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House Bill 47: Another Step towards Eliminating Open Container Restrictions within Designated Areas

Currently there are dual bills before the Ohio General Assembly that would eliminate open container restrictions within certain designated areas. H.B. 47 was approved by the House on March 26, 2015, by an 81-11 vote and Ohio Senate Bill 95 (S.B. 95) was introduced to the Senate on March 3, 2015.

These bills, which are different versions based on the same premise, would authorize the legislative authority of municipal corporations and townships with populations exceeding 35,000 to create outdoor refreshment areas where the public would be permitted to carry open alcoholic beverages between establishments. Individuals would be strictly prohibited from bringing in and carrying alcoholic beverages purchased outside of the refreshment area.

H.B. 47, if enacted as passed, would permit the executive officer of a municipal corporation, or the fiscal officer of a township, to file an application with its legislative authority to establish a defined outdoor refreshment area. The proposed area could not exceed 320 contiguous acres or one-half square mile, and must encompass at least four qualified A-1, A-1-A, A-1c, A-2, or D permit holders. All applications must contain evidence that the refreshment area would not be contrary to the master zoning plan or map of the municipal corporation or township. The application must also include a draft of all public health and safety regulations that would be implemented. H.B. 47 also places limits, determined by population, on how many outdoor refreshment areas may be established within one municipality or township.

Subsequent to the approval of an application, the Division of Liquor Control is required to issue an "outdoor refreshment designation" to qualifying liquor permit holders within the established area. The municipal corporation or township is then required to establish by ordinance or resolution regulations, including but not limited to, the permitted hours of operation, a sanitation plan, and a requirement

that all alcohol be served in plastic containers. Every five years the legislative authority shall review the operation of the outdoor refreshment area and determine whether it shall be continued or dissolved.

You can read the full text and official analysis of House Bill 47 [here](#).

If you have any questions regarding this case or its application, please do not hesitate to contact [Phil Hartmann](#), [Laura Leister](#), or any other member of Frost Brown Todd's [Government Services Practice Group](#).

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