

RESOLUTION NO. 032-18

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE NAPOLEON OPEN REFRESHMENT AREA (NORA), MAKING CERTAIN FINDINGS AND DETERMINATIONS AND ENACTING REGULATIONS WITH RESPECT THERETO; AND DECLARING AN EMERGENCY

WHEREAS, effective April 30, 2017, enacted Ohio Revised Code Section 4301.82 now authorizes cities in Ohio with a population less than thirty-five thousand (35,000) to designate within their corporate limits outdoor refreshment areas for the purpose of complimenting the cultural and economic success of the designated area. Outdoor Refreshment Areas allow individuals, subject to local time and place regulations, to possess and consume alcoholic beverages in designated public places provided the beverage is purchased from qualified permitted premises within the area. The operative effect is to exempt such individuals from open container laws. Locally established time and place regulations are coordinated with scheduled cultural activities within the designated area; and,

WHEREAS, several of the businesses and establishments within the suggested area have petitioned the City for an establishment of an outdoor refreshment area to be known as the Napoleon Outdoor Refreshment Area (NORA). The petition reflects the nature and types of establishments that will be located within the outdoor refreshment area. The proposed area is consistent with existing zoning and the proposed hours of operation and rules will ensure the continued public health and safety within the area; and,

WHEREAS, Ohio Revised Code Section 4301.82(F)(1) requires the City to establish requirements that the City determines necessary to ensure public health and safety in the area; and,

WHEREAS, Ohio Revised Code Section 4301.82(F)(2) provides for notice of this proposed action to be published in a newspaper of general circulation once a week for two (2) consecutive weeks; and,

WHEREAS, the outdoor refreshment area application as submitted, to include the premises of the permit holders located at the street addresses on Exhibit A meets the requirements of Ohio Revised Code Section 4301.82(B)(1 – 5), it being further clarified that the boundary of the designated outdoor refreshment area includes the premises of the permit holders located at the street addresses listed on Exhibit A; and,

WHEREAS, approval of the outdoor refreshment area will serve to enhance the experiences of the patrons of the business establishments and the special events within the area. **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That, pursuant to Ohio Revised Code 4301.82 there is hereby established and designated the Napoleon Outdoor Refreshment Area with the boundaries of the area, including the street addresses, as comprised and described in the application being attached hereto as Exhibit A and incorporated herein.

Section 2. That, it is hereby found and determined the Council of the City of Napoleon, Ohio for the purpose to insure the public health and safety within the area that the following are identified in Exhibit A and incorporated herein:

1. The number, spacing, and type of signage designating the area;
2. The hours of operation for the area;
3. The number of personnel needed to ensure public safety in the area;
4. The sanitation plan to maintain the appearance and public health of the area;
and,
5. The number of personnel needed to execute the sanitation plan.

Section 3. That, it is hereby further found and determined by this Council that all beer and intoxicating liquor served in the area shall be served solely in new, unused official NORA cups.

Section 4. That, it is hereby further found and determined by this Council that the business, artistic, cultural and entertainment establishments located within the area will be enhanced hereby.

Section 5. That, the area will encompass no fewer than four (4) qualified liquor permit holders, all of which are identified in Exhibit A, attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number.

Section 6. Also included in Exhibit A and in accordance with Ohio Revised Code Section 4301.82(F)(1)(c) are the hours of operation for the outdoor refreshment area, which will apply to all activity within the area, only as may be limited by approval of special event permitting. Also, the uses of the land within the proposed outdoor refreshment area are in accord with the Master Zoning Plan of the City of Napoleon, Ohio; and that the hours and rules of the area set forth in Exhibit A and incorporated herein, will ensure public health and safety.

Section 7. That, the sanitation plan that will help maintain the appearance and public health of the area as described in Exhibit A, attached hereto and made a part hereof, is hereby approved as meeting the requirements of Ohio Revised Code Section 4301.82(F)(1)(e – f), including the manner in which the number of personnel needed to carry out the sanitation plan shall be determined.

Section 8. That, the Municipal Properties, Buildings, Land Use, and Economic Development Committee of Council shall meet with the office of the City Manager to in regularly scheduled meetings review, and adjust if necessary, the security requirements of the outdoor refreshment area, as established herein, to ensure public health and safety is maintained. The first such meeting shall take place not more than forty-five (45) days after the initial implementation of the outdoor refreshment area.

Section 9. That, the Clerk of Council is hereby instructed forthwith to provide notice, including forwarding a copy of this Resolution No. 032-18, as required by Ohio Revised Code Section 4301.82 of the establishment of this outdoor refreshment area to the Superintendent of the Ohio Department of Commerce Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with Ohio Revised Code Sections 4301.82(c) and 4301.82(F)(3).

Section 10. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open

meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.


Section 11. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 12. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time for the furtherance of economic development within the City of Napoleon, all of which affects the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the outdoor refreshment area application process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: June 25, 2018

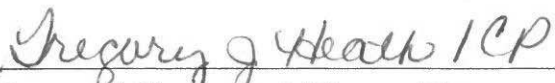

Joseph D. Bialorucki, Council President

Approved: June 25, 2018


Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 032-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

Certification

I, Gregory J. Heath, Finance Director/Clerk for the City of Napoleon, Ohio, do hereby certify that this document is a true and correct copy of **Resolution No. 032-18** passed **June 25, 2018**.

Gregory J. Heath / CP
Gregory J. Heath
Finance Director/Clerk of Council

6-26-2018
Date