

Petition to Mayor Tom Mackin and Perrysburg City Council

**Designated Outdoor Refreshment Area (DORA)
Downtown Perrysburg**

Presented by the Perrysburg DORA Committee

**Submitted 03/02/2020
Amended 06/03/2020**

Petition for Designated Outdoor Refreshment Area - Downtown Perrysburg

Dear Mayor Mackin & Perrysburg City Council,

The businesses holding liquor permits in Downtown Perrysburg have created the Perrysburg DORA Committee. The goal of this committee is to bring a Designated Outdoor Refreshment Area (DORA) to Downtown Perrysburg. The Committee would oversee the implementation and ongoing maintenance of the DORA, provide a main contact for issues or complaints, and work in conjunction with the City and its organizations for decision-making regarding the program.

The Perrysburg DORA Committee is requesting that the City of Perrysburg pass a new ordinance, pursuant to Ohio Revised Code 4301.82, to create such a Designated Outdoor Refreshment Area (DORA) in Downtown Perrysburg. We submit this petition to you with broad support from the downtown merchants, shopkeepers and offices, as well as the citizens of Perrysburg.

The Perrysburg DORA would provide that any person of legal age who is carrying an opened container of beer, wine or intoxicating liquor within the DORA limits that has been purchased from an establishment within said limits be exempt from Ohio's Open Container Law.

Perrysburg City Council approval would create this DORA in the oldest part of the city where the vast majority of all community events take place. This proposal meets or exceeds all of the requirements of ORC 4301.82, for the cultural and economic benefit of the businesses, residents, and property owners within the area, as well as continues to make our Historic Area a destination for cultural, entertainment and general activity. The area would exist on Louisiana Avenue from Front Street to the North and end at the railroad tracks to the South with a contiguous extension down 3rd Street from Louisiana Avenue to Walnut Street to the West.

The Downtown Central Business District maintains a historically strong presence in Northwest Ohio and fosters events that bring people from near and far. The Memorial Day Parade, Fourth of July Fireworks, Christmas Tree Lighting, Farmers Market and Harrison Rally Day all have been traditions for generations taking place in the Downtown on Louisiana Avenue. These events were either started or supported by the entrepreneurs of the downtown shops and eateries.

More recently, the downtown merchants were responsible for the creation and monetary support of First Friday, OctoBooFest, Live Christmas Trees for the Winter Holidays, Car Show at The Commodore Building, Christmas Parade, Winterfest Wine Tasting, Winterfest Beer Tasting, Winterfest Ice Carving Displays, Pumpkin Carving Contest, and Home of The National Ice Carving Competition that brought us national TV coverage. In addition, the charitable events are successful, in part, due to the generosity of the downtown merchants. Many of the events bring thousands of visitors to our city that impact the economy enabling us to keep people employed and contribute more to the tax base. The entrepreneurs of Downtown Perrysburg are the stakeholders that continually strive to make the area better in appearance, which is seen in the investment in their businesses and properties. In addition to the liquor permit holders, the vast majority of downtown retailers are confident that this DORA will add an amenity to the downtown community experience, and that the skills to make it successful in all ways are already in place.

We look forward to working with the City of Perrysburg in creating the Perrysburg DORA. Please let us know if you have questions about our petition, or if we can be of further assistance as you examine the possibilities of this new and exciting endeavor for the residents and visitors of Perrysburg.

Sincerely,

Perrysburg DORA Committee

Kelli Powell, Suburban Bottle – Committee Contact (419.261.4620,
kelli@suburbanbottle.com)

Matt Gustafson, Rose & Thistle
Patrick Lahey, Stella's
Jim Hodulik, Swig
Tony Bilancini, Swig
Sunday Wiseman, Casa Barron
Wendy Carson, Casa Barron
Chris Morris, Inside The Five Brewing Company
Brandon Fields, Inside The Five Brewing Company
Katie Fields, Inside The Five Brewing Company

Petition Contents

- 1. Introduction Letter to Mayor Mackin & Perrysburg City Council**
- 2. Permit Holders and Licenses**
- 3. Specific boundaries of the DORA**
- 4. Signage designating the DORA**
- 5. Hours of operation for the DORA**
- 6. Public safety in the DORA**
- 7. Rules for the DORA**
- 8. Education and training of the DORA**
- 9. Sanitation plan for the DORA**
- 10. Official DORA cup**
- 11. Types of establishments within the DORA**
- 12. Qualifying establishments participating in DORA**
- 13. Evidence of land in accord with master zoning plan**
- 14. Positive economic impacts**
- 15. Letters of experience from other Ohio DORA communities**
- 16. Ohio Revised Code 4301.82 - Designated Outdoor Refreshment Area**
- 17. Attachments**

Section 2. Permit Holders and Licenses

ODLC 4301.82 (A) (1)

CASA BARRON

ROSE AND THISTLE

STELLA'S

SUBURBAN BOTTLE

SWIG

All are Class D Permit Holders. (See attached liquor licenses.)

Section 3. Specific boundaries of the DORA, including street addresses

ORC 4301.82(B)(1), 4301.82(B)(1)(b), 4301.82(D)(3)(b) and 4301.82(F)(1)(a)

General Outline: Commencing at the South side of Front Street and proceeding South on Louisiana, stopping at the North side of the railroad tracks, and proceeding West along Third Street to the East side of Walnut Street.

(See attached map.)

STREET ADDRESSES

231 Louisiana
221 Louisiana
219 Louisiana
215 Louisiana
215 ½ Louisiana
213 Louisiana
211 Louisiana
209 Louisiana
207 Louisiana
203 Louisiana
201 Louisiana
131 Louisiana
123 Louisiana
121 Louisiana
119 Louisiana
117 Louisiana
115 Louisiana
113 Louisiana
111 Louisiana
109 Louisiana
107 Louisiana
105 ½ Louisiana
105 Louisiana
103 Louisiana
101 Louisiana
102 Louisiana

104 Louisiana
106 Louisiana
108 Louisiana
110 Louisiana
112 Louisiana
114 Louisiana
116 Louisiana
118 Louisiana
120 Louisiana
122 Louisiana
122 ½ Louisiana
124 Louisiana
126 Louisiana
126 ½ Louisiana
118 East Front
112 East Front
122 West Front
112 West Front
121-143 West Third (currently under development)
Burlingwood Street from West Third to the end of the building of Inside The Five
Brewing Co (currently under development)

Section 4. Signage designating the DORA

4301.82 (f) (1) (b)

The Committee will work with the City of Perrysburg on design, placement and number of signs. We propose that the signs be of a similar nature that is currently used by the City. A color designation of the DORA that is different from customary signage colors, if permissible by the City, may be desirable to call attention to the rules and area. We have developed sample signs for consideration. (See attached.)

Proposed placement of signs (see attached map):

Two (2) “DORA ENTRANCE” signs on both sides of Louisiana facing North at Front Street.

Two (2) “DORA CUPS NOT PERMITTED PAST THIS POINT” signs on both sides of Louisiana facing South at Front Street.

One (1) “DORA ENTRANCE” sign facing East at Second Street and Louisiana on the East side of Second Street.

One (1) “DORA CUPS NOT PERMITTED PAST THIS POINT” sign facing West at Second Street and Louisiana on the East side of Second Street.

One (1) “DORA ENTRANCE” sign facing West at Second Street and Louisiana on the West side of Second Street.

One (1) “DORA CUPS NOT PERMITTED PAST THIS POINT” sign facing East at Second Street and Louisiana on the West side of Front Street.

Two (2) “DORA ENTRANCE” signs at Louisiana and the North side of railroad tracks facing South on both sides of Louisiana.

Two (2) “DORA CUPS NOT PERMITTED PAST THIS POINT” signs at Louisiana and the North side of the railroad tracks facing North on both sides of Louisiana.

Two (2) “DORA ENTRANCE” signs facing West on West Third Street and Walnut Street. One each on the North and South sides of West Third Street at Walnut. Two (2) “DORA CUPS NOT PERMITTED PAST THIS POINT” signs facing East on West Third Street at Walnut Street. One each on the North and South sides of West Third Street at Walnut

One (1) “DORA ENTRANCE” sign facing East at Front and Louisiana on the South side of Front Street.

One (1) “DORA CUPS NOT PERMITTED PAST THIS POINT” sign facing East at Front and Louisiana on the South side of Front Street.

One (1) “DORA ENTRANCE” sign facing West at Front and Louisiana on the South side of Front Street.

One (1) “DORA CUPS NOT PERMITTED PAST THIS POINT” sign facing West at Front and Louisiana on the South side of Front Street.

One (1) “DORA ENTRANCE” sign facing East at all alleys intersecting with Louisiana Ave. on the East side of Louisiana between the South side of Front Street and the North side of the railroad tracks.

One (1) “DORA CUPS NOT PERMITTED PAST THIS POINT” sign facing West at all alleys intersecting with Louisiana Ave. on the East side of Louisiana between the South side of Front Street and the North side of the railroad tracks.

One (1) “DORA ENTRANCE” sign facing West at all alleys intersecting with Louisiana Ave. on the West side of Louisiana between the South side of Front Street and the North side of the railroad tracks.

One (1) “DORA CUPS NOT PERMITTED PAST THIS POINT” sign facing East at all alleys intersecting with Louisiana Ave. on the West side of Louisiana between the South side of Front Street and the North side of the railroad tracks.

One (1) “DORA CUPS NOT PERMITTED PAST THIS POINT” sign facing East on Burlingwood at the end of the building of Inside The Five Brewery.

In addition to street signage, there will also be window signage (with the appropriate approval from the City) created to notify patrons of the liquor establishments permitted to sell DORA cups.

Similar signs will be created to notify patrons of the businesses (non-liquor establishments) who have chosen to allow DORA cups on their premise.

Signs will be created detailing the rules and boundaries of the DORA, to be displayed inside the establishments where DORA cups are sold.

Section 5. Hours of operation for the DORA

ORC 4301.82 (f) (1) (c)

The hours of operation for selling a DORA cup shall be from 12:00 PM until 11:00 PM Monday through Saturday, and from 1:00 PM until 10:00 PM on Sunday. The patron will have until 12:00 PM Midnight Monday through Saturday, and until 11:00 PM on Sunday, to consume the beverage.

Having consistent hours avoids confusion for patrons and establishment employees. These hours are in line with other area DORAs and are inclusive of the business hours of the establishments within the boundaries.

Having the DORA hours begin at 12:00 PM encourages patrons to walk with their beverage and visit the various shops that are open earlier in the day. This is the main economic benefit of creating a DORA in the downtown.

Section 6. Public safety in the DORA

ORC 4301.82 (B) (5) and 4301.82 (F) (I)(d)

Public safety in our community is of the utmost concern to our committee, as many of us are not only business owners but also residents. We expect all patrons to follow the rules and boundaries, just as they do today. Concerns that a DORA would somehow encourage unsafe, illegal or improper behavior are unwarranted, based on input from local DORA communities (see attached letters), and based upon the current actions witnessed on a daily basis.

Of the six establishments petitioning for a DORA, four are first and foremost restaurants. These businesses operate at approximately 70% in food sales and 30% in alcohol sales. The wine shop features a retail portion in addition to on-premise wine tastings.

Each liquor establishment would continue to monitor behavior of guests inside and outside of their locations. Most of the liquor establishments have security cameras on their premises. Our Committee will be in contact with the local authorities to ensure conduct is favorable and is willing to re-evaluate the DORA if such conduct proves otherwise.

The downtown area is currently more than adequately patrolled by the Perrysburg Police Department. Although there is not a specific number of patrol times mandatory for each shift, very few incidents are reported in the proposed DORA. Current laws in place curtail incidents from happening (e.g. age restrictions, patio boundaries, disorderly conduct). In addition, the current speed limit in the proposed DORA is 25 MPH and a safe speed for all pedestrians.

Based on input from other local DORA communities, and the Perrysburg Chief of Police, we do not anticipate an increase in incidences nor the need for increased patrols on typical days. Special events already require additional patrols, and the expense is covered by the event organizers. Therefore, a DORA would not cause

an increase to taxpayers with respect to police patrols.

In short, as liquor permit holders, it is our responsibility to educate our patrons on the rules and boundaries of the DORA, and monitor their behavior inside and around our premises. It is the responsibility of the patron to abide by those rules.

Section 7. Rules for the DORA

ORC 4301.62 (c) (7) (a)

A person may have in the person's possession an opened container of beer, wine or intoxicating liquor at an outdoor location within a designated outdoor refreshment area created under 4301.82 of the Ohio Revised Code, if the opened container of beer, wine or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

- (i) The permit holder's premise is located within the designated outdoor refreshment area.
- (ii) The permit held by the permit holder has an outdoor refreshment area designation.

ORC 4301.62 (c) (7) (b)

Outdoor Refreshment Area Participants May NOT:

- (i) Enter the premises of a liquor establishment within the designated outdoor refreshment area while possessing an opened container of beer, wine or intoxicating liquor acquired elsewhere.
- (ii) Possess an opened container of beer, wine or intoxicating liquor while being in or on a motor vehicle within the designated outdoor refreshment area.

ORC 4301.82 (F) (1) (g)

ALL beer, wine or intoxicating liquor must be contained in the OFFICIAL CUP of the DORA. No other container is permitted. (See attached sample cup.)

All DORA cups must be disposed of before entering any liquor establishment in the DORA. DORA cups are permitted in businesses (without liquor permits) ONLY IF that business chooses to allow DORA cups. Signage on business windows will be displayed to distinguish those businesses.

Only ONE OFFICIAL CUP permitted per DORA participant at any time.

We also are of the belief that DORA participants are expected to use good behavior that is customary in society. The expectations of their actions outside are the same as if they are inside an establishment. Unacceptable behavior will be addressed and, if necessary, the proper authorities will be called as they would in any establishment.

The Ohio Liquor Agency, in conjunction with the Perrysburg Police Department, conducts a yearly seminar for all liquor license establishments to update and educate all owners and employees. In addition to established laws, they review all new laws that may have been passed since the prior seminar.

All liquor establishments currently enforce laws and security on a regular basis. We are required to do so by law in order to maintain our liquor licenses. We do not have the authority to retain or hold anyone, nor does any security company or person, other than a police officer. We try to foresee issues and thus prevent them. It is very rare that a police officer has had to be called in any of the downtown establishments.

All rules will be prominently displayed in all participating liquor establishments inside as well as in a window to be seen clearly from the outside.

Flyers with the rules and boundaries will be created and located in all establishments for customers to take.

All DORA cups will include the rules, hours of operation and boundaries.

A website will be created by the Committee that will include the rules, hours of operation, boundaries and any other pertinent information for patrons and businesses.

Section 8. Education and Training of the DORA

The Committee, in coordination with the Perrysburg Police Department, will conduct a meeting for all participating liquor establishments, downtown businesses, and organizations that hold special events located within the DORA. Rules pertaining to the DORA will be reviewed and discussed to ensure understanding.

All employees of participating liquor establishments will be trained on the rules pertaining to the DORA. Expectations of the liquor establishments as well as the patrons will be clearly outlined by the Committee and communicated by each business.

Additional meetings will occur, as necessary, to address any questions or concerns pertaining to the DORA. Ongoing communication will be distributed to these businesses and organizations by the Committee as needed.

In order to educate the public, the Committee will publish DORA communication (rules, boundaries) in the local newspapers as well as social media.

Section 9. Sanitation Plan of the DORA

ORC 43801.82 (B) (S) and (F)(I)(E) and (F)(I) (f)

The Perrysburg Sanitation Department does an excellent job maintaining the refuse containers on a regular basis and after special events. Per the sanitation employees, refuse is currently scheduled to be picked up three days a week. The majority of the time, most containers do not require to be emptied all three days due to lack of refuse. (Containers are not emptied until necessary.) There are ample trash containers spaced throughout the downtown to adequately handle all current amount of waste.

In addition, the existing retail and service establishments police their businesses and keep the outside areas clean by sweeping the sidewalks, picking up litter and animal excrement, and washing the sidewalks if necessary.

When special events are held that increase the amount of trash, such as the Farmers Market, Memorial Day Parade, Harrison Rally Day, etc... many businesses will take the time to empty overflowing containers and dispose of the bags in their dumpster and replace the bag.

In speaking with other DORA areas, the volume of cups sold varies from 25 to a few hundred per week per establishment depending upon weather, events and time of year. In a typical week, the current number of trash containers located in downtown Perrysburg is sufficient. Based on the current low amount of trash, we do not anticipate the addition of DORA cups to warrant increased sanitation crews or scheduled trash container maintenance.

Under consideration is the addition of trash containers located near DORA boundary exits to make it convenient for customers to dispose of their cups prior to leaving the area. The DORA Committee will be observant of the trash containers and stay in contact with the Sanitation Department to address any concerns.

Section 10. Sample DORA cup

The DORA cups will be sourced and paid for by the liquor establishments permitted to sell DORA cups. The cups will hold no more than 16 oz. and include the approved logo, rules, hours and boundaries, if possible.

See attached sample of cup.

Section 11. Types of establishments within the DORA

ORC 4301.82 (B)(2)

The Downtown consists of retail and service-related businesses. There is a mixture of banks, entertainment, dining, retail, clothing, therapy, attorneys, real estate services, insurance services, media, financial advisors and personal care.

These businesses have shown their commitment to the area by supporting events and enhancements to Downtown. They take measures to keep their exterior areas clean and welcoming to visitors.

The following businesses in the proposed DORA have voiced their support of our proposal. (See attached letters of support.)

Hand Picked – 118 Louisiana

Howard Hanna – 124 Louisiana

Body and Sole – 214 Louisiana

Bard's Coffee – 120 Louisiana

Haven – 123 Louisiana

Allstate Insurance, Julie Spann Johnson Agent – 221 Louisiana

Edward Jones – 215 Louisiana

Skotynsky Financial – 213 Louisiana

Casa Barron – 207, 209, 211 Louisiana

Rose and Thistle – 203 Louisiana

Disalle Real Estate – 201 Louisiana

The Frame Gallery – 121 Louisiana

Meig – 119 Louisiana

The Ribbonry – 119 Louisiana

Maddie and Bella – 117 Louisiana

Regazza – 103 Louisiana

Angel 101 – 101 Louisiana

Stella's 104 Louisiana

Elegant Rags – 109 Louisiana

River Front Candle – 105 Louisiana

Vintage Groves – 116 Louisiana
The Carriage House – 126 Louisiana
Bruce Roberts Interiors – 200 Louisiana
Change of Season – 204, 206 Louisiana
Remax Realty – 208 Louisiana
Body &Sole – 214 Louisiana
Suburban Bottle – 218 Louisiana
Katina’s – 218 Louisiana
Perrysburgers – 220 Louisiana
The Gown Shop – 202 Louisiana
Framers Workshop – 121 Louisiana
O Deer Diner – 416 Louisiana
The Baker’s Kitchen – 210 Louisiana
Dombey & Hart – 110 W Second Street
McGivern Jewelers – 112 W. Second Street
Steve Fowler – 100 E Second Street
Kids Klothesline – 111 Louisiana
The Pet Spa – 113 Louisiana
Perrysburg Messenger Journal – 130 Louisiana

Section 12. Qualifying establishments participating in DORA

ORC 4301.82 (B)(3)

Evidence of Four Qualified Permits

A DORA requires no fewer than four qualified permit holders. The following liquor establishments have committed to the proposed DORA. (See attached Liquor Licenses)

- Suburban Bottle LLC
218 Louisiana Ave.
- Casa Barron
Wetbar Inc.
207, 209, 211 Louisiana Ave.
- Rose and Thistle
S W Tebbetts Inc.
203 Louisiana Ave.
- Swig
Prime Ventures LLC
219 Louisiana, Ave.
- Stella's
Lahey Holdings LLC
104 Louisiana Ave.

The Downtown liquor establishments believe in running our businesses with integrity and responsibility. We employ many individuals, contribute to the tax base, contribute heavily to charitable organizations of the community, support the schools and numerous events throughout the community. We believe that our missions have been, and will continue to be, in alignment and commitment to other leaders and organizations of the community. Our visions and thoughts are in alignment with others in the community that welcome and encourage change. For life is a constant change, and if a commitment to change is not evident, we cease to prosper and grow. We believe this commitment is in accordance with the P3 project instituted by the city a few years ago. Louisiana Avenue is the anchor to the city.

Section 13. Evidence of land in accord with master zoning plan

4301.82 (B)(4)

See attached zoning map.

4301.82 (D)(1,2) (a,b)

Population of Perrysburg

Population per 2017 approximately 21,482.

