

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 598

Representatives Blessing, Driehaus

**Cosponsors: Representatives Beck, Becker, Maag, Mallory, Ramos, Reece,
Retherford, Rosenberger**

—

A B I L L

To amend section 4301.62 and to enact section 4301.82 1
of the Revised Code to allow municipal 2
corporations with a population of more than 50,000 3
to create municipal entertainment districts and to 4
exempt persons within such districts from the open 5
container law. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4301.62 be amended and section 7
4301.82 of the Revised Code be enacted to read as follows: 8

Sec. 4301.62. (A) As used in this section: 9

(1) "Chauffeured limousine" means a vehicle registered under 10
section 4503.24 of the Revised Code. 11

(2) "Street," "highway," and "motor vehicle" have the same 12
meanings as in section 4511.01 of the Revised Code. 13

(B) No person shall have in the person's possession an opened 14
container of beer or intoxicating liquor in any of the following 15
circumstances: 16

(1) Except as provided in division (C)(1)(e) of this section, 17

in an agency store; 18

(2) Except as provided in division (C) of this section, on 19
the premises of the holder of any permit issued by the division of 20
liquor control; 21

(3) ~~In~~ Except as provided in division (C)(6) of this section, 22
any other public place; 23

(4) Except as provided in division (D) or (E) of this 24
section, while operating or being a passenger in or on a motor 25
vehicle on any street, highway, or other public or private 26
property open to the public for purposes of vehicular travel or 27
parking; 28

(5) Except as provided in division (D) or (E) of this 29
section, while being in or on a stationary motor vehicle on any 30
street, highway, or other public or private property open to the 31
public for purposes of vehicular travel or parking. 32

(C)(1) A person may have in the person's possession an opened 33
container of any of the following: 34

(a) Beer or intoxicating liquor that has been lawfully 35
purchased for consumption on the premises where bought from the 36
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 37
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 38
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 39
F-8 permit; 40

(b) Beer, wine, or mixed beverages served for consumption on 41
the premises by the holder of an F-3 permit or wine served for 42
consumption on the premises by the holder of an F-4 or F-6 permit; 43

(c) Beer or intoxicating liquor consumed on the premises of a 44
convention facility as provided in section 4303.201 of the Revised 45
Code; 46

(d) Beer or intoxicating liquor to be consumed during 47

tastings and samplings approved by rule of the liquor control 48
commission; 49

(e) Spirituous liquor to be consumed for purposes of a 50
tasting sample, as defined in section 4301.171 of the Revised 51
Code. 52

(2) A person may have in the person's possession on an F 53
liquor permit premises an opened container of beer or intoxicating 54
liquor that was not purchased from the holder of the F permit if 55
the premises for which the F permit is issued is a music festival 56
and the holder of the F permit grants permission for that 57
possession on the premises during the period for which the F 58
permit is issued. As used in this division, "music festival" means 59
a series of outdoor live musical performances, extending for a 60
period of at least three consecutive days and located on an area 61
of land of at least forty acres. 62

(3)(a) A person may have in the person's possession on a D-2 63
liquor permit premises an opened or unopened container of wine 64
that was not purchased from the holder of the D-2 permit if the 65
premises for which the D-2 permit is issued is an outdoor 66
performing arts center, the person is attending an orchestral 67
performance, and the holder of the D-2 permit grants permission 68
for the possession and consumption of wine in certain 69
predesignated areas of the premises during the period for which 70
the D-2 permit is issued. 71

(b) As used in division (C)(3)(a) of this section: 72

(i) "Orchestral performance" means a concert comprised of a 73
group of not fewer than forty musicians playing various musical 74
instruments. 75

(ii) "Outdoor performing arts center" means an outdoor 76
performing arts center that is located on not less than one 77
hundred fifty acres of land and that is open for performances from 78

the first day of April to the last day of October of each year. 79

(4) A person may have in the person's possession an opened or 80
unopened container of beer or intoxicating liquor at an outdoor 81
location at which the person is attending an orchestral 82
performance as defined in division (C)(3)(b)(i) of this section if 83
the person with supervision and control over the performance 84
grants permission for the possession and consumption of beer or 85
intoxicating liquor in certain predesignated areas of that outdoor 86
location. 87

(5) A person may have in the person's possession on an F-9 88
liquor permit premises an opened or unopened container of beer or 89
intoxicating liquor that was not purchased from the holder of the 90
F-9 permit if the person is attending an orchestral performance 91
and the holder of the F-9 permit grants permission for the 92
possession and consumption of beer or intoxicating liquor in 93
certain predesignated areas of the premises during the period for 94
which the F-9 permit is issued. 95

As used in division (C)(5) of this section, "orchestral 96
performance" has the same meaning as in division (C)(3)(b) of this 97
section. 98

(6) A person may have in the person's possession an open 99
container of beer or intoxicating liquor that was purchased from 100
the holder of an A-2 or D permit with a municipal entertainment 101
district designation at an outdoor location within the applicable 102
municipal entertainment district. However, no person shall enter 103
the premises of an establishment within the municipal 104
entertainment district while possessing an open container of beer 105
or intoxicating liquor acquired elsewhere. 106

(D) This section does not apply to a person who pays all or a 107
portion of the fee imposed for the use of a chauffeured limousine 108
pursuant to a prearranged contract, or the guest of the person, 109

when all of the following apply: 110

(1) The person or guest is a passenger in the limousine. 111

(2) The person or guest is located in the limousine, but is 112
not occupying a seat in the front compartment of the limousine 113
where the operator of the limousine is located. 114

