

ORDINANCE NO. _____-19

AN ORDINANCE CREATING A DESIGNATED OUTDOOR
REFRESHMENT AREA FOR THE CITY OF PORT CLINTON
ENACTING REGULATIONS AND DECLARING AN EMERGENCY

WHEREAS, 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 Section 4301.82 of the Ohio Revised Code; and

WHEREAS, on June 11, 2019, 2019, pursuant to R.C. 4301.82 the Mayor submitted an application to Council for approval of a DORA (the “DORA Application”) in a specified area of the City specifically described in Exhibit A attached to this Ordinance; and

WHEREAS, pursuant to Section 4301.82(C) of the Ohio Revised Code, notice of the filing of the DORA Application was published as required in R. C. 7.16 in a newspaper of general circulation in the City on June 14, 2019 and June 21, 2019; and

WHEREAS, Section 4301.82(F)(1) requires the City to establish requirements that the City determines necessary to ensure public health and safety in the area, and Section 4301.82(F)(2) of the Ohio Revised Code provides for notice of this proposed action to be published pursuant to R. C. 7.16 in a newspaper of general circulation once a week for two consecutive weeks, such notice having been published on June 14, 2019 and June 21, 2019; and

WHEREAS, the public hearing on the application was held on July 9, 2019, during which public testimony was solicited; and

WHEREAS, the DORA Application, as submitted, included all of the permit holder premises located at the street addresses set forth in Exhibit “B”, meets the requirements of Section 4301.82(B)(1-5) of the Ohio Revised Code, it being further clarified that the boundary of DORA includes the premises of the permit holders located at the street addresses listed in Exhibit “B”; 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.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. Council approves the DORA Application as having met the requirements of Section 4301.82(B)(1-5) of the Ohio Revised Code, and approves the establishment of a Designated Outdoor Refreshment Area comprised of the area as described and depicted on Exhibit “A”, attached hereto and made a part hereof, such area to include and encompass the premises of the permit holders located at the street addresses listed on Exhibit “B”, as is required

to be included pursuant to Section 4301.82(F)(1)(a) of the Ohio Revised Code.

Section 2. 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 3. In order to ensure public health and safety and in accordance with Section 4301.82(F)(1)(b) of the Ohio Revised Code, the number, spacing, and type of signage designating the DORA boundary shall be as set forth on Exhibit "C", attached hereto and made a part hereof.

Section 4. The DORA encompasses not fewer than four (4) qualified permit holders, all of which are identified on Exhibit "B", attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number. Also included on Exhibit "B" and in accordance with Section 4301.82(F)(1)(c) of the Ohio Revised Code are the hours of operation for the DORA, which will apply to all activities within the DORA, only as may be limited by approval of special event planning. The Director of Public Safety-Service, or his/her designee, will have the ability to adjust the hours in the DORA for holidays and/or special events.

Section 5. The Public Health and Safety plan as described on Exhibit "D" attached hereto and made a part hereof, is hereby approved as meeting the requirements of Section 4301.82(F)(1)(d) of the Ohio Revised Code, including the manner in which the number of personnel needed to carry out the plan shall be determined.

Section 6. The Sanitation Plan that will help maintain the appearance and public health of the area as described on Exhibit "E", attached hereto and made a part hereof, is hereby approved as meeting the requirements of Section 4301.82(F)(1)(e) and 4301.82(F)(1)(f) of the Ohio Revised Code, including the manner in which the number of personnel needed to carry out the plan shall be determined.

Section 7. As is required by Section 4301.82(F)(1)(g) of the Ohio Revised Code, beer and intoxicating liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily-identified container that identifies the name of the establishment that is serving the beverage, as approved by the City's Chief of Police.

Section 8. The Safety-Service Director shall provide a report to this Council thirty-six (36) months after the passage of this ordinance concerning the impact of establishing the Outdoor Refreshment Area.

Section 9. Pursuant to Ohio Revised Code 4301.82(H)(1) in five years City Council shall review the requirements of the DORA, as established herein, to determine whether to continue the DORA under the same or modified terms and conditions, or to dissolve it according to statutory provisions.

Section 10. The Clerk of Council is hereby instructed to forward a copy of this

Ordinance to the Ohio Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with Sections 4301.82(C) and 4301.82(F)(3) of the Ohio Revised Code.

