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CHAPTER 748
INTERNET SWEEPSTAKES CAFÉS AND
COMPUTERIZED SWEEPSTAKE DEVICES

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SECTION 748.01 PURPOSE.

The purpose of this Chapter is to regulate Internet Sweepstakes Cafés and Computerized Sweepstakes Devices through the application of uniform licensing requirements to promote the health safety and general welfare of the citizens of the City of Kettering and to establish reasonable and uniform regulations for the operation, conduct and use of Internet Sweepstakes Cafés and Computerized Sweepstakes Devices.

SECTION 748.02 DEFINITIONS.

As used in this Chapter:

(a) “*Operator*” means the person or persons having authority to control the premises or location where an Internet Sweepstakes Café is situated and the operation thereof.

(b) “*Computerized Sweepstakes Device*” means any computer, machine, or apparatus 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 method, which is engaged or accessed upon the insertion of a coin, token, or similar object, or the sliding of a magnetic card or entry of a code, or similar process, or upon payment of anything of value, either directly or indirectly, and which may be operated by the public generally for use as entertainment, amusement or a contest of skill, 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 Internet Sweepstakes Café, whether or not said prize was in fact announced, revealed or disclosed through the usage of the Computerized Sweepstakes Device. Computerized Sweepstakes Device does not include machines designated for use by the State Lottery Commission.

(c) “*Internet Sweepstakes Café*” means any premises or location upon or in which there are five (5) or more Computerized Sweepstake Devices that are available for the use or entertainment of the public within such premises or location, whether or not such premises or location has any other business purpose or business function.

(d) “*Person*” shall mean any natural person, firm, partnership, association, corporation, business entity or any unaffiliated group of persons.

(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 any interest, either directly or indirectly, in an Internet Sweepstakes Café.

(g) “*Applicant*” means the person or persons who sign and submit an application for a license hereunder.

(h) “*Premises*” means the building or structure, or any portions thereof or locations therein used for conducting one or more components of the operations of an Internet Sweepstakes Café or where any function related thereto is located.

(i) “*Chief of Police*” means the Police Chief of the City of Kettering or his or her designee.

(j) “*City Manager*” means the City Manager of the City of Kettering or his or her designee.

SECTION 748.03 INTERNET SWEEPSTAKES CAFÉ LICENSE REQUIRED.

(a) No person shall conduct or operate an Internet Sweepstakes Café at any premises or location within the municipal boundaries of the City of Kettering without having first obtained an Internet Sweepstakes Café license as provided in this Chapter.

(b) Any person or entity conducting or operating an Internet Sweepstakes Café shall cause a then valid Internet Sweepstakes Café license to be displayed at all times and in a conspicuous place upon the premises or location for which it is issued. No more than one (1) Internet Sweepstakes Café shall operate at any premises or location used as an Internet Sweepstakes Café and no more than one (1) Internet Sweepstakes Café shall operate under any single, valid Internet Sweepstakes Café license.

SECTION 748.04 COMPUTERIZED SWEEPSTAKES DEVICE LICENSE REQUIRED.

(a) No person shall conduct or operate or allow to be conducted or operated a Computerized Sweepstakes Device at any premises or location within the municipal boundaries of the City of Kettering without having first obtained a Computerized Sweepstakes license as provided in this Chapter.

(b) One (1) Computerized Sweepstakes Device license shall be required for each individual Computerized Sweepstakes Device. Each such license shall specify the name and address of the Licensee, the address of the premises or location within the City of Kettering where the licensed device will be used and the manufacturer, model number and serial number of the Computer Sweepstakes Device for which it was issued.

(c) A Computerized Sweepstakes Device license shall immediately become invalid if the Computerized Sweepstakes Device for which the license is issued is replaced or is moved to a location or premises that is not specifically identified on the license.

SECTION 748.05 AUTHORITY OF THE CHIEF OF POLICE.

The Kettering Chief of Police shall have authority to consider any application for an Internet Sweepstakes Café license under this Chapter, conduct investigations related thereto and approve and issue, or deny issuance of any such license based upon the provisions set forth in this Chapter.