(3) The limousine is located on any street, highway, or other 115
public or private property open to the public for purposes of 116
vehicular travel or parking. 117

(E) An opened bottle of wine that was purchased from the 118
holder of a permit that authorizes the sale of wine for 119
consumption on the premises where sold is not an opened container 120
for the purposes of this section if both of the following apply: 121

(1) The opened bottle of wine is securely resealed by the 122
permit holder or an employee of the permit holder before the 123
bottle is removed from the premises. The bottle shall be secured 124
in such a manner that it is visibly apparent if the bottle has 125
been subsequently opened or tampered with. 126

(2) The opened bottle of wine that is resealed in accordance 127
with division (E)(1) of this section is stored in the trunk of a 128
motor vehicle or, if the motor vehicle does not have a trunk, 129
behind the last upright seat or in an area not normally occupied 130
by the driver or passengers and not easily accessible by the 131
driver. 132

Sec. 4301.82. (A)(1) As used in this section, "municipal 133
entertainment district" means a bounded area, which may be 134
irregularly shaped, that does not exceed one-half mile by one-half 135
mile and that includes not fewer than a total of four A-2 or D 136
permit holders. 137

(2) "Municipal corporation" means a municipal corporation 138
with a population of more than fifty thousand people. 139

(B) A person who is an owner or operator of any establishment located in a municipal corporation who holds an A-2 or D permit may seek to have the property on which the establishment is located, or that property and other surrounding property located in the municipal corporation, designated as a municipal entertainment district. Such a person shall file an application seeking this designation with the mayor of the municipal corporation in which that property is located. An application to designate an area as a municipal entertainment district shall contain all of the following: 140
141
142
143
144
145
146
147
148
149

(1) The applicant's name and address and the name and address of the establishment; 150
151

(2) A map or survey of the proposed municipal entertainment district in sufficient detail to identify the boundaries of the district and the property owned by the applicant; 152
153
154

(3) A general statement of the nature and types of establishments that are or will be located within the proposed municipal entertainment district; 155
156
157

(4) Evidence that the uses of land within the proposed municipal entertainment district are in accord with the municipal corporation's master zoning plan or map; 158
159
160

(5) A handling and processing fee to accompany the application, payable to the applicable municipal corporation, in an amount to be determined by that municipal corporation. 161
162
163

(C) An application described in division (B) of this section shall be addressed and submitted to the mayor of the municipal corporation in which the area described in the application is located. The mayor, within thirty days after receiving the application, shall submit the application with the mayor's recommendation to the legislative authority of the municipal corporation. 164
165
166
167
168
169
170

Within thirty days after it receives the application and the 171
mayor's recommendation relating to the application, the 172
legislative authority of the municipal corporation, by notice 173
published once a week for two consecutive weeks in one newspaper 174
of general circulation in the municipal corporation or as provided 175
in section 7.16 of the Revised Code, shall notify the public that 176
the application is on file in the office of the clerk of the 177
municipal corporation and is available for inspection by the 178
public during regular business hours. The notice also shall 179
indicate the date and time of any public hearing on the 180
application by the legislative authority. 181

Within seventy-five days after the date the application is 182
filed with the mayor of a municipal corporation, the legislative 183
authority of the municipal corporation shall approve or disapprove 184
the application by either ordinance or resolution. Any approval of 185
an application shall be by an affirmative majority vote of the 186
legislative authority, and any area approved by the legislative 187
authority constitutes a municipal entertainment district. If the 188
legislative authority disapproves the application, the applicant 189
may make changes in the application to secure its approval by the 190
legislative authority. 191

(D) The number of municipal entertainment districts that may 192
be created within a municipal corporation shall be limited as 193
follows: 194

(1) Not more than three municipal entertainment districts 195
shall be created in a municipal corporation with a population of 196
three hundred thousand or more. 197

(2) Not more than two municipal entertainment districts shall 198
be created in a municipal corporation with a population of more 199
than one hundred fifty thousand but less than three hundred 200
thousand. 201

(3) Not more than one municipal entertainment district shall 202
be created in a municipal corporation with a population of more 203
than fifty thousand but less than or equal to one hundred fifty 204
thousand. 205

For purposes of this section, the population of a municipal 206
corporation shall be the population shown by the most recent 207
regular federal census. 208

(E) After a municipal entertainment district has been 209
approved, the division of liquor control, for purposes of section 210
4301.62 of the Revised Code, may issue a municipal entertainment 211
district designation to any A-2 or D permit holder located within 212
the entertainment district that is in compliance with all 213
applicable requirements under Chapters 4301. and 4303. of the 214
Revised Code. Any permit holder that receives a municipal 215
entertainment district designation shall comply with all laws, 216
rules, and regulations, which govern its license type. 217

(F) All or part of an area designated as a municipal 218
entertainment district may lose this designation as provided in 219
this division. The legislative authority of a municipal 220
corporation in which a municipal entertainment district is 221
located, after giving notice of its proposed action by publication 222
once a week for two consecutive weeks in one newspaper of general 223
circulation in the municipal corporation or as provided in section 224
7.16 of the Revised Code, may determine by ordinance or resolution 225
that all or a part of the municipal entertainment district shall 226
be dissolved. If the legislative authority so determines, the area 227
designated in the ordinance or resolution no longer constitutes a 228
municipal entertainment district and the division of liquor 229
control shall revoke all municipal entertainment designations 230
issued to A-2 or D permit holders in the dissolved district or 231
portion of the district. 232

Section 2. That existing section 4301.62 of the Revised Code 233

is hereby repealed.

234