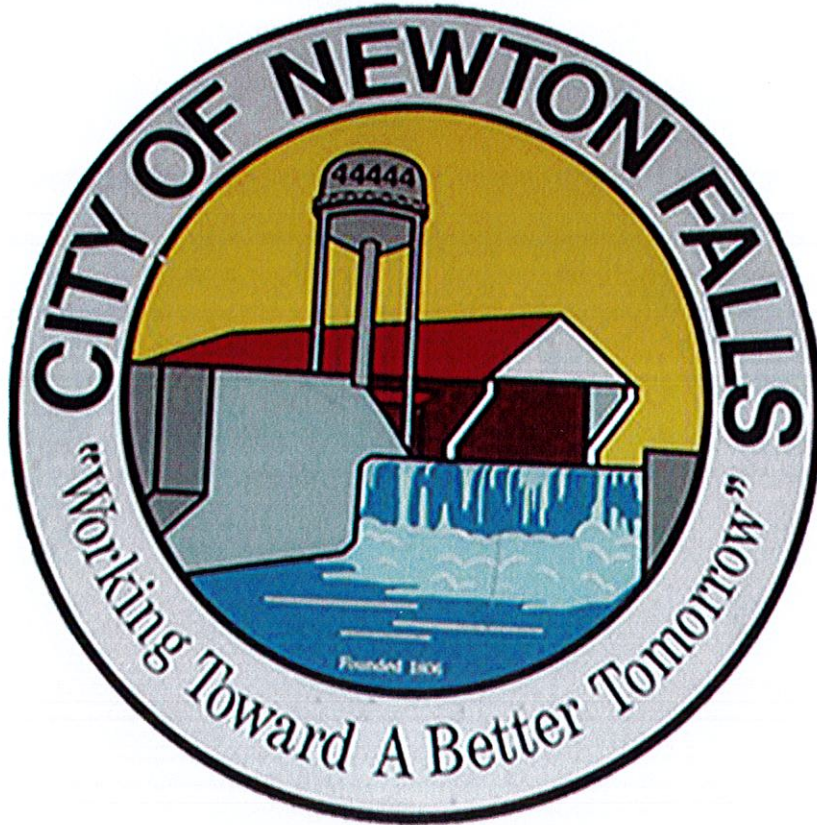


**APPLICATION TO THE CITY OF NEWTON
FALLS COUNCIL
DOWNTOWN NEWTON FALLS
DESIGNATED OUTDOOR REFRESHMENT AREA
ORC 4301.82**



The City Manager and the Chief of Police of the City of Newton Falls, Ohio respectfully submit the following application to City Council of Newton Falls to approve and enact a Designated Outdoor Refreshment Area in Downtown City of Newton Falls in accordance with Ohio Revised Code section 4301.82.

Submitted this ____ day of _____, 2021

I. INTRODUCTION AND SUBMITTAL OF APPLICATION

The City Manager and the Chief of Police of the City of Newton Falls, Ohio respectfully submit the following application to Village Council of Newton Falls, Ohio to approve and establish a Designated Outdoor Refreshment Area (hereinafter "DORA"), pursuant to Ohio Revised Code ("ORC") 4301.8 2. The proposed application meets all the state requirements.

Effective _____ Section 430 1.8 2 of the Ohio Revised Code authorizes municipalities under 35, 000 in population to create Designated Outdoor Refreshment Areas or "DORA". A DORA is an area, hereto 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 municipality must file an application with Village Council which meets certain statutory requirements outlined below. Within forty-five days after the date the application is filed with the legislative authority of the City, the legislative authority shall publish public notice of the application in one newspaper of general circulation in the municipal corporation. 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 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 to be held regarding the application by the legislative authority. Not earlier than thirty but not later than sixty days after the initial publication of notice, the legislative authority shall approve or disapprove the application by either ordinance or resolution, as applicable.

