

ORDINANCE NO. 36-82  
CITY OF CENTERVILLE, OHIO  
SPONSORED BY COUNCILMAN Shirley Heitz ON THE  
6th DAY OF December, 1982.

AN EMERGENCY ORDINANCE AMENDING CHAPTER 529 OF THE  
CENTERVILLE MUNICIPAL CODE.

WHEREAS, Title 43, Liquor Control of the Ohio Revised  
Code has been amended making it necessary to amend Chapter 529 of  
the Centerville Municipal Code to reflect such amendments;

NOW, THEREFORE;

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That Section 529.01(e) is hereby amended as  
follows:

- (e) ["Beer" includes all malt beverages containing one-  
half of one percent or more of alcohol by weight but  
not more than three and two-tenths percent of alco-  
hol by weight.]

"Beers", "Malt Liquor", or "Malt Beverages" includes  
all brewed or fermented malt products containing  
one-half of one percent or more of alcohol by weight  
but not more than six percent of alcohol by weight.

Section 2. That Section 529.02(a) is hereby amended as  
follows:

- (a) No person shall sell intoxicating liquor to a per-  
son under the age of twenty-one years or sell beer  
to a person under the age of [eighteen] 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 [eighteen] 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).

Section 3. That Section 529.02(b) is hereby amended as  
follows:

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

Section 4. That Section 529.02(c) is hereby amended as  
follows:

- (c) No person under the age of [eighteen] nineteen years  
shall order, pay for, share the cost of, or attempt  
to purchase any beer or intoxicating liquor, or con-  
sume 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).

Section 5. That Section 529.02(e) is hereby amended as follows:

- (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 [eighteen] nineteen years of age, or intoxicating liquor for a person under twenty-one years of age, by purchase or as a gift. (ORC 4301.633).

Section 6. That Section 529.02(f) is hereby amended as follows:

- (f) No person under the age of [eighteen] 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).

Section 7. That Section 529.06(a) is hereby amended as follows:

- (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 [18] 19, under the statutes of the State of Ohio, if you order, pay for, share in 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.

If you are under the age of 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, 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).

Section 8. That Section 529.07(a) is hereby amended as follows:

- (a) No person shall have in his possession an opened container of beer or intoxicating liquor in a state liquor store, or on the premises of the holder of any permit issued by the Department of Liquor Control, or in any other public place. This Section does not apply to beer or intoxicating liquor which has been lawfully purchased for consumption on the premises where bought of a holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-5, [or] D-5a, D-5b, D-7, E, F and F-2 permit.

This Section does not apply to beer or intoxicating liquor consumed on the premises of a convention facility as provided in Section 4303.201 of the Ohio Revised Code. (ORC 4301.62).

Section 9. That Section 529.09(a) is hereby amended as follows:

- (a) No beer or other malt beverages shall be sold by, delivered by, or be permitted to be consumed on week days upon the premises of a C-1, C-2, D-1, D-2, or D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No wine, prepared highballs, cocktails or other mixed drinks as defined in the Liquor Control Act, shall be sold, delivered or be permitted to be consumed on week days upon the premises of an A-2, C-2, D-2, or D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No beer or intoxicating liquor shall be sold, delivered or be permitted to be consumed on week days on the premises of a D-3A, D-5, D-5A, or A1A, D-5b or D-7 permit holder between the hours of 2:30 a.m. and 5:30 a.m., and no intoxicating liquor shall be sold, delivered or be permitted to be consumed on week days on the premises of a [D-3] D-2 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No beer or intoxicating liquor shall be sold, delivered, or be permitted to be consumed on week days on the premises of a D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No intoxicating liquor may be sold by, delivered, or be permitted to be consumed on the premises of any permit holder during the hours between 1:00 a.m. on Sunday and Sunday midnight, except on the premises of a D-3A, D-5, D-5A, or an A1A, D-5B or D-7 permit. As to holders of these excepted classes, no intoxicating liquor shall be sold or permitted to be consumed after 2:30 a.m. on Sunday.

No beer whether by the package or by the glass shall be sold or delivered or be consumed on the premises of a permit holder on Sunday between the hours of 1:00 a.m. and 5:30 a.m. except on the premises of a holder of a D-3A permit who is also the holder of a D-1 permit or the holder of a D-5, D-5A, D-5B, D-7 or A1A permit. As to these excepted classes neither shall sell, deliver or permit to be consumed on the premises, beer between the hours of 2:30 a.m. and 5:30 a.m.

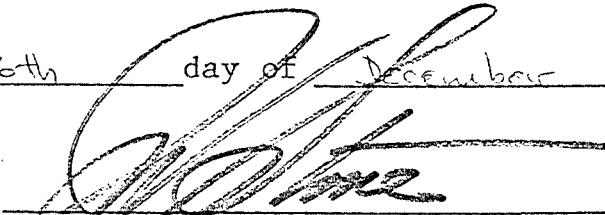
The holder of a D-6 permit may sell or allow the consumption of intoxicating liquors, as authorized by his other permits, between the hours of 1:00 p.m. Sunday and Sunday midnight for on the premises consumption only.

#### Section 10.

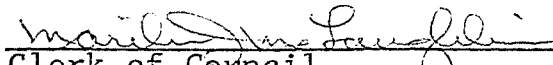
This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and welfare and for the further reason that Council desires to accept these amendments to the Ohio Revised Code Title 43 which took effect on October 1, 1982, and Council desires

to make these amendments to take effect at the earliest possible date; therefore this measure shall take effect and be in force from and after its passage.

PASSED THIS 6th day of December, 1982.


  
Mayor of the City of Centerville, Ohio

ATTEST:


  
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. 36-82, passed by the Council of the City of Centerville, Ohio, on the 6th day of December, 1982.

  
Clerk of Council

Approved as to form, consistency with existing laws and the charter of the City of Centerville, Ohio.

  
Robert K. Pangborn  
Municipal Attorney

ALTICK & CORWIN