

REQUESTED BY:
COLBERT

LAW DEPARTMENT
DRAFT NO.3515

TITLE

A RESOLUTION FOR THE PURPOSE OF NOTIFYING THE DEPARTMENT OF LIQUOR CONTROL, STATE OF OHIO, OF WARREN CITY COUNCIL'S OBJECTION TO THE ISSUANCE OF A NEW D-3 LIQUOR PERMIT FOR THE PREMISES LOCATED AT 2382 WEST MARKET STREET, dba F A M US II, AND REQUESTING A LOCAL HEARING THEREON, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 4586/15

WHEREAS, the Ohio Revised Code gives Warren City Council the right to object to the issuance of new liquor permits; and

WHEREAS, this Council finds, among other things, that the place for which the issuance of the permit in question is sought is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace or good order would result from the issuance of the permit and operation thereunder by the applicant; and

WHEREAS, this Council finds, among other things, that the neighborhood in question is so saturated with liquor permit businesses that said issuance would be detrimental to, and substantially adversely interfere with, the morals, safety or welfare of the public; NOW THEREFORE

BE IT RESOLVED by the Council of the City of Warren, State of Ohio:

Section 1: That this Council does hereby object to the issuance of a new D-3 permit for the premises located at 2382 West Market Street, Warren, Ohio on the following grounds: Section 4303.292 (A) (2) (c) of the Ohio Revised Code in that the place for which the issuance of said permit is sought is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace or good order would result from the issuance of the permit and operation thereunder by the applicant; Section 4303.292 (B) (1) in that the place for which the permit is sought is so situated with respect to churches that the operation of the liquor establishment will substantially and adversely affect or interfere with the normal, orderly conduct of the affairs of those churches; and Section 4303.292 (B) (2) in that the number of permits already existent in the neighborhood is such that the issuance of a permit would be detrimental to and substantially interfere with the morals, safety, or welfare of the public because, in part, of the character and population of the neighborhood, the number and location of similar permits in the neighborhood, the number and location of all other permits in the neighborhood, and the effect the issuance of the permit would have on the neighborhood.

Section 2: That this Council, pursuant to Section 4303.26, ORC, does hereby request that the hearing in this matter be held in the City of Warren, Ohio (the County Seat of Trumbull County).

Section 3: That this Council designates the Mayor, the Director of Public Service and Safety, the Director of Law, the Chief of Police, and their designees, to represent this Council and this City at and within any hearing(s) hereafter held in this matter.

Section 4: That, upon certification by the Law Director, the Clerk of Council shall send forthwith a copy of this Resolution, together with said certification, to the Division of Liquor Control, State of Ohio.

Section 5: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and welfare, and for the further reason that this objection may be processed and adjudicated at the earliest possible time and without undue delay. WHEREFORE, this Resolution shall go into immediate effect and be in force from and after the earliest period allowed by law.

Passed in Council this 27th day of

May, 2015

SIGNED:

~~PRESIDENT OF COUNCIL~~

CLERK

FILED WITH THE MAYOR:

DATE APPROVED:

MAYOR, CITY OF WARREN, OHIO

[illegible]

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