

# BEREA CITY COUNCIL

*City of Berea, Ohio*

## RESOLUTION NO. 2025-34

By: Councilman Chris McManis Sponsor: Mayor Cyril M. Kleem

### A RESOLUTION

**ESTABLISHING A TEMPORARY MORATORIUM, NOT TO EXCEED ONE YEAR, PROHIBITING THE ACCEPTANCE OF APPLICATIONS FOR, AND THE GRANTING OF, ZONING APPROVALS, BUILDING PERMITS, AND CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE, OR CHANGE OF USE THAT WOULD BE ASSOCIATED WITH THE DISTRIBUTION OR SALE OF VAPING/E- CIGARETTE PRODUCTS, AND PROHIBITING THE COMMENCEMENT OF THE ACTUAL DISTRIBUTION AND SALE OF SUCH PRODUCTS WITHIN THE CITY OF BEREА, AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort, and peace of the citizens of the municipality, including restricting areas used for business and trade and regulating certain business uses; and

**WHEREAS**, this Council desires to issue a moratorium, for a temporary period, not to exceed one (1) year, while it undertakes a review of information on the effects of vaping and e-cigarettes and a review and/or study of the Ordinances of the City of Berea, including zoning, building, and business regulations; and

**WHEREAS**, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace, and comfort of the citizens of the City of Berea more effectively if a moratorium is in place.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berea, County of Cuyahoga and State of Ohio:

**SECTION 1.** That this Council hereby establishes a temporary moratorium, not to exceed one (1) year, prohibiting the acceptance of any application for, or the granting of, any zoning approvals, building permits, and certificates of occupancy for any building, structure, use, expansion of use, or change of use that would be associated with the distribution or sale of vaping/e-cigarette products, and prohibiting the commencement of the actual distribution and sale of such products in the City of Berea.

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**SECTION 2.** That this moratorium shall be in effect for a period not to exceed one (1) year or until Council enacts an Ordinance or Resolution revoking this moratorium, whichever shall occur sooner.

**SECTION 3.** That this moratorium shall specifically not apply to the acceptance of any application for, or the granting of, any zoning approvals, building permits, conditional use permits, marijuana dispensary licenses, and/or certificates of occupancy for any building, structure, use, expansion of use, and/or change of use that would be associated with marijuana dispensaries with applications for licenses, licenses, and/or provisional licenses under O.R.C. Chapters 3780 and/or 3796, within the City of Berea, Ohio, as Council has already enacted regulations for such uses.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were approved 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, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

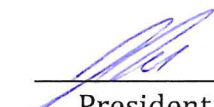
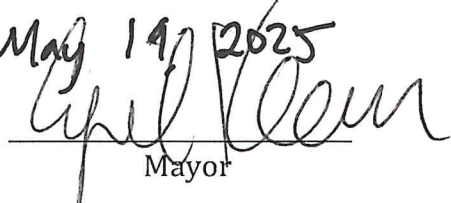
**SECTION 5.** That this Council declares this Resolution to be an emergency measure, necessary for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to enable the City to fully study the impacts of vaping/e-cigarette products and its effects on the City and the health, safety, and general welfare of its inhabitants in order to consider reasonable regulations. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: May 19, 2025

ATTEST:   
Clerk of Council

APPROVED AS TO FORM:

  
Director of Law

  
President of Council  
APPROVED: May 19, 2025  
  
Mayor