

ORDINANCE NO. 2020 - 403

AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) AND ENACTING REGULATIONS FOR THE DORA.

WHEREAS, effective April 30, 2017, a municipality with a population of less than thirty-five thousand (35,000) is permitted to create a "Designated Outdoor Refreshment Area" (hereinafter "DORA") pursuant to the provisions of R.C. §4301.82 for the purpose of complimenting the cultural and economic vitality of the designated area composed of one hundred fifty (150) or fewer contiguous acres; and,

WHEREAS, the Mayor on behalf of the Board of Directors, leadership, and members of Downtown Fremont, Inc. (DFI) submitted an application on September 11th, 2020 for an establishment of an outdoor refreshment area known as DORA. The petition reflects the nature and types of establishments that will be located within the area. The proposed area and land use is consistent with the B-2 Central Business District and the proposed hours of operation and rules will ensure the public health, safety, and welfare within the area; and,

WHEREAS, pursuant to R.C. §4301.82(C), notice of the filing DORA application and the date of a public hearing thereon was published once a week for two consecutive weeks in one newspaper of general circulation in the City; and

WHEREAS, a public hearing on the application was held on October 1st, 2020; and

WHEREAS, R.C. §4301.82(F)(1) requires the City to establish requirements that the City determined necessary to ensure the public health and safety within the area; and

WHEREAS, the DORA application as submitted to Council meets the requirements of R.C. §4301.82(B)(1-5);

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

SECTION 1. Council approves the DORA application as having met the requirements of R.C. §4301.82(B)(1-5) and approves the establishment of a Downtown Fremont Designated Outdoor Refreshment Area comprised of the area as depicted on Exhibit A, attached hereto and incorporated herein, such area to

include and encompass the street addresses listed on Exhibit A, as is required to be included pursuant to R.C. §4301.82(F)(1)(a).

SECTION 2. in order to ensure public health and safety in accordance with R.C. §4301.82(F)(1)(b), the number, spacing, and type of signage designating the DORA boundary shall be as set forth on Exhibit A, attached hereto and incorporated herein.

SECTION 3. Council finds the DORA encompasses not fewer than four (4) qualified permit holders.

SECTION 4. The hours of operation for the DORA, which will apply to all activity with the DORA are described on Exhibit A, attached hereto and incorporated herein, in accordance with R.C. §4301.82(F)(1)(c).

SECTION 5. Council, by Resolution, may temporarily suspend the DORA for a period of up to seven (7) days in order to accommodate special event permitting.

SECTION 6. The Public Health & Safety Plan as described in Exhibit A, attached hereto and incorporated herein, meets the requirements of R.C. §4301.82(F)(1)(d), including the number of personnel needed to ensure public safety in the DORA and is hereby approved.

SECTION 7. The Sanitation Plan that will help maintain the appearance and public health of DORA as described in E, attached hereto and incorporated herein, meets the requirements of R.C. §4301.82(F)(1)(e-f), including the number of personnel needed to execute said Sanitation Plan and is hereby approved.

SECTION 8. As is required by R.C. §4301.82(F)(1)(g), beer and intoxicating liquor shall only be served in a plastic container in the DORA. The City Administrator is hereby authorized and directed to approve the design of an official plastic container to be used by all qualified permit holders within the DORA.

SECTION 9. Council hereby authorizes and directs the City Administrator to enact and implement all regulations, consistent with this Ordinance and the Ohio Revised Code, which are necessary to properly administer the DORA.

SECTION 10. The Clerk of Council is authorized and directed to forward a copy of this Ordinance approving the DORA application and establishing the DORA to the Ohio Department of Commerce, Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety pursuant to R.C. §4301.82(C) and §4301.82(F)(3).

SECTION 11. Council determines all public notice requirements of R.C. §4301.82 prior to the passage of this Ordinance have been met.


SECTION 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 13. This ordinance shall take effect and be in force from and after its passage and publication according to law.



Jamie Hafford
President of Council

PASSED: 10-15-20
Effective date: 10-15-20
YEAS: 2 NAYS: 0




Stephanie L. Martin, City Council Clerk



Daniel R. Sanchez, Mayor

ORD11211

Approved as to form:



James F. Melle, Director of Law
City of Fremont, Ohio