

ORDINANCE NO.: 25-2010 (As Amended 5/25/10)
INTRODUCED BY: Henry

AN ORDINANCE AMENDING CHAPTER 725, "MECHANICAL AMUSEMENT DEVICES", OF THE CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY.

WHEREAS, since 1961 the City has had in place ordinances regulating "mechanical amusement devices" and "juke boxes" in the City which require the owner thereof to obtain an annual license for each machine, which regulate the distance of such devices from school buildings and the award of prizes to an operator of any amusement device for a high score on the device, and which impose a penalty for a violation of the regulations that is a misdemeanor of the first degree; and

WHEREAS, it has been determined by the Safety Committee of this Council, in consultation with the Mayor and the Chief of Police, that Chapter 725, "Mechanical Amusement Devices" should be amended in order to stop regulating juke boxes in the City, to clearly define the meaning of awarding a "prize" or "anything of value" to a player or operator of any "mechanical amusement device" for a high score on the device, and to lessen the criminal penalty for violations of the regulations, but to maintain some regulation of such devices in the interest of public health, safety, and general welfare;

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio; that:

Section 1: Chapter 725, "Mechanical Amusement Devices", of Part Seven, the Business Regulation Code of the Codified Ordinances of the City, is hereby amended to read as follows:

CHAPTER 725
Mechanical Amusement Devices

725.01 DEFINITIONS.

For the purpose of this chapter, (a) "mMechanical amusement device" means a machine which, upon the insertion of a coin, ~~or~~ slug, token, or other device, operates or may be operated for use as a game, contest or amusement of any description, or which may be used for any game, contest or amusement and which contains no automatic pay-off device for the return of money, coins, merchandise or tokens or checks redeemable in money or anything of value.

(b) "Juke box" means any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of songs,

~~music or similar amusement.~~

725.02 LICENSE REQUIRED.

No person shall display or exhibit a mechanical amusement device ~~or juke box~~—within the corporate limits without having first obtained a license therefor from the Director of Public Safety or his designee Mayor. A separate license shall be required for each mechanical amusement device ~~or juke box~~ displayed at any one time.

725.03 APPLICATION FOR LICENSE.

Application for a license to display a mechanical amusement device ~~or juke box~~ must be made to the Director of Public Safety or his designee Mayor upon such forms as shall be prepared therefor by the Director Mayor. The application must be made by the owner or proprietor of the business or place at which the mechanical amusement device ~~or juke box~~ is to be displayed. Application shall state the name of the owner of the place of business, the address of the place for which the license is applied, the residence address of owner, the serial number and name of the manufacturer of the mechanical amusement device, ~~or juke box~~, the owner of the mechanical amusement device, ~~or juke box~~, the nature of the business in conjunction with which the mechanical amusement device ~~or juke box~~ is to be displayed and such other information as may be required by the Director of Public Safety or his designee Mayor.

725.04 ISSUANCE OF THE LICENSE; FEE.

Upon the approval of the application and upon the payment of the annual license fee of:

Mechanical amusement device	\$50.00 per machine
<u>Juke box</u>	<u>25.00 per machine</u>

a license to display one mechanical amusement device ~~or juke box~~ shall be issued to the applicant. The license fee shall be for the fiscal year beginning January 1, of the calendar year or for any unexpired portion of the fiscal year. The license shall entitle the licensee therein named to display at or upon the premises therein described one mechanical amusement device ~~or juke box~~.

725.05 TRANSFER OF LICENSE.

A separate license shall be required for every mechanical amusement device ~~or juke box~~ which is displayed by any person at any one time, but any licensee may change from the display of one approved mechanical amusement device ~~or juke box~~ to the display of another approved mechanical amusement device ~~or juke box~~ at any time. A license issued under the provisions of this chapter shall not be transferred from one person to another person, but the license may be transferred by the licensee therein named from the place specified in the license to another place owned by the licensee, should the licensee move his business from the address specified in the license to another location.

725.06 DISTANCE FROM SCHOOL; DISPLAY OF LICENSE.

No license shall be issued for the display of a mechanical amusement device at a place which is within 500 1,000 feet from any premises occupied by any school building. It shall be the duty of the licensee to conspicuously display the license issued hereunder.

725.07 GIVING OF PRIZES, AWARDS.

No person by himself, by another person or otherwise, directly or indirectly, shall give any prize, award, merchandise, gift or anything of value worth greater than ten (10) dollars to any player or, to any operator of any mechanical amusement device or to any contestant for any type of a high score on the device for a single play of the device and the value of the prize, award, merchandise, gift, or something of value for multiple plays of the device or devices by any player, operator, or contestant shall not exceed one hundred (100) dollars. Cash shall not be given to any player, operator, or contestant of a device.

725.99 PENALTY; LICENSE REVOCATION.

Whoever violates this chapter is guilty of a minor misdemeanor, ~~of the first degree~~. Each and every day during which the violation shall continue shall constitute a separate offense. In addition to the penalty, the Director of Public Safety Mayor is authorized to revoke the license held by any person who shall have been convicted for a violation of this chapter.

Section 2: Existing Chapter 725, "Mechanical Amusement Devices", of Part Seven, the Business Regulation Code of the Codified Ordinances of the City of Richmond Heights, is hereby repealed.

Section 3: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4: This Ordinance is declared to be an emergency measure immediately necessary for the preservation of public health, safety and general welfare of the citizens of, property owners and tenants in, and visitors to, the City of Richmond Heights and for the further reason that it is necessary to immediately amend Chapter 725 for clarity for enforcement purposes related to businesses and proposed businesses seeking to locate in the City and which will have mechanical amusement devices or juke boxes; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

David H. Roche

ATTEST: _____

President of Council

Betsy Traben
Clerk of Council