

ORDINANCE NO. 20-2017

Amending Section 529.07 of the Codified Ordinances of the City to Limit Opened Containers in the Designated Outdoor Refreshment Area to Locations as Authorized by the Permit Holder during Outdoor Dining Activities.

WHEREAS, City Council has approved the creation of a designated outdoor refreshment area (“DORA”) for Downtown Worthington pursuant to Ohio Revised Code §4301.82; and,

WHEREAS, the DORA is authorized for special events within the downtown area and is intended to enhance the experience of patrons of the restaurants who choose outdoor dining offered by those businesses; and,

WHEREAS, while the ORC generally permits opened containers within a DORA, the City’s approval of the Downtown Worthington DORA limits patrons of establishments offering outdoor dining to remain within the area immediately adjacent to such establishment with their permitted beverages; and,

WHEREAS, in order to implement and enforce this limitation, an amendment to the open container provisions of the Codified Ordinances is necessary.

NOW, THEREFORE BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 529.07(c)(7) of the Codified Ordinances of the City of Worthington be and hereby are amended to read as follows:

529.07 OPEN CONTAINER PROHIBITED.

(c)(7) A. Except as provided in subsection (c)(7)(C) hereof, a person may have in the person’s possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under Ohio R.C. 4301.82, if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

1. The permit holder’s premises is located within the outdoor refreshment area.
2. The permit held by the permit holder has an outdoor refreshment area designation.

B. Subsection (c)(7) of this section does not authorize a person to do either of the following:

1. Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;
2. Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under subsection (d) or (e) of this section.

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C. Subsection (c)(7) of this section does not authorize a person to have in the person's possession an opened container of beer or intoxicating liquor purchased from a permit holder that has an outdoor refreshment area designation in an outdoor location except as allowed by that permit holder pursuant to and in accordance with the authority granted by the City and as specified by signage posted at the permit holder's premises.

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed June 19, 2017

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council

Introduced June 5, 2017
P.H. June 19, 2017
Effective July 12, 2017