

Ordinance 11 - 25

By: Sam Marcellino

An Ordinance creating a Designated Outdoor Refreshment Area in a specified portion of the Main Street District and enacting regulations and declaring an emergency.

WHEREAS, Pursuant to the provisions of Ohio Revised Code §4301.82, the City of Bexley operates a Designated Outdoor Refreshment Area ("DORA") which was established in 2021 via Ordinance 10-21; and

WHEREAS, Following the request of a business to expand a portion of the DORA one block to the east of its current boundaries, the administration is proposing an amendment to the current DORA; and

WHEREAS, On _____, Mayor Kessler submitted an application to City Council pursuant to Ohio Rev. Code Sec. 4301.82(B) to amend the Bexley Patio Outdoor Refreshment Area; and

WHEREAS, Pursuant to §4301.82(C), notice of the filing of the DORA Application and the date of a public hearing thereon was published in a newspaper of general circulation in the City on _____ and _____; and

WHEREAS, The public hearing on the application was held on _____ during which public testimony was held; and

WHEREAS, The DORA Application as submitted meets the requirements of Ohio Revised Code Section 4301.82; and

WHEREAS, Council finds that amending the DORA is in the best interests of the City, its residents and its businesses, and will further the City's goal of enabling "thriving commercial corridors" as recommended in the City's Strategic Plan; and

WHEREAS, It is imperative to proceed with this Ordinance for the preservation of the public peace, property, health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY:

Section 1.

City Council finds that the DORA application as submitted meets the requirements of the Ohio Revised Code Section 4301.82 and hereby accepts the application as submitted.

Section 2.

City Council approves the amendment of the Designated Outdoor Refreshment Area within the boundary areas, including street addresses, as depicted and described on Exhibit "A", attached hereto and incorporated herein (the "Bexley Patio Outdoor Refreshment Area").

Section 3.

City Council finds that the Bexley Patio Designated Outdoor Refreshment Area will encompass no fewer than four (4) qualified permit holders, as identified in Exhibit "A", attached hereto and incorporated herein.

Section 4.

To ensure public health and safety, City Council finds, pursuant to R.C. 4301.82(F)(b)-(f), that the City will continue the DORA rules and regulations which address at a minimum: the number, spacing, and type of signage needed to designate the DORA's geographic area; the dates and hours of operation; the number of personnel needed to ensure public safety; the sanitation plan required to maintain the appearance and public health of the designated area; and the number of personnel needed to execute the sanitation plan. Said rules and regulations are set forth in Exhibit "A".

Section 5.

City Council finds that all beer and intoxicating liquor served by a participating establishment that are to leave the premises shall be served solely in a designated container to readily identify such alcoholic beverages as being permitted in the DORA during the dates and times specified here under.

Section 6.

Pursuant to R.C. 4301.82(G)(l), on ←--- date 5 years after passage of 10-21 , City Council shall conduct its 5-year review of the Bexley Patio Designated Outdoor Refreshment Area and either approve the continued operation of the DORA or dissolve the area.

Section 7.

City Council may, at any time, amend or dissolve all or part of the Bexley Patio Designated Outdoor Refreshment Area.

Section 8.

City Council finds and determines that all requirements of R.C. 4301.82(C) and R.C. 4301.82(F)(2) as to noticing the receipt of the DORA application, the date and time of a public hearing, and this Council's proposed action on this Ordinance have been met.

Section 9.

The Clerk of Council, in accordance with R.C. 4301.82(C) and R.C. 4301.82(F)(3), shall immediately forward a certified copy of this Ordinance, along with all exhibits, to the Division of Liquor Control and the Investigative Unit of the Department of Public Safety.

Section 10.

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed: _____, 2025

Monique Lampke, President of Council

Attest: _____
Matt McPeck, Clerk of Council

Ben Kessler, Mayor

First Reading:
Second Reading:
Third Reading: