

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF ALL INTERNET GAMING/SWEEPSTAKES CAFES IN OLMSTED TOWNSHIP; CUYAHOGA COUNTY, OHIO AND DECLARING AN EMERGENCY MEASURE

**WHEREAS**, the Board of Trustees of Olmsted Township has found and determined that legitimate health, safety, morals and general welfare concerns exist regarding the placement of internet gaming/sweepstakes' cafes-in Olmsted Township; and

**WHEREAS**, based upon actions taken by other political subdivisions in recent weeks regarding the regulation of these facilities, Olmsted Township would like the opportunity to study all of the recently enacted legislation and to determine whether it is appropriate for the Township and its residents; and.

**WHEREAS**, in order to give the Board of Trustees, Zoning Commission and Zoning Inspector sufficient time to conduct the research necessary to make a thoughtful determination regarding the legality of these cafes, the Board considers it appropriate to adopt at least a six (6) month Moratorium on the issuance of all zoning permits for these facilities; and

**WHEREAS**, the Board of Trustees finds that any such use of the property within Olmsted Township during the pendency of the above Moratorium would have the potential to cause irrevocable harm to the community's public health; safety, morals and general welfare;

**NOW THEREFORE BE IT RESOLVED** by the Olmsted Township Board of Trustees, as follows:

Section 1: There is hereby imposed a six (6) month Moratorium on the creation, operation and/or development of internet gaming/sweepstakes cafes anywhere within the Township, said Moratorium to extend to the submission, consideration or approval of applications for zoning permits.

Section 2: This Moratorium shall become effective immediately upon the date of passage of the Board of Trustees) and shall remain in effect for at least Six (6) months following the date upon which it became effective. If additional time is necessary for the Township to complete its study and make its determination as to what action, if any, the Township should take to safeguard the public health, safety, morals and general welfare through the provision of adequate planning, zoning, land use or other regulatory controls specifically applicable to internet gaming/sweepstakes cafes, the Board of Trustees by majority vote may extend the effective date of this Moratorium beyond the initial six (6) months.

Section 3: This Moratorium suspends and tolls any time periods prescribed by law within which the Zoning Commission or any other official or official body of the Township is required to take action upon an application of a zoning permit for the development/use of land anywhere in Olmsted Township for an internet gaming/sweepstakes cafe on the effective date of the Moratorium. No such application shall be deemed to be approved by the failure of the Zoning Commission, Zoning Inspector, or other official to approve or deny said application during the time this Moratorium is in effect.

Section 4: This Resolution shall not have an effect on the Township's right to pass zoning provisions or other legislation to regulate internet cafes that may exist in the Township at the time of such passage.

Section 5: If any section, phrase, sentence or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6: It is found and determined that all formal actions of the Board of Olmsted Township Trustees concerning and relating to the adoption of this Resolution were taken in an open meeting of the Board of Trustees and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including § 121.11 of the Ohio Revised Code.

Section 7: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, morals and general welfare of the residents of Olmsted Township. The immediate emergency being the necessity to impose a temporary moratorium on the issuance of any and all permits to operate internet gaming/sweepstakes cafes within the Township; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Board of Olmsted Township Trustees.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011

Attest: \_\_\_\_\_

*Township Fiscal Officer*

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*Township Trustees*

