

**RESOLUTION NO. 2024 - 75**

**A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM, NOT TO EXCEED SIX (6) MONTHS, PROHIBITING THE ACCEPTANCE OF APPLICATIONS FOR, AND THE GRANTING OF, ZONING APPROVALS, BUILDING PERMITS, AND CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE, OR CHANGE OF USE THAT WOULD BE ASSOCIATED WITH THE DISTRIBUTION OR SALE OF VAPING/E-CIGARETTE PRODUCTS AND PROHIBITING THE COMMENCEMENT OF THE ACTUAL DISTRIBUTION AND SALE OF SUCH PRODUCTS WITHIN THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY**

**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 regulating certain business uses; and

**WHEREAS**, this Council desires to issue a moratorium, for a temporary period of time, while it undertakes a review of information on the effects of vaping and e-cigarettes and a review and/or study of the Ordinances of the City of Parma Heights, including zoning, building, and business regulations; and

**WHEREAS**, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace, and comfort of the citizens of the City of Parma Heights more effectively if a moratorium is in place.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: That this Council hereby establishes a temporary moratorium, not to exceed six (6) months, prohibiting the acceptance of any application for, or the granting of, any zoning approvals, building permits, and certificates of occupancy for any building, structure, use, expansion of use, or change of use that would be associated with the distribution or sale of vaping/e-cigarette products and prohibiting the actual distribution or sale of such products in the City of Parma Heights, Ohio.

Section 2: This moratorium shall be in effect for a period not to exceed six (6) months or until Council enacts an Ordinance or Resolution revoking this moratorium, whichever shall occur sooner.

Section 3: This moratorium shall specifically not apply to the acceptance of any application for, or the granting of, any zoning approvals, building permits, conditional use permits, marijuana dispensary licenses, and/or certificates of occupancy for any building, structure, use, expansion of use, and/or change of use that would be associated with marijuana dispensaries with applications for licenses, licenses, and/or provisional licenses under O.R.C. Chapters 3780 and/or 3796, within the City of Parma Heights, Ohio, as Council is already enacting regulations for such uses.

Section 4: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 5: This Council declares this Resolution to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to enable the City to fully study the impacts of vaping/e-cigarette products and its effects on the City and the health, safety, and general welfare of its inhabitants in order to consider reasonable regulation; wherefore, this Resolution shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: September 23, 24 Thomas Rounds  
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen September 23, 2024  
CLERK OF COUNCIL APPROVED

FILED WITH  
THE MAYOR: September 23, 24 Marie Gallo  
MAYOR MARIE GALLO