

Ordinance 10 - 21

By: Matt Klingler

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 is permitted to create a Designated Outdoor Refreshment Area ("DORA"); and

WHEREAS, On February 25, 2021, Mayor Kessler submitted an application to City Council pursuant to Ohio Rev. Code Sec. 4301.82(B) to establish a DORA in a specified section of the City; 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 _____ 2021 and _____ 2021; and

WHEREAS, The public hearing on the application was held on March 30, 2021 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 creating 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 creation of a 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 adopt DORA rules and regulations which will 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 plastic 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)(I), in five years, City Council shall conduct a 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, for the reasons set forth in the preamble hereinabove, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, and safety and shall go into full force and effect upon the approval of the Mayor.

Passed: _____, 2021

Lori Ann Feibel, President of Council

Attest: _____
William Harvey, Clerk of Council

Ben Kessler, Mayor

First Reading:
Second Reading:
Third Reading: