

BOARD OF TRUSTEES
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ADMINISTRATOR
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A RESOLUTION 2023-15

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session on April 18, 2023, with the following members present: Ken Tracy, Mary Makley Wolff and Mark Schulte.

A motion was made to adopt the following Resolution:

AGREEING TO INITIATE AMENDMENTS TO THE ZONING RESOLUTION OF MIAMI TOWNSHIP, CLERMONT COUNTY, OHIO AND DISPENSING WITH THE SECOND READING

WHEREAS, Ohio Revised Code Section 519.12 provides that an amendment to a township zoning resolution may be initiated by the township board of trustees by resolution; and

WHEREAS, through the zone amendment process the Board will consider a prohibition on the establishment of new smoke shops within Miami Township; and

WHEREAS, the U.S. Food and Drug Administration and the U.S. Centers for Disease Control and Prevention 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 (collectively "smoke products"), particularly when concentrated geographically, may have harmful impacts on the public health, safety and welfare of Township residents; and

WHEREAS, Community Development Department staff have researched information confirming the dangers of vaping, particularly to school aged children, and provided documentation to the Board of Trustees; and

WHEREAS, the Board believes that accessibility to smoke products will have a detrimental impact on the health, safety and welfare of Miami Township residents and should be limited through zoning; and

WHEREAS, the Board would like to initiate the process to amend the Miami Township, Clermont County, Zoning Resolution (“MTZR”) to update the applicable regulations within the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio as follows:

- Section 1. Pursuant to Ohio Revised Code Section 519.12(A)(1), the Board hereby initiates amendments to the MTZR to be made as provided for in the attached Exhibit A which is incorporated herein by reference.
- Section 2. Upon adoption, this Resolution shall be certified to the Miami Township Zoning Commission at its next regularly scheduled meeting for further action in accordance with Ohio Revised Code Section 519.12(A)(2), *et seq.*
- Section 3. The Board 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 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 shall take effect at the earliest period allowed by law.

First Reading: April 18, 2023
Second Reading: Dispensed with
Effective: April 28, 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 C. Ferry
Fiscal Officer, Miami Township

Exhibit A

Editor's note: bold italics is added language

Section 25.01(C) of the Zoning Resolution of Miami Township, Clermont County, Ohio shall be amended as follows:

Uses which are not specifically permitted are prohibited. *Smoke shops, marijuana cultivators, processors and retail dispensaries are prohibited within all Districts.*

Amend Chapter 28 Definitions to include the following definition alphabetically:

SMOKE SHOP: Any business that derives fifty (50) percent or more of its revenue collectively from smoke, tobacco, electronic cigarettes, vaping products, CBD (or other marijuana derivatives), and/or similar items or paraphernalia.