

ORDINANCE NO.: 2011- 5

FIRST READING January 24, 2011

INTRODUCED BY: Jim Flaiz

SECOND READING Waived

THIRD READING Waived

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

WHEREAS, the Village of South Russell may legitimately regulate the location and operation of businesses within the Village, including Sweepstakes/Internet Cafes; and

WHEREAS, for purposes of this Ordinance, a "Sweepstakes/Internet Café" 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. Machines designed for use by the State Lottery Commission are not Computerized Sweepstakes Devices for purposes of this Ordinance.

WHEREAS, this Council is aware of recent inquiries to the village regarding zoning issues for the establishment of one or more Sweepstakes/Internet Cafes in the Village; and

WHEREAS, this Council desires to study 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 and/or occupancy permits 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 ORDAINED by the Council of the Village of South Russell, County of Geauga, State of Ohio, that:

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 and or occupancy 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 Café” 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. Machines designed for use by the State Lottery Commission are not Computerized Sweepstakes Devices for purposes of this Ordinance.

SECTION 4. This Council shall 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.

SECTION 5. 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 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

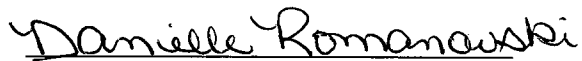
SECTION 7. This Ordinance is declared to be an emergency measure necessary for the immediate protection of the health, safety and welfare of the Village of South Russell, and for the reason that it is necessary to impose an immediate temporary moratorium to have a pause for planning purposes so as to 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 at the earliest date allowed by law.

SECTION 8. This Ordinance shall take effect and be in full force immediately upon its passage.



Mayor - President of Council

ATTEST:



Fiscal Officer

I certify that Ordinance No. 2011-5 was duly enacted on the 24th day of January, 2011, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.



Fiscal Officer