

CITY OF VANDALIA, OHIO
MONTGOMERY COUNTY, OHIO

ORDINANCE 11-12

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON CONSIDERATION OF ANY APPLICATIONS FOR ZONING, OCCUPANCY, OR OTHER PERMITS TO OPERATE INTERNET SWEEPSTAKES CAFE BUSINESSES FOR A PERIOD NOT TO EXCEED ONE HUNDRED TWENTY DAYS AND DECLARING AN EMERGENCY.

WHEREAS, based on investigation and reports of staff, news reports, discussions with members of other communities, and on findings incorporated in cases decided by Ohio courts, it appears that in other communities where Internet Sweepstakes Cafés and similar types of businesses currently exist in the State of Ohio, there has been numerous incidents of illegal gambling; an increase in reports of criminal activities in the areas near the businesses; an increase in the number of constituent complaints related to the businesses; and an increase in the need for police oversight to ensure illegal gambling is not occurring; and

WHEREAS, City Council is considering legislation to regulate Internet Sweepstakes Cafés; and

WHEREAS, in order to better protect the general health and welfare of the City of Vandalia, a temporary moratorium on issuance of zoning permits and certificates and other approvals for such establishments will create a more stable environment so that revisions to the City's zoning code, comprehensive plan and general regulatory ordinances, if necessary, can be considered and adopted in an orderly and thorough process.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. A moratorium on the consideration of any applications for zoning, occupancy, or other permits to operate Internet Sweepstakes Cafes is hereby imposed for a period not to exceed one hundred twenty days.

Section 2. "Internet Sweepstakes Café" means any premise upon which there are situated five (5) or more Computerized Sweepstake Devices that are available for the use or entertainment of the public within such premises whether or not such premise has any other business purpose. "Computerized Sweepstakes Device" means any computer, machine, or apparatus which, is capable of connection to the internet, regardless of whether such connection is utilized, through a wireless router telephone line, digital subscriber line, satellite, cellular telephone, cable connection or any other method, which is engaged or accessed upon the insertion of a coin, token, or similar object, or the sliding of a magnetic card or entry of a code, or similar process, or upon payment of anything of value, either directly or indirectly, and which may be operated by the public generally for use as entertainment, amusement or a contest of skill, whether or not generally for use as a contest of skill, entertainment of amusement, whether or not registering a score, and which when so utilized produces, announces, reveals or discloses the eligibility, award or payment of a cash prize redeemable on or at the Internet Sweepstakes Café, whether or not said prize was in fact announced, revealed or disclosed through the usage of the Computerized Sweepstakes Device. Computerized Sweepstakes Device does not include machines designated for use by the State Lottery Commission.

Section 3. This moratorium shall not include Internet Sweepstakes Cafes projects for which site plan approvals or permits have been issued or applied for prior to the effective date of this Ordinance.

Section 4. This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety and urgent benefit and protection of the inhabitants of the City of Vandalia and for the further reason to ensure that the City does not become inundated with permits for unregulated Internet Sweepstakes Café business that may ultimately be deemed unacceptable in the City, wherefore, this ordinance shall take effect and be in force immediately upon its passage.

Passed this 15th day of August, 2011

APPROVED:

William M. Loy, Mayor

ATTEST:

Robert L. Anderson
Clerk of Council