

CHAPTER 830
Game Rooms, Billiard Rooms, and Electronic Gaming Parlors

830.01	Definitions.	830.06	License expiration; transfers.
830.02	License required.	830.07	Application of chapter.
830.03	License fees.	830.08	Posting copies of chapter and curfew laws.
830.04	License revocation; appeals.	830.09	Implied consent to search.
830.05	Grounds for refusal to issue license.	830.10	Age restrictions.
		830.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.51, 715.61
Gambling - see GEN. OFF. Ch. 630
Disorderly conduct - see GEN. OFF. 648.04
License and permit issuance and revocation - see
B.R. & T. Ch. 804

830.01 DEFINITIONS.

As used in this chapter:

- (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 ledge 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) "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 individual's 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;
- (d) "Electronic gaming parlor" means any business, establishment, or location operated for profit which employs the use of one 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 Ohio R.C. 2915.01(H), fraternal organization as defined at Ohio R.C. 2915.01(M), or service

organization as defined at Ohio R.C. 2915.01(O) provided no such organization has on its premises for use at any given time ten 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.

- (e) "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 any coin, plate, disc, plug, key or token of any value or by the payment of a fee.
- (f) "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 or amusement, of any description, which in no way intends to encourage gambling.
- (g) "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.
(Ord. 94-26. Passed 6-6-94; Ord. 06-55. Passed 11-20-06.)

830.02 LICENSE REQUIRED.

No person shall operate a public billiard room, poolroom or game room, or any other business for profit, which has more than three billiard tables, or an electronic gaming parlor without first obtaining a license therefor from the Director of Public Safety.
(Ord. 94-26. Passed 6-6-94; Ord. 06-55. Passed 11-20-06.)

830.03 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 City of Newark 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 city 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.
(Ord. 94-26. Passed 6-6-94; Ord. 06-55. Passed 11-20-06.)

830.04 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 Director of Public Safety for permitting such conduct.

(b) The Director of Public Safety may revoke the license granted to any licensee under this chapter if such licensee is found guilty of violating any of the laws of the State or the ordinances of the City. Appeals of decisions by the Director of Public Safety under this chapter shall be governed by Ohio R.C. Chapter 2506.

(Ord. 94-26. Passed 6-6-94; Ord. 06-55. Passed 11-20-06.)

830.05 GROUNDS FOR REFUSAL TO ISSUE LICENSE.

The Director of Public Safety may refuse to issue a license under this chapter to any person who has been found guilty of a violation of any law of the State or ordinance of the City, with the exception of minor misdemeanor traffic offenses.

(Ord. 94-26. Passed 6-6-94; Ord. 06-55. Passed 11-20-06.)

830.06 LICENSE EXPIRATION; TRANSFERS.

Any license issued pursuant to this chapter 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 Director of Public Safety and upon payment of a fifteen dollar (\$15.00) fee for each transfer. A license issued pursuant to this chapter for an 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 Director of Public Safety.

(Ord. 94-26. Passed 6-6-94; Ord. 06-55. Passed 11-20-06.)

830.07 APPLICATION OF CHAPTER.

(a) This chapter 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 City.

(b) This chapter 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.

(Ord. 94-26. Passed 6-6-94; Ord. 06-55. Passed 11-20-06.)

830.08 POSTING COPIES OF CHAPTER AND CURFEW LAWS.

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

(b) It shall be the duty of the owner to prominently display in a conspicuous spot in each poolroom, billiard room, or electronic gaming parlor the curfew laws of the City. It shall further be the duty of the owner to ascertain if patrons are violating said curfew laws and, if so, advise those patrons to leave the establishment.

(Ord. 94-26. Passed 6-6-94; Ord. 06-55. Passed 11-20-06.)

830.09 IMPLIED CONSENT TO SEARCH.

Any owