

CITY OF FOSTORIA, OHIO

Ordinance No.: 2020 - \_\_\_\_\_  
Introduced by: \_\_\_\_\_  
Requested by: SSD

AN ORDINANCE

Authorizing the Director of Public Service and Safety to regulate the distribution and retention of temporary outdoor seating areas for businesses within the City during calendar year 2020 and declaring an emergency to exist.

WHEREAS, there is no uniform process for a business owner to apply for and obtain a temporary outdoor seating permit within the City for calendar year 2020 due to the COVID-19 Pandemic; and,

WHEREAS, the issue of space distribution for temporary outdoor seating areas for businesses within the City for calendar year 2020 due to the COVID-19 Pandemic should be apolitical, and done in a manner which is administratively efficient, fair, and safe for motorists and pedestrians; and,

WHEREAS, the Council of the City of Fostoria declares the necessity of authorizing the Director of Public Service and Safety to regulate the distribution and retention of temporary outdoor seating areas for businesses within the City during calendar year 2020 due to the COVID-19 Pandemic.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. That the Director of Public Service and Safety is hereby authorized, directed and empowered to create and revise, without further Councilmatic action, regulations to distribute, retain and revoke temporary outdoor seating areas for businesses within the City during the calendar year 2020.

SECTION 2. That the Director of Public Service and Safety is hereby granted the sole discretion and authority in granting and/or denying applications for temporary outdoor seating areas for businesses within the City during the calendar year 2020, as well as the authority to revoke said seating area for noncompliance with regulations.

SECTION 3. During calendar year 2020 only, this ordinance shall supplant and supersede any prior ordinances and/or resolutions that are in conflict herewith by amendment, and includes the authority to regulate prior temporary outdoor seating areas for businesses within the City during calendar year 2020 without further Councilmatic approval.

SECTION 4. This ordinance shall automatically be repealed at the end of calendar year 2020 and any and all prior ordinances and/or resolutions that were supplanted and superseded shall be reenacted without further Councilmatic action.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 6. This ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public health, welfare and safety. The reason for such an emergency is to temporarily allow outdoor seating areas for businesses within the City due to the COVID-19 Pandemic.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate effect.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Steve Kauffman, President of Council

ATTEST:

\_\_\_\_\_  
Tamara L. Drake, Clerk of Council

Filed with me and approved by me this \_\_\_\_\_ day of \_\_\_\_\_,  
2017.

\_\_\_\_\_  
Eric J. Keckler, Mayor