

Village of Carroll Council  
68 Center Street  
Carroll, Ohio 43112

Dear Carroll Village Council,

The Office of the Mayor for the Village of Carroll in Fairfield County, Ohio respectfully submits this application to the Village Council of Carroll, Ohio to approve and establish a Designated Outdoor Refreshment Area (DORA), pursuant to Ohio Revised Code (ORC) 4301.82.

The Office of the Mayor is requesting that Village Council pass a new ordinance, pursuant to Ohio Revised Code 4301.82, to create such Designated Outdoor Refreshment Area (DORA) in Carroll. This proposal will help benefit Carroll businesses, residents, and property owners within the area both culturally and economically.

The Carroll DORA would provide that any person of legal age who is carrying an opened container of beer, wine or intoxicating liquor within the established DORA limits that has been purchased from an establishment within said limit be exempt from Ohio's Open Container Law. These drinks shall only be served in a plastic cup with a sticker approved by the Village. No other container will be permitted.

The Office of the Mayor looks forward to working with Village Council in creating the Carroll DORA. Please let me know if you have any questions about the petition, or if I can be of further assistance as you examine the possibilities of this new and exciting endeavor for the residents and visitors of Carroll.

Sincerely,



Edward J. Drobina, Mayor  
Village of Carroll

**Application to the Village of Carroll Council for the establishment of Designated Outdoor Refreshment Area (DORA), with specific boundaries, within the Village of Carroll, Ohio.**

**Submitted: November 14, 2023**

The Office of the Mayor for the Village of Carroll in Fairfield County, Ohio respectfully submits the following application to the Carroll Village Council to approve and enact a Designated Outdoor Refreshment Area in the Village of Carroll in accordance with ORC 4301.82.

By: Edward J. Drobina, Mayor

## Introduction and Submittal of Application

The Office of the Mayor for the Village of Carroll in Fairfield County, Ohio respectfully submits the application to Village Council of Carroll to approve and establish a Designated Outdoor Refreshment Area (DORA), pursuant to Ohio Revised Code (ORC) 4301.82. The proposed application meets all the state requirements.

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). On March 23, 2022 SB 102 recently changed the rules, Ohio Revised Code 4301.82 states:

The creation of an outdoor refreshment area is limited as follows:

A municipal corporation or township with the population of fifty thousand or less shall not create more than three outdoor refreshment areas. Any such outdoor refreshment area shall include at least two qualified permit holders.

Upon approval by the Legislative Authority, the Designated Outdoor Refreshment Area is created. The Division of Liquor Control is then responsible for issuing permits with the Outdoor Refreshment Area designation on all A-1, A-1-A, A-1e, A-2, A\_2f, or D liquor permit holders, (except a D8 class that holds a C class permit) that are located within the Designated Outdoor Refreshment Area. Any person who is within the DORA and who is carrying an opened container of beer or intoxicating liquor if the container was purchased from an establishment with the Outdoor Refreshment Area designation on their liquor permit is exempt from the Open Container Law.

In order to consider the creation of the DORA, the executive officer of the Village of Carroll must:

1. File an application with the Village Council which meets certain statutory requirements outlined in the Table of Contents.
2. Within forty-five days after the date the application is filed with the Legislative Authority, the Legislative Authority shall publish a public notice of the application once a

week for two consecutive weeks in a newspaper of general circulation in the Municipal Corporation or Township or as provided in Section 7.16 of the Ohio Revised Code. The Legislative Authority shall ensure that the notice states the application is on file in the office of the clerk of the Municipal Corporation 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.

3. Not earlier than 30 but not later than 60 days after the initial publication of the notice, the Legislative Authority must approve or disapprove the application.
  - A. To approve the application, it must pass an ordinance or resolution by an affirmative majority vote.
  - B. If the application is approved, the proposed DORA is created.
  - C. 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 Investigation Unit in the Department of Public Safety.
  - D. If the DORA is disapproved, the executive officer of the Municipality may make changes to secure approval.

## Table of Contents

1. Boundary map of the proposed DORA
2. Population Requirement for DORA
3. Nature and types of establishments
4. Qualified permit holders
5. Land use and zoning
6. Public sanitation
7. Public safety
8. Signage plan
9. Village of Carroll DORA rules of operation
10. Appendix
  - A. Exhibit A: Boundary
  - B. Exhibit B: Official Zoning Map
  - C. Exhibit C: DORA Public Sanitation Plan
  - D. Exhibit D: DORA Public Safety Plan
  - E. Exhibit E: Sign templates
  - F. Exhibit F: Sign Locations

### **1. Boundary Map of Proposed DORA**

In accordance with the ORC 4301.82 (B)(1)(a) and F(1)(a), the boundaries of the DORA are depicted below. The proposed DORA area consists of approximately 5.5 acres; the map of the area can be found in Exhibit A of the Village of Carroll DORA application.

Proposed DORA Boundary:

Beginning at the easterly property line of 69 West Canal Street heading east to the east property line of 89 East Canal Street.

Then heading in the southerly direction to the southern property line of 84 Canal Street.

Then heading in the westerly direction to the south property line of 68 Center Street.

Then heading in the northwesterly direction to the east property line of 75 Center Street.

### **2. Population Requirement**

The Village of Carroll, Ohio has a population of 501 according to the 2020 census. This is less than 50,000 and therefore, in accordance with the ORC 4301.82(B)(1)(b) is eligible for consideration. Regulations also specify that the DORA shall not exceed 150 contiguous acres for communities with less than 50,000 in population. The proposed DORA outlined in this application is approximately 5.5 acres.

### **3. Nature and Types of Establishments**

In accordance with 4301.82(B)(2), the nature and types of establishments located in the DORA are as follows: The DORA is within the bounds of the Village of Carroll Village Center District, Historical Village Single Family Residential District, General Business District, and Community Facilities District. These districts have locally owned business, restaurants, coffee shop, office space, apartments, government offices, and residential homes. The Village of Carroll wishes to encourage travelers to visit the village and enjoy these establishments.

#### **4. Qualified Permit Holders**

In accordance with ORC 4301.82(D)(2), the DORA will encompass not fewer than two qualified permit holders as defined by ORC 4301.82(A)(1) & (2), three of which are identified:

1. Fillin Station, 76 Center Street
2. Shirkey's Pizza Zone, 70 East Canal Street
3. Barrel Bar & Burgers, 83 East Canal Street

Entities that are established in the DORA and actively hold the appropriate permits as outlined in ORC 4301.82(A) will be permitted to participate in the DORA in the future.

#### **5. Land Use and Zoning**

In accordance with 4301.82(B)(4), the land use within the DORA are zoned Village of Carroll Village Center District, Historical Village Single Family Residential District, General Business District, and Community Facilities District. This area is within the goals of the Village of Carroll to increase economic development and revitalization efforts of the downtown area. The establishment of the DORA area lends to the Village of Carroll's goal to strengthen the economic vitality of our small business by focusing on downtown revitalization and community small business support. The creation of the DORA in the Village of Carroll provides an opportunity to support small business in the downtown area and promote the village. This promotion will support the desire to maintain a strong local economy and provide ambience that is attractive to patrons of the downtown village area. The Village of Carroll's current zoning map can be found in Exhibit B.

#### **6. Public Sanitation**

In accordance with ORC 4301.82(B)(5), (F)(I)(e), and (F)(I)(f), a Public Sanitation Plan has been developed to maintain the appearance and public health of the DORA area. (The Public Sanitation Plan can be found in Exhibit C of this application.)

#### **7. Public Safety**

In accordance with ORC 4301.82(B)(5) and (F)(I)(d), a Public Safety Plan was developed to ensure public safety in the DORA. The Public Safety Plan can be found in Exhibit D of this application.

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 ORC 4301.62.
- c. Stay away from sidewalks and crosswalks with the open container that contains an official DORA sticker unless the street is closed for an event.



## **8. Signage Plan**

In accordance with the ORC 4301.82(F)(l)(b), the Village of Carroll administration anticipates a minimum of 12 signs designating the boundaries of the DORA. The location of the signs is shown on Exhibit F.

## **9. Carroll DORA Rules of Operation**

In accordance with ORC 4301.82(F)(l)(c), the hours of operation will be Sunday through Thursday 12:00 PM to 9:00 PM and Friday and Saturday 12:00 PM to 11:00 PM. The applicant request that the Village Council reserve the right to temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

## **10. Official DORA Sticker**

In accordance with ORC 4301.82(F)(l)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows: Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in a plastic cup adorned with the specifically designated sticker approved by the Village of Carroll (Official Sticker). The Official Sticker will be distinctly marked to indicate the seller. No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder.

## **11. Additional Requirements**

In accordance with ORC 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:

- a. The permit holder's premises are located within the DORA; and
- b. The permit held by the permit holder has an outdoor refreshment area designation; and
- c. The open container contains an official DORA sticker.

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