

CHAPTER 529
Liquor Control

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CROSS REFERENCES

See sectional histories for similar State law
Prohibiting sale of intoxicating liquor on Sunday - see Ohio
R.C. 4301.22(D)
Local option - see Ohio R.C. 4301.32 et seq., 4303.29
Disorderly conduct; intoxication - see GEN. OFF. 509.03
Using weapons while intoxicated - see GEN. OFF. 549.03

529.01 DEFINITIONS.

As used in the Codified Ordinances:

(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) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in division (B)(2) of this section, containing one-half of one percent or more alcohol by volume 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 division (B)(3) of this section even if it contains less than four percent of alcohol by volume, mixed beverages, as defined in division (B)(4) of this section even if they contain less than five percent of alcohol by volume, alcohol, and all solids and confections which contain any alcohol.

(C) "Beef" includes all malt beverages containing one-half (1/2) of one (1) percent or more of alcohol by weight but not more than six (6) percent of alcohol by weight.

(D) "Person" includes firms and corporations.
(ORC 4301.01) (Ord. No. 17-83. Passed 3/28/83.)

529.02. SALES TO MINORS; PROHIBITING AND MISREPRESENTATIONS.

(A) Except as otherwise provided in this Chapter, no person shall sell intoxicating liquor to a person under the age of twenty-one (21) years or sell beer to a person under the age of twenty-one (21), or buy intoxicating liquor for, or furnish it to, a person under the age of twenty-one (21) years, or buy beer for or furnish it to a person under the age of twenty-one (21), 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 (21) 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 R.C. 4301.22(A). (ORC 4301.69.)

(B) No person under the age of twenty-one (21) years shall purchase beer or intoxicating liquor. (ORC 4301.63.)

(C) Except as otherwise provided in this Chapter, no person under the age of twenty-one (21) shall order, pay for, share the cost of, or attempt to purchase any beer or intoxicating liquor, or consume any 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 or private place. (ORC 4301.632.) (Ord. No. 37-92. Passed 4/6/92.)

(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 (21) years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one (21) years of age. (ORC 4301.633.)

(E) Except as otherwise provided in this Chapter, no person under the age of twenty-one (21) years shall knowingly show or give false information concerning the person's 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 Division of Liquor Control or sold by such Department. (ORC 4301.634.) (Ord. 66-97. Passed 3/24/97.)

(F) No person being the parent or legal guardian of a minor shall knowingly permit such minor to violate any provision of this Chapter.

(G) No person being the owner or occupancy of any premises located within the City shall knowingly allow any person under the age of twenty-one (21) years to remain on such premises while in the possession of beer or intoxicating liquor or while consuming intoxicating liquor, or allow any person under the age of twenty-one (21) to remain on the premises while in the possession of beer or while consuming beer, in violation of this Chapter.

(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 twenty-one (21) years shall be proceeded against as may be appropriate under Ohio R.C. Chapter 2151. (ORC 4301.99.) (Ord. 21-83. Passed 4/11/83.) (Ord. No. 30-91. Passed 3/25/91.)

529.03. SALES TO INTOXICATED PERSONS.

(A) No person shall sell intoxicating liquor to any individual who habitually drinks intoxicating liquor to excess.

(B) No person shall sell intoxicating liquor or beer to any intoxicated person. (ORC 4301.22.)

(C) Whoever violates this Section is guilty of a misdemeanor of the third degree. (ORC 4301.99(F).)

529.04 LIQUOR CONSUMPTION OR OPEN CONTAINER IN MOTOR VEHICLE.

(A) No person shall consume beer or intoxicating liquor in a motor vehicle. (ORC 4301.64.)

(B) No person shall possess an open container of beer or intoxicating liquor in a motor vehicle except in a place which can be reached only by leaving the vehicle.

(C) Whoever violates Subsection (A) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates Subsection (B) hereof is guilty of a minor misdemeanor.

529.05 PERMIT REQUIRED.

(A) No person by himself or by his clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this municipality, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol in or into this municipality for delivery, use or sale,

unless such person has fully complied with Ohio R.C. Chapters 4301 and 4303 or in the holder of a permit issued by the Ohio Division of Liquor Control and in force at the time. (ORC 4303.25.)
(Ord. No. 67-97. Passed 3/24/97.)

(B) Whoever violates this Section is guilty of a minor misdemeanor.

529.06 POSTING LIQUOR AGE WARNING SIGNS.

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 Ohio Division 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
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 possess or consume a 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."

No persons shall be subject to any criminal prosecution or any proceedings before the Division or the Ohio Liquor Control Commission for failing to display this card. No permit issued by the Division shall be suspended, revoked, or canceled because of the failure of the permit holder to display this card.

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

**"WARNING
If You Are Carrying a Fireman**

Under the statutes of 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 Revised Code, you may be guilty of a felony and may be subjected to a prison term of up to one year."

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.
(ORC 4301.637) (Ord. No. 68-97. Passed 3/24/97.)

529.07 OPEN CONTAINER PROHIBITED.

(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, D-5a, D-5b, D-7, E.F, or F-2 permit. This Section does not apply to liquor consumer on the premises of a convention facility as provided in Ohio R.C. 4303.201.

(ORC 4301.62.) (Ord. No. 17-83. Passed 3/28/83.)

(B) Possession in any public place or in violation of Section 529.04(b) in any motor vehicle upon the public streets of intoxicating liquor, except in the original unopened container having thereon the seal prescribed by the Ohio Board of Liquor Control, or of any beer except in an unopened bottle or other sealed container, shall be considered as prima-facie evidence that such intoxicating liquor or beer has been illegally purchased or otherwise obtained.

(Ord. No. 17-83. Passed 3/28/83.)

(C) Whoever violates this Section is guilty of a minor misdemeanor. (ORC 4301.99(A).) (Ord. No. 17-83. Passed 3/28/83.)

529.08 HOURS OF SALE OR CONSUMPTION.

(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 A-1-A 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 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 A-1-A 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 or A-1-A 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 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.
(OAC 4301:1-1-49.).

(B) Whoever violates this Section is guilty of a minor misdemeanor.

529.09. IDENTIFICATION CARDS.

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 Revised Code. (ORC 4301.636).

529.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)