

ORDINANCE NO. 038-17

**AN ORDINANCE REPEALING SECTION 711 OF PART 7 OF THE CITY OF
NAPOLEON, OHIO CODIFIED ORDINANCES, SPECIFICALLY AMUSEMENT
DEVICES AND ARCADES**

WHEREAS, City Council recently reviewed the City's Codified Ordinances in an effort to keep up to date with current regulations; and,

WHEREAS, Ordinance No. 049-96, passed by City Council on May 6, 1996, Section 711.02 License was adopted, stating that "no person shall operate within the corporation limits of the City a game room or an amusement arcade without having first obtained a game room an amusement arcade license from the City, requiring that said license be issued by the City of Napoleon Finance Director;" and,

WHEREAS, the game room and amusement arcade licenses expire on December 31 annually and are to be renewed each year, if not denied or suspended, by filing proper application and payment with the City Finance Director; said licenses are not transferable; and,

WHEREAS, upon recommendation of the City of Napoleon, Ohio's Acting Chief of Police and Finance Director, this Council deems prudent to repeal the Chapter 711, Amusement Devices and Arcades, in its entirety; **Now Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That, this Ordinance does repeal Chapter 711 of Part 7 of the City of Napoleon, Ohio Codified Ordinances, Amusement Devices and Arcades, in its entirety.

Section 2. That, this Council considered the following criteria in making its decision to amend as set forth above:

a. Section 711.02(d) Denial or Revocation of License: Appeal sets forth reasons allowing the City Finance Director to deny, suspend or revoke any license issued, including: failure to pay necessary application fees, falsifying or furnishing incomplete application information, failure to meet Fire and Zoning Codes, having two (2) or more gambling offenses within five (5) years, failing to permit inspection of amusement machines or devices by City officials, having a felony conviction within ten (10) years, lacking the necessary qualifications for holding said license, having two (2) or more direct violations of any provisions of this chapter or any other local, state, or federal law pertaining to amusement devices and/or game rooms or amusement arcades within a five (5) year period, or having or maintaining a nuisance at the place where the mechanical or electrically operated amusement devices are located; and,

b. Section 711.02(e) sets forth the current process that, in the event of a denial, suspension or revocation of said license, the applicant or owner may within ten (10) days appeal the decision to the Finance and Budget Committee of Council by filing notice of appeal with the City Finance Director; and,

c. Section 711.03 sets forth the current license and registration fees, including: thirty dollars (\$30.00) annually for each mechanical or electrically operated

amusement device, thirty dollars (\$30.00) annually for a game room or amusement arcade at each place of business, multiple game rooms at one business location shall be assessed as one (1) business if owned by the same entity, and if any licensed machine or device is replaced or substituted during the registration period, a new application for such machine or device must be submitted with a six dollar (\$6.00) fee; and,

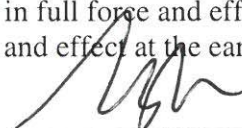
d. The Acting Chief of Police and the City Finance Director, both with historical background in the current licensing process, recommend to this Council that Section 711 of Part 7 of the City of Napoleon Codified Ordinances be repealed in its entirety due to the extensive man hours and expense required for proper regulation of said Section.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

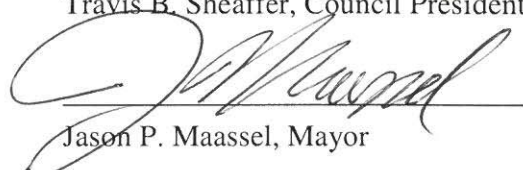
Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance shall be in full force and effect on January 1, 2018 at 12:00am; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: 09-18-2017


Travis B. Sheaffer, Council President

Approved: 09-18-2017


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 038-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 26th day of September, 2017; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Gregory J. Heath, Clerk/Finance Director

STATE OF OHIO
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 25th day of September 2017.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this 26th day of September, 2017

Beverly Gritman
Beverly Gritman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$188.70

Notary Fee: \$1.50

Summary of Ordinance No.(s) 038-17; 057-17 and
Resolution No.(s) 051-17; 052-17

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance 038-17

AN ORDINANCE REPEALING SECTION 711 OF PART 7 OF THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES, SPECIFICALLY AMUSEMENT DEVICES AND ARCADES

In this legislation, the City of Napoleon repealed Section 711 of the City of Napoleon, Ohio Codified Ordinances.

Ordinance 057-17

AN ORDINANCE AMENDING CHAPTER 1501, SECTION 1501.01, "ADOPTION", OF PART 15 OF THE CODIFIED CODE OF THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon amended language in Section 1501.01 of the City of Napoleon, Ohio Codified Ordinances.

Resolution 051-17

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR THE 2017 TAX DUPLICATES PAYABLE IN YEAR 2018; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the Finance Director to certify necessary tax levies to the County Auditor.

Resolution 052-17

A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR/CLERK TO CERTIFY AND FILE ANNUAL SPECIAL ASSESSMENTS OF THE CITY OF