

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 4301.82 and" 1
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In line 2 of the title, after "cream" insert "and to revise certain provisions of the law governing outdoor refreshment areas" 3
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In line 3, delete "section" and insert "sections 4301.82 and" 5

After line 4, insert: 6

"Sec. 4301.82. (A) As used in this section: 7

(1) "Qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 4303. of the Revised Code. 8
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(2) "D class permit" does not include a D-6 or D-8 permit. 11

(B) ~~The executive officer of a A municipal corporation or the fiscal officer of a township may file an application with the legislative authority of the municipal corporation or township to have property within the municipal corporation or township designated as create an outdoor refreshment area or to expand an existing outdoor refreshment area to include~~ 12
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additional property within the municipal corporation or 18
township. ~~The~~ To create an outdoor refreshment area, the 19
executive officer of the municipal corporation or the fiscal 20
officer of the township shall ensure that the application 21
~~contains all of the following~~ do all of the following: 22

(1) ~~A~~ Ensure that a map or survey of the proposed outdoor 23
refreshment area is made in sufficient detail to identify the 24
boundaries of the area, ~~which shall not exceed either of the~~ 25
~~following, as applicable:~~ 26

~~(a) Three hundred twenty contiguous acres or one half~~ 27
~~square mile if the municipal corporation or township has a~~ 28
~~population of more than thirty five thousand as specified in~~ 29
~~division (D) of this section;~~ 30

~~(b) One hundred fifty contiguous acres if the municipal~~ 31
~~corporation or township has a population of thirty five thousand~~ 32
~~or less as specified in division (D) of this section.;~~ 33

(2) ~~A~~ Create a general statement of the nature and types 34
of establishments that will be located within the proposed 35
outdoor refreshment area; 36

(3) ~~A statement~~ Ensure that the proposed outdoor 37
refreshment area will encompass not fewer than ~~four~~ two 38
qualified permit holders; 39

(4) ~~Evidence~~ Ensure that the uses of land within the 40
proposed outdoor refreshment area are in accord with the master 41
zoning plan or map of the municipal corporation or township; 42

(5) ~~Proposed requirements for the purpose of ensuring~~ 43
~~public health and safety within the proposed outdoor refreshment~~ 44
~~area~~ Ensure that the ordinance or resolution required under 45

division (E) of this section has been adopted. 46

~~(C) 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 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 to be held regarding the application by the legislative authority.~~ 47
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~~Not earlier than thirty but not later than sixty days after the initial publication of notice, the legislative authority shall approve or disapprove the application by either ordinance or resolution, as applicable. Approval of an application requires an affirmative vote of a majority of the legislative authority. Upon approval of the application by the legislative authority~~ 60
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After the executive officer of a municipal corporation or the fiscal officer of a township completes the 66
tasks in division (B) of this section, the territory described 67
in the application that division constitutes an outdoor 68
refreshment area. The legislative authority municipal 69
corporation or township shall provide notice to the division of 70
liquor control and the investigative unit of the department of 71
public safety ~~notice of the approval of the application~~ creation 72
of an outdoor refreshment area and a description of the area 73
specified in the application. If the legislative authority 74
disapproves the application, the executive officer of a 75
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~~municipal corporation or fiscal officer of a township may make~~ 77
~~changes in the application to secure its approval by the~~ 78
~~legislative authority.~~ 79

~~(D) The creation of outdoor refreshment areas is limited~~ 80
~~as follows:~~ 81

~~(1) A municipal corporation or township with a population~~ 82
~~of more than fifty thousand shall not create more than two~~ 83
~~outdoor refreshment areas.~~ 84

~~(2) A municipal corporation or township with a population~~ 85
~~of more than thirty five thousand but less than or equal to~~ 86
~~fifty thousand shall not create more than one outdoor~~ 87
~~refreshment area.~~ 88

~~(3) (a) Except as provided in division (D) (3) (b) of this~~ 89
~~section, a municipal corporation or township with a population~~ 90
~~of thirty five thousand or less shall not create an outdoor~~ 91
~~refreshment area.~~ 92

~~(b) A municipal corporation or township with a population~~ 93
~~of thirty five thousand or less may create one outdoor~~ 94
~~refreshment area if the proposed area will include at least four~~ 95
~~qualified permit holders and be composed of one hundred fifty or~~ 96
~~fewer contiguous acres.~~ 97

~~For purposes of this section, the population of a~~ 98
~~municipal corporation or township is deemed to be the population~~ 99
~~shown by the most recent regular federal decennial census.~~ 100

