

ORDINANCE NO. 14-87

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Charles Taylor ON THE
17th DAY OF August, 1987

AN ORDINANCE AMENDING CHAPTER 529 OF THE
CENTERVILLE MUNICIPAL CODE RELATIVE TO
LIQUOR CONTROL.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That Section 529.01 of the
Centerville Municipal Code is hereby amended as follows:

(a) "Intoxicating liquor" and "liquor" includes all liquids and compounds, other than beer as defined in subdivision (e) of this Section, containing [more than six percent of alcohol] one-half of one percent or more of alcohol by [weight] volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether or not the same are medicated, propriety or patented. [The terms include alcohol and all solids and confections which contains any alcohol]. Such phrase includes wine, as defined in Section 4301.01.(B)(3) Ohio Revised Code even if it contains less than four percent of alcohol by volume, mixed beverages, as defined in Section 4301.01(B)(4) Ohio Revised Code even if they contain less than five percent of alcohol by volume, alcohol, and all solids and confections which contain any alcohol.

(e) "Beer", "malt liquor", or "malt beverages" includes all brewed or fermented malt products containing one-half of one percent or more of alcohol by [weight] volume but not more than six percent of alcohol by weight.

Section 2. That Section 529.02 of the Centerville
Municipal Code is hereby amended as follows:

529.02 SALES TO MINORS; PROHIBITIONS AND
MISREPRESENTATIONS.

(a) No person shall sell intoxicating liquor, or beer

to a person under the age of twenty-one years [or sell beer to a person under the age of nineteen], or buy intoxicating liquor for, or furnish it to, a minor, or buy beer for or furnish it to a person under the age of [nineteen], twenty-one unless given by a physician in the regular line of his practice, or by parent or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, his employee or agent charged with a violation of this Section shall, for the same offense, be charged with a violation of Ohio R.C. 4301.22(A) (4301.69)

(b) No minor under the age of twenty-one years shall purchase intoxicating liquor [, nor shall a minor under the age of nineteen years purchase] or beer. (ORC 4301.63)

(c) No person under the age of [nineteen] twenty-one years shall order, pay for, share the cost of, or attempt to purchase any beer or intoxicating liquor, or consume any beer or intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, in any public place except as provided in subsection (a) hereof. (ORC 4301.631)

(d) No person under the age of twenty-one years shall order, pay for, share the cost of, or attempt to purchase any intoxicating liquor, or consume any intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, except as provided in subsection (a) hereof. (ORC 4301.632)

(e) No person shall knowingly furnish any false information as to the name, age or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one years of age, by purchase or as a gift. (ORC 4301.633)

(f) No person under the age of [nineteen] twenty-one years shall knowingly show or give false information concerning his name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this State where beer or intoxicating liquor is sold under a permit issued by the Ohio Department of Liquor Control or sold by such Department. (ORC 4301.634)

(g) No person under the age of twenty-one years shall knowingly show or give false information concerning his name, age or other identification for the purpose

of purchasing or otherwise obtaining intoxicating liquor in any place in this State where intoxicating liquor is sold under a permit by the Ohio Department of Liquor Control or sold by such Department. (ORC 4301.635)

(h) It shall be unlawful for any parent or guardian of a minor

(1) knowingly to permit that minor child to violate any provision of this Chapter, or

(2) negligently to allow that minor child to violate any provision of this Chapter.

(i) It shall be unlawful for any owner or occupant of any premise located within the City

(1) knowingly to permit any person under the age of twenty-one years to remain on such premises while that person is violating subsection (d) hereof which prohibits possession or consumption of intoxicating liquor by such under-age persons, or knowingly to permit any person under [nineteen] twenty-one years to remain on such premises while that person is violating subsection (c) hereof which prohibits possession or consumption of beer or intoxicating liquor by such under-age persons.

(2) negligently to allow any person under the age of twenty-one years to remain on such premises while that person is violating subsection (d) hereof which prohibits possession or consumption of intoxicating liquor by such under-age persons, or negligently to allow a person under nineteen years to remain on such premises while that person is violating subsection (c) hereof which prohibits possession or consumption of beer or intoxicating liquor by such under-age persons.

(j) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor. Whoever violates any other provision of this section is guilty of a misdemeanor of the first degree, except that a juvenile offender under the age of eighteen years shall be proceeded against as may be appropriate under Ohio R.C. Chapter 2151.

Section 3. that Section 529.06(a) is hereby amended as follows:

529.06 POSTING LIQUOR AGE WARNING SIGNS.

(a) Every place in the Municipality where beer or

intoxicating liquor is sold for beverage purposes, either under a permit issued by the Ohio Department of Liquor Control, or by the Ohio Department of Liquor Control, shall display at all times, in a prominent place on the premises thereof, a printed card, which shall be furnished by the Department and which shall read substantially as follows:

WARNING TO PERSONS UNDER AGE
[If you are under the age of 19

Under the Statutes of the State of Ohio, if you order, pay for, share the cost of, attempt to purchase or consume any beer or intoxicating liquor, or furnish false information as to name, age or other identification, you are subject to a fine up to fifty dollars. Punishment as an unruly child]


Under the Statutes of the State of Ohio, if you order, pay for, share the cost of, or attempt to purchase, or posses, or consume beer or intoxicating liquor, in any public place, or furnish false information as to name, age or other identification, you are subject to a fine or imprisonment up to six months, or both.

No person being the holder of a permit issued by the Ohio Department of Liquor Control shall fail to comply with this Section. (ORC 4301.637)

(b) Whoever violates this Section is guilty of a minor misdemeanor.

Section 4. This Ordinance shall become effective from and after the earliest date allowed by law. Section 529.02(i) of the Centerville Municipal Code as contained in Section 2 of this Ordinance shall automatically expire and stand repealed on the second anniversary of the effective date of this Ordinance unless extended by Ordinance.

PASSED THIS 17th day of August,
1987.


Mayor of the City of
Centerville, Ohio

ALTICK & CORWIN

ATTEST:

Marion J. McLaughlin
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 14-87, passed by the Council of the City of Centerville, Ohio on the 17th day of August, 1987.

Marion J. McLaughlin
Clerk of Council

Approved as to form, consistency,
with existing ordinances, the
charter & constitutional provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney