ORDINANCE 2007-02

AN ORDINANCE AMENDING ARTICLE 13 OF THE VILLAGE OF BUCKEYE LAKE ZONING REGULATIONS AND TO IMPOSE LICENSING REQUIREMENTS AND AGE RESTRICTIONS FOR ELECTRONIC GAMES OF SKILL, BILLARD PARLORS AND ELECTRONIC GAMING PARLORS OPERATED WITHIN THE VILLAGE OF BUCKEYE LAKE, OHIO AND ESTABLISHING PENALTIES FOR NON-COMPLIANCE.

WHEREAS, existing provisions of the Village of Buckeye Lake Zoning Regulations do not address the licensing and regulation of electronic games of skill, billiard parlors or electronic gaming parlors; and,

WHEREAS, the Village of Buckeye Lake recognizes the need to license and regulate electronic gaming parlors and billiard parlors throughout the Village; and

WHEREAS, there is concern throughout the community of the potential social impact of unregulated electronic gaming parlors and billiard parlors; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Buckeye Lake, County of Licking, State of Ohio, a majority of the members concurring:

SECTION 1: That Article 13 of the Village Of Buckeye Lake Zoning Regulations is hereby renamed ADULT ENTERTAINMENT FACILITIES **AND GAMING PARLORS.**

SECTION 2: Village Of Buckeye Lake Zoning Regulations, Section 1305 is hereby amended to read as follows:

~~1305~~ **1399** PENALTIES

1. Whoever violates, neglects, refuses to comply with, assists or participates in any way in the violation of **§§ 1300, 1301, 1302, 1303, or 1304** shall be guilty of a misdemeanor of the first degree. Each day of such a violation may be considered a separate offense.

2. Whoever violates or fails to comply with any of the provisions of this Article regarding the licensing of a billiard room, pool room or game room or with regard to the licensing of a billiard table, pool table or mechanical or electrical amusement device is guilty of a minor misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

3. Whoever violates or fails to comply with any of the provisions of this Article regarding the licensing of an electronic gaming parlor or with regard to the licensing of an electronic game of skill is guilty of a first degree misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

4. Whoever violates or fails to comply with the provision of this Article regarding the minimum age requirement for operating, using or playing any electronic game of skill is guilty of a first degree misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

SECTION 3: Village Of Buckeye Lake Zoning Regulations Section 1305 through 1314 are hereby added to read as follows:

1305 DEFINITIONS

As used in this Article:

(A) "Billiard room" means any public place where the game of billiards or pool is played.

(B) "Billiards" means any of the several games which are played on a table surrounded by an elastic edge on cushions, with balls which are propelled or moved by means of a rod or cue, and includes the game of pocket billiards popularly called pool.

(C) "Game room" means a place of business, within a building or any part of a building, having more than three mechanical or electrically operated amusement devices which are used for the purpose of public entertainment through the operation, use or play of any table game or device commonly known as electronic games, which are operated by placing therein a coin, plate, disc, plug, key or token of any value or by the payment of a fee.

(D) "Mechanically or electrically operated amusement device" means any coin-operated machine, device or instrument which, upon the insertion of a coin, token or slug, or upon the payment of a fee, operates or may be operated for use as a game, contest of skill or amusement, of any description, which in no way intends to encourage gambling.

(E) "Owner" means any person having possession of any mechanical, or electrical amusement device or electronic game of skill or any person operating an amusement arcade, game room or billiard room, or electronic gaming parlor.

(F) "Electronic games of skill" means a skill-based electronic, video, or digital amusement device which requires payment for use through a coin or bill validator or other payment of consideration of value to participate in the machines offering or to activate the machine provided that all of the following apply:

1. The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition, or tournament.

2. The outcome of an individuals play and participation is not determined largely or wholly by chance.

3. The outcome of play during a game is not controlled by a person not actively participating in the game.

(G) "Electronic gaming parlor" means any business, establishment, or location operated for profit which employs the use of one (1) or more electronic games of skill in any one location. The definition of electronic gaming parlor shall not include any location or establishment operated by any charitable organization as defined at O.R.C. Section 2915.01(h), fraternal organization as defined at O.R.C. Section 2915.01(m), or service organization as defined at O.R.C. Section 2915.01(O) provided no such organization has on its premises for use at any given time ten (10) or more electronic games of skill and provided that all proceeds from such electronic games of skill are applied to the charitable purposes of the organization.

1306 LICENSE REQUIRED

No person shall operate a public billiard room, poolroom or game room, or any other business for profit, which has more than four billiard tables, or an electronic gaming parlor without first obtaining a license therefore from the Mayor and/or his or her designee.

