

City of Willoughby Hills

ORDINANCE NO. 2010-30

AN ORDINANCE AMENDING PART SEVEN – BUSINESS REGULATION CODE, CHAPTER 753 – MECHANICAL AMUSEMENT DEVICES AND GAME ROOMS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO, WITH RESPECT TO THE IMPOSITION OF A LICENSE TO OPERATE AN AMUSEMENT CENTER, A LICENSING FEE, AN AMUSEMENT TAX, REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, The Mayor of the City of Willoughby Hills has been advised as to the increasing incidents of amusement centers and establishments operating mechanical, electrical and/or electronic devices; and

WHEREAS, a legal controversy exists in the State of Ohio as to whether such devices are merely amusement devices or whether they are devices facilitating gambling contrary to the laws of the State of Ohio and the City of Willoughby Hills; and

WHEREAS, the Mayor finds that regardless of the characterization of the devices, they present special law enforcement considerations with respect to both penal laws and building codes which matters must be continuously addressed by the City of Willoughby Hills at the expense of the taxpayers of the City of Willoughby Hills; and

WHEREAS, the Mayor finds that it is in the best interest of the City of Willoughby Hills that such amusement centers be licensed and that a license fee and amusement tax be imposed upon such establishments in order, inter alia, to finance the costs of said enforcement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. **Section 753.01 – Definitions** of the Codified Ordinances of the City be, and the same hereby is, amended to read and provide, in its entirety, as follows:

“753.01 DEFINITIONS.

As used in this Chapter, certain words and terms are defined as follows:

- (a) “Game Room” means a building, room enclosure, premises, place or establishment in the City which contains more than six mechanical, electrically and/or electronically operated amusement devices, other than telephones, jukeboxes or coin-operated rides, which are used for the purpose of public entertainment through the operation, use or play, or any table game or device commonly known as mechanical, electric, and/or electronic games which are operated by placing therein any card, coin, plate, disc, plug, key, token of value and/or by the payment of a fee.
- (b) “Decibels” means a unit for the measurement of relative sound levels as indicated by a sound level meter conforming with the American Standards Association Specification Z.24.3 – 1944.
- (c) “Director of Public Safety” means the duly appointed or acting Director of Public Safety of the City of Willoughby Hills, Ohio.
- (d) “Mechanical, Electrically, and/or Electronically Operated Amusement Device” means any coin operated, computer, device or instrument, other than a telephone, jukebox or coin operated ride, which upon the insertion of a card, coin, plate, disc, plug, key, token of value, and/or payment of a fee, operates or may be operated for use as a game, contest of skill or amusement, of any description regardless of whether said device is used for gambling as defined in the Ohio Revised Code. For the purposes of this Chapter, however, nothing contained herein shall apply to the operation of coin operated pool tables. As used in this Chapter, and except where more specifically delineated, the term “electrical” shall include the term “electronic” and the term “electrically” shall include the term “electronically”.

- (e) "Jukebox" means any music vending machine, contrivance or device, which upon the insertion of a card, coin, slug, token, plate disc, or key in to any slot, crevice or other opening, or by the payment of any price, operates or may be operated by the emission of songs, music or similar amusement."

SECTION 2. **Section 753.02 – *License Display Required*** of the Codified Ordinances of the City be, and the same hereby is, amended to read and provide, in its entirety, as follows:

"753.02 LICENSE DISPLAY REQUIRED.

No person shall display or exhibit a mechanical amusement device without having first obtained a license therefore from the Director of Public Safety as provided by this Chapter. One certificate license shall be issued, indicating number of devices licensed for use in the establishment. This certificate of licensure must be prominently displayed within the boundaries of the establishment."

SECTION 3. **Section 753.04 – *Mechanical Device License Fee*** of the Codified Ordinances of the City be, and the same hereby is, amended to read and provide, in its entirety, as follows:

"753.04 MECHANICAL DEVICE LICENSE FEE.

Any applicant to which a license to display a mechanical amusement device is granted shall pay a fee of forty dollars (\$40.00) for each mechanical amusement device per month. The number of devices licensed for use in the establishment is indicated on the licensure and shall be amended as machines are added or deleted. This certificate of licensure must be prominently displayed within the boundaries of the establishment."

SECTION 4. **Section 753.07 – *Game Room License Fee*** of the Codified Ordinances of the City be, and the same hereby is, amended to read and provide, in its entirety, as follows:

"753.07 GAME ROOM LICENSE FEE.

(a) Any person, firm, corporation or association to which a license is granted shall pay an annual fee of five thousand dollars (\$5,000.00). All licenses granted under the provisions of Section 753.05 shall expire on July 1. The license shall be displayed in a conspicuous place in the game room for which it is issued. No transfer of any license shall be permitted.

(b) Upon application and payment of the annual fee, the license may be renewed without the resubmission and review of the plans provided that no changes have taken place in the layout of the game room."

SECTION 5. All provisions contained in **Chapter 753 – *Mechanical Amusement Devices and Game Rooms*** of the Codified Ordinances of the City of Willoughby Hills, Ohio not amended herein shall remain in full force and effect.

SECTION 6. All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

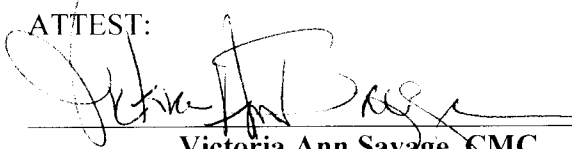
SECTION 7. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

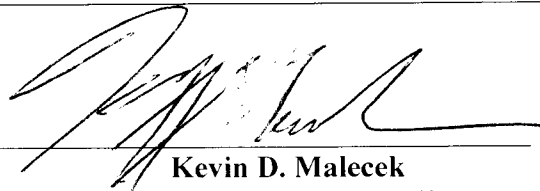
SECTION 8. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of the Municipality, and further reason being to allow the City to immediately in act laws and regulations deeming such amusement centers be licensed and that a license fee and amusement tax be imposed upon such establishments to finance the costs of said enforcement; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED August 4, 2010

Submitted to the Mayor for his approval
on this 4 day of August, 2010

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor

August 4, 2010


Robert M. Weger
Mayor