

AMENDED ORDINANCE NO. 36-88

BY: John H. Offenbergl

An Ordinance to amend Section 612.02 of the Codified Ordinances of the City of Bexley regarding sale of intoxicating liquor and beer to persons under the age of twenty-one and to declare an emergency.

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

Section 1. That Section 612.02 of the Codified Ordinances is hereby amended as follows:

612.02 SALES TO MINORS: PROHIBITIONS AND MISREPRESENTATIONS.

(a) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR IN OHIO R.C. CHAPTER 4301, no person shall sell intoxicating liquor ~~to a person under the age of twenty-one~~, or sell beer to a person under the age of ~~nineteen~~ TWENTY-ONE YEARS or buy intoxicating liquor OR BEER for, or furnish to, a person under the age of twenty-one years, ~~or buy beer for or furnish it to a person under the age of nineteen~~, unless given by a physician in the regular line of his or her 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 or her 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).

~~(b) No person under the age of twenty-one years shall purchase intoxicating liquor, nor shall a person under the age of nineteen purchase beer.~~

~~(e)~~ (b) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR IN OHIO R.C. CHAPTER 4301, no person under the age of ~~nineteen~~ TWENTY-ONE years shall PURCHASE, order, pay for, share the cost of, or attempt to purchase any beer or intoxicating liquor, or consume OR POSSESS any beer or intoxicating liquor. ~~either from a sealed or unsealed container or by the glass or by the drink, in any public place except as provided in subsection (e) hereof.~~

~~(d) No person under the age of twenty-one years shall order, pay for, share the cost of, or attempt to purchase any intoxicating liquor, or consume any intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, except as provided in subsection (a) hereof.~~

~~(e)~~ (c) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR IN OHIO R.C. CHAPTER 4301, 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 ~~nineteen years of age, or intoxicating liquor for a person under~~ twenty-one years of age, by purchase or as a gift.

~~(f)~~ (d) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR IN OHIO R.C. CHAPTER 4301, no person under the age of ~~nineteen~~ TWENTY-ONE years shall knowingly show or give false information concerning his or her 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 Department of Liquor Control or sold by such Department.

~~(g) No person under the age of twenty-one years shall knowingly show or give false information concerning his or her name, age or other identification for the purpose of purchasing or otherwise obtaining intoxicating liquor in any place in this State where intoxicating liquor is sold under a permit issued by the Ohio Department of Liquor Control or sold by such Department.~~

(e) 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 OHIO R.C. 4507.50.

~~(h)~~ (f) No person being the owner or occupant or otherwise in possession of any property located within the City shall allow any person under the age of twenty-one years to remain on such property while in the possession of intoxicating liquor or while consuming intoxicating liquor or allow any person under the age of ~~nineteen~~ TWENTY-ONE years to remain on such property while in the possession of beer or while consuming beer, except as provided in subsection (a) hereof.

~~(i)~~ (g) No person being the parent or guardian or otherwise having the care, custody or control of any minor shall allow such minor to violate any provision of this section or shall aid, abet, induce, cause, encourage or contribute to such minor violating any provision of this section, including, without limitation, allowing a minor to be in possession of property located within the City under circumstances such that a reasonably responsible adult should have known that a violation of this section was likely to occur thereon.

~~(j)~~ (h) Whoever, being an adult, violates ~~subsection (a), (c), (d), (e), (f), (g), (h) or (i) hereof~~ ANY OF THE PROVISIONS OF THIS SECTION is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02.

~~(k) Whoever, being an adult, violates subsection (b), (e) or (f) hereof is guilty of a minor misdemeanor. Punishment shall be as provided in Section 698.02.~~

~~(l)~~ (i) Whoever, being a minor, violates any of the provisions of this section shall be dealt with in accordance with Juvenile Court law and procedure.

Section 2. That Section 612.02 as presently in effect is hereby repealed.

Section 3. That this Ordinance is an emergency measure immediately necessary for the preservation of public health, peace, safety and welfare because it is required to bring Section 612.02 into compliance with the minimum state drinking age, and this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Passed: June 14, 1988

Attest: [Signature]
Clerk of Council

[Signature]
President of Council

APPROVED: June 24, 1988

[Signature]
David H. Madison, Mayor

May 10, 1988 - 1st reading
May 24, 1988 - 2nd reading
June 14, 1988 - 3rd reading