

750.09 DENIAL OF SWEEPSTAKES TERMINAL CAFÉ.

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CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO

CERTIFICATION

ROSTER OF OFFICIALS

ADOPTING ORDINANCE NO. 116-84

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OH

Sheffield Lake

(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.)

750.10 CONDITIONS AND REGULATIONS.

(a) In addition to any other condition or regulation contained in this chapter or in state statutes, the following conditions and regulations shall be applicable to and shall govern and control all licenses of Sweepstakes Terminal Cafés.

(1) Each licensee shall at all times open each and every portion of the premises for inspection by the Police Department and other City departments for the purposes of enforcing any provisions of this chapter.

(2) Each licensee shall have present on the premises at all times when the premises are open to the public at least one adult operator who has not been convicted of any felony or of any misdemeanor involving the operation of a sweepstakes terminal café or involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude.

(3) No licensee shall allow living quarters to exist with direct entry to the premises.

(4) No licensee shall allow any person, other than an owner or operator over the age of twenty-one years, who shall be readily identifiable, to be in control of the premises, nor allow such operator to be regularly situated in a place upon the premises other than a place from which he has an unobstructed view of the entire portion of the premises devoted to the operation of computerized sweepstakes devices.

(5) No person under the age of eighteen years shall be permitted to operate a Sweepstakes

Terminal Café.

(6) Any and all sweepstakes rules and odds of winning shall be posted in a conspicuous place at the premises and displayed on the computerized sweepstakes device at the start of each game and/or activity.

(7) Each licensee shall operate the Sweepstakes Terminal Café business in compliance with any and all pertinent Federal Trade Commission rules and regulations.

(8) Licensees may be required to hire an off-duty police officer or other security personal to provide for the safety of the patrons as determined by the City.

(b) All computerized sweepstakes devices upon the premises of a Sweepstakes Terminal Café shall be located thereon in conformity with the floor plan filed with the application for the license and in such a manner:

(1) So as not to impair ingress or egress to the premises;

(2) So as not to interfere with free and unfettered passage through the premise;

(3) So as to permit a clear and complete view of the interior of the premises immediately upon entry.

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

750.11 PROHIBITED CONDUCT AND CONDITIONS IN SWEEPSTAKES TERMINAL CAFES.

No licensee of a Sweepstakes Terminal Café by himself, directly or indirectly, or by any representative, agent or employee shall permit or fail to take active steps to eliminate the activities specified in this section from occurring upon the premises. All such licensees shall have a duty to diligently pursue enforcement of this section. The actions of the operator and the failure to take action by the operator shall be imputed to the licensees. No such licensee shall:

(a) Permit any indecent, immoral or profane language, or indecent, immoral or disorderly conduct, upon the premises, or to allow viewing of illegal and/or explicit adult oriented material;

(b) Permit the premises to become a gathering place for disorderly persons of any type;

(c) Permit gambling in any form or the possession of gambling paraphernalia upon the premises;

(d) Permit intoxication or the possession, use or consumption of alcoholic beverages upon the premises;

(e) Permit the possession, use or consumption of any unlawful drug, narcotic or controlled substance upon the premises;

(f) Permit the public streets, sidewalks, alleys or walk-ways in the immediate vicinity of any entrance or exit to the premises to become littered;

(g) Permit the premises or the activity conducted thereon to become a public nuisance to the surrounding environs;

(h) Permit the walkways to become obstructed in any manner so that pedestrian traffic is hindered;

(i) Permit any computerized sweepstakes device thereon to be operated at any time the premises are not open for business, or permit the entrance to be locked at any time that the premises are open for business;

(j) Permit the premises to become overcrowded so as to constitute a hazard to the health or safety of persons therein or to be in violation of any of the City's fire, health or sanitation codes;

(k) Permit any computerized sweepstakes device to be offered to the public for operation unless fully operable and in safe operation condition.

(l) Permit the premises to be open for business without displaying the licenses therefore in a conspicuous place thereon;

(m) Permit the operation of any unlicensed computerized sweepstakes device upon the premises;

(n) Permit any violation of any ordinance of the City or statute of the State of Ohio to take place upon the premises.

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

750.12 LICENSE EXPIRATION, SUSPENSION OR REVOCATION.

(a) Expiration. Any sweepstakes terminal café license issued under this chapter shall expire upon the transfer or sale of a majority interest in the business, or the discontinuation of the business for a continuous period of thirty days. Any computerized sweepstakes device license issued under this chapter shall expire upon the transfer or sale of such computerized sweepstakes device.

(b) Suspension and Revocation. All licenses issued under this chapter shall be suspended or revoked by the Service Director upon his finding of the occurrence of any of the following events;

(1) A false statement by any licensee as to a material matter made in an application for license or in a hearing concerning the license;

(2) Conviction of any licensee or operator of any felony or of any misdemeanor involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude;

(3) Conviction twice within a one-year period of any licensee or operator for a violation of this chapter.

(c) Hearing. The suspension or revocation of any license under this chapter shall not be made without a hearing. The licensee shall be given at least ten days prior written notice of intent to suspend or revoke, which shall set forth the time and place of the hearing and the specific reasons for such suspension or revocation. The licensee shall have the right at the hearing to present testimony and other relevant evidence and to orally examine any person offering evidence as to the reasons for suspension or revocation.

(d) Appeal. The decision of the Service Director may be appealed to a court of competent jurisdiction under Ohio R.C. Chapter 2506.

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

750.13 LICENSE FEES.

(a) Computerized Sweepstakes Devices. The fee for each computerized sweepstakes device license shall be thirty dollars (\$30.00) per device, per month.

(b) Sweepstakes Terminal Café. The fee for a Sweepstakes Terminal Café shall be five thousand dollars (\$5,000.00) per year.

(c) Replacement License. The fee for a replacement license shall be fifteen dollars (\$15.00).

(d) Filed with Application. License fees under this chapter shall be filed with the application for license.

(e) Return of Fee. In the event an application is denied under this chapter, one-half of the license fee therefore shall be returned to the applicant. In the event any license is suspended or revoked under this chapter, no portion of the license fee shall be returned to the owner.

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

750.14 EQUAL OPPORTUNITY.

No person shall be denied any license or the right to use a licensed amusement device under this chapter in the City because of race, color, creed, sex, religious belief or national origin.

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

750.15 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 38-10. Passed 10-26-10.)

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- effectively and validly be made;
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- ordinances and statutes
- orderly conduct, upon the premises, or to allow viewing of illegal and/or explicit adult oriented material;
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