

REQUESTED BY: POLICE CHIEF, VINCE DEMASI

DATE OF FIRST READING:

11-2-2021

WAIVE RULES?

☒ YES ☐ NO

FINAL ACTION DATE:

11-2-2021

VOTE:

☒ YES ☐ NO

SUSPENSION OF TWO
READING RULE:

YES NO

☒ ☐
☒ ☐
☒ ☐
☒ ☐
☒ ☐
☒ ☐

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DENISE LINGO
JENNIFER MOODY
ROBERT PARSONS
JOE ROETTING
KISHA DOSA
CORDEL GEORGE

TOTALS

ADOPTION OF
ORDINANCE:

YES NO

☒ ☐
☒ ☐
☒ ☐
☒ ☐
☒ ☐
☒ ☐

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ORDINANCE NO. 21-1969

**AN ORDINANCE PREVENTING BUSINESSES WITHIN THE CITY FROM ALLOWING
ACCESS TO THE PUBLIC BETWEEN THE HOURS OF 2:30AM AND 5:30AM**

WHEREAS, Article XVIII, Section 3, Ohio Constitution grants municipal corporations the right to exercise police powers concurrently with the state so long as the exercise of the local police power does not conflict with the state's exercise of its police powers; and

WHEREAS, Ohio Revised Code Section 715.44 grants municipal corporations the power to prevent annoyance from any nuisance; and

WHEREAS, Ohio Revised Code Section 715.49 grants municipal corporations the power to preserve the peace and prevent noise and disturbance, and indecent and disorderly conduct or assemblages, preserve the peace and good order, and protect the property of the municipal corporation and its inhabitants; and

WHEREAS, Ohio Revised Code Section 715.53 grants municipal corporations the power to regulate taverns and other house for public entertainment; and

WHEREAS, recently a number of disturbances of the public peace including, but not limited to, loud noise complaints have been received by the City of Mt. Healthy from neighbors between the hours of 2:30am and 5:30am due to businesses opened to the public and/or the private rentals of event halls within the City of Mt. Healthy; and

WHEREAS, the City Council believes the implementation of closing requirements of businesses to the public and/or preventing the private rentals of event halls between the hours of 2:30am and 5:30am will help minimize the commission of potential criminal acts and reduce criminal activity within the City of Mt. Healthy; and

WHEREAS, the City Council believes the implementation of closing requirements of businesses and/or preventing private rentals of event halls to the public between the hours of 2:30am and 5:30am will protect the welfare of multiple neighborhoods within the City of Mt. Healthy which are located close to businesses and/or event halls within the central business district and/or retail districts of the City of Mt. Healthy; and

WHEREAS, the City Council believes the implementation of closing requirements of businesses to the public and/or preventing private rentals of event halls between the hours of 2:30am and 5:30am will maintain the peaceful order of the community and achieve a deterrence of crime and criminal activity.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MT. HEALTHY,
STATE OF OHIO:

Section 1. That the City shall implement closing requirements of businesses owned by organizations to the public and/or prevent private rentals of event halls between the hours of 2:30am and 5:30am.

Section 2. That the City shall implement closing requirements of businesses to the public and/or prevent private rentals of event halls between the hours of 2:30am and 5:30am.

Section 3. The business tenant(s) and/or property owner(s) and/or organizations shall be subject to compliance with this ordinance. As used in this section, "organization" means an individual or a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust, or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program.

Section 4. There is a purpose to impose organizational liability for commission of an offense under this ordinance for which strict liability shall be imposed. In addition to any applicable penalties under state or county law, any person convicted of a criminal offense under this ordinance shall be guilty of a misdemeanor of the third degree and be punished by a fine not to exceed \$500 or by imprisonment not to exceed 60 days, or both. If an offender previously has been convicted of a violation of this section within a year, conviction of a criminal offense under this ordinance shall be guilty of a misdemeanor of the second degree and be punished by a fine not to exceed \$750 or by imprisonment not to exceed 90 days, or both. If an offender previously has been convicted of two or more violations of this section within three years, conviction of a criminal offense under this ordinance shall be guilty of a misdemeanor of the first degree and be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 180 days, or both. The city may take any such lawful action to prevent or remedy any violation or noncompliance, including but not limited to an equitable action for injunctive relief or an action at law for damages.

Section 5. That Council finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting and that all deliberations of Council which resulted in the passage of this Ordinance were taken in meetings open to the public, in full compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. That the City Council finds this Ordinance to be an Emergency necessary to protect the health, safety, and overall welfare of the City and its residents. That this Ordinance shall be in full force and effect from and after the first date provided by law. ~~That this Ordinance shall be in full force and effect from and after the first date provided by law.~~

Passed this 2 day of November, 2021.

Donna A. Lingg
President of Council, PRO-Tempore

Attest: Melanie B. C.
Clerk of Council

Approved this 2 day of November, 2021.

[Signature]
Mayor

Approved as to form:

[Signature]

Scott A. Sollmann (0081476)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 707-4249
City of Mt. Healthy Law Director