

**APPLICATION FOR LICENSE TO OPERATE MECHANICAL AMUSEMENT
DEVICES OR GAMEROOM/AMUSEMENT ARCADE**

For year ending December 31, _____ Applicant's Phone # _____

NAME OF BUSINESS: _____
ADDRESS: _____

1. Name of Applicant: _____
Resident Address of Applicant: _____
Birthdate of Applicant: _____

2. Give description of device: **POOL TABLE AND JUKE BOX ARE NOT CONSIDERED
MECHANICAL DEVICES.**

Name of Device	_____	Name of Device	_____
Mechanical Features	_____	Mechanical Features	_____
Serial Number	_____	Serial Number	_____
Manufacturer	_____	Manufacturer	_____
License Number	_____	License Number	_____

Name of Device	_____	Name of Device	_____
Mechanical Features	_____	Mechanical Features	_____
Serial Number	_____	Serial Number	_____
Manufacturer	_____	Manufacturer	_____
License Number	_____	License Number	_____

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Mechanical Features	_____	Mechanical Features	_____
Serial Number	_____	Serial Number	_____
Manufacturer	_____	Manufacturer	_____
License Number	_____	License Number	_____

Name of Device	_____	Name of Device	_____
Mechanical Features	_____	Mechanical Features	_____
Serial Number	_____	Serial Number	_____
Manufacturer	_____	Manufacturer	_____
License Number	_____	License Number	_____

3. Name of Owner(s) of the Premises: _____

4. Residence Address of Owner(s) of Premises: _____

5. Name of Owner(s) of the Business Conducted on Premises _____

6. Residence Address of Owner(s) of Business Conducted on Premises: _____

7. Name of Owner(s) of Device (if Different from Applicant) _____

8. Location where mechanical or electrically operated amusement device is to be displayed or operated (use space below to attach sketch – show dimension s of room(s) and calculate square footage of occupied space – give number of devices and calculate square footage of space to be occupied by device(s) – show location of exits.

9. Total square footage of space to be occupied by devices _____. (If space to be occupied by device(s) denotes 20% or more of occupiable space, a Gameroom/ Amusement Arcade License is required.)

10. Will 20% of the annual gross revenue of the business establishment be derived from revenue received by operating mechanical or electrically operated amusement devices?

Yes No

If yes, a Gameroom/ Amusement Arcade License is required.

11. Calculate parking spaces required: One space per two devices _____
 One space per employee _____

12. Fees – License to Operate Gameroom/Amusement Arcade	\$100.00 Initial Fee
Renewal Fee	50.00
License to Operate Mechanical or Electrically Operated Amusement Device	20.00 Per Device
Replacement	10.00 Per Device
Number of Devices:	_____
TOTAL FEE:	\$ _____

Approval of Building Department _____ Date: _____
(signed)

Approval of Police Department _____ Date: _____
(signed)

CHAPTER 731
Amusement Devices and Game Rooms

731.01	Definitions.	731.12	Hours of operation.
731.02	License required.	731.13	License suspension or revocation; appeals.
731.03	License application.	731.14	Operation by minors.
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731.05	License application rejection.	731.16	Temporary gamerooms or amusement arcades; exemption.
731.06	License fee and term; renewal.	731.99	Penalty.
731.07	License display.		
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731.09	Giving of prizes, awards. (Repealed)		
731.10	General provisions.		
731.11	Gambling prohibited.		

CROSS REFERENCES

Gambling- see GEN. OFF. Ch. 517
 Making or using slugs - see GEN. OFF. 545.11
 Tampering with coin machines - see GEN. OFF. 545.12

731.01 DEFINITIONS.

As used in this chapter certain terms are defined as follows:

- (a) "Gameroom or amusement arcade" means a place of business which derives twenty percent (20%) or more of its annual gross revenue from mechanical or electrically operated amusement devices and/or which devotes twenty percent (20%) or more of the occupied space to mechanical or electrically operated amusement devices.
- (b) "Mechanical or electrically operated amusement device" means any machine, device or instrument which by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token operates or may be operated as game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens or merchandise or checks redeemable in money or anything of value. Mechanical or electrically operated amusement devices includes but is not limited to devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as electronic games and other similar types of devices, provided, however, that this definition is not intended to nor shall it be construed to include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

- (c) "Person" means any person, firm, corporation or association which owns or has title to any such mechanical or electrically operated amusement device; any person, firm, corporation or association in whose place of business any such device is placed for use by the public; and any person, firm, corporation or association having control over any such device; provided that the payment of such fee as hereinafter set forth by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this chapter.
(Ord. 81-65. Passed 6-29-81.)

