

ORDINANCE NO.: 2022-43
INTRODUCED BY: MAYOR BENJAMIN I. HOLBERT, III

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

WHEREAS, Article III, Section 6, of the Charter of the Village of Woodmere grants Council the authority to enact, by ordinance or resolution, “such other general regulations as Council may deem necessary;” and

WHEREAS, Ohio Revised Code Section 4301.82 authorizes the Village to establish an outdoor refreshment area; and

WHEREAS, Mayor Benjamin I. Holbert, III has submitted and filed an application dated July 13, 2022, with Council in compliance with Ohio Revised Code Section 4301.82(B) to have certain property designated as an outdoor refreshment area, a notice of which was published in a newspaper of general circulation in the Village of Woodmere within 45 days of filing the application, once a week for two separate weeks in compliance with Ohio Revised Code Sections 4301.82(C) and (F)(2); and

WHEREAS, the outdoor refreshment area application meets all requirements under Ohio Revised Code Section 4301.82; and

WHEREAS, a public hearing concerning this application was held in Woodmere Village Council Chambers on August 3, 2022; and

WHEREAS, the creation of an outdoor refreshment area in Woodmere Village will provide the Village with economic development, business revitalization, tax revenues, and new jobs; and

WHEREAS, Woodmere Village and State of Ohio laws regarding public intoxication and impaired driving will continue to apply within the outdoor refreshment area.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Woodmere, County of Cuyahoga, State of Ohio, that:

Section 1. Council hereby establishes a designated outdoor refreshment area, to be called the “Designated Outdoor Refreshment Area at Eton Chagrin Boulevard,” to enrich and provide entertainment, retail, educational, sporting, cultural, and arts opportunities for the Village of Woodmere’s residents and visitors. The area comprising the Designated Outdoor Refreshment Area at Eton Chagrin Boulevard is identified in “Exhibit A,” the application of Mayor Benjamin I. Holbert, III for establishment of an outdoor refreshment area, which is hereby incorporated into this Ordinance.

Section 2. Council hereby finds and determines that the following requirements of Ohio Revised Code Section 4301.82(F)(1) are identified in Exhibit A and are incorporated herein: (i) the specific boundaries of the area, including street addresses; (ii) the number, spacing, and type of signage designating the area; (iii) the hours of operation for the area; (iv) the number of personnel needed to ensure public safety in the area; (v) a sanitation plan that will help maintain the appearance

and public health of the area; (vi) the number of personnel needed to execute the sanitation plan; (vii) a requirement that beer and intoxicating liquor be served solely in plastic bottles or other non-glass containers in the area; and, (viii) the rules and public health and safety requirements of the area.

Section 3. Pursuant to Ohio Revised Code Section 4301.82(I), five (5) years from the date of the adoption of Designated Outdoor Refreshment Area at Eton Chagrin Boulevard, Council shall review the operation of the outdoor refreshment area and shall, by ordinance or resolution, either approve its continued operation or dissolve the area. Such review shall be repeated five (5) years after each subsequent approval of the Designated Outdoor Refreshment Area at Eton Chagrin Boulevard, in the same manner. Prior to adopting any such ordinance or resolution, Council shall give notice of its proposed action by publication in one newspaper of general circulation in the Village of Woodmere, or as otherwise provided in Ohio Revised Code Section 7.16. Council reserves the right, pursuant to state law, to dissolve all or part of the outdoor refreshment area at any time, subject to notice requirements.

Section 4. Council hereby authorizes and directs the Mayor and the Clerk of Council to file all necessary notices and paperwork with the Ohio Department of Commerce, Division of Liquor Control, and the Ohio Department of Public Safety, Investigative Unit to establish the Designated Outdoor Refreshment Area at Eton Chagrin Boulevard pursuant to Ohio Revised Code Section 4301.82.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the Village's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

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

PASSED: _____

Nicole Y. Culliver, Ph.D., Council President

Benjamin I. Holbert, III, Mayor

Approved as to legal form:

Frank Consolo, Law Director

ATTEST:

Juliasena W. Stevenson, Clerk of Council

I, Juliasena W. Stevenson, as Clerk of Council of the Village of Woodmere, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-43, adopted by the Council of said Municipality on the _____ day of _____, 2022.

Juliasena W. Stevenson, Clerk of Council