

1st Reading, April 12, 2021
2nd Reading April 26, 2021
3rd Reading May 10, 2021

Introduced by: Mayor Britton

ORDINANCE NO. 06 - 2021

AN ORDINANCE ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA ("DORA") IN MADISON VILLAGE, OHIO PURSUANT TO OHIO REVISED CODE SECTION 4301.82, ENACTING REGULATIONS THEREFOR; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code § 4301.82 permits a municipal corporation with a population of 35,000 or less to create one Designated Outdoor Refreshment Area ("DORA") provided that the proposed DORA will include at least four qualified State of Ohio liquor permit holders and will encompass no greater than one hundred fifty contiguous acres; and

WHEREAS, the Mayor of Madison Village, on March 18, 2021 submitted to the Council of the Village an application to approve and establish the DORA (hereafter "Application"); and

WHEREAS, the Application includes a map delineating the specific boundaries of the DORA; the specific street addresses of establishments located within the DORA; the nature and types of establishments located within the DORA, the type of signage that will designate the DORA; the number of personnel needed to ensure public safety in the DORA; the sanitation plan that will help maintain the appearance and public health within the DORA; the number of staff needed to carry out the sanitation plan; and a requirement that beer and intoxicating liquor be served in designated plastic containers within the DORA; and

WHEREAS, the Application was amended by the Mayor to eliminate PPNs 02-A-006-B-00-002-0 and 02-A-006-B-00-004-0 (that being "Dana's Park") from inclusion in the area of the proposed DORA and to add PPNs 02-A-008-B-00-006-0 and 02-A-008-B-00-007-0; and

WHEREAS, notice of the receipt of said Application and its availability for public inspection was duly published in the News Herald, a newspaper of general circulation within the Village, on April 3, 2021 in accordance with R.C. § 4301.82(C); and

WHEREAS, Ohio law requires that the legislative authority of a municipal corporation must adopt an ordinance that establishes requirements and regulations for the proposed DORA to ensure public health and safety within the DORA, and, Ohio law further specifies certain information that is to be included in said ordinance; and

WHEREAS, notice of this Ordinance was published in the News Herald, a newspaper of general circulation within the Village, on April 21, 2021, in accordance with R.C. § 4301.82(F)(2); and

WHEREAS, the approval of the proposed DORA will facilitate growth of the Village, specifically its National Register historic central business district and the Grand River Valley's growing agritourism industry, and encourage additional economic activity and investment in the historic core of the Village, and enhance the experience for both residents and visitors to the Village; and

WHEREAS, the COVID-19 pandemic has caused negative economic impacts and the DORA that is the subject of this Ordinance is likely to increase economic activity in the Village of Madison; therefore, the DORA that is the subject of this Ordinance must be implemented quickly so as to timely help in mitigating the already-realized economic impacts of the COVID-19 pandemic.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. The Council approves the DORA application, as amended, as having met the requirements of R.C. § 4301.82 and approves the establishment of a Madison Village DORA comprised of the area depicted and described in the Application, as amended, and as set forth herein.

SECTION 2. The boundaries of the DORA are graphically shown on the aerial attached hereto and incorporated herein as Exhibit 1.

SECTION 3. The precise area of the DORA is more particularly identified by the listing of all parcels included within the DORA, together with their area, which list is attached hereto and incorporated herein as Exhibit 2.

SECTION 4. The total area of the DORA consists of 19.2502 acres, as certified by the Village Engineer on Exhibit 2.

SECTION 5. That the Village's population of 3,184 persons (2010 U.S. Census), the DORA's area of 19.2502 contiguous acres, and the inclusion of 6 qualified permit holders in the DORA (as identified in the Application) are all in compliance with the requirements for the creation of a DORA pursuant to § 4301.82(D)(3)(b).

SECTION 6. The number, spacing, and type of signage designatating the DORA shall be as specified and detailed in Exhibit 3, which is attached hereto and incorporated herein.

SECTION 7. The hours of operation of the DORA shall be as follows:

Monday through Friday from 4:00 p.m. until 10:00 p.m.

Saturday and Sunday from noon until 10:00 p.m.

SECTION 8. The Council finds that current patrol officer staffing of from 1 - 2 officers per shift are sufficient to ensure public safety in the DORA given its compact nature, subject to temporary increases in personnel for special events as determined by the Mayor and Chief of Police.

SECTION 9. The Administration's sanitation plan, which includes the number of personnel needed to execute the plan, as detailed in Exhibit 4 attached hereto and incorporated herein, is and shall be approved for the DORA.

