

Ordinance No. 8128

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE DEFIANCE OUTDOOR REFRESHMENT AREA, MAKING CERTAIN FINDINGS AND DETERMINATIONS, AND ENACTING REGULATIONS TO THAT EFFECT

WHEREAS, Section 4301.82(D)(3)(b) of the Ohio Revised Code authorizes municipal corporations with a population of thirty-five thousand (35,000) or less to designate within their corporate limits outdoor refreshment areas for the purpose of complimenting the cultural and economic vitality of the designated area composed of one hundred fifty (150) or fewer contiguous acres; and,

WHEREAS, Outdoor refreshment areas allow individuals, subject to local time and place regulations, to possess and consume alcoholic beverages in designated places, provided that the beverage is purchased from qualified permitted premises within the area and in pre-approved containers; and,

WHEREAS, the Board of Directors, leadership, and members of the Defiance Development and Visitors' Bureau ("D.D.V.B.") petitioned Council for an establishment of an outdoor refreshment area known as the Defiance Outdoor Refreshment Area ("D.O.R.A."). The petition reflects the nature and types of establishments that will be located within the area. The proposed area and land use is consistent with the B-2 Central Business District and the proposed hours of operation and rules will ensure the public health, safety, and welfare within the area; and,

WHEREAS, Section 4301.82(F)(1) of the Ohio Revised Code requires the legislative authority of a municipal corporation to establish requirements that it determines necessary to ensure the public health and safety within the area; and,

WHEREAS, Section 4301.82(F)(2) of the Ohio Revised Code requires the legislative authority of the municipal corporation to give notice of the proposed action once a week for two (2) consecutive weeks in one (1) newspaper of general circulation in the municipal corporation; and,

WHEREAS, the outdoor refreshment area application ("application") as submitted includes the premises of the permit holders at the street addresses on Exhibit A, along with the permit holders located at the street addresses listed in Section 3.1 of the application, and meets the requirements of Section 4301.82(B)(1-5); and,

WHEREAS, Council finds that approval of the D.O.R.A. promotes the Culture and Education Pillar of the Defiance Community Strategic Plan;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Pursuant to Section 4301.82 of the Ohio Revised Code, there is hereby established and designated the Defiance Outdoor Refreshment Area with the boundaries of the area, including the street addresses, described in the application attached hereto as Exhibit A and incorporated herein.

Section 2: The Council of the City of Defiance, Ohio, for the purpose to ensure the public health and safety within the area, finds that the following conditions are identified in Exhibit A and incorporated herein:

1. The number, spacing, and type of signage designating the area;
2. The hours of operation for the area;
3. The number of personnel needed to ensure public safety in the area;
4. A sanitation plan that will maintain the appearance and public health of the area;
and
5. The number of personnel needed to execute the sanitation plan.

Section 3: All beer and intoxicating liquor within the area shall be served solely in new, unused official D.O.R.A. cups.

Section 4: Council gave notice of the establishment of the D.O.R.A. by publication once a week for two (2) consecutive weeks in one (1) newspaper of general circulation in the municipal corporation prior to adoption of this Ordinance pursuant to Section 4301.82(F)(2) of the Ohio Revised Code.

Section 5: The Clerk of Council shall provide notice of the public health and safety requirements to the Ohio Department of Commerce, Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety pursuant to Section 4301.82(F)(3) of the Ohio Revised Code

Section 6: The area shall encompass no fewer than four (4) qualified liquor permit holders identified in Exhibit A by business name, address, liquor permit type, and liquor permit number.

Section 7: The hours of operation of the D.O.R.A. contained in Exhibit A may be limited during special events.

Section 8: The sanitation plan contained in Exhibit A will help maintain the appearance and public health of the area and is hereby approved pursuant to Section 4301.82(F)(1)(e-f).

Section 9: The Buildings and Lands Committee of Council shall meet with the City Administration in regularly scheduled meetings to review the security requirements of the D.O.R.A. and to ensure the maintenance of public health and safety.

Section 10: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 11: This Ordinance shall be effective on the earliest date permitted by law.

Passed: May 14 _____, 2019 David McMaster _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: May 14 _____, 2019 Michael McCann _____
Mayor