

## ORDINANCE C-37-09

### AN ORDINANCE AMENDING SECTION 529.02 OF THE CODIFIED ORDINANCES TITLED “SALES TO AND USE BY UNDERAGE PERSONS; SECURING PUBLIC ACCOMMODATIONS”

WHEREAS, the City of Grove City recognizes the dangers of consumption of alcoholic beverages by minors; and

WHEREAS, the City supports and encourages measures to restrict youth access to alcoholic beverages; and

WHEREAS, the current laws and regulations are difficult to enforce due to the “knowingly” mental state required for a conviction; and

WHEREAS, the City desires to enact penalties for adults who, because of a substantial lapse of due care, fail to perceive or avoid risks that exist with regard to underage consumption of alcohol; and

WHEREAS, at the same time, however, the City wants to ensure that responsible adults are not unfairly penalized; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Section 529.02(b) is hereby amended as follows:

- (b) No person who is the owner or occupant of any public or private place shall ~~knowingly~~ **negligently** allow any underage person to remain in or on the ~~public~~ place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor. An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

SECTION 2. Section 529.02(c) is hereby amended as follows:

- (c) No person shall engage or use accommodations at a hotel, inn, cabin, campground, or restaurant when the person knows or ~~has~~ should have reason to know either of the following:

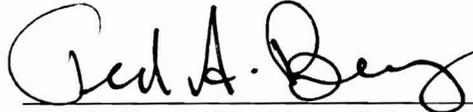
SECTION 3. Section 529.02(f) is hereby amended as follows:

- (f) No parent, spouse who is not an underage person, or legal guardian of a minor shall ~~knowingly~~ **negligently** permit the minor to violate this section or Ohio R.C. 4301.63, 4301.633, or 4301.634, or any substantially similar municipal ordinance.

SECTION 4. Section 529.02(j)(3) is hereby added and shall read as follows:

(j)(3) It is an affirmative defense to a charge under divisions (b) and (f) that the person has taken, in good faith, reasonable, effective, and appropriate precautionary measures under the circumstances to restrict or prevent access by underage persons to alcoholic beverages.

SECTION 5. This Ordinance shall take effect at the earliest opportunity allowed by law.



Ted A. Berry, President of Council

Passed: 06-15-09

Effective: 07-15-09

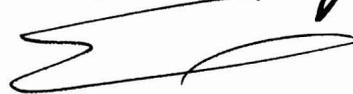


Richard L. Stage, Mayor

Attest:



Tami K. Kelly, MMC, Clerk of Council



Stephen J. Smith, Director of Law

I Certify that this ordinance is correct as to form.