

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 048

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING SECTION 1062.05 OF TITLE SIX OF PART TEN-STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, CONCERNING INTOXICATING BEVERAGES IN OR ON MUNICIPAL PROPERTY, AND DECLARING AN EMERGENCY, **AS AMENDED.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Section 1062.05 of Title Six of Part Ten-Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

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1062.05 INTOXICATING BEVERAGES.

(a) **As used in this Section:**

- (1) **“Alcoholic Beverages” shall include beer, Intoxicating Liquor and Spirituous Liquor.**
- (1) **“Intoxicating Liquor” includes all liquids and compounds, other than beer, containing one-half of one percent or more of 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 they are medicated, proprietary, or patented. “Intoxicating liquor” includes cider and alcohol, and all solids and confections which contain one-half of one percent or more of alcohol by volume.**
- (2) **“Spirituous Liquor” includes all intoxicating liquors containing more than twenty-one percent of alcohol by volume.**

(ab) No ~~a~~Alcoholic ~~b~~Beverages shall be sold, dispensed, given away, served or consumed in or upon any Municipal building, facility or grounds surrounding the same, except that persons or entities who are using all or a portion of the Strongsville Recreation and Senior Complex ~~or the Strongsville Public Commons (PPN 396-10-009)~~ for a special event and who hold a valid liquor permit **for that use** issued by the Department of Liquor Control of the State of Ohio may dispense, give away and/or serve ~~a~~Alcoholic ~~b~~Beverages on the premises of the Strongsville Recreation and Senior Complex ~~or the Strongsville Public Commons (PPN 396-10-009)~~ to those attending such special event for their consumption subject to the terms and conditions of the liquor permit.

(c) The prohibition of the sale, dispensing, giving away, serving or consumption of Alcoholic Beverages in or upon municipal grounds shall not apply to the Strongsville Public Commons (PPN 396-10-009) for any association or corporation, or a recognized subordinate lodge, chapter or other local unit of an association or corporation, that holds a special event on the Strongsville Public Commons (PPN 396-10-009) that takes place from June 15th to Labor Day of each year. The sale, dispensing, giving away, serving or consumption of Alcoholic Beverages on the Strongsville Public Commons (PPN 396-10-009), as authorized herein, is limited to the use, sale or consumption of beer or Intoxicating Liquor only, within a clearly defined and sufficiently restricted area, which may include a tent, subject to compliance with all applicable state laws and the licensing authority and Rules and Regulations of the Director of Public Safety. The use, sale or consumption of Spirituous Liquor shall not be permitted. Any association or corporation, or a recognized subordinate lodge, chapter or other local unit of an association or corporation, that seeks to sell, dispense, give away, serve or consume Alcoholic Beverages on the Strongsville Public Commons (PPN 396-10-009) as authorized herein, shall obtain a permit from the Director of Public Safety, subject to the following:

- (1) The applicant timely files a permit application, as established by the Director of Public Safety.
- (2) The Director of Public Safety may issue the permit only if the association, corporation, or recognized subordinate lodge, chapter, or other corporation meets all of the following:
 - (i) It is organized not for profit;
 - (ii) It is operated for a charitable, cultural, educational, or fraternal purpose.
- (3) The Director of Public Safety is authorized and shall establish rules and regulations as he/she deems necessary to preserve the public health, safety and welfare. This includes, but is not limited to, restrictions on the hours of operation, restrictions on age of admission and security requirements.
- (4) The fee for such permit shall be One Hundred Dollars (\$100.00).
- (5) The applicant holds a valid liquor permit from the State of Ohio for this event.
- (6) Anyone receiving a permit pursuant to this Section shall, in addition to the rules and regulations of the Director of Public Safety, comply with all rules, regulations, statutes and ordinances of the State of Ohio and the City of Strongsville as they pertain to the sale, dispensing, giving away, serving or consuming of alcoholic beverages within the State of Ohio and City of Strongsville.

(~~bd~~) Except as provided in subsections (~~ab~~) and (~~c~~) above, the sale, dispensation, giving away, serving or use of any such **Alcoholic Beverages** shall be grounds for immediate revocation of any person's or entity's license or permit for the use of the premises (unless it appears that such beverages have been sold, dispensed, given away, served or consumed without his/its knowledge and consent) and for the refusal of applications for use and rental by such person or entity.
 (~~Ord. 2002-52. Passed 5-6-02.~~)

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Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to update the City's Codified Ordinances concerning Alcoholic Beverages on municipal property. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.



 President of Council

Approved: 

 Mayor

Date Passed: May 7, 2018

Date Approved: May 7, 2018

	<u>Yea</u>	<u>Nay</u>
Carbone	Absent	_____
Daymut	✓	_____
DeMio	✓	_____
Kosek	✓	_____
Roff	✓	_____
Schonhut	✓	_____
Short	✓	_____

Attest: 

 Clerk of Council

ORD. No. 2018-048 Amended: 05-07-18
 1st Rdg. 04-02-18 Ref: COLJ
 2nd Rdg. 04-16-18 Ref: COLJ
 3rd Rdg. 05-07-18 Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 05-07-18 Defeated: _____
AS Amended