

2021-39

AN ORDINANCE ENACTING A TEMPORARY MORATORIUM ON THE NEW OPERATION OF, AND THE CITY'S ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY APPLICATIONS FOR BUSINESS LICENSING, ZONING, OCCUPANCY, AND/OR BUILDING PERMITS THAT MAY CONTEMPLATE THE OPERATION OF, ANY SWEEPSTAKES TERMINAL DEVICES, SKILL-BASED AMUSEMENT MACHINES, OR ANY OTHER GAMING DEVICES WITHIN THE CITY; AND DECLARING AN EMERGENCY.

WHEREAS, this Council needs to study the appropriateness of adopting one or more ordinances that reasonably regulate the operation and location of Sweepstakes Terminal Devices and Skill-Based Amusement Machines (as those devices/machines are defined in the Ohio Revised Code and/or the City's Codified Ordinances), as well as any other gaming devices or machines that may or may not be expressly regulated by the Ohio Revised Code or the City's Codified Ordinances, in order to minimize or eliminate the potential negative secondary effects on the community that may be found to result from the operation of one or more such devices or machines within the City, to determine how best to complement or supplement the State of Ohio's existing regulation of such devices and machines, and if appropriate, to review draft legislation related to the same and to allow time for any legislation to go through the Code amendment process, all for the purpose of furthering the public health, safety and general welfare; and

WHEREAS, this Council believes that the adoption of a six-month moratorium on the new operation of, and the City's acceptance, processing, or approval of any applications for business licensing, zoning, occupancy, and/or building permits for Sweepstakes Terminal Devices and Skill-Based Amusement Machines (as those devices/machines are defined in the Ohio Revised Code and/or the City's Codified Ordinances), as well as any other gaming devices or machines that may or may not be expressly regulated by the Ohio Revised Code or the City's Codified Ordinances, will not deny property owners an economically viable use of their property and will afford City officials and this Council the time necessary to determine whether to put into place reasonable business and zoning regulations to further the aforesaid purposes.

NOW, THEREFORE, BE IT ORDAINED by the Council of Vermilion, Counties of Erie and Lorain, State of Ohio, that:

Section 1: For the reasons set forth in the preamble to this Ordinance, there is hereby enacted a six-month moratorium (effective immediately upon passage on this day, June 7, 2021, and expiring at 11:59 p.m. on December 7, 2021) on the new operation of, and the City's acceptance, processing or approval of any applications for business licensing, zoning, occupancy, and/or building permits for Sweepstakes Terminal Devices and Skill-Based Amusement Machines (as those devices/machines are defined in the Ohio Revised Code and/or the City's Codified Ordinances), as well as any other gaming devices or machines that may or may not be expressly regulated by the Ohio Revised Code or the City's Codified Ordinances but which may operate in a similar manner or have the potential to have the same or similar potential negative secondary effects on the community as Sweepstakes Terminal Devices and Skill-Based Amusement Machines.

Section 2: Any act in violation of this moratorium, including but not limited to the operation of new devices, machines, or games subject to this moratorium in any business where such devices, machines, or games are already in operation, as well as any operation of a new business where such devices, machines, or games will start to operate after the effective date of this moratorium shall be a criminal offense. A separate offense shall be deemed committed on each day during or on which a violation of the moratorium occurs. It shall be a minor misdemeanor offense for the first three days during or on which a violation occurs; for every day during or on which a violation occurs thereafter, each violation shall be a separate misdemeanor offense of the fourth degree.

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Section 3: Whenever the provisions of this Ordinance conflict with any other ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control for the duration of this moratorium.

Section 4: 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 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 5: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the further reason that it is necessary to enact a temporary moratorium in order to have a pause for planning purposes so as to further the orderly development of the City with respect to the establishment and operation of Sweepstakes Terminal Devices and Skill-Based Amusement Machines (as those devices/machines are defined in the Ohio Revised Code), as well as any other gaming devices or machines that may or may not be expressly regulated by the Ohio Revised Code, and if appropriate, to adopt well thought-out and contemporary zoning and business regulations for the City, and to protect the public interest and rights of property owners; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor.

PASSED: _____, 2021

Steve Herron, President of Council

ATTEST: _____, 2021

Gwen Fisher, Certified Municipal Clerk

APPROVED: _____, 2021

Jim Forthofer, Mayor

*This document prepared as to form:
By: Attorney Benjamin Chojnacki – June 2, 2021*