

**RESOLUTION NO. 22-2014**

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**RESOLUTION EXTENDING THE MORATORIUM ON THE ENFORCEMENT OF THE WEST CHESTER TOWNSHIP ZONING RESOLUTION AS IT PERTAINS TO INDIVIDUALS WEARING COSTUMES AS A MEANS OF ADVERTISING OR PROMOTING AN ESTABLISHMENT, A PRODUCT, GOODS OR SERVICES FOR A PERIOD OF NINE (9) MONTHS OR UNTIL SUCH TIME THE WEST CHESTER TOWNSHIP ZONING RESOLUTION CAN BE REDRAFTED AND AMENDMENTS ADOPTED PER OHIO REVISED CODE AND DECLARING AN EMERGENCY AND DISPENSING WITH THE SECOND READING**

**WHEREAS**, Section 9.93 of the West Chester Township Zoning Resolution defines SIGN as any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, a product, goods, or services and,

**WHEREAS**, Section 10.285(b) of the West Chester Township Zoning Resolution prohibits signs which employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, other than electronic message boards; and,

**WHEREAS**, Section 10.286 of the West Chester Township Zoning Resolution states that sign locations shall be in accordance with the particular regulations of this article or the Zoning District in which the sign is to be located. Under no circumstances shall a sign (other than those exempted by this article) be located in a right-of-way or applied to trees, utility poles, supporting structures for street signs and other governmental signs, bus shelters, benches, trash receptacles, newspaper vending machines or boxes, or any other portable or temporary supporting device; and,

**WHEREAS**, Section 10.2893(5)(a) of the West Chester Township Zoning Resolution states that COMMERCIAL SPECIAL MESSAGE SIGNS shall not have a display area exceeding sixteen (16) square feet; and,

**WHEREAS**, Section 10.2893(5)(b) of the West Chester Township Zoning Resolution states that COMMERCIAL SPECIAL MESSAGE SIGNS must set back a minimum of fifteen (15) feet from any street right-of-way or adjoining property line; and,

**WHEREAS**, Section 10.2893(5)(c) of the West Chester Township Zoning Resolution states that no COMMERCIAL SPECIAL MESSAGE SIGN shall exceed six (6) feet in height from grade; and,

**WHEREAS**, Section 10.2893(5)(e) of the West Chester Township Zoning Resolution states that no more than one (1) COMMERCIAL SPECIAL MESSAGE SIGN may be displayed per road frontage of the subject premises; and.

**WHEREAS**, Section 10.2893(5)(f) of the West Chester Township Zoning Resolution states that the use of a COMMERCIAL SPECIAL MESSAGE SIGN shall be limited to three (3) display periods, not exceeding fourteen (14) days per period during each calendar year; and,

**WHEREAS**, Section 10.2893(5)(g) of the West Chester Township Zoning Resolution states that no COMMERCIAL SPECIAL MESSAGE SIGN shall be of a portable nature which is not affixed to the ground; and,

**WHEREAS**, the West Chester Township Board of Trustees is concerned about the clarity and specificity of these sections of the West Chester Township Zoning Resolution and their application to promotional costumes; and,

**WHEREAS**, the West Chester Township Board of Trustees has directed staff to draft new language in the West Chester Township Zoning Resolution that defines promotional costume devices and that identifies permitted locations and duration of such devices; and,

**WHEREAS**, on March 25, 2014 the West Chester Township Board of Trustees approved Resolution 10-2014 declaring a moratorium directing staff to suspend enforcement of current Sections 9.93, 10.285(b), 10.286, and 10.2893(5)(a)(b)(c)(e)(f)(g) of the West Chester Township Zoning Resolution as they may be applied to promotional costume devices for a period of six (6) months until such time as they can be redrafted and adopted per Ohio Revised Code Section 519.12 and Section 6.01 of the West Chester Township Zoning Resolution; and,

**WHEREAS**, the West Chester Board of Trustees desires to extend the moratorium on the enforcement of the West Chester Township Zoning Resolution as it pertains to individuals wearing costumes as a means of advertising or promoting an establishment, a product, goods or services.

**NOW THEREFORE, BE IT RESOLVED** the West Chester Township Board of Trustees does hereby agree to:

**SECTION 1.** Extend the previously adopted moratorium and direct West Chester Township Community Development staff to suspend enforcement of Sections 9.93, 10.285(b), 10.286, and 10.2893(5)(a)(b)(c)(e)(f)(g) of the West Chester Township Zoning Resolution as they may be applied to promotional costume devices for a period of nine (9) months or until such time as the proposed text amendments can be redrafted and adopted per Ohio Revised Code Section 519.12 and Section 6.01 of the West Chester Township Zoning Resolution.

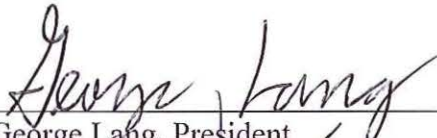
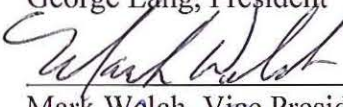
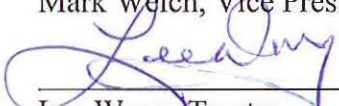
**SECTION 2.** Direct the West Chester Township Community Development staff to investigate and redraft the West Chester Township Zoning Resolution so that they clearly define promotional costume devices and that they identify permitted locations and duration of such devices.

**SECTION 3.** Find that all formal actions of the Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board and that all deliberations of this Board of Trustees and of any of its committees that resulted in formal action were in meetings open to the public in compliance with all legal requirements, including 121.22 of the Ohio Revised Code.

**SECTION 4.** This resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, and for the further reason the Board desires to extend the suspension of the enforcement of the Township Zoning Resolution as it pertains to individuals wearing costumes as a means of advertising or promoting an establishment, a product, goods or services within the unincorporated territory of the township until the appropriate sections are redrafted and adopted, and for these reasons, this Resolution shall be effective upon passage per Ohio Revised Code Section 504.11.

**This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public peace, health, safety, or welfare of the community and shall become effective at the earliest date permitted by law.**

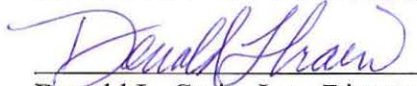
Adopted this 23rd day of September, 2014.

 _____ George Lang, President	<u>YES</u> Yes / No
 _____ Mark Welch, Vice President	<u>YES</u> Yes / No
 _____ Lee Wong, Trustee	<u>Yes</u> Yes / No

**ATTEST:**

  
\_\_\_\_\_  
Bruce Jones, Township Fiscal Officer

**APPROVED AS TO FORM:**

  
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Donald L. Crain, Law Director