731.02 LICENSE REQUIRED.

No person shall display for public patronage or keep for operation by the public any mechanical or electrically operated amusement device without first obtaining a license issued by the Mayor or a designee thereof in accordance with the provisions of this chapter. A separate license shall be required for each device displayed or kept at any one time.
(Ord. 81-65. Passed 6-29-81.)

731.03 LICENSE APPLICATION.

(a) Any person desiring to display for public patronage or keep for operation by the public any mechanical or electrically operated amusement device within the corporate limits of the City shall, prior to such operation, file with the Mayor or a designee thereof an application for a license on a form prescribed by the Mayor or a designee thereof, which application shall among other things, state:

- (1) The name and residence address, age and birth date of the applicant;
- (2) The location where the mechanical or electrically operated amusement device is to be displayed or operated and the business conducted therein;
- (3) A description of the device to be covered by the license, its mechanical features, the name of the manufacturer and the serial number of the device;
- (4) The name of the owner or owners of the premises where the device is to be displayed or operated and their residence address;
- (5) The name of the owner or owners of the business conducted therein and their residence address;
- (6) The name and residence address of the owner of the device if the owner is different from the applicant; and
- (7) Whether or not the applicant or any person as defined in Section 731.01 has been convicted of a gambling offense, a drug abuse offense or crime of moral turpitude in the seven years preceding the date of application.

(b) Each person desiring to operate a gameroom or amusement arcade shall apply for a gameroom or amusement arcade license upon a form prescribed by the Mayor or a designee thereof which shall, in addition to the information required by subsection (a) hereof, provide such other information as required by the Mayor or a designee thereof. A gameroom or amusement arcade license shall be required in addition to and independent of, the license application for a mechanical or electrically operated amusement device.

(c) The Mayor or a designee thereof is authorized and empowered to establish, adopt and enforce or cause to be enforced, such rules and regulations governing the issuance and display of the license required under this chapter as he may deem reasonable and necessary and are not inconsistent with the provisions of this chapter.
(Ord. 81-65. Passed 6-29-81.)

731.04 ELECTRICAL INSPECTION.

The Building Commissioner or his representative, prior to the issuance of a mechanical or electrically operated amusement device license, shall inspect all wiring and connections to the mechanical or electrically operated amusement device to determine if the same complies with the City Electrical Code. A license shall not be issued until any violation found has been corrected.
(Ord. 81-65. Passed 6-29-81.)

731.05 LICENSE APPLICATION REJECTION.

The application for any license required by this chapter shall be rejected by the Mayor or a designee thereof if the information submitted or facts found show that any of the persons named in the application for a mechanical or electrically operated amusement device license and/or a gameroom or amusement arcade license is not of good moral character or that the application is not in conformance with any of the provisions of this chapter or if any of the information submitted is false.
(Ord. 81-65. Passed 6-29-81.)

731.06 LICENSE FEE AND TERM; RENEWAL.

(a) Amusement Device License. Upon the filing of an application on the form prescribed with all required information properly given to the Mayor or a designee thereof, approval by the Mayor or a designee thereof and the payment of a fee of twenty dollars (\$20.00) per device covering the period of one year or any portion thereof, the Mayor shall issue a mechanical or electrically operated amusement device license which shall expire at 11:59 p. m. on December 31 of each calendar year during the period of operation unless earlier revoked by the Mayor. Such a license shall entitle the person therein named to display at or upon the premises therein described one mechanical or electrically operated amusement device. If any licensed device is replaced or substituted for with another mechanical or electrically operated amusement device during any calendar year, a new application for such device shall be submitted with a fee of ten dollars (\$10.00) and evidence satisfactory to the Mayor or a designee thereof of the removal from the premises of the previously licensed device. Upon approval by the Mayor or a designee thereof, a new license shall then be issued for such replacement or substitute device for the remainder of the calendar year.

(b) Gameroom or Amusement Arcade License. Upon the filing of an application on the form prescribed by the Mayor or a designee thereof, approval by the Mayor or a designee thereof and the payment of a fee of one hundred dollars (\$100.00) per gameroom or amusement arcade covering the period of the first year or any portion thereof of operation, the Mayor or a designee thereof shall issue a gameroom or amusement arcade license which shall expire at 11:59 p.m. on December 31 of the first year of operation. Such license shall be renewed each year thereafter upon the payment of a license fee of fifty dollars (\$50.00) and which shall expire at 11:59 p.m. on December 31 of each year of operation unless earlier revoked by the Mayor or a designee thereof. A gameroom or amusement arcade license shall entitle the person therein named to operate a gameroom or amusement arcade at the premises therein described. The gameroom or amusement arcade license fee shall be required in addition to the license fee required by subsection (a) hereof. (Ord. 83-4. Passed 3-21-83.)

