

DESIGNATED OUTDOOR REFRESHMENT AREAS (aka “DORA’s”)

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What is a DORA?

Per [R.C. 4301.82](#), a Designated Outdoor Refreshment Area or “DORA” (aka Outdoor Refreshment Area or “ORA”) is nothing more than a specified area of land that a local legislative authority has designated as exempt from certain open container provisions as defined within the legislative act that created the DORA. Thus, patrons within a DORA that purchase an alcoholic beverage for on-premises consumption from a DORA designated liquor permit holder can leave the permit premises with an opened alcoholic beverage container and continue consuming it within the DORA.

While the law places certain restrictions on DORAs, generally speaking the decision of whether to create a DORA, including its size, how many should be created, its hours of operation, what cups are used, or any health, safety, and sanitation plans when the DORA is in effect are all locally controlled decisions.

The Division’s involvement in the DORA process is limited. The Division reviews the local legislative authority’s resolution or ordinance that created the DORA to ensure that it meets basic legal requirements like having the minimum number of existing qualifying permits within the DORA at the time of creation. As long as the DORA documents meet the minimal legal requirements, the Division records the DORA’s boundaries in its permitting system and affixes a DORA designation on the permit of any current or future qualifying permit holders within the DORA.

Questions regarding Ohio’s Open Container Law ([R.C. 4301.62](#)) and its enforcement should be directed to the Ohio Department of Public Safety’s, [Investigative Unit](#) or your local law enforcement agency. Legal questions involving the creation of a DORA or how a DORA within your community operates should be directed to your local law department.

How many DORAs can a Legislative Authority create?

The number of DORAs that may be established in a Municipal Corporation or Township, and a DORA's maximum size, depends on the population, as determined by the most recent regular federal decennial census, of the Municipal Corporation or Township. The chart below summarizes R.C. 4301.82(D):

Population of Municipal Corporation or Township	Maximum # of DORAs	Size of DORA
More than 50,000	4	Up to 320 contiguous acres or ½ square mile
35,001 – 50,000	2	Up to 320 contiguous acres or ½ square mile
35,000 or less	1	Up to 150 contiguous acres

How does a Legislative Authority create a DORA?

To create a DORA, an application, which is **NOT** a Division document, must be filed with the applicable Legislative Authority of the Municipal Corporation or Township where the DORA will exist. The application must be filed by either the:

- Executive officer of the applicable Municipal Corporation; or
- Township’s Fiscal Officer.

Per R.C. 4301.82(B), the application must include:

- A map or survey of the proposed DORA in sufficient detail to identify its boundaries, which shall not exceed:
 - Three hundred twenty contiguous acres or one-half square mile if the Municipal Corporation or Township has a population of more than thirty-five thousand; OR
 - One hundred fifty contiguous acres if the Municipal Corporation or Township has a population of thirty-five thousand or less;

- A statement that the population requirement mentioned above is met;
- A statement of the nature and types of establishments that are or will be within the proposed DORA;
- A statement that the proposed DORA will encompass at least four A-1, A-1-A, A-1c, A-2, A-2f, or D class, excluding D-6 or D-8, liquor permit holders;
- Evidence that the land uses within the proposed DORA are in accord with the Municipal Corporation's or Township's master zoning plan or map; and
- Proposed public health and safety requirements, as outlined in R.C. 4301.82(F), for the DORA.

Within 45 days after the application is filed with the Legislative Authority of a Municipal Corporation or Township, the Legislative Authority shall:

- Publish public notice of the application in one newspaper of general circulation in the Municipal Corporation or Township or as provided in section [7.16](#) of the Revised Code;
- Ensure that the notice states that the application is on file in the office of the clerk of the Municipal Corporation or Township and is available for inspection by the public during regular business hours; and
- Indicate in the notice the date and time of any public hearing it will hold regarding the application.

Not earlier than 30 but not later than 60 days after initial publication of the notice, the Legislative Authority must:

- Approve or disapprove the application in an ordinance or resolution by an affirmative majority vote;
- Give public notice, like above, prior to adopting an ordinance or resolution; and
- Depending on the vote:
 - Send notice, if approved, to the Division and the [Department of Public Safety, Investigative Unit](#) that the DORA was created, including a description of the area that constitutes the DORA; or

- If not approved, the local legislative authority can choose not to create the DORA or the executive officer of the Municipal Corporation or the Township's fiscal officer may change the application to secure local legislative approval.

If the local legislative authority approves the DORA, the ordinance or resolution that created the DORA must, as specified in R.C. 4301.82(F)(1), ensure the public health and safety is maintained within the DORA by including all the following items in the ordinance or resolution:

- The specific boundaries, including street addresses, of the DORA;
- The number, spacing, and type of signage that will designate the DORA;
- The DORA's house of operation;
- The number of staff needed to ensure public safety within the DORA;
- A sanitation plan that will help maintain the appearance and public health within the DORA;
- The number of staff needed to carryout the sanitation plan; and
- A requirement that beer and intoxicating liquor be served in some sort of plastic bottle or other non-glass container within the DORA.

Temporary F Class permit holders that will operate within a DORA will receive a DORA designation from the Division. F permit holders:

- are subject to the same laws and rules as any other D Class permit holder; and
- cannot block the ingress or egress to the DORA or any other liquor permit premises located within the DORA.

What does the Legislative Authority need to send the Division?

In order for the Division to affix DORA designations on the qualifying permits within a DORA, the legislative authority that created the DORA must send the Division:

- A copy of the application submitted to the Legislative Authority;
- An executed copy of the Ordinance or Resolution that created the DORA;

- A list of the street boundaries that encompass the DORA. (See Appendix A for the format that the Legislative Authority should use when sending its street listings to the Division);
- Documentation from a certified surveyor or engineer, including his or her name, licensed under Chapter 4733 of the Revised Code, stating the number of acres or square mileage that will make-up the DORA, per R.C. 4301.82(B)(1)(a) or (b); and
- ~~A statement that the population of the municipal corporation or township where the DORA will operate meets the requirement in R.C. 4301.82(D).~~

For faster processing, the Division asks that all documents and DORA correspondence, including general questions, be sent to dora@com.ohio.gov.

What does the Division do with the information it gets from the Legislative Authority?

The Division:

- Ensures the Municipal Corporation or Township has not exceeded the maximum acreage and/or the maximum number of DORA's allowed depending on the population determined by the most recent regular federal decennial census;
- Enters the DORA street listings into its permitting system;
- Searches for qualifying permit holders that are open and operating within the DORA's boundaries and otherwise in compliance with Ohio's liquor laws;
- Issues DORA designations to the applicable permit holders; and
- Notifies the affected permit holders that they are now located within a DORA by either:
 - Mailing the qualifying permit holder a new permit that has an "OUTDOOR REFRESHMENT AREA" designation in the upper right-hand corner of the permit; or
 - Issues a DORA designation letter to the qualifying permit holder that should be displayed next to the liquor permit holder's current proof of operating privileges (i.e, a liquor permit, operating receipt, or Authority to Operate letter).

The DORA designation allows the patrons of that liquor permit establishment from where the alcoholic beverage was purchased to carry the opened container of beer or intoxicating liquor into the DORA for further consumption.

The Division does not charge permit holders a fee for issuing the DORA designation.

It may take the Division up to 3 weeks to process newly submitted DORAs once received from the Legislative Authority.

How does a Legislative Authority expand or dissolve an existing DORA?

A Municipal Corporation or Township may **expand** an existing DORA provided that the expansion would not exceed the maximum size of the DORA permitted by law (See above for details).

Assuming the existing DORA can be expanded, the Legislative Authority must:

- follow the same procedures, like public notice and passing a resolution or ordinance, that were utilized to create the DORA; and
- send the same information to the [Division](#) that it would upon initial creation, including a new street boundary listing that includes all streets, not just the newly added streets.

If the existing DORA is already at its maximum size as permitted by law, then the original DORA cannot be expanded. Rather, the Legislative Authority would need to create a new DORA in the same manner specified above if it has not reached the maximum number of DORAs that it can create in its jurisdiction.

