

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in special session at 3:00 p.m., on November 4, 2011, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Dennis P. Deters; Mr. Jeffrey F. Ritter; and Mr. Joseph R. Wolterman

Mr. Wolterman introduced the following resolution and moved its adoption:

RESOLUTION NO. 67 -11

A RESOLUTION DECLARING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ZONING CERTIFICATE FOR AN "INTERNET SWEEPSTAKES ESTABLISHMENT" USE UNTIL MAY 1, 2012

RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, that:

WHEREAS, internet sweepstakes establishments have become business enterprises within the State of Ohio; and

WHEREAS, an "internet sweepstakes establishment" promotes the sale of prepaid internet time cards or phone cards to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes directly in proportion to the amount of the card purchased; and

WHEREAS, the game server or phone card randomly selects sweepstakes entries permitting users to select prizes or prize values from a pool of finite sweepstakes entries; and

WHEREAS, law enforcement authorities in the State of Ohio, particularly the Ohio Investigative Unit of the Office of the Ohio Attorney General, are investigating whether the computer game terminals involve a game of chance (gambling) or a skill-based amusement device, which is not gambling; and

WHEREAS, Ohio law prohibits the operation of a facility which provides games of chance conducted for profit or any scheme of chance; and

WHEREAS, the law excludes a "skill-based amusement machine, or a pool not conducted for profit" from the definition of a game of chance; and

WHEREAS, the Board of Trustees is also concerned about the proper regulation of internet sweepstakes establishments as a permitted or conditional use, its classification as a retail/service or entertainment/recreational use; parking issues depending upon the number of terminals at each location; traffic circulation issues where several internet establishments are located within close proximity; setbacks from residential uses, schools and other similar uses; and whether licensing of an internet establishment operation is advisable under current Ohio gambling statutes.

NOW THEREFORE, BE IT RESOLVED, by the Board of Trustees of Colerain Township, Hamilton County, State of Ohio:

SECTION 1. That for the promotion of the public health, safety, and morals, the Planning & Zoning Administrator shall not accept applications for zoning certificates for a permitted or conditional use to operate an internet sweepstakes establishment until May 1, 2012, or such earlier date as may be determined by the Board of Trustees.

SECTION 2. That the Board of Trustees direct the Planning & Zoning Administrator to investigate and review such business enterprises; and if regulation is recommended the Law Director and Planning & Zoning Administrator are directed to prepare legislation/zoning amendments regulating or prohibiting the operation of internet sweepstakes establishments in coordination with the Purpose and Spirit and Intent of the Colerain Township *Zoning Resolution* and the Colerain Township *Comprehensive Plan*.

SECTION 3. That it is found and determined that all formal actions of the Board of Trustees concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Board of Trustees and that all deliberations of this Board and of any of its committees that resulted in 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. Effective Date. That this Resolution shall be effective at the earliest date allowed by law.

Mr. Ritter seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Deters aye, Mr. Ritter aye, Mr. Wolterman aye

ADOPTED this 4th day of November, 2011.

BOARD OF TRUSTEES:



Dennis P. Deters, Trustee



Jeffrey F. Ritter, Trustee



Joseph R. Wolterman, Trustee

Attest:



Heather E. Harlow,
Fiscal Officer

Prepared by and approved as to form:



James E. Reuter (0011414)
3025 W. Galbraith Road
Cincinnati, Ohio 45239-4222
(513) 521 - 8400
Attorney for Board of Trustees

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Fiscal Officer, this 4th day of November, 2011.



Heather E. Harlow,
Colerain Township Fiscal Officer