Section 14. Positive economic impacts

Having the amenity of a Designated Outdoor Refreshment Area in Downtown Perrysburg will help make our town culturally progressive. As evidenced in other communities similar to Perrysburg who have implemented a DORA, the increase in foot traffic benefits all businesses and leads to increased revenue and sales tax. A DORA also makes our downtown attractive to potential businesses looking to open in an area that supports modern development.

Due to the recent accolades of Perrysburg being named one of Ohio's Best Small Towns, among others, our town has become a destination place for visitors. These visitors spend much of their time in our downtown, walking from establishment to establishment. An option of a DORA purchase enhances the visitor experience.

The majority of our community supports a DORA in our downtown, due to the number of events that occur and the variety of local businesses. An option of a DORA purchase enhances the community experience.

A DORA would contribute positively to the economy by:

- Providing an option for patrons who are waiting for a table at a restaurant. Rather than stand idle at a restaurant, they can walk and window shop. The restaurant benefits with the sale, the store benefits with a potential customer.
- Providing an outdoor option for customers of establishments who do not have patio seating. The establishment gains a sale rather than losing a sale due to the lack of a patio.
- Providing an option for customers who do not wish to sit inside an establishment due to such circumstances as the current COVID pandemic.
- Encouraging patrons to walk the area, which creates increased foot traffic, which in turn creates more customers visiting all businesses rather than staying inside just one establishment.

The Committee predicts that a DORA would lead to increased business opportunities and sales for the downtown merchants, which could lead to longer business hours at these stores. This is evidenced in the input received from other DORA communities. (see attachments)

Section 15. Letters of experience from other Ohio DORA communities

See attached letters from Defiance and Sylvania.

Section 16. Ohio Revised Code 4301.82 – Designated Outdoor Refreshment Area

4301.82 Designated outdoor refreshment areas.

(A) As used in this section:

(1) "Qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 4303. of the Revised Code.

(2) "D class permit" does not include a D-6 or D-8 permit.

(B) The executive officer of a municipal corporation or the fiscal officer of a township may file an application with the legislative authority of the municipal corporation or township to have property within the municipal corporation or township designated as an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the municipal corporation or township. The executive officer or fiscal officer shall ensure that the application contains all of the following:

(1) A map or survey of the proposed outdoor refreshment area in sufficient detail to identify the boundaries of the area, which shall not exceed either of the following, as applicable:

(a) Three hundred twenty contiguous acres or one-half square mile if the municipal corporation or township has a population of more than thirty-five thousand as specified in division (D) of this section;

(b) One hundred fifty contiguous acres if the municipal corporation or township has a population of thirty-five thousand or less as specified in division (D) of this section.

(2) A general statement of the nature and types of establishments that will be located within the proposed outdoor refreshment area;

(3) A statement that the proposed outdoor refreshment area will encompass not fewer than four qualified permit holders;

(4) Evidence that the uses of land within the proposed outdoor refreshment area are in accord with the master zoning plan or map of the municipal corporation or township;

(5) Proposed requirements for the purpose of ensuring public health and safety within the proposed outdoor refreshment area.

(C) Within forty-five days after the date the application is filed with the legislative authority of a municipal corporation or township, the legislative authority shall publish public notice of the application once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or township or as provided in section [7.16](#) of the Revised Code. The legislative authority shall ensure that the notice states that the application is on file in the office of the clerk of

the municipal corporation or township and is available for inspection by the public during regular business hours. The legislative authority also shall indicate in the notice the date and time of any public hearing to be held regarding the application by the legislative authority.

Not earlier than thirty but not later than sixty days after the initial publication of notice, the legislative authority shall approve or disapprove the application by either ordinance or resolution, as applicable. Approval of an application requires an affirmative vote of a majority of the legislative authority. Upon approval of the application by the legislative authority, the territory described in the application constitutes an outdoor refreshment area. The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the approval of the application and a description of the area specified in the application. If the legislative authority disapproves the application, the executive officer of a municipal corporation or fiscal officer of a township may make changes in the application to secure its approval by the legislative authority.

(D) The creation of outdoor refreshment areas is limited as follows:

(1) A municipal corporation or township with a population of more than fifty thousand shall not create more than two outdoor refreshment areas.

(2) A municipal corporation or township with a population of more than thirty-five thousand but less than or equal to fifty thousand shall not create more than one outdoor refreshment area.

(3)

(a) Except as provided in division (D)(3)(b) of this section, a municipal corporation or township with a population of thirty-five thousand or less shall not create an outdoor refreshment area.

(b) A municipal corporation or township with a population of thirty-five thousand or less may create one outdoor refreshment area if the proposed area will include at least four qualified permit holders and be composed of one hundred fifty or fewer contiguous acres.

For purposes of this section, the population of a municipal corporation or township is deemed to be the population shown by the most recent regular federal decennial census.

(E) As soon as possible after receiving notice that an outdoor refreshment area has been approved, the division of liquor control, for purposes of section [4301.62](#) of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under Chapters 4301. and 4303. of the Revised Code. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area under division (F) of this section.

(F)

(1) At the time of the creation of an outdoor refreshment area, the legislative authority of a municipal corporation or township in which such an area is located shall adopt an ordinance or resolution, as applicable, that establishes requirements the legislative authority determines necessary to ensure public health and safety within the area. The legislative authority shall include in the ordinance or resolution all of the following:

(a) The specific boundaries of the area, including street addresses;

(b) The number, spacing, and type of signage designating the area;

(c) The hours of operation for the area;

(d) The number of personnel needed to ensure public safety in the area;

(e) A sanitation plan that will help maintain the appearance and public health of the area;

(f) The number of personnel needed to execute the sanitation plan;

(g) A requirement that beer and intoxicating liquor be served solely in plastic bottles or other plastic containers in the area.

The legislative authority may, but is not required to, include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority.

(2) Prior to adopting an ordinance or resolution under this division, the legislative authority shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or township or as provided in section [7.16](#) of the Revised Code.

(3) The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the public health and safety requirements established or modified under this division.

(G) If an outdoor refreshment area has been created in accordance with this section, the holder of an F class permit that sponsors an event located in the outdoor refreshment area may apply to the division for issuance of an outdoor refreshment area designation. The division shall issue such a designation if the division determines that the permit holder is in compliance with all applicable requirements established under this chapter and Chapter 4303. of the Revised Code. An F class permit holder that receives a designation under this division shall do both of the following:

(1) Comply with all laws, rules, and regulations that govern its type of permit, and the applicable public health and safety requirements established for the outdoor refreshment area under division (F) of this section;

(2) Not block ingress or egress to the outdoor refreshment area or any other liquor permit premises located within the area.

(H) Section [4399.18](#) of the Revised Code applies to a liquor permit holder located within an outdoor refreshment area in the same manner as if the liquor permit holder were not located in an outdoor refreshment area.

(I)

(1) Five years after the date of creation of an outdoor refreshment area, the legislative authority of the municipal corporation or township that created the area under this section shall review the operation of the area and shall, by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance or resolution, the legislative authority shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or township or as provided in section [7.16](#) of the Revised Code.

If the legislative authority dissolves the outdoor refreshment area, the outdoor refreshment area ceases to exist. The legislative authority then shall provide notice of its action to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders within the dissolved area. If the legislative authority approves the continued operation of the outdoor refreshment area, the area continues in operation.

(2) Five years after the approval of the continued operation of an outdoor refreshment area under division (I)(1) of this section, the legislative authority shall conduct a review in the same manner as provided in division (I)(1) of this section. The legislative authority also shall conduct such a review five years after any subsequent approval of continued operation under division (I)(2) of this section.

(J) At any time, the legislative authority of a municipal corporation or township in which an outdoor refreshment area is located may, by ordinance or resolution, dissolve all or a part of the outdoor refreshment area. Prior to adopting the resolution or ordinance, the legislative authority shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or township or as provided in section [7.16](#) of the Revised Code. If the legislative authority dissolves all or part of an outdoor refreshment area, the area designated in the ordinance or resolution no longer constitutes an outdoor refreshment area. The legislative authority shall provide notice of its actions to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders or the holder of an F class permit within the dissolved area or portion of the area.

Amended by 132nd General Assembly File No. TBD, HB 522, §1, eff. 3/22/2019.

Amended by 131st General Assembly File No. TBD, HB 342, §1, eff. 9/28/2016.

Added by 131st General Assembly File No. TBD, HB 47, §1, eff. 4/30/2015.

Section 17. Attachments