

ORDINANCE NO: 72 -2010
INTRODUCED BY: Roche

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON
THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR
ZONING, OCCUPANCY, AND/OR BUILDING PERMIT APPROVALS FOR
SWEEPSTAKES/INTERNET CAFES AND THE ISSUANCE OF SUCH
APPROVALS; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Richmond Heights may legitimately regulate the location and operation of businesses within the City, including Sweepstakes/Internet Cafes; and

WHEREAS, for purposes of this Ordinance, a "Sweepstakes/Internet Cafe" is defined as any premises upon which any "Computerized Sweepstakes Device", as defined below, is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever; and

WHEREAS, for purposes of this Ordinance, a "Computerized Sweepstakes Device" is defined as any computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value that is not de minimus, and which is not gambling under state or local laws. Machines designated for use by the State Lottery Commission are not Computerized Sweepstakes Devices for purposes of this Ordinance; and

WHEREAS, this Council is aware of the current operations of two Sweepstakes/Internet Cafes and their overwhelming popularity and of recent inquiries to the City regarding zoning issues for the establishment of one or more other Sweepstakes/Internet Cafes in the City; and

WHEREAS, this Council desires to study the appropriateness of adopting one or more ordinances that reasonably regulate the location and operation of Sweepstakes/Internet Cafes in order to minimize or eliminate potential negative secondary effects on the community that may be found to result from the operation of one or more Sweepstakes/Internet Cafes in the City, and to further the public health, safety and general welfare; and

WHEREAS, this Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, and/or building permit approvals for Sweepstakes/Internet Cafes, as defined herein, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will afford City officials and this Council the time necessary to put into place reasonable zoning and business regulations to further the aforesaid purposes.

NOW, THEREFORE, Be it Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: For a period of three months from the effective date of this Ordinance, the City shall not accept or process any applications for zoning, occupancy, and/or building permit approvals for Sweepstakes/Internet Cafes, and further shall not issue any such approvals during said three month period.

Section 2: For purposes of this Ordinance, a "Sweepstakes/Internet Cafe" is defined as any premises upon which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever.

Section 3: For purposes of this Ordinance, a "Computerized Sweepstakes Device" is defined as any computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value that is not de minimus, and which is not gambling under state or local laws.

Machines designated for use by the State Lottery Commission are not Computerized Sweepstakes Devices for purposes of this Ordinance.

Section 4: Whenever the provisions of this Ordinance conflict with any other ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the further reason that it is necessary to impose an immediate temporary moratorium to have a pause for planning purposes so as to further the orderly development of the City with respect to the establishment and operation of Sweepstakes/Internet Cafes, to adopt well thought-out and contemporary zoning and business

regulations for the City and to protect the public interest and rights of property owners; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council