First Reading: April 19, 2021
Second Reading: Dispensed

HOME RULE RESOLUTION NO. HR2021-001

BOARD OF TRUSTEES, WASHINGTON TOWNSHIP
MONGOMERY COUNTY, OHIO

LIMITED HOME RULE RESOLUTION AUTHORIZING THE WASHINGTON TOWNSHIP ADMINISTRATOR TO ISSUE ORDERS IMPLEMENTING TEMPORARY WAIVERS TO CERTAIN TOWNSHIP REGULATIONS AND CERTAIN ENFORCEMENT ACTIVITIES IN ORDER TO PROMOTE LOCAL BUSINESSES WHILE CONTINUING EFFORTS TO REDUCE THE SPREAD OF THE COVID-19 CORONAVIRUS, DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY

WHEREAS, on March 9, 2020, Governor DeWine declared a State of Emergency in Executive Order 2020-01D in response to the COVID-19 pandemic;

WHEREAS, between March 2020 and February 2021, the Ohio Department of Health issued numerous Director's Orders limiting the sale of food and beverages, liquor, beer and wine to carry-out and delivery only, and placing various other restrictions on dine-in services;

WHEREAS, on April 5, 2021, the Ohio Department of Health issued a Director's Order rescinding the various Orders previously issued with respect to dine-in services and the sale of food and beverages, liquor, beer and wine;

WHEREAS, on April 5, 2021, the Ohio Department of Health issued a second Director's Order setting forth various social distancing and facial covering requirements, and recognizing that "everyone should, whenever possible, be outside for activities and gatherings. The spread of COVID-19 is significant less outdoors compared to indoors;"

WHEREAS, Chapter 519 of the Ohio Revised Code authorizes the Washington Township Board of Trustees to adopt resolutions regulating the zoning and use of land within the Township, and the Washington Township Zoning Resolution was adopted pursuant to such authority;

WHEREAS, Chapter 504 of the Ohio Revised Code empowers the Washington Township Board of Trustees to exercise additional limited home rule powers which are not in conflict with Chapter 504 and the general laws of the State of Ohio;

WHEREAS, consistent with the powers and authority of the Board of Trustees under the Ohio Revised Code, and in order for the Township to do its part in safely reopening Ohio's economy while maximizing the effectiveness of the Ohio Department of Health's COVID-19 guidance and restrictions, the Board of Trustees approved Resolution R2020-009 authorizing the Washington Township Administrator to issue temporary waivers from certain local zoning regulations and enforcement activities in order for local businesses to temporarily utilize outdoor space for business activities which they may not have otherwise been able to utilize; and

WHEREAS, to promote local businesses and Ohio's economy while continuing efforts to reduce the spread of COVID-19, the Board of Trustees desires to extend Resolution R2020-009 and the authority granted to the Township Administrator thereunder through the end of the 2021 calendar year.

First Reading: April 19, 2021
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NOW THEREFORE, BE IT RESOLVED, by the Washington Township Board of Trustees:

SECTION 1. The Township Administrator is hereby authorized to issue temporary waivers of restrictions set forth in Article 10 of the Township Zoning Resolution, and certain enforcement activities related thereto, that would impose limits on the use of outdoor portions of private commercial property for dining service, including provisions that prohibit the use of parking spaces for such activity, as well as local regulations that restrict the ability of local businesses to erect temporary shade structures to support such activity.

SECTION 2. This Resolution and the authority granted to the Township Administrator hereunder shall be in effect through December 31, 2021, unless earlier terminated by action of the Board of Trustees.

SECTION 3. Any provision within this Resolution which conflicts with any state or federal law or constitutional provision, or conflicts with or is superseded by any Executive Order of the Governor of the State of Ohio or the President of the United States, shall be deemed inapplicable to and severed from this Resolution, and the remainder of the Resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED, that by a majority vote of its members, the Board of Trustees of Washington Township hereby dispenses with the requirement that this Resolution be read on two separate days and authorizes its passage on the first reading; and

BE IT FURTHER RESOLVED, that this Resolution constitutes an emergency measure necessary for the immediate preservation of the health, safety and general welfare of Township residents, and for the further reason that the Board desires to promote local businesses and Ohio's economy while continuing efforts to reduce the spread of COVID-19. As such, this Resolution shall be immediately effective upon its passage per Ohio Revised Code 504.11.

VOTE RECORD:

Mr. Berry Aye **Ms. Lowry** Aye **Mr. Paulson** Aye

PASSED at the Meeting of the Board of Trustees this 19th day of April 2021.

Scott Paulson, President

Sharon Lowry, Vice President

Dale Berry, Trustee

First Reading: April 19, 2021
Second Reading: Dispensed

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Washington Township Fiscal Officer, this 19th day of April, 2021.

Gary Smiga, Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director

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