

**As Introduced**

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

**S. B. No. 116**

**Senator Kearney**

**Cosponsors: Senators Brown, Seitz**

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**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 the premises of the holder of any permit issued by the division of liquor control;

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

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

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

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

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

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

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

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control

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

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

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

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

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply: 107 108 109 110

(1) The person or guest is a passenger in the limousine.	111
(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.	112 113 114
(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	115 116 117
(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:	118 119 120 121
(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.	122 123 124 125 126
(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.	127 128 129 130 131 132
<u>Sec. 4301.82. (A)(1) As used in this section, "municipal entertainment district" means a bounded area, which may be irregularly shaped, that does not exceed one-half mile by one-half mile and that includes not fewer than a total of four A-2 or D permit holders.</u>	133 134 135 136 137
<u>(2) "Municipal corporation" means a municipal corporation with a population of more than fifty thousand people.</u>	138 139
<u>(B) A person who is an owner or operator of any establishment</u>	140

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

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

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

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

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

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

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