

750.07 NATURE OF LICENSES.

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- Skip to main content
- Search
- Sitemap
- Login
- Select Language
- Resources
- Skip to code content (skip section selection)
- 2025-04 (current)
- Sheffield Lake Overview
- Codified Ordinances of Sheffield Lake, OH
- CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- CERTIFICATION
- ROSTER OF OFFICIALS
- ADOPTING ORDINANCE NO. 116-84
- COMPARATIVE SECTION TABLE
- TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE
- CHARTER

PART ONE - ADMINISTRATIVE CODE

PART THREE - TRAFFIC CODE

PART FIVE - GENERAL OFFENSES CODE

PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 706 Abortions

CHAPTER 709 Adult Foster Care

CHAPTER 712 Amusements

CHAPTER 718 Fire Protection/Fighting Equipment

CHAPTER 724 Frozen Desserts

CHAPTER 730 Garage Sales

CHAPTER 748 Mechanical Amusement Devices

CHAPTER 750 Computerized Internet Sweepstakes Cafes

750.01 PURPOSE AND OBJECTIVES.

750.02 CONSTRUCTION, SEPARABILITY AND APPLICABILITY OF CHAPTER.

750.03 DEFINITIONS.

750.04 COMPUTERIZED SWEEPSTAKES DEVICE LICENSE REQUIRED.

750.05 SWEEPSTAKES TERMINAL CAFÉ LICENSE REQUIRED.

750.06 AUTHORITY OF SERVICE DIRECTOR.

750.07 NATURE OF LICENSES.

750.08 PROCEDURE FOR OBTAINING LICENSES.

750.09 DENIAL OF SWEEPSTAKES TERMINAL CAFÉ.

750.10 CONDITIONS AND REGULATIONS.

750.11 PROHIBITED CONDUCT AND CONDITIONS IN SWEEPSTAKES TERMINAL CAFES.

750.12 LICENSE EXPIRATION, SUSPENSION OR REVOCATION.

750.13 LICENSE FEES.

750.14 EQUAL OPPORTUNITY.

750.15 PENALTY.

CHAPTER 760 Nursing and Boarding Care Homes

CHAPTER 761 Private Investigators and Security Guards

CHAPTER 772 Peddlers, Solicitors and Canvassers

CHAPTER 780 Snow Plowing

CHAPTER 784 Taxicabs

CHAPTER 790 Fair Housing

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

PART ELEVEN - PLANNING AND ZONING CODE

PART THIRTEEN - BUILDING CODE

PART FIFTEEN - FIRE PREVENTION CODE

OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

750.07 NATURE OF LICENSES.

CHAPTER 750 Computerized Internet Sweepstakes Cafes

750.01 PURPOSE AND OBJECTIVES.

It is the purpose of this chapter and the policy of the City to establish standards for licensing, regulation and control of computerized sweepstakes devices and sweepstakes terminal cafés and premises upon which they are located and operated for purpose of entertainment of the public. The

objectives of this chapter are to prevent safety and fire hazards, disturbances, disruption of pedestrian traffic, disorderly assemblies, theft of personal property, gambling and truancy within the City.

(Ord. 38-10. Passed 10-26-10.)

750.02 CONSTRUCTION, SEPARABILITY AND APPLICABILITY OF CHAPTER.

(a) Construction. This chapter shall be liberally construed and applied to promote its purpose and objectives.

(b) Separability. If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and neither the remainder of this chapter nor the application of such provision to other persons or circumstances shall be affected thereby.

(Ord. 38-10. Passed 10-26-10.)

750.03 DEFINITIONS.

As used in this chapter:

(a) "Computerized sweepstakes device" means any computer, machine, game or apparatus which, upon the insertion of a coin, token or similar object, or upon payment of anything of value, wherein a product or service is provided, and may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which does not in any way, manner or form encourage gambling.

(b) "Service Director" means the Director of Public Service for the City of Sheffield Lake.

(c) "Board" means the Sheffield Lake Zoning Board of Appeals.

(d) "Operator" means the person or persons having authority to control the premises of a Sweepstakes Terminal Café.

(e) "Licensee" means the person or persons who sign an application for a license hereunder and to whom such license is issued.

(f) "Owner" means any person who possesses any interest, either directly or indirectly, in a Sweepstakes Terminal Café.

(g) "Person" means any natural person, firm, partnership, association, corporation or any other form of business organization.

(h) "Premises" means the building or any portion thereof used for conducting the operation of a Sweepstakes Terminal Café.

(i) "Sweepstakes Terminal Café" means any premises upon which any computerized sweepstake device is located for the use or entertainment of the public, whether or not such premises has any other business purpose.

(j) "City" means the City of Sheffield Lake, Ohio.

(Ord. 38-10. Passed 10-26-10.)

750.04 COMPUTERIZED SWEEPSTAKES DEVICE LICENSE REQUIRED.

No person shall display for purposes of use any computerized sweepstakes device in the City without first having obtained a computerized sweepstakes license as provided in this chapter. A separate license is required for each computerized sweepstakes device.

(Ord. 38-10. Passed 10-26-10.)

750.05 SWEEPSTAKES TERMINAL CAFÉ LICENSE REQUIRED.

No person shall conduct or operate a Sweepstakes Terminal Café in the City without having first obtained a Sweepstakes Terminal Café license as provided in this chapter.

(Ord. 38-10. Passed 10-26-10.)

750.06 AUTHORITY OF SERVICE DIRECTOR.

Authority is hereby established and vested in the Service Director to consider any application for a license under this chapter, conduct investigations therefore and thereon and issue or deny issuance of any such license based upon the criteria set forth in this chapter.

(Ord. 38-10. Passed 10-26-10.)

750.07 NATURE OF LICENSES.

(a) Licenses. Any license issued under this chapter shall have the following characteristics:

- (1) Each license shall be valid for a period of one year from and after the date of issuance unless suspended or revoked as provided in this chapter.
- (2) Each license shall vest a personal privilege but not any property rights in the license.
- (3) Each license shall be required to be displayed permanently in a conspicuous place upon the premises for which it is issued.
- (4) Each license shall be in the name of the applicant.
- (5) No license shall be assignable or transferable, either as to person or location.
- (6) Each license, if lost, destroyed or mutilated, upon application within thirty days may be replaced by a duplicate license issued by the Service Director bearing the word "Duplicate" across its face and bearing the same license number as the license which it replaces.

(b) Computerized Sweepstakes Device Licenses. All computerized sweepstakes device licenses issued under this chapter shall have the following characteristics:

- (1) Each license shall be issued for only (1) computerized sweepstakes device.
- (2) Each license shall specify the name and address of each licensee, and the manufacturer, model number and serial number of the computerized sweepstakes device for which it was issued.
- (3) Each license, if changed, mutilated, erased or in any manner defaced, shall be void, and any amusement device for which such license has been issued shall be deemed an unlicensed amusement device.

(c) Sweepstakes Terminal Café Licenses. All sweepstakes terminal café licenses issued under this chapter shall have the following characteristics:

- (1) Each license shall be issued for only one (1) business at only one (1) premise.
- (2) Each license shall specify the name and address of each licensee, and the manufacturer, model number and serial number of each computerized sweepstakes device located upon the premises for which it was issued.

(Ord. 38-10. Passed 10-26-10.)

750.08 PROCEDURE FOR OBTAINING LICENSES.

(a) Applications for Licenses. All applications for licenses under this chapter shall be in writing on a form approved by and filed with the Service Director. The application shall be signed by the owner or owners and shall contain information required by this section supplied in detail as to each such person, including general and limited partners, or partnerships, shareholders of corporations and principals or members of any other type of business entity or organization. All applications shall contain a statement that the information contained therein is complete, accurate and truthful. Every owner and operator of the Sweepstakes Terminal Café, shall be fingerprinted by an agency approved by the Service Director and such person shall pay for the costs associated with obtaining said fingerprints.

(b) Contents of Applications. The application shall contain the following information as to all owners:

- (1) True name and all names used in the past five years;

- (2) Date of birth;
- (3) Permanent home address and all home addresses used in the past five years;
- (4) Business and home telephone numbers;
- (5) Employment history for the past five years;
- (6) A statement as to whether or not the owner has been convicted of any crime other than traffic offenses and, if so, the date and place of conviction, the nature of the offense and the penalty imposed;
- (7) A statement as to whether or not the owner has ever conducted a sweepstakes terminal café and, if so, when, where and for how long.
- (8) A description of the nature and operation of the main type of business activity to be conducted upon the premises;
- (9) Description of the nature and operation of any business to be conducted in conjunction with the sweepstakes terminal café, and the anticipated percentage of gross revenue to be derived from each respective business;
- (10) The address and telephone number of the premises and of the business, if different from that of the premises;
- (11) The name under which the business and premises will be operated;
- (12) A statement as to whether or not the owner will directly operate the sweepstakes terminal café, or whether or not an operator who is not an owner will operate it, and if the latter, the application shall contain information required by this section supplied in detail as to each such operator.
- (13) A floor plan of the premises and the immediate vicinity drawn to scale, showing the square footage and placement of the computerized sweepstakes devices, exits, windows, storage spaces, bicycle storage racks and off-street parking.
- (14) The name, and address and telephone number of the agent of the business upon whom service of process can effectively and validly be made;
- (15) The number, type, name, model and manufacturer's serial number of each computerized sweepstakes device requested to be licensed;
- (16) The name and address of the owner, distributor and manufacturer of each computerized sweepstakes device requested to be licensed;
- (17) Specification of terms of agreement governing the acquisition and installation of each amusement device requested to be licensed;
- (18) A description as to the nature and type of property or services which will be sold or supplied upon the premises;
- (19) A copy of the title or lease to the premises;
- (20) A copy of the Articles of Incorporation, if the owner is a corporation;
- (21) A copy of the Operating Agreement, if the owner is a limited liability corporation;
- (22) A copy of the Partnership Agreement, if the owner is a partnership;
- (23) Specification of the days of the week and the hours of the day during which the licensed activity will be conducted; and
- (24) Supporting documentation from a Certified Independent Regulatory Compliance Test Laboratory that the software performs in similar fashion as other permitted sweepstakes commercially offered to the public and that the entries are drawn from a pre-created finite static pool of entries with assigned values. To be certified the Independent Regulatory Compliance Testing Laboratory must be authorized to test regulated gaming equipment by at least one state government gaming regulatory agency.

(25) A plan detailing the measures which will be taken "block" viewing of adult oriented, or pornographic material.

(26) Any other information which the Service Director may deem reasonably necessary for the full interest of the public in the application.

(c) Reports of City Officials. Upon receipt of an application for a license under this chapter, the Service Director shall request the following reports, which shall be rendered to him within thirty days of the date of filing of the application.

(1) A written report from the Fire Chief shall be submitted to the Service Director as to whether the premises and computerized sweepstakes devices thereon will create a fire hazard; and

(2) A written report from the Police Chief shall be submitted to the Service Director specifying, with regard to all owners and operators, any convictions for any felony or for any misdemeanor involving the operation of an amusement device business or involving physical violence, gambling activity, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude.

(3) A written report from the Chief Building Official shall be submitted to the Service Director as to whether all building and zoning laws have been satisfied.

(d) Determination Process.

(1) Service Director. All applications for licenses under this chapter shall be considered by the Service Director, who shall, within ten days after receiving the written reports, either issue such licenses or deny issuance of such licenses.

(2) Appeal to Board. In the event of the denial of issuance of such a license, the applicant shall be notified of such denial and the specific reasons therefore in writing. Such notice shall be mailed or delivered to the applicant at the address specified in the application. The applicant shall have ten days after receipt of such notice within which to appeal such denial, by filing a written notice of appeal with the Board of Zoning Appeals. Thereupon, notices of hearing shall be sent in the manner prescribed by Section 1115.08 of this Code. The appeal shall be heard by the Board of Zoning Appeals, which Board shall have the power after such hearing to confirm the denial, order the license to be issued or, at its discretion, to issue a conditional or probationary license. In rendering its decision, the Board may, for good cause shown, modify or waive any of the provisions of this chapter in the interest of justice.

(3) Appeal to court. The decision of the Board may, within thirty days thereof, be appealed to a court of competent jurisdiction under Ohio R.C. Chapter 2506.

(e) License Renewal. Each computerized sweepstakes device license and sweepstakes terminal café license must be renewed annually. At the time of renewal, a statement shall be filed with the Service Director that the information listed on the original application for the license is still complete, accurate and truthful to the best knowledge of all applicants, or a statement shall be filed with the Service Director listing each and every item of information which has changed since the original application. Such statement shall be signed by the same persons who signed the original application. The Service Director may determine to accept such statement and issue the license requested, or he may determine to enforce the procedure required for an original license. (Ord. 38-10. Passed 10-26-10.)

750.09 DENIAL OF SWEEPSTAKES TERMINAL CAFÉ.

No arcade amusement center license shall be issued or renewed for any business or premises:

(a) Where any of the owners or the operators has been convicted within the last five years of any felony or of any misdemeanor involving the operation of a sweepstakes terminal café business, or involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude.

- (b) Where the premises do not provide a minimum of 1 off-street parking space for every 2 computerized sweepstake devices;
 - (c) Where it is determined that the premises or operation thereof would be in violation of any provision of the Building Code, the Zoning Code or the Fire Code of the City or any other pertinent provisions of local, state or federal law;
 - (d) Where the applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;
 - (e) Where the application failed to provide all of the required information; or
 - (f) Where there is not compliance with all terms and conditions under this chapter and all other applicable ordinances and statutes.
- (Ord. 38-10. Passed 10-26-10.)

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