Section 11. 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 committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 12. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the foregoing approval and designation are immediately necessary so that steps can be undertaken to continue development, which is needed to provide economic advantages to the City, in the form of increased tax revenues to the City, additional job opportunities, and recreational and shopping alternatives to the citizens of the City. Provided it receives the affirmative vote of five members of Council, it shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2019

President of Council

Attest: _____

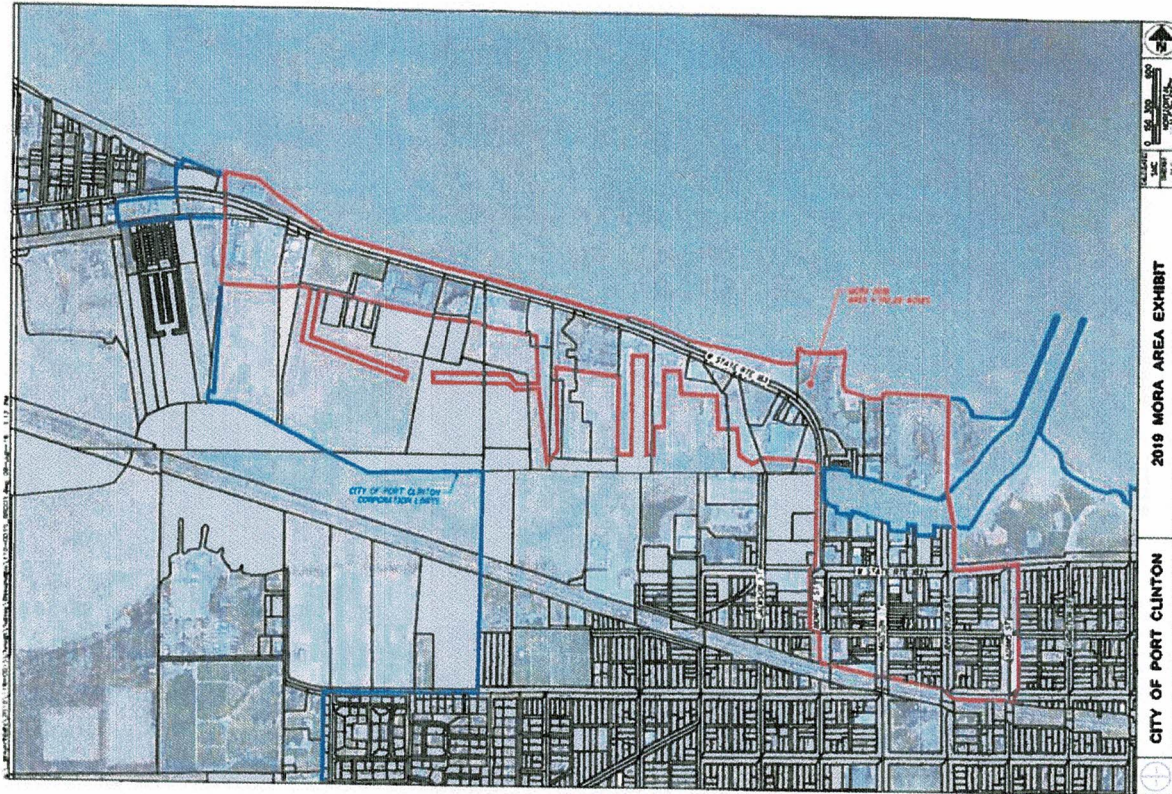
Clerk of Council

Approved _____,
2019

Mayor

Exhibit A.

Map of the Outdoor Refreshment Area



Said description contains approximately 92.11 continuous acres.

SOURCE: Area certified by BEC Associates, Port Clinton, Ohio. SOURCE: Sign placement and spacing approved by Olen Martin, Director of Public Safety & Service, City of Port Clinton

Exhibit B.**Street addresses of real property included in specific boundaries of the MORA**

Street Name	Range	Even/odd
Adams St	100-231	Even & Odd
N Madison St	2-98	Even & Odd
Madison St	101-226	Even & Odd
N Jefferson St.	3-80	Even & Odd
Jefferson St.	100-240	Even & Odd
Monroe St.	1-212	Even & Odd
E Perry St	114-207	Even & Odd
W Perry St	102-135	Even & Odd
E 2nd St	109-211	Even & Odd
W 2nd St	115-121	Even & Odd
Lakeshore Dr	200-1105	Even & Odd
Brooklyn Ave	109-147	Odd
3rd St	111-215	Odd

EXHIBIT C



EXHIBIT D.

