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July 13, 2022

North Coast Zoological LLC
c/o Alan H. Jacoby, Statutory Agent
Bill Coburn, Co-Owner
2814 S. Muddy Creek North Road
Oak Harbor, OH 43449

Re: Ohio Splash Bash and/or "Ohio's First Ever FreakNik Pool Party"

Mr. Jacoby & Mr. Coburn:

I am writing you in my capacity as legal counsel for the Danbury Township Board of Trustees. It has been brought to the Board's attention that you plan to host an event on August 6, 2022 called "Ohio Splash Bash" and/or "Ohio's First Ever FreakNik Pool Party." The address listed for this event is 1530 S. Danbury Road. Promotional material for this event describes several activities that fall into the classification of "Sexually Oriented Business" and/or "Adult Oriented Sexual Business." The activities listed in the promotional material include the following:

- (1) a 'Make It Wet' contest;
- (2) a 'Get It Hard' contest;
- (3) a 'Finish the Bottle' contest;
- (4) a 'Popsicle' contest;
- (5) a 'Twerk' contest;
- (6) a 'Twerk Olympics' hour;
- (7) a 'Topless Pool Party'; and
- (8) other adult contests as well.

Other promotional material states "Don't cum for a long time cum for a good time! Yes read that last sentence twice!" As noted above, the event bills itself as "Ohio's First Ever FreakNik." After an open source search, it appears as though the term "FreakNik" originated as a street festival in Atlanta, Georgia. The festival, which began in the 1980s, occurred annually in Atlanta until the late 1990's where it was eventually cancelled for many reasons, the most troubling being the fact that the event was plagued with sexual assaults and other acts of sexual violence perpetrated against women. According to several newspaper articles, during the 1998 FreakNik festival, 4 rapes and 6 sexual assaults occurred during a single weekend. The FreakNik festivals of Atlanta devolved to the point that the festival became synonymous with sexual violence and assault against women. The fact that this proposed event wishes

to align itself with a festival marred by sexual assaults and sexual violence against women is exceptionally troubling to the Danbury Township Trustees.

As is evident from the promotional materials, the event which is marketed to occur at your establishment clearly falls under the purview of an Adult Oriented Sexual Business, as that term is defined in Section 2.2 of the Danbury Township Zoning Resolution. Further, as you are aware, the property located at 1530 S. Danbury Road is not appropriately zoned for this type of activity or use. The property is currently operating under a Conditional Use Permit as a Commercial Amusement Enterprise in accordance with Section 4.6 and 7.11 of the Danbury Township zoning resolution. The use of the property in the manner which has been promoted would constitute a "Major Modification" of a Conditional Use due to the change of intensity/density and due to the inclusion of sexually oriented activities & adult material. Under Section 7.11 of Danbury Township's zoning resolution, a Major Modification of a Conditional Use requires the submission of an entirely new Conditional Use application.

Hosting an adult oriented sexual business event would be considered a violation of the current Conditional Use permit. A violation of the Conditional Use permit and Danbury Township zoning resolution may result in prosecution in the Ottawa County Municipal Court. More importantly, pursuant to Section 7.11.3 of the Danbury Township zoning resolution, a violation of a Conditional Use permit can result in revocation of said Conditional Use permit by the Board of Zoning Appeals.

On another note, the Board of Trustees wishes to draw your attention to Ohio Administrative Code Section §4301:1-52. This section is applicable to all holders of liquor permits in the State of Ohio. In the pertinent part, this section states that *"No permit holder, his agent, or employee shall knowingly or willfully allow in and upon his licensed permit premises any person to: (1) engage in disorderly activities; (2) appear in a state of nudity; (3) engage in sexual activity; or (4) engage in public indecency"*. As this activity is specifically prohibited by the terms of your liquor permit, a willful violation may result in revocation of said permit. The Ohio Investigative Unit, the investigative/enforcement arm of the Liquor Department, has been made aware of the proposed August 6, 2022 event and will be investigating accordingly.

Please let this letter serve as your formal notice to cease and desist any and all future plans of sexually oriented adult activities and material which may occur on the aforementioned property. You are now placed on notice of the planned sexually oriented adult business activities and material. Any violation of the applicable rules and regulations shall be considered willful and knowing violations by the Township.


I can assure you that resources will be, and have been allocated to ensure compliance with all applicable laws, rules, and regulations during the course of this event. In addition to the previously mentioned agencies, the Danbury Township Police Department, the Ottawa County Sheriff, the Ohio State Highway Patrol, the Danbury Township Fire Department (occupancy capacities and fire code), the Ottawa County Health Department (food service and pool regulations), and the Ottawa County Building Inspection Department (structural occupancy capacities) have all been notified of the proposed event to ensure compliance with each agency's laws and regulations.

Danbury Township welcomes all tourists and visitors and commends local businesses who are exploring alternative methods of sustainability. However, the tourists, visitors, residents, and business owners of Danbury Township will be required to comply with all rules and regulations including the

Danbury Township Zoning Resolution. It is the sincere desire of the Danbury Township Board of Trustees that you can still host an event on August 6, but without nudity, without sexually oriented activity or material, without the increased risk of sexual assaults, and within the confines of your Conditional Use permit and all other applicable rules and regulations. If this is not a possibility or if you believe there is a risk of these prohibited activities occurring, the Township strongly encourages cancellation of the event.

If you have any additional questions or concerns, please feel free to contact me.

Yours truly,



James VanEerten
Ottawa County Prosecuting Attorney

CC

Danbury Township Board of Trustees
Danbury Township Police Department
Danbury Township Fire Department
Danbury Township Zoning Inspector
Ohio State Highway Patrol, Post 22
Ohio Investigative Unit, Toledo Division
Ottawa County Sheriff's Office
Ottawa County Health Department
Ottawa County Building Inspection