

750.12 LICENSE EXPIRATION, SUSPENSION OR REVOCATION.

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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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CHAPTER 750 Computerized Internet Sweepstakes Cafes

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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