

City of Oberlin

ORDINANCE No. 11- 34 AC CMS

AN ORDINANCE DECLARING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF SWEEPSTAKES TERMINAL CAFES OR THE PLACEMENT OF COMPUTERIZED SWEEPSTAKES DEVICES IN THE CITY OF OBERLIN AND DECLARING AN EMERGENCY

WHEREAS, there have been several inquiries made to City of Oberlin officials concerning the establishment of Sweepstakes Terminal Cafes and the placement of Computerized Sweepstakes Devices in the City; and

WHEREAS, Sweepstakes Terminal Cafes are not specifically listed as a permitted use in the City's zoning regulations; and

WHEREAS, this Council finds it necessary to review Sweepstakes Terminal Cafes to determine their compatibility with the City's land use plan and their effect upon surrounding land uses; and

WHEREAS, this Council is considering the passage of an ordinance to regulate Sweepstakes Terminal Cafes, including their classification under the City's Zoning Code, and possible regulations associated with their activities, including, but not limited to, spacing requirements, parking requirements, and hours of operation; and

WHEREAS, a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications for Sweepstakes Terminal Cafes is necessary to enable this Council to consider reasonable regulation of same.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1: That for the reasons stated in the preamble to this ordinance, commencing on the effective date of this Ordinance and ending on either the effective date of an ordinance regulating Sweepstakes Terminal Cafes or November 3, 2011, whichever date first occurs:

(a) There shall be a moratorium on the review and issuance of applications for zoning permits, certificates of occupancy, and any other permits and licenses related to Sweepstakes Terminal Cafes, or the placement of Computerized Sweepstakes devices in the City; and

(b) No Sweepstakes Terminal Cafes or Computerized Sweepstakes Devices shall be permitted in the City.

SECTION 2: That as used herein:

(a) "Computerized Sweepstakes Device" means any computer, machine, game or apparatus which, upon the insertion of a coin, plate, disc, plug, key, card, token, or similar object, and/or upon payment of a fee or anything of value, a product or service is provided, and operates or may be operated by the public generally for entertainment and amusement and a chance to win a sweepstakes of predetermined odds for the sweepstakes, and which does not in any way, manner or form encourage gambling.

(b) "Sweepstakes Terminal Café" means an individual building or premises in which any Computerized Sweepstakes Device is located for the use or entertainment of the public, whether or not such premises have other business purposes of any nature whatsoever.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of 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 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"to immediately impose a reasonable moratorium period upon the establishment of Sweepstakes Terminal cafes in the City to enable this Council to have a reasonable period of time to consider regulations relating thereto", and shall take effect immediately upon passage.

PASSED: 1st Reading – May 2, 2011(S, E)
2nd Reading –
3rd Reading –

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



KENNETH SLOANE
PRESIDENT OF COUNCIL

POSTED: 05/03/2011

EFFECTIVE DATE: 05/02/2011