SECTION 748.06 NATURE OF LICENSES.

(a) Any license issued under this Chapter shall be valid up through December 31st of the year during which the license was issued, unless the license is suspended or revoked as provided in this Chapter. Each such valid license shall vest only a personal privilege. No such license shall be interpreted or deemed to vest or convey any form of property rights. No license shall be assignable or transferable, either as to person or location.

SECTION 748.07 PROCEDURE FOR OBTAINING LICENSES.

(a) Applications for Internet Sweepstakes Café Licenses. All applications for an Internet Sweepstakes Café license under this Chapter shall be in writing and on a form provided by and approved in advance by the Kettering Chief of Police. All applications for an Internet Sweepstakes Café license shall be filed with the Office of the Kettering Chief of Police. The application information shall be sworn to under a Notary Public oath and signed by the owner or owners and shall contain all information required by the Chief of Police. All applications shall contain a statement that the information contained therein is complete, accurate and truthful.

Every owner and operator of an Internet Sweepstakes Café shall, at their cost and expense, be fingerprinted by the Kettering Police Department or an agency approved by the Chief of Police.

(b) Contents of Applications. The application for an Internet Sweepstakes Café License shall contain the following information for all Owners:

- (1) Current full and true name of all owners and all names used by all owner(s) in the past ten (10) years;
- (2) Dates of birth of all owners;
- (3) Current, permanent home address and all home addresses used in the past ten (10) years by all owners;
- (4) Current business and home telephone numbers for all owners;
- (5) Employment history for the past ten (10) years for all owners;
- (6) Current business address and past business address of all owners for the past ten (10) years;
- (7) A statement as to whether or not the owner has ever conducted an Internet Sweepstakes Café or similar business or operation and, if so, when, where and for how long for all owners;
- (8) A statement as to whether or not any of the owners has been convicted of any felony, and if so, when, where, the nature of the felony and the punishment imposed;
- (9) A statement as to whether or not any of the owners has been convicted of any misdemeanor involving the operation of a business, involving gambling activity, involving minors or any crime involving moral turpitude and, if so, the date and place of conviction, the nature of the offense and the penalty imposed;
- (10) A description of the nature and operation of the main type of business activity to be conducted upon the premises;
- (11) The address and telephone number of the premises proposed for the Internet Sweepstakes Café;
- (12) Specification of the days of the week and the hours of the day during which the licensed activity will be conducted;
- (13) The name under which the business and premises will be operated;

- (14) A statement as to whether or not the owner will directly operate the Internet Sweepstakes Café, or whether or not an operator who is not an owner will operate it, and if the latter, the application shall contain all information required by this section supplied in detail as to each such operator;
- (15) A floor plan drawn to a scale required by the Police Chief of the premises proposed for the Internet Sweepstakes Café and the immediate vicinity of the same premises, showing the square footage, the number of computerized sweepstakes devices to be used, placement of the computerized sweepstakes devices, all exits, windows, storage spaces, and off-street parking; and
- (16) The name, address and telephone number of a person that is designated as an agent of the proposed Licensee and its owners, upon whom service of process can effectively and validly be made.

(c) Reports. Upon receipt of an application for an Internet Sweepstakes Café license under this Chapter, the Chief of Police shall request the following listed reports.

- (1) A written report from the Fire Chief as to whether all applicable fire code regulations have been met and satisfied for the premises or location of the proposed Internet Sweepstakes including, but not limited to, whether the premises or location proposed for the Sweepstakes Café license will create a fire hazard or create one or more unsafe conditions by the proposed number and operation of the Computerized Sweepstakes Devices proposed thereon.
- (2) A written report from the Police Department identifying, with regard to all owners and operators, any convictions for any felony or for any misdemeanor involving the operation of a business or involving gambling activity, controlled substances, alcoholic beverages, or any crime involving moral turpitude.
- (3) A written report from the Chief Building Official as to whether all applicable building code regulations have been met and satisfied for the premises or location of the proposed Internet Sweepstakes Café.
- (4) A written report from the Zoning Administrator as to whether all applicable zoning regulations have been met and satisfied for the premises or location of the proposed Internet Sweepstakes Café.

(d) Applications for Computerized Sweepstakes Device Licenses. All applications for Computerized Sweepstakes Device licenses under this Chapter shall be in writing and on a form approved in advance by the Chief of Police. All such applications shall be filed with the Office of the Police Chief. The application shall be signed by the owner or owners and shall

contain information required by this Section. All applications shall contain a statement that the information contained therein is complete, accurate and truthful. The applications shall contain information required by the Chief of Police, but shall include, at minimum, the following information:

- (1) A list of all Computerized Sweepstakes Devices to be used at the proposed Internet Sweepstakes Café or, if less than five (5) devices, all Computerized Sweepstakes Devices to be operated or controlled at the same location, specifying the manufacturer, model number and serial number of each individual Computer Sweepstakes Device for which a license application has been submitted.
 - (2) Supporting documentation from a Certified Independent Regulatory Compliance Testing Laboratory that the software that will be used by the Computerized Sweepstakes Device 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 (1) state government gaming regulatory agency.
- (e) Determination Process.
- (1) All applications for a license under this Chapter shall be considered by the Chief of Police, who shall, within ninety (90) days after receiving the license application, either issue such license or deny issuance of such license. If necessary and with consent of the license Applicant, the Chief of Police may extend the deadline by which a decision must be made on a license application.
 - (2) In the event of the denial of issuance of such a license, the Applicant shall be notified in writing of such denial and the reason(s) for denial. Such notice shall be personally delivered to the Applicant or mailed to the Applicant at the address specified in the application by postage prepaid, certified U.S. mail, return receipt (green card) requested. The Applicant shall have ten (10) days after receipt of such notice in which to appeal such denial, by filing a written notice of appeal with the Kettering Internet Sweepstakes Appeal Board along with an appeal fee in the amount of One Hundred Seventy-Five Dollars (\$175.00). The Notice of Appeal shall be filed with the Office of the Kettering City Manager and the same notice of appeal shall state each reason the Applicant is appealing the denial and must be accompanied by all facts and documents supporting the Applicant's reasons for appeal. After receipt of the notice of appeal the City Manager shall set a date and time for a hearing upon the appeal which date shall be no later than 60 days from the date of receipt by the City Manager of the written notice of appeal. Notice of hearing shall be sent to

the Applicant not later than ten (10) days prior to the date of hearing, by pre-posted, certified U.S. mail, return receipt (green card) requested. The appeal shall be heard by the Kettering Internet Sweepstakes Appeal Board. The Kettering Internet Sweepstakes Appeal Board shall be composed of the City Manager or his or her designee, the Law Director or his or her designee, the Finance Director or his or her designee, and two (2) registered voters of the City of Kettering appointed by the Kettering City Council for five (5) year terms. The Board may issue a subpoena compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The Board will issue subpoenas upon the written request of a party to a matter before the Board. Upon motion and for good cause shown, the Board may quash any subpoena issued by the Board at any time prior to the hearing. Requests for subpoenas must be received by the Board not later than ten days before the date of the hearing. The Board will serve subpoenas by certified mail, return receipt requested. However the party requesting the subpoena may arrange for personal service of the subpoena, at the requesting party's cost, in accordance with the Ohio Rules of Civil Procedure. The Board shall have the power after such hearing to confirm/sustain the denial, order the license in question to be issued or, at its discretion, to issue a conditional or probationary license. The Applicant may present evidence, provide witnesses and testimony, cross exam witnesses and may be represented by legal counsel. Decisions of the Kettering Internet Sweepstakes Appeal Board are final and not appealable to City Council.

(f) License Renewal. Each Internet Sweepstakes Café license and each Computerized Sweepstake Device license must be renewed annually. At the time of renewal, a Licensee shall pay the prescribed application fee and may also file a statement with the Chief of Police that the information and data listed and filed on the original application for the license is still complete, accurate and truthful to the best knowledge of all the subject applicant(s). Such statement shall be made on a form approved by the Chief of Police and signed by the same person(s) signing the original application. In the event of a change of information, data or circumstance since the original application, the applicant(s) shall submit and file a new, full application with the Chief of Police. The Chief of Police may accept the "still complete" statement and issue the renewal license requested, or, in the event of a change in information, data or circumstance as determined by the Chief of Police, the Chief of Police shall require the applicant(s) to file anew a full application in which case the provisions of this Chapter associated with obtaining an original license shall be followed.

(g) Expiration. Any Internet Sweepstakes Café license issued under this Chapter shall immediately expire upon the transfer or sale of a thirty-three percent (33%) or more interest in the business or entity that is the Licensee, sale of substantially all the assets of the business or entity that is the Licensee, or the discontinuation of the operation of the subject Internet Sweepstakes Café for a continuous period of thirty (30) days or more.

(h) Changes. Applicants for any Internet Sweepstakes Café license issued under this Chapter shall have an ongoing and continuing duty to promptly supplement application information required by this Section in the event that any such information changes in any material way from what is stated on the application, including all information pertaining to Operators. This requirement applies from the date any license application is submitted to the Chief of Police and also applies after a license has been issued. The failure to comply with said continuing duty within 20 days from the date of any such change, by supplementing the application on file with the City, shall be grounds for suspension of a license.

SECTION 748.08 DENIAL OF LICENSE.

(a) An Internet Sweepstakes Café license shall not be issued to or renewed for any person where it is determined that any one (1) or more of the following listed situations or conditions are present:

- (1) Any of the owners or operators has been convicted within the last five years of any felony or for any misdemeanor involving the operation of a business or involving gambling activity, minors or any crime involving moral turpitude;
- (2) The premises or location of the Internet Sweepstakes Café does not provide a minimum of one (1) off-street vehicular parking space for every two (2) computerized sweepstake devices;
- (3) The premises or location of the operation of the Internet Sweepstakes Café 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;
- (4) The applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;
- (5) The application failed to provide all of the required information; or
- (6) There is not compliance with all terms and conditions under this Chapter and all other applicable ordinances and statutes.

(b) A Computerized Sweepstakes Device license shall not be issued to or renewed for any person where it is determined that any one (1) or more of the following listed situations or conditions are present:

- (1) The applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;
- (2) The application failed to provide all of the required information; or

- (3) There is not compliance with all terms and conditions under this Chapter and all other applicable ordinances and statutes.

SECTION 748.09 CONDITIONS AND REGULATIONS.

(a) In addition to any other provision contained in this Chapter or in any Ohio statute, the following conditions and regulations shall be applicable to and shall govern and control all licenses of Internet Sweepstakes Cafes:

- (1) At all times upon request by any representative of the Kettering Police Department or the City of Kettering, each Licensee shall open each and every portion of the premises or location of an Internet Sweepstakes Café for inspection as necessary for the purposes of enforcing and assuring compliance with, and/or enforcement of, any provisions of this Chapter.
- (2) Each Internet Sweepstakes Café Licensee shall have present on the premises at all times when the Café is open to the public at least one (1) adult operator who has not been convicted of any felony or of any misdemeanor involving the operation of a business or involving gambling activities, minors or any crime involving moral turpitude.
- (3) No Licensee shall permit or allow an entry from any living unit, living premises or dwelling unit directly to the premises or location of an Internet Sweepstakes Café.
- (4) No person under the age of twenty-one (21) years shall be permitted to operate an Internet Sweepstakes Café.
- (5) Any and all sweepstakes rules and the odds of winning shall be clearly and legibly posted in a conspicuous place at the premises or location of all Internet Sweepstakes Cafes and displayed on the Computerized Sweepstakes Device at the start of each game and/or activity. If results of a sweepstakes can be ascertained immediately upon receipt of the sweepstakes card, token code, or the similar item, such fact shall also be clearly and legibly posted in a conspicuous place at the Café and displayed on the Computerized Sweepstakes Device.
- (6) A list of each separate prize that may be given out and each separate dollar amount that may be given and the odds of winning any offered prize or dollar amount awarded for the participation in any game, activity, program, scheme, sweepstake or play, shall be clearly and legibly posted in a conspicuous place at the premises or location of the Internet Sweepstakes café and conspicuously placed on the Computerized Sweepstakes Device.

