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City
Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The following Ordinance was passed by Hilliard City Council on May 9, 2016.

16-17 AMENDING CHAPTERS 1105, 1111, 1115 AND 1123 OF THE CITY'S CODIFIED ORDINANCES REGARDING REGULATION OF HOOKAH LOUNGES AND VAPOR LOUNGES.

WHEREAS, by the passage of Ordinance No. 14-29 by Council on October 27, 2014, the City adopted a new Planning and Zoning Code contained in Part Eleven of the City's Codified Ordinances (the "Code"); and

WHEREAS, Hookah Lounges and Vapor Lounges are not contemplated within the current Code; and

WHEREAS, according to the World Health Organization ("WHO"), using a water pipe to smoke tobacco, commonly referred to as hookah, "poses a serious potential health hazard" and it "is not a safe alternative to cigarette smoking"¹; and

WHEREAS, the U.S. Food and Drug Administration ("FDA") has recognized that the use of e-cigarettes or "vaping" has not been fully studied and there may be potential risks that could lead "young people to try other tobacco products which are known to cause disease and lead to premature death"²; and

WHEREAS, after consideration, Council has determined that because the City's zoning code lacks definitions for these establishments, various sections of the City's Codified Ordinances should be amended to include definitions, appropriate zoning districts and conditional use requirements; and

WHEREAS, the City believes that amendments to the City's Codified Ordinances, affecting four separate chapters, as identified in Exhibit "A", promotes the general health, safety and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Council finds that amending pertinent parts of Chapters 1105, 1111, 1115, and 1123 of the City's Codified Ordinances promotes the general health, safety and welfare of its citizens, all as identified in Exhibit "A", **attached** hereto and incorporated herein. The additions to the Amended Chapters 1105, 1111, 1115, and 1123 as shown in track changes in Exhibit "A" are approved and shall be incorporated into the City's Codified Ordinances in their respective chapters.

SECTION 2. Requirements contained in Chapters 1105, 1111, 1115 and 1123 of the City's Codified Ordinances shall take effect on the effective date of this Ordinance (the "Enforcement Date"), except as to hours of operation and location requirements for those legally conforming Hookah and Vapor establishments existing and operating as a business on the date this Ordinance is passed.

SECTION 3. The City's Division of Planning shall mail copies of this Ordinance and a summary of all changes in the zoning code affecting the City's existing Hookah and Vapor establishments within five days of its passage.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest time provided for by law.

¹ TobReg, Advisory Note, Water pipe Tobacco Smoking: Health Effects, Research Needs and Recommended Actions by Regulators, http://www.who.int/tobacco/global_interaction/tobreg/Waterpipe%20recommendation_Final.pdf (accessed January 13, 2016).

² Electronic Cigarettes (e-Cigarettes), <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm> (accessed January 13, 2016).

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RESOLUTIONS

The following Resolution was adopted by Hilliard City Council on May 9, 2016.

16-R-45 A RESOLUTION INDICATING WHAT SERVICES THE CITY OF HILLIARD WILL PROVIDE TO THE 387 ±ACRES LOCATED NORTH OF SCIOTO DARBY CREEK ROAD, EAST OF LANGTON ROAD, AND EAST AND WEST OF WEST OF ELLIOT ROAD IN BROWN TOWNSHIP, FRANKLIN COUNTY, OHIO, UPON ANNEXATION TO THE CITY OF HILLIARD, OHIO AND TO PROVIDE FOR BUFFER REQUIREMENTS.

WHEREAS, on May 5, 2016, pursuant to Ohio Revised Code Section 709.023, the property owner, Hill Distributing Co. and the Robert Bright Trust, seeking the annexation of 387 ±acres of real property (the "Property" and the "Territory") located north of Scioto Darby Creek Road, east of Langton Road, and east and west of Elliott Road (part of the Robert Bright Trust) in Brown Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of their Property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is **attached** hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

WHEREAS, Ohio Revised Code Section 709.023(C) provides that within twenty (20) days after the date that the petition is filed, the municipal corporation to which annexation is sought shall adopt a Resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and

WHEREAS, Ohio Revised Code Section 709.023(C) also provides that within that same twenty (20) day period, a municipal corporation shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipality corporation's zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. In the event that the proposed 387 ±acres is annexed to the City of Hilliard, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Hilliard, including but not limited to police protection, mayor's court, street maintenance, residential refuse collection, planning, building, zoning and engineering services, and parks and recreation, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation, the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.

SECTION 2. The County Commissioners have previously requested information on the status of water and sewer services to and within suburbs of the City of Columbus. The proposed annexation area is included within the boundaries of the area of the City of Hilliard's Water Service Contract and Sewerage Contract with the City of Columbus and those services are provided in accordance with the terms and conditions of those contracts. The City's ability and timeframe to provide those services is contingent upon the City of Columbus' determination that sufficient capacity exists in the systems by which to issue taps to serve development in and of the Property. The City of Hilliard shall be under no obligation to extend water or sewer lines to any of the Property at the cost of the City or in contravention of those contracts in any manner.

SECTION 3. If the Property is annexed and becomes subject to the City of Hilliard zoning and the City zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Brown Township, then the City of Hilliard will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Brown Township.

SECTION 4. The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Franklin County Board of County Commissioners and to send a copy to the Agent for the Petitioner for annexation, **within twenty (20) days following the date that the petition was filed.**

SECTION 5. This Resolution is effective upon its adoption.

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REMAINING 2016 MEETING DATES OF HILLIARD CITY COUNCIL

(All meetings begin at 7:00 p.m., unless otherwise noted)

May 23
June 13
June 27
July 11
August 22
September 12
September 26
October 24
November 14
November 28
December 12

To confirm meeting dates and times please check the calendar on the City's website.

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