A Municipal Corporation or Township may **dissolve** all or part of an existing DORA. To do so, it must:

- follow the same procedures, like providing public notice and passing a resolution or ordinance, that were utilized to create the DORA; and
- send the same information to the [Division](#) that it would upon initial creation, including whether the entire DORA was dissolved or a portion thereof.
 - If a portion of the DORA is dissolved, the legislative authority must provide the Division updated boundaries that remain within the DORA, including any street listings.

Upon receipt of the dissolution notice, the Division must revoke all DORA designations issued to establishments within the dissolved area.

A Legislative Authority must review its DORA every 5 years.

The Legislative Authority of a Municipal Corporation or Township in which a DORA is located is required to review the operation of the DORA every five years as long as the DORA is in operation.

As part of the review, the Legislative Authority must adopt an ordinance or resolution either approving the DORA's continued operation or dissolving it. Prior to adopting the ordinance or resolution, the Legislative Authority must give notice of the proposed action by publication in the same manner as specified above in this document.

APPENDIX A: Street Boundary Information:

To ensure that the Division has a consistent method for processing street listings for its DORAs, the Division requires that the Legislative Authority send the street listings in an excel file using the following format:

(Type NAME OF COUNTY)
 (Type NAME OF CITY/VILLAGE/TOWNSHIP)
 (Type NAME OF DORA/CED/Revitalization District)
 (Type Date)

Street Boundary Listing

NOTE: Please sort to group all streets together		
Street Name	Range	Even/Odd
1st Ave	790-912	Even & Odd
1st Ave	1001-1199	Odd
2nd Ave	800-820	Even & Odd
4th Ave	791	Help
Central Ave	500-900	Even
Central Ave	901-1372	Even & Odd
Central Ave	1373-1391	Odd
Clark St	1-98	Even
Manchester Ave	1000-1199	Even & Odd
Manchester Ave	1200-1398	Even
N Broad St	1-299	Even & Odd
N Canal St	1-99	Even & Odd
N Clinton St	1-99	Even & Odd
N Main St	1-24	Even & Odd
N Main St	25-299	Odd
LIST STREETS LATER DEVELOPED AND ADDED, OR ANY CORRECTIONS TO THE ORIGINAL STREET LISTING, WITHIN THE BOUNDARIES OF THE CED.		
Streets Developed and Added	(Type Date streets added)	Even & Odd
Jon Doe St	200-300	Even & Odd
Maple Ave	20-100	Even & Odd

What does the Division do with the street listings provided to it?

- The Division uses the street listings provided by the Legislative Authority to determine what permit holder/applicants are within the boundaries of the DORA.
- For those permit holder/applicants that are verified to be within the DORA, the Division affixes an “Outdoor Refreshment Area” designation.

- If the street address of a permit holder or applicant is found to be outside the DORA, the Division will not affix the DORA designation unless and until the Legislative Authority passes another Ordinance or Resolution expanding the DORA provided that the expansion would not exceed the maximum size of the DORA permitted by law (See above for details).
- Any initial or revised street boundary listing must be in the format referenced above.
- If the land within an existing DORA is further developed such that new street addresses are added, the Legislative Authority must update its street boundary list with the Division.
 - This updated list must be submitted in the same format referenced above and include, the effective date of the new streets. This helps both the Division and the Legislative Authority keep track of the historical developments in regard to the boundaries of that DORA.

APPENDIX B: Open Container Law – DORA exemption 4301.62

Ohio's Open Container Law generally prohibits a person from carrying an opened container of beer or intoxicating liquor in any public place. A DORA allows a person who purchases beer or intoxicating liquor from the holder of a DORA designated permit to possess or consume that beverage in an opened container at any outdoor location within the DORA. However, no person may:

- Take an opened container of beer or intoxicating liquor purchased elsewhere into another liquor permitted establishment; or
- Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle in a DORA unless the:
 - motor vehicle is stationary and is not being operated in a lane of vehicular travel, or
 - possession is otherwise authorized under other exemptions to the Open Container Law governing chauffeured limousines or the transport of opened bottles of wine that are properly resealed.

Any questions regarding the enforcement of Ohio's liquor laws must be addressed to the [Ohio Department of Public Safety](#) and/or your local law enforcement agency.