

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

May 21, 2020

OLD BUSINESS - NONE

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 05 – 20 – 26

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE EXECUTIVE ORDERS IMPLEMENTING TEMPORARY WAIVERS TO CERTAIN REGULATIONS AND CERTAIN ENFORCEMENT ACTIVITIES IN ORDER TO PROMOTE LOCAL BUSINESSES AND THE STATE’S RESPONSIBLE RESTART OHIO

WHEREAS, on March 9, 2020, the Governor declared a State of Emergency in Executive Order 2020-01D; and

WHEREAS, on March 15, 2020, the Ohio Department of Health issued a Director’s Order to limit the sale of food and beverages, liquor, beer and wine to carry-out and delivery only; and

WHEREAS, on April 30, 2020, the Ohio Department of Health issued a Director’s Order that reopens businesses, with exceptions, and continues a stay healthy and safe at home order; and

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self-government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Clayton, Ohio, have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, consistent with its home rule authority, and in order for the City of Clayton to do its part in the reopening of Ohio’s economy, the City Council finds it appropriate to authorize the City Manager to issue temporary waivers to certain local regulations and certain enforcement activities in order for Clayton businesses to maximize the effectiveness of the Governor’s and Ohio Department of Health’s relaxation of the previously imposed COVID-19 restrictions.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City Manager is hereby authorized to issue temporary waivers of restrictions and certain enforcement activities in the Clayton Codified Ordinances that would impose limits on the use of outdoor portions of private commercial property for dining or service, including provisions that prohibit the use of parking spaces for such activity, and local provisions that restrict the ability of local businesses to erect temporary shade structures to support such activity and further authorizing the City Manager to issue temporary permits including for the use of outdoor portions of private commercial property for dining or service upon such conditions as are deemed necessary and in accordance with applicable laws, rules, and regulations and in the best interest of the public health, safety and welfare.
2. That this Resolution and the authority granted herein shall be in effect for a period of one hundred and eighty (180) days from the date of its approval unless terminated earlier by action of the City Council.
3. If the State of Emergency declared by Executive Order 2020-01D expires or is terminated, this Resolution and the authority granted herein shall terminate immediately and all outdoor facilities permitted hereunder shall cease within 48 hours.
4. 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 President of the United States shall be deemed inapplicable and deemed severed from this Resolution with the remainder of the Resolution remaining in full force and effect.
5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.
6. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Clayton.

ADOPTED BY COUNCIL ON MAY 21, 2020