- (7) Each Internet Sweepstakes Café Licensee shall operate the Café in compliance with any and all pertinent Federal, State and local laws, rules and regulations.
- (8) No person under the age of twenty-one (21) years shall be permitted within any Internet Sweepstakes Café and all Internet Sweepstakes Café Licensees shall take appropriate actions to enforce such age entrance limitations.

(b) All Computerized Sweepstakes Devices upon the premises or location of an Internet Sweepstakes Café shall be located thereon in conformity with the floor plan filed with the application for the license and in such a manner so as not to:

- (1) Impair ingress or egress to the premises;
- (2) Interfere with free and unfettered passage through the premise; or
- (3) Permit a clear and complete view of the interior of the premises immediately upon entry.

(c) The operator of any Internet Sweepstakes Café shall require a photo identification of every person to whom anything of value is given in connection with the Sweepstakes Internet Café and shall record the person's name, date of birth, and home address and a description of the thing given, a stated dollar value of the thing given, the date and time of the giving and, if a Computerized Sweepstakes Device is involved in the circumstances of the giving, the serial number and license number of the device. If the dollar value given for any single occurrence or single event connected with a Sweepstakes Internet Café is Six Hundred Dollars (\$600.00) or more, and the person receiving such sum is a resident of the City of Kettering, the social security number of the person receiving the thing of value shall also be recorded by the operator. By the second Tuesday of each month, the Operator shall cause to be delivered to the City of Kettering Tax Department, a copy of the record containing the information set forth above for the preceding month. The Operator shall not disclose the social security number of any person to anyone except as required by the laws of the State of Ohio and/or the United States and/or the ordinances of the City of Kettering.

SECTION 748.10 PROHIBITED CONDUCT.

No Licensee of an Internet Sweepstakes Café by himself, directly or indirectly, or by any representative, agent or employee shall permit or fail to take active steps to prohibit and eliminate the activities specified in this Section from occurring upon the premises or location of the licensed Internet Sweepstakes Café. All such Licensees shall have a duty to diligently pursue enforcement of the provisions 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 permit or allow

any one or more of the following to occur or exist on the premises or location of an Internet Sweepstakes Café:

- (a) The premises to become a gathering place for disorderly persons;
- (b) Gambling in any form or the possession of gambling paraphernalia upon the premises;
- (c) Intoxication or permit the possession, sale, use or consumption of alcoholic beverages upon the premises unless properly licensed through the State of Ohio;
- (d) The possession, use or consumption of any unlawful drug, narcotic or controlled substance upon the premises;
- (e) The premises or the activity conducted thereon to become a public nuisance to the surrounding environs;
- (f) The driveways or streets on or abutting the premises or location of the Internet Sweepstakes café to become obstructed in any manner so that movement of vehicular traffic is hindered;
- (g) Any Computerized Sweepstakes Device thereon to be operated at any time the premises are not open for business, or permit the entrance to be locked at any time that the premises are open for business;
- (h) Any Computerized Sweepstakes Device to be offered to be used or to be actually used for gambling of any sort;
- (i) Permit the premises to be open for business without displaying the required licenses in a conspicuous place thereon; or
- (j) Any violation of any ordinance or regulation of the City or statute of the State of Ohio to take place upon the premises.

SECTION 748.11 REVOCATION.

(a) Revocation. All Internet Sweepstakes Café licenses issued under this Chapter shall be revoked by the Chief of Police upon his finding of the occurrence of any one or more 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 or operator of any felony or of any misdemeanor involving 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; or
- (4) Where it is determined the Licensee or operator has failed to fully comply with any provision of the City of Kettering Tax Code; or
- (5) Where it is determined that the premises or operation thereof are 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.

(b) Notice of Revocation and Hearing. Upon a determination that a license shall be revoked, the Chief of Police shall cause written notice of such revocation to be either personally delivered to the Licensee or mailed to the Licensee at the address specified in the license application by postage prepaid, certified U.S. mail, return receipt (green card) requested. The Licensee shall have ten (10) days after receipt of such notice in which to appeal such revocation, by filing a written notice of appeal with the Kettering Internet Sweepstakes Appeal Board. The Notice of Appeal shall be filed with the Office of the Kettering City Manager and the same notice of appeal shall state each reason the Licensee is appealing the revocation and must be accompanied by all facts and documents supporting the Licensee's reasons for appeal. After receipt of the notice of appeal the City Manager shall set a date and time for a hearing upon the appeal which date shall be no later than 30 days from the date of receipt by the City Manager of the written notice of appeal. Notice of hearing shall be sent to the Applicant not later than ten (10) days prior to the date of hearing, by preposted, certified U.S. mail, return receipt (green card) requested. The appeal shall be heard by the Kettering Internet Sweepstakes Appeal Board. The Board shall have the power after such hearing to confirm/sustain the revocation, order the license in question to be reissued or, at its discretion, to issue a conditional or probationary license. The Applicant may present evidence, provide witnesses and testimony, cross examine witnesses and may be represented by legal counsel. Decisions of the Kettering Internet Sweepstakes Appeal Board are not appealable to City Council.

SECTION 748.12 LICENSE FEES.

(a) Fee. In order to offset administrative costs incurred by the City, including but not limited to costs associated with the enforcement of this Chapter, costs to investigate the Internet Sweepstakes Café and its owners and operators and other related costs, the fee for an Internet Sweepstakes Café license and a Computerized Sweepstakes Device license shall be as follows: Three Thousand Five Hundred Dollars (\$3,500) per year for an Internet Sweepstakes Café license; and Forty Dollars (\$40.00) per year for a Computerized Sweepstakes Device license. The fee for each such license shall be proportionately reduced on the basis of six (6) month license terms if the license is issued for a period of less than six (6) months. Such proportional

reduction shall be as follows: Fees for licenses issued during January, February, March, April, May and June = 100% of annual fee; and fees for licenses issued in July, August, September, October, November and December = 50% of annual fee.

(b) Filed with Application. License fees shall be filed with the application for initial license and at the time for license renewal.

(c) Return of Fee. In the event an application is denied under this Chapter, one-half of the license fee submitted with the application shall be returned to the applicant within thirty (30) days following the date of initial application denial. In the event an application denial is appealed and the denial is sustained on appeal, then one-half of the license fee shall be returned to the applicant within thirty (30) days following the date on which the denial is sustained on appeal. In the event any license is revoked under this Chapter, no portion of the license fee shall be returned.

SECTION 748.13 SEVERABILITY.

This Chapter and each section and provisions of this Chapter, are hereby declared to be independent sections and subsections and, notwithstanding any other evidence of legislative intent, the Council of the City of Kettering, by adoption of the legislation containing this section, hereby states that it is the controlling legislative intent that if any provision of said Chapter, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently if such section or provision were so known to be invalid. The adoption of this Chapter in a single legislative act is merely for convenience. It is the intent that each and every separate part hereof be severable so as to leave in effect as much of this Chapter as is not found invalid so as to provide as much benefit to its citizens as possible while still protecting the rights guaranteed under the Constitutions of the United States and the State of Ohio. Nothing contained herein shall be deemed to permit the use of a Computerized Sweepstakes Device or operation of Internet Sweepstakes Café if such use or operation is determined by a court of competent jurisdiction to be illegal within the State of Ohio.

SECTION 748.99 PENALTIES.

(a) Except as provided in section (b), 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.

(b) Whoever violates section 748.09(a)(5) for failing to display the notices required is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.”

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