City of Port Clinton's MAINSTREET PORT CLINTON OUTDOOR REFRESHMENT AREA (MORA) Safety Plan

The Safety Plan will help maintain public safety within the MAINSTREET PORT CLINTON OUTDOOR REFRESHMENT AREA (MORA) and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner:

Current Public Safety personnel are adequate to maintain public safety within the MAINSTREET PORT CLINTON OUTDOOR REFRESHMENT AREA (MORA). The City of Port Clinton Police Department (PCPD) has multiple resources which will enable it to maintain public safety within the MAINSTREET PORT CLINTON OUTDOOR REFRESHMENT AREA (MORA) to include the downtown core business district and main street business district. PCPD has the flexibility when deploying resources and has years of experience following the summer (tourism) seasons, which draws very large crowds throughout the year.

Law Enforcement Staffing in the MORA would consist of:

1. PCPD has permanently assigned patrol officers to the road division 24 hours a day, 7 days a week. In addition, PCPD has two (2) intermediate shifts for extra patrol coverage from 11:00am to 3:00am or an additional sixteen (16) hours a day Tuesday through Sunday morning. The regularly scheduled PCPD officer(s) will be patrolling the MORA as it is within their assigned patrol responsibility.
2. To help supplement the regular scheduled PCPD officers on peak weekdays and/or weekends, extra dedicated PCPD Officers will be assigned either by the City of Port Clinton and/or PCPD Officers will be contracted for service through the City by liquor permit businesses within the MORA who shall pay to the City the full cost for providing the extra duty officer(s). The contracted officer('s) primary responsibility will be within the MORA.

Beginning with the commencement of the MORA continuing for a period of six (6) consecutive months, the Director of Public Safety and Service of the City of Port Clinton (the Director), and the Chief of Police of the City of Port Clinton (the Chief) shall meet monthly and review the Safety Plan herein for the purpose of determining whether updates, modifications, or supplementation may be advisable or required. In the event, the Director and the Chief determine the Safety Plan should be changed, such changes shall be presented to Council for consideration and implementation. The Director and the Chief shall meet and review the Safety Plan as needed for any special events within the MORA or as other circumstances may require.

The Director and the Chief have determined that the Safety Plan described herein is sufficient to maintain public safety within the MORA. This Safety Plan can be executed with the existing personnel of the City of Port Clinton.

SOURCE: Olen Martin Director of Public Safety & Service, City of Port Clinton
Robert J. Hickman, Chief of Police, City of Port Clinton

Exhibit E.

City of Port Clinton's DORA Sanitation Plan

The Sanitation Plan that will help maintain the appearance and public health of the MORA.

1. Rubbish, garbage and other materials shall not be stored or allowed to accumulate in passageways, doorways, streets, or any areas of the MORA.
2. There are currently twenty-one (21) trash receptacles located in the proposed outdoor refreshment area, and their locations are identified in the map on Exhibit "E1". If extra trash receptacles are determined necessary for a special event they shall be provided, serviced and emptied by the event sponsor.
3. The Director of Safety & Service (the Director) or his/her designee shall establish a pickup and disposal schedule for refuse so that the MORA is maintained in a clean and safe manner. Ongoing evaluation of additional services will be monitored from Memorial Day thru Labor Day.
4. Trash receptacles may be moved and additional trash receptacles may be added within the MORA at the discretion of the Director. Upon approval of the Director additional receptacles may be added by the city or any qualified permit holder, and the servicing of such receptacles shall remain the responsibility of the installing entity.
5. Each qualified permit holder located within the MORA shall be responsible for the collection of litter and trash near or around the premises occupied by the permit holder, both private areas and public areas.
6. The Director, with input from Superintendent of Streets, shall evaluate the need and frequency of street sweeping and servicing trash receptacles, and, if needed or advisable, implement changes or modifications to the sanitation plan from the commencement of the MORA until the dissolution of the MORA.
7. The Director, with input from Superintendent of Streets, has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the MORA. This Sanitation Plan can be executed with the existing personnel of the City of Port Clinton.

SOURCE: Olen Martin, Director of Public Safety & Service, City of Port Clinton

Exhibit E1

