

Ordinance No. 404-2023 AS AMENDED

By Mayor Bibb

AN EMERGENCY ORDINANCE

Approving the application of ADAPPJR, LLC to establish a Designated Outdoor Refreshment Area on East 4th Street in the City of Cleveland; and establishing requirements to ensure public safety within such area.

WHEREAS, ADAPPJR, LLC (the "Applicant") has submitted an application dated March 28, 2023, to the Mayor and the Director of Public Safety (the "Application") for approval of a Designated Outdoor Refreshment Area (a "DORA") on East 4th Street in the City (the "East 4th Street 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 East 4th Street 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 cups; and

WHEREAS, Mayor Bibb has recommended approval of the East 4th Street DORA Application; and

WHEREAS, a copy of the Application is placed in File No. 404-2023-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 is required to publish 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 municipal corporation, with such notice to include the date and time of any public hearing thereon; and

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:

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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 East 4th Street DORA Application as having met the requirements of RC 4301.82 and Chapter 699B, and approves the establishment of the East 4th Street DORA.

Section 2. That the East 4th Street DORA shall be operated as set forth in the Application.

Section 3. That the qualified permit holders of the East 4th Street DORA are prohibited from installing, operating or causing to be installed or operated any outside sound amplifying device without first obtaining a permit.

Section 4. That the ~~applicant~~ 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 5. That the Applicant and the various departments of the City shall report on the liquor violations and operations of the East 4th Street DORA to City Council, as requested, to assist Council in its annual review of the East 4th Street DORA in accordance with Chapter 699B.

Section 56. 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 67. 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
4-3-23
FOR: Mayor Bibb

Ord. No. 404-2023 AS AMENDED

**REPORT
after second Reading**

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READ FIRST TIME **REPORTS**

and referred to _____

by the council _____

CITY CLERK

READ SECOND TIME

by the council _____

CITY CLERK

READ THIRD TIME

by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR