

Bedford, Ohio

**CHAPTER 749**  
**Sweepstakes Terminal Café**

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**749.01 TITLE, PURPOSE AND OBJECTIVES.**

(a) Title. This chapter shall be known and may be cited as the Sweepstakes Terminal Café.

(b) 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 public purpose. 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.

**749.02 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.

**749.03 DEFINITIONS.**

As used in this chapter:

- (a) "Computerized sweepstakes device" means any computer, either directly or indirectly, 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, whether or not registering a score, and which in no way tends to encourage gambling.
- (b) "Safety Director" means the City Manager or his designated representative.
- (c) "Board" means the City Board of Zoning Appeals.
- (d) "Operator" means the person or persons having authority to control the premises of an arcade amusement center or an accessory amusement area.
- (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 a pecuniary interest, either directly or indirectly, of twenty-five percent or more in an amusement device business.
- (g) "Person" means any natural person, firm, partnership, association, corporation or any other form of business organization.

- (h) "Premises" means the building or portion thereof used for conducting the operation of a Sweepstakes Terminal Cafe.
- (i) "School" means any educational institution, public, private, secular or parochial, which offers instruction of high school grade or lower.
- (j) "Sweepstakes Terminal Café" means any individual premises upon which any computerized sweepstakes device is located for the public use, whether or not such premises have other business purposes of any nature whatsoever.

**749.04 COMPUTERIZED SWEEPSTAKES DEVICE LICENSE REQUIRED.**

No person shall display for purpose of use any computerized sweepstakes device in the City without having first obtained a license therefore as provided in this chapter, which license shall be designated as a computerized sweepstakes license. A separate license is required for each such computerized sweepstakes device.

**749.05 SWEEPSTAKES TERMINAL CAFÉ LICENSE REQUIRED.**

No person shall conduct or operate a sweepstakes terminal café area in the City without having first obtained a license therefore as provided in this chapter, which license shall be designated as a sweepstakes terminal café license.

**749.06 AUTHORITY OF SAFETY DIRECTOR.**

Authority is hereby established and vested in the Safety Director to consider applications for licenses under this chapter, conduct investigations thereon and issue or deny issuance of such licenses based upon the criteria set forth in this chapter.

**749.07 NATURE OF LICENSES.**

(a) All Licenses. All licenses issued under this chapter shall have the following characteristics:

- (1) Each such license shall be an annual license which covers a period from January 1, through December 31 unless earlier suspended or revoked.
- (2) Each such license shall vest a personal privilege but not any property rights in the licensee.
- (3) Each such license shall be required to be displayed permanently in a conspicuous place upon the premises for which it is issued.
- (4) Each such license shall be in the name of the applicant.
- (5) Each such license shall be neither assignable nor transferable, either as to person or location. Device licenses shall not be transferred between devices.
- (6) Each such license, if lost, destroyed or mutilated, upon application within thirty days thereof may be replaced by a replacement license issued by the Safety Director bearing the word "Replacement" 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 follow characteristics:

- (1) Each such license shall be issued for an individual computerized sweepstakes device only.
- (2) Each such license shall specify the name and address of each licensee.
- (3) Each such license, if changed, mutilated, erased or in any manner defaced, shall be void, and any sweepstakes device which the same shall purport to license shall be deemed an unlicensed sweepstakes device.

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

- (1) Each such license shall be issued only for an individual business at an individual premise.
- (2) Each such license shall specify the name and address of each licensee.

**749.08 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 Safety 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 of any other type of business entity. In the event that no person owns twenty-five percent or more of the sweepstakes terminal café, such application shall be signed by an authorized representative of the sweepstakes terminal cafe. All applications shall contain a statement that the information contained therein is complete, accurate and truthful to the best knowledge of all applicants. Every owner and operator of the sweepstakes terminal café, shall be fingerprinted by the Bedford Police Department and said persons 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 cafe 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) A 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 statement and 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.
- (14) 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.
- (15) A map showing all schools, playgrounds, parks or other arcade amusement centers within a radius of 1,000 feet of the premises and all churches within a radius of 500 feet of the premises;
- (16) The name, and address and telephone number of the agent of the business upon whom service of process can effectively and validly be made;
- (17) The number, type, name, model and manufacturer's serial number of each computerized sweepstakes device requested to be licensed;
- (18) The name and address of the owner, distributor and manufacturer of each computerized sweepstakes device requested to be licensed;

- (19) Specification of terms of agreement governing the acquisition and installation of each amusement device requested to be licensed;
- (20) A description as to the nature and type of property or services which will be sold or supplied upon the premises;
- (21) A copy of the title or lease to the premises;
- (22) A copy of the Articles of Incorporation, if the owner is a corporation;
- (23) A copy of the Operating Agreement, if the owner is a limited liability corporation;
- (24) A copy of the Partnership Agreement, if the owner is a partnership;
- (25) Specification of the days of the week and the hours of the day during which the licensed activity will be conducted; and
- (26) Any other information which the Safety 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 Safety 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 Safety 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 Safety 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 Building Commissioner shall be submitted to the Safety Director as to whether all building and zoning laws have been satisfied.

(d) Determination Process.

- (1) Safety Director. All applications for licenses under this chapter shall be considered by the Safety 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, the applicant shall have not less than ten days notice of the date and place of the hearing. 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 Safety 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 Safety 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 Safety 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.

**749.09 DENIAL OF SWEEPSTAKES TERMINAL CAFÉ LICENSE.**

No Sweepstakes Terminal Café 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 specifically designate at least thirty gross square feet of floor area for each sweepstakes device to be located upon the premises, excluding areas used for other principal uses;
- (c) Where the premises do not provide a minimum of thirty-five off-street parking places, or one such space for every two computerized sweepstake devices, whichever is greater;
- (d) Where the premises are located within 1,000 feet of any school, playground, public park or other sweepstakes terminal café or within 500 feet of any church;
- (e) 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;
- (f) Where the applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;
- (g) Where the application failed to provide all of the required information; or
- (h) Where not all terms and conditions under this chapter and all other applicable ordinances and statutes are complied with.

**749.10 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 cafes:

- (1) Each such 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 such 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 such licensee shall open the premises for business except between the following hours (local time) on the following days:
  - A. Sunday through Thursday, 9:00 a.m. to 11:00 p.m.; and
  - B. Friday and Saturday, 9:00 a.m. to 12:00 a.m. midnight.
- (4) No such licensee shall allow living quarters to exist with direct entry to the premises.
- (5) No such licensee shall operate the sweepstakes terminal café business other than on street level or on a level within three feet thereof.
- (6) No such licensee shall operate the sweepstakes terminal café in any premises or structure for which a valid Certificate of Occupancy has not been issued for that use.
- (7) Sweepstakes terminal cafes shall not be permitted in any residentially zoned district with the City nor in any historically zoned district within the City. Sweepstakes terminal cafes shall be required to adhere to all zoning regulations within the zoning district they are located.
- (8) Each premises utilized as a sweepstakes terminal café shall be equipped with a number of parking spaces equivalent to one space for each two sweepstake devices, plus one additional parking space for each employee on duty; this required number of parking spaces is in addition to parking spaces required for any other use of the premises and in addition to any other parking spaces required by other tenants in a multi-tenant structure.

- (9) No such 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.
- (10) No person under the age of twenty-one years shall be permitted in a sweepstakes terminal café.
- (11) 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.
- (12) Each such licensee shall operate the sweepstakes terminal café business in compliance with any and all pertinent Federal Trade Commission rules and regulations.

(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 premises;
- (3) So that at least thirty gross square feet of floor area is specifically designated for each amusement device, excluding areas used for other principal uses;
- (4) So that there shall be a minimum unobstructed area of five feet on either side of each amusement device where persons may use, watch or wait to use such amusement device;
- (5) So as to permit a clear and complete view of the interior of the premises immediately upon entry; and
- (6) So that the back of any amusement device is not exposed to a window.

