

ORDINANCE NO. _____ 2020

AN ORDINANCE APPROVING AN APPLICATION FOR A “DESIGNATED OUTDOOR REFRESHMENT AREA” AND ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA IN THE CITY OF WYOMING, OHIO AND DECLARING AN EMERGENCY

WHEREAS, Section 4301.82 of the Ohio Revised Code permits a municipality with a population of less than thirty-five thousand to create a Designated Outdoor Refreshment Area within its corporate limits; and

WHEREAS, On September 24, 2019 the City Manager filed an application with City Council for approval of a Designated Outdoor Refreshment Area in a specified area of the City described in the application, and

WHEREAS, Pursuant to Section 4301.82(C) 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 Wyoming, on October 9, 2019 and October 16, 2019; and

WHEREAS, Council conducted a public hearing on November 18, 2019 to consider the application; and

WHEREAS, on November 29, 2019, the City Manager submitted a revised application with City Council; a copy of which is attached as Exhibit A; and

WHEREAS, Pursuant to Section 4301.82(C) of the Ohio Revised Code, notice of the revised application for a Designated Outdoor Refreshment Area was published in a newspaper of general circulation in the City of Wyoming, on December 25, 2019; and January 1, 2020; and

WHEREAS, Council conducted a second public hearing on January 21, 2020 to consider the revised application; and

WHEREAS, City Council finds the application is in compliance with Section 4301.82(B) of the Ohio Revised Code and that the “Designated Outdoor Refreshment Area” to be created would be in compliance with Section 4301.82(D) of the Ohio Revised Code; 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;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYOMING, OHIO.

Section 1. Council finds that the application meets the requirements of Section 4301.82 of the Ohio Revised Code and approves the application for the designation of certain property in the City as a Designated Outdoor Refreshment Area.

Section 2. 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 3. In order to ensure the public health and safety within the Designated Outdoor Refreshment Area, City Council establishes the following requirements:

- (a) The specific boundaries of the Designated Outdoor Refreshment Area, including street addresses, are shown on Exhibit B-1 and B-2, attached hereto;
- (b) There will be signs designating the boundary of the Designated Outdoor Refreshment Area. The number and location of the signs is shown on Exhibit B-1, as indicated on the map.
- (c) The hours of operation for the Designated Outdoor Refreshment Area will be Monday through Thursday, 5:00 p.m. to 11:00 p.m., and Friday from 5:00 p.m. to 12:00 a.m. (midnight), Saturday from 12:00 p.m. (noon) to 12:00 a.m. (midnight) and Sunday from 12:00 p.m. (noon) to 9:00 p.m.. Special hours of DORA operation will be allowed as designated in advance by the City Manager for holidays or special events, with the consent of City Council.
- (d) A Safety Plan has been developed to ensure public safety in the Designated Outdoor Refreshment Area, which may be implemented with existing staff. The Police Department will be responsible for providing law enforcement services within the Designated Outdoor Refreshment Area. There shall be a minimum of one police officer available to patrol the area during hours of operation. In the event a larger than normal crowd is present in the Designated Outdoor Refreshment Area, the on-duty supervisor may assign additional officers to patrol the area. For planned events in the Designated Outdoor Refreshment Area that may draw larger than normal attendance, the Chief of Police may have additional officers and/or other agency personnel assigned specifically to the area. The Fire Department will be responsible for providing Fire, Rescue, and EMS within the Designated Refreshment Area. The Wyoming Fire & EMS Department is located adjacent to the closest boundary of the area and 1.2 miles from the furthest boundary.
- (e) A Sanitation Plan has been developed to maintain the appearance and public health of the Designated Outdoor Refreshment Area, which may be implemented with existing staff. The Public Works Department will be responsible for ensuring that all trash receptacles in the Designated Outdoor Refreshment Area are emptied regularly and are ample to handle generated waste. The proposed Designated Outdoor Refreshment Area cups are recyclable and biodegradable. There are public restrooms located at the Village Green and the Wyoming Civic Center. Special events which are anticipated to draw additional crowds will be addressed by the placement of additional temporary trash receptacles and portable toilets.
- (f) For purposes of the Designated Outdoor Refreshment Area, beer and intoxicating liquor shall be served solely in plastic bottles or other plastic containers that are distinctly marked.

Section 4. Five years from the effective date of this Ordinance, and every five years thereafter, Council shall review the operation of the Designated Outdoor Refreshment Area herein established and shall either approve its continued operation or dissolve it.

Section 5. This ordinance is an emergency measure necessary for the preservation of public peace, health, safety and general welfare for the citizens of the City of Wyoming, Ohio and upon its passage by the affirmative vote of five of the seven members elected to Council shall go into effect

immediately. The reason for said emergency is to have the Designated Outdoor Refreshment Area in place to allow for the scheduling of events in the City.

**PASSED IN THE COUNCIL CHAMBERS OF THE CITY OF WYOMING, OHIO,
THIS 27th DAY OF JANUARY, 2020.**

Mayor Thaddeus Hoffmeister

ATTEST:

Clerk of Council

APPROVED AS TO FORM:

Emily Supinger., City Solicitor