

ORDINANCE NO. 2025 - 061

AN ORDINANCE AMENDING THE OUTDOOR SEATING PROGRAM GUIDELINES TO ALIGN WITH THE CITY'S CURRENT NOISE ORDINANCE REGULATIONS AND TO REMOVE THE PROHIBITION OF ALCOHOL BEING SERVED AT OUTSIDE TABLES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend the Outdoor Seating Program Guidelines which were approved by City Council April 18, 2012; and

WHEREAS, the guidelines are being amended to align with the City's current noise ordinance regulations and to remove the prohibition of alcohol being served at outside tables now that the City has a Designated Outdoor Refreshment Area (DORA).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio:

SECTION 1. That Council does hereby amend the Outdoor Seating Program Guidelines to align with the City's current noise ordinance regulations and to remove the prohibitions of alcohol being served at outside tables and is more fully outlined per Exhibit "A", attached hereto and made a part thereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 7/16/25
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: 7/16/25
Date

ATTEST: Kathleen Coleman
Kathleen Coleman
Clerk of Council



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: June 23, 2025
TO: Dave Ruller, City Manager
FROM: Eric Helmstedter, Economic Development Director 
RE: Outdoor Seating Program Guideline Amendments

Since 2012, the Community Development Department has administered the Outdoor Seating Program, which allows businesses within the boundaries of the Outdoor Seating Program to obtain a no fee permit for the placement of outdoor seating on City sidewalks. Outdoor Seating Program Permit holders are required to adhere to the guidelines of the program. The Community Development Department is recommending some minor amendments to the Outdoor Seating Program Guidelines to align with the City's current noise ordinance regulations and to remove the prohibition of alcohol being served at outside tables now that the City has a Designated Outdoor Refreshment Area (DORA).

I am respectfully requesting time at the July 2, 2025 Council Committee meeting to present the recommended amendments in greater detail and to request Council authorization, with emergency, to amend the City's Outdoor Seating Program Guidelines.

If you need any additional information to add this item to the agenda, please let me know.

Thank you.

Attachments

cc: Bridget Susel, Community Development Director
Hope Jones, Law Director
Kathy Coleman, Clerk of Council



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

Outdoor Seating Program Guidelines

- 1) The Community Development Department will issue permits for all outdoor seating to be located on sidewalks that are within the Outdoor Seating Program boundaries (see attached map).
- 2) The program utilizes City right-of-way property (sidewalk areas) so the serving **of consumption** of alcohol is prohibited in all outdoor sidewalk seating areas **that are not located within the boundaries of the DORA**. Licensed liquor permit establishments cannot expand a liquor permit to include the outdoor seating area covered by these guidelines. **The consumption of alcohol in an outdoor sidewalk seating area is permissible given all the following criteria are met:**
 - a. **The outdoor sidewalk seating area is located within the boundaries of the DORA;**
 - b. **The alcoholic beverage was purchased from the on-premises liquor permit holder and has been served in an approved DORA cup.**

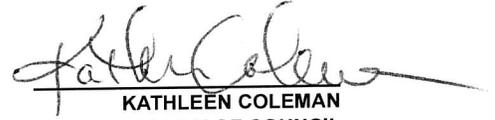
NOTE: Licensed liquor permit operators that allow open containers of alcoholic beverages to exit liquor permit areas are in violation of the law and will be subject to any and all associated legal ramifications.
- 3) Outdoor sidewalk seating will be permitted in the designated Outdoor Seating Program area throughout the one (1) year period covered by the permit, but outdoor seating will be prohibited when any amount of snow is accumulated on the ground.
- 4) The permitted hours for outdoor sidewalk seating will be from 8:00 am to 11:00 p.m. or the specified closing time for the establishment, dependent upon whichever time is earlier. Daily placement and removal of outdoor furniture will be subject to the same designated time parameters as stipulated for permitted hours.
- 5) Tables cannot exceed three feet (3') in diameter and a maximum of four (4) seats per table will be allowed.
- 6) Placement of tables must be approved by Community Development Department staff and will be configured to ensure a minimum of five feet (5') clearance be maintained on the City right-of-way (i.e. sidewalk) to allow adequate room for pedestrian traffic. Once placement has been approved by the Community Development Department, a business cannot change the seating configuration without having the new configuration reviewed and approved by the Community Development Department.
- 7) Business owners are responsible for keeping area clean of all debris, including but not limited to paper, litter, food, beverage spills, etc.
- 8) Business owners must provide proof of liability insurance, in an amount no less than \$1,000,000 and which identifies the City of Kent as an additional insured, at the time of annual permit submittal. Applications for renewal of outdoor seating permits will be accepted in January and February of each calendar year, with the renewal permit issued by March 1st of each year. New permit requests will be accepted throughout the year, but renewal will still be based on the January/February time period. No fee will be charged for issuance of the annual permit.

- 9) The business will need to certify that it indemnifies/holds the City harmless on its annual permit renewal application submission.
- 10) The outdoor seating area must be visible from the inside of the place of business, preferably from the serving counter and/or cash register area. The table and chairs cannot impede and/or block ingress/egress into a business establishment or any other building access points in the area.
- 11) Any outdoor sidewalk seating permit is revocable in situations of noncompliance. Automatic revocation of a permit will occur in the following instances:
 - a) ~~Alcohol served or consumed in outdoor seating area.~~
 - a) Placement of table and chairs outside permitted area previously approved by Community Development Department staff.
 - b) Accumulation of trash or presence of food debris on sidewalk in outside seating area.
 - c) Unresolved and/or continued complaints of sidewalk access being impeded or unduly restricted.
 - d) Any other issue determined by the City to restrict the primary purpose of the public sidewalk for pedestrian use.
- 12) All outdoor sidewalk seating will be prohibited during special events (i.e. Heritage Festival, etc.) held within the Outdoor Seating Program area boundaries or at any other time designated by the City.
- 13) ~~Music may be played in the permitted outdoor seating area, however, the volume must be maintained at a level that is audible to patrons seated in the immediate outdoor seating area only must comply with Kent Codified Ordinance 509.12(2)(A)-(B).~~

First Approved by Council April 18, 2012

I, KATHLEEN COLEMAN, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* 2025-061, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON July 16, 2025.

(SEAL)


KATHLEEN COLEMAN
CLERK OF COUNCIL