



# City of Columbus

Office of City Clerk  
90 West Broad Street  
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columbuscitycouncil.org

## Legislation Text

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Due to the ongoing and escalating health crisis and public health emergency and to reduce and prevent the spread of Covid-19 through airborne and respiratory droplet transmissions, there exists a need to reduce the hours of operation for onsite consumption of food, beer, wine and liquor of bars, night clubs, and restaurants in the City of Columbus.

Fiscal Impact: No funding is required for this legislation

To require bars, night clubs, and restaurants in the City of Columbus to limit times of operation for onsite consumption of food, beer, wine and liquor to reduce and prevent the spread of Covid-19 through airborne and respiratory droplet transmissions; and to declare an emergency.

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, Governor Mike DeWine signed an Executive Order declaring a State of Emergency for the entire State of Ohio in relation to COVID-19 pursuant to the Governor's authority vested in him by the Constitution, the laws of the State of Ohio and in accordance with Revised Code section 5502.22; and

WHEREAS, the Governor's Executive Order declaring a State of Emergency for the entire State of Ohio urged all citizens to heed to the advice of the Department of Health and other emergency officials regarding COVID-19 in order to protect their health and safety; and

WHEREAS, on March 12, 2020, Former Ohio Department of Health Director Amy Acton signed an order prohibiting mass gatherings in the state of Ohio; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a National Emergency, invoking the Stafford Act and allowing the Federal Emergency Management Agency to coordinate disaster response and aid state and local governments in addressing the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the Columbus Board of Health declared a Public Health Emergency due to this imminent threat of an acutely hazardous disease, posing a high probability of widespread exposure to an infectious agent that poses a significant risk of substantial harm to a large number of people, including a large number of serious or long-term disabilities or a large number of deaths; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic (the sickest); however, some spread might be possible before people show symptoms; and

WHEREAS, on March 18, 2020, the Mayor, through Executive Order 2020-01, declared a State of Emergency in Columbus based on the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, under direction of Ohio Governor Mike DeWine, Former Ohio Department of Health Director Amy Acton, M.D. issued an order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19 until April 6, 2020 and the order was extended until May 1, 2020 and was amended on April 30, May 20 and May 22, 2020 to allow businesses to open with the requirement that face coverings be worn by all employees except in certain circumstances; and

WHEREAS, in the City of Columbus and across Franklin County there is a current and ongoing threat of an acutely hazardous disease, illness, or health condition; specifically, COVID-19, that is believed to be caused by the appearance of a novel infectious agent and Franklin County, where Columbus is located, has been designated by the state Public Health Advisory System Risk Levels as Level 3, characterized by very high exposure and spread with a recommendation to limit activities as much as possible and to follow all current health orders; and

WHEREAS, on July 6, 2020, due to a Level 3 risk designation in Franklin County, characterized by very high exposure to and community spread of COVID-19, Columbus City Council passed Ordinance 1643-2020 requiring a face covering in public spaces in the City of Columbus; and

WHEREAS, on July 9, 2020, the World Health Organization (WHO) released new guidance indicating that COVID-19 may spread through airborne transmission, particularly in crowded indoor settings and/or those with poor ventilation, including restaurants; and

WHEREAS, on July 22, 2020, Governor DeWine announced a state-wide face covering mandate in response to the continuing spread of COVID-19; and

WHEREAS, a reduction of times of operation for onsite consumption of food, beer, wine and liquor for bars, nightclubs, and restaurants can limit exposure to and decrease the spread of COVID-19 through airborne and respiratory droplet transmission, especially because exemptions exist allowing patrons at these types of establishments to forgo face coverings for extended periods of time while seated at bars and tables and eating and drinking; and

WHEREAS, the 20-29 years of age demographic is presently the age group with the most confirmed and probable COVID-19 cases in Columbus, with many health order violations occurring in late night settings where many individuals in this age group tend to congregate; and

WHEREAS, after weighing the available information about the COVID-19 virus, consulting with Columbus Public Health, and considering the guidance from Orders issued by the Ohio Department of Health and Governor DeWine, Council concludes that the safety of the citizens of Columbus is best protected by implementing onsite consumption of food, beer, wine and liquor restrictions on bars, night clubs, and restaurants as limiting times of operation can limit exposure to and decrease the spread of COVID-19 through airborne and respiratory droplet transmission within populations; and

WHEREAS, the spread of COVID-19 continues to threaten the lives of the citizens of the City of Columbus and substantially impairs the ability to protect the lives and property of the citizens of the City of Columbus; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

SECTION 1. For the purposes of this ordinance, "bar" means any place located in a permanent building that serves alcohol, intoxicating liquor, spirituous liquor, beer, wine, mixed beverages, and/or cider as defined in Ohio Revised Code §4301.01.

SECTION 2. For the purposes of this ordinance, "night club" means any place as defined in Ohio Revised Code §4301.01(B)(14) that is located in a permanent building, regardless of whether it is also considered a bar.

SECTION 3. For purposes of this ordinance, "restaurant" means a place located in a permanent building where, in consideration of the payment of money, food is prepared, sold, and served as the principal business of the place.

SECTION 4. All bars, night clubs, and restaurants within the City of Columbus shall not open for ~~business the sale of food, beer, wine and liquor for onsite consumption~~ earlier than 6:00 am and shall not remain open for ~~business the sale of food, beer, wine and liquor for onsite consumption~~ any later than ~~11:00~~10:00 pm. The premises of all bars, night clubs, and restaurants must be vacated by the general public no later than 60 minutes following closing except as necessary for carry out and delivery activities. ~~This~~These time ~~restriction~~ restrictions ~~applies~~ apply seven (7) days per week.

SECTION 5. Columbus Public Health shall have the authority to investigate and is directed to enforce the provisions of this ordinance.

SECTION 6. If Columbus Public Health observes violation(s) of a bar, night club, or restaurant failing to enforce the times of onsite consumption of food, beer, wine and liquor operation provisions of this ordinance, the following schedule of civil penalties shall be imposed on a place of business:

- a. For a first violation, a warning of violation shall be issued;
- b. For a second violation, a fine of \$500.00 shall be issued;
- c. For a third violation and for each subsequent violation, a fine of \$1,000.00 shall be issued.

Any owner, manager, or person in charge of a bar, night club, or restaurant who fails or refuses to comply with this Ordinance may be in violation and cited.

SECTION 7. Violators have the right to appeal civil penalties pursuant to and in accordance with Columbus City Health Code Section 203.08.

SECTION 8. This ordinance is hereby declared to be an emergency measure and upon signature by the Mayor shall take full force and effect at 8:00am on Tuesday July 28, 2020 and shall remain in effect until such time as all governing public health orders associated with the COVID-19 pandemic expire.