(c) Nontransferable. A mechanical or electrically operated amusement device license and/or gameroom or amusement arcade license shall not be transferable from person to person or location to location. A new license shall be required whenever a mechanical or electrical amusement device is moved to a different location within the City or is purchased or otherwise acquired by a different person. (Ord. 81-65. Passed 6-29-81.)

731.07 LICENSE DISPLAY.

(a) It shall be the duty of the person to whom a mechanical or electrically operated amusement device license was issued to display such license on the device for which it was issued for the period covered by the license.

(b) It shall be the duty of the person to whom a gameroom or amusement arcade license was issued to display such a license in a prominent place in the establishment for the period covered by such license. (Ord. 81-65. Passed 6-29-81.)

731.08 PERIODIC INSPECTION.

The Police Chief or his designees shall periodically inspect any gameroom or amusement arcade or any other place where a mechanical or electrically operated amusement device is displayed or kept for operation to insure compliance with all provisions of this chapter. Each person to whom a mechanical or electrically operated amusement device license and/or gameroom or amusement arcade license was issued shall at all times permit access to the Chief or his designees for the purpose of insuring compliance with the provisions of this chapter. (Ord. 81-65. Passed 6-29-81.)

731.09 GIVING OF PRIZES, AWARDS.

(EDITOR'S NOTE: Former Section 731.09 was repealed by Ordinance 96-56, passed June 26, 1996.)

731.10 GENERAL PROVISIONS.

(a) Alcohol or Drugs. No person shall permit the consumption of intoxicants or alcoholic beverages by any person on the premises where any mechanical or electrically operated amusement device is displayed or kept for operation unless such person holds a proper permit from the Ohio State Liquor Control Board; or permit a drug offense.

(b) Adult Management. All gamerooms or amusement arcades shall, during hours of operation, provide adult (over the age of twenty-one years) management.

(c) Security Personnel. All gamerooms or amusement arcades shall provide necessary security personnel as required by the Police Chief to police the interior and exterior of the premises.

(d) Exterior Lighting. All persons operating a gameroom or amusement arcade shall submit to the Building Commissioner an exterior lighting plan if such facility is in a free standing building which plan shall be approved by the Commissioner.

(e) Loud-speakers. Outdoor loud-speakers shall not be permitted at any premises where any mechanical or electrically operated amusement device is displayed or kept for operation.

(f) Disturbing the Peace. It shall be the obligation of any person to whom a gameroom or amusement arcade license and/or mechanical or electrically operated amusement device license was issued to maintain peace and quiet in and about the premises and failure to do so shall constitute a nuisance and shall be grounds for revocation or suspension of any license issued hereunder. (Ord. 81-65. Passed 6-29-81.)

731.11 GAMBLING PROHIBITED.

(a) Any person to whom a gameroom or amusement arcade license and/or a mechanical or electrically operated amusement device license was issued shall prominently display a sign indicating that gambling is prohibited. Such sign shall also indicate that it shall be considered to be a gambling offense if a player or any operator agrees to pay for the game of another upon a loss of a game.

(b) No mechanical or electrically operated amusement device shall be permitted that has as its object the skill of winning at the playing of cards, dice, craps or roulette, or which contains an automatic device by the operation of which the player or operator may win at uncertain intervals a free game, a free play or any other additional amusement or in any way intends to encourage gambling.

(c) Any machine, device, instrument, apparatus or contrivance which is determined to be a gambling device may be seized, destroyed or demolished in the manner provided by law. (Ord. 81-65. Passed 6-29-81.)

731.12 HOURS OF OPERATION.

A gameroom or amusement arcade shall be closed between the hours of 10:00 p. m, and 9:00 a.m. of the following day, each and every day, except on Sunday when the gameroom or amusement arcade shall be closed until 12:00 noon.

(Ord. 81-65. Passed 6-29-81.)

731.13 LICENSE SUSPENSION OR REVOCATION; APPEALS.

(a) The license of any person violating directly or indirectly, any of the terms of this chapter or of any rules and regulations established and adopted by the Mayor or a designee thereof as provided in Section 731.03, except those relating to the display or operation of such mechanical or electrically operated amusement device for gambling, shall for the first violation thereof, be suspended by the Mayor for not less than ten nor more than thirty days; for the second violation 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 or a designee thereof relating to the display or operation of such mechanical or electrically operated amusement device for gambling, such license shall be revoked by the Mayor.

(b) Any person whose application for a license is denied or whose license is suspended or revoked may demand a hearing. A demand for a hearing shall be made in writing to the Mayor or a designee thereof within seven days of the date of denial, revocation or suspension and shall be heard by a Board of Appeals consisting of the President of Council, the Law Director and the Finance Director. The decision of the Board of Appeals shall be final.

(c) The Mayor or a designee thereof shall notify such applicant or licensee of such hearing by registered mail directed to the last address of such applicant or licensee on file. In the event that such license is denied, suspended or revoked, the Mayor or a designee thereof shall notify such applicant or licensee in the same manner as provided for notification of hearings. (Ord. 81-65. Passed 6-29-81.)

731.14 OPERATION BY MINORS.

(a) No person shall permit any mechanical or electrically operated amusement device to be operated or played before 2:00 p.m. on school days by any minor under the age of eighteen years unless such minor is accompanied by and in direct personal charge of a parent or legal guardian. It shall be the duty of the person in whose place of business any such device is placed, or who has title to or owns any such device, or who has control over any such device to determine if in fact school is in session for the individual operating, or wishing to operate, the device.

(b) No minor under the age of eighteen years shall be permitted to operate a mechanical or electrically operated amusement device or to be within the premises of a gameroom or amusement arcade at any time that the serving or consumption of alcoholic beverages is permitted at the place of business where the mechanical or electrically operated amusement device is displayed or at the gameroom or amusement arcade unless:

- (1) Such device is located in a room in which the service and consumption of alcoholic beverages is prohibited and such room is separated, by floor-to-ceiling walls and doors which are kept closed except when used by an individual for ingress or egress, from all rooms in which the serving or consumption of alcoholic beverages is permitted; and
- (2) Such minor under the age of eighteen years is accompanied by and in direct personal charge of a parent or legal guardian.

(c) No person shall permit the operation of a mechanical or electrically operated amusement device by a minor during the hours of curfew applicable to the minor. It shall be the duty of the person in whose place of business any such device is placed, or who has title to or owns any such device, or who has control over any such device, to prominently display the curfew laws of the City, and it shall further be the duty of such person to ascertain if his patrons are violating such curfew laws and if so, to eject them from the place of business.

(d) No parent or guardian of a minor under the age of eighteen years shall allow such minor to operate a mechanical or electrically operated amusement device in violation of this section.

(e) No person under the age of eighteen years shall knowingly show or give false information concerning his name, age or other identification for the purpose of playing or operating a mechanical or electrically operated amusement device or entering or remaining upon the premises of a gameroom or amusement arcade, in violation of any provision of this chapter.

(f) No person shall knowingly furnish any false information as to the name, age or other identification of another person under the age of eighteen years for the purpose of such other person operating or playing a mechanical or electrically operated amusement device or entering or remaining upon the premises of a gameroom or amusement arcade, in violation of any provision of this chapter. (Ord. 92-69. Passed 10-19-92.)

731.15 PARKING.

Each person operating a gameroom or amusement arcade shall provide, in addition to the requirements of the Planning and Zoning Code, off-street parking facilities for its patrons in an amount equal to one space of each two machines, in addition to providing one space for each employee. (Ord. 81-65. Passed 6-29-81.)

**731.16 TEMPORARY GAMEROOMS OR AMUSEMENT ARCADES;
EXEMPTION.**

(a) Any charitable, benevolent, religious or eleemosynary institution shall be permitted to operate a temporary gameroom or amusement arcade and display for public patronage or keep for operation by the public mechanical or electrically operated amusement devices for five days or less on the premises of the institution or on the premises of a like institution provided that such institution complies with Sections 731.02, 731.03, 731.04, 731.07, 731.10, except subsection (d) thereof, 731.11, 731.12, 731.14 and pays a license fee of five dollars (\$5.00) per mechanical or electrically operated amusement device.

(b) The provisions of this chapter shall not apply to mechanical or electrically operated amusement devices maintained in a one- or two-family residence provided that such devices are maintained for the personal use of the residents and their guests and such devices are not maintained or operated in a way which intends to encourage gambling.
(Ord. 81-65. Passed 6-29-81.)

731.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day during which the violation continues shall constitute a separate offense. (Ord. 81-65. Passed 6-29-81.)