

First Reading: March 3, 2011
Second Reading: Dispensed

RESOLUTION NO. 2011 - 09

A RESOLUTION TO DECLARE A MORATORIUM ON THE ISSUANCE OF A ZONING CERTIFICATE FOR AN "INTERNET SWEEPSTAKES ESTABLISHMENT" USE UNTIL SEPTEMBER 1, 2011, DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ohio Revised Code Chapter 519, this Board has authority to regulate the uses of real property in Sycamore Township; and

WHEREAS, "internet sweepstakes establishments" or "internet cafe establishments" promote the sale of prepaid internet time cards or phone cards to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes in proportion to the amount of the card purchased;

WHEREAS, internet sweepstakes establishments have become business enterprises within the State of Ohio;

WHEREAS, the sweepstakes system allows a customer to use the phone card at a game terminal to browse the internet or participate in games which reveal sweepstakes entries;

WHEREAS, the game server or phone card randomly selects sweepstakes entries permitting users to select prizes or prize values from a pool of finite sweepstakes entries;

WHEREAS, law enforcement authorities in the State of Ohio, particularly the Ohio Investigative Unit of the Office of the Ohio Attorney General, are investigating whether the computer game terminals involve a game of chance (gambling) or a skill-based amusement device, which is not gambling;

WHEREAS, Ohio law prohibits the operation of a facility which provides games of chance conducted for profit or any scheme of chance;

WHEREAS, the law excludes a "skill-based amusement machine, or a pool not conducted for profit" from the definition of a game of chance;

WHEREAS, the prize awarded may make an otherwise legal gambling operation a violation of the law if the prize awarded is cash or a cash equivalent or the prize is not redeemable at the internet establishment; and

WHEREAS, the Board of Trustees is also concerned about the proper regulation of

internet sweepstakes establishments or internet cafe establishments as a permitted or conditional use, its classification as a retail/service or entertainment/recreational use; parking issues depending upon the number of terminals at each location; traffic circulation issues where several internet establishments are located within close proximity; setbacks from residential uses, schools and other similar uses; and whether licensing of an internet sweepstakes establishment or internet cafe establishment operation is advisable to inspect for gambling.

NOW THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1. The issuance of a zoning certificate for a permitted or conditional use to operate an internet sweepstakes establishment or internet cafe establishment is suspended until September 1, 2011.

SECTION 2. The Board of Trustees direct the Planning and Zoning Administrator to investigate and review such business enterprises; and if regulation is recommended the Law Director and Planning and Zoning Administrator are directed to prepare legislation and/or zoning amendments regulating or prohibiting the operation of internet sweepstakes establishments or internet cafe establishments in coordination with the purpose and spirit and intent of the Sycamore Township Zoning Resolution and Sycamore Township Comprehensive Plan.

SECTION 3. Until September 1, 2011, or such other date as may be determined by the Board of Trustees, the Planning and Zoning Administrator, Zoning Inspector and any other Township personnel shall not issue a zoning certificate for the operation of an internet sweepstakes establishment or internet cafe establishment but shall hold such applications for later consideration after this moratorium expires.

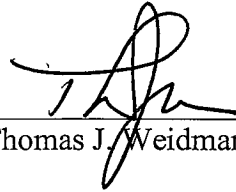
SECTION 4. The Trustees of Sycamore Township upon at least a majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

SECTION 5. This Resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the Township. The reason for the emergency is that the Board desires to prevent the proliferation of internet sweepstakes establishments or internet cafe establishments within the Township until the effect of this business enterprise on Sycamore Township is reviewed.

VOTE RECORD:

Mr. Bishop AYE Mr. Kent AYE Mr. Weidman AYE

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 3rd day of March, 2011.



Thomas J. Weidman, President



Cliff W. Bishop, Vice President



Richard C. Kent, Trustee


AUTHENTICATION

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Sycamore Township this 3rd day of March, 2011.



Robert C. Porter III, Fiscal Officer
Sycamore Township, Ohio

APPROVED AS TO FORM:


R. Douglas Miller, Law Director

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on _____ by posting in the five most public places as established by the Board of Township Trustees such places being the Sycamore Township Government Complex, Bob Meyer Park, Bechtold Park, the Robert L. Schuler Sports Complex, and the Clete McDaniel Sports Complex.

A handwritten signature in black ink, appearing to read "Robert C. Porter III", written over a horizontal line.

Robert C. Porter III, Fiscal Officer