

## **ORDINANCE 2022-25**

### **AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA IN DOWNTOWN SWANTON, OHIO**

**WHEREAS**, ORC §4301.82 defines the rules and regulations for the creation and expansion of a Designated Outdoor Refreshment Area within a Municipality (DORA); and,

**WHEREAS**, on September 26, 2022, the Mayor submitted an application to Council for approval of A DORA in Downtown Swanton, Ohio as described in Exhibit A; and,

**WHEREAS**, pursuant to Section 4301.82(C) of the Ohio Revised Code, notice of the filing of the DORA Application was published in a newspaper of general circulation in the Village of Swanton on October 4, 2022, and October 6, 2022; and,

**WHEREAS**, a public hearing on the application was held on October 11, 2022, at 6:00 p.m. during which public testimony was solicited; and,

**WHEREAS**, approval of the proposed DORA will serve to enhance the experience of the patrons of the business establishments and special events in Downtown Swanton, Ohio.

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

**SECTION 1.** Village Council approves the creation of a Downtown Swanton DORA as having met the requirements of Section 4301.82(B)(1-5) of the Ohio Revised Code comprised of the area as depicted on Exhibit A attached hereto and made a part hereof, such area to include and encompass the specific boundary areas, including streets on Exhibit A, as is required to included pursuant to Section 4301.82(F)(1)(a) of the Ohio Revised Code.

**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 public health and safety and in accordance with Section 4301.82(F)(1)(b) 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 hours of operation for selling a DORA beverage shall be Sunday through Thursday from 12:00 p.m. to 9:00 p.m., and Friday/Saturday from 12:00 p.m. to 11:00 p.m. with all DORA beverages to be consumed no later than 12:00 a.m. 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 Director of Public Safety or the Chief of Police to the public. Additionally, if during special events, if the Director of Public Safety or the Chief of Police determine that additional law enforcement support is necessary within the DORA boundaries, the cost of the additional law enforcement shall be borne by the special event organizer.

**SECTION 5.** The Public Health & 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(F)(1)(d) 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 non-glass containers, which shall be provided by the qualified permit holders in a readily-identified container as approved by the Village's Police Department.

**SECTION 8.** The Village Administrator 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 §§4301.82(C) and 4301.82 (F)(3).

**SECTION 9.** It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the Village of Swanton and the State of Ohio.

First Reading: October 11, 2022  
Second Reading: October 24, 2022  
Third Reading: November 14, 2022

Vote on Passage

Moved: Kania                      Second: S. Disbrow                      YEAS: 5                      NAYS: 0

Date of Passage:



Neil Toeppe, Mayor

Attest:

I, M. Jason Vasko, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Ordinance 2022-25, passed on November 14, 2022.

  
M. Jason Vasko, Fiscal Officer

Village of Swanton Council

219 Chestnut Street

Swanton, OH 43558

Dear Village Council;

The Office of the Mayor for the Village of Swanton in Fulton County, Ohio respectfully submits this application to the Village Council of Swanton, Ohio to approve and establish a Designated Outdoor Refreshment Area (DORA), pursuant to Ohio Revised Code (ORC) 4301.82.

The Office of the Mayor is requesting that Village Council pass a new ordinance, pursuant to Ohio Revised Code 4301.82, to create such Designated Outdoor Refreshment Areas (DORA) in Swanton. This proposal will help benefit Swanton businesses, residents, and property owners within the area both culturally and economically.

The Swanton DORA would provide that any person of legal age who is carrying an opened container of beer, wine or intoxicating liquor within the established DORA limits that has been purchased from an establishment within said limit be exempt from Ohio's Open Container Law. These drinks shall only be served in a plastic cup with a sticker approved by the Village. No other container will be permitted.

The Office of the Mayor looks forward to working with Village Council in creating the Swanton DORA. Please let us know if you have any questions about our petition, or if we can be of further assistance as you examine the possibilities of this new and exciting endeavor for the residents and visitors of Swanton.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Toeppe". The signature is fluid and cursive, written in a professional style.

Neil Toeppe, Mayor

Village of Swanton

**Application to the Village of Swanton Council for  
the establishment of Designated Outdoor Refreshment Areas (DORA), with  
specific boundaries, in the Village of Swanton, Ohio**

Submitted: September 26, 2022

The Office of the Mayor for the Village of Swanton in Fulton County, Ohio  
respectfully submits

the following application to the Swanton Village Council to approve and enact  
Designated Outdoor

Refreshment Areas in the Village of Swanton in accordance with ORC 4301.82.

By: Neil Toeppe, Mayor

## INTRODUCTION AND SUBMITTAL OF APPLICATION

The Office of the Mayor for the Village of Swanton in Fulton County, Ohio respectfully submits this application to Village Council of Swanton, Ohio to approve and establish Designated Outdoor Refreshment Areas (DORA), pursuant to Ohio Revised Code (ORC) 4301.82. The proposed application meets all the state requirements.

On April 30, 2015 Substitute House Bill 47 became effective to create a Designated Outdoor Refreshment Area. Codified in Ohio Revised Code 4301.82 the act allows the executive officer of a Municipal Corporation or the fiscal officer of a Township to submit an application to the corresponding Legislative Authority of the Municipal Corporation or Township to establish Designated Outdoor Refreshment Areas (DORA). On March 23, 2022 SB 102 recently changed these rules. Ohio Revised Code 4301.82 states:

(D) The creation of outdoor refreshment areas is limited as follows:

(2) A municipal corporation or township with a population of fifty thousand or less shall not create more than three outdoor refreshment areas. Any such outdoor refreshment area shall include at least two qualified permit holders.

Upon approval by the Legislative Authority, the DORA are created. The Division of Liquor Control is then responsible for issuing permits with the "Outdoor Refreshment Area" designation on it to all A-1, A-1-A, A-1e, A-2, A-2f, or D liquor permit holders, (except a D8 class that holds a C class permit) that are located in the DORA. Any person who is in a DORA and who is carrying an opened container of beer or intoxicating liquor if the container was purchased from an establishment with an "Outdoor Refreshment Area" designation on their liquor permit is exempt from the Open Container Law.

In order to consider the creation of DORA, the executive officer of the Village of Swanton must:

1. File an application with the Village Council which meets certain statutory requirements outlined in the Table of Contents.
2. Within forty-five days after the date the application is filed with the Legislative Authority of a Municipal Corporation or Township, the Legislative Authority shall publish a public notice of the application once a week for two consecutive weeks in one newspaper of general circulation in the Municipal Corporation or Township or as provided in section 7.16 of the Revised Code. The Legislative

Authority shall ensure that the notice states that the application is on file in the office of the clerk of the Municipal Corporation or Township and is available for inspection by the public during regular business hours. The Legislative Authority also shall indicate in the notice the date and time of any public hearing it will hold regarding the application.

3. Not earlier than 30 but not later than 60 days after the initial publication of the notice, the Legislative Authority must approve or disapprove the application.
  - a. To approve the application, it must pass an ordinance or resolution by an affirmative majority vote.
  - b. If the application is approved, the proposed DORA are created.
  - c. Upon creation of the DORA, the Legislative Authority must send notice of the approval and a description of the DORA to the Division of Liquor Control and the Investigative Unit in the Department of Public Safety.
  - d. If the application is disapproved, the executive officer of the Municipal Corporation or fiscal officer of the Township may make changes to secure approval

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## I. BOUNDARY MAP OF PROPOSED DORA

In accordance with the ORC 4301.82(B)(1)(a) and F(1)(a), the boundaries of the DORA are

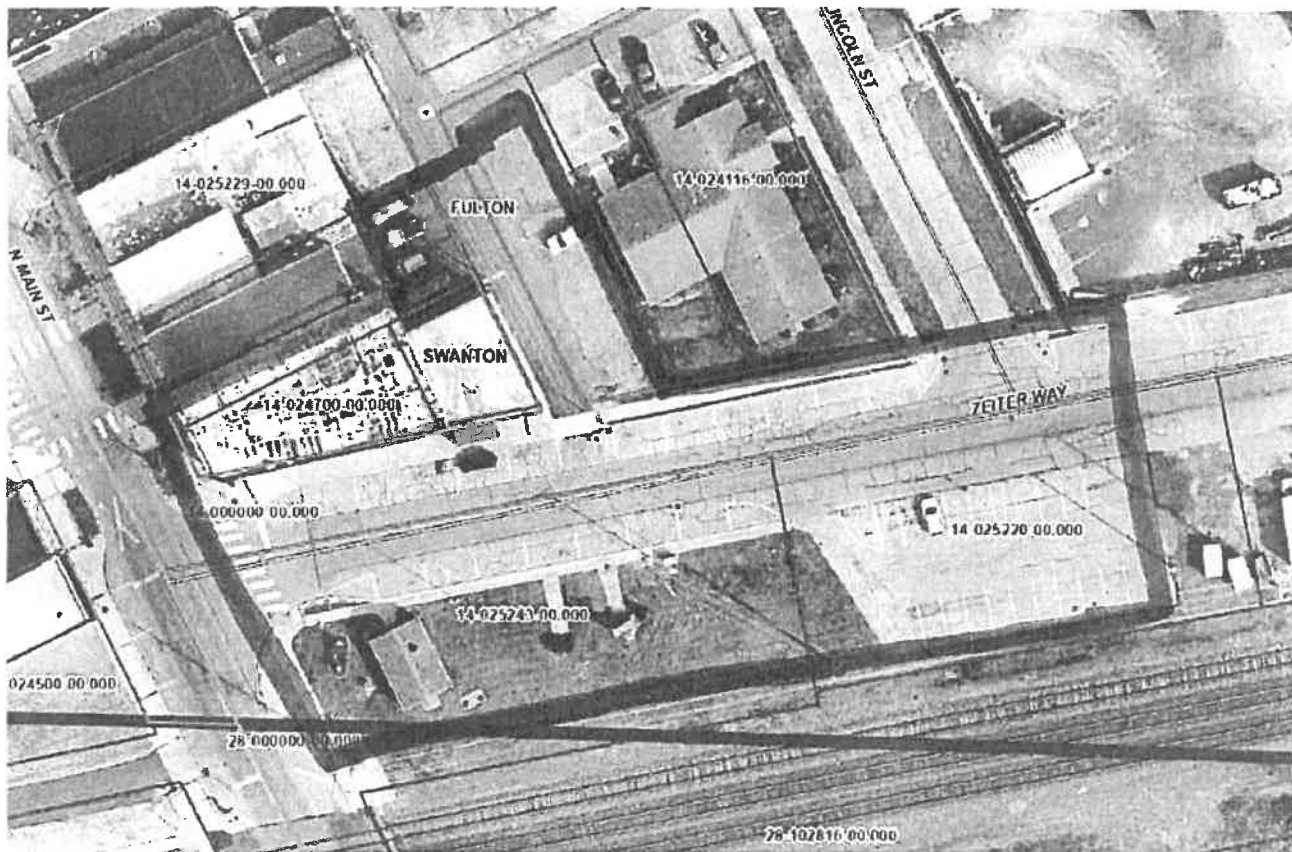
depicted below. The specific boundaries of the DORA, including street addresses, are attached

hereto and incorporated herein. The DORA are approximately 14.15 acres. The map can also be

found in Exhibit A in the Swanton DORA Application Addendum.

### Proposed DORA Boundary - DORA Street Boundary Listing

- N. Main Street from the Railroad Tracks North in front of Benfield Wines
- N. Main Street East down Zeiter Way to Lincoln St.
- Zeiter North down the alley at the corner of "Fulton" / 113 Zeiter way
- North Main Street to the east along the Railroad Tracks to the edge of the parking lot





## **II. POPULATION REQUIREMENT FOR DORA**

The Village of Swanton, Ohio has a population of 3,897 according to the 2020 decennial census. This is less than 50,000 and therefore, in accordance with the ORC 4301.82(B)(l)(b) is eligible for consideration. Regulations also specify that the DORA shall not exceed 150 contiguous acres for communities with less than 50,000 in population. The proposed DORA outlined in this application is approximately 14.15 acres.

## **III. NATURE AND TYPES OF ESTABLISHMENTS**

In accordance with 4301.82 (B)(2), the nature and types of establishments located within the DORA are as follows: The DORA are within the bounds of the Village of Swanton's B2 general business zoning district. This business district is the site of locally-owned small businesses, including retailers, restaurants in addition to a mixture of office spaces, banks, apartments, and government establishments. The Village of Swanton wishes to encourage travelers to visit the Village and enjoy these businesses.

## **IV. QUALIFIED PERMIT HOLDERS**

In accordance with ORC 4301.82 (D)(2), the DORA will encompass not fewer than two qualified permit holders as defined by ORC 4301.82 (A)(1) & (2), three of which are identified as follows as either issued or pending:

1. Benfield Wines, 102-104 N Main St - 0617584-0002
2. Hub's Swantucky Pub, 109 Zeiter Way - 4044910

Entities that are established in the DORA and actively hold the appropriate permits as outlined in ORC 4301.82 (A) will be permitted to participate in the DORA in the future.

## **V. LAND USE AND ZONING**

In accordance with 4301.82 (B)(4), the land uses within the DORA are zoned General Business District and are in accordance with the goals of the Village of Swanton to increase economic development and revitalization efforts of downtown. The establishment of the DORA area lends to the Village of Swanton's goal to strengthen the economic vitality of our small businesses by focusing on downtown revitalization and community small business support. The creation of the DORA in the Village of Swanton provides yet another opportunity to not only support small businesses downtown - bars,

restaurants, and retailers - but also another opportunity for promotion of the Village. This promotion will support the desire to maintain a strong local economy and provide ambience that is attractive to patrons of the central business district.

Village of Swanton's Zoning Map can be found in Exhibit B in the Village of Swanton DORA Application Addendum. A map showing current zoning classifications within the DORA is found below.

## **VI. PUBLIC SANITATION**

In accordance with ORC 4301.82 (B)(5), (F)(I)(e), and (F)(I)(f), a Public Sanitation Plan has been developed to maintain the appearance and public health of the area within the DORA. The Public Sanitation Plan can be found in Exhibit C of this application. The Public Sanitation Plan can be executed with existing staff.

## **VII. PUBLIC SAFETY**

In accordance with ORC 4301.82 (B)(5) and (F)(I)(d), a Public Safety Plan has been developed to ensure public safety in the DORA and help maintain the appearance and public health of the area within the DORA. The Public Safety Plan can be found in Exhibit D of this application. The Public Safety Plan can be executed with existing staff.

## **VIII. SIGNAGE PLAN**

In accordance with the ORC 4301.82 (F)(I)(b), the Village of Swanton Administration anticipates a minimum of 13 signs designating the boundaries of the DORA. The location and spacing of the signs is shown in the maps below. The signs will be mounted and located at all street intersections along the boundary of the DORA.

Potential Sign Placement in Swanton's Proposed DORA

### **Map: Exhibit F**

Working examples are provided in Exhibit F. At a minimum the signage will clearly mark the DORA boundaries as well as any stipulations surrounding permitted activities inside and outside the boundary areas.

## **IX. SWANTON DORA RULES OF OPERATION**

### **A. Hours of Operation**

In accordance with ORC 4301.82 (F)(I)(c), the hours of operation for the DORA will be Sunday through Thursday 12:00pm to 9:00pm and Friday and Saturday from 12:00 p.m. to 11:00 p.m. The applicant requests that Village Council reserve the right to temporarily

suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

### **B. Official DORA Sticker**

In accordance with ORC 4301.82 (F)(l)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows: Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in a plastic cup adorned with the specifically designated sticker approved by the Village (the "Official Sticker"). The Official Sticker will be distinctly marked to indicate the seller. No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder.

### **C. Additional Requirements**

In accordance with ORC 4301.82 (B)(5), and in conjunction with other rules, standards and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

1. A person may have in the person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

- a. The permit holder's premises is located within the DORA; and
- b. The permit held by the permit holder has an outdoor refreshment area designation; and
- c. The open container contains an official DORA sticker.

2. No person shall do any of the following:

a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere,

**or**

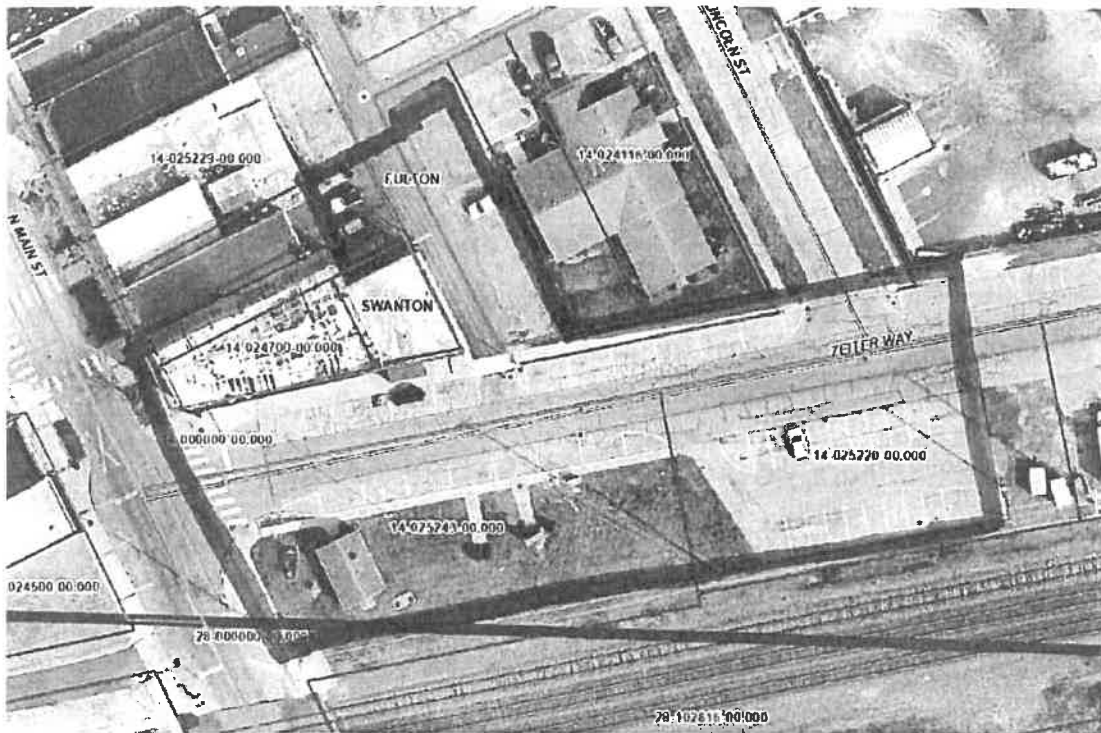
b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC 4301.62.

