

ORDINANCE NO. 15-2012

Introduced by: All of Council

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM OF 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 Village of Richfield may legitimately regulate the location and operation of businesses within the Village, including Sweepstakes/Internet Cafes; 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 Village, 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 Village 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 RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. For a period of six months from the effective date of this Ordinance, the Village 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 six 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 code or 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 may or may not be 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 Village, the provisions of this Ordinance shall control.

SECTION 5. 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 Village 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 Village with respect to the establishment and operation of Sweepstakes/Internet Cafes, to adopt well thought-out and contemporary zoning and business regulations for the Village 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: 2/21/12

Michael Wheeler
President of Council

Bekkie Bashara
Mayor

Dated: 2/21/12

ATTEST:

Carolyn E. Sullivan
Clerk of Council