

H. B. No. 160
As Passed by the House

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 1
4301.82 and" 2

In line 2 of the title, after "cream" insert "and to increase the 3
authorized number of outdoor refreshment areas that may be established in 4
a municipal corporation or township" 5

In line 3, delete "section" and insert "sections 4301.82 and" 6

After line 4, insert: 7

"Sec. 4301.82. (A) As used in this section: 8

(1) "Qualified permit holder" means the holder of an A-1, 9
A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 10
4303. of the Revised Code. 11

(2) "D class permit" does not include a D-6 or D-8 permit. 12

(B) The executive officer of a municipal corporation or 13
the fiscal officer of a township may file an application with 14
the legislative authority of the municipal corporation or 15
township to have property within the municipal corporation or 16
township designated as an outdoor refreshment area or to expand 17



an existing outdoor refreshment area to include additional 18
property within the municipal corporation or township. The 19
executive officer or fiscal officer shall ensure that the 20
application contains all of the following: 21

(1) A map or survey of the proposed outdoor refreshment 22
area in sufficient detail to identify the boundaries of the 23
area, which shall not exceed either of the following, as 24
applicable: 25

(a) Three hundred twenty contiguous acres or one-half 26
square mile if the municipal corporation or township has a 27
population of more than thirty-five thousand as specified in 28
division (D) of this section; 29

(b) One hundred fifty contiguous acres if the municipal 30
corporation or township has a population of thirty-five thousand 31
or less as specified in division (D) of this section. 32

(2) A general statement of the nature and types of 33
establishments that will be located within the proposed outdoor 34
refreshment area; 35

(3) A statement that the proposed outdoor refreshment area 36
will encompass not fewer than four qualified permit holders; 37

(4) Evidence that the uses of land within the proposed 38
outdoor refreshment area are in accord with the master zoning 39
plan or map of the municipal corporation or township; 40

(5) Proposed requirements for the purpose of ensuring 41
public health and safety within the proposed outdoor refreshment 42
area. 43

(C) Within forty-five days after the date the application 44
is filed with the legislative authority of a municipal 45

corporation or township, the legislative authority shall publish 46
public notice of the application once a week for two consecutive 47
weeks in one newspaper of general circulation in the municipal 48
corporation or township or as provided in section 7.16 of the 49
Revised Code. The legislative authority shall ensure that the 50
notice states that the application is on file in the office of 51
the clerk of the municipal corporation or township and is 52
available for inspection by the public during regular business 53
hours. The legislative authority also shall indicate in the 54
notice the date and time of any public hearing to be held 55
regarding the application by the legislative authority. 56

Not earlier than thirty but not later than sixty days 57
after the initial publication of notice, the legislative 58
authority shall approve or disapprove the application by either 59
ordinance or resolution, as applicable. Approval of an 60
application requires an affirmative vote of a majority of the 61
legislative authority. Upon approval of the application by the 62
legislative authority, the territory described in the 63
application constitutes an outdoor refreshment area. The 64
legislative authority shall provide to the division of liquor 65
control and the investigative unit of the department of public 66
safety notice of the approval of the application and a 67
description of the area specified in the application. If the 68
legislative authority disapproves the application, the executive 69
officer of a municipal corporation or fiscal officer of a 70
township may make changes in the application to secure its 71
approval by the legislative authority. 72

(D) The creation of outdoor refreshment areas is limited 73
as follows: 74

(1) A municipal corporation or township with a population 75

of more than fifty thousand shall not create more than ~~two~~four outdoor refreshment areas. 76
77

(2) A municipal corporation or township with a population of more than thirty-five thousand but less than or equal to fifty thousand shall not create more than ~~one~~two outdoor refreshment area. 78
79
80
81

(3) (a) Except as provided in division (D) (3) (b) of this section, a municipal corporation or township with a population of thirty-five thousand or less shall not create an outdoor refreshment area. 82
83
84
85

(b) A municipal corporation or township with a population of thirty-five thousand or less may create one outdoor refreshment area if the proposed area will include at least four qualified permit holders and be composed of one hundred fifty or fewer contiguous acres. 86
87
88
89
90

For purposes of this section, the population of a municipal corporation or township is deemed to be the population shown by the most recent regular federal decennial census. 91
92
93

(E) As soon as possible after receiving notice that an outdoor refreshment area has been approved, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under Chapters 4301. and 4303. of the Revised Code. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements 94
95
96
97
98
99
100
101
102
103
104

established for the area under division (F) of this section. 105

(F) (1) At the time of the creation of an outdoor 106
refreshment area, the legislative authority of a municipal 107
corporation or township in which such an area is located shall 108
adopt an ordinance or resolution, as applicable, that 109
establishes requirements the legislative authority determines 110
necessary to ensure public health and safety within the area. 111
The legislative authority shall include in the ordinance or 112
resolution all of the following: 113

(a) The specific boundaries of the area, including street 114
addresses; 115

(b) The number, spacing, and type of signage designating 116
the area; 117

(c) The hours of operation for the area; 118

(d) The number of personnel needed to ensure public safety 119
in the area; 120

(e) A sanitation plan that will help maintain the 121
appearance and public health of the area; 122

(f) The number of personnel needed to execute the 123
sanitation plan; 124

(g) A requirement that beer and intoxicating liquor be 125
served solely in plastic bottles or other plastic containers in 126
the area. 127

The legislative authority may, but is not required to, 128
include in the ordinance or resolution any public health and 129
safety requirements proposed in an application under division 130
(B) of this section to designate or expand the outdoor 131
refreshment area. The legislative authority may subsequently 132

modify the public health and safety requirements as determined 133
necessary by the legislative authority. 134

(2) Prior to adopting an ordinance or resolution under 135
this division, the legislative authority shall give notice of 136
its proposed action by publication once a week for two 137
consecutive weeks in one newspaper of general circulation in the 138
municipal corporation or township or as provided in section 7.16 139
of the Revised Code. 140

(3) The legislative authority shall provide to the 141
division of liquor control and the investigative unit of the 142
department of public safety notice of the public health and 143
safety requirements established or modified under this division. 144

(G) If an outdoor refreshment area has been created in 145
accordance with this section, the holder of an F class permit 146
that sponsors an event located in the outdoor refreshment area 147
may apply to the division for issuance of an outdoor refreshment 148
area designation. The division shall issue such a designation if 149
the division determines that the permit holder is in compliance 150
with all applicable requirements established under this chapter 151
and Chapter 4303. of the Revised Code. An F class permit holder 152
that receives a designation under this division shall do both of 153
the following: 154

(1) Comply with all laws, rules, and regulations that 155
govern its type of permit, and the applicable public health and 156
safety requirements established for the outdoor refreshment area 157
under division (F) of this section; 158

(2) Not block ingress or egress to the outdoor refreshment 159
area or any other liquor permit premises located within the 160
area. 161

(H) Section 4399.18 of the Revised Code applies to a 162
liquor permit holder located within an outdoor refreshment area 163
in the same manner as if the liquor permit holder were not 164
located in an outdoor refreshment area. 165

(I) (1) Five years after the date of creation of an outdoor 166
refreshment area, the legislative authority of the municipal 167
corporation or township that created the area under this section 168
shall review the operation of the area and shall, by ordinance 169
or resolution, either approve the continued operation of the 170
area or dissolve the area. Prior to adopting the ordinance or 171
resolution, the legislative authority shall give notice of its 172
proposed action by publication once a week for two consecutive 173
weeks in one newspaper of general circulation in the municipal 174
corporation or township or as provided in section 7.16 of the 175
Revised Code. 176

If the legislative authority dissolves the outdoor 177
refreshment area, the outdoor refreshment area ceases to exist. 178
The legislative authority then shall provide notice of its 179
action to the division of liquor control and the investigative 180
unit of the department of public safety. Upon receipt of the 181
notice, the division shall revoke all outdoor refreshment area 182
designations issued to qualified permit holders within the 183
dissolved area. If the legislative authority approves the 184
continued operation of the outdoor refreshment area, the area 185
continues in operation. 186

(2) Five years after the approval of the continued 187
operation of an outdoor refreshment area under division (I) (1) 188
of this section, the legislative authority shall conduct a 189
review in the same manner as provided in division (I) (1) of this 190
section. The legislative authority also shall conduct such a 191

review five years after any subsequent approval of continued 192
operation under division (I)(2) of this section. 193

(J) At any time, the legislative authority of a municipal 194
corporation or township in which an outdoor refreshment area is 195
located may, by ordinance or resolution, dissolve all or a part 196
of the outdoor refreshment area. Prior to adopting the 197
resolution or ordinance, the legislative authority shall give 198
notice of its proposed action by publication once a week for two 199
consecutive weeks in one newspaper of general circulation in the 200
municipal corporation or township or as provided in section 7.16 201
of the Revised Code. If the legislative authority dissolves all 202
or part of an outdoor refreshment area, the area designated in 203
the ordinance or resolution no longer constitutes an outdoor 204
refreshment area. The legislative authority shall provide notice 205
of its actions to the division of liquor control and the 206
investigative unit of the department of public safety. Upon 207
receipt of the notice, the division shall revoke all outdoor 208
refreshment area designations issued to qualified permit holders 209
or the holder of an F class permit within the dissolved area or 210
portion of the area." 211

In line 73, delete "section" and insert "sections 4301.82 and" 212

In line 74, delete "is" and insert "are" 213

The motion was _____ agreed to.

SYNOPSIS 214

Population and acreage limitations for DORAs 215

R.C. 4301.82	216
Revises the number of outdoor refreshment areas (DORAs)	217
that may be created in a municipal corporation or township as	218
follows:	219
1. If the population is more than 50,000, increases the	220
number from two to four;	221
2. If the population is between 35,000 and 50,000,	222
increases the number from one to two.	223