c. Stray from sidewalks and crosswalks with the open container that contains an official DORA sticker unless street is closed for an event.

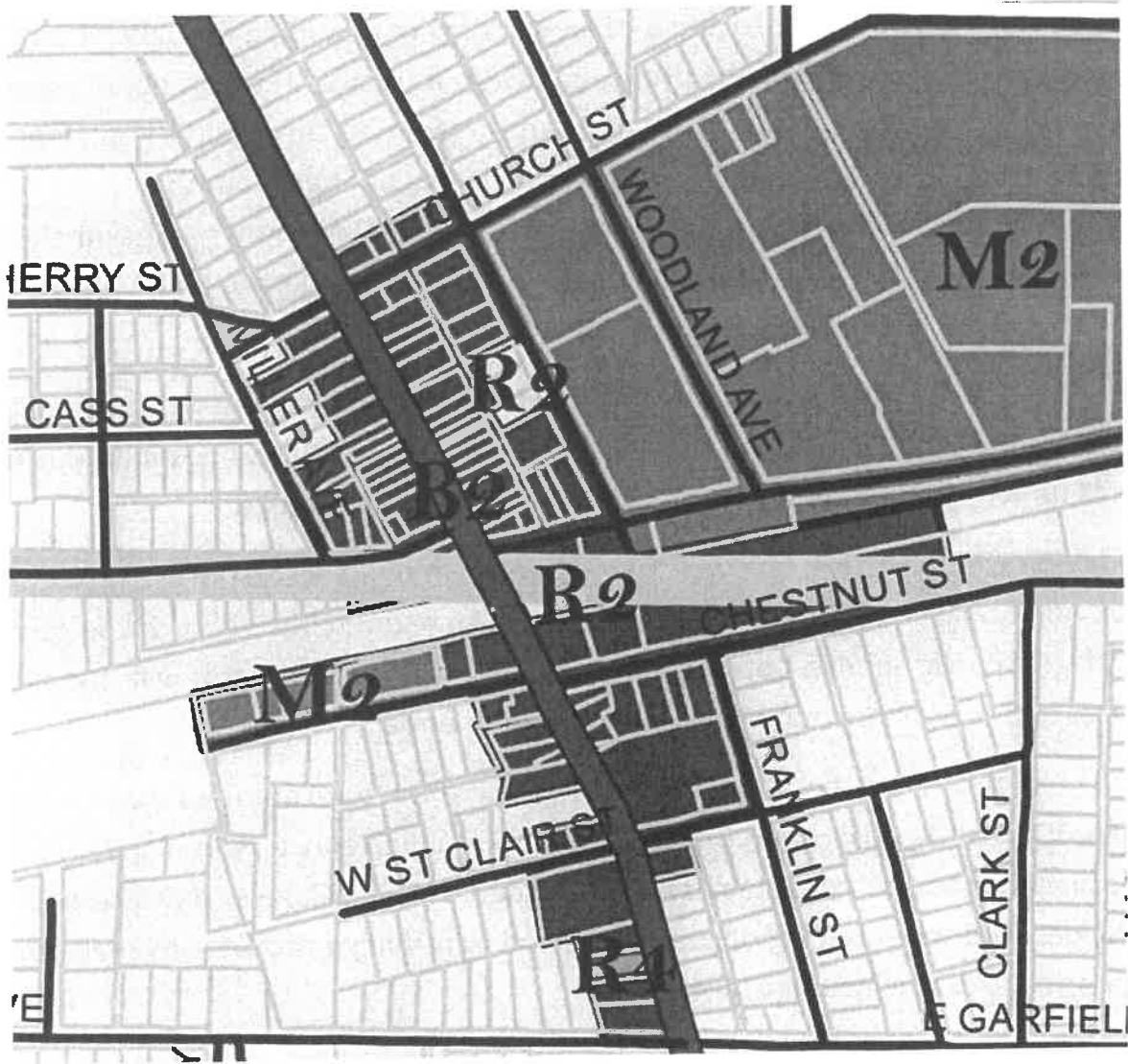
## X. APPENDIX

Application to the Village of Swanton Council for the establishment of a Designated Outdoor Refreshment Area (DORA), with specific boundaries, in the Village of Swanton, Ohio

