

**SUSTAINABILITY COMMITTEE MEETING
WEDNESDAY, NOVEMBER 2, 2011
6:00 PM**

CHAIRWOMAN MINARIK HAS CALLED A SUSTAINABILITY COMMITTEE MEETING FOR **WEDNESDAY, NOVEMBER 2, 2011** AT **6:00 PM** IN THE EUCLID MUNICIPAL CENTER COUNCIL CHAMBER.

AGENDA

Recycling Update

- Forming a Citizens Committee to create a Pay-As-You-Throw (PAYT) plan
- Charging extra for over-size items

COMMITTEE: HOLZHEIMER GAIL, JONES, LANGMAN, SCARNIENCH, MINARIK

**FOLLOWING SUSTAINABILITY
AT 7 PM**

EXECUTIVE & FINANCE COMMITTEE MEETING

COUNCIL PRESIDENT HOLZHEIMER GAIL HAS CALLED AN EXECUTIVE & FINANCE COMMITTEE MEETING **FOLLOWING THE SUSTAINABILITY COMMITTEE AT 7 PM** IN THE EUCLID MUNICIPAL CENTER COUNCIL CHAMBER.

AGENDA

Ord. (376-11) An ordinance enacting Chapter 705 of the Euclid Codified Ordinances, Entitled, "Sweepstakes Terminal Cafés." (Sponsored by Councilperson Gilliham by request of Mayor Cervenik)

Ord. (377-11) An ordinance amending Section 1359.03, Entitled, "Permitted Uses", Section 1359.04, Entitled, "Definitions of Specific Uses" and Section 1389.03, Entitled, "Schedule of Required Space" of Part Thirteen of the Planning And Zoning Code of the Codified Ordinances of the City of Euclid to provide for the inclusion of Sweepstakes Terminal Cafes. (Sponsored by Councilperson Gilliham by request of Mayor Cervenik)

COMMITTEE: ALL COUNCIL

Ordinance No.

By – Councilperson Gilliam

An ordinance amending Section 1359.03, Entitled, "Permitted Uses", Section 1359.04, Entitled, "Definitions of Specific Uses" and Section 1389.03, Entitled, "Schedule of Required Space" of Part Thirteen of the Planning And Zoning Code of the Codified Ordinances of the City of Euclid to provide for the inclusion of Sweepstakes Terminal Cafes.

WHEREAS, computerized sweepstakes and sweepstakes terminal cafés, and the premises upon which they are located and operated, are by their nature a unique business; and

WHEREAS, the City of Euclid seeks to amend the City of Euclid Zoning Code to ensure this business is in compliance with relevant zoning laws; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 1359.03 of Chapter 1359 "Permitted Uses" of the Euclid Zoning Code is hereby amended read as follows

1359.03 PERMITTED USES			
LAND USE CATEGORY	Class U4 Retail and Services	Class U5 General Commercial District	1361 Class U6 General Industrial District
(a) <u>Offices</u>			
(1) Administrative and professional offices including but not limited to accounting, clerical, drafting executive, financial, governmental, public utility offices, and other similar types of office uses	P	P	P
(2) Financial institutions, banks, real estate offices and other offices that accommodate frequent walk-in customers, but not including non-charter financial establishments	P	P	
(3) Medical, dental, and other health service offices	P	P	
(4) Research and development laboratories or		P	P

testing offices			
(b) <u>Retail/Services</u>			
(1) Retail establishments in completely enclosed building except as otherwise regulated below	P	P	
(2) Personal service establishment including barber, beauty shops except as otherwise regulated below	P	P	
(3) Animal clinic with all operations in a completely enclosed building	P	P	
(4) Animal clinic with outside run or kennel, see also Section 1359.06(a)	C	C	
(5) Business equipment and supplies, including self-service printing services	P	P	
(6) Business school	P	P	P
(7) Check-cashing nonchartered financial establishment, see also Section 1359.06(s)	C	C	
(8) Crematorium, see also Section 1359.06(b)	C	C	P
(9) Drive-through facility in association with a permitted use, see also Section 1359.06(d)	C	C	
(10) Dry cleaning counter service	P	P	
(11) Funeral home, mortuary, see also Section 1359.06(e)	C	P	
(12) Furniture, home furnishing, office equipment and office supplies store	P	P	
(13) Motels, hotels, see also Section 1359.06(i)	C	P	
(14) Outdoor dining in association with a permitted use, see also Section 1359.06(j)	C	C	
(15) Outdoor display of items for sale, except motor vehicles, in association with a permitted use, see also Section 1359.06(k)	C	P	
(16) Pawn shop, see also Section 1359.06(s)	C	C	
(17) Repair shops for personal items such as shoes, watch, camera	P	P	

(18) Restaurant in completely enclosed building (including ice cream parlor, coffee shop)	P	P	
(19) Retail plant nursery and garden supply business, see also Section 1359.06(n)	C	P	
(20) Self-serve laundry facility	P	P	
(21) Studios for instruction	P	P	
(22) Tattoo parlor, branding parlor, body piercing, see also Section 1359.06(s)	C	C	
(23) Trade school		C	P
(24) Establishments engaged in sale of deadly weapons, in compliance with Chapter 785		C	
(25) Sweepstakes Terminal Café	P	P	
(25) (26) Adult uses	As regulated in Chapter 1395		
(c) <u>Motor Vehicle/ Transportation</u>			
(1) Ambulance service		P	P
(2) Automobile service facility, see also Section 1359.06(f)	C	P	P
(3) Car wash facility, see also Section 1359.06(f)		P	
(4) Gasoline station, see also Section 1359.06(f)	C	P	
(5) Heavy duty truck and/or boat sales, service and repair, see also Section 1359.06(g)		C	C
(6) Major repair facility for motor vehicles (includes painting, body shops, engine repair shops, transmission shops), see also Section 1359.06(g)		C	P
(7) Parking lot as principal use	C		
(8) Parking structure as principal or accessory use	C		
(9) Rental of automobiles and small trucks	C	P	P
(10) Sales or lease of new automobiles and small trucks, see also Section 1359.06(p)	C	P	P
(11) Sales or lease of used automobiles and small trucks, see also Section 1359.06(q)	C	P	P

(12) Towing/wrecker service			P
(13) Transit garage, see also Section 1359.06(t)			P
<u>(d) Entertainment, Recreation, Community Facility</u>			
(1) Assembly halls, lodges and membership clubs, including churches/religious assembly, provided the use is located on a lot size of one acre or more, and in a freestanding building	P	P	
(2) Cultural institution including museum, gallery	P	P	
(3) Dance hall/entertainment or catering establishment in association with a permitted use	C	C	C
(4) Day care facility, adult or child, see also Section 1359.06(c)	C	C	C
(5) Health club	P	P	
(6) Indoor recreation facility, including but not limited to roller skating, ice skating rinks, bowling alleys		P	P
(7) Local public safety facility, including police station and fire station	P	P	P
(8) Local public service facility that provides for the upkeep and maintenance of the community such as but not limited to a service garage, maintenance building, and salt dome		C	P
(9) Outdoor recreation involving motor vehicles, race track, see also Section 1359.06(o)			C
(10) Outdoor recreation, archery range, golf course, golf driving range or miniature golf course and similar outdoor commercial recreation, see also Section 1359.06(o)	C	C	C
(11) Public library	P	P	
(12) Public parks and/or playgrounds	P	P	
(13) Theater, indoor	P	P	
<u>(e) General Commercial</u>			
(1) Equipment sales, rental and/or service		C	P

(2) Linen and uniform supply, commercial laundry		C	P
(3) Painting or varnishing shop, woodworking shop, vulcanizing shop		C	P
(4) Printing, publishing, engraving and allied industries, but not including self-service print shops, which are regulated as a retail establishment		P	P
(5) Repair services for household and business equipment, but not including motor vehicles	C	P	
(6) Trade/contractor's facility including carpenter, cabinetry, upholstery, sheet metal, plumbing, heating, roofing, air conditioning, sign painting and other similar facilities		P	P
(7) Upholstery and furniture repair	C	P	P
(8) Vending machine supply and repair		P	P
(9) Welding shop			P
(f) <u>Storage and Distribution.</u>			
(1) Distribution of welding supplies and gases			P
(2) Distributors, warehouse and wholesale outlet (including break-bulk operations such as bottling and/or packaging, bakery) in completely enclosed building, except as otherwise listed		P	P
(3) Mini/ self-storage facility that involves the lease, sale, rental or other transfer of storage space to more than one user on the same site, see also Section 1359.06(r)		C	P
(4) Outdoor storage of materials in association with a principal use, see also Section 1359.06(l)		C	P
(5) Outdoor storage of fleet vehicles used in the operation of the principal use, see also Section 1359.06(m)	C	P	P
(6) Truck or transfer terminal; motor freight garage/depot, see also Section 1359.05(t)			P
(g) <u>Manufacturing and Industry.</u>			
(1) Assembly of building components, including			P

manufactured home assembly			
(2) Chemical manufacturing except when specifically listed in Chapter 1373 as a prohibited use or when operations would create a hazard or common-law nuisance beyond the confines of the lot, see also Section 1359.06(h)			C
(3) Food and beverage manufacturing and processing, including brewing and distilling of alcoholic beverages			P
(4) Heavy machinery and equipment manufacturing, assembly and repair			P
(5) Heavy manufacturing, not otherwise identified in this list except when specifically listed in Chapter 1373 as a prohibited use or when operations would create a hazard or common-law nuisance beyond the confines of the lot) see also Section 1359.06(h)			C
(6) Light manufacturing, not otherwise identified in this list, including compounding, processing, assembling, and packaging (except when specifically listed in Chapter 1373 as a prohibited use or when operations would create a hazard or common-law nuisance beyond the confines of the building)			P
(7) Lumber yard with outdoor storage			P
(8) Manufacturing of products from raw materials, see also Section 1359.06(h)			C
(9) Metal product manufacturing, fabrication, processing or finishing conducted entirely in a completely enclosed building, including metal grinding, machining, enameling and coating, but not including the recycling, processing or storage of previously used or salvaged metal products, see also Section 1359.06(h)			P
(10) Metals recycling within completely enclosed building, see also Section 1359.06(k)(2)			P
(11) Motor vehicle manufacturing			P
(12) Ship or boat construction			P
(13) Stonework, concrete or cement product			C

manufacturing, see also Section 1359.06(h)			
(14) Tool and die manufacturing			P
(15) Wood product manufacturing, processing or finishing conducted entirely in a completely enclosed building, but not including the recycling, processing or storage of previously used or salvaged wood products			P
(h) <u>Utilities.</u>			
(1) Utility substation		C	P
(2) Water treatment plant			P
(i) <u>Accessory Uses and Structures that are provided for the use of employees and/or incidental to the operation of the principal use.</u>			
(1) Internet Sweepstakes Area	A	A	
(1) (2) Fencing and screening	A	A	A
(2) (3) Off-street parking and loading areas	A	A	A
(3) (4) Signs	A	A	A
(4) Retail and service facilities located internally on-site including but not limited to: cafeterias; recreational facilities, clinics, employee credit unions			A
(5) Central heating and power plants for furnishing heat and energy to structures on the site			A
(6) Data processing facilities			A
(7) Garages for storage and maintenance of company motor vehicles and for storage of gasoline and lubricating oils needed for operation of these vehicles and for the maintenance of the company's plant and machinery located therein			A

Section 2: That Section 1359.04 of Chapter 1359 "Definitions of Specific Uses" of the Euclid Zoning Code is hereby amended to read as follows:

Uses listed in Section 1359.03 shall be limited by the definitions included in this section:

* * *

(n) "Sweepstakes Terminal café." Parking shall be provided at a rate of one parking space for each two terminals on the premises, in addition to the required parking for all main uses of the premises; Applicants for multi-tenant properties shall supply a parking site plan demonstrating

compliance with the requirements of Chapter 1389 of the Euclid Codified Ordinances as well as a parking site plan for the sweepstake terminal café use except that sweepstakes terminal café accessory use premises of less than ten (10) percent of the floor area of the main use of the premises shall not require parking spaces in excess of the parking required for the main use of the premises; The exterior property of sweepstakes terminal café main use premises shall, as much as practical, be brought into compliance with applicable requirements for fencing, landscaping, and parking layout as required for a change of use.

Section 3: That Section 1389.03 of Chapter 1389 "Off-Street Parking" of the Euclid Zoning Code is hereby amended to read as follows:

1389.03 SCHEDULE OF REQUIRED SPACE.

Building or Use	Minimum Parking Space
(a) <u>Residential.</u>	
(1) One-family dwelling	1 space per dwelling unit
(2) Two-family dwelling	1 space per dwelling unit
(3) Group house or apartment	2-1/2 spaces per dwelling unit
(4) Hotels, motels, tourist homes	1 space per each 2 guest rooms
(b) <u>Institutions.</u>	
(1) Hospitals	1 space per each 2 beds
(2) Clinics, health centers, medical and dental offices	1 space per 150 square feet gross floor area
(3) Churches	1 space per each 6 seats in auditorium or assembly room
(4) Mortuaries	1 space per 50 square feet of assembly rooms
Building or Use	Minimum Parking Space
(c) <u>Amusements and Assembly.</u>	
(1) Theaters, arenas, stadia and other auditoriums	1 space per each 6 seats in building
(2) Dance halls, skating rinks, lodge halls, assembly rooms	1 space per 75 square feet of area used for dancing, skating or assembly
(3) Bowling alley	4 spaces per each alley
(4) <u>Sweepstakes Terminal Cafés</u>	<u>1 space for each two terminals on the premises</u>

(d) <u>Business Establishments (Small Scale).</u> In a development of not more than 100 foot frontage, or a part thereof, the following schedule shall apply:	
(1) Retail stores, banks, office buildings, service establishments	1 space per 300 square feet of gross floor area
(2) Restaurants, bars, taverns	1 space per 50 square feet of area used by customers.
(e) <u>Industrial.</u>	
(1) Manufacturing plants, warehouses, printing, bottling, bakeries, machine shops and similar establishments	1 space per 800 square feet of gross floor area.
(f) <u>Business Establishments (Large Scale).</u>	In a development of more than 100 foot frontage, or a part thereof, in lieu of the above schedule, one space shall be provided for each 175 square feet of gross floor area for each floor of the building.

Section 4: That Chapters 1359 and 1389 of the Zoning Code of the Codified Ordinances for the City of Euclid are hereby amended.

Section 5: That 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 6: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest: _____
Clerk of Council

President of Council

Passed:
Effective:

Approved:

Mayor

(376-11)

Ordinance No

By – Councilperson Gilliam

Deleted: (by request)

An ordinance enacting Chapter 705 of the Euclid Codified Ordinances, Entitled, “Sweepstakes Terminal Cafés.”

WHEREAS, computerized sweepstakes and sweepstakes terminal cafés, and the premises upon which they are located and operated, are by their nature a unique business; and

WHEREAS, the City of Euclid seeks to regulate this business to insure that they are in compliance with pertinent rules and regulations of the Federal Trade Commission; and

WHEREAS, the City of Euclid further 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, the City of Euclid shall use various city personnel to monitor the operation of this business to ensure compliance with all pertinent federal, state and local rules and regulations.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Chapter 705 of the Euclid Codified Ordinances, entitled “Sweepstakes Terminal Cafe” is hereby enacted to read as follows:

CHAPTER 705
SWEEPSTAKES TERMINAL CAFÉS

705.01 TITLE, PURPOSE, AND OBJECTIVE.

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

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

705.02 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 circumstance, is held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed 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.

705.03 DEFINITIONS.

As used in this chapter:

(a) "Accessory use" has the same definition as Codified Ordinance section 1321.21.

(b) "Board" means the City Planning and Zoning Commission.

(c) "Computerized sweepstakes device" means any computer, machine, game or apparatus which, upon the insertion of a coin, token or similar object, or upon payment of anything of value, wherein a product or service is provided, and may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which in no way tends to encourage gambling.

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

(e) "Main use of the premises" means the business purpose and the appropriate use group designation as defined in the Ohio Building Code.

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(f) "Owner" means any person who possesses a pecuniary interest, either directly or indirectly, of twenty-five percent or more in a sweepstakes terminal cafe business.

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(g) "Operator" means the person or persons having authority to control the premises of an arcade amusement center or an accessory amusement area.

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

(i) "Premises" means the building or portion thereof used for conducting the operation of a sweepstakes terminal cafe business.

(j) "Safety Director" means the Ex-officio Director of Public Safety.

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(k) "School" means any educational institution, public, private, secular or parochial, which offers instruction of kindergarten through high school grades.

(l) "Sweepstakes Terminal Café" means any individual premises upon which any computerized sweepstakes device is located generally throughout the establishment in compliance with the terms of the applicable license for the use or entertainment of the public, whether or not such premises have other business purposes of any nature whatsoever.

705.04 COMPUTERIZED SWEEPSTAKES DEVICE LICENSE REQUIRED.

No person shall 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. An individual certificate, to be developed by the ex-officio Director of Public Safety, is required for each such computerized sweepstakes device.

705.05 SWEEPSTAKES TERMINAL CAFÉ LICENSE REQUIRED.

No person shall conduct or operate a sweepstakes terminal café or accessory computerized sweepstakes terminal 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.

705.06 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.

705.07 NATURE OF LICENSES.

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

Each such license shall be an annual license which covers a period from January 1, through December 31 unless suspended or revoked.

Each such license shall vest a personal privilege but not any property rights in the licensee.

Each such license shall be required to be displayed permanently in a conspicuous place upon the premises for which it is issued.

Each such license shall be in the name of the applicant

Each such license shall be neither assignable nor transferable, either as to person or location.

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 Accessory Use Licenses. All computerized sweepstakes device accessory use licenses issued under this chapter shall have the following characteristics:

Each such license shall be issued for an individual computerized sweepstakes area within the floor area of an existing business. Such area shall be reflected on a supplement floor plan and maintained as required by Section 705.10 (b) and (c) of this Chapter.

Each such license shall specify the name and address of each licensee, and the manufacturer, model number and serial number of the computerized sweepstakes device for which it was used.

Each such license, if changed, mutilated, erased or in any manner defaced, shall be void, and any amusement device which the same shall purport to license shall be deemed an unlicensed amusement device.

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

Each such license shall be issued only for an individual business at an individual premise.

Each such license shall specify the name and address of each licensee, and the manufacturer, model number and serial number of each computerized sweepstakes device located upon the premises for which it was issued.

705.08 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 café. 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 Euclid 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;

True name and all names used in the past five years;

Date of birth;

Permanent home address and all home addresses used in the past five years;

Business and home telephone numbers;

Employment history for the past five years;

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;

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;

A description of the nature and operation of the main type of business activity to be conducted on the premises;

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.

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The address and telephone number of the premises and of the business, if different from that of the premises;

The name under which the business and premises will be operated;

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.

A floor plan of the premises 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.

A site plan of the lot drawn to scale, showing all property lines, parking spaces, driveways, and information in sufficient detail to show compliance with any applicable provisions of the City of Euclid Zoning Code;

The name, and address and telephone number of the agent of the business upon whom service of process can effectively validly be made;

The number, type, name, model and manufacturer's serial number of each computerized sweepstakes device requested to be licensed;

The product and software name of programs used in the computerized devices.

Specification of terms of agreement governing the acquisition and installation of each amusement device requested to be licensed;

A description as to the nature and type of property or services which will be sold or supplied upon the premises;

A copy of the title or lease to the premises;

A copy of the Articles of Incorporation, if the owner is a corporation;

A copy of the Operating Agreement, if the owner is a limited liability corporation;

A copy of the Partnership Agreement, if the owner is a partnership;

Specification of the days of the week and the hours of the day during which the licensed activity will be conducted; and

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.

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

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 physical violence, gambling activity, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude.

A written report from the Building Commissioner shall be submitted to the Safety Director as to whether all building laws have been satisfied.

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A written report from the Zoning Commissioner shall be submitted to the Safety Director as to whether all zoning laws have been satisfied.

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(d) Determination Process.

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.

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 the right to appeal with the Planning and Zoning Commission as described in Chapter 1301 of the Euclid Codified Ordinances.

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 the original license.

705.09 DENIAL OF SWEEPSTAKES TERMINAL CAFÉ LICENSE.

No sweepstakes terminal cafe license shall be issued or renewed for any business or premise:

(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 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;

(c) Where the applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;

(d) Where the application failed to provide all of the required information; or

(e) Where not all terms and conditions under this chapter and all other applicable ordinances and statutes are complied with.

705.10 CONDITIONS AND REGULATIONS.

(a) In addition to any other condition or regulation contained in his 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:

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.

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.

No such sweepstakes terminal café main use licensee shall open the premises for business except between the following hours (local time) on the following days:
Sunday through Thursday, 9:00 a.m. to 12:00 midnight.; and

Friday and Saturday, 9:00 a.m. to 1:00 a.m. the following morning.

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(b) Accessory Use Sweepstakes areas shall not operate outside of the applicable license restricted hours of the main use areas.

(c) 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.

(d) No person under the age of twenty-one years shall be permitted in a sweepstakes terminal café.

(e) 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.

(f) Each such licensee shall operate the sweepstakes terminal café business in compliance with any and all pertinent Federal Trade Commission rules and regulations, the Ohio Revised Code and the regulations and ordinances of the City of Euclid.

705.11 PROHIBITED CONDUCT AND CONDITIONS IN SWEEPSTAKES TERMINAL CAFES.

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 the possession or use of any unlawful drug, narcotic or controlled substance;
- (e) Permit the public streets, sidewalks, alleys or walkways in the immediate vicinity of any entrance or exit to the premises to become littered;
- (f) Permit the premises or the activity conducted thereon to become a public nuisance to the surrounding environs;
- (g) Permit the walkways to become obstructed in any manner so that pedestrian traffic is hindered;
- (h) 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;
- (i) 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;
- (j) Permit any computerized sweepstakes device to be offered to the public for operation unless fully operable and in safe operation condition;
- (k) Permit the premises to be open for business without displaying the licenses therefore in a conspicuous place thereon;
- (l) Permit the operation of any unlicensed computerized sweepstakes device upon the premises;

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

705.12 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 continued 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 Safety Director upon a finding of the occurrence of any of the following events; A false statement by any licensee as to a material matter made in an application for license or in a hearing concerning the license;

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;

Conviction twice within a one-year period of any license 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 Safety Director may be appealed to the Planning and Zoning Commission as provided by the rules contained in the Euclid Codified Ordinances.

705.13 PHYSICAL REQUIREMENTS OF A SWEEPSTAKES TERMINAL CAFÉ OR SWEEPSTAKES TERMINAL AREA.

(a) All computerized sweepstakes devices upon the premises of a sweepstakes terminal café or within a sweepstakes terminal area shall be located in conformity with the floor plan filed with the application for the license and in such a manner:

So not as to impair ingress or egress to the premises;

So as to allow for parking at a ratio of one parking space for each two terminals on the premises

So that the premises meet the building and fire codes for use group "A3" Assembly in the Ohio Building Code;

So that the sweepstakes terminal café main use premise is located on a ground floor only, or within four feet of the grade of the parking lot;

So as not to interfere with free and unfettered passage through the premises;

So that at least 30 gross square feet of floor area is specifically designated for each amusement device, excluding areas used for other principal uses;

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;

So as to permit a clear and complete view of the interior of the premises immediately upon entry; and,

So that the back of any amusement device is not exposed to a window.

(b) **Physical Requirements of Sweepstakes Terminal Café Area:**

The sweepstakes terminal area shall be located on a ground floor, within the main customer service area but separated by a partition wall of at least four feet in height;

The sweepstakes terminal area shall not exceed ten (10) percent of the customer floor are of the main use of the premises;

The sweepstakes terminal area may only be an accessory to businesses which are of an assembly type "A" use group of the Ohio Building Code;

The sweepstakes terminal area shall operate only during the permitted operating hours of the main use of the premises;

The sweepstakes terminal area shall remain accessible and visible to the customer service area of the main use of the premises.

705.14 LICENSE FEES.

(a) Sweepstakes Terminal Café. The fee for a sweepstakes terminal café shall be one thousand dollars (\$1,000.00) per year, plus a fee of thirty dollars (\$30) per device.

(b) Accessory Sweepstakes Terminal Area. The fee for an accessory sweepstakes terminal area within a primary business shall be five hundred dollars (\$500) per year, plus a fee of thirty dollars (\$30) per device.

(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 the 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.

705.15 ZONING COMPLIANCE.

(a) Sweepstakes terminal cafés as set forth in this chapter shall be permitted in U4 and U5 zoning districts as a special use pursuant to Sections 1359.04 and 1359.06 of the Euclid Codified Ordinances and shall not be permitted in any other zone within the City.

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705.16 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.

705.99 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: That Chapter 705 of the Business Regulation and Taxation Code of the Codified Ordinances for the City of Euclid is hereby enacted.

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Section 3: That 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 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:
Effective:

Approved:

Mayor

Deleted: ¶