

ORDINANCE 2018 – 66

**CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA AND
ESTABLISHING REQUIREMENTS TO ENSURE PUBLIC HEALTH AND SAFETY
WITHIN SUCH AREA**

WHEREAS, Section 4301.82 of the Ohio Revised Code permits the City of Mason to create and approve an application for one “Designated Outdoor Refreshment Area” within its corporate limits; and

WHEREAS, an application in compliance with Section 4301.82(B) of the Ohio Revised Code was filed with City Council to have certain property designated as an outdoor refreshment area on June 7, 2018; and

WHEREAS, beginning June 24, 2018, notice of the filing and consideration of said application was published in a newspaper of general circulation in the City of Mason once a week for two separate weeks in compliance with Sections 4301.82(C) and 4301.82(F)(2) of the Ohio Revised Code; and

WHEREAS, on August 13, 2018, City Council conducted a public hearing on its consideration of the application; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. The application for the designation of certain property in the City as a “Designated Outdoor Refreshment Area” submitted to this Council on June 7, 2018, is hereby approved, and there is hereby created an outdoor refreshment area.

Section 2. 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 “A” and “B”, attached hereto;

(b) There will be signs designating the boundary of the “Designated Outdoor Refreshment Area”. The location of the signs is shown on attached Exhibit “G”, as indicated on the map. The signs will be post mounted and located at street intersections along the boundary of the “Designated Outdoor Refreshment Area”.

(c) The hours of operation for the “Designated Outdoor Refreshment Area” will be from 6:00 p.m. to midnight (12:00 a.m.) Monday through Thursday and noon (12:00 p.m.) to

midnight (12:00 a.m.) Friday through Sunday. These hours of operation may be expanded by the Chief of Police and City Manager with the concurrence of the City Council.

(d) A Safety Plan has been developed to ensure public safety in the “Designated Outdoor Refreshment Area”, a copy of which is attached hereto as Exhibit “F”. The Safety Plan can be executed with existing staff.

(e) A Sanitation Plan has been developed to maintain the appearance and public health of the “Designated Outdoor Refreshment Area”, a copy of which is attached hereto as Exhibit “E”. The Sanitation Plan can be executed with existing staff.

(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 to indicate the seller. This distinction can take the form of a particular cup, unique sticker or other method approved by the Chief of Police.

Section 3. Five years from the effective date of the adoption of this Ordinance, City Council shall review the operation of the “Designated Outdoor Refreshment Area” hereby created and shall either approve its continued operation or dissolve it. Such review shall be repeated five years after any subsequent approval of the “Designated Outdoor Refreshment Area” in the same manner.

Section 4. City Council may, at any time, dissolve all or part of the “Designated Outdoor Refreshment Area”.

Section 5. All reviews or other action taken under the authority of Section 3 and/or 4 of this Ordinance shall be proceeded by notice of the proposed action in a manner consistent with state law (presently Section 4301.82(H) and (I) of the Ohio Revised Code) in effect at the time of the proposed action.

Section 6. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 20th day of August, 2018.

Mayor

Attest:

Clerk of Council