

ORDINANCE NO. 16-2021

Amending Section 529.07(c)(7) of the Worthington Codified Ordinances to Be Consistent with State Law Regarding Opened Containers of Beer and Intoxicating Liquor Within the Designated Outdoor Refreshment Area

WHEREAS, City Council approved the creation of a designated outdoor refreshment area (“DORA”) for Downtown Worthington with the passage of Resolution 30-2017. This Resolution was passed pursuant to Ohio Revised Code §4301.82; and,

WHEREAS, pursuant to Resolution 30-2017, the DORA was only authorized for special events within the downtown area and was intended to enhance the experience of patrons of the restaurants who choose outdoor dining offered by those businesses; and,

WHEREAS, while the Ohio Revised Code generally permits opened containers of beer or intoxicating liquor within the boundaries of the DORA, the City’s approval of the Downtown Worthington DORA in 2017 limited open containers to the area immediately adjacent to the establishment where the beer or intoxicating liquor was purchased; and,

WHEREAS, staff is recommending that City Council amend Section 529.07(c)(7) of the Codified Ordinances to be consistent with state law to permit open containers within the boundaries of the DORA as long as the beer or intoxicating liquor was purchased from an establishment located within the DORA.

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

SECTION 1. That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Codified Ordinances of the City of Worthington that is being amended.

SECTION 2. That subsection (c)(7) of Section 529.07 of the Codified Ordinances of the City of Worthington is hereby amended to read as follows:

529.07 OPEN CONTAINER PROHIBITED.

(c)(7)A. 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 an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class 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.

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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.

C. As used in division (C)(7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.

SECTION 3. 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 7, 2021

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ Ethan Charles Barnhardt
Acting Clerk of Council

Introduced April 19, 2021
P.H. May 3, 2021
Tabled
P.H. June 7, 2021
Effective June 30, 2021