

VILLAGE OF OBETZ  
RECORD OF ORDINANCES



ORDINANCE: 71-14

PASSED: December 8, 2014

**AN ORDINANCE PURSUANT TO OHIO REVISED CODE SECTION 4303.271(B) OBJECTING TO THE RENEWAL OF THE LIQUOR PERMIT FOR BRAD AND MONTY INC. DBA RUBY HILL & PATIO, 4166 GROVEPORT ROAD, OBETZ, AND DIRECTING THE VILLAGE LAW DIRECTOR TO ISSUE A LEGAL OPINION THAT THIS ORDINANCE AND THE OBJECTION ARE BASED ON SUBSTANTIAL LEGAL GROUNDS AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio Revised Code Section 4303.271(B) provides the legislative authority of a municipality with the right to object to the annual renewal of a liquor permit and to request a hearing at the Ohio Department of Commerce, Division of Liquor Control; and,

**WHEREAS**, the reasons for the objection must be based on Ohio Revised Code Section 4303.292(A), which includes, but is not limited to, an applicant's unfavorable enforcement record and/or operation in disregard for laws, regulations or local ordinances; and,

**WHEREAS**, the objection, the reasons for the objection and the request for a hearing must be documented via the adoption by Council of legislation, and the Village Law Director as the chief legal officer of the municipality must also provide an opinion statement to the Division of Liquor Control that the legislation has been reviewed and is based on substantial legal grounds; and,

**WHEREAS**, Brad and Monty Inc. dba Ruby Hill & Patio are the holders of liquor permit number 0900593, which is located at 4166 Groveport Road, Obetz, Ohio 43207 ("Ruby Hill"), and,

**WHEREAS**, the Ohio Department of Public Safety has conducted several investigations at Ruby Hill since December 2013, which has shown that the permit holder Brad & Monty Inc. operate a business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state of Ohio; and,

**WHEREAS**, the incidents investigated by the Ohio Department of Public Safety have increased in severity and number in recent months. These include, but are not limited to: (1) the agent or permit holder operating the business while intoxicated; (2) unsanitary conditions; (3) illegal possession of intoxicating beer or liquor (moonshine & Jell-O shots); (3) improper labeling of pre-mix alcoholic beverages; (4) gambling-acquire, possess, control or operate a electronic gambling device; (5) illegal possession of intoxicating liquor not obtained from an authorized source; (5) selling or furnishing intoxicating liquor to a person under 21; and (6) person under 21 knowingly consuming intoxicating liquor; and,

**WHEREAS**, the Village of Obetz Police Department has also documented and responded to a series of incidents at Ruby Hill since December of 2013, that have raised grave concerns about the operations of the bar and the safety of patrons and residents and establish that the permit holder Brad & Monty Inc. operate a business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state of Ohio; and,

**WHEREAS**, the incidents have increased in severity and toward more serious criminal behavior and danger for patrons and residents, including but not limited to the following: (1) fighting; (2) gambling (3) disorderly conduct (the owner and patrons); (4) curfew violations; and (5) larceny; and,

**WHEREAS**, this Council and the Police Department are concerned about a developing culture of lawlessness at Ruby Hill, and find that the owner's handling of these situations demonstrates a lack of understanding of responsibility and a disregard for the law; and,

**WHEREAS**, the Obetz police force is being strained and stretched by multiple calls to this one establishment, inasmuch as the Department employs fifteen fulltime officers, with three on patrol during nighttime bar operational hours, and two on patrol after 2:00 AM, and Ruby Hill has impacted the whole duty force during some of the documented incidents, with the result that other police matters have the potential to go unaddressed if the pattern and progression of serious incidents continues; and,

**WHEREAS**, the Village Administrator and the Chief of Police have met with and found that a good understanding of the responsibilities to operate under an Ohio Liquor permit and within the law is lacking, and that Ruby Hill's owner's grasp of the gravity of the incidents, the legal requirements of a permit holder, and the need to change the negative culture and environment at the bar did not meet the Chief's and Village's expectations; and,

**WHEREAS**, with documented incidents of property damage, underage drinking, drug use and fighting, and the failure by management or ownership to involve the police, an unsafe environment and negative culture at the establishment are created, and this demonstrates a disregard for the law that is unacceptable to Obetz, leading Village Council and the Police Department to believe that if the situation is not addressed, it will likely lead to more serious injuries, reckless behavior or more dangerous criminal activity;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ, STATE OF OHIO, THAT:**

Section 1: This Ordinance is adopted pursuant to Ohio Revised Code § 4303.271(B), to request a hearing and object to the renewal of a liquor permit for Brad and Monty Inc. dba Ruby Hill & Patio.

Section 2: Council hereby directs the Village Law Director to review this Ordinance, and the law in Ohio governing permit renewals, and to provide a statement of legal opinion to accompany



this Ordinance, that it is supported by substantial legal grounds based on Ohio Revised Code § 4303.292(A).

Section 3: The Clerk of Council and Village Solicitor shall take all appropriate actions to convey this Ordinance and the statement of legal opinion to the Division of Liquor Control, Legal Section, no later than January 2, 2015.

Section 4: The Village Solicitor shall take all appropriate actions to represent the Village and participate in subsequent hearings at the Ohio Division of Liquor Control to oppose the renewal of a liquor permit for Brad and Monty Inc. dba Ruby Hill & Patio pursuant to this Ordinance and for the reasons stated herein.

Section 5: This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the need to meet the deadline imposed by the Ohio Division of Liquor Control to request a hearing; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

Passed this 8 day of December, 2014.

**ATTESTS:**

Stacey Boumis  
Stacey Boumis, Clerk of Council

D. Greg Scott  
D. Greg Scott, Mayor

Michael R. Flaherty  
Michael Flaherty, Council Pres. Pro-Tem

**APPROVED AS TO FORM**

Eve M. Ellinger  
Eve M. Ellinger, Esq., Law Director

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**CERTIFICATION OF PUBLICATION**

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 71-14 was duly posted at 11:30 AM (time) on the 15 day of December, 2014, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center as well as on the Obetz website.



Stacey Boumis  
Stacey Boumis, Clerk

12/15/14  
Date