

Sponsor: Browning

ORDINANCE NO. 2024-50

**AN ORDINANCE AUTHORIZING THE CREATION OF A WELLSTON DOWNTOWN DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Section 4301.82 provides that a specified area of land can be designated as exempt from certain open container provisions;

**WHEREAS**, Wellston City Mayor Anthony Brenner has submitted an application to create a DORA; and

**WHEREAS**, patrons within this DORA area who purchase an alcoholic beverage for on-premises consumption from a DORA designated liquor permit holder can leave the permit premises with an open alcoholic beverage container and continue consuming it within the DORA.

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

**SECTION 1:** Pursuant to Ohio Revised Code Section 4301.82, this Council hereby creates a Designated Outdoor Refreshment Area (DORA) to include the area as follows: Commencing at the alleyway in the Northwest corner of the parcel occupied by Parcel M240110000100 (LeElla of Wellston); Thence, South along said alleyway to the juncture with West Broadway; Thence, commencing Westerly along West Broadway Street to the intersection with Michigan Avenue at the Northwest corner of the Parcel occupied by 120 West Broadway; Thence, South crossing East 2<sup>nd</sup> Street to the Southwest corner of the parcel occupied by 244 South Michigan Avenue; Thence, Easterly behind parcels occupied by M240210000102 (Fruth Pharmacy), M240210000100 (Piggly Wiggly), M240210000101 (Wellston Fire Department Training Academy), and the entirety of the parcel identified by M240220012500 (owned by City of Wellston); Thence, commencing to the Southern property line occupied by 219 Ohio Avenue; Thence, commencing at the junction of East 3<sup>rd</sup> Street and continuing Easterly to the Southeast corner of the parcel occupied by 229 Pennsylvania Avenue; Thence, Northward to the intersection of East A St at the Northeast corner of the parcel occupied by 21 North Pennsylvania Avenue; and thence, Westerly along East A Street to the point of termination at the public alleyway located in the Northwest corner of the parcel Identified as M240110000100 (LeElla of Wellston). The proposed DORA area is approximately 40.726 acres, as attached hereto and incorporated herein by reference.

**SECTION 2:** All existing land uses within the proposed DORA are in Zones DE, CB, I, and AR, and are currently in accordance with the City's master zoning plan.

**SECTION 3:** The following public health and safety measures will be maintained within the DORA as specified below:

- A. Signage: DORA signs will be mounted on light posts at all boundary intersections.
- B. Staffing: Wellston Police Department Staffing of 2 (two) to 4 (four) sworn officers during DORA planned hours.
- C. Hours of Operation: 11 a.m. to 11 p.m. Monday through Saturday
- D. Sanitation Plan: The City of Wellston has its own sanitation plan. The DORA is contained within the City's franchise district for trash and recycling. As a condition of the agreement, all trash is removed four (4) days a week from the franchise district. This includes all on-street receptacles. The City will include additional on-street trash receptacles as needed. In addition,

the City maintains a team of Code Enforcement laborers, and a Code Enforcement Officer, who is authorized to cite businesses and residences that are not in compliance with the City Code for maintaining a property at all times that is free from trash and debris. In addition, the Street Department holds responsibilities as to monitor the removal of trash in a timely manner. Finally, the City, from time to time, runs a street sweeper through the downtown area, including the DORA. The sweeper is not ran on a schedule, but can be requested to operate additional runs as necessary.

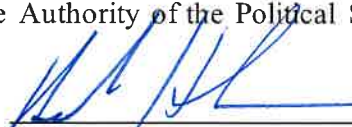
**SECTION 4:** In accordance with Ohio Revised Code Section 4301.82 I(1), City Council shall, five years after the creation of the DORA, review the operation of the area and shall, by ordinance, either approved the continued operation of the area or dissolve the area.

**SECTION 5:** This Resolution is hereby declared to be an emergency, necessary for the immediate preservation of the public peace, health, or safety of the City of Wellston, in that it is necessary to approve this resolution to direct possible funds from the NatureWorks Grant Program. Therefore, this Resolution shall go into effect upon passage and approval by the Mayor, as provided in the Ohio Revised Code Section 731.30.

**SECTION 6:** In the event this Resolution receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, this Resolution shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

**SECTION 7:** It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 15<sup>th</sup> day of August, 2024.

  
Rick Hudson, President of Council

ATTEST  
  
Clerk of the Legislative Authority



Approved this 15<sup>th</sup> day of August, 2024.

  
Anthony Brenner, Mayor

Published in accordance with the law on 8/1/24 and \_\_\_\_\_ and posted \_\_\_\_\_ through \_\_\_\_\_ at The Store, Wellston City Hall, Wellston Senior Citizens' Center, the Wellston Public Library and the Wellston Post Office.

*M. Benning*  
Clerk of Council



Prepared by: Joe Kirby, Attorney at Law