

RECORD OF ORDINANCE

Date Presented 8/08/2023

Sponsor Councilmember Belek Ordinance No. 32-23 Date Passed September 5, 2023

AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA ("DORA") IN THE VILLAGE OF LITHOPOLIS AND ENACTING REGULATIONS AND DECLARING AN EMERGENCY;

Whereas, pursuant to the provisions of the Ohio Revised Code (ORC) Section 4301.82, a municipality such as the Village of Lithopolis with a population of less than thirty-five thousand is permitted to create a Designated Outdoor Refreshment Area (DORA) as long as the proposed area will include at least two qualified permit holders and be composed of one hundred fifty or fewer contiguous acres and;

Whereas, on July 11, 2023, Mayor Sandine submitted and/or filed an application to and/or with the Village Council for approval of a DORA within a specified section of the Village of Lithopolis (hereinafter the "DORA Application"); and

Whereas, in compliance with R.C. Section 4301.82(C), the Village of Lithopolis published public notice in The Lancaster Eagle Gazette, a newspaper of general circulation in the Village, on July 30, 2023, when a public hearing would be conducted by the Village Council regarding the DORA Application; and

Whereas, the Village Council conducted the public hearing regarding the DORA Application on August 8, 2023, at 6:30 p.m. during which the opportunity was provided for the public to provide input and testimony with respect to the DORA Application; and

Whereas, within the DORA Application, the Village of Lithopolis has established requirements that the Village determined are necessary to ensure the public health and safety within the area of the DORA in compliance with R.C. Section 4301.82(F)(1); and

Whereas, the DORA Application, as submitted, complied with and met the requirements of ORC Sections 4301.82 (B)(1-5) including, but not limited to, identifying specific boundaries of the DORA, including a general statement of the nature and types of establishments that will be located within the DORA including at least two qualified permit holders, provided evidence that the uses in the DORA are in accordance with the Village's zoning, and includes proposed requirements for the purpose of ensuring public health and safety within the DORA; and

Whereas, approval of the DORA will serve to enhance the experiences of the patrons of the business establishments and the special events within the village area and the DORA will promote the public health, safety, morals, and general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO;

Section 1. Village Council approves the DORA Application as having met the requirements of RC Sections 4301.82(B)(1-5) and approves the establishment of the Lithopolis DORA comprised of the area as detailed in the DORA Application, attached hereto as Exhibit #1 and made a part hereof, such area to include and encompass the premises of the permit holders located at the street addresses listed in the DORA Application as required pursuant to ORC Section 4301.82(F)(1)(a).

Section 2. Village Council determines that all public notice requirements of RC. Section 4301.82 have been met prior to the passage of this Ordinance.

Section 3. Village Council approves the implementation of the number, spacing, and type of signage designating the DORA as set forth in DORA Application as required pursuant to R.C. Section 4301.82 (F)(1)(b) in order to ensure public health and safety and delineate the boundaries of the DORA as set forth in the DORA Application.

Section 4. Village Council authorizes the Mayor and Village Administrator to create and promulgate rules and regulations necessary to regulate the DORA.

Section 5. Village Council determines it shall review the requirements of the DORA, as established herein, one year from the effective date of this Ordinance to determine whether to continue the DORA

under the same or modified terms and conditions or dissolve it according to statutory provision and then conduct reviews of the DORA and/or approve continued operation of the DORA in compliance with R.C. Section 4301.82.

Section 6. The Clerk of Council is hereby instructed to forward a certified copy of this Ordinance to both the Ohio Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with ORC Section 4301.82 (C) and Section 4301.82 (F)(3).

Section 7. This ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public health, safety, and welfare in that it is necessary to meet the necessary timelines to implement the DORA by the Honeyfest and shall be in full force and effect at the earliest date provided by law.

Attest/Date: Janita Flowers
Clerk

Signed/Date [Signature]
Mayor 9/5/23

Approved as to form: [Signature]
Jon M. Browning

First Reading 8/8/23 Second Reading 9/5/23

Revised Second Reading _____ Third Reading WATV

VOTE FOR 5 AGAINST 0