

REQUESTED BY:  
NOVAK

LAW DEPARTMENT  
DRAFT NO. 3517

TITLE

A RESOLUTION FOR THE PURPOSE OF NOTIFYING THE DEPARTMENT OF LIQUOR CONTROL, STATE OF OHIO, OF WARREN CITY COUNCIL'S OBJECTION TO THE TRANSFER OF OWNERSHIP OF A LIQUOR PERMIT FOR THE PREMISES LOCATED AT 408 ATLANTIC STREET, N.E. (ATLANTIC BEVERAGE), AND REQUESTING A LOCAL HEARING THEREON, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 4588/15

WHEREAS, the Ohio Revised Code Section 4303.26 gives Warren City Council the right to object to the transfer of ownership of a liquor permit; and

WHEREAS, this Council finds, among other things, that the liquor permit business at 408 Atlantic Street, N.E. (Atlantic Beverage) has been operated in a manner that demonstrates a disregard for the laws, regulations or local Ordinances of the State of Ohio; and

WHEREAS, this Council finds, among other things, that the liquor permit business in question has a prior unfavorable enforcement record; and

WHEREAS, this Council finds, among other things, that the place for which the transfer of ownership 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 transfer of ownership of the permit and operation thereunder; 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 transfer of ownership of a liquor permit for the premises located at 408 Atlantic Street, N.E. (Atlantic Beverage) Warren, Ohio on the following grounds: Section 4303.292 (A) (1) (b) of the Ohio Revised Code in that the applicant, any partner, member, officer, director, or manager thereof, or any shareholder owning ten per cent or more of its capital stock, has operated a liquor permit business in a manner that demonstrates a disregard for the laws, regulations, or local Ordinances of this State, and has a prior unfavorable enforcement record; Section 4303.292 (A) (2) (c) of the Ohio Revised Code in that the place for which transfer of ownership 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 transfer of ownership of the permit and operation thereunder.

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 as required by Ohio Revised Code Section 4303.271, the Clerk of Council shall send forthwith a copy of this Resolution, together with said certification, to the Department 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 10TH day of

June, 2015.

SIGNED:

James G. Glick  
PRESIDENT OF COUNCIL

Bruce Smith  
CLERK

FILED WITH THE MAYOR: 6-10-15

DATE APPROVED: 6-10-15

William D. Glick  
MAYOR, CITY OF WARREN, OHIO