

DESIGNATED OUTDOOR REFRESHMENT AREA (DORA)

On April 30, 2015 Substitute House Bill 47 became effective to create a Designated Outdoor Refreshment Area. Codified in [Ohio Revised Code 4301.82](#) the act allows the executive officer of a Municipal Corporation or the fiscal officer of a Township to submit an application to the corresponding Legislative Authority of the Municipal Corporation or Township to establish a Designated Outdoor Refreshment Area (DORA). Upon approval by the Legislative Authority, the DORA is created. The Division of Liquor Control is then responsible for issuing permits with the “Outdoor Refreshment Area” designation on it to all A-1, A-1-A, A-1c, A-2, A-2f, or D liquor permit holders, (except a D8 class that holds a C class permit) that are located in the DORA. Any person who is in a DORA and who is carrying an opened container of beer or intoxicating liquor if the container was **purchased from an establishment** with an “Outdoor Refreshment Area” designation on their liquor permit is exempt from the Open Container Law. Questions regarding the Open Container Law or the enforcement of liquor laws should be addressed to the Ohio Department of Public Safety and/or your local law enforcement agency.

Application Process **to** Legislative Authority Creating DORA

- A. The executive officer of a Municipal Corporation or the fiscal officer of a Township may file an application for the creation of a DORA with the corresponding Legislative Authority of the Municipal Corporation or Township in which the proposed DORA will be created. **The application referenced above is not a Division of Liquor Control Application, and you must contact your Municipal Corporation or Township office to determine their specific guidelines for filing this document.** Ohio Revised Code 4301.82 states that the application must include the following:
1. A map or survey of the proposed DORA in sufficient detail to identify its boundaries, which shall not exceed:
 - (a) Three hundred twenty contiguous acres or one-half square mile if the Municipal Corporation or Township has a population of more than thirty-five thousand; OR
 - (b) One hundred fifty contiguous acres if the Municipal Corporation or Township has a population of thirty-five thousand or less. Please see “Documents to Submit to the Division of Liquor Control” for more information on these requirements.
 2. A statement indicating what population requirement mentioned above is met.
 3. A statement of the nature and types of establishments that are or will be the proposed DORA;

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4. A statement that the proposed DORA will encompass not fewer than four A-1, A-1-A, A-1c, A-2, A-2f, or D class liquor permit holders (except a D8 that holds a C permit);
5. Evidence that the uses of land within the proposed DORA are in accord with the Municipal Corporation's or Township's master zoning plan or map; and
6. Proposed public health and safety requirements for the DORA. These are outlined in not only 4301.82(F), but in Appendix B.

Legislative Authority Application Approval/Disapproval Process under Revised Code 4301.82

- A. Within forty-five days after the date the application is filed with the Legislative Authority of a Municipal Corporation or Township, the Legislative Authority shall publish public notice of the application once a week for two consecutive weeks in one newspaper of general circulation in the Municipal Corporation or Township or as provided in section [7.16](#) of the Revised Code. The Legislative Authority shall ensure that the notice states that the application is on file in the office of the clerk of the Municipal Corporation or Township and is available for inspection by the public during regular business hours. The Legislative Authority also shall indicate in the notice the date and time of any public hearing it will hold regarding the application.
- B. Not earlier than 30 but not later than 60 days after initial publication of the notice, the Legislative Authority must approve or disapprove the application. To approve the application, it must pass an ordinance or resolution by an affirmative majority vote. If the application is approved, the proposed DORA is created. Upon creation of the DORA, the Legislative Authority must send notice of the approval **and a description of the DORA to the Division of Liquor Control and the Investigative Unit in the Department of Public Safety**. If the application is disapproved, the executive officer of the Municipal Corporation or fiscal officer of the Township may make changes to secure approval.

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Population Requirements that determine the size of a DORA and How Many Allowed:

The number of DORAs that may be established in a Municipal Corporation or Township, and a DORA's maximum size, depend on the population of the Municipal Corporation or Township, as follows:

Population of Municipal Corporation or Township	Maximum number of DORAs	Size of DORA
More than 50,000	2	Up to 320 contiguous acres or ½ square mile
35,001 – 50,000	1	Up to 320 contiguous acres or ½ square mile
35,000 or less	1	Up to 150 contiguous acres

The population of a Municipal Corporation or Township is deemed to be the population shown by the most recent regular federal decennial census.

What Does the Legislative Authority Submit to the Division of Liquor Control?

1. A copy of the application submitted to the Legislative Authority.
2. Executed copy of the Ordinance or Resolution.
3. A list of the street boundaries that encompass the DORA. **See below Appendix A for how the Division requires the street boundary listing to be submitted.**
4. Documentation of the number of acres in the DORA, certified by a surveyor or engineer licensed under Chapter 4733. This document must contain the name of the surveyor or engineer and is used to determine acreage requirements are met per Ohio Revised Code 4301.82(1)(a)(b).
5. A statement indicating which population requirement is met for the DORA. Population requirements are outlined above and under 4301.82(D)(1) through (3).

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APPENDIX A - Street Boundary Information:

To ensure the Division has a consistent method for processing street listings with all Legislative Authorities the Division requests that Legislative Authorities utilize the street boundary format of **Appendix A** and reference the below information when advising constituents and/or submitting current or updated street boundary listings to the Division:

- The Division verifies the location of each permit holder/applicant utilizing the street listing provided by the Legislative Authority to determine if the permit holder/applicant is within the boundaries of the DORA, to properly code the permit with the “Outdoor Refreshment Area” designation.
- If the street address of a permit holder or applicant is found to be outside the DORA, the Legislative Authority will be required to pass another Ordinance or Resolution expanding the area, providing the acreage requirement has not been met.
- Any revised street boundary list must be in the format referenced under Appendix A.
- If the acreage requirement has been met, then the original DORA cannot be expanded, and a brand-new Ordinance or Resolution will need to be passed creating a new DORA.
- After an Ordinance or Resolution is filed, should the land be further developed within the boundaries of an existing DORA, the Legislative Authority is required to update the street boundary list with the Division. This updated list must be submitted in the format referenced in Appendix A, with the effective date of the new streets. This method helps both the Division and the Legislative Authority keep track of the history of streets within the boundaries of that DORA.

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Appendix A continued: Street Boundary Format to be Submitted:

(Type NAME OF COUNTY)
 (Type NAME OF CITY/VILLAGE/TOWNSHIP)
 (Type NAME OF DORA/CED/Revitalization District)
 (Type Date)

Street Boundary Listing

NOTE: Please sort to group all streets together		
Street Name	Range	Even/Odd
1st Ave	790-912	Even & Odd
1st Ave	1001-1199	Odd
2nd Ave	800-820	Even & Odd
4th Ave	791	Help
Central Ave	500-900	Even
Central Ave	901-1372	Even & Odd
Central Ave	1373-1391	Odd
Clark St	1-98	Even
Manchester Ave	1000-1199	Even & Odd
Manchester Ave	1200-1398	Even
N Broad St	1-299	Even & Odd
N Canal St	1-99	Even & Odd
N Clinton St	1-99	Even & Odd
N Main St	1-24	Even & Odd
N Main St	25-299	Odd
LIST STREETS LATER DEVELOPED AND ADDED, OR ANY CORRECTIONS TO THE ORIGINAL STREET LISTING, WITHIN THE BOUNDARIES OF THE CED.		
Streets Developed and Added	(Type Date streets added)	Even & Odd
Jon Doe St	200-300	Even & Odd
Maple Ave	20-100	Even & Odd

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Division of Liquor Control Process:

