

RECORD OF ORDINANCES

Ordinance No. 08-40 2021 Passed 8-17-, 2021

AN ORDINANCE APPROVING AN APPLICATION FOR THE CREATION OF A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) FOR DOWNTOWN CITY OF CIRCLEVILLE, TO AUTHORIZE THE MAYOR TO TAKE ALL NECESSARY AND PROPER ACTIONS TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE DESIGNATED OUTDOOR REFRESHMENT AREA AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code §4301.82, Municipal Corporations are authorized upon application by their executive officers to designate certain areas within their borders as designated outdoor refreshment areas (DORAS); and

WHEREAS, the Mayor has submitted a proper application pursuant to Ohio Revised Code §4301.82 requesting the creation of a DORA within the downtown business area of the City; and

WHEREAS, Council has received an application and Notice of such application has been published once in the Circleville Herald, which Notice indicated that the application is on file with the Clerk of Council and is available for inspection; and said Notice further indicated the date and time of the Public Hearing to be held regarding the Application by Council; and

WHEREAS, Council believes that such Application demonstrates that the creation of the proposed DORA will strengthen the general business district and encourage further economic growth; and

WHEREAS, Council therefore deems it necessary and advisable to create the DORA to aid in the attraction and retention of new patrons and visitors to the establishments within the proposed designated area for such DORA and to encourage economic growth within the district; and

WHEREAS, the Mayor and Council have reviewed the Application and determined that the creation and designation of the DORA conforms to the applicable requirements of Ohio Revised Code §4301.82; and

WHEREAS, it is in the public interest of the City to approve such Application and to create the DORA for the proposed designated area; and

WHEREAS, the proper operation and management of the DORA is also in the interests of the City and the health, safety, and public welfare of its residents and is in accordance with the provisions of applicable federal, state, and local laws and requirements; and

WHEREAS, accordingly, the City desires to enter into one or more agreements necessary to provide for and obtain operational and management services for the DORA subject to any all terms and conditions that the Mayor or his designee finds appropriate.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Circleville, Pickaway County, Ohio, as follows:

SECTION I: That Council hereby approves the Mayor's application for the creation of a designated outdoor refreshment area ("DORA"), attached hereto as Exhibit "A" and incorporated herein by reference ("Application"), upon finding that the Application contains all information required by Ohio Revised Code §4301.82 and upon further finding that the Application meets the requirements of this section in all respects, including the requirement that the proposed DORA contain no fewer than four qualified permit holders, that the proposed area for the DORA contains 150 or fewer contiguous acres, and the requirement that the Application provide evidence that the uses of land within the proposed DORA are in accordance with the City's master zoning plan.

SECTION II. That Council hereby designates the area depicted in the Application as Exhibit "B" and incorporated herein by reference, as a DORA for the purpose of Ohio Revised Code §4301.62 and §4301.82, which DORA shall contain all of the street addresses and parcels listed on Exhibit "C" of the Application, which is incorporated herein by reference.

SECTION III: That the DORA shall be identified by signage sufficient to define its boundaries and to put the public on notice of the special laws, rules, and regulations governing it, which signage shall be comprised of no less than 22 signs placed strategically,

RECORD OF ORDINANCES

Ordinance No. 08-40 - 2021

Passed 8-17-, 20 21

spaced no more than 1,000 feet apart along the DORA's border, and made conspicuous to drivers and pedestrians.

SECTION IV: That the DORA's hours of operation shall be from 5:00 P.M. to 10:00 P.M. on Thursdays and Fridays and from 12:00 noon to 10:00 P.M. on Saturdays; provided that the Mayor, or his designee, may, upon due and proper notice to permit holders within the district, temporarily suspend the DORA's operations as necessary to provide for the public health, safety or welfare and provided that the DORA has no hours of operation during the third week of October of each year.

SECTION V: That Council finds the initial estimated number of personnel needed to ensure public safety within the DORA is 1 patrol officer and supervisor, which personnel consists of existing patrols that service the area and which personnel is estimated to include at least one patrol officer dedicated to patrolling the DORA during its hours of operation; provided, however, that this estimate shall no way limit the Mayor's authority to authorize personnel levels that deviate from this estimate as necessary to meet actual operational and public safety needs.

SECTION VI: That Council adopts the sanitation plan as set forth in the Application and incorporated herein by reference to maintain the appearance and public health of the area, and Council finds that the initial estimated number of personnel needed to implement the sanitation plan is one truck each Friday; provided however, that the Mayor may adjust the sanitation plan and authorize personnel levels that deviate from the staffing estimate to meet actual operation needs and to provide for the public health, safety and welfare.

SECTION VII: That all beer and intoxicating liquor served within the DORA for off-premises consumption may only be served in official plastic cups or plastic containers approved by the Mayor or his designee and provided by qualified permit holders. No other container may be used to serve beer or intoxicating liquor for off-premises consumption within the DORA, unless previously approved in writing by the Mayor or his designee.

SECTION VIII: That the Mayor or his designee is authorized to take all necessary and proper actions to ensure the DORA is operated and maintained in a clean and safe manner and with regard for the health, safety, and welfare of businesses, residents, visitors, and other persons who are impacted by the operation and maintenance of the DORA, which authorization specifically includes, but is not limited to:

- a. taking all necessary and proper actions to install the signage authorized by this Ordinance; and
- b. taking all necessary and proper actions to enforce the hours of operation established by this Ordinance; and
- c. taking all necessary and proper actions to provide for public safety within the DORA as provided by this Ordinance; and
- d. taking all necessary and proper actions to implement the sanitation plan established by this Ordinance; and
- e. establishing additional rules and regulations for the operation of the DORA as deemed necessary for public health, safety, or operational purposes; and
- f. subject to any and all terms and conditions that the Mayor or his designee finds appropriate, executing any and all agreements or documentation as are necessary to provide for and obtain operational and management services for the DORA and to accept donations of monies, goods, or in-kind services used to provide such services, which agreements may include, but are not limited to, one or more agreements for the provision of operational or management services within the area.

SECTION IX: That pursuant to Ohio Revised Code §4301.82(I)(1), within five years following the effective date of this Ordinance, Council shall review the operations of the DORA to determine whether to permit its ongoing operation, under either the same or modified requirements, or whether to dissolve it in accordance with Ohio Revised Code §4301.82(I)(1).

RECORD OF ORDINANCES

Ordinance No. 08-40 - 2021

Passed 8-17-, 20 21

SECTION X: That the Clerk of Council is hereby directed forthwith to provide notice of the creation of the DORA, as required by Section §4301.82(C), to the Ohio Division of Liquor Control and the Investigative Unit of the Department of Public Safety.

SECTION XI: That Council authorizes the proper City officials to take all necessary and proper actions to fulfill the terms of this Ordinance.

SECTION XII: That this Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, safety and general welfare of the citizens of the City of Circleville, such emergency arising out of the immediate need to create the DORA in order for qualified license holders and businesses to prepare for the operational and maintenance needs of the new designated outdoor refreshment area and to comply with the time restraints for such creation as established under the Ohio Revised Code, so that this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor

PASSED: 8-17-21
DATE

David M. Goff
PRESIDENT OF COUNCIL

ATTEST: Linda M. Gray
CLERK OF COUNCIL

APPROVED: 8-17-21
DATE

William H. McHugh
MAYOR

APPROVED AS TO FORM:

Gary D. Kenworthy
GARY D. KENWORTHY
CITY LAW DIRECTOR

REVIEWED BY LAW DIRECTOR
AND APPROVED AS TO FORM