

SPONSORED BY COUNCILMAN Brooks Compton ON THE 19th DAY
OF August, 1985.

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(a) of the Centerville Municipal
Code is hereby amended as follows:

(a) "Intoxicating liquor" and "liquor" include all
liquids and compounds containing more than [three and
two-tenths] six percent of alcohol by weight 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,
proprietary or patented. The terms include alcohol and
all solids and confections which contains any alcohol.

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 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, unless given by a physician in the regular
line of his practice, or by a 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) [(ORC 4301.99)] (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 beer. (ORC 4301.63)

(c) No person under the age of nineteen 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 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 premises 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 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.

[(h)] (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 529.03(c) of the Centerville Municipal Code is hereby amended as follows:

(c) Whoever violates this section is guilty of a misdemeanor of the [first] third degree).

Section 4.

That Section 529.04 of the Centerville Municipal Code is hereby amended as follows:

(a) No person shall consume any beer or intoxicating liquor [or have in his possession an opened container containing beer or intoxicating liquor] in a motor vehicle. (ORC 4301.64)

(b) Whoever violates this section is guilty of a misdemeanor of the [second] fourth degree).

Section 5.

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

If you are under the age 21

Under the statutes of the State of Ohio, if you order, pay for, share the cost of, attempt to purchase or consume intoxicating liquor, or furnish false information as to name, age or other identification, you are subject to a fine [of twenty-five to three hundred dollars,] of up to one thousand dollars 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 6.

That Section 529.08 of the Centerville Municipal Code is hereby repealed.

Section 7.

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 19th day of August, 1985.

Shirley F. Healy
Mayor of the City of Centerville, Ohio

ATTEST:

Maile 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. 9-85, passed by the Council of the City of Centerville, Ohio on the 19th day of August, 1985.

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions.

Department of Law
Robert N. Faragher,
Municipal Attorney.

Maile McLaughlin
Clerk of Council