After the Legislative Authority creates the DORA and notifies the Division, the Division must set the DORA up in their system and issue a DORA designation to any A-1, A-1-A, A-1c, A-2, A-2f, or D class liquor permit holder (except a D8 with a C Class Permit) located within the DORA that is in compliance with the Liquor Control Law and the specific terms of the holder's permit. This requires the issuance of a new permit that has the designation "OUTDOOR REFRESHMENT AREA" in the upper right-hand corner of the permit. The newly-coded permit will then be mailed to the permit holder with a cover letter explaining the designation. This process can take the Division 2-3 weeks. **The Division does not charge a fee for issuing the designation.** The designation allows the patrons of the liquor permit establishment to carry opened containers of beer or intoxicating liquor purchased at the establishment outside the permit premises within the DORA.

Open Container Law – DORA exemption 4301.62

The act creates an exemption from the Open Container Law, which generally prohibits a person from carrying an opened container of beer or intoxicating liquor in any public place. Under the act, a person who purchases beer or intoxicating liquor from the holder of a permit with a DORA designation is permitted to have that beverage in an opened container at any outdoor location within the DORA. However, no person may:

- (1) Enter the premises of an establishment with an opened container of beer or intoxicating liquor purchased elsewhere;
- (2) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle in a DORA unless (a) the motor vehicle is stationary and is not being operated in a lane of vehicular travel, or (b) the possession is otherwise authorized under other exemptions to the Open Container Law governing chauffeured limousines or the transport of opened bottles of wine that are properly resealed.

Any questions pertaining to the enforcement of Ohio liquor laws must be addressed to the Ohio Department of Public Safety and/or your local law enforcement.

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Appendix B - Ohio Revised Code 4301.82(F) – Public health and safety requirements

(1) At the time of the creation of an outdoor refreshment area, the legislative authority of a Municipal Corporation or Township in which such an area is located shall adopt an ordinance or resolution, as applicable, that establishes requirements the legislative authority determines necessary to ensure public health and safety within the area. The legislative authority shall include in the ordinance or resolution all of the following:

- (a) The specific boundaries of the area, including street addresses:
- (b) The number, spacing, and type of signage designating the area:
- (c) The hours of operation for the area:
- (d) The number of personnel needed to ensure public safety in the area:
- (e) A sanitation plan that will help maintain the appearance and public health of the area:
- (f) The number of personnel needed to execute the sanitation plan:
- (g) A requirement that beer and intoxicating liquor be served solely in plastic bottles or other plastic containers in the area.

The legislative authority may, but is not required to include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority.

(2) Prior to adopting an ordinance or resolution under this division, the legislative authority shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the Municipal Corporation or Township or as provided in section [7.16](#) of the Revised Code.

(3) The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the public health and safety requirements established or modified under this division.

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Expansion of existing DORA

A Municipal Corporation or Township may expand an existing DORA. To do so, it must follow the same procedures that were utilized to create the DORA.

Review and dissolution of a DORA

The Legislative Authority of a Municipal Corporation or Township in which a DORA is located is required to review the operation of the DORA every five years as long as the DORA is in operation.

As part of the review, the Legislative Authority must adopt an ordinance or resolution either approving the DORA's continued operation or dissolving it. Prior to adopting the ordinance or resolution, the Legislative Authority must give notice of the proposed action by publication once a week for two consecutive weeks in a newspaper of general circulation in the Municipal Corporation or Township.

Additionally, by ordinance or resolution at any time, the Legislative Authority may, dissolve all or part of the DORA. It must give notice of the proposed dissolution by publication once a week for two consecutive weeks in a newspaper of general circulation in the Municipal Corporation or Township. Once a DORA or portion of it is dissolved, the area that is the subject of the ordinance or resolution no longer constitutes a DORA. The Municipal Corporation or Township must provide notice of its actions to the Division of Liquor Control and the Investigative Unit of the Department of Public Safety. Upon receipt of the notice, the Division must revoke all DORA designations issued to establishments within the dissolved area.