

ORDINANCE NO. C-72-87

AN ORDINANCE TO REPEAL SECTIONS 529.01, 529.02 and 529.06
AND TO ENACT NEW SECTIONS 529.01, 529.02 and 529.06
OF THE CODIFIED ORDINANCES OF CITY RELATING TO LIQUOR
CONTROL AND TO DECLARE AN EMERGENCY

WHEREAS, it is necessary to change the Codified Ordinances of the City of Grove City to comply with State Law; and

WHEREAS, an emergency exists in the daily operation of the Division of Police that these changes be made immediately to comply with State Law;

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

SECTION 1. Section 529.01 of the Codified Ordinances of the City of Grove City is hereby repealed and new Section 529.01 is hereby enacted and shall read:

529.01 Definitions

- (a) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Such term excludes denatured alcohol and wood alcohol.
- (b) "Beer", "malt liquor", or "malt beverages includes all brewed or fermented malt products containing one-half of one per cent or more of alcohol by volume but not more than six per cent of alcohol by weight.
- (c) "Intoxicating liquor" and "liquor" include all liquids and compounds containing more than 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. Such phrase includes wine as defined in Ohio Revised Code 4301.01 even if it contains less than six percent (6%) of alcohol by weight, alcohol and all solids and confections which contain any alcohol.
- (d) "Person" includes firms and corporations.

SECTION 2. Section 529.02 of the Codified Ordinances of the City of Grove City is hereby repealed and new Section 529.02 is hereby enacted and shall read:

529.02 Sales to Minors; Prohibitions and Misrepresentations

- (a) Except as otherwise provided in this chapter, no person shall sell beer or intoxicating liquor to a person under the age of twenty-one years, or buy beer or intoxicating liquor for, or furnish it to, a person under the age of twenty-one years, unless given by a physician in the regular line of his practice, or given for established religious purposes, or unless the person under twenty-one years of age is accompanied by a parent, spouse, 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 Revised Code 4301.69 or 4301.22(A).

- (b) Except as otherwise provided in this chapter, no person under the age of twenty-one years shall purchase beer or intoxicating liquor.
- (c) Except as otherwise provided in this chapter, no person under the age of twenty-one years shall order, pay for, share the cost of, or attempt to purchase any beer or intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, or possess any beer or intoxicating liquor, in any public place.
- (d) Except as otherwise provided in this chapter, 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.
- (e) Except as otherwise provided in this chapter, 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 beer or intoxicating liquor in any place in this state where beer or intoxicating liquor is sold under a permit issued by the department of liquor control or sold by the department of liquor control.
- (f) No person shall manufacture, sell, or distribute in any manner any identification card issued for the purpose of establishing a person's age that displays the great seal of the State of Ohio, the words "Ohio", "State", "Official", or any other designation that represents the card as the official identification card of Ohio, except for those cards issued pursuant to Section 4507.50 of the Ohio Revised Code. (4301.636)
- (g) Section 529.01, 529.02, relating to the attempted purchase, purchase, sale, possession, or consumption of beer applies only to persons who on July 31, 1987 are less than nineteen years of age.
- (h) 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 Revised Code Chapter 2151. (O.R.C. 4301.99)

SECTION 3. Section 529.06 of the Codified Ordinances of the City of Grove City is hereby repealed and new Section 529.06 is hereby enacted and shall read:

529.06 Posting Liquor Age Warning Signs

- (a) Except as otherwise provided in Section 4301.691 of the Ohio Revised Code, every place in the Municipality where beer or intoxicating liquor is sold for beverage purposes, either under a permit issued by the 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 of Liquor Control and which shall read substantially as follows:

WARNING TO PERSONS UNDER AGE
If you are under the age of twenty-one

Under the statutes of the State of Ohio, if you order, pay for, share the cost of, or attempt to purchase, or

possess 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 of up to one thousand dollars, or imprisonment up to six months, or both.

Nor person shall be subject to any criminal prosecution or any proceedings before the department or the liquor control commission for failing to display this card. No permit issued by the department shall be suspended, revoked, or canceled because of failure of the permit holder to display this card.

- (b) Every place in this state for which a D permit has been issued under Chapter 4303 of the Ohio Revised Code shall be issued a printed card by the department of Liquor Control that shall read substantially as follows:

WARNING

If you are carrying a firearm

Under the statutes Ohio, if you possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued under Chapter 4303 of the Ohio Revised Code, you may be guilty of a felony and are subject to a term of actual incarceration of one or two years.

No person shall be subject to any criminal prosecution or any proceedings before the department of liquor control or the liquor control commission for failing to display this card. No permit issued by the department shall be suspended, revoked, or canceled because of the failure of the permit holder to display this card.

SECTION 4. For reasons stated in the preamble and made a part hereof, this ordinance is declared an emergency measure and shall take effect and be in force from and after its passage and the approval of the Mayor.

Earl R. Nicholson
Earl R. Nicholson, President

Submitted: 9/8/87

Robert E. Evans
Robert E. Evans, Mayor

Passed: 9/8/87

Effective: 9/8/87

Attest: June A. Cook
June A. Cook, Clerk of Council

I Certify that this ordinance is correct as to form.

R.E. Gunderman
R.E. Gunderman, Director of Law