~~(E) As soon as possible after receiving notice that an~~ 101
~~outdoor refreshment area has been approvedcreated,~~ 102
~~the division of liquor control, for purposes of section 4301.62 of the~~ 103
~~Revised Code, shall issue an outdoor refreshment area~~ 104

designation to each qualified permit holder located within the 105
refreshment area that is in compliance with all applicable 106
requirements under Chapters 4301. and 4303. of the Revised Code. 107
The division shall not charge any fee for the issuance of the 108
designation. Any permit holder that receives such a designation 109
shall comply with all laws, rules, and regulations that govern 110
its license type, and the applicable public health and safety 111
requirements established for the area under division ~~(F)~~(E) of 112
this section. 113

~~(F) (1) At the time of the creation of an outdoor~~ 114
~~refreshment area, the~~ (E) (1) The legislative authority of a 115
municipal corporation or township in which such an area is to be 116
located shall adopt an ordinance or resolution, as applicable, 117
that establishes requirements the legislative authority 118
determines necessary to ensure public health and safety within 119
the area. The legislative authority shall include in the 120
ordinance or resolution all of the following: 121

(a) The specific boundaries of the area, including street 122
addresses; 123

(b) The number, spacing, and type of signage designating 124
the area; 125

(c) The hours of operation for the area; 126

(d) The number of personnel needed to ensure public safety 127
in the area; 128

(e) A sanitation plan that will help maintain the 129
appearance and public health of the area; 130

(f) The number of personnel needed to execute the 131
sanitation plan; 132

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

~~The legislative authority may, but is not required to, include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority.~~

(2) Prior to adopting an ordinance or resolution under this division, the legislative authority shall give notice of its proposed action by publication ~~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.

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

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

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

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

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

~~(I)(1)~~(H)(1) Five years after the date of creation of an outdoor refreshment area, the legislative authority of the municipal corporation or township ~~that~~in which the area was created ~~the area~~ under this section shall review the operation of the area and shall, by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance or resolution, the legislative authority shall give notice of its proposed action to the permit holders in the outdoor refreshment area and by publication 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.

If the legislative authority dissolves the outdoor refreshment area, the outdoor refreshment area ceases to exist. The legislative authority then shall provide notice of its action to the division ~~of liquor control~~ and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders within the

dissolved area. If the legislative authority approves the 193
continued operation of the outdoor refreshment area, the area 194
continues in operation. 195

(2) Five years after the approval of the continued 196
operation of an outdoor refreshment area under division ~~(I)(1)~~ 197
(H)(1) of this section, the legislative authority shall conduct 198
a review in the same manner as provided in division ~~(I)(1)~~(H) 199
(1) of this section. The legislative authority also shall 200
conduct such a review five years after any subsequent approval 201
of continued operation under division ~~(I)(2)~~(H)(2) of this 202
section. 203

~~(J)~~(I) At any time, the legislative authority of a 204
municipal corporation or township in which an outdoor 205
refreshment area is located may, by ordinance or resolution, 206
dissolve all or a part of the outdoor refreshment area. Prior to 207
adopting the resolution or ordinance, the legislative authority 208
shall give notice of its proposed action to the permit holders 209
in the outdoor refreshment area and by publication once a week 210
for two consecutive weeks in one newspaper of general 211
circulation in the municipal corporation or township or as 212
provided in section 7.16 of the Revised Code. If the legislative 213
authority dissolves all or part of an outdoor refreshment area, 214
~~the area designated in the ordinance or resolution that area no~~ 215
longer constitutes an outdoor refreshment area. The legislative 216
authority shall provide notice of its actions to the division ~~of~~ 217
~~liquor control~~ and the investigative unit of the department of 218
public safety. Upon receipt of the notice, the division shall 219
revoke all outdoor refreshment area designations issued to 220
qualified permit holders or the holder of an F class permit 221
within the dissolved area or portion of the area." 222

In line 73, delete "section" and insert "sections 4301.82 and" 223

In line 74, delete "is" and insert "are" 224

The motion was _____ agreed to.

SYNOPSIS 225

Outdoor refreshment areas (DORAS) 226

R.C. 4301.82 227

Eliminates the requirement that the legislative authority 228
of a municipal corporation or township take action to approve 229
the formation of a DORA other than adopting health and safety 230
measures. 231

Requires only two qualified retail liquor permit holders, 232
rather than four as provided in current law, to be located in a 233
DORA. 234

Eliminates limitations on the number of DORAs that a 235
municipal corporation or township may create within its borders, 236
based on population. 237

Eliminates the acreage limitations on the area of a DORA. 238