

ORDINANCE 2025-09

AN ORDINANCE APPROVING AN APPLICATION FOR A "DESIGNATED OUTDOOR REFRESHMENT AREA" AND ESTABLISHING A "DESIGNATED OUTDOOR REFRESHMENT AREA" IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, Section 4301.82 of the Ohio Revised Code permits a municipal corporation with a population of less than Fifty Thousand to create a Designated Outdoor Refreshment Area, also known as a "DORA", within its corporate limits.

WHEREAS, on March 28, 2025, the City Manager filed an application with City Council for approval of a Designated Outdoor Refreshment Area in a specified area of the City described in the application, a copy of said application being attached hereto as Exhibit "A"; and

WHEREAS, pursuant to Section 4301.82(C) of the Ohio Revised Code, notice of the filing of the application for a Designated Outdoor Refreshment Area was published in a newspaper of general circulation in the City of Brookville, Ohio on April 4, 2025.

WHEREAS, City Council conducted a public hearing to consider public comment on the application; and

WHEREAS, City Council finds the application to be in compliance with Ohio Revised Code Section 4301.82(D); and

WHEREAS, City Council finds that the approval of the Designated Outdoor Refreshment Area to be located in the Community Center District will promote the development of businesses in the district and enhance special events in this district.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: City Council finds that the application for a Designated Outdoor Refreshment Area, as set forth in Exhibit "A" attached hereto, meets all of the requirements of Section 4301.82 of the Ohio Revised Code and hereby approves the application for the designation of certain property in the City of Brookville, Ohio as a Designated Outdoor Refreshment Area.

SECTION II: City Council hereby determines that all public notice requirements of Section 4301.82 of the Ohio Revised Code have been complied with prior to passage of this Ordinance.

SECTION III: The City Council has established the requirements set forth in 4301.82(F)(1) of the Ohio Revised Code for the Designate Outdoor Refreshment Area, as specified in the approved application set forth in Exhibit "A", for the boundaries of the Designated Outdoor Refreshment Area, including street addresses, the number, spacing and type of signage designating the area,

the hours of operation of the area, the number of personnel needed to ensure public safety in the area, a sanitation plan that will help maintain the appearance and public health of the area, the number of personnel needed to execute the sanitation plan, and a requirement that beer and intoxicating liquor be served solely in plastic bottles or other non-glass containers in the area.

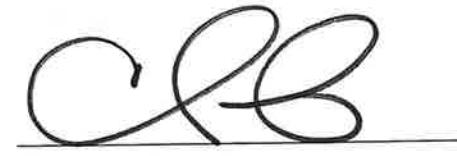
SECTION IV: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION V: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

PASSED this 6TH day of MAY, 2025.

ATTEST:


Kimberly Duncan, Clerk


Charles Letner, Mayor

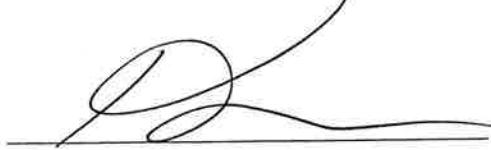
CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2025-09, passed by the Council of the City of Brookville, Ohio, on the 6TH day of MAY, 2025.


Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

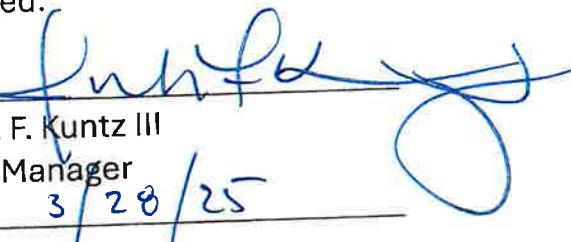
The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2025-09 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 7TH day of MAY, 2025, to the 5TH day of JUNE, 2025, both days inclusive.


Kimberly Duncan, Clerk

APPLICATION TO THE CITY OF BROOKVILLE CITY COUNCIL
DESIGNATED OUTDOOR REFRESHMENT AREA
OHIO REVISED CODE 4301.82

The City Manager of the City of Brookville, Ohio respectfully submits the following application to the City of Brookville City Council to approve and enact the Designated Outdoor Refreshment Area in the City of Brookville in accordance with Ohio Revised Code 4301.82.

Submitted:

By: 
John F. Kuntz III
City Manager
Date: 3/28/25

Received by City Council


Charles Letner, Mayor
Date: 3-28-25

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DESIGNATED OUTDOOR REFRESHMENT AREA
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Submitted:

By:

John F. Kuntz III
City Manager

Date:

3/28/25

Received by City Council

Charles Letner, Mayor

Date: 3-28-25

I. INTRODUCTION AND SUBMITTAL OF APPLICATION

The City Manager respectfully submits the following application to City Council of the City of Brookville, Ohio to approve and establish a Designated Outdoor Refreshment Area (hereinafter “DORA”) pursuant to Ohio Revised Code Section 4301.82. The proposed application meets all of the State of Ohio requirements.

Effective March 23, 2022, Section 4301.82(B)(1)(b) of the Ohio Revised Code permits a municipal corporation with population of fifty thousand or less to designate no more than three hundred twenty contiguous acres as a Designated Outdoor Refreshment Area. Section 4301.82(D)(2) provides that a municipal corporation with a population of fifty thousand or less shall not create more than three Designated Outdoor Refreshment Areas. A DORA is an area where the open carry restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in public, with certain restrictions. In order to consider the creation of a DORA, the executive officer of the municipal corporation must file an application with City Council which meets the statutory requirements set forth in Ohio Revised Code Section 4301.82(B). The application filing must be advertised in a newspaper of general circulation in the municipal corporation. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, the City Council may approve or disapprove of the application by ordinance or resolution.

The purpose of this application is to request that the City Council establish a Designated Outdoor Refreshment Area (DORA) in the City of Brookville. The application includes the following sections.

SECTION II. POPULATION REQUIREMENTS
SECTION III. BOUNDARY MAP OF THE PROPOSED DORA
SECTION IV: NATURE AND TYPES OF ESTABLISHMENTS IN THE DORA
SECTION V. QUALIFIED PERMIT HOLDERS
SECTION VI. LAND USE AND ZONING
SECTION VII. SAFETY PLAN
SECTION VIII. SANITATION PLAN
SECTION IX. SIGNAGE PLAN
SECTION X. DORA RULES OF OPERATION

II. POPULATION REQUIREMENTS:

Pursuant to the requirements of Ohio Revised Code 4301.82, the City of Brookville is a municipal corporation with a population of less than fifty thousand, and this application

requests creating one DORA area which will be the first DORA area established in the City of Brookville. A municipal corporation with a population of fifty thousand or less shall not create more than three outdoor refreshment areas.

According to the most recent U.S. Decennial Census, the population of the City of Brookville on April 1, 2020 was 5989.

III. BOUNDARY MAP OF THE PROPOSED DORA

In accordance with Ohio Revised Code Section 4301.82(B)(1), the boundaries of the DORA are depicted in the map of the proposed Designated Outdoor Refreshment Area that is attached as Exhibit "A". The proposed DORA boundary encompasses 12 contiguous acres which complies with the requirement in 4301.82(B)(1)(b) requiring that the DORA be 320 contiguous acres or less for a municipal corporation with a population of fifty thousand or less .

The following is a list of street addresses of real property included within the specific boundaries of the DORA.

<u>STREET NAME</u>	<u>ADDRESS RANGE</u>	<u>EVEN/ODD</u>
MARKET STREET	7-302	EVEN AND ODD
MULBERRY STREET	1-100	EVEN AND ODD
MAIN STREET	12-214	EVEN
WALNUT STREET	10-21	EVEN AND ODD
HAY AVENUE	3-303	ODD
S. WOLF CREEK STREET	7	ODD
N. WOLF CREEK STREET	24	EVEN

IV. NATURE AND TYPE OF ESTABLISHMENTS

In accordance with Ohio Revised Code 4301.82(B)(2), the nature and types of establishments that will be within the DORA are primarily business in the retail, restaurant, entertainment, and services sectors.

Within the DORA, the majority of the buildings have businesses consisting of retail, restaurants and commercial services on the first floor. The upper level floors have a mixture of business and residential space. There are also institutional uses typical of a historic downtown such as the Spangler House Museum, the Grunig Park, and public parking areas.

