

City of Willoughby Hills

ORDINANCE NO. 2010-40

AN ORDINANCE AMENDING PART SEVEN – BUSINESS REGULATION CODE, CHAPTER 753 – MECHANICAL AMUSEMENT DEVICES AND GAME ROOMS, SECTION 753.04 – MECHANICAL DEVICE LICENSE FEE, SECTION 753.07 – GAME ROOM LICENSE FEE AND SUBSECTION (a) OF SECTION 753.10 – HOURS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, due to the increasing incidents of amusement centers and establishments operating mechanical, electrical and/or electronic devices, the Mayor determined that regardless of the characterization of the devices, they present special law enforcement considerations with respect to both penal laws and building codes which matter must be continuously addressed by the City of Willoughby Hills at the expense of the taxpayers of the City; and

WHEREAS, the Mayor found it to be 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 establishment in order, inter alia, to finance the costs of said enforcement; and

WHEREAS, on August 4, 2010, upon the recommendation of the Mayor, serving as Safety Director, the Council of the City of Willoughby Hills adopted Ordinance No. 2010-30; and

WHEREAS, Ordinance No. 2010-30 established a license to operate an amusement center and establishments operating mechanical, electrical and/or electronic devices, a game room licensing fee, and a mechanical device license fee; and

WHEREAS, the Mayor finds it to be in the best interest of the City of Willoughby Hills to amend **Section 753.07 – Game Room License Fee** and **Section 753.10 - Hours of Operation**; and

WHEREAS, extending the of **Hours of Operation** of said establishments, the City needs to allow for the special law enforcement considerations that amusement centers and establishments operating mechanical, electrical and/or electrical devices present; the Mechanical Device License Fee shall be increased to \$50.00 per mechanical amusement device per month thereby offsetting costs of said additional required time of 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 753.04 – Mechanical Device License Fee of the Codified Ordinance 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 fifty dollars (\$50.00) 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 2. 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 twelve (12) months from the date of issuance. 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."

SECTION 3. Section 753.10 – *Hours* of the Codified Ordinances of the City be, and the same hereby is amended to read and provide, in its entirety, as follows:

"753.10 HOURS.

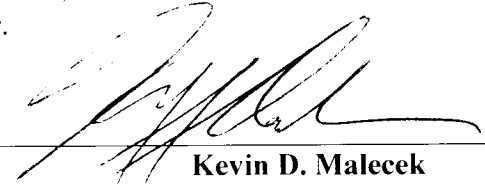
The hours of operation of the game room shall not commence earlier than 9:00 a.m., nor shall they extend beyond the hour of 2:30 a.m. except that if the licensed premises are also licensed for any purpose by the State of Ohio then the hours permitted hereunder shall be those hours permitted by the State."

SECTION 4. 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 5. 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 6. 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 that Ordinance No. 2010-30 allowed the City to immediately enact laws and regulations deeming amusement centers be licensed and that a license fee be imposed upon such establishments to finance the costs of said enforcement; thereby this Ordinance allows the amendments as stated herein be immediately enacted; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

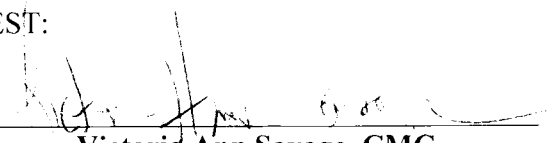
PASSED: December 9, 2010

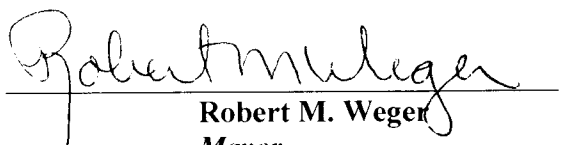

Kevin D. Malecek
President of Council

Submitted to the Mayor for his approval
on this 9 day of December, 2010

Approved by the Mayor
December 9, 2010

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Robert M. Weger
Mayor