SECTION 10. That beer and intoxicating liquor may only be carried outside of permit premises (and solely within the area of the DORA) only in specially marked plastic cups. The exact marking(s) designating the special cups will not be revealed in advance of their issuance and will periodically change as determined by the Administration in order to avoid persons seeking to circumvent this control. Only one cup per person shall be permitted. Any person found to be in possession of an open container of an alcoholic beverage not in an approved cup shall be cited for an open container violation. Strict enforcement shall be the Village policy. Persons may not be in possession of any open container of an alcoholic beverage, regardless of whether it is in a designated plastic cup within the DORA, while they are in or upon any motor vehicle.

SECTION 11. Persons in an intoxicated state shall be subject to citation where probable cause exists that an offense has been committed. Permit holders shall affirm that they have in place and actively implement policies and procedures to ensure that visibly intoxicated customers are cut off from further alcoholic beverage service.

SECTION 12. This Council finds and determines that all public notice requirements of R.C. § 4301.82 have been met prior to the passage of this Ordinance.

SECTION 13. Council shall review the operation of the DORA, as established herein, upon the 5-year anniversary date of its creation to determine whether to continue the DORA under the same or modified terms and conditions or dissolve it according to statutory provisions. Notice of proposed action to expand or dissolve the DORA shall be made in accordance with R.C. § 4301.82(l).

SECTION 14. The Clerk of Council is hereby directed to forward a copy of this Ordinance to the Ohio Division of Liquor Control and the Investigative Unit of the Ohio Department of Public Safety to provide notice of the establishment of the DORA, in accordance with R.C. § 4301.82(F)(3).

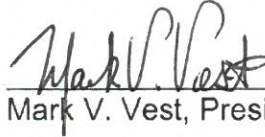
SECTION 15. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 16. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of the Village of Madison, and for the further reason that its immediate adoption is necessary to move forward with establishing a DORA to facilitate growth, economic activity and investment in the Village of Madison; wherefore, this Ordinance shall take effect and be in force immediately upon its passage.

PASSED:

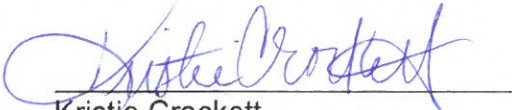
3rd Reading:

May 10, 2021



Mark V. Vest, President of Council

Attested:



Kristie Crockett,
Fiscal Officer / Clerk of Council

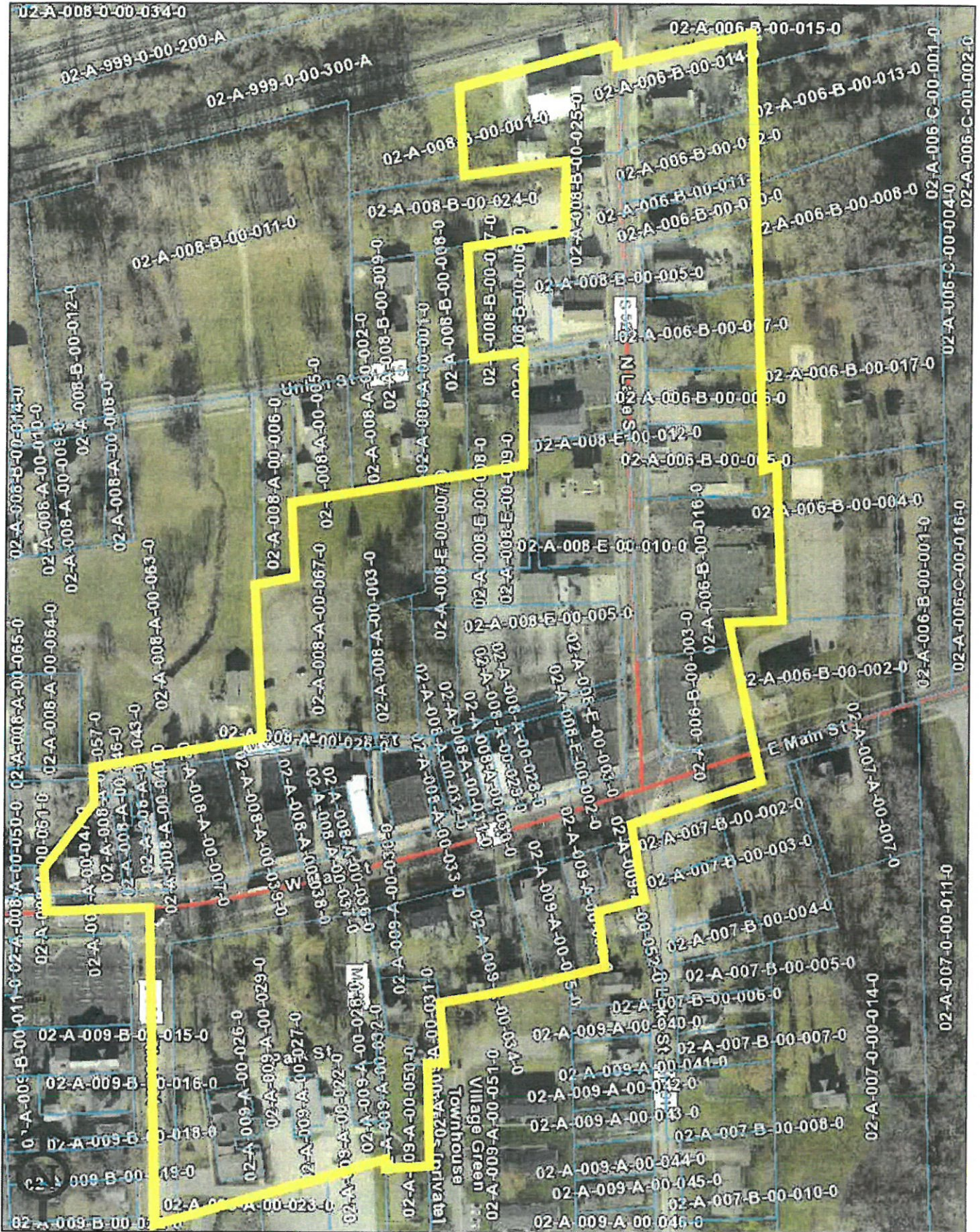
Approved:



Sam Britton, Jr.,
Mayor

May 10, 2021
Date

Exhibit "1" DORA Boundaries ORD 06-2021



Property lines are graphic representations and are NOT survey accurate.

Lake County GIS Dept. / Lake County Tax Map Dept., 105 Main Street, Painesville, OH

1 inch = 188 feet

Creation Date: April 8, 2021

Exhibit "2"
Parcel Listings
(as amended)

Address (if applicable)	PPN	Acres	Square Feet (if acreage was not listed)
126 W. Main	02-A-008-A-00-047-0	0.2340	
	02-A-008-A-00-057-0	0.0130	
112 W. Main	02-A-008-A-00-058-0	0.0400	
	02-A-008-A-00-046-0	0.0300	
	02-A-008-A-00-044-0	0.0500	
	02-A-008-A-00-045-0	0.0300	
0 W. Main	02-A-008-A-00-043-0	0.0300	
110 W. Main	02-A-008-A-00-042-0	0.0400	
104 W. Main	02-A-008-A-00-040-0	0.0670	
100 W. Main	02-A-008-A-00-007-0	0.6900	16640 sq. ft. = 0.380
82 W. Main	02-A-008-A-00-039-0	0.2700	11896 sq. ft. = 0.2700
74 W. Main	02-A-008-A-00-038-0	0.1300	5898 sq. ft. = 0.1300
70 W. Main	02-A-008-A-00-037-0	0.0400	1820 sq. ft. = 0.0417
66 W. Main	02-A-008-A-00-036-0	0.0400	
60 W. Main	02-A-008-A-00-059-0	0.3000	13242 sq. ft. = 0.3039
Alley	02-A-008-A-00-035-0	0.6200	2465 sq. ft. = 0.056
46 W. Main	02-A-008-A-00-034-0	0.1700	
42 W. Main	02-A-008-A-00-033-0	0.0100	
	02-A-008-E-00-001-0	0.0130	
38 W. Main	02-A-008-A-00-032-0	0.0570	
34 W. Main	02-A-008-A-00-031-0	0.0600	
30 W. Main	02-A-008-A-00-030-0	0.0600	
24 W. Main	02-A-008-A-00-029-0	0.0600	
22 W. Main	02-A-008-A-00-028-0	0.0600	
20 W. Main	02-A-008-A-00-027-0	0.1300	
10 W. M Main	02-A-008-E-00-002-0	0.0400	
Madison (street) PPNS	02-A-008-A-00-019-0	0.0800	
	02-A-008-A-00-020-0	0.0500	
	02-A-008-A-00-026-0	0.0600	2614 sq. ft. = 0.0600
	02-A-008-A-00-021-0	0.0300	
0 Madison Ave.	02-A-008-E-00-006-0	0.2500	
	02-A-008-A-00-007-0	0.158	6890 sq. ft. = 0.158
	02-A-008-A-00-008-0	0.157	6850 sq. ft. = 0.157
	02-A-008-A-00-009-0	0.166	7250 sq. ft. = 0.166
Union St. (Village prop.)	02-A-008-A-00-067-0	0.3000	
0 Union (Gr. River Lod.)	02-A-008-A-00-003-0	0.3000	

33 N. Lake	02-A-008-E-00-005-0	0.7600	33120 sq. ft. = 0.760
45 N. Lake	02-A-008-E-00-010-0	0.1270	
	02-A-008-E-00-012-0	0.4460	
91 N. Lake	02-A-008-E-00-014-0	0.3400	
103 N. Lake	02-A-008-B-00-005-0	0.2500	
109 N. Lake	02-A-008-B-00-025-0	0.3450	
111 N. Lake	02-A-008-B-00-004-0	0.0500	
Union Street	02-A-008-B-00-006-0	0.18	
18 Union Street	02-A-008-B-00-007-0	0.24	
125 N. Lake	02-A-008-B-00-001-0	1.4090	
150 N. Lake	02-A-006-B-00-014-0	0.3600	
Norfolk Parcels	02-A-006-B-00-012-0	0.2960	
	02-A-006-B-00-011-0	0.0700	
106 N. Lake	02-A-006-B-00-008-0	1.4400	
98 N. Lake	02-A-006-B-00-007-0	0.4170	
86 N. Lake	02-A-006-B-00-006-0	0.3100	
72 N. Lake	02-A-006-B-00-005-0	0.4000	
46 N. Lake	02-A-006-B-00-016-0	1.0050	
5 E. Main	02-A-006-B-00-003-0	0.3680	
33 E. Main	02-A-006-B-00-002-0	0.8700	
0 E. Main	02-A-006-B-00-004-0	0.9900	
1 W. Main	02-A-009-A-00-052-0	0.1373	5985 sq. ft. = 0.1373
13 W. Main	02-A-009-A-00-036-0	0.0787	3430 sq. ft. = 0.0787
21 W. Main	02-A-009-A-00-035-0	0.5000	
35 W. Main	02-A-009-A-00-034-0	0.2300	
49 W. Main	02-A-009-A-00-033-0	0.4100	
63 W. Main	02-A-009-A-00-030-0	0.0700	
25 Park	02-A-009-A-00-031-0	0.1800	
	02-A-009-A-00-032-0	0.1800	7841 sq. ft. = 0.1800
Village Square Park	02-A-009-A-00-029-0	1.8962	82600 sq. ft. = 1.8962
31 Park	02-A-009-A-00-028-0	0.2400	
49 Park	02-A-009-A-00-027-0	0.3000	
71 Park	02-A-009-A-00-026-0	1.3800	
	TOTAL ACREAGE	20.6902	
		19.2502	

CERTIFICATE OF VILLAGE ENGINEER

The undersigned, Engineer of the Village of Madison, hereby certifies that the parcels listed in this Exhibit "2" of Ordinance No. 06 - 2021, as amended, contain the acreages indicated and that the area of the Madison Village DORA contains no more than 19.2502 contiguous acres of land, in compliance with § 4301.82 of the Ohio Revised Code.

By:



Eric Haibach, PE
Village Engineer
Village of Madison, Ohio

Ohio license no. PE.73085

Exhibit "3"
Signage Plan

Content.

Special signs will be erected as detailed below that will advise persons that they are at the boundary of the DORA and are not permitted to open carry alcoholic beverages past that point. The signs shall state that persons are subject to criminal citation if they violate that prohibition.

Number and Locations.

13 special DORA signs will be erected at the perimeters of the DORA at the following specified locations where public ingress/egress to the DORA by virtue of the public right-of ways may occur:

- West Main Street at the western boundary of the DORA;
- Village Alley at the western boundary of the DORA;
- The intersection of West main and River Street;
- River Street at the southern boundary of the DORA;
- The southern boundary of the DORA adjacent to an access drive;
- The intersection of East Main Street and South Lake Street;
- East Main Street at the eastern boundary of the DORA;
- North Lake Street at the northerly boundary of the DORA; and
- Union Street at the boundary of the DORA.

The sign locations are plotted (as red dots) on the DORA boundary aerial which follows this page.

Exhibit "3" DORA signage locations



Property lines are graphic representations and are NOT survey accurate.
Lake County GIS Dept. / Lake County Tax Map Dept., 105 Main Street, Painesville, OH

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Exhibit "4"
Sanitation Plan

- (1) Extra trash receptacles will be in place along the rights-of-way and within the Village Square for refuse cups.
- (2) Given the limited scope of the DORA in terms of area, the Village's current public works staff will be able to timely remove all refuse from these receptacles, which will occur twice daily or as needed.
- (3) The police department will further closely monitor for littering and will take strict enforcement action when it is observed to both address offenses that occur and to serve as a deterrent to future conduct.