

AN ORDINANCE REGULATING COIN-OPERATED AMUSEMENT DEVICES

BE IT ORDAINED, by the Council of the Village of Hamersville, Ohio, three-fourths of its members concurring that the following Ordinance known as Ordinance No. 114 be adopted.

114.01 DEFINITIONS

For the purpose of this chapter:

(a) "Amusement arcade" means any place of business at which five or more mechanical or electrically operated amusement devices are located for the use or entertainment of persons patronizing the place of business.

(b) "Exhibitor" means any individual, corporation or other entity owning and exhibiting or contracting or permitting any mechanical amusement device, as defined in subsection (e) hereof, to be installed, used and exhibited in his own place of business irrespective of the ownership of such device.

(c) "Gambling device" means a device as defined in Section 517.01 of the General Offenses Code or which contains an automatic pay-off device for the return of slugs, money, coins, checks, tokens, merchandise or anything of value, or which contains an automatic device by the operation of which the player may win at uncertain intervals a free game, a free play or any other additional amusement.

(d) "Good moral character" means not having been convicted of a crime involving moral turpitude within five years next preceeding date of the application.

(e) "Mechanical" or "electrically operated amusement device" means a machine, device or instrument which, upon the insertion of a coin, token or slug, operates or may be operated for use as a game, contest of skill or amusement of any description and which is not a gambling device. This definition is not intended to and does not include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices but does include electronic devices.

(f) "Owner" means any individual, corporation or other entity having title to any mechanical amusement device or amusement arcade as hereinabove defined.

114.02 LICENSE REQUIRED

No owner or exhibitor shall install or permit the use of any coin operated mechanical amusement device, "skill pool" devices or pool tables, and no owner or other person shall operate an amusement arcade without first obtaining an exhibitor's license or an amusement arcade license therefore from the Mayor.

114.03 ISSUANCE OF LICENSE

The Mayor is authorized to issue licenses to owners and exhibitors of coin operated mechanical amusement devices, upon compliance with the requirements set forth in this chapter. This is to include coin operated pool or billiard tables, and billiard tables commonly known as "skill pool" tables.

114.04 DENIAL OF LICENSE

The Mayor is authorized and empowered to deny, for reasonable cause, applications for licenses. No license shall be issued under the provisions of this chapter to any applicant therefore unless the Mayor has found that such applicant is of good moral character. The lack of such qualification on the part of the applicant shall be deemed grounds for denial or revocation of such license by the Mayor.

114.05 EXEMPTIONS

No license fee shall be charged for mechanical amusement devices exhibited or amusement arcades operated solely for the

benefit of a charitable, benevolent, religious or eleemosynary institution.

114.06 APPLICATIONS

Every owner or other person, corporation, lodge or association desiring to obtain any exhibitor's license or licenses shall file an application with the Mayor upon a form to be prescribed by him, prior to the receiving of any such license or licenses, stating the number of coin operated machines intended to be exhibited and including information as to the applicant's arrest record over the five-year period immediately prior to the date of application, such application to include also an affidavit as to the good moral character of the applicant.

114.07 ISSUANCE RESTRICTIONS

The Mayor is authorized and empowered to establish, adopt and enforce, or cause to be enforced, such rules and regulations governing the issuance of the licenses and registration required under this chapter as he may deem reasonable and necessary and not inconsistent with the provisions of this chapter, subject to approval of Council. The Mayor shall adopt and enforce a rule or regulation requiring an affidavit by each applicant relative to his good moral character.

114.08 LICENSE FOR ONE DEVICE OR FOR GROUP OF DEVICES

The Mayor may issue licenses for one coin operated mechanical amusement device, billard table or skill pool table or for more than one such device on the same license blank, in case one person or company is the owner of several machines, which it is desired to exhibit at the same location.

In addition thereto, each owner requesting a group license shall file with his application a list of the machines to be licensed, the name of the exhibitor; the number of machines to be exhibited at each address; the nature of the business to be conducted at each place of exhibit; the make, name, model and other identifying information relative to the machines to be exhibited. Each group license issued shall show the number of licensed machines. The license fee for a group license shall be the product of the number of machines licensed, times the fee for one license.

114.09 LICENSE PER ARCADE

Each amusement arcade shall be licensed and registered as such amusement arcade and a license and registration therefore shall be required in addition to, and independent of, the license and registration required herein for individual mechanical amusement devices.

114.10 FEES

The fees for licenses and registration shall be paid at the time of the issuance thereof and shall be as follows:

(a) Mechanical or electrically operated amusement device: Fifty Dollars (\$50.00) each, per year.

