

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2021-O-2496

AMENDING CERTAIN SECTIONS OF PART SEVEN, BUSINESS REGULATION CODE, OF THE CITY CODE OF HUBER HEIGHTS.

WHEREAS, the citizens of Huber Heights require City codified ordinances that are current, up to date, and reflect the current practices and processes of the City; and

WHEREAS, as part of the Ordinance Review Commission process, the Ordinance Review Commission has identified provisions within the Business Regulation Code that require updating or other changes; and

WHEREAS, the City Council has determined that revisions in Chapters 735, 736, 737, and 738 are necessary to enhance the effective and efficient delivery of municipal services.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Part Seven, Business Regulation Code, Chapter 735 – Sexually Oriented Businesses, Section 735.02(10)(B) – Definitions is hereby amended to read as follows:

735.02(10)(B) – Definitions.

(10) *Sexual encounter establishment* means a business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration:

- A. A place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas"; or
- B. Activities between persons when one or more of the persons are in a state of nudity or semi-nudity.

Section 2. Part Seven, Business Regulation Code, Chapter 736 – Sweepstakes Cafes, Section 736.01(a) – Findings and Purpose is hereby amended to read as follows:

736.01 - Findings and purpose.

(a) *Findings.* Based on investigation and reports of staff, news reports, discussions with members of other communities, and on findings incorporated in cases decided by Ohio courts, City Council finds: that in other communities where Sweepstakes Cafés and similar types of businesses currently exist in the State of Ohio, there have been numerous incidents of illegal gambling; an increase in reports of criminal activities in the areas near the businesses; an increase in the number of constituent complaints related to the businesses; and an increase in the need for police oversight to ensure illegal gambling is not occurring. Further, City Council finds that the enactment of this chapter to regulate Sweepstakes Café is a substantial government interest for the City in preserving the quality of urban life and that it is in the interest of the health, safety, morals, and general welfare of the citizens of Huber Heights.

Section 3. Part Seven, Business Regulation Code, Chapter 736 – Sweepstakes Cafes, Section 736.02 – Definitions is hereby amended to read as follows:

736.02 - Definitions.

Operator means the person or persons having authority to control the premises of a Sweepstakes Café.

Section 4. Part Seven, Business Regulation Code, Chapter 736 – Sweepstakes Cafes, Section 736.06(a) – Nature of Licenses is hereby amended to read as follows:

736.06 - Nature of licenses.

Each Sweepstakes Café license shall be required to be displayed permanently in a conspicuous place upon the premise for which it is issued. Each Sweepstakes Café license shall be issued for only one business at only one premises.

Section 5. Part Seven, Business Regulation Code, Chapter 737 – Solicitation, Section 737.01(1) – Definitions is hereby amended to read as follows:

737.01 - Definitions.

As used in this chapter:

Canvassing, canvassers and *canvass* means the house-to-house distribution of ideas, pamphlets, literature, and the like, or the collection of signatures or support for any purpose or cause. This definition does not include the commercial activities of solicitation, peddling, or vending, as those terms are defined in this section. This definition includes requesting contributions when such requests are made in conjunction with the house-to-house distribution of ideas, pamphlets, literature, or the collection of signatures or support for any purpose or cause. This definition includes both "contact canvassers" and "non-contact canvassers" as defined in paragraphs (1) and (2) hereof.

- (1) *Contact canvassers* and *contact canvassing* mean those persons who canvass, as defined above through in person, face-to-face contact, verbal or otherwise, with individual residents.

Section 6. Part Seven, Business Regulation Code, Chapter 738 – Massage Therapy Establishments, Section 738.03(a)(8) – Permit Application Process is hereby amended to read as follows:

738.03 - Permit application process.

- (8) A printed form, signed by the owner of the parcel of real property which is the proposed location of the Massage Therapy Establishment, whereby each such owner certifies that he/she/it understands and acknowledges that a Massage Therapy Establishment will be located on said parcel of real property; and

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 8. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the 11th day of October, 2021;
__8__ Yeas; __0__ Nays.

Effective Date: November 11, 2021

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date