



**ORDINANCE 2019-43**  
Adopted October 15, 2019

**AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA IN DOWNTOWN POWELL AND ESTABLISHING REGULATIONS AS REQUIRED BY LAW.**

**WHEREAS,** R.C. 4301.82, *et seq.*, permits a municipal corporation to designate certain property as an outdoor refreshment area ("Designated Outdoor Refreshment Area" or "DORA"); and

**WHEREAS,** on September 3, 2019, pursuant to R.C. 4301.82(B), the City Manager of the City of Powell submitted an application to City Council to establish a Designated Outdoor Refreshment Area in Downtown Powell ("DORA Application"); and

**WHEREAS,** pursuant to R.C. 4301.82(C), City Council, within 45 days of receiving the application, published notice of the DORA Application once a week for two consecutive weeks on September 7, 2019 and September 14, 2019; and

**WHEREAS,** pursuant to R.C. 4301.82(F)(2), prior to adopting this Ordinance, City Council published notice of its proposed action once a week for two consecutive weeks on September 7, 2019 and September 14, 2019; and

**WHEREAS,** City Council finds that the DORA Application meets the requirements of R.C. 4301.82(B)(1)-(5); and

**WHEREAS,** City Council finds that creating the DORA is in the best interest of the City and its residents and will further the City's goal of further revitalizing Downtown Powell to be a destination area for entertainment and recreation activities as recommended in the City's Comprehensive Plan.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

Section 1: City Council accepts the application as submitted and approves the creation of a Designated Outdoor Refreshment Area within the boundary areas, including street addresses, as depicted and described on Exhibit "A", attached hereto and incorporated herein (the "Downtown Powell DORA").

Section 2: City Council finds that the Downtown Powell DORA will encompass no fewer than four (4) qualified permit holders, as identified in Exhibit "A", attached hereto and incorporated herein, and that establishing the Downtown Powell DORA is in accord with the City's Comprehensive Plan.

Section 3: To ensure public health and safety, City Council finds, pursuant to R.C. 4301.82(F)(b)-(f), that the City will adopt DORA rules and regulations which will address at a minimum: the number, spacing, and type of signage needed to designate the DORA's geographic area; the dates and hours of operation; the number of personnel needed to ensure public safety; the sanitation plan required to maintain the appearance and public health of the designated area; and the number of personnel needed to execute the sanitation plan.

Section 4: City Council finds that all beer and intoxicating liquor served in the area shall be served solely in plastic containers to readily identify such alcoholic beverages as being permitted in the DORA during the dates and times specified hereunder.

Section 5: Pursuant to R.C. 4301.82(G)(1), in five years, City Council shall conduct a review of the Downtown Powell DORA and either approve the continued operation of the Downtown Powell DORA or dissolve the area.

City Council

Jon C. Bennehoof, Mayor

Frank Bertone

Tom Counts

Brian Lorenz

Brendan Newcomb

Melissa Riggins

Daniel Swartwout

Section 6: City Council may, at any time, amend or dissolve all or part of the Downtown Powell DORA.

Section 7: City Council finds and determines that all requirements of R.C. 4301.82(C) and R.C. 4301.82(F)(2) as to noticing the receipt of the DORA application, the date and time of a public hearing, and this Council's proposed action on this Resolution have been met.

Section 8: The Clerk of Council, in accordance with R.C. 4301.82(C) and R.C. 4301.82(F)(3), shall immediately forward a certified copy of this Ordinance, along with all exhibits, to the Division of Liquor Control and the Investigative Unit of the Department of Public Safety.

Section 9: That this Ordinance shall take effect on the earliest period allowed by law.

VOTE ON ORDINANCE 2019-43:

Y 7 N 0

Jon C. Bennehoof 10/25/2019  
Jon C. Bennehoof Date  
Mayor

Karen J. Mitchell 10/28/2019  
Karen J. Mitchell Date  
City Clerk

EFFECTIVE DATE: November 14, 2019

This legislation has been posted in accordance with the City Charter on this date 10/29/2019  
Karen J. Mitchell City Clerk

