

**VILLAGE OF ELMORE**

**ORDINANCE NO. 11-2023**

**AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA  
FOR THE VILLAGE OF ELMORE  
AND ENACTING REGULATIONS.**

**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**, the Mayor submitted an application to Council for approval of a DORA in a specified section of the Village of Elmore comprised of approximately 20.8 acres and more particularly described in Exhibit A attached hereto and made a part hereof; and,

**WHEREAS**, pursuant to Section 4301.82 of the Ohio revised Code, notice of the filing of the DORA Application was published in a newspaper of general circulation in the Village; and,

**WHEREAS**, a public hearing on the application was held during which public testimony was solicited; and,

**WHEREAS**, Section 4301.82 of the Ohio Revised Code requires the Village to establish requirements that the Village determines necessary to ensure public health and safety in the area, and Section 4301.82 of the Ohio Revised Code provides for notice of this proposed action to be published in a newspaper of general circulation, such notice was published; and,

**WHEREAS**, the DORA Application as submitted, to include the premises of the permit holders, located at the street addresses on Exhibit A attached hereto and made a part hereof, meets the requirements of Section 4301.82 of the Ohio Revised Code, it being further clarified that the boundary of the DORA includes the premises of the permit holders located at the street addresses listed in Exhibit A attached hereto; and,

**WHEREAS**, approval of the Designated Outdoor Refreshment Area will serve to enhance the experience of the patrons of the business establishments and special events within Downtown Elmore,

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ELMORE, OHIO THAT:**

**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 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 A, as required to be included pursuant to Section 4301.82 of the Ohio Revised Code .

**Section 2.** Council determines that all public requirements of Section 4301.82 of the Ohio Revised Code prior to the passage of this Ordinance have been met.

**Section 3.** In order ensure public health and safety, and in accordance with Section 4301.82 of the Ohio Revised Code, the number, spacing, and type of signage designating the DORA boundary shall be similar to those as set forth on Exhibit A, 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 A attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number. The hours of operation for selling a DORA beverage shall be 11:00 AM to 11:00 PM with all DORA beverages to be consumed no later than 11:00 PM in accordance with Section 4301.82(F)(1)(c). The hours of the DORA may be subject to modification and/or suspension during special events occurring within the DORA boundaries upon reasonable notice provided by the Chief of Police to the public.

**Section 5.** The Public Health and Safety Plan as described in Exhibit A, attached hereto and made a part hereof, is hereby approved as meeting the requirements of Section 4301.82 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 in Exhibit A 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 are no larger than sixteen (16) ounces, shall be provided by the qualified permit holders in readily identified container that complies with the requirements set out in Exhibit A, attached hereto.

**Section 8.** Only official Elmore DORA cups may be used for DORA beverages. Said Dora cups shall be purchased from Christy's Corner, and the selling price of the empty cups shall be divided as set out in Exhibit A, attached hereto.

**Section 9.** 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. Said review will take place as Council deems proper, but in any event shall be at least once every five years.

**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, in accordance with Ohio Revised Code Sections 4301.82(C) and 4301.82 (F)(3).

**Section 11.** The rules, regulations, terms, and conditions contained in Exhibit A, attached hereto, are incorporated herein and made a part hereof and shall be as effective as if they were written in the main body of this Ordinance.

**Section 12.** That 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 of 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 Ohio Revised Code.

**Section 13.** This Ordinance shall be in full force and effect at the earliest time permitted by law.

**VOTES:**

To pass Yeas 5 Nays 0

Date: 03/13/2023 \_\_\_\_\_  
PRESIDENT OF COUNCIL

Approved: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
FISCAL OFFICER

**FISCAL OFFICER'S CERTIFICATE AS TO PUBLICATION**

This is to certify that publication of the foregoing Ordinance was duly made as provided in the Ohio Revised Code by publication in a newspaper of general circulation in Elmore, Ohio on the following date(s): \_\_\_\_\_.

\_\_\_\_\_  
FISCAL OFFICER

**FISCAL OFFICER'S CERTIFICATE AS TO AUTHENTICITY**

I hereby certify that the foregoing Ordinance is a true copy of the aforesaid Ordinance No. \_\_\_\_\_, together with a true and accurate record of adoption by the Village of Elmore, Ohio.

\_\_\_\_\_  
FISCAL OFFICER