Background: The City of Newton Falls, Ohio Chamber of Commerce Tom Colosimo addressed the City of Newton Falls Council, and the Planning and Zoning Committee on October 4, 2021, proposing the creation of a DORA in Downtown City of Newton Falls, Ohio. The creation of a DORA will provide additional economic enhancement for attracting patrons to Downtown City of Newton Falls, Ohio and highlight the area as a destination for dining and entertainment. The City of Newton Falls, Ohio surveyed other DORA communities across the State of Ohio to obtain feedback on their experiences with a DORA. The survey results and community engagement expressed general support for the concept to pursue the creation of DORA.

The purpose of this application is to request that the Village Council create and approve a Designated Outdoor Refreshment Area (DORA) in the City of Newton Falls, Ohio. The application includes the following sections:

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

II. BOUNDARY MAP OF THE PROPOSED DORA

In accordance with ORC 4301.82(B)(1)(b), the boundaries of the DORA are depicted in the map provided in Exhibit A. The map includes a list of the establishments that have the required Class A and D liquor permits within the area. Currently, four (4) establishments have been identified that qualify to be included in the DORA. The proposed DORA boundary encompasses 3.50 acres which is below the requirements of the area being 150 acres or less. The following is the list of the street addresses of the real property included within the specific boundaries of the DORA.

Street Name	Address Range	Odd/Even
West Broad St	8 – 44	Even
West Broad St	7 – 115	Odd
North Canal St	20	Even
South Canal St	25	Odd

III. NATURE AND TYPES OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be within or adjacent to the DORA are primarily businesses in the retail, restaurant, entertainment, and service sectors. Within the DORA, the majority of the buildings have businesses consisting of retail, restaurants and commercial services on their first floor. The upper-level floors have a mix of office space and residential units.

Examples of the retail, restaurant, service, and institutional establishments located in the DORA:

BUSINESS

RETAIL, FOOD and DRINK LOCATION

Brian Jewelers	14 W Broad St
Domino's Pizza	8 W Broad St
Church Mouse Thrift Shop	26 ½ W Broad St
Mi Amigos Mexican Restaurant	11 W Broad St
Joseph's Discount Gifts	29 W Broad St
Faces Lounge	13 W Broad St
Broad Street Vintage	32 W Broad St
The Covered Bridge Inn	22 W Broad St
Benson's BS & Collectibles	34 W Broad St
B Squared Coffee	31 W Broad St
Fieldview Acres Mercantile	36 W Broad St
AMVETS 112	37 W Broad St
Healthy Treasures	40 W Broad St
Pizza Hut	115 W Broad St
Handel Vision Center	115 W Broad St
McDonald's	20 W Canal St
Rite Aid	325 W Broad St

BUSINESS**SERVICES/FINANCIAL LOCATION**

Mayflower Wollam Insurance Group	7 W Broad St
Platinum Dance Company	10 W Broad St
University Hospital	41 W Broad St
Masonic Lodge #462	12 W Broad St
University Hospital	43 W Broad St
Chic	23 ½ W Broad St
ASECU	25 S Canal St
Ed's Barber Shop	28 W Broad St
Pins & Needles	44 W Broad St

Residential housing within the DORA is limited and consists primarily of apartments over commercial establishments within the Central Business District. There are a limited number of single - family residential units along the periphery or adjacent to the DORA.

IV QUALIFIED PERMIT HOLDERS

In accordance with ORC 4301.82(8)(3), the DORA will encompass not fewer than four qualified permit holders as defined by ORC § 43 01. 82 (A). The City of Newton Falls has identified 4 qualified permit holders that will likely be included in the DORA, which are identified as follows:

Permit No.	Permit Holder	DBA	Address	Permit Class
7036355	Maricela Posadas	Mi Amigo Mexican Restaurant	11 W. Broad	D1, D2, D3, D6
276785	NHOA INC	Covered Bridge Inn	22 W. Broad	D1, D2
018025301122	AMVETS POST0122	AMVETS	35-37 W. Broad	D4, D6
2610938-0005	FACES LOUNGE INC	FACES	11-13 W. Broad	D5, D6

V. LAND USE AND ZONING

In accordance with ORC 4301.82(B)(4), the land uses within the DORA are zoned Central Business District (CBD) is in accordance with The City of Newton Falls Comprehensive Plan as provided for in **Exhibit B**.

The City of Newton Falls, Ohio Comprehensive Plan designates the CBD as the Downtown District with the primary focus to preserve and enrich Downtown City of Newton Falls, Ohio. This designation's objective is to maintain, enhance, and grow the Downtown District as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts, and entertainment uses. The Downtown District maintains an urban, pedestrian focused environment through building and streetscape.

The 2014 City of Newton Falls, Ohio plan identifies key initiatives to maintain and enhance the special character of City of Newton Falls, Ohio downtown and riverfront corridor, protect its sense of place, encourage investments, and create a dynamic commercial and recreational district by attracting residents and visitors to enjoy downtown by creating additional programs to enhance local businesses and existing events. The properties within the proposed DORA are located within the Central Business District which exemplifies the mixed-use development pattern within Downtown City of Newton Falls, Ohio.

The creation of a DORA in downtown City of Newton Falls, Ohio aligns with the City's Comprehensive Plan and objective to define this area as a popular destination for dining and entertainment within the City of Newton Falls. The DORA is focused on or around the Central Business District, wherein restaurants, bars, taverns, brew, pubs, and microbreweries are permitted uses and may operate under the current regulations.

VI. SAFETY PLAN

In accordance with ORC § 430 I. 82(B)(5) and (F)(l)(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, and enforcement of downtown parking regulations, can be executed with existing staff per Exhibit C.

VII. PUBLIC HEALTH & SANITATION PLAN

In accordance with ORC § 4301.8 2 (8)(5), (F)(l)(e), and (F)(l)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy is attached hereto as **Exhibit E**. The Sanitation Plan can be executed with existing staff.

VI. SIGNAGE PLAN

In accordance with the ORC § 4301.82 (F)(l)(b), a minimum of twenty-two (22) (eleven (11) entering and eleven (11) exiting the DORA) signs will be displayed throughout the boundary of the DORA as depicted on attached **Exhibit D**. Boundary signs will be located at street intersections along the boundary of the DORA. The location and spacing of the signs are shown on attached **Exhibit E**.

Each 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 attached **Exhibit D**.

VII. RULES OF OPERATION

a. Hours of Operation

In accordance with ORC § 4301.82(F)(1)(c), the hours of operation for the DORA will be Friday and Saturday from 12:00 p.m. (noon) to 2:00 a.m. and Sunday through Thursday from 12:00 p.m. (noon) to 11:00 p.m.

The applicant requests that City 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. ie. Fourth of July.

b. Official DORA Cup

In accordance with ORC § 4301.82(F)(1)(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 the specifically designated plastic cup approved by the City (the "Official Cup"). The Official Cup will be clear plastic and distinctly marked, as on attached **Exhibit D**. No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder.

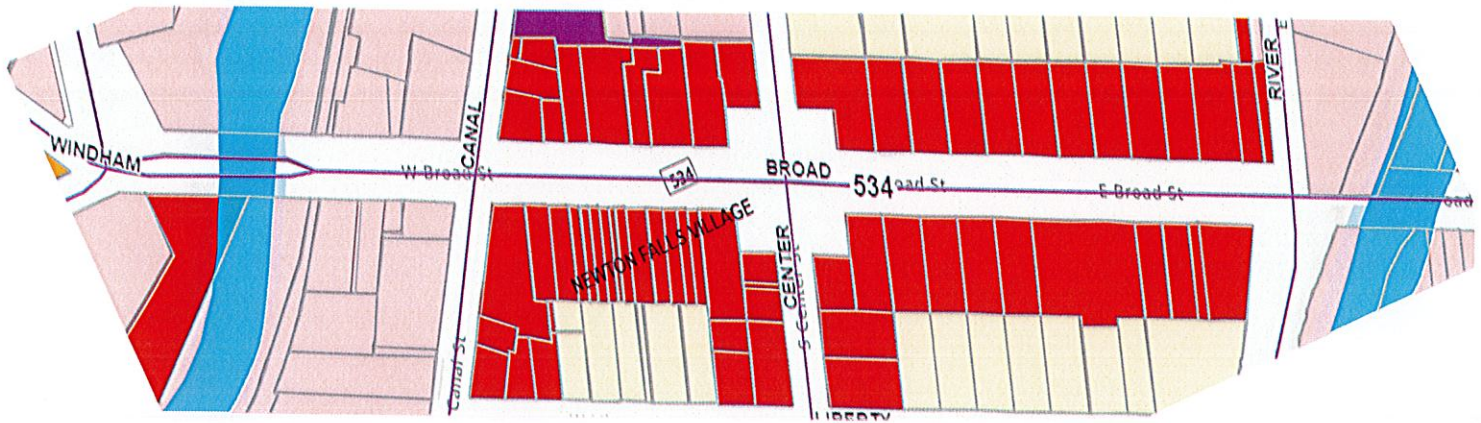
C. Additional Requirements

In accordance with ORC § 4301.82(B)(5), and in conjunction with other rules, standards and requirements set forth in this application, as well as additional rules and requirements for the purposes of ensuring public safety and health within the DORA are as follows:

DORA Boundary Map



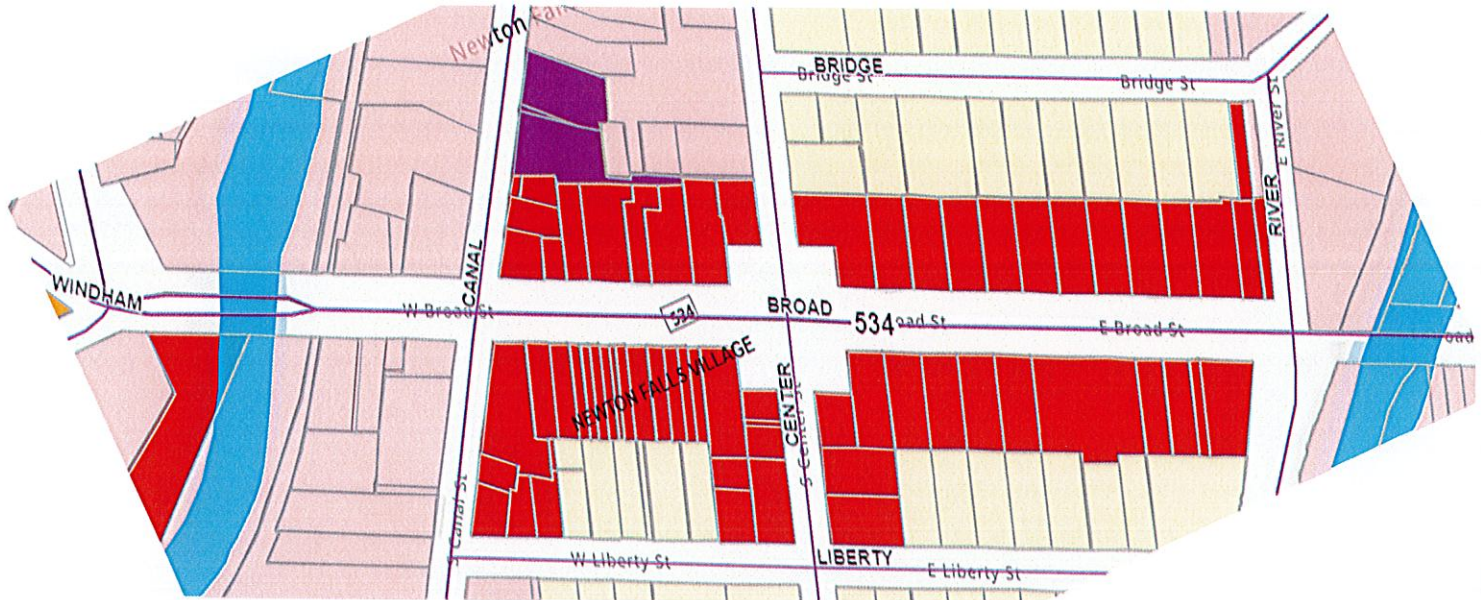
EXHIBIT B: OFFICIAL ZONING MAP OF DORA



Zoning Ordinance 2019-23

-  RESIDENTIAL R-1
-  RESIDENTIAL R-2
-  RESIDENTIAL MULTI-FAMILY RMF
-  COMMERCIAL C
-  CENTRAL BUSINESS DISTRICT CBD
-  INDUSTRIAL 1
-  INSTITUTIONAL
-  MIXED USE

EXHIBIT B NEWTON FALLS PLAN DOWNTOWN LAND USE



Zoning Ordinance 2019-23

-  RESIDENTIAL R-1
-  RESIDENTIAL R-2
-  RESIDENTIAL MULTI-FAMILY RMF
-  COMMERCIAL C
-  CENTRAL BUSINESS DISTRICT CBD
-  INDUSTRIAL 1
-  INSTITUTIONAL
-  MIXED USE

I. 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 following applies:

The permit holder's premise is located within the DORA; and

The permit held by the permit holder has an outdoor refreshment area designation; and

The open container consists of an official DORA cup.

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 ORC § 4301.62.

EXHIBIT C

In accordance with ORC 4301.8 2(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

The Newton Falls Police Department, Newton Falls Joint Fire District and EMS District will be responsible for providing public safety within the DORA through law enforcement and Fire/EMS services.

Law Enforcement Responsibilities

The Newton Falls Police Department will be responsible for providing law enforcement services within the DORA. The Police Department Headquarters is located just outside the DORA boundary on Canal Street. Patrol officers will monitor the DORA area during routine patrols. The safety plan will be analyzed and adjusted as needed.

In the event that an above-average number of people are in the DORA, the Police Chief may assign additional officers and/or assign an officer to specifically patrol the DORA. The use of foot patrol, patrol will be considered as an alternate method of patrolling 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 Newton Falls Joint Fire/EMS District will be responsible for providing Fire, Rescue, and EMS within the DORA. The Fire and EMS facilities are currently located within the DORA boundary. Estimated response time would be at max between two and three minutes to any area within the DORA.

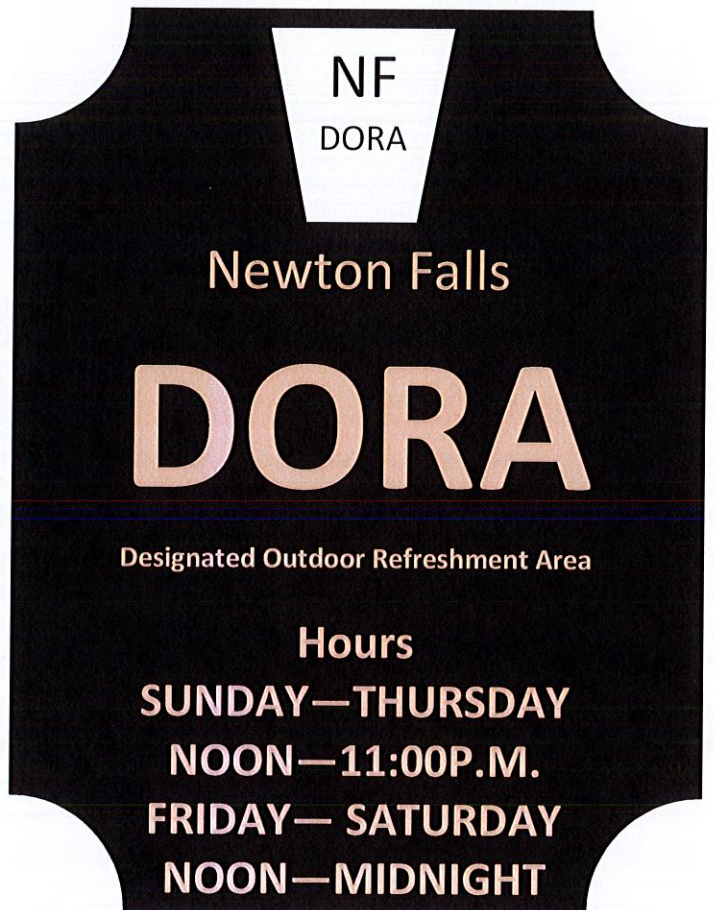
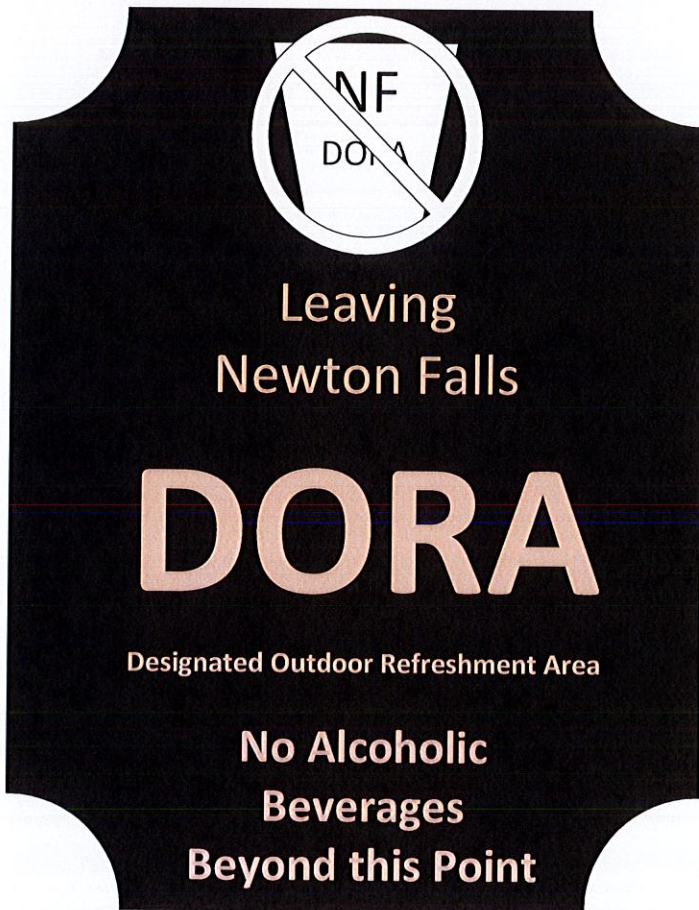
For planned events in the DORA that may draw larger than normal attendance, the Fire/EMS Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

EXHIBIT D

Downtown Merchant Door Signs



Proposed Boundary Signage



Downtown Public Parking Map

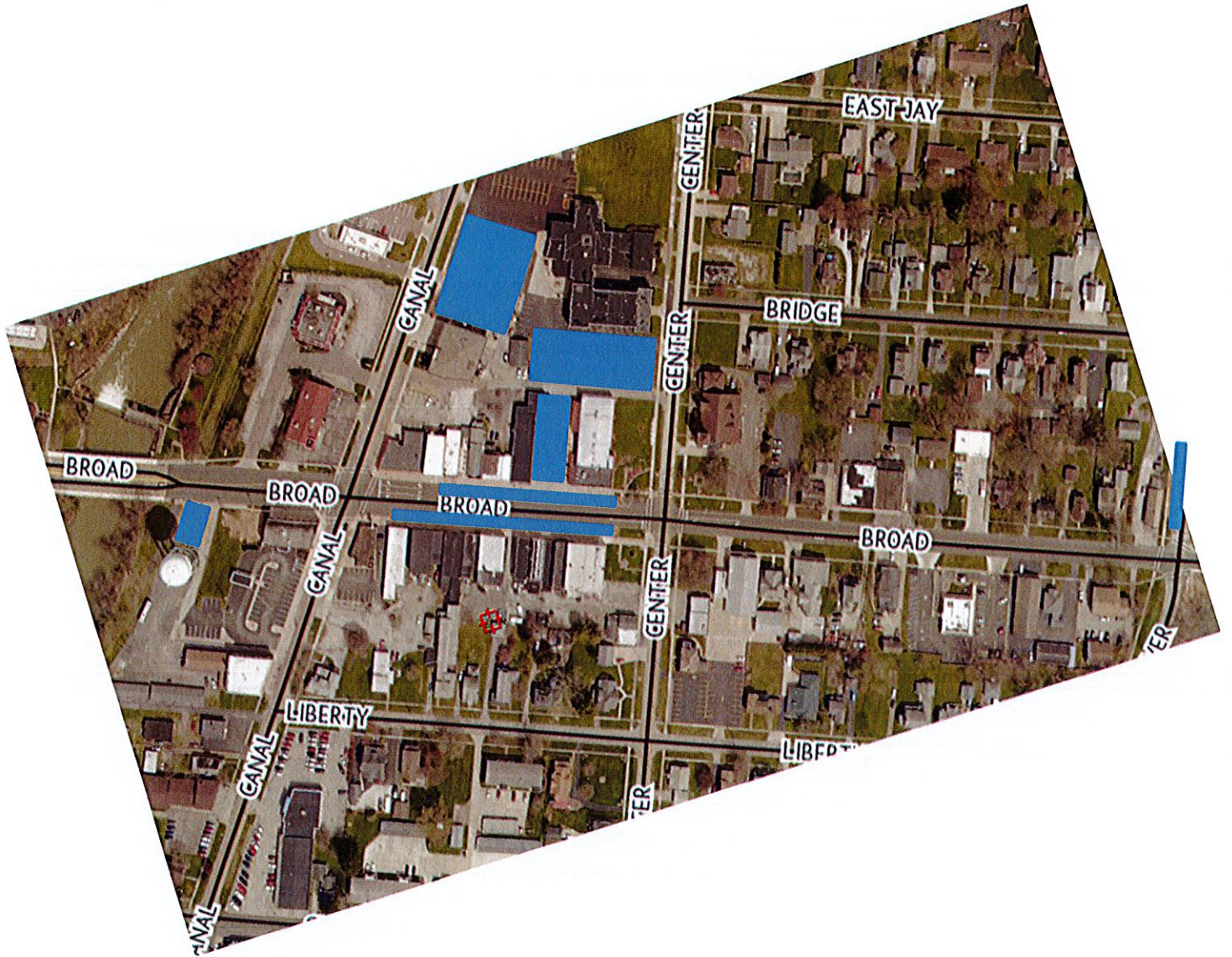


EXHIBIT E

In accordance with ORC 4301.82(8)(5), the proposed requirements for the purpose of ensuring public health within the Designated Outdoor Refreshment Area (DORA) are as follows:



SIGNAGE & SANITATION PLAN

Village of Newton Falls Street Department personnel will be responsible for maintaining the appearance and public health within the DORA through street sweeping, routine maintenance and signage placement.

Exhibit E shows that there are currently seven (7) permanent trash receptacles DORA signage in the locations (shown in brown) placed throughout and along the DORA boundary serviced once per week. The City is proposing the installation of an additional six (6) trash receptacles with DORA signage in the locations indicated in Newton Falls and increasing servicing of the receptacles to twice per week (Mondays and Fridays). There will not be an increased service, trash receptacles will be provided by Ohio Valley Services.

The city is proposing the installation of eighteen signs on the eleven proposed trash receptacles (shown in green) along the perimeter of the DORA to mark the boundaries (shown in red). The Street Department, coordinate the installation of additional signage if needed.

Existing and Proposed Trash Receptacles and Relation to DORA Boundary

-  Trash cans with proposed signage (11)
-  Trash cans without Signage (7)

DORA Boundaries (4.80 Acres)

