

RESOLUTION CR-45-11

A RESOLUTION TO WAIVE THE PROVISIONS OF SECTION 529.07(b)(3)
OF THE CODIFIED ORDINANCES FOR THE GARDEN CAFE ON BROADWAY

WHEREAS, the Garden Café on Broadway desires to have food and beverage service on their outdoor patio located in the public right-of-way in front of their business at 4057 Broadway; and

WHEREAS, the Garden Café has obtained the necessary approval for use of the public right-of-way through an encroachment agreement with the City; and

WHEREAS, the Garden Café has obtained D-1 and D-2 liquor permits from the Ohio Department of Commerce Division of Liquor Control that encompass their outdoor patio; and

WHEREAS, Section 529.07(b)(3) of the Codified Ordinances of the City states: No person shall have in his possession an open container of beer or intoxicating liquor in a public place; and

WHEREAS, the Garden Café is requesting a waiver of this provision to allow the outdoor patio to be used in a manner that is consistent with their approved liquor permits.

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

SECTION 1. The provisions of Section 529.07(b)(3) of the Codified Ordinances that no person shall have in his possession an open container of beer or intoxicating liquor in a public place is hereby waived for only the outdoor patio at the Garden Café on Broadway located at 4057 Broadway, until 11:00 p.m., as shown in Exhibit "A".

SECTION 2. The provisions shall only be waived upon the conditions that the Garden Café is in compliance with a permit from the Ohio Department of Commerce Division of Liquor Control and maintains an agreement with the City of Grove City authorizing the use of the public right-of-way.

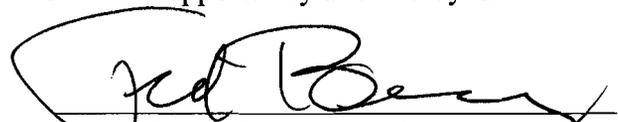
SECTION 3. This resolution shall take effect at the earliest opportunity allowed by law.

Passed: 11-07-11

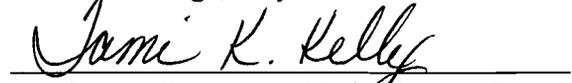
Effective: 11-07-11

Attest:

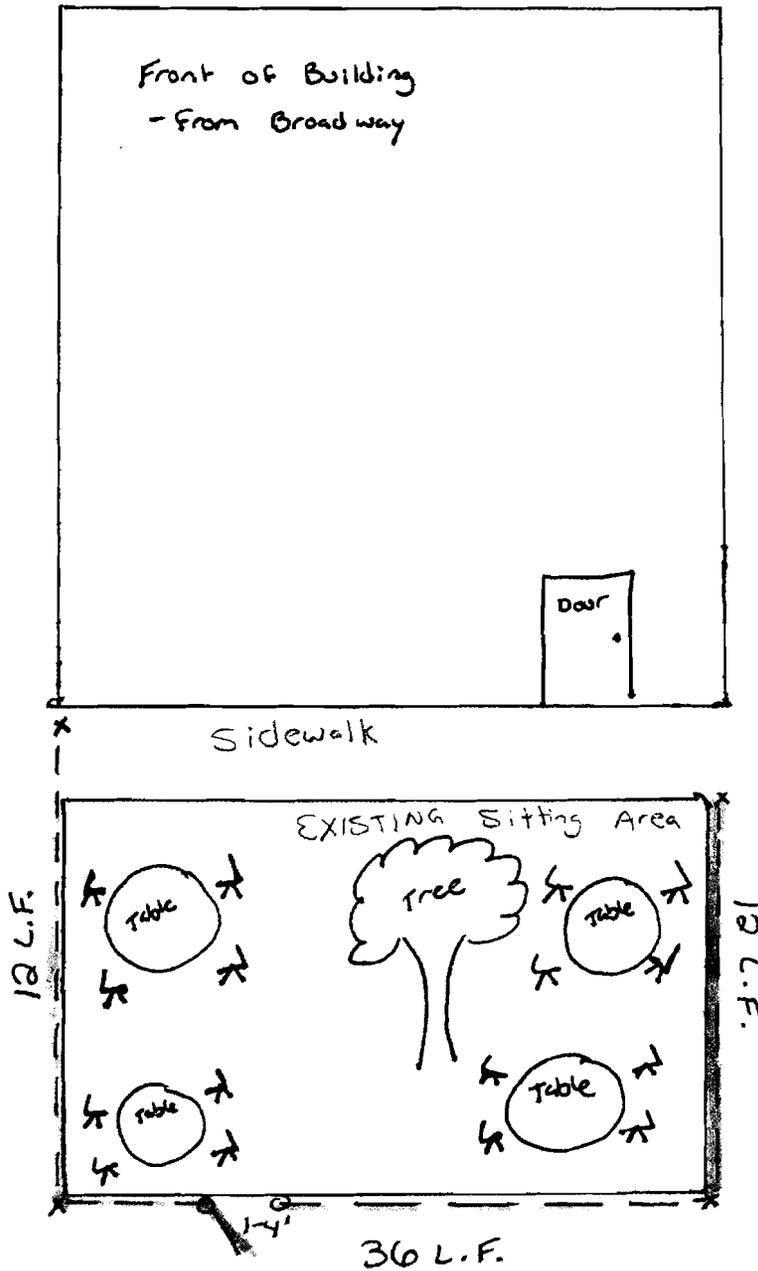
I certify that this
resolution is correct as to form.


Ted A. Berry, President of Council


Richard L. Stage, Mayor

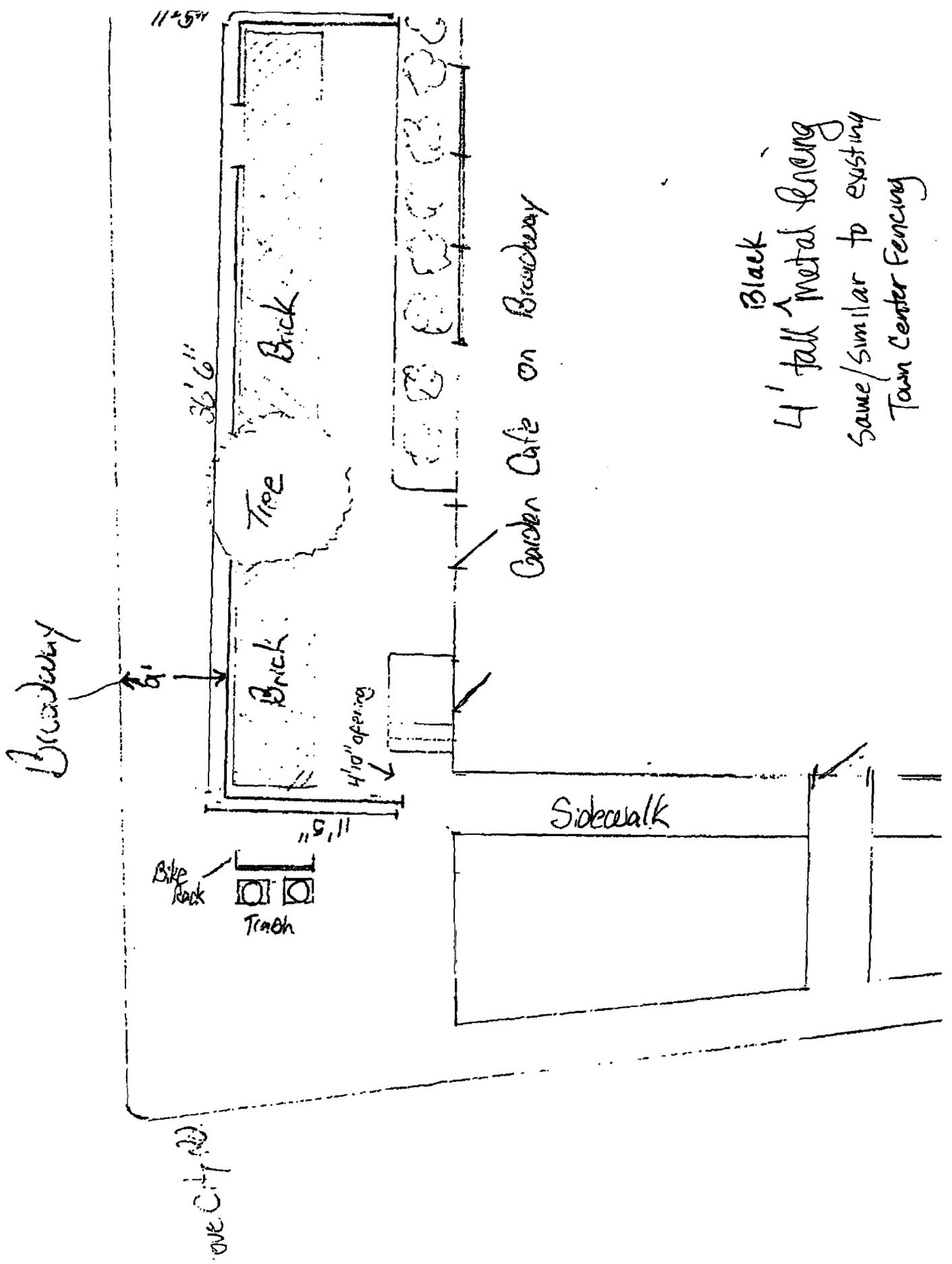

Tami K. Kelly, MMC, Clerk of Council


Stephen J. Smith, Director of Law



— proposed fence, 42" tall, black aluminum, 2 RAIL fence to be installed on concrete patio

Color = BLACK ALUMINUM
2 RAIL
42" TALL



Black
 4' tall metal fencing
 same/similar to existing
 Town Center Fencing