

EMERGENCY

TJL

- 2024

AMENDING Ordinance No. 184-2022 to modify the hours of operation of the existing designated outdoor refreshment area in the Hyde Park neighborhood of Cincinnati, known as the “Hyde Park DORA,” pursuant to Chapter 838 of the Cincinnati Municipal Code, “Outdoor Refreshment Areas.”

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Section 4301.82, municipal corporations are authorized, upon application by their executive officers, to designate certain areas within their borders as designated outdoor refreshment areas (“DORAs”); and

WHEREAS, in furtherance of this state authorization, Council enacted Chapter 838 of the Cincinnati Municipal Code (“CMC”), “Outdoor Refreshment Areas,” to provide for the creation of DORAs within the City; and

WHEREAS, pursuant to Ordinance No. 184-2022, passed on June 23, 2022, Council (i) approved an application for the creation of a designated outdoor refreshment area in the Hyde Park neighborhood of Cincinnati, which application was submitted by the City Manager pursuant to R.C. Section 4301.82 and CMC Chapter 838, and (ii) authorized the City Manager to take all necessary and proper actions to provide for the operation and maintenance of the designated outdoor refreshment area known as the “Hyde Park DORA”; and

WHEREAS, the City Manager has submitted a proper application pursuant to R.C. Section 4301.82 and CMC Chapter 838 requesting modifications to the Hyde Park DORA (the “Modified Application”), and Council has received the Modified Application; and

WHEREAS, pursuant to CMC Chapter 838-03(B), notice of the Modified Application was published once a week for two consecutive weeks in a newspaper of general circulation within the City, which notice indicated that the Modified Application is on file with the Clerk of Council and is available for inspection; and

WHEREAS, the Modified Application proposes to expand the hours of operation of the Hyde Park DORA to aid in the attraction and retention of new patrons and visitors to Hyde Park and to encourage economic growth within the neighborhood; and

WHEREAS, the Mayor and Council have reviewed the Modified Application and determined that the modifications to the public health and safety requirements of the Hyde Park DORA conform to the applicable requirements of R.C. Section 4301.82 and CMC Chapter 838; and

WHEREAS, it is in the public interest of the City to approve the Modified Application and modify the public health and safety requirements of the Hyde Park DORA; and

WHEREAS, the proper operation and management of the Hyde Park DORA is also in the interests of the City and the health, safety, and public welfare of its residents and is in accordance with the provisions of applicable federal, state, and local laws and requirements; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati:

Section 1. That Council hereby approves the City Manager's application for the modifications to the public health and safety requirements of the existing designated outdoor refreshment area in Hyde Park (the "Hyde Park DORA"), attached hereto as Attachment A and incorporated herein by reference (the "Modified Application"), upon finding that the Modified Application contains all information required by Ohio Revised Code ("R.C.") Section 4301.82 and Cincinnati Municipal Code ("CMC") Section 838-03.

Section 2. That Council has determined it is necessary and advisable to modify the public health and safety requirements for the Hyde Park DORA by expanding the hours of operation to aid in the attraction and retention of new patrons and visitors to Hyde Park and to encourage economic growth within the neighborhood.

Section 3. That Section 4 of Ordinance No. 184-2022, passed by Council on June 23, 2022, is hereby amended as follows:

Section 4. That the DORA's hours of operation shall be fixed at 9:00AM to 11:00PM Sunday through Saturday~~6:00PM to 9:00PM Sunday through Thursday and 6:00PM to 10:00PM Friday and Saturday~~; provided that the City Manager, or his or her designee, may, upon due and proper notice to permit holders within the district, temporarily suspend the DORA's operations as necessary to provide for the public health, safety, or welfare.

Section 4. That existing Sections 1-3 and 5-12 of Ordinance No. 184-2022 shall remain in full force and effect.

Section 5. That the Clerk of Council is hereby instructed forthwith to provide notice of the modification to the public health and safety requirements of the Hyde Park DORA, as required by R.C. Section 4301.82(F)(3), to the Ohio Division of Liquor Control and the Investigative Unit of the Department of Public Safety.

Section 6. That Council authorizes the proper City officials to take all necessary and proper actions to fulfill the terms of this ordinance.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the qualified license holders and businesses to prepare for the new operational needs of the Hyde Park DORA.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.