

ORDINANCE NO. C54-81

AN ORDINANCE TO REPEAL THE PRESENT CHAPTER 701 OF THE
CODE OF ORDINANCES AND TO ENACT NEW CHAPTER 701 ENTITLED
"AMUSEMENT DEVICES"

WHEREAS, there is a need to update Chapter 701 of the Code of Ordinances;
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY,
STATE OF OHIO, THAT

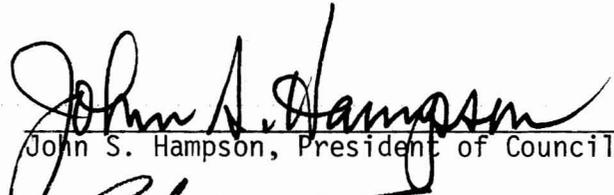
SECTION 1. Chapter 701 of the Code of Ordinances entitled "Amusement
Devices" is hereby repealed and there is hereby enacted the attached Chapter 701.
Said chapter 701 being attached as exhibit "A" and made a part hereof.

SECTION 2. This ordinance shall take effect at the earliest opportunity
allowed by law.

Submitted: 9/8/81

Passed: 9/21/81

Effective: 9/21/81



John S. Hampson, President of Council



Robert E. Evans, Mayor

Attest:



June A. Cook, Clerk of Council

I Certify that this ordinance is correct as to form.

R. E. Gunderman, Director of Law

CHAPTER 701

Amusement Devices

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701.01 DEFINITIONS.

As used in this chapter:

- (a) "Amusement Device" means any machine, device or instrument which, upon the insertion of a coin, token, slug or card, operates or may be operated for use as a game, a contest or test of skill or other amusement of any description. "Amusement device" does not include vending machines.
- (b) "Amusement Arcade" means any place of business at which six (6) or more game machines are located for the use of entertainment of persons patronizing the place of business.
- (c) "Owner" means any individual, corporation or other entity owning title to any amusement device.
- (d) "Exhibitor" means any person owning and exhibiting or contracting or permitting any amusement device, as defined in subsection (a) herein to be installed, used and exhibited in his own place of business irrespective of the ownership of such device.
- (e) "Operator" means any individual, corporation or other entity conducting a business at a place of business which is an amusement arcade.
- (f) "Good moral Character" means not having been convicted of a crime involving moral turpitude within five (5) years next preceeding the date of the application

701.02 AMUSEMENT DEVICE LICENSE REQUIRED

No exhibitor shall locate, cause to be located or permit to be located any amusement device at any place of business for the use or entertainment of persons patronizing the place of business unless such amusement device is then the subject of a valid amusement device license.

701.03 APPLICATION FOR AMUSEMENT DEVICE LICENSE

The Director of Public Safety is authorized to accept for filing in the office of the Director of Public Safety applications for the issuance of amusement device licenses. Each application for an amusement device license shall set forth the name and address of the owner, the name and address of the exhibitor, the address of the place of business at which the amusement device

to be licensed is to be located, the calendar year for which the amusement device license is sought, a description of the amusement device to be licensed, including the name, make, model and any other identifying information, and such other information as the Director of Public Safety reasonably requires. There shall be filed with each application for an amusement device license the affidavit of the owner as to good moral character and the truth of the matters set forth in the application for the amusement device license, and the affidavit of the exhibitor as to its good moral character and the truth of the matters set forth in the application for the amusement device license. The Director of Public Safety is authorized to prescribe and accept applications for the issuance of more than one (1) amusement device license on one (1) application form.

701.04 ISSUANCE OF AMUSEMENT DEVICE LICENSE

The Director of Public Safety is authorized to issue amusement device licenses. The Amusement Device license shall set forth the name and address of the owner, the name and address of the exhibitor, the address of the place of business at which the licensed amusement device is to be located, the calendar year for which such license is issued, including the name, make and model. The Director of Public Safety shall issue no amusement device license unless:

(a) The owner and exhibitor of the amusement device to be licensed have properly filed the application for the amusement device license and affidavits required by Section 701.03 of this code.

(b) The fee required by Section 701.11 of this code has been paid.

(c) The Safety Director has found that the owner and exhibitor are both of good moral character.

(d) The Safety Director has determined that there exists no other reasonable cause to deny the issuance of the amusement device license.

701.05 DISPLAY OF AMUSEMENT DEVICE LINCENSE

The Director of Public Safety shall issue a license for the amusement devices which shall contain the make and model of each device. The exhibitor shall attach such license to a place in which it is clearly visable to the public.

701.06 AMUSEMENT ARCADE LICENSE REQUIRED

No individual, corporation, or other entity shall be the operator of an amusement arcade at any place of business unless such operator holds a valid amusement arcade license for the place of business at which such amusement arcade is operated.

701.07 APPLICATION FOR AMUSEMENT ARCADE LICENSE

The Director of Public Safety is authorized to accept for filing in the office of the Director of Public Safety applications for the issuance of amusement arcade licenses. Each application for an amusement arcade license shall be signed by the operator in whose name the amusement arcade license is to be issued. The application for an amusement arcade license shall set forth the name and address of the operator, the address of the place of business which is to be the licensed amusement arcade, the period for which the amusement arcade license is sought, the amusement device license numbers of all game

machines to be located at the amusement arcade and such other information as the Safety Director reasonably requires. If the operator filing the application for amusement arcade license is a corporation, the application for amusement arcade license shall list the names of any individual, corporation or other entity owning twenty-five percent (25%) or more of the issued and outstanding shares of any class of stock of the corporation. If the operator filing the application for amusement arcade license is a partnership, the application for amusement arcade license shall list the names of all partners. As to any corporation or partnership listed in accordance with the two immediately preceding sentences, the listing required by such sentences shall be repeated and further repeated for any other partnership or corporation listed on the application for amusement arcade license. There shall be filed with each application for an amusement arcade license the affidavit of the operator as to its good moral character and the truth of the matters set forth in the application for the amusement arcade license.

