

ORDINANCE 23-12

AN ORDINANCE APPROVING AN APPLICATION FOR A “DESIGNATED OUTDOOR REFRESHMENT AREA” AND ESTABLISHING A “DESIGNATED OUTDOOR REFRESHMENT AREA” IN THE CITY OF EATON, OHIO

WHEREAS, Section 4301.82 of the Ohio Revised Code permits a municipality with a population of less than thirty-five thousand to create a Designated Outdoor Refreshment Area, also known as a “DORA”, within its corporate limits; and,

WHEREAS, March 22, 2023, the City Manager filed an application with City Council for Approval of a Designated Outdoor Refreshment Area in a specified area of the City described in the application; and,

WHEREAS, Pursuant to Section 4301.82(C) of the Ohio Revised Code, notice of the filing of the application for a Designated Outdoor Refreshment Area was published in a newspaper of general circulation in the City of Eaton, Ohio on March 29, 2023; and,

WHEREAS, Council was presented with the concept of the Designated Outdoor Refreshment Area on October 17, 2022; and,

WHEREAS, The City of Eaton conducted a Public Meeting on March 20, 2023 to discuss the application with the Community; and,

WHEREAS, An updated version of the Application was submitted to City Council on March 22, 2023; and,

WHEREAS, A copy of the Designated Outdoor Refreshment Area Application is attached to this Ordinance as Exhibit A; and,

WHEREAS, City Council conducted a Public Hearing on April 17, 2023 to consider the application; and,

WHEREAS, City Council finds the application is in compliance with Section 4301.82(C) of the Ohio Revised Code and that the “Outdoor Refreshment Area” to be created would be in compliance with Section 4301.82(D) of the Ohio Revised Code; and,

WHEREAS, the approval of the Designated Outdoor Refreshment Area will serve to enhance the experiences of patrons of City business establishments and the attendees of special events held within the City; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Eaton, Ohio that:

Section One. Council finds that the application meets all requirements of Section 4301.82 of the Ohio Revised Code and approves the application for the designation of certain property in the City as a Designated Outdoor Refreshment Area.

Section Two. Council determines that all public notice requirements of Section 4301.82 of the Ohio Revised Code prior to the passage of this Ordinance have been met.

Section Three. In order to ensure the public health and safety within the Designated Outdoor Refreshment Area, City Council establishes the following requirements:

(a) The specific boundaries of the Designated Outdoor Refreshment Area, including street addresses, are shown in Exhibit A, attached hereto;

(b) There will be signs designating the boundary of the Designated Outdoor Refreshment Area. The number and location of the signs is shown in Exhibit A, as indicated on the map.

(c) The hours of operation are listed in Exhibit A, these hours will be 12 p.m. to 11 p.m., Sunday through Saturday, Seven (7) days a week, Twelve (12) months a year.

(d) A Safety Plan has been developed to ensure public safety in the Designated Outdoor Refreshment Area, which may be implemented with existing staff. The Eaton Police Division will be

responsible for providing law enforcement services within the Designated Outdoor Refreshment Area. The current public safety personnel are adequate to maintain public safety within the DORA. The Eaton Police Division has multiple overlapping shifts which will enable it to maintain public safety within the DORA district. The Fire Department will be responsible for providing Fire, Rescue and EMS services within the DORA. Exhibit A contains a fully outlined safety plan.

(e) A Sanitation/Public Health Plan has been established and will be maintained by the Public Maintenance Department. The Department will be responsible for maintaining the appearance of public health within the DORA through trash collection, street sweeping, routine maintenance and signage placement. Exhibit A contains a fully outlined public health and sanitation plan.

(f) For the purposes of the Designated Outdoor Refreshment Area, beer and intoxicating liquor shall be served solely in plastic cups that are distinctly marked and provided by the City.

Section Four. Five years from the effective date of this Ordinance, and every five years thereafter, Council shall review the operation of the Designated Outdoor Refreshment Area herein established and shall either approve its continued operation or dissolve it.

Section Five. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section Six. This Ordinance shall go into effect on the 15th day of June, 2023.

ADOPTED: May 15, 2023

ATTEST: Stephanie Hurd
Clerk of Council

APPROVED: [Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Ryan L. Brunk
Director of Law