts is hereby amended to read as follows:

351.13 LIMITATION OF PARKING IN RESIDENTIAL DISTRICTS.

(a) The provision of parking space, either open or enclosed, for the parking or storage of vehicles in a residential or apartment zoning district shall be subject to the following:

(1) Commercial vehicles. Not more than one truck limited to being a two-axle, four-tired pickup, panel, or light truck and which has operating characteristics similar to those of a passenger car shall be allowed per one dwelling unit.

(2) Camping vehicles, trailers, and motor homes. A camping vehicle, trailer, (boat, horse, cargo, or similar use), may be parked for a period not to exceed seventy-two hours in front of a building line. For longer periods, such equipment shall be stored behind the building line.

No living quarters shall be maintained nor any business conducted in connection therewith while such vehicle is stored. In a residential district where a lot will not allow storage behind the building line, a variance of this requirement may be issued by the Building Department if the abutting property owners have no objections.

(3) Junk vehicles. The parking or storage of junk vehicles shall be regulated as in Chapter 304 of this Traffic Code.

(4) Inoperable automobiles. Not more than one inoperable automobile shall be allowed per one dwelling unit. Such automobile shall be parked or stored only for a period not to exceed thirty days unless such parking or storage space shall be enclosed by a structure, fence or otherwise protected so that the automobile cannot be entered upon or seen from an adjacent lot or street. This provision shall apply to all inoperable antique, collector's item, or historical motor vehicles. (Ord. 78-87. Passed 11-3-87.)

(5) Unlicensed vehicles. Not more than two motor vehicles, which display motor vehicle dealer's tags shall be allowed per one dwelling unit.

(Ord. 49-90. Passed 7-17-90.)

(b) Whoever violates this section shall be subject to the same penalty provisions as set forth in Section ~~1126.99~~ 1127.01(c) of the Planning and Zoning Code.

(Ord. 78-87. Passed 11-3-87.)

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

ORDINANCE NO. 016-2024

APPROVED this ____ day of _____, 2024. _____
Mayor

ORDINANCE NO. 017-2024

AMENDING SECTION 351.14-TITLED "PARKING OF TRAILERS AND SEMITRAILERS" OF THE PARKING GENERALLY CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections or phrases of the Planning and Zoning Code were unintentionally removed and need to be amended; and

WHEREAS, the penalty provision for 351.14 was removed and needs to be restored; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: Section 351.14 of the Parking of Trailers and Semitrailers is hereby amended to read as follows:

351.14 PARKING OF TRAILERS AND SEMITRAILERS.

(a) Definitions. As used herein, the following terms shall have the meanings respectively ascribed to them:

(1) "Trailer" means any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle and includes any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, except a house trailer.

(2) "Semitrailer" means any vehicle of the trailer type without motive power so designed or used without another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by such other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this subsection and includes any vehicle of the dolly type, such as a trailer dolly, designed or used for the conversion of a semitrailer into a trailer.

(3) "Owner" means any owner, tenant or person in charge. (Ord. 19-75. Passed 7-1-75.)

(b) Parking in Zoning Districts Prohibited; Exceptions. The parking of trailers and semitrailers in any zoning district is hereby prohibited subject to the following conditions:

(1) Parking on lots. No trailers or semitrailers are permitted to be parked on residential or nonresidential lots or vacant lots within the City unless it is intended for the purposes of unloading or loading them at such location or a location contiguous thereto within the twenty-four hour period next ensuing and permission has been granted by the owner of the lot for such purpose. However, when the trailer is left at a nonresidential lot for the purpose of loading or unloading on a day prior to a weekend or holiday, the twenty-four hour period shall not include the nonscheduled work day of such weekend or holiday period. A trailer or semitrailer attached to a tractor or other vehicle providing motive power, may be temporarily parked on a nonresidential lot or vacant lot, for no more than two (2) continuous hours, between 7:00 a.m. and 9:00 p.m. The failure of a person to have written permission of the owner for the specific purpose shall be prima-facie evidence of the absence of permission and a violation of this section. (Ord. 050-2015. Passed 8-4-15.)

(2) Parking for loading and unloading purposes generally. Trailers or semitrailers that are loading or unloading in nonresidential areas are not permitted to stand or remain on private property where the loading or unloading operation is to be performed for a period of time longer than twenty-four hours subject to the exception of subsection (b)(1). Trailers or semitrailers that are to be loaded or unloaded in a residential area are prohibited from parking or remaining standing for a period exceeding four hours or the period of time it reasonably takes to load or unload without interruption, whichever is less.

(3) Parking for storage and/or sale of merchandise. Trailers or semitrailers which are parked with or without a current license for use as storage space for merchandise for sale, materials held for the use in construction or the storage of equipment are not permitted except upon application for a special permit to be obtained from the Director of Public Service not to exceed a period of fifteen days in nonresidential areas and not to exceed a period of ninety days where such vehicle is being used for construction purposes. This ninety-day permit may be extended only with additional special

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permit to be obtained from the Director for a period of time not to exceed an additional ninety-day period. Successive periods shall not be granted beyond the date of the Chief Building Inspector granting an occupancy permit.

(4) Parking in industrial districts. In industrial zoning districts, I-1 and I-2, empty trailers or semitrailers may be parked on private property only for the purpose of the storage of the empty trailer or semitrailer and not for the purpose of storage of any equipment, tools, goods, or other items.

(c) Whoever violates this section shall be subject to the same penalty provisions as set forth in Section ~~1126.99~~ 1127.01(c) of the Planning and Zoning Code.

(Ord. 19-75. Passed 7-1-75.)

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

ORDINANCE NO. 018-2024

AMENDING SECTION 903.31 TITLED "PARKING PROHIBITED ON FRONT LANDSCAPED AREAS "OF THE STREETS AND PUBLIC SERVICES CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the current language in Section 903.31 prohibits parking on landscaped areas in specific districts; and

WHEREAS the suggested amendment will, prohibit parking on front landscaped areas in all districts, NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: Section 903.31 Parking Prohibited on Front Landscaped Areas is hereby amended to read as follows:

903.31 PARKING PROHIBITED ON FRONT LANDSCAPED AREAS.

In any ~~LCD, OD, GCD, 1-1 or 1-2~~ District, no vehicle shall be parked, nor any merchandise displayed for sale, upon any landscaped or unpaved area between the curb line and front building line, or curb line to the paved parking area when such paved parking area exists.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

ORDINANCE NO. 019-2024

AMENDING SECTION 1109.04-TITLED "COMMUNITY GARDENS AND URBAN AGRICULTURE" OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections of the Planning and Zoning Code were found to be redundant or in conflict with other sections of the code and need to be modified; and

WHEREAS, the city has at least two beekeepers, and we have never had any complaints or issues. Honeybees are pollinators beneficial to our environment and food production. Honeybee and wild bee populations are declining in numbers, so keeping bees can be a way to help ensure the presence of pollinators in the future; and

WHEREAS, birds and fowl are already regulated under 505.01, 505.03, 505.08, 505.12, 505.18, 505.23

WHEREAS, the proposed modifications are necessary to maintain consistency in the City of Whitehall Codified Code; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: Section 1109.04 Community Gardens and Urban Agriculture is hereby amended to read as follows:

1109.04 COMMUNITY GARDENS AND URBAN AGRICULTURE.

(a) Applicability.

(1) Community gardens and urban agriculture are permitted as a primary or an accessory use in all zoning districts, subject to approval of a zoning permit per Title Six - Administration and Procedures.

(2) Where the operator of an urban agriculture site or community garden is not the property owner, written permission from the property owner shall be required before gardening or agricultural activities may commence.

(b) Operator Contact Information Required.

(1) In addition to any other applicable information required as part of a permit per Title Six - Administration and Procedures, permit applications for community gardens or urban agriculture shall include contact information for the organization or individuals responsible for maintenance of the use, including names, mailing addresses, emailing addresses, and telephone numbers.

(2) Should the contact information be changed for an operator of a community garden or urban agriculture, the operator must file an updated contact list with the City on a form made available by the City Administrator.

(c) Permitted Activities That Require a Zoning Permit. The following activities shall be permitted as part of an approved urban agriculture site or community garden for agricultural, floricultural, or horticultural commodities:

(1) Cultivation, growing, and harvesting, including the operation of greenhouses, hoop houses, cold frames, and similar structures.

(2) Operating farm stands.

(d) Permitted Activities That Do Not Require a Zoning Permit. The following activities typically associated with community gardens and urban agriculture do not require a zoning permit to operate on private property:

(1) Composting in compost bins.

(2) Keeping hens.

(3) Beekeeping.

~~(e) Prohibited Fowl. All fowl except for hens are prohibited from being kept. Such prohibited fowl include but are not limited to:~~

~~—(1) Roosters.~~

~~—(2) Quail.~~

~~—(3) Geese.~~

~~—(4) Turkeys.~~

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- ~~—(5) Ducks.~~
- ~~—(6) Ostriches.~~

(f) Keeping of Hens.

- (1) The keeping of hens shall not be permitted as the primary use of an urban agricultural site or community garden.
- (2) Hens shall have access to an outdoor coop or enclosure adequately fenced or otherwise bound to contain the birds on the property and to prevent access by dogs and other predators. Such coop and enclosure shall provide at least ten (10) square feet of area for each bird.
- (3) The coop, the enclosure, and other spaces where hens graze shall not be in a side yard or a front yard.
- (4) Not more than six (6) hens per lot are permitted.
- (5) Roosters are not permitted under any circumstances.
- (6) On-site slaughtering of hens is prohibited.
- (7) The coop, the enclosure, and any other constructed elements and reserved space for hens shall not exceed eight (8) feet in height, shall not occupy more than twenty-five percent (25%) of a rear yard, and shall not be closer than five (5) feet from any lot line.

(g) Beekeeping and Apiaries.

- ~~—(1) Enclosures and apiaries associated with beekeeping shall not be closer than forty (40) feet from any lot line.~~
- ~~—(2) Any lot smaller than two (2) acres shall not exceed two (2) hives or enclosures for beekeeping.~~
- ~~—(3) Individual hives or enclosures shall not exceed five (5) feet in height and twenty (20) cubic feet in size on any lot.~~

(h) Farm Stands.

- (1) Farm stands shall be permitted as accessory to a community garden or urban agriculture site, but they may only sell products harvested from the subject property.
- (2) Up to one (1) farm stand per lot shall be permitted.
- (3) Farm stands shall only operate between the hours of 8:00 a.m. and 8:00 p.m.
- (4) If the farm stand is a permanent structure, it must adhere to the applicable accessory structure standards of this Code.
- (5) Tables, chairs, or any other equipment associated with a farm stand must be stored away from view when the farm stand is not operating.

(i) On-site Composting.

- (1) On-site composting shall not be permitted as the primary use of an urban agricultural site or community garden and may not occupy more than twenty percent (20%) of the property.
- (2) Bins and materials associated with composting shall not be closer than fifteen (15) feet from any lot line.
- (3) Materials that will or are being composted shall be stored in a manner that is not visible from adjacent residential properties.
- (4) Where there is found to be an insect or rodent infestation, the composting activity shall discontinue, and composting equipment shall be removed until thirty (30) days after the insect or rodent infestation is addressed and removed.

(j) Fencing. Fencing shall comply with the applicable regulations of Article **1114** - Fences, Walls, and Screening.

(k) Agricultural Structure and Site Design Requirements.

- (1) All agricultural structures over 200 square feet shall require a building permit.
- (2) Where a parcel contains no dwelling or other principal structure, any agricultural structures other than fences shall be deemed accessory to the community garden or urban agriculture use.
- (3) Where an urban agriculture site or community garden is the primary use of a property, any structures on the lot shall be used only for agricultural purposes.
- (4) Any agricultural structures that are abandoned, or all structures associated with an urban agriculture site or community garden that ceases to operate, shall be removed within sixty (60) days of abandonment or discontinuance of the use.
- (5) In residential districts, structures associated with an urban agriculture site or community garden shall only be in the rear yard of the subject property. Where the subject property is not improved with a dwelling or other approved principal structure, the rear yard shall be identified and assigned by the City Administrator based on the average location of rear yards for improved properties on either side of the subject property.

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(6) Permitted agricultural structures include greenhouses, hoop houses, cold frames, and similar structures for the growing of plants.

(7) Permitted site design elements include open space for active and passive recreation including children's play areas.

(8) Permitted accessory structures include sheds, gazebos, pavilions, and similar structures.

(I) Maintenance.

(1) The property shall be maintained in an orderly manner, free of excessive weeds, debris, vermin, or standing water.

(2) Any citations for enforcement action against a property with an urban agriculture site or community garden shall be issued to the listed operators of the property.

(Ord. 081-2023. Passed 10-3-23.)

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

ORDINANCE NO. 020-2024

AMENDING CHAPTER 1113 TITLED "LANDSCAPING" CODE OF THE CITY OF WHITEHALL, CODIFIED ORDINANCES BY IMPLEMENTING A LANDSCAPE MAINTENANCE REQUIREMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections of the Planning and Zoning Code were unintentionally removed and need to be reinstated; and

WHEREAS, this addition is needed in order to maintain and preserve the appearance of our city, NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: 1113.06 of the Landscape Maintenance will be enacted to read as follows:

1113.06 LANDSCAPE MAINTENANCE

Landscape materials shall be maintained in a neat and orderly manner.

(a) Maintenance and Installation. All landscaping materials shall be installed in a sound and competent manner, according to accepted good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, including but not limited to grass, ground cover, trees, shrubs and tree lawn plantings along property frontage, and shall keep them in a proper, healthy, neat and orderly appearance, free of refuse and debris at all times.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

ORDINANCE NO. 021-2024

AMENDING PART SEVEN OF THE BUSINESS REGULATION CODE BY ADDING CHAPTER 767 "TITLED "OUTDOOR DISPLAY, STORAGE AND SALES OF MERCHANDISE" TO THE CITY OF WHITEHALL, CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections of the Planning and Zoning Code were unintentionally removed and need to be reinstated; and

WHEREAS, this addition is needed in order to maintain and preserve the appearance of our city; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: 767.01 Outdoor Display, Storage, and Sales of Merchandise will be enacted to read as follows:

767.01 OUTDOOR DISPLAY, STORAGE AND SALES OF MERCHANDISE.

No merchandise shall be permitted to be displayed or stored outside of a building in any district with the following exceptions:

(a) Outdoor sales of merchandise may be permitted two times within a calendar year for no more than three (3) consecutive business days.

(b) No merchandise shall be permitted to be displayed between the building line and the property line in excess of six feet six inches in height.

(c) No merchandise shall be permitted to be displayed in any area designated as a parking space, nor the ingress or egress of said parking space.

(d) No merchandise shall cover more than 25% of sidewalk in the frontage zone from the building line nor extend more than four feet into the frontage zone.

(e) Seasonal sales of agricultural products (e.g. flowers, pumpkins, Christmas trees, mulch, etc.) shall be limited to forty-five days or less. However, property where these seasonal sales occur must be zoned for sales of these types of merchandise.

(f) No business shall be conducted between the curb line and the property line or in any area designated as a public right of way in any district.

(g) Whoever violates this section is guilty of a minor misdemeanor.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

ORDINANCE NO. 021-2024

APPROVED this ____ day of _____, 2024. _____
Mayor

Requested by: Casey Thomas, Director of Public Service
Prepared by: Walt Sural, Code Enforcement
Approved as to form: Brad Nicodemus, City Attorney BSN 3/25/2024

ORDINANCE NO. 022-2024

AMENDING CHAPTER 1115 TITLED "OUTDOOR LIGHTING" CODE OF THE CITY OF WHITEHALL, CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections of the Planning and Zoning Code were unintentionally removed and need to be reinstated; and

WHEREAS, the proposed additions are necessary for the preservation of public health, peace, safety, and welfare, NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: 1115.03 of the Outdoor Lighting will be enacted to read as follows:

1115.03 OUTDOOR LIGHTING.

In any use district where outdoor lighting is provided, such lighting shall be arranged so as to reflect away from adjoining properties and any public street or highway.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

ORDINANCE NO. 023-2024

AMENDING CHAPTER 1111-TITLED "PARKING, LOADING AND DRIVE THRU" OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections of the Planning and Zoning Code were unintentionally removed and need to be reinstated; and

WHEREAS, the proposed additions are necessary for the preservation of the public health, peace, safety and welfare, NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: 1111.15 Portable Storage Units will be enacted to read as follows:

1111.15 PORTABLE STORAGE UNITS.

(a) For the purpose of this section, "portable storage unit" shall mean any portable enclosed unit of durable construction or material, not to exceed eight feet wide by eight feet tall by sixteen feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

(b) Portable storage units may be permitted as a temporary use in any zoning district within the City as follows:

(1) Temporary use or construction sites as provided in Section 1111.14 B 3; or

2) When the occupant of a property is relocating, a portable storage unit shall be located on a paved surface on the property for a period not to exceed seven consecutive days or fourteen total days in any 180-day period; or

(3) When necessary to facilitate general temporary uses not described above, a portable storage unit shall be located on a paved surface on the property for a period not to exceed seven consecutive days or fourteen total days in any 180-day period;

(4) The placement of any Portable Storage Unit shall be in such a manner as not to create a public nuisance nor obstruct nor hinder public or private traffic.

(c) Any use permitted in this section except for those uses under Section 1111.15(b) (1) shall require a permit to be issued by the City Building Department. This permit fee shall be fifteen dollars (\$15.00) and the permit shall be good for seven consecutive days or fourteen total days in any 180-day period.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

RESOLUTION NO. 009-2024

A RESOLUTION AUTHORIZING THE CITY OF WHITEHALL TO JOIN THE CITY OF COLUMBUS IN A LAWSUIT AGAINST THE STATE OF OHIO TO UPHOLD THE HOME RULE AUTHORITY OF THE CITY TO PURSUE AND ENFORCE TOBACCO REGULATIONS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall adopted Ordinance 02-2023, establishing Whitehall Codified Ordinance 517.45 and 517.46, prohibiting the sale of tobacco products to persons under the age of twenty-one (21) and, Ordinance 03-2023, establishing Whitehall Codified Ordinance Chapter 741 regulating the sale of tobacco and nicotine products and establishing a Tobacco Products Sales Licensing Program; and

WHEREAS, this Council finds that the passage of Ordinances Nos. 02-2023 and 03-2024 and the enforcement of Chapter 741 are a legitimate and proper exercise of the City's Home Rule Power under Article XVIII, Section 7 of the Ohio Constitution, which states that a municipal may "exercise thereunder all powers of local self-government;" and

WHEREAS, on January 24, 2024, the State of Ohio General Assembly voted to override the veto of Governor Mike DeWine on legislation, to be codified in Section 9.681 of the Ohio Revised Code and purporting to prohibit municipal corporations from regulating tobacco and alternative nicotine products, with an effective date at the end of April; and

WHEREAS, the City of Columbus is filing a lawsuit against the State of Ohio enjoin Section 9.681 as a violation of the Home Rule Amendment and to protect and enforce the Home Rule authority of municipalities in this state; and

WHEREAS, this Council finds that the City of Whitehall should participate in and advocate for the power of this City and of all municipalities in this state to exercise the powers of local self-government, in general, and specifically related to tobacco regulation; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the City of Whitehall shall participate, as a party Plaintiff, with the City of Columbus, in its lawsuit against the State of Ohio related to the enforcement of tobacco regulations by municipalities.

SECTION 2: That the City Attorney is directed to engage in all appropriate action to participate in such lawsuit and to advocate on behalf of the City of Whitehall to protect the interests of this City and of its residents.

SECTION 3: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Resolution shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

Requested by: Bradley S. Nicodemus, City Attorney

Prepared by: Bradley S. Nicodemus, City Attorney

Approved as to form: Bradley S. Nicodemus, City Attorney bsn 3/25/2024