

Ordinance No. 557-2026

By Mayor Bibb

AN EMERGENCY ORDINANCE

Creating a designated outdoor refreshment area and establishing requirements to ensure public health and safety within such area; and declaring the same to be an emergency.

WHEREAS, Playhouse Square Foundation (the “Applicant”) has submitted an application (the “Application”) to the City of Cleveland Mayor and the Director of Public Safety for approval of a Designated Outdoor Refreshment Area (a “DORA”) in the Theatre District of the City (the “Playhouse Square DORA”); and

WHEREAS, Mayor Bibb submitted the Application with Cleveland City Council on April 27, 2026, a copy of which is on file with the Clerk of Council, seeking legislative approval of the Playhouse Square DORA; and

WHEREAS, the Application meets all requirements under Section 4301.82 of the Ohio Revised Code (“RC 4301.82”) and Chapter 699B of the Codified Ordinances of the City of Cleveland, Ohio, 1976 (“Chapter 699B”), and includes the specific boundaries of the Playhouse Square DORA, including street addresses; the number, spacing and type of signage designating the DORA; the hours of operation for the DORA; the number of personnel needed to ensure public safety in the DORA; a sanitation plan that will help maintain the appearance and public health of the DORA; the number of personnel needed to execute the sanitation plan; and a requirement that beer and intoxicating liquor be served only in provided plastic containers; and

WHEREAS, a copy of the Application is placed in File No. 557-2026-A ; and

WHEREAS, under RC 4301.82 and Chapter 699B, within forty-five (45) days after receipt of the Application and prior to the adoption of an ordinance thereon, City Council published notice of the filing of the Application and of the proposed ordinance once a week for two (2) consecutive weeks in one (1) or more newspapers of general circulation in the City of Cleveland, with such notice including the date and time of any public hearing thereon; and

WHEREAS, the Application was on file in the office of the Clerk of Cleveland City Council and was available for inspection during regular business hours; and

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, based upon the information and data contained in the above-mentioned file and after complying with the notice and public hearing requirements, this Council approves the Application as having met the requirements of RC 4301.82 and Chapter 699B, and approves the establishment of the Playhouse Square DORA.

Section 2. That, the Playhouse Square DORA designation shall be for a period of three (3) years, after which the Applicant may re-apply. One (1) year after the date of creation of the DORA, Council shall review the operation of it and shall, by ordinance or resolution, either approve its continued operation or dissolve the area. Such review shall be repeated each year after each subsequent approval of the Playhouse Square DORA, in the same manner. Prior to adopting any such ordinance or resolution, Council shall give notice of its proposed action by publication once a week for two (2) consecutive weeks in one (1) newspaper of general circulation in the City of Cleveland, or as otherwise provided in Revised Code Section 7.16. Council reserves the right, pursuant to state law, to dissolve all or part of the DORA at any time, subject to notice requirements.

Section 3. That there is hereby established a Playhouse Square DORA Committee (the "Playhouse DORA Committee"), which will be comprised of three individuals appointed by Playhouse Square Foundation. The Playhouse DORA Committee shall be responsible for oversight of the Playhouse Square DORA and shall have the right to determine the exact days and hours of operation compliant with Ohio law, to expand, reduce, or restrict the DORA's hours of operation and premises boundaries at any time, and to set further rules for the operation of the DORA. The Playhouse DORA Committee may promulgate its own internal rules of procedure and review. The Playhouse DORA Committee shall provide notice to the Cleveland Police

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Department, Ohio Department of Public Safety, and Ohio Division of Liquor Control, prior to any “major activation” of the Playhouse Square DORA, which shall mean any use of the areas not identified in the DORA Map as being within the “Base Area.”

Section 4. That the qualified permit holders of the Playhouse Square DORA are prohibited from installing, operating or causing to be installed or operated any outside sound amplifying device without first obtaining a permit.

Section 5. That the Applicant shall indemnify the City and provide one million dollars (\$1,000,000) of liability and property damage insurance which includes the City of Cleveland as an additional insured and loss payee, respectively.

Section 6. That the Applicant and the various departments of the City shall report on the liquor violations and operations of the Playhouse Square DORA to City Council, as requested, to assist Council in its annual review of the Playhouse Square DORA in accordance with Chapter 699B.

Section 7. That the Clerk of Council is instructed to forward a copy of this ordinance to the Ohio Division of Liquor Control and to the Investigative Unit of the Ohio Department of Public Safety, all in accordance with RC 4301.82(C) and (F)(3) and Chapter 699B.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

MC:nl
4-27-26

FOR: Mayor Bibb

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[File No. 557-2026A]

By Mayor Bibb

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READ FIRST TIME on APRIL 27, 2026 **REPORTS**
and referred to DIRECTORS Public Safety, City Planning Commission, Finance, Law;
COMMITTEES on Safety, Development, Planning & Sustainability,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

**REPORT
after second Reading**

PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

FILED WITH COMMITTEE _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE _____

