



**CITY OF WESTLAKE, OHIO  
ORDINANCE NO. 2020-135:**

**REDLINED**  
AN ORDINANCE TEMPORARILY WAIVING  
SUBSECTION 707.05(b) AND AMENDING  
SECTION 6 OF ORDINANCE NO. 2020-92 AS TO  
OUTDOOR DINING AND SEATING AREAS AT  
RESTAURANTS WITHIN THE CITY OF  
WESTLAKE, AND DECLARING AN EMERGENCY.

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**WHEREAS**, on March 9, 2020, the Governor of Ohio declared a state-wide emergency as a result of the COVID-19 pandemic; and

**WHEREAS**, the Ohio Department of Health has determined that outdoor seating at restaurants is preferable to indoor seating due to its decreased risk to the public from the health threat of the novel Coronavirus, COVID-19; and

**WHEREAS**, the restrictions on certain businesses and other measures to protect the citizens of Ohio and Westlake from the Coronavirus have had a profound economic impact on many Westlake restaurants and their future success and ability to host customers should be safely facilitated; and

**WHEREAS**, Chapter 707 of the Codified Ordinances of Westlake regulates outdoor dining facilities; and

**WHEREAS**, by and through Ordinance No. 2020-92, Council permitted temporary outdoor seating at restaurants during this pandemic; and

**WHEREAS**, the Mayor, Director of Planning and Director of Inspections have recommended that the regulations in Subsection 707.05(b) be temporarily waived and that Section 6 of Ordinance No. 2020-92 be amended to provide for use of weather protection for outdoor dining facilities and temporary outdoor seating areas.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

**Section 1:** That Section 6 of Ordinance No. 2020-92 be and the same is hereby amended to read as follows:

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**“Section 6:** That an approved temporary outdoor seating area established pursuant to this Ordinance shall be permitted only until midnight on December 31, 202~~0~~1.”

**Section 2:** That the requirements set forth in Subsection (b) of Section 707.05 of the Codified Ordinances of the City of Westlake are hereby waived for outdoor dining facilities approved pursuant to Chapter 707 and temporary outdoor seating areas approved pursuant to Ordinance No. 2020-92. Applications for weather protection shall be made to the Building Department for review and approval by the Director of Inspections. Weather protection shall comply with State and local fire and building codes.

**Section 3:** That weather protection administratively approved under the waiver provided for in Section 2 herein shall be permitted only until December 31, 2021.

**Section 4:** That it is found and determined that all formal actions of this Council concerning and relating to this legislation were adopted 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 10, Article XI of the Charter of the City of Westlake and Section 121.22 of the Ohio Revised Code.

**Section 5:** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary to assist local restaurants with the provision of weather protection for outdoor seating during the colder months in an effort to help protect the health and safety of their guests and patrons, and further provided it 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.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Michael F. Killeen  
President of Council

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

ATTEST:

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Denise L. Rosenbaum, MMC  
Clerk of Council

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Dennis M. Clough, Mayor