V. QUALIFIED PERMIT HOLDERS

In accordance with Ohio Revised Code Section 4301.82(B)(3), the proposed DORA complies with Ohio Revised Code Section 4301.82(D)(2) that a DORA in a municipal corporation with a population of fifty thousand or less shall include at least two qualified permit holders as defined in Ohio Revised Code Section 4301.82(A). The City of Brookville has identified three qualified permit holders that will be included in the DORA, which are identified as follows:

<u>PERMIT NUMBER</u>	<u>PERMIT HOLDER</u>	<u>ADDRESS</u>	<u>PERMIT CLASS</u>
7381467	PATRICIA A. RILEY DBA O RILEYS	12 MARKET ST.	D1,D2,D3,D3A
6221043	MULBERRY & MAIN LLC DBA MULBERRY & MAIN	130 MAIN ST.	D5
8931271	TIK TAKOS MEXICAN RESTAURANT LLC DBA TIK TAKOS	209 MARKET ST.	D1, D3

One permit, permit number 8931271, is currently pending-TIPSY TREATS AT THE SCOOP LLC, 230 MARKET ST.

VI. LAND USE AND ZONING

In accordance with Ohio Revised Code 4301.82(B)(4), the land uses within the DORA are zoned Community Center District (CC) and are in accordance with the City of Brookville Comprehensive Land Use Plan. The Comprehensive Land Use Plan designates the Community Center District as a downtown activity center with a mix of retail, office, commercial, civic, high density residential and cultural land uses. The Community Center district provides a compact, walkable, and architecturally distinctive area that serves as the heart of Brookville while providing land use choices to accommodate visitors, businesses, shoppers and residents.

The creation of DORA in the Community Center District aligns with the Comprehensive Land Use Plan objectives for the area to encourage community members and visitors to come to the Community Center District and to visit the restaurants, retail shops, and other businesses in the DORA.

VII. SAFETY PLAN

In accordance with Ohio Revised Code Section 4301.82(B)(5) and 4301.82(F)(1)(d), a Safety Plan has been developed to ensure public safety in the DORA, a copy of which is attached hereto as Exhibit "C". The Safety Plan can be executed with existing staff as set forth in the Safety Plan.

VIII. SANITATION PLAN

In accordance with Ohio Revised Code Section 4301.82(B)(5) and 4301.82(F)(1)(e) and (f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy of the Sanitation Plan is attached hereto as Exhibit "D". The Sanitation Plan can be executed with existing staff as set forth in the Sanitation Plan.

IX. SIGNAGE PLAN

In accordance with Ohio Revised Code Section 4301.82(F)(1)(b), a minimum of signs will be displayed throughout the DORA. Boundary signs will be located at street intersections along the boundary of the DORA.

The number, location, and depiction of the signs is set forth in the Signage Plan attached hereto as Exhibit "E"

Every establishment that is not a qualified permit holder will display a green or red sign that either accepts or prohibits DORA drinks. The signs are depicted on Exhibit "E."

Qualified permit holders that may serve DORA beverages will display navy signs informing patrons that DORA beverages can be purchased at the establishment. The sign is depicted in Exhibit "E".

X. RULES OF OPERATION

A. Hours of Occupation

In accordance with Ohio Revised Code Section 4301.82(F)(1)(c), the hours of operation for the DORA will be Thursday 4:00 pm to 10:00 pm, Friday, 4:00 pm to 10:00pm, and Saturday, 11:00 am to 10:00 pm.

City Council reserves the right by legislation to temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

B. Official DORA Container

In accordance with Ohio Revised Code Section 4301.82(F)(1)(g), beer, wine and intoxicating liquor shall only be consumed in the DORA as follows:

Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in 20 oz. or less non-glass containers. No other containers will be permitted.

The non-glass DORA containers shall be distinctly marked with the specifically designated stick approved by the City (the "Official DORA Sticker") as depicted on attached Exhibit "E". No other stickers will be permitted.

Used containers must be disposed of before entering any liquor establishment of a qualified permit holder or a business displaying a red DORA sign prohibiting DORA beverages.

C. Additional Requirements

In accordance with Ohio Revised Code Section 4301.82(B)(5), and in conjunction with other rules, standards and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

1. A person may have in the person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which the following applies:

- a. The permit holder's premise is located within the DORA.
- b. The permit held by the permit holder has an outdoor refreshment area designation; and
- c. The open container consists of a non-glass container with the official DORA sticker.

2. No person shall do any of the following:

a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere; or

b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of Ohio Revised Code Section 3201.62.



