

INTRODUCTION AND SUBMITTAL OF APPLICATION

Section 4301.82 of the Ohio Revised Code (ORC) authorizes, effective April 30, 2017, municipalities under 35,000 in population to create a Designated Outdoor Refreshment Area or "DORA." To consider the creation of DORA, the Executive Officer of the City of Upper Sandusky must file an application with the Upper Sandusky City Council (City Council), which meets certain statutory requirements, the application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, the City Council may approve or disapprove of the application by ordinance or resolution.

The DORA Committee, as well as local downtown businesses, have expressed general support for the concept and indicated by its discussion a desire for this application to be prepared as the next step in considering enactment of a DORA. Therefore, the following application is being respectfully submitted to the City Council for their consideration.

EXHIBIT A

Designated Outdoor Refreshment Area Boundaries

In accordance with ORC 4301.82(B)(1)(b), the boundaries of the DORA are depicted on the following maps and described as follows. A list of the street addresses within the DORA are also attached.

The proposed boundary is outlined in both maps and encompasses 22.72 acres. The proposed boundary extends between Seventh Street on the west, 224 & 225 N. Sandusky Street on the north, Third Street on the east, and 125 Hicks Street on the South. A more accurate map of the DORA area is attached below.

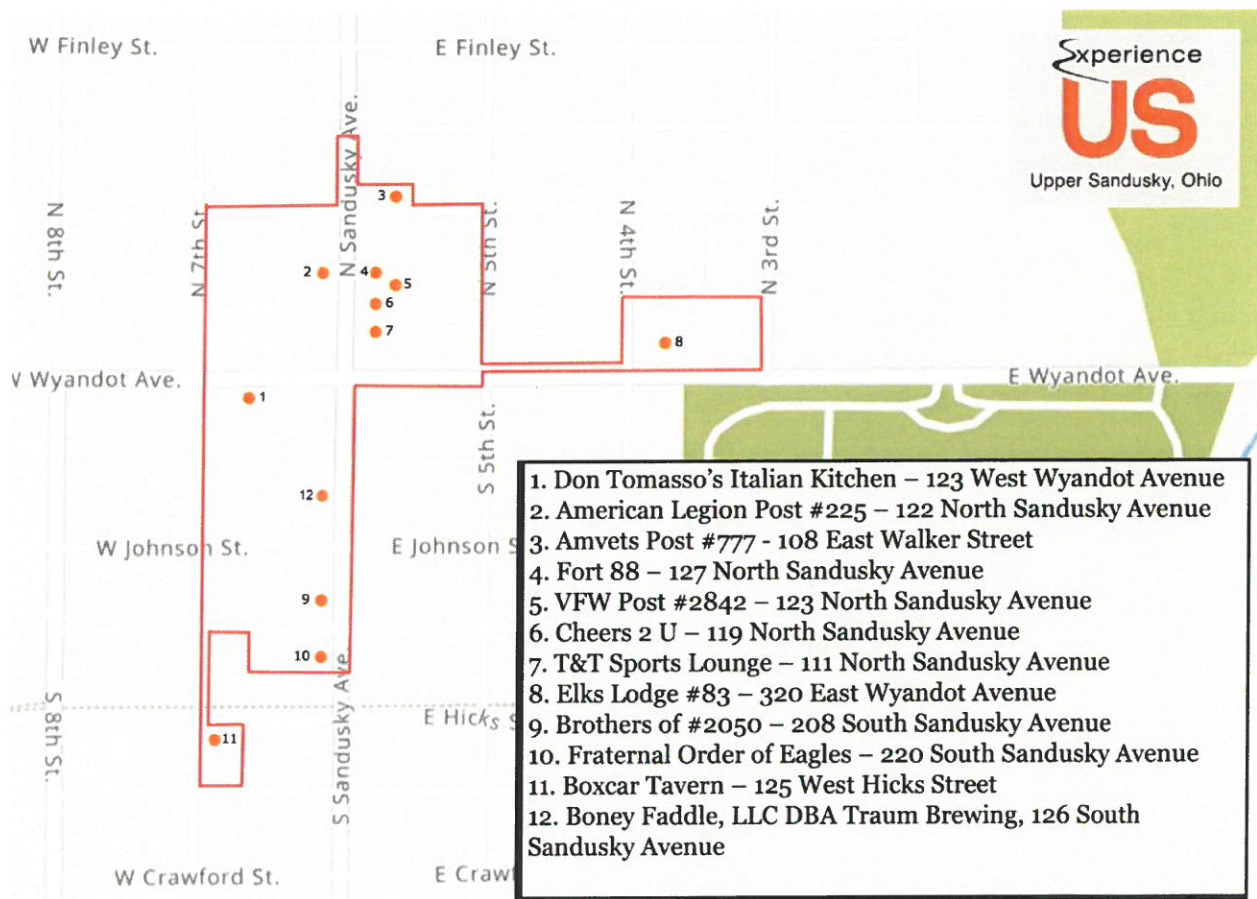




EXHIBIT B

QUALIFIED PERMIT HOLDERS

In accordance with RC 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders as defined by RC 4301.82(A), each of which are further identified as follows:

Permit Holder	Address	Classes	Permit Number
American Legion Post # 225	122 N. Sandusky Ave.	D4	0090395-0225
Amvets Post #777	108 E. Walker Street	D4, D6	0180253-07775
Boxcar Tavern	125 W. Hicks Street	D1-D3; D3A	0890340
Brothers of 2050	208 S. Sandusky Ave.	D5	0977976
Cheers 2 U	119 N. Sandusky Ave.	D5, D6	8910699
Don Tomasso's Italian Kitchen	123 W. Wyandot Ave.	D5	2259460-0005
Elk Lodge #83	320 E. Wyandot Ave.	D5, D6	089840100836
Fort 88	127 N. Sandusky Ave.	D1-D6	9175457
Fraternal Order of Eagles	220 S. Sandusky Ave.	D4	2794011-2184
T&T Sports Lounge	111 N. Sandusky Ave.	D5	8774193
Boney Faddle, LLC DBA Traum Brewing	126 S. Sandusky Ave.	A-1A A-1C	0820053
VFW Post #2842	123 N. Sandusky Ave.	D4	9262355-2842

EXHIBIT D

Hours of Operation for the DORA

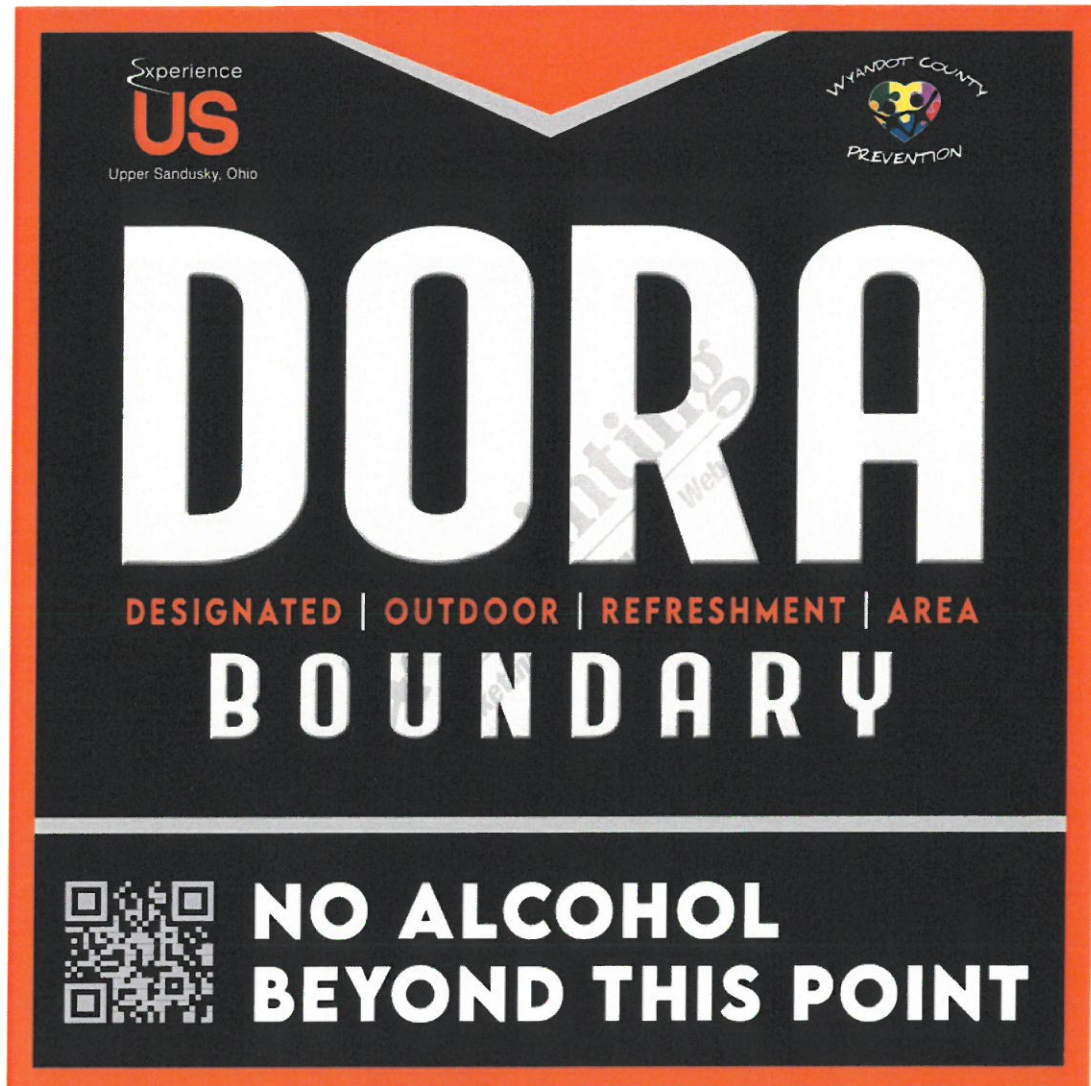
In accordance with ORC §4301.82 (F)(1)(c), the hours of operation for the DORA will be: Sunday through Saturday, seven days per week, 12:00 p.m. to 11:00 p.m.

Upper Sandusky City Council reserves the right to temporarily suspend DORA operations for a period of up to seven (7) days in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

EXHIBIT E: SIGNAGE

In accordance with the ORC §4301.82 F(1)(b), there will be approximately fifty (50) signs designating the boundary of the DORA. The signs will be mounted and located at all street and alley intersections and other appropriate places along the boundary of the DORA. The content and style of the signage shall contain an identification of the DORA and a prohibition of alcohol outside of the DORA.

These signs shall be visible to the public, with the content and style of this signage being similar to the following:



Example of signage to be placed at each business within the DORA Boundaries:



EXHIBIT F

City of Upper Sandusky DORA Safety Plan

The Safety Plan will help maintain public safety within the DORA and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner.

Current Public Safety personnel are adequate to maintain public safety within the DORA district. The City of Upper Sandusky Police Department (USPD) currently provides 24-hour patrol coverage to the City of Upper Sandusky, which will enable it to maintain public safety within in the DORA.

During pre-planned or known special events that will increase the activity in the DORA area the USPD will seek organizations involved with the events to help supplement the manning needed to effectively police the DORA area. USPD may seek payment from such organizations for extra duty officer(s) as needed. The officer(s) primary responsibility would be where the DORA is located. All supervisors or OIC's (Officer's in Charge) have the flexibility to call in additional manning for emergency situations or if large crowds start to get out of control.

Beginning with the commencement of the DORA and continuing for a period of one (1) time per year, the Safety Committee shall meet to review the Safety Plan herein. The purpose of this meeting will be to determine whether updates, modifications or supplementation may be advisable or required, and in said event, such changes shall be presented to Council for consideration and implementation.

Safety Committee shall meet and review the Safety Plan as needed for any special events within the DORA or as other circumstances may require or arise.

Safety Committee has determined that the Safety Plan described herein is sufficient to maintain public safety within the DORA. This Safety Plan can be executed with the existing personnel of the City of Upper Sandusky.

EXHIBIT G

City of Upper Sandusky DORA Sanitation Plan

The Sanitation Plan that will help maintain the appearance and public health of the DORA, and the number of personnel needed to execute the Sanitation plan is as follows:

There are currently trash receptacles located in the proposed outdoor refreshment area. Additional recycling receptacles will be located in the proposed outdoor refreshment area.

The trash and recycling receptacles will be serviced by the City on a regular schedule. Additional collections will be done on an as needed basis and will be serviced by the City's refuse collection contractor. The Street Department and its employees will monitor the receptacles and coordinate additional collections, if needed.

Trash and recycling receptacles may be moved, and additional trash and recycling receptacles may be added within the DORA in the discretion of the Street Department. Upon approval of the Street Department, additional receptacles may be added by the City or any qualified permit holder, and the servicing of such receptacles shall remain the responsibility of the installing entity.

Each qualified permit holder located with the DORA shall be responsible for the collection of litter near or around the premises occupied by the permit holder.

The Street Department shall evaluate the need and frequency of street sweeping and servicing trash and recycling receptacles, and, if needed or advisable, implement changes or modifications to the sanitation plan from the commencement of the DORA until the dissolution of the DORA.

The Street Department has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the DORA. This Sanitation Plan can be executed with the existing personnel of the City of Upper Sandusky.

EXHIBIT H

OFFICIAL DORA CUP

In accordance with RC 4301.82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

- a) Beer, wine, and intoxicating liquor shall be served and consumed in the DORA only in the specifically designated cup produced and provided by each participating license holder. (the "Official Cup"). No other container will be permitted. All DORA beverages must be served in a new, unused, Official Cup. Only one (1) Official Cup per person will be permitted in the DORA. Used Official Cups must be disposed of before entering any establishment in the DORA. Official Cups shall hold no more than sixteen (16) fluid ounces and shall be composed of plastic.

EXHIBIT I

ADDITIONAL RULES AND REQUIREMENTS

In accordance with RC 4301.82(B)(5), and in conjunction with all other rules, standards, and requirements set forth in this Application, additional rules and requirements for the purpose of ensuring public health and safety within the DORA are as follows:

- a) A person may have in the person's possession one open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the opened container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:
 - i. The permit holder's premises is located within the DORA; and
 - ii. The permit held by the permit holder has an outdoor refreshment area designation.
- b) No person shall do any of the following:
 - i. Enter the premises of an establishment within the DORA while possessing an opened container of beer, wine, or intoxicating liquor acquired elsewhere; or
 - ii. Possess an opened container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA.
- c) Beer, wine, and intoxicating liquor may be served and consumed only in/from the Official Cup in the DORA. Official Cups are to be used for one (1) beverage only and may not be reused by individuals or qualified permit holders.
- d) In addition to all other applicable standards and penalties, any person that violates the rules and requirements of the DORA is guilty of a minor misdemeanor punishable pursuant to law.
- e) In addition to all other rights and remedies pursuant to law, noncompliance by any qualified permit holder with any rule, standard, or requirement set forth in this Application shall constitute a failure to satisfy the public health and safety requirements of the DORA, and shall constitute adequate grounds for Upper Sandusky City Council to request the Ohio Department of Commerce, Division of Liquor Control, to revoke or otherwise fail to renew the outdoor refreshment area designation issued to such permit holder pursuant to RC 4301.82(E).

- f) If any provision of this Application is judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of the provisions.