701.08 ISSUANCE OF AMUSEMENT ARCADE LICENSE

The Director of Public Safety is authorized to issue arcade licenses. Each amusement arcade license shall set forth the name and address of the operator, the address of the place of business which is the licensed amusement arcade, the calendar year for which such license is issued, the date of expiration of such license and the amusement device license numbers of all game machines which may be located at the amusement arcade. The Director of Public Safety shall issue no amusement arcade licenses unless:

(a) The operator of the amusement arcade to be licensed has properly filed the application for amusement arcade licenses and affidavits required by Section 701.07 of this code;

(b) The fee required by Section 701.11 of this code has been paid;

(c) The Safety Director has found that the operator is of good moral character; and

(d) The Safety Director has determined that there exists no other reasonable cause to deny the issuance of the amusement arcade license.

701.09 VALIDITY, AMENDMENT AND EXPIRATION OF AMUSEMENT ARCADE LICENSE

Each amusement arcade license shall be valid for only so long as the licensed amusement arcade is operated by the operator listed on such license, the licensed amusement arcade is operated at the place of business listed on such license and only those game machines, the amusement device license numbers for, which are listed on such amusement arcade license, are located at the licensed amusement arcade.

701.10 DISPLAY OF AMUSEMENT ARCADE LICENSE

Each amusement arcade license shall be prominently displayed at the place of business listed thereon in view of the patrons of the licensed amusement arcade.

701.11 FEES

(a) The fee for an amusement device license for an amusement device requiring the payment of less than five cents (5¢) per play shall be five dollars (\$5.00).

(b) The fee for an amusement device license for an amusement device requiring the payment of five cents (5¢) or more per play shall be twenty-five dollars (\$25.00) if the application therefor is filed before July 1 of the year for which such license is issued; twelve dollars and fifty cents (\$12.50) if the application therefor is filed after July 1 of the year for which such license is issued.

(c) The fee for an amusement arcade license for a year shall be one hundred dollars (\$100.00) if the application is filed before July 1 and fifty dollars (\$50.00) if the application is filed after July 1 of the year in which the application therefor is filed. This fee is in addition to the fees for each individual amusement device. Any arcade license or amusement device license may be amended to reflect a change of the game machine after payment of a transfer fee of two dollars (\$2.00).

701.12 PROHIBITED CONDUCT

The Director of Public Safety is hereby authorized to revoke or suspend an amusement arcade license if the operator:

(a) Permits any game machine to be located at a licensed amusement arcade which is not listed on the amusement arcade license for such amusement arcade.

(b) Fails to display its amusement arcade license as required by Section 701.10 of this code.

(c) Permits any minor under the age of eighteen (18) years to use or operate any game machine, located at any amusement arcade operated by such operator, at any time that the serving or consumption of alcoholic beverages is permitted at the amusement arcade unless:

- (1) Such game machine is located in a room in which the serving 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; or
- (2) Such minor under the age of eighteen (18) years is accompanied by a parent, guardian or adult relative.

(d) Permits any violation of an ordinance of the City of Grove City or statute of the State of Ohio for which a criminal penalty may be invoked to take place at any amusement arcade operated by such operator.

701.13 FALSE AFFIDAVIT

Any person who swears falsely in any affidavit required to be filed under the provisions of this Chapter shall be guilty of a fourth degree misdemeanor.

701.14 EXEMPTIONS FROM FEE

No license fee shall be charged for amusement devices exhibited or amusement arcades operated solely for the benefit of a charitable, benevolent, or religious institution.

701.15 REQUIREMENT FOR POLICE SUPERVISION

In the event the Safety Director exercises the powers granted him under this Chapter, to suspend or revoke the license of an individual, corporation or other entity for an amusement device or amusement arcade because of a violation of Section 701.12 of this code, the Safety Director may re-instate such license at any time upon the condition that the operator whose license is in question employs a sworn off-duty police officer, regularly employed by a governmental agency having authority to enforce the laws of the City of Grove City and the State of Ohio, attend the premises on which the amusement device and/or amusement arcade is located each day such establishment permits those devices to be operated between the hours of 8:00 P.M. and 7:00 A.M.

Nothing herein shall be interpreted so as to establish authority to control or responsibility for the actions of such police officer by the operator.

The operator must submit a notarized statement to the Safety Director that the operator agrees to employ such officer for each hour between 8:00 P.M. and 7:00 A.M. each day the establishment permits the devices to be operated and that the operator will have the officer under employment within five (5) business days after the finding by the Safety Director that such is necessary in order to continue lawful operation of the amusement device(s) and/or amusement arcade.

Upon the request of the operator so directed to employ an officer, the Safety Director may terminate such condition under which the operator may retain a valid license, if the Safety Director finds that the operator has permitted the conduct of no activity prescribed by Section 701.12 of this code for a period of ninety (90) days after the imposition as specified in this section.

701.99 PENALTY

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.