DORA AREA

VANTAGE POINTS®
GEOGRAPHIC TECHNOLOGIES GROUP

Scale 1" = 177.70'

Powered by Esri



OFFICIAL ZONING MAP

LEGEND

- 1.1A. SUBURBAN RESIDENTIAL
- 1.1B. URBAN RESIDENTIAL
- 1.1C. URBAN RESIDENTIAL
- 1.2. URBAN INDUSTRIAL
- 1.3. MULTIFAMILY RESIDENTIAL
- 1.4. OFFICE PROFESSIONAL
- 1.5. OFFICE SERVICE
- 1.6. COMPREHENSIVE INDUSTRIAL
- 1.7. CENTRAL BUSINESS
- 1.8. MUNICIPAL SERVICE
- 1.9. COMMUNITY CENTER
- 1.10. LIGHT INDUSTRIAL
- 1.11. GENERAL INDUSTRIAL
- 1.12. PLANNED RESIDENTIAL
- 1.13. PLANNED RESIDENTIAL
- 1.14. PLANNED COMMERCIAL
- 1.15. PLANNED INDUSTRIAL
- 1.16. GOVERNMENT
- 1.17. FLOOD PLAIN
- 1.18. PLAN DEVELOPMENT
- 1.19. ELEVATION BOUNDARY
- 1.20. ZONING DISTRICT BOUNDARIES

1/25/2010

1.1A	1.1B	1.1C	1.1D	1.1E	1.1F	1.1G	1.1H	1.1I	1.1J	1.1K	1.1L	1.1M	1.1N	1.1O	1.1P	1.1Q	1.1R	1.1S	1.1T	1.1U	1.1V	1.1W	1.1X	1.1Y	1.1Z
1.1A	1.1B	1.1C	1.1D	1.1E	1.1F	1.1G	1.1H	1.1I	1.1J	1.1K	1.1L	1.1M	1.1N	1.1O	1.1P	1.1Q	1.1R	1.1S	1.1T	1.1U	1.1V	1.1W	1.1X	1.1Y	1.1Z

EXHIBIT "C"

In accordance with Ohio Revised Code Section 4301.82(B)(5) the proposed requirements for the purpose of ensuring public safety within the Designated Outdoor Refreshment Area (DORA) are as follows:

PUBLIC SAFETY PLAN

City of Brookville Police Department and Fire Department will be responsible for providing public safety within the DORA through law enforcement and fire/EMS services.

Law Enforcement Responsibilities

The City of Brookville Police Department will be responsible for providing law enforcement services within the DORA. The police department will monitor the DORA during routine patrols. In the event that an above average number of people are in the DORA, the police department may assign additional officers and/or assign an officer to specifically patrol the DORA. The use of foot patrol and bicycle patrol will be considered as alternative methods of patrolling in the DORA. The Police Department has 11 personnel available to provide law enforcement services in the DORA.

For planned events in the DORA that may draw a larger than normal attendance, the Chief of Police may have additional officers and/or other agency personnel assigned specifically to the DORA.

Fire/EMS Responsibilities

The City of Brookville Fire Department will be responsible for providing Fire, Rescue and EMS within the DORA. Estimated response time would be 3 minutes to any area within the DORA. The Fire Department has 39 personnel available to provide Fire Rescue and EMS services in the DORA.

For planned events in the DORA that may draw larger than normal attendance, the Fire Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

Downtown Public Parking Map

The City of Brookville Downtown Public Parking Map is attached to Exhibit C.



City of Brookville Public Parking Map in DORA

EXHIBIT "D"

In accordance with Ohio Revised Code 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health within the DORA are as follows:

SANITATION PLAN

City of Brookville Service Department will be responsible for maintaining the appearance and public health within the DORA through trash collection, street sweeping, routine maintenance and signage placement.

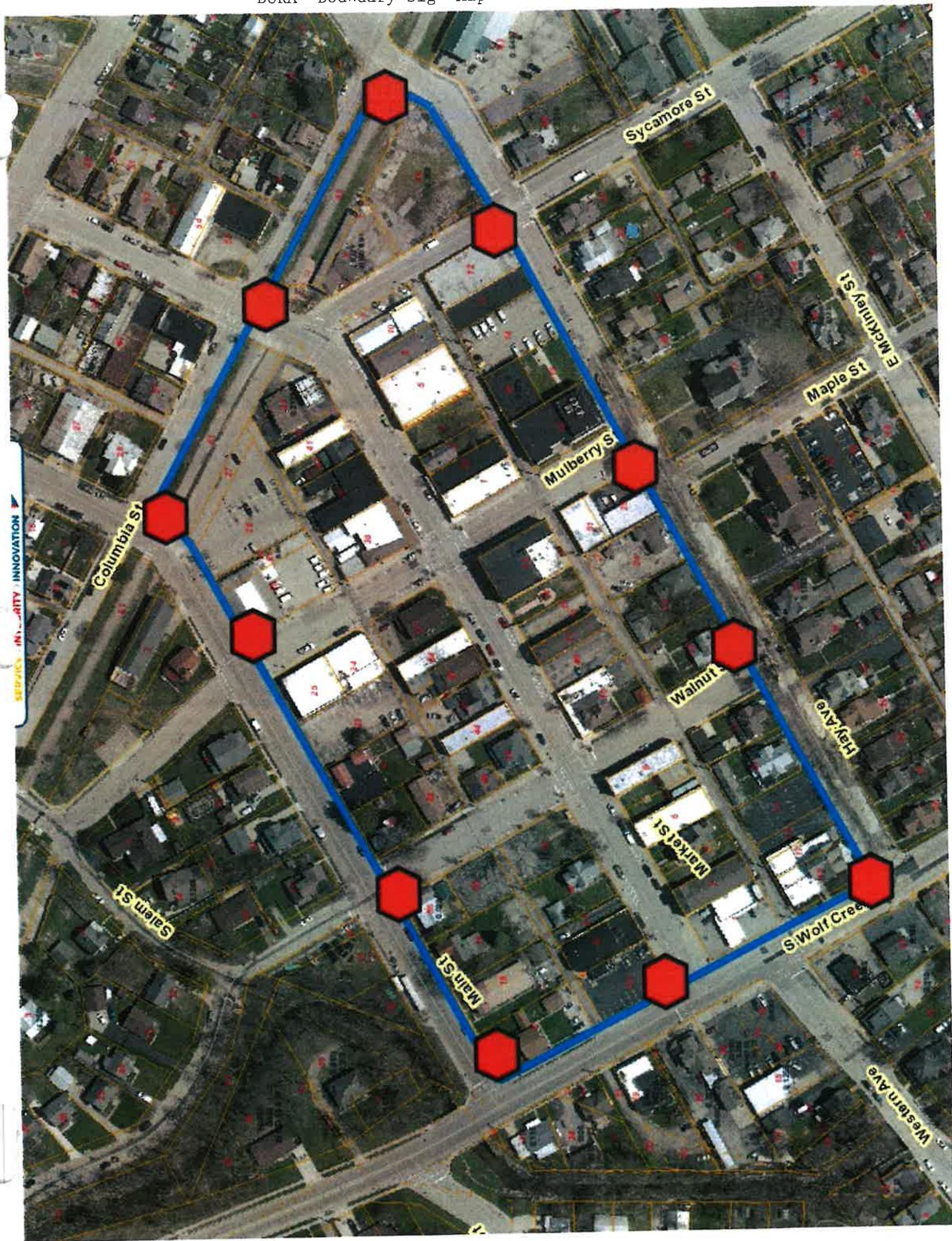
There are nine permanent trash receptacles placed throughout the DORA that will be serviced by the service department. The City will install signs on the existing trash receptacles for the DORA.

The service department will service the trash receptacles as needed. The service department has 11 personnel available to service the DORA area.



Sanitation Plan—Location of Trash Receptacles in DORA

DORA Boundary Sign Map



ENTERING

Historic Downtown Brookville



D O R A

Designated Outdoor Refreshment Area

Hours

Thursdays: 4pm - 10pm

Fridays: 4pm - 10pm

Saturdays: 11 am - 10pm

DORA Boundary Signage

Historic Downtown Brookville



Designated Outdoor Refreshment Area

NO ALCOHOL
PERMITTED PAST
THIS POINT

DORA HOURS

THURSDAYS: 4PM-10PM

FRIDAYS: 4PM-10PM

SATURDAYS: 11AM-10PM

Brookville,
Ohio

DORA Boundary Signage

Historic Downtown Brookville
D O R A
Designated Outdoor Refreshment Area



SOLD HERE

Discard DORA cups before entering.
Ohio Revised Code 4301.62

DORA Business Establishment Sign

Historic Downtown Brookville

D O R A

Designated Outdoor Refreshment Area



WELCOME HERE

DORA Business Establishment Sign

Historic Downtown Brookville

D O R A

Designated Outdoor Refreshment Area



NOT PERMITTED

DORA Business Establishment Sign



DORA Containers

Know the Rules:

- Beverages must be purchased in designated establishments.
- DORA only in effect during designated posted days & hours.
 - Alcohol must be in designated cups.
- You must stay inside the posted, designated DORA boundaries.



Brookville,
Ohio

DORA Containers