

RESOLUTION

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 12th day of July, 1994 with the following members present:

Randy Gonzalez  
Michael R. Puterbaugh  
Craig C. Snee

Mr. Puterbaugh moved the adoption of the following resolution:

WHEREAS, pursuant to Ohio Revised Code Section 504.04(A), we are granted the authority to exercise all powers of local self-government within the unincorporated area of the Jackson Township and adopt and enforce within the unincorporated area of the Township such police, sanitary and other similar regulations, as are not in conflict with general laws or prohibited by ORC Section 504.04(B); and

WHEREAS, the Board of Trustees and the Law Director have conducted a review of legislation and studies conducted in other cities regarding entertainment clubs; and

WHEREAS, increased crime and unhealthy conduct tend to accompany, concentrate around and be aggravated by entertainment clubs including, but not limited to, underage drinking, criminal activity, loitering, disruptive noises and other disturbances of the peace as has been Jackson Township's direct experience and the experience of other communities in the surrounding area; and

WHEREAS, the Board of Trustees finds that entertainment clubs in Jackson Township require special supervision from the public safety and health agencies of the Township in order to protect and preserve the health, safety and welfare of the patrons of such businesses as well as citizens of the Township; and

WHEREAS, the Board of Trustees desires to minimize and control the above mentioned adverse secondary effects of entertainment clubs and therefore desires to enact legislation to protect the health, safety and welfare of the citizens; protect the citizens from increased crime; preserve the quality of life and preserve the property values and the character of surrounding neighborhoods and businesses;

NOW THEREFORE BE IT RESOLVED THAT, pursuant to ORC Section 504.04(A) and all other sections of ORC Chapter 504, we hereby adopt the attached entertainment legislation effective August 12, 1994.

Mr. Gonzalez seconded the motion and upon roll call the vote resulted as follows:

Mr. Gonzalez	YES
Mr. Puterbaugh	YES
Mr. Snee	YES

Adopted July 12, 1994

STATE OF OHIO )  
STARK COUNTY ) ss:

CERTIFICATE OF CLERK

I, Deborah Kerr, Assistant Clerk of the Board of Trustees of Jackson Township, Stark County, Ohio, in whose custody and control the files and records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original resolution now on file, and that the foregoing has been compared by me with said original resolution, and that the same is a true and correct copy thereof.

WITNESS my signature this 12th day of July, 1994.

  
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ASSISTANT CLERK  
BOARD OF TRUSTEES OF JACKSON  
TOWNSHIP, STARK COUNTY, OHIO

## ENTERTAINMENT CLUBS

### I. PURPOSE AND INTENT

It is the purpose and intent of this ordinance to regulate entertainment clubs, to promote the health, safety, morals and general welfare of the citizens of Jackson Township, Stark County, Ohio and to establish reasonable and uniform regulations to prevent such establishments from disturbing the peace and tranquility of the residents. The provisions of this ordinance are intended to reduce or eliminate the adverse secondary effects from such businesses.

### II. DEFINITIONS

A. "Entertainment club" means commercial premises which are open to the public, the primary function of which is to offer patrons one or more forms of amusement or entertainment including, but not limited to, an opportunity to engage in social activities such as dancing, or the enjoyment of live or prerecorded music, or the enjoyment of entertainment provided by dancers or other performers. As an incidental function, an entertainment club may sell and serve food and beverages to its patrons.

The term "entertainment club" does not include the following: premises which serve alcoholic beverages as defined by State law; adult cabarets; theaters where the patrons sit in parallel rows of fixed seats; full service restaurants where the only entertainment consists of background music which is incidental to the primary function of serving food; outdoor performances; a banquet, party or celebration conducted for invited guests which is not open to the public; dances or events sponsored and operated by a governmental entity, an educational institution, or nonprofit religious, charitable, benevolent, fraternal, or social organization.

B. "Club premises" means any place where an entertainment club is operated or maintained, including all hallways, bathrooms, parking areas and other adjacent portions of the premises which are accessible to the public during operating hours.

### III. PERMIT REQUIRED

A. No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in the unincorporated areas of Jackson Township (hereinafter the Township), the operation of an entertainment club on any day without first having obtained a permit from the Board of Township Trustees (hereinafter the Board) as provided herein. A separate permit is required for each location at which an entertainment club is operated.

B. The application for a permit to operate an entertainment club shall be made at the Jackson Township Administrative Offices and shall include all of the following:

1. An initial, nonrefundable filing fee of one thousand dollars (\$1000) and an annual nonrefundable renewal fee of five hundred dollars (\$500).
2. A health, safety and governmental code compliance report of an inspection of the premises performed to determine compliance with applicable health, safety and any other applicable governmental codes. The Jackson Township Fire or Police Department or other appropriate state or local authorities acting pursuant to an agreement with the Board shall perform this inspection within thirty (30) days of the application;
3. The address where the entertainment club is operated or is to be operated;
4. The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity; the full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity. If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth and social security number of each stockholder holding more than two percent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the name information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.
5. The application must contain the address where the entertainment club is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
6. Authorization for any investigation into the criminal record of any person applying for a permit or any person or entity named in the application, including authorization to conduct subsequent

investigations to supplement or update the information. Upon receipt of an application for a permit or renewal permit to operate an entertainment club, the Township Administrator shall refer the applicant to the Jackson Township Police Department to be fingerprinted and for the Police Department to conduct an investigation into the background of the applicant and or other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the investigating officer or agency and filed with the Board of Trustees within thirty (30) days after receipt of an application for a permit or renewal permit to operate an entertainment club and shall become part of the application for a permit.

7. Plans for security inside the building the business is located in, supervision of and lighting of the parking lot and other areas outside the building.

8. Any other information determined by the Board to be necessary.

9. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Township, shall be grounds for revocation or non-renewal of a permit.

C. A decision of whether or not to issue a permit shall be made within twenty one (21) days after receipt of all the information required under above paragraph B.

D. A permit issued under this section to an entertainment club shall expire one year after the date of issuance. An application for a renewal permit shall be filed not later than forty five (45) days of the expiration of the permit. An application for renewal shall be acted upon within twenty one (21) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Section (B)8 above shall be used to determine whether or not to renew a permit. Each permit for an entertainment club shall contain the name of the applicant, the address of the entertainment club and the expiration date of the permit.

E. Grounds for Denial or Revocation of a Permit

1. The Board shall deny any application for an initial or renewal permit to operate an entertainment club or revoke a previously issued permit, for any of the following reasons:

a. Any of the information required for the application has been falsified or the application has not been fully completed or fails to comply with these regulations.

b. The applicant has violated these regulations or aided and abetted any violation of these regulations.

c. There has been a failure to cooperate with any required health, safety or governmental code compliance inspection or background investigation.

d. If the applicant is a limited partnership, corporation or other entity, the applicant is not in good standing in the jurisdiction where organized.

e. The operation of the entertainment club at the specified premises would violate existing zoning regulations.

f. The Liquor Control Commission has revoked a permit held by the applicant or any one of the persons named on the application.

g. The applicant or any of the persons named in the application has, within the past five years from the date of the application, been convicted of or plead guilty to a felony.

h. The applicant or any of the persons named in the application has violated any of the provisions of Section IV or V below.

F. Procedure for Denial or Revocation of a Permit

1. The Board will hold a hearing to receive evidence upon the issue of whether or not they should deny or revoke a permit to operate an entertainment club. The permit holder shall be notified of the hearing date, time and place, by certified mail return receipt requested, at least seven (7) days prior to the scheduled hearing date. Notice of the hearing shall also be published once at least seven (7) days prior to the hearing date in a newspaper of general circulation in Jackson Township. The Board shall maintain a complete record of each proceeding and shall notify the applicant in writing of its order by certified mail return receipt requested.

2. Any person adversely affected by an order of the Board denying or revoking a permit to operate an entertainment club may appeal from the order of the Board to the Stark County Common Pleas Court in accordance with Chapter 2506 of the Revised Code or institute other action lawfully available to them.

G. Transfer of Permit

A permit holder shall not transfer their permit to another. A permit holder shall not operate an entertainment club under the

authority of a permit at any place other than the address designated in the application.

#### IV. REQUIREMENTS OF OPERATION

A. The permit holder, owner or operator of an entertainment club shall do all of the following:

1. Display its current permit in an area open to the public.
2. Undergo periodic health, safety and other applicable government code compliance inspections to determine continual compliance with applicable health, safety and other applicable governmental codes. By applying for a permit, the owner of an entertainment club consents to allow police and fire officials or other governmental authorities access to any part of the building for the purpose of making the above inspections.
3. An entertainment club shall not be open for business or otherwise operated between the hours of 2:30 a.m. to 6:00 a.m. on any day.
4. It shall be the obligation of the permit holder and all owners and employees of the entertainment club to insure that no alcoholic beverages or controlled substances are offered for sale, distributed or consumed on the entertainment club premises.
5. It shall be the obligation of the permit holder and all owners and employees of the entertainment club to remove from the club premises any person who is, or appears to be, under the influence of, or affected by the use of alcohol or drugs, or whose conduct poses a physical danger to the safety of others present.
6. It shall be the obligation of the permit holder and all owners and employees of the entertainment club to prevent loitering, the creation of public nuisances or disturbances of the peace by any patrons of the entertainment club on club premises, in surrounding parking lots or in the immediate vicinity. Loitering shall not include walking between the club building and a patron's vehicle or the act of waiting in line to gain admission to the club.
7. The permit holder, owner, operator or person in charge of the establishment shall exercise adequate supervision to insure that the patrons employees of the establishment comply at all times with these regulations and the laws of the State of Ohio.
8. All parts of the establishment and grounds related thereto shall be maintained in a neat, clean, sanitary and safe condition.
9. An entertainment club shall employ a person for security inside the building and to supervise the parking lot and other areas

outside the building. Additional security can be required by the Board of Trustees.

10. There shall be adequate lighting of the parking lot and other areas outside the building.

11. Comply with any other requirement set forth in this legislation or reasonably determined to be necessary by the Board.

#### V. PROHIBITIONS

A. No owner or operator of an entertainment club located in the unincorporated areas of the Township shall knowingly do any of the following:

1. Refuse to allow appropriate state or local authorities, including police and fire department officers, safety inspectors, or any other inspection conducted to ensure compliance with this legislation.

2. Open for business or otherwise operate during the hours of 2:30 a.m. to 6:00 a.m. on any day.

3. Employ any person under the age of eighteen (18).

4. Fail to adhere to any of the provisions of Section IV.

#### VI. ENFORCEMENT

1. Whoever violates this resolution is subject to a fine of \$1000 for the first violation and a fine of \$1000 for each subsequent violation.

2. The Law Director is additionally authorized to seek injunctive or other available legal relief for any violations of this resolution.

#### VII. SEVERABILITY

If any of the provisions in any of the sections of the above legislation should be rendered invalid or unenforceable by the enactment of statutory law or by a Court of competent jurisdiction from whose final judgment or decree no appeals have been taken within the time provided thereof or by any administrative or executive official having authority to rule in the matter, such legislation, decision or ruling shall not affect the validity of the surviving portions of this legislation which shall remain in full force and effect as if such invalid portion thereof had not been included therein.