

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 20-22

TO CREATE A DESIGNATED OUTDOOR REFRESHMENT AREA (“DORA”) AND TO ENACT REGULATIONS OF THE DORA IN THE CITY OF CHEVIOT, OHIO.

WHEREAS, effective April 30, 2017, a municipality with a population of less than thirty-five thousand is permitted to create a designated outdoor refreshment area (“DORA”) pursuant to the provisions of Ohio Revised Code Section 4301.82; and

WHEREAS, on September 1, 2020, the Mayor, through the Safety-Service Director, submitted an application to City Council for approval of a DORA in a specified section of the City’s business district (the “DORA Application”), and a copy of the Application is attached hereto and incorporated herein as Exhibit 1; and

WHEREAS, pursuant to Ohio Revised Code Section 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 September 4, 2020 and September 11, 2020; and

WHEREAS, the public hearing on the application was held on September 22, 2020, during which public testimony was heard; and

WHEREAS, Ohio Revised Code Section 4301.82(F)(1) requires this Council adopt legislation establishing requirements for the proposed DORA to ensure public health and safety within the DORA and said section further specifies certain information that is to be included in the authorizing legislation; and

WHEREAS, Ohio Revised Code Section 4301.82(F)(2) provides for notice of this Council’s proposed action to be published in a newspaper of general circulation once a week for two consecutive weeks, and such notice was published on September 23, 2020 and September 30, 2020; and

WHEREAS, this Council finds that the DORA Application, as submitted, meets the requirements of Ohio Revised Code Section 4301.82; and

WHEREAS, approval of the DORA will serve to enhance the experiences of the patrons of the business establishments and the special events within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, THAT:

Section 1. This Council approves the DORA Application as having met the requirements of Revised Code Section 4301.82 and approves the establishment of a Designated Outdoor Refreshment in the City of Cheviot, which is comprised of the area depicted in the DORA Application attached hereto as Exhibit 1 and incorporated herein.

Section 2. This Council determines that all public notice requirements set forth in Ohio Revised Code Section 4301.82 have been satisfied.

Section 3. This Council hereby approves the specific boundaries, including street addresses, and shown in Exhibits D and D-1 of the DORA Application, which is attached hereto as Exhibit 1 and incorporated herein.

Section 4. This Council hereby approves the number, spacing, and type of signage designating the DORA, as shown in Exhibit E of the DORA Application, which is attached hereto as Exhibit 1 and incorporated herein.

Section 5. This Council hereby approves the hours of operation of the DORA, as shown in Exhibit G of the DORA Application, which is attached hereto as Exhibit 1 and incorporated herein; however the hours of operation may be subject to state or local orders, ordinances, or laws restricting hours of operation of bars and/or restaurants.

Section 6. This Council hereby approves the number of personnel needed to ensure public safety in the DORA and the sanitation plan that will help maintain the appearance and public health of the DORA, as shown in Exhibit F of the DORA Application, which is attached hereto as Exhibit 1 and incorporated herein. This Council finds that no additional personnel from the Public Works Department will be needed to execute the sanitation plan approved herein.

Section 7. This Council hereby approves the requirement that beer and intoxicating liquor be served solely in plastic containers in the DORA, as described in Exhibit H of the DORA Application, which is attached hereto as Exhibit 1 and incorporated herein.

Section 8. This Council shall review the requirements of the DORA, as established herein, within one (1) year from the date that the DORA is established to determine whether to continue the DORA under the same or modified terms and conditions or dissolve it according to statutory provisions.

Section 9. The Clerk of Council is hereby directed to forward a copy of this Ordinance to both the Ohio Division of Liquor Control and to the Investigative Unit of the Ohio Department of Public Safety, in accordance with Revised Code Section 4301.82(F)(3).

Section 10. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Mark G. Waters
President of Council

Date passed

Samuel D. Keller
Mayor

Date approved

Attest:

Approved as to form:

Jenny M. Eilermann
Clerk of Council

Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) _____, 2020, and
- 2) _____, 2020.

Jenny M. Eilermann
Clerk of Council