If the application is filed and the device placed on exhibit after July 1, the fee shall be Twenty Five Dollars (\$25.00) for balance of the year.

114.11 ADDITIONAL DEVICES AND ARCADES

A license desiring to exhibit additional mechanical amusement devices, or operate additional amusement arcades during the license period, shall apply for a license and registration to cover the exhibition of such additional mechanical amusement devices, or the operation of such additional amusement arcades in the manner above set forth, and shall pay the fees required by Section 114.10 for the exhibition of any such additional mechanical amusement devices.

114.12 AFFIDAVIT REQUIRED; FALSE AFFIDAVIT

The exhibitor shall be required to furnish the Mayor the name of the owner of each mechanical amusement device. In the event the exhibitor is also the owner of such device, he shall file an affidavit with the Mayor setting forth that he is the actual bona fide owner of such mechanical amusement device and that, as such owner, he receives all the benefits from the operation thereof and that no other person has any actual or beneficial interest therein, either directly or indirectly.

Any person who swears falsely in any affidavit required to be made under the terms of this Chapter shall, upon conviction thereof, be subject to the penalties provided therefore by State law.

114.13 GAMBLING DEVICES NOT TO BE LICENSED

No license or registration shall be issued to any exhibitor or owner for any mechanical or electrically operated amusement device which is a gambling device.

114.14 LICENSE AND REGISTRATION INFORMATION

Upon payment of the fees required by Section 114.10 the Mayor shall issue a license and registration which shall contain the name and address of the licensee; the number of mechanical amusement devices exhibited or amusement arcades intended to be operated; the address of which it is desired to exhibit and operate the devices; the nature of the business conducted at such places; the make, name, model and other identifying information with reference to the particular devices desired to be exhibited; the serial number of the license; and such other further information as the Mayor, in his discretion, may require.

114.15 LICENSE EXPIRATION

All licenses shall expire at 11:59 p.m. on December 31 of each year unless earlier revoked by the Mayor.

114.16 SUSPENSION OR REVOCATION

The license of any person violating any of the terms of this chapter or any of the rules and regulations established and adopted by the Mayor as provided in Section 114.07, except those relating to the exhibition or operation of such machine, device or amusement arcade for gambling, shall, for the first violation thereof, be suspended by the Mayor for not less than ten and not more than thirty days; for the second violations thereof, be suspended by the Mayor for not less than thirty nor more than sixty days; and for the third violation thereof, shall be revoked by the Mayor. For violation of the terms of this chapter or the rules and regulations established and adopted by the Mayor relating to the exhibition or operation of such machine, device or amusement arcade for gambling, such license shall be revoked by the Mayor.

In case of any hearing before the Mayor involving the denial of a license to an applicant therefore, as provided by Section 114.04 or involving the suspension or revocation of a license of a licensee, as provided herein, the Mayor shall notify such applicant or licensee of such hearing by registered mail directed to the last address of such applicant or licensee on file with the Mayor. In the event such licensee is denied, suspended or revoked, the Mayor shall notify such applicant or licensee of such denial, suspension or revocation by the same manner as provided above for notification of hearings.

114.17 LICENSES TO BE DISPLAYED

The license issued by the Mayor shall be displayed on or in close proximity to the device or devices, so that the fact that each machine licensed can be determined by municipal authorities.

114.18 UNLICENSED OR UNREGISTERED DEVICES

It shall be unlawful for any person to keep, maintain, permit or allow any unlicensed and unregistered device to be in or upon any public place, or place of business under the control, supervision or direction of such person, except such device as in this chapter is exempted from license and registration.

114.19 SUPERVISION OF DEVICES

No owner or exhibitor shall permit the operation of a mechanical or electronically operated amusement device unless there is an adult employed by such owner or exhibitor on the premises and supervising such amusement devices.

114.20 Any part or portion of Ordinance 113-01 in conflict with this Ordinance is hereby repealed.

114.21 EFFECTIVE DATE OF ORDINANCE

This ordinance shall become effective at the earliest time allowed by law.

114.99 PENALTIES

In addition to the suspensions in Section 114.16, any exhibitor or owner found guilty of the violation of any provisions of Chapter 114 shall be fined not more than one hundred dollars (\$100.00). Violations occurring in successive twenty-four hour periods may be charged as separate violations.

Adopted:

Charlotte Rhines
Mayor

Attest:

Ray Elliott
Village Clerk