

Resolution 2020-03

Village of New Richmond, Ohio

Council for the Village of New Richmond, Ohio met in regular session this 24 day of March, 2020, with the following members present:

Gary Skeene yes Mary Allen yes
Melanie Slade yes Becky Ploucha yes Larry Prues yes

Councilperson Prues moved for adoption of the following:

**Resolution Creating a Designated Outdoor Refreshment Area ("DORA")
for New Richmond's Core Village and Enacting Regulations**

WHEREAS, pursuant to the provisions of the Ohio Revised Code (ORC) Section 4301.82, a municipality such as the Village of New Richmond 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 four qualified permit holders and be composed of one hundred fifty or fewer contiguous acres; and

WHEREAS, on February 12, 2020, the Village Administrator 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 New Richmond (hereinafter the "DORA Application"); and

WHEREAS, in compliance with R.C. Section 4301.82(C), the Village of New Richmond published public notice in The Clermont Sun, a newspaper of general circulation in the Village, on February 20, 2020 and February 27, 2020, of the DORA Application and indicated the date and time, March 10, 2020 at 7:00p.m., 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 March 10, 2020, at 7:00 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 New Richmond has established requirements that the Village determines 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, in compliance with R.C. Section 4301.82(F)(2), the Village of New Richmond published public notice in The Clermont Sun, a newspaper of general circulation in the Village, on March 12, 2020 and March 17, 2020, of its proposed action of approving the DORA Application; and

WHEREAS, the DORA Application as submitted complied with and met the requirements of R.C. 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 four qualified permit holders, provided evidence that the uses in the DORA are in accord 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 New Richmond core village area and the DORA will promote the public health, safety, morals, and general welfare of the Village.

NOW, THEREFORE, BE IT RESOLVED by a majority of the Council of the Village of New Richmond, Clermont County, 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 New Richmond 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 R.C. Section 4301.82(F)(1)(a).

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

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 approves and implements the hours of operation for the DORA to be Monday through Sunday from 12:00 p.m. (noon) to 10:00 p.m. each day as set forth in DORA Application as required pursuant to R.C. Section 4301.82 (F)(1)(c) which will apply to all activity within the DORA, only to be limited by approval of special event permitting and finds that the DORA will initially encompass of not fewer than four qualified permit holders as required pursuant to R.C. Section 4301.82 (D)(3)(b).

Section 5. Village Council approves and implements the number of minimum personnel needed to ensure public safety in the DORA as set forth in the DORA Application as required pursuant to R.C. Section 4301.82 (F)(1)(d) including the manner in which the number of personnel needed to carry out the plan shall be determined and/or supplemented.

Section 6. Village Council approves and implements the Sanitation Plan in the DORA as set forth in the DORA Application as required pursuant to R.C. Section 4301.82 (F)(1)(e) as well as the approval and implementation of the minimum personnel needed to implement the aforementioned Sanitation Plan as set forth in the DORA Application as required pursuant to R.C. Section 4301.82 (F)(1)(f) that will ensure and help maintain the appearance and public health of the DORA.

Section 7. Village Council orders and approves the requirement that beer and intoxicating liquor shall *only* be served in plastic bottles and/or other plastic containers within the DORA as set forth in the DORA Application as required pursuant to R.C. Section 4301.82 (F)(1)(g) and orders that such plastic bottles and/or other plastic containers shall be provided by the qualified permit holders in a readily-identified container as approved by the Village Administrator that identifies the name of the establishment that is serving the beverage.

Section 8. Village Council determines it shall review the requirements of the DORA, as established herein, one year from the effective date of this Resolution 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 9. The Clerk of Council is hereby instructed to forward a certified copy of this Resolution 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 10. Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, are taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 11. That this Resolution shall take effect from and after the earliest time allowed by law.

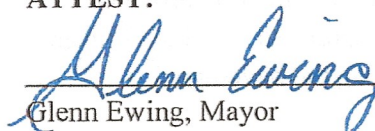
Councilperson Ploucha seconded the motion to adopt the foregoing Resolution and upon roll call the vote was as follows:

Larry Prues	<u>yes</u>
Melanie Slade	<u>yes</u>
Becky Ploucha	<u>yes</u>
Gary Skeene	<u>yes</u>
Mary Allen	<u>yes</u>

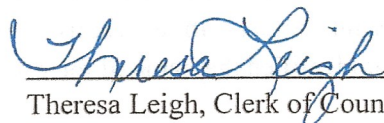
First Reading:	<u>02-25-2020</u>
Second Reading:	<u>03-10-2020</u>
Third Reading:	<u>03-24-2020</u>

Adopted: 03-24-2020

ATTEST:

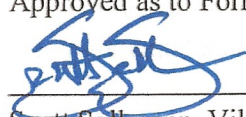


Glenn Ewing, Mayor



Theresa Leigh, Clerk of Council

Approved as to Form:



Scott Sollmann, Village Solicitor