#### **749.11 PROHIBITED CONDUCT AND CONDITIONS IN SWEEPSTAKES TERMINAL CAFÉS.**

No licensee of a sweepstakes terminal café by himself, directly or indirectly, or by any servant, 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;
- (b) Permit the premises to become a gathering place for disorderly persons of any type;
- (c) Permit the gambling in any form or the possession or use of gambling paraphernalia upon the premises;
- (d) Permit intoxication or the possession or use of alcoholic beverages upon the premises;
- (e) Permit the possession or use of any unlawful drug, narcotic or controlled substance;
- (f) Permit the public streets, sidewalks, alleys or walkways 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 is 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 to take place upon the premises.

**749.12 LICENSE EXPIRATION, SUSPENSION OR REVOCATION.**

(a) Expiration. Any sweepstakes terminal cafe 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 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 Board of Zoning Appeals upon its 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 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 Board may be appealed to a court of competent jurisdiction under Ohio R.C. Chapter 2506.

**749.13 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.

**749.14 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.

**749.99 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.

Uhrichsville, Ohio

**CHAPTER 745**  
**Skill Games and Adult Arcades**

**745.01 Permit required.**  
**745.02 Appeals.**

**745.99 Penalty.**

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**745.01 PERMIT REQUIRED.**

(a) Any person, organization, or business entity who owns or operates a skill game business, adult oriented arcade, internet cafe, or sweepstakes business or who desires to operate such a business shall apply annually for a permit with the City of Uhrichsville.

(b) Permits may be obtained from the Mayor's office.

(c) The permit application shall be completed in its entirety. Failure by the applicant to complete the entire application shall cause the Mayor to deny the permit.

(d) Each applicant shall include with the application a certification from the State of Ohio or an authorized testing agency which indicates that the specific games which will be operated by the applicant are legal to operate in the State of Ohio and are not slot machines or other games of chance.

(e) Each applicant shall be required to list all skill based amusement game machines and/or computers, internet cafe machines and/or computers, sweepstakes machines and/or computers, and adult oriented arcade machines and/or computers being operated or to be operated by the applicant, such list to include the following items of information:

- (1) The make, model and serial number of any skill based game machines and/or computers, internet cafe machines and/or computers, sweepstakes machines and/or computers, and adult oriented arcade machines and/or computers.
- (2) The hardware and/or circuit board switch settings for each machine and/or computer operated or to operate as a skill based, sweepstakes, internet cafe, and/or adult oriented arcade machine or computer.
- (3) The software settings of each such machine and/or computer.
- (4) In addition to the above items, the applicant shall provide with the permit application a copy of each manual for any such machine and/or computer used or to be used as a skill based game machine and/or computer, internet cafe machine and/or computer, sweepstakes machine and/or computer, and adult oriented arcade machine and/or computer.

(f) Each permit applicant shall designate a natural person or persons responsible for the applicant's compliance with the provisions contained in Chapter 745 or 517 of the Codified Ordinances and Ohio R.C. Chapter 2915.

(g) Any permit holder under this chapter and section shall be required to give written notice to the Mayor of this City within five days of any change in any of the information required in subsection (e) above. Failure of any permit holder to give the written notice required by this paragraph shall cause the Mayor to revoke a permit issued under this chapter and section.

(h) Applicants must apply for permits issued under this section no later than November 1st prior to the year in which the applicant desires to operate any of the devices, computers or machines enumerated in subsection (e) above.

(i) Permits, unless revoked, shall be good for one year and shall be effective from January 1st through December 31st of the calendar year following the applicant's application.

(j) The following permit fees are required of each applicant and must accompany the application for each permit:

- (1) A general permit fee of five thousand dollars (\$5,000).
- (2) An application and processing fee of two hundred dollars (\$200.00) per skill game machine and/or computer, internet cafe machine and/or computer, sweepstakes machine and/or computer, and each adult oriented arcade machine and/or computer.

(k) The decision to grant, deny or revoke a permit issued under this section shall be in the sole discretion of the Mayor.

(l) Each permit holder is subject to inspection by the Office of the Mayor during normal business hours to ensure the permit holder's compliance with the provision of this chapter, Chapter 517 of the Codified Ordinances, and Chapter 2915 of the Ohio Revised Code. Failure of the permit holder to allow the Office of the Mayor inspection during normal business hours shall result in immediate revocation of the permit holder's permit.

(m) Violation and/or conviction of any provision of Chapter 745 or Chapter 517 of the Codified Ordinances or of Ohio R.C. Chapter 2915 shall cause the Mayor to immediately revoke a permit holder's permit. Appeals from any permit revocation shall be conducted in accordance with Section 745.02. Under no circumstances, including permit revocation is a permit holder entitled to reimbursement for permit fees, application fees, and processing fees, and such fees are not refundable, and are not pro-rated to the date of revocation or closure of a permit holder's business.

(n) Criminal penalties for any violation of the provisions of this section are governed by Section 745.99.

**745.02 APPEALS.**

(a) Any person disagreeing with the decision of the Mayor shall be entitled to appeal that decision to Council.

(b) Council shall hold a hearing on the appeal at its next regularly scheduled meeting. The appellant shall be permitted to present evidence and argument. Council shall then vote on the granting or denying of the permit. The Mayor's decision may only be reversed by a vote of two-thirds (2/3) of Council.

**745.99 PENALTY.**

Violation of any section of this chapter shall be a first degree misdemeanor. Each and every day which the business remains opened without a permit shall be a separate offense.

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CITY OF \_\_\_\_\_, OHIO  
ORDINANCE NO. \_\_\_\_\_

BY: \_\_\_\_\_

**AN ORDINANCE ENACTING A NEW CHAPTER \_\_\_\_\_ OF THE  
CODIFIED ORDINANCES OF THE CITY OF \_\_\_\_\_,  
ENTITLED "ENTERTAINMENT DEVICE ARCADES," TO  
PROVIDE FOR REGULATION AND LICENSING, AND  
DECLARING AN EMERGENCY, AS AMENDED.**

**WHEREAS**, entertainment device arcades, or as may be known as sweepstakes cafés or parlors, and the premises upon which they are located and operated, are by their nature a unique business; and

**WHEREAS**, the City of \_\_\_\_\_ seeks to regulate this business to prevent safety and fire hazards, disturbances, disruption of pedestrian traffic, disorderly assemblies, theft of personal property, gambling and truancy within the City; and

**WHEREAS**, several surrounding communities have either passed or introduced zoning and/or licensing regulations that govern sweepstakes gaming as a lawful enterprises and the City's regulation of entertainment device arcades is likewise intended to limit such activity; and

**WHEREAS**, the City of \_\_\_\_\_ will incur significant personnel costs and other expenses in order to administer these licensing regulations and will use various safety personnel to monitor the operation of this business to ensure compliance with all pertinent federal, state and local rules and regulations, and imposes extensive fees to defray such administrative costs; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_ AND STATE OF OHIO:**

**SECTION 1:** That a new Chapter \_\_\_\_\_ of the Codified Ordinances of the City of \_\_\_\_\_, entitled "Entertainment Device Arcades" is hereby enacted to read as follows:

**CHAPTER \_\_\_\_\_  
ENTERTAINMENT DEVICE ARCADES**

**\_\_\_\_\_ .01 TITLE, PURPOSE AND OBJECTIVES.**

(a) **Title.** This chapter shall be known and cited as the Entertainment Device Arcades.

(b) **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 entertainment devices and such arcades, as may also be commonly referred to as sweepstakes cafés or parlors, and the premises upon which they are located and as may be operated for purpose of providing internet services and/or entertainment to the public. The objectives of this chapter are to prevent the establishment or perpetuation of various nuisance activities, including safety and fire hazards, disturbances, disruption of pedestrian traffic, disorderly assemblies, theft of personal property, gambling and truancy within the City.

\_\_\_\_\_.02 CONSTRUCTION, SEVERABILITY AND APPLICABILITY OF  
CHAPTER.

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

(b) Severability. 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.

\_\_\_\_\_.03 DEFINITIONS.

(a) “Entertainment device” means any mechanical, electronic, video, or digital device which is capable of connection to the internet (regardless of whether such connection is utilized) through a wireless router, telephone line, digital subscriber line, satellite, cellular telephone, cable connection or any other method and which is engaged or accessed upon payment of anything of value as a condition of usage and/or upon the insertion of any coin, token, credit or debit card, or similar magnetic or electronic access card or passcode, directly or indirectly, and wherein a product or service is provided and/or incidental thereto, and the device is engaged for the purpose of playing a game, viewing a video display, hearing an audio transmission or reading entries or outcomes from any other kind of device, with or without payment of a fee, and wherein such device may be operated by the public generally for use as a form of entertainment or amusement, including lawful sweepstakes or skill games, whether or not registering a score, and which when so utilized produces, announces, reveals or discloses the eligibility, award or payment of a cash prize redeemable on or at the entertainment device arcade, which cash prize amount was capable of being ascertained or determined through usage of the mechanical, electronic, video, or digital device, whether or not said prize was in fact announced, revealed or disclosed through usage of the mechanical, electronic, video, or digital device and which in no way tends to permit or encourage gambling.

“Entertainment device” does not include any vending machine, juke box, audio book, video player or any device that gives anything of value where the only value given, directly or indirectly, is a video or audio transmission.

“Entertainment devices” shall be licensed in conjunction with Arcades herein and as such premises are also subject to all zoning regulations including Chapter \_\_\_\_ of the \_\_\_\_\_ Codified Ordinances. Individual Entertainment devices shall not be exempt from licensing, nor shall any individual Entertainment device be permitted upon any premises, with or without a license, except as permitted by zoning regulations, including Chapter \_\_\_\_\_.

(b) “Safety Director” means the City of \_\_\_\_\_ Safety Director.

(c) “Board” means the City of \_\_\_\_\_ Board of Zoning Appeals.

(d) “Operator” means the person or persons having authority to control the premises containing an entertainment device or entertainment device arcade.

(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 a pecuniary interest, either directly or indirectly, of twenty-five percent or more in an entertainment device business.

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

(h) "Premises" means the building or portion thereof having any entertainment device or used for conducting the operation of an entertainment device business.

(i) "School" means any educational institution, public, private, secular or parochial, which offers instruction of high school grade or lower.

(j) "Entertainment device arcade" means any business, establishment, room, or place where four or more entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the entertainment devices or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premises or at the same time or a later time. Entertainment device arcades are, in addition to licensing herein, limited to premises permitted for such use pursuant to \_\_\_\_\_ Codified Chapter \_\_\_\_\_ and other applicable zoning regulations.

"Entertainment devices or such arcades" as defined and licensed herein shall be separate and distinct from the Game Room and amusement device license regulations under Chapter \_\_\_\_\_.

**\_\_\_\_\_.04 ENTERTAINMENT DEVICE LICENSE REQUIRED.**

No person shall display for purpose of use any entertainment device in the City of \_\_\_\_\_ without having first obtained a license therefore as provided in this chapter, which license shall be designated as an Entertainment device license. A separate license is required for each entertainment device, which license must account for each and every such device.

**\_\_\_\_\_.05 ENTERTAINMENT DEVICE ARCADE LICENSE REQUIRED.**

No person shall conduct or operate an entertainment device arcade in the City of \_\_\_\_\_ without having first obtained a license therefore as provided in this chapter, which license shall be designated as an entertainment device arcade license.

**\_\_\_\_\_.06 AUTHORITY OF SAFETY DIRECTOR.**

Authority is hereby established and vested in the Safety Director to consider applications for licenses under this chapter, conduct investigations thereon and issue or deny issuance of such licenses based upon the criteria set forth in this chapter.

**\_\_\_\_\_.07 NATURE OF LICENSES.**

(a) All Licenses. All licenses issued under this chapter shall have the following characteristics:

- (1) Each such license shall be an annual license which covers a period from June 1 of each year through May 31 of the following year unless earlier suspended or revoked. The fee for the first application for an annual license shall be pro-rated based on the date of the application.
- (2) Each such license shall vest a personal privilege but not any property rights in the licensee.
- (3) Each such license shall be required to be displayed permanently in a conspicuous place upon the premises for which it is issued.
- (4) Each such license shall be in the name of the applicant.
- (5) Each such license shall not be assignable or transferable, either as to person or location.
- (6) Each such license, if lost, destroyed or mutilated, upon application within thirty days thereof may be replaced by a replacement license issued by the Safety Director bearing the word "Replacement" across its face and bearing the same license number as the license which it replaces.
- (7) Each such license shall be and remain subject to immediate revocation by the Safety Director upon violation by the licensee, subject to the revocation procedure herein.

- (8) Each such license shall be subject to and/or contingent upon full compliance with zoning regulations, including applicable conditional use, building and/or occupancy permits.

(b) Entertainment Device Licenses. All entertainment device licenses issued under this chapter shall have the follow characteristics:

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

(c) Entertainment Device Arcade Licenses. All entertainment device arcade licenses issued under this chapter shall have the following characteristics:

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

#### .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 Safety 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 of any other type of business entity. In the event that no person owns twenty-five percent or more of the entertainment device arcade, such application shall be signed by an authorized representative. All applications shall contain a statement that the information contained therein is complete, accurate and truthful to the best knowledge of all applicants. Every owner and operator of the entertainment device or arcades therefore, as a condition precedent, shall be required to consent to confidential criminal background investigation, including fingerprint identification by the City of \_\_\_\_\_ Police Department and said persons 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 game room, entertainment or sweepstakes terminal arcade 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) A description of the nature and operation of any business to be conducted in conjunction with the entertainment device arcade, 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 entertainment device arcade, 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) Building and utility drawings of the premises meeting all requirements of the City of \_\_\_\_\_ Building and Zoning codes including floor plans of the premises showing devices, equipment and computers, internet distribution routing and the immediate vicinity drawn to scale (24 x 36) showing the square footage and placement of the entertainment devices, exits, windows, storage spaces, bicycle storage racks and off-street parking.
- (14) A map showing all public or private school, playground, park, library, place of worship, public building, or residentially zoned property within a radius of 500 feet of the premises and any entertainment device arcade closer than 1,000 feet of the premises.
- (15) The name, and address and telephone number of the agent of the business upon whom service of process can effectively and validly be made;
- (16) The number, type, name, model and manufacturer's serial number of each entertainment device requested to be licensed;
- (17) The name and address of the owner, distributor and manufacturer of each entertainment device requested to be licensed;
- (18) Specification of terms of agreement governing the acquisition and installation of each entertainment device requested to be licensed;
- (19) A description as to the nature and type of property or services which will be sold or supplied upon the premises;
- (20) A copy of the title or lease to the premises;
- (21) A copy of the Articles of Incorporation, if the owner is a corporation;
- (22) A copy of the Operating Agreement, if the owner is a limited liability corporation;
- (23) A copy of the Partnership Agreement, if the owner is a partnership;
- (24) Specification of the days of the week and the hours of the day during which the licensed activity will be conducted;
- (25) A copy of employer identification number, business registration form and other evidence that the owner is in full compliance with Regional Income Tax Agency for corporate and/or payroll tax collections;
- (26) Consent of applicant and owner, together with release forms, enabling the City of \_\_\_\_\_ and Police Department to conduct criminal background investigation;
- (27) Confirmation that real property tax collections are current, not delinquent, or are otherwise subject to payment plan in accordance with law, and subject to verification in conjunction with building and/or occupancy permits;
- (28) Certificate of Insurance for general and premises liability in an amount not less than One (1) Million Dollars; and
- (29) Any other information which the Safety 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 Safety Director shall request the following reports, which shall be rendered to him with copies to the applicant within thirty (30) days of the date of filing of the application.

- (1) A written report from the Fire Chief shall be submitted to the Safety 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 Safety 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 Building Commissioner shall be submitted to the Safety Director as to whether all building codes have been satisfied. The report shall include a formal accredited plans review report verifying proper code compliance of the facility and operations, including any building or occupancy permits.
- (4) A written report from the Director of Planning shall be submitted to the Safety Director as to whether all zoning regulations have been satisfied. The report shall include a description of the status of any conditional use permit application and clearly indicate whether final administrative approval has been issued.

(d) Determination Process.

- (1) Safety Director. All applications for licenses under this chapter shall be considered by the Safety Director, who shall, within ten days after receiving the written reports, either issue such licenses or deny issuance of such licenses. In the event that zoning or building permits or final approvals remain pending, the Safety Director may issue license conditioned upon said administrative determination. No license shall be issued nor entertainment device operated in violation of zoning and building code requirements.
- (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 thirty (30) days after issuance and delivery of such notice within which to appeal such denial, by filing a written notice of appeal with the Board of Zoning Appeals. Thereupon, the applicant shall have an opportunity to be heard in accordance with ordinances and rules governing matters before Board of Zoning Appeals. 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 entertainment device license and entertainment device arcade license must be renewed annually. At the time of renewal, a statement shall be filed with the Safety 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 Safety Director listing each and every item of information which has changed since the original application. Such renewal request and updated statement shall be signed by the owner, operator and license applicant, subject to the same process as the original application. The Safety Director shall refer or circulate the renewal request for review and comment by Police, Fire, Planning and Building prior to any determination by Safety to accept such statement and issue the renewal license. The renewal shall be governed by the standards and procedures for an original license, except as modified for renewal herein.

**.09 DENIAL OF ENTERTAINMENT DEVICE ARCADE.**

No entertainment device or arcade 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 offense for violation of building or health codes, tax codes, involving the operation of a similarly licensed business activity, or involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude;
- (b) Where the premises do not specifically designate at least 50 gross square feet of floor area for each entertainment device to be located upon the premises, excluding areas used for other principal uses or as may otherwise be provided pursuant to Zoning Code Section \_\_\_\_\_;
- (c) Where the premises do not provide a minimum of 1 parking space per every entertainment device, together with minimum of 1 parking space for every full time employee, or as otherwise may be provided pursuant to Zoning Code Section \_\_\_\_\_ and other applicable parking regulations;
- (d) Where the premises are located within 500 feet of any residentially zoned property, place of worship, public or private school, park, playground, library, or public building, nor shall such premises be located closer than 1,000 feet from another licensed entertainment device arcade, or as otherwise may be provided pursuant to Zoning Code Chapter \_\_\_\_\_;
- (e) Where it is reported 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 of \_\_\_\_\_ or any other pertinent provisions of local, state or federal law and where the application is not amended in response to such reports in order to demonstrate such compliance;
- (f) Where the application proposes to install more than the maximum number of twenty (20) entertainment devices, terminals, computers, machines, and/or gaming stations within an entertainment device arcade.
- (g) Where the applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;
- (h) Where the application failed to provide all of the required information; or
- (i) Where the application fails to comply with all terms and conditions under this chapter and all other applicable ordinances and regulations; or
- (j) Where the proposed premises is delinquent on real property tax payments and fails to satisfy requirements related thereto in order to qualify for building and/or occupancy permit; or
- (k) Where the owners are delinquent on corporate or payroll tax payments or otherwise not in compliance with registration requirements.

**.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 entertainment devices and arcades:

- (1) Each such licensee shall at all times when the premises are open to the public hold open each and every portion of the premises open to the public for inspection by the Police Department and other City departments for the purposes of enforcing any provisions of this chapter.
- (2) Each such 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 within the last five years of any felony or of any misdemeanor offense for violation of building or health codes, tax codes, involving the operation of a similarly licensed business activity, or involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude;
- (3) No such licensee shall open the premises for business except between the following hours (local time) on the following days:
  - A. Sunday through Thursday, 9:00 a.m. to 11:00 p.m.; and
  - B. Friday and Saturday, 9:00 a.m. to 12:00 a.m. midnight.
- (4) No such licensee shall allow living quarters to exist with direct entry to the premises.
- (5) No such licensee shall operate the entertainment devices or arcade business other than on street level or on a level within three feet thereof.
- (6) No such 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 entertainment devices.
- (7) No person under the age of twenty-one years shall be permitted within premises of entertainment devices or arcade.
- (8) Any and all sweepstakes rules and odds of winning shall be posted in a conspicuous place at the premises and displayed on the entertainment device at the start of each game and/or activity.
- (9) Each such licensee shall operate the entertainment device arcade business in compliance with any and all pertinent Federal Trade Commission rules and regulations.

(b) All entertainment devices upon the premises of an entertainment device arcade 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 premises;
- (3) So that at least fifty (50) gross square feet of floor area is specifically designated for each amusement device, excluding areas used for other principal uses;
- (4) So that the maximum number of terminals, computers, machines, and/or gaming stations within an entertainment device arcade is twenty (20);
- (5) So that there is at least one (1) parking space for every device or terminal, plus one (1) additional space for every full time employee;

- (6) Entertainment device arcades shall be located a minimum distance of 500 feet, measured in a straight line in any direction from the closest point of the building and parking lot of the proposed business to the property line of any residentially zoned property, place of worship, public or private school, park, playground, library, or public building. No entertainment device arcade shall be located closer than 1,000 feet from another entertainment device arcade;
- (7) So that there shall be a minimum unobstructed area of five feet on either side of each entertainment device where persons may use, watch or wait to use such amusement device;
- (8) So as to permit a clear and complete view of the interior of the premises immediately upon entry; and
- (9) So that the back of any entertainment device is not exposed to a window.

\_\_\_\_.11 **PROHIBITED CONDUCT AND CONDITIONS IN ENTERTAINMENT DEVICE ARCADE.**

No licensee of an entertainment device or such arcade shall, by himself, directly or indirectly, or by any servant, agent or employee, 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;
- (b) Permit the premises to become a gathering place for disorderly persons of any type;
- (c) Permit the gambling in any form or the possession or use of gambling paraphernalia upon the premises;
- (d) Permit intoxication or the possession or use of alcoholic beverages upon the premises;
- (e) Permit the possession or use of any unlawful drug, narcotic or controlled substance;
- (f) Permit the public streets, sidewalks, alleys or walkways 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 entertainment device thereon to be operated at any time the premises is 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 entertainment 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 entertainment device upon the premises;
- (n) Permit any violation of any ordinance of the City of \_\_\_\_\_ or statute of the State to take place upon the premises.

**.12 LICENSE EXPIRATION, SUSPENSION OR REVOCATION.**

(a) Expiration. Any entertainment device or such arcade 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 entertainment device or arcade license issued under this chapter shall expire upon the transfer or sale of such equipment or device, or other change in ownership of the business.

(b) Suspension and Revocation. All licenses issued under this chapter shall be suspended or revoked by the Safety Director upon 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 of any felony or of any misdemeanor offense for violation of building or health codes, tax codes, involving the operation of a similarly licensed business activity, or 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 license or operator for a violation of this chapter.
- (4) Any violation of the terms and conditions of the license, the standards and regulations of this chapter or other applicable laws or regulations, or upon any violation of law committed by the applicant, owners, operators or licensee with respect to the licensed premises and its operation herein.

(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 (10) 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 Safety Director may be appealed to the Board of Zoning Appeals and thereafter to a court of competent jurisdiction under Ohio R.C. Chapter 2506.

**.13 LICENSE FEES.**

(a) Entertainment Devices. The fee for each entertainment device license shall be fifty dollars (\$50.00) per device, per year.

(b) Entertainment Device Arcade. The fee for a entertainment device arcade shall be five thousand dollars (\$5,000.00) per year.

(c) Replacement License. The fee for a replacement license shall be twenty-five dollars (\$25.00).

(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.

**.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 of \_\_\_\_\_ based upon race, color, creed, gender, religious belief, national origin or sexual orientation.

**.99 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.

**SECTION 2:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3:** This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and general welfare of the citizens and visitors of the City of \_\_\_\_\_, and for further reason that it is immediately necessary in order for this Council to enforce reasonable regulation of the persons and occupancy of premises for such arcades and to prevent unregulated proliferation of these facilities. Therefore, provided this Ordinance receives the affirmative vote of five members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Committee: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
MAYOR

/s/ \_\_\_\_\_

Director of Law