

RESOLUTION NO. 2011 - 73

**A RESOLUTION TO EXTEND THE MORATORIUM ON THE ISSUANCE OF A  
ZONING CERTIFICATE FOR AN "INTERNET SWEEPSTAKES ESTABLISHMENT"  
USE UNTIL NOVEMBER 30, 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; and

Whereas, the Board previously established a moratorium on the issuance of Internet Sweepstakes Establishment and Internet Café uses until September 1, 2011; and

Whereas, the Zoning Administrator has made a proposal for the regulation of Internet Sweepstakes Establishment and Internet Café uses and has forwarded the proposal to the Hamilton County Regional Planning Commission and the Sycamore Township Planning and Zoning Committee; and

Whereas, those boards have statutorily imposed time limits to provide notice and hearing on rezoning matters, which time limits will not provide a recommendation to the Board of Township Trustees of Sycamore Township prior to September 1, 2011; and

Whereas, the Board of Township Trustees wishes to provide the Hamilton County Regional Planning Commission and the Sycamore Township Planning and Zoning Committee ample time to consider the proposal submitted by the Zoning Administrator for the regulation of Internet Sweepstakes Establishment uses in Sycamore Township; and

Whereas, the Board wishes to extend the moratorium on the issuance of permits for Internet Sweepstakes Establishment uses until such time as the Board can act on the recommendations of the Hamilton County Regional Planning Commission and the Sycamore Township Planning and Zoning Committee;

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

**SECTION 1.**

The suspension of the issuance of a zoning certificate for a permitted or conditional use to operate an internet sweepstakes establishment or internet cafe establishment is extended until November 30, 2011.

**SECTION 2.**

Until November 30, 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.

**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.**

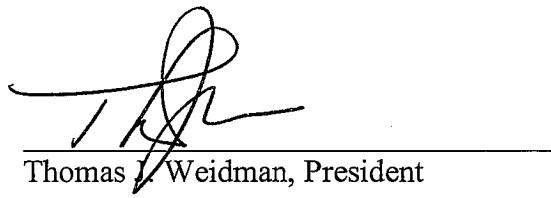
This Resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of

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.

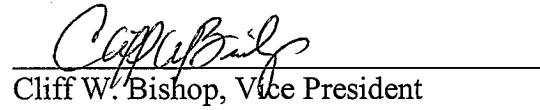
**VOTE RECORD:**

Mr. Bishop Aye Mr. Connor Aye Mr. Weidman Aye

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 30<sup>th</sup> day of August, 2011.



\_\_\_\_\_  
Thomas J. Weidman, President



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Cliff W. Bishop, Vice President



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Dennis W. Connor, Trustee

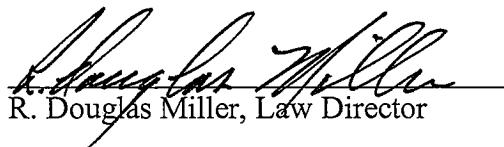
**AUTHENTICATION**

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Sycamore Township this 30<sup>th</sup> day of August, 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.



Robert C. Porter III, Fiscal Officer