

## ORDINANCE NO. 11-33

By Mr. Pretzman.

To amend Section 1 of Ordinance No. 15-32 to prohibit the manufacture, sale, transportation and delivery of intoxicating liquors, and providing penalty therefor, and to repeal said original section 1.

Whereas, an emergency exists in the usual daily operation of the executive and judicial departments of the City of Bexley by reason of the fact that the State of Ohio, by amended substitute senate bill No. 346, passed by the General Assembly of the State of Ohio, has provided for the manufacture, distribution, and sale of beer containing 3.2 per cent of alcohol or less by weight to be effective April 7th, 1933, and that it is therefore immediately necessary in the enforcement of law within the City of Bexley that the ordinances of the City conform to the said enactment, NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. That Section 1 of Ordinance No. 15 - 32, to prohibit the manufacture, sale, transportation and delivery of intoxicating liquors, and providing penalty therefor, passed February 9th, 1932, be and the same is hereby amended to read as follows:-

"Section 1. Definition of words and terms. The word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whiskey, rum, gin, beer, ale, porter and wine, and in addition thereto any distilled, spirituous, malt, vinous, or fermented liquor, and also any liquid or compound whether or not same is medicated, proprietary, or patented, or by whatever name called containing more than 3.2 per cent of alcohol by weight which is fit for use for beverage purposes. Provided, that the foregoing definition shall not extend to dealcoholized wine, nor to any beverage or liquid produced by the process by which beer, ale, porter, or wine is produced, if it contains 3.2 per cent of alcohol or less by weight.

The term "given away" and the term "possess" shall not apply to intoxicating liquor in a bona fide private dwelling, but no place shall be regarded as a bona fide private residence under this ordinance wherein liquors are possessed, which have been illegally manufactured or obtained. Provided, that nothing in this ordinance shall be construed to permit any person to enter or search with or without a warrant, a bona fide private residence, as herein defined; nor shall a search warrant issue to search any other premises not a bona fide private residence, except in accordance with the provisions of law, as found in sections 13,482-13, 488, inclusive of the general code of Ohio so far as the same may apply.

The word "person" shall mean and include actual persons, firms, associations, co-partnerships and corporations.

The word "alcohol" shall mean ethyl alcohol."

Section 2. That said original Section 1 of said Ordinance No. 15-32, be and the same is hereby repealed.

Section 3. That for the reasons stated in the preamble hereto, this ordinance is hereby declared to be an emergency measure, and shall take effect and be in force from and after its passage.

Passed April 11, 1933.

Attest: S. W. Roderick  
Clerk

Approved: April 11, 1933.

O. C. Manly  
President of Council

S. E. Ludwig  
Mayor.

I, S. W. Roderick, Clerk of Council, City of Bexley, Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said Corporation as determined by the Council as follows: Main Street and Parkview Avenue, Main Street and College Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and Parkview Avenue and Clifton Avenue, each for a period of fifteen days commencing on the 12th day of April, 1933.

S. W. Roderick  
Clerk of Council, City of Bexley, Ohio