### Exhibit A: DORA Boundary and Map of Zoning inside DORA



**Exhibit B: Official Zoning Map – available on the Village of Swanton website**



**Legend**

	Township Boundary	<b>Zoning Description</b>
	Municipal Boundary	AG - AGRICULTURAL
	Parcels	AHCD - AIRPORT HIGHWAY CORRIDOR DISTRICT
		B2 - GENERAL BUSINESS
		B3 - CENTRAL BUSINESS
		M1 - LIGHT INDUSTRIAL
		M2 - HEAVY INDUSTRIAL
		Not Zoned
		PUD R1 - ONE-FAMILY RESIDENTIAL
		PUD R2 - ONE-FAMILY RESIDENTIAL
		R1 - ONE-FAMILY RESIDENTIAL
		R2 - ONE-FAMILY RESIDENTIAL
		R3 - ONE & TWO-FAMILY RESIDENTIAL
		R4 - MULTI-FAMILY (LOW) RESIDENTIAL
		R5 - MULTI-FAMILY (HIGH) RESIDENTIAL
		Section Lines

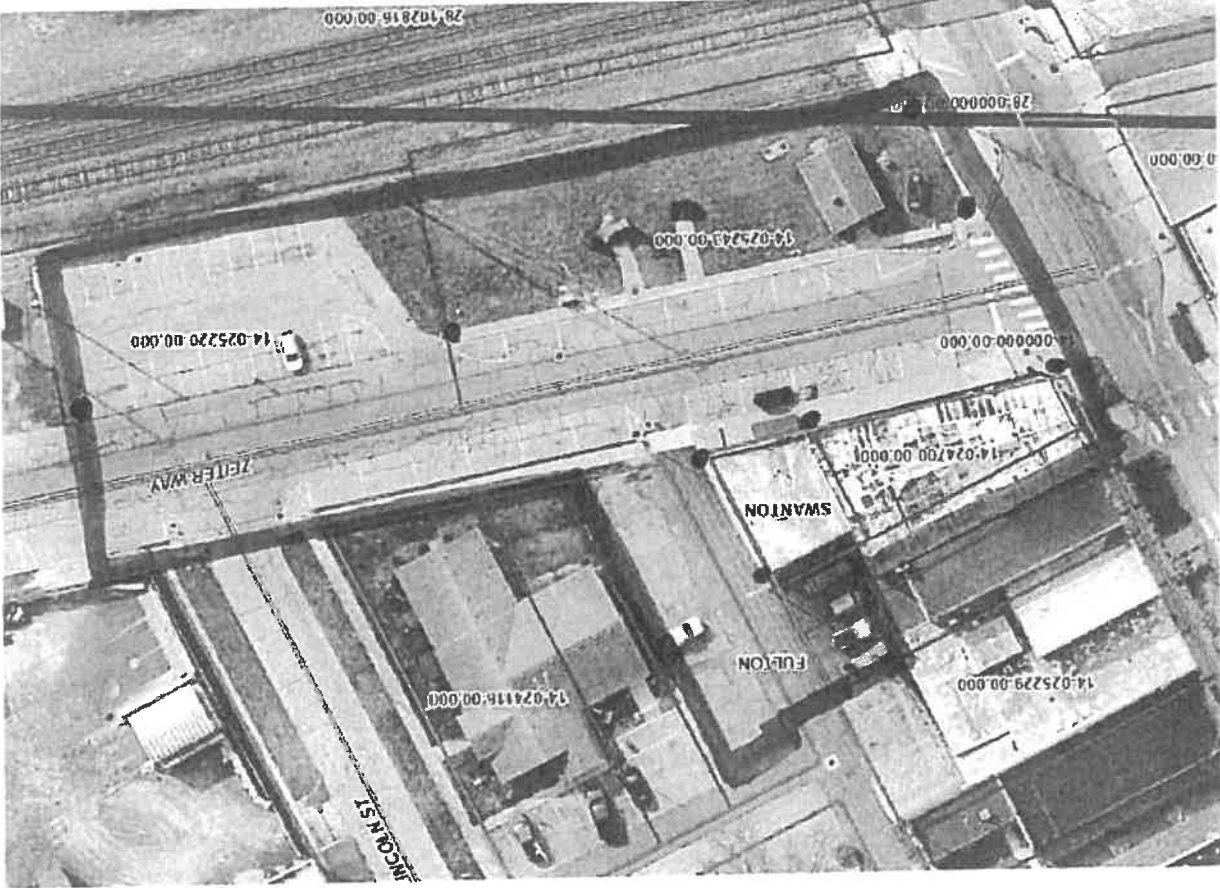
## **Exhibit C: DORA Public Sanitation Plan**

The Public Sanitation Plan will provide a framework for maintaining the satisfactory appearance and public health of the proposed DORA, as well as the number of personnel needed to execute the plan. The Village of Swanton reserves the right to implement changes or modifications to the Public Sanitation Plan as needed from the commencement of the DORA until the dissolution of the DORA. Any significant changes will be communicated to all participating entities and stakeholders in DORA. Public Sanitation plan. The details are as follows:

- As of August 2022, there are currently 7 trash receptacles located in the proposed outdoor refreshment area, and locations are identified in the map on Exhibit C(a). **This count was undertaken by the mayor of Swanton on August 1, 2022**
- The trash receptacles will be serviced by the Village of Swanton on a regular schedule. Additional collections will be made on an as needed basis and will be serviced by the Village's Public Service Department. The Public Service Director will monitor the receptacles and coordinate additional collections, if needed.
- Trash receptacles may be relocated and additional trash receptacles may be added within the DORA at the discretion of the Director of Public Service. Upon approval of the Village Council, additional receptacles may be added by the Village or any qualified permit holder, and the servicing of such additional non-Village receptacles shall remain the responsibility of the installing entity.
- Each qualified permit holder located within the DORA shall be responsible for the collection of litter near or around the premises occupied by the permit holder.
- The Public Service Director shall evaluate the need and frequency of street sweeping and servicing trash receptacles.

The Mayor and Village Administrator have determined that the Public Sanitation Plan described herein is sufficient to maintain the appearance and public health expectations of areas within the DORA. This Public Sanitation Plan can be executed with the existing Village of Swanton personnel.

**Exhibit C(a): DORA Trash Receptacles**



## **Exhibit D: DORA Public Safety Plan**

The Public Safety Plan will help maintain public safety within the DORA. This will be accomplished in the following manner:

- The Swanton Police Department shall provide law enforcement services for the Designated Outdoor Refreshment Area. The Swanton Police Department is located within the DORA boundary. Uniformed officers will patrol the Area as part of their regular patrol responsibilities and shall provide primary law enforcement services.
- The on-duty supervisor shall ensure that appropriate attention is provided to the Area during the hours of operation. In the event of the presence of an above-average number of people within the Area, the on-duty supervisor shall assign additional officers as deemed necessary.
- The Area may be patrolled by foot or cruiser.
- For planned events within or adjacent to the DORA that may draw larger than normal attendance, the Chief of Police may assign additional officers to patrol the DORA area or may call in mutual aid.
- Large special events may require the organizers to provide additional security by hiring off duty police officers or private security personnel.

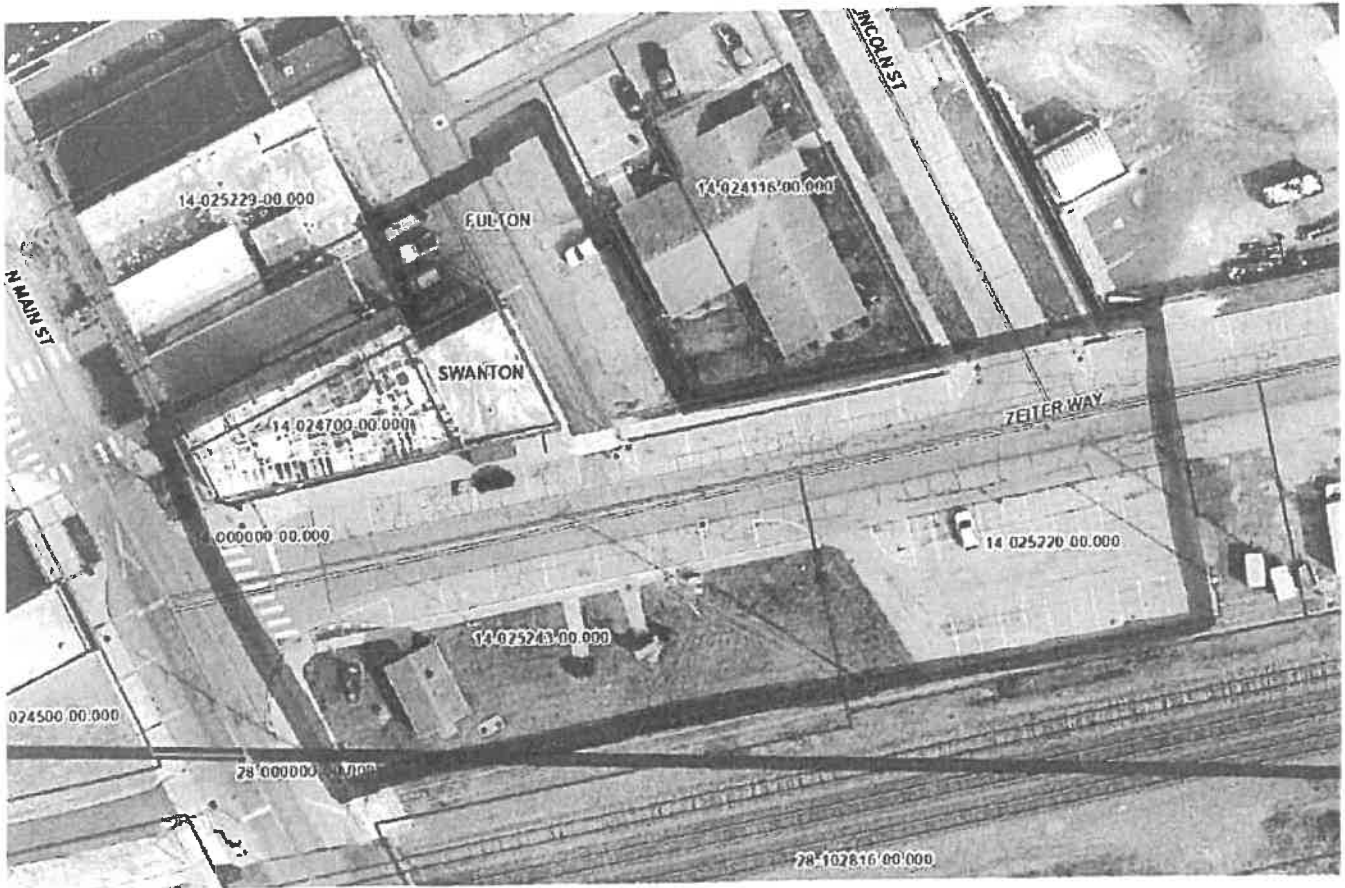
The Mayor and Chief of Police have determined that the Public Safety Plan described herein is sufficient to maintain the appearance and public health expectations of areas within the DORA.

This Public Safety Plan can be executed with the existing Village of Swanton personnel.

The Village of Swanton reserves the right to implement changes or modifications to the Public Safety Plan as needed from the commencement of the DORA until the dissolution of DORA.

Any significant changes will be communicated to all participating entities and stakeholder's in the DORA.





**Exhibit E: Sign Templates**



# Do

1. Only DORA beverages in designated cups
2. DORA cups must stay within DORA boundaries
3. Check business entrances to see if you can bring in your DORA beverage
4. Throw away your DORA cup in a trash can



# Don't

1. Carry DORA cup from one serving establishment into another
2. Take DORA cups outside DORA boundaries
3. Enter a business with your DORA beverage with a red  on the door
4. Litter



## Exhibit F: Material Templates

### DORA Stickers

- Stickers will be purchased by participating permitted establishments, customized to identify the permit holder's establishment by name
- Stickers will have the DORA logo on them, be transparent, disposable, and include DORA Rules:

1. Purchase your to-go drink at any DORA designated establishment.
2. Drink+ stroll inside the DORA boundaries - look for the signs!
3. Please finish your drink before entering another DORA designated establishment.

4. Dispose of DORA cups in appropriate trash receptacles located throughout downtown.
5. Drink responsibly+ have fun. Don't act a fool and ruin it for everyone!

OFFICIAL DORA STICKER DRAFT DESIGN

## Village of Swanton



### Name of Establishment

1. Purchase your to-go drink at any DORA designated establishment.
2. Drink + stroll inside the DORA boundaries - look for the signs!
3. Please finish your drink before entering another DORA designated establishment.
4. Dispose of DORA cups in appropriate trash receptacles located throughout downtown.
5. Drink responsibly+ have fun. Don't act a fool and ruin it for everyone!