**ORDINANCE 8-22-O**

**AN ORDINANCE APPROVING AN APPLICATION FOR A DESIGNATED OUTDOOR REFRESHMENT AREA, ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA IN THE CITY OF CELINA, AND TO ENSURE PUBLIC HEALTH AND SAFETY WITHIN SUCH AREA.**

WHEREAS, the City of Celina, a municipality with a population of less than thirty-five thousand, is permitted to create a Designated Outdoor Refreshment Area pursuant to the Ohio Revised Code Section 4301.82; and

WHERAS, on February 28, 2022 the Safety Service Director submitted an application to the City of Celina Council for approval of a Designated Outdoor Refreshment Area in a specific area of the City of Celina described in the application; and

WHERAS, pursuant to Sections 4301.82(C) and 4301.82(F)(2) of the Ohio Revised Code, notice of the filing of the application for a Designated Outdoor Refreshment Area was published in a newspaper of general circulation in the City of Celina on March 1, 2022 and March 8, 2022; and

WHEREAS, the City of Celina Council conducted a public hearing on March 14, 2022 to consider the application; and

WHEREAS, the Designated Outdoor Refreshment Area application as submitted, to include the premises of the permit holders located at the street addresses on Appendix A, meets the requirements of Section 4301.82(8) (1-5), it being further clarified that the boundary of the Designated Outdoor Refreshment Area includes the premises of the permit holders located at the street addresses listed on Exhibit A; 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 of Celina.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the City of Celina Council approves the Designated Outdoor Refreshment Area application as having met requirements of Ohio Revised Code Section 4301.82 and approves the establishment of a Designated Outdoor Refreshment Area in the City of Celina comprised of the area as depicted on Exhibit A, attached hereto and made a part hereof, such area include and encompass the premises of the permit holders located at the street addresses listed on Appendix A, as is required to be published pursuant to Section 4301.82(F)(1)(a).

SECTION TWO

THAT, the City of Celina 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 THREE

THAT, in order to ensure the public health and safety and in accordance with Ohio Revised Code Section 4301.82(F)(1)(b), the number, spacing, and type of signage designating the Designated Outdoor Refreshment Area boundary shall be set forth on Exhibit B, attached hereto and made a part hereof.

SECTION FOUR

THAT, the Designated Outdoor Refreshment Area encompasses not fewer than four (4) qualified permit holders, all which are identified on Appendix A, attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number. Also included on Exhibit C, and in accordance with Section 4301.82(F)(1)(c) are the hours of operation for the Designated Outdoor Refreshment Area, which will apply to all activity within the Designated Outdoor Refreshment Area, only as may be limited by approval of special event permitting.

SECTION FIVE

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

SECTION SIX

THAT, the Sanitation Plan that will help maintain the appearance and public health of the area 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)(e-f), including the manner in which the number of personnel needed to carry out the plan shall be determined.

SECTION SEVEN

THAT, as is required by Section 4301.82(F)(1)(g), beer and intoxicating liquor shall only be served in plastic containers, which shall be provided by the qualified permit holders in a readily-identified container, as approved by the Safety Service Director.

SECTION EIGHT

THAT, the City of Celina Council shall review the requirements of the Designated Outdoor Refreshment Area, as established herein, one year from the effective date of this Ordinance to determine whether to continue the Designated Outdoor Refreshment Area under the same or modified terms and conditions, or dissolve it according to statutory provisions.

SECTION NINE

THAT, 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 Ohio Revised Code Section 4301.82(C) and Section 4301.82(F)(3).

SECTION TEN

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this \_\_\_\_ day of \_\_ \_\_, 2022

Jason D. King, President of Council

ATTEST:

Erin B. Heberlie, Clerk of Council

APPROVED , 2022

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik Moore, Esq., City Law Director