1307 LICENSE FEES

(A) Any person applying for a license to operate a billiard room, poolroom, or game room shall, before the issuance thereof, pay to the Village of Buckeye Lake an annual base fee of twenty-five dollars ($25.00) for each separately located establishment or place of business of the applicant. In addition to the annual base fee, for each billiard or pool table or mechanical or electrical amusement device, the licensee shall pay an additional seven dollars and fifty cents ($7.50). When such a license is issued between December 1 and 31 of any year, the license shall not expire until December 31 of the following year.

(B) Any person applying for a license to operate an electronic gaming parlor shall, before the issuance thereof, pay to the Village of Buckeye Lake an annual base fee as set forth herein for each separately located electronic gaming parlor:

1. More than zero but less than eleven electronic games of skill: $500.00

2. More than ten but less than twenty-five electronic games of skill: $750.00

3. Twenty-five or more electronic games of skill: $1,000.00.

(C) In addition to the annual base fee, for each electronic game of skill, the licensee of a non-exempt electronic gaming parlor shall pay an additional $250.00. When such a license is issued between December 1 and 31 of any year, the license shall not expire until December 31 of the following year.

1308 LICENSE REVOCATION; APPEALS

(A) Any person operating, maintaining or conducting a public billiard room, poolroom or game room, or electronic gaming parlor, who knowingly permits persons to congregate in or about such place and, while therein or about, to become noisy or profane or to disturb the public peace, shall be personally responsible for such conduct and may have his or her license revoked by the Mayor and/or his or her designee for permitting such conduct.

(B) The Mayor and/or his or her designee may revoke the license granted to any licensee under this Article if such licensee is found guilty of violating any of the laws of the State or the ordinances of the Village. Appeals of decisions by the Director of Public Safety under this Article shall be governed by O.R.C. Chapter 2506.

1309 GROUNDS FOR REFUSAL TO ISSUE LICENSE

The Mayor and/or his or her designee may refuse to issue a license under this Article to any person who has been found guilty of a violation of law of the State or ordinance of the Village, with the exception of minor misdemeanor traffic offenses.

1310 LICENSE EXPIRATION; TRANSFERS

(A) Any license issued pursuant to this Article shall terminate on December 31 of the year in which it is issued. Such a license may be transferred during the year and issued to another owner upon application to and approval by the Mayor and/or his or her designee and upon payment of a fifteen-dollar ($15.00) fee for each transfer.

(B) Any license issued pursuant to this Article for a electronic gaming parlor or electronic game of skill may not be transferred during the year or re-issued to another owner without approval of the Mayor and/or his or her designee.

1311 APPLICATION

(A) This Article shall not apply to any pool or billiard table, electronic game of skill, mechanical or electrically operated amusement device operated, maintained or conducted in any bona fide private residence of the Village.

(B) This Article shall not apply to any pool or billiard table, electronic game of skill, mechanical or electrically operated amusement device operated, maintained or conducted by any fraternal or benevolent organization authorized to do business in the State.

1312 POSTING COPIES

Upon request, copies of this Article shall be provided by the Village to all persons operating, maintaining or conducting public poolrooms, billiard rooms, electronic gaming parlors, or mechanical or electrically operated amusement devices within the Village. When so provided, it shall be the duty of the owner to keep a copy of this Article posted in a conspicuous place in each poolroom, billiard room, or electronic gaming parlor.

1313 IMPLIED CONSENT TO SEARCH

Any owner, person, persons, business, corporation or other entity operating an electronic gaming parlor within the Village of Buckeye Lake, Ohio pursuant to a license issued by the Mayor and/or his or her designee under authority of this Article shall be deemed to have given consent to the random and unannounced search of the premises wherein the electronic games of skill are employed and to the search of each individual electronic game of skill by the police department or other Village official designated by the Mayor to ensure that the facility is properly and fully licensed and that each individual device employed meets the definition of an electronic game of skill as set forth herein.

1314 AGE RESTRICTIONS

No owner, person, persons, business, corporation or other entity operating an electronic gaming parlor within the Village of Buckeye Lake, Ohio pursuant to a license issued by the Mayor and/or his or her designee under authority of this Article shall permit any person(s) under the age of eighteen (18) years to engage in the use, operation or play of any electronic game of skill within their electronic gaming parlor or under their control.

SECTION 4: The licensing requirements as set forth herein for all electronic gaming parlors and electronic games of skill as well as all billiard rooms, pool rooms or game rooms shall be retroactive in application and shall encompass any such location which contain or employ the use of any billiard table, pool table or mechanically or electrically operated amusement device or any electronic game of skill and subject to the licensing provisions contained herein existing at the time of the adoption of this Ordinance. Enforcement of the provisions of this ordinance requiring the licensing of electronic gaming parlors and electronic games of skill shall be delayed until March 1, 2007.

SECTION 5: This Ordinance shall become effective at the earliest period authorized by law.

Passed this 12TH day of FEBRUARY, 2007.

ATTEST:

Charlene Hayden, Council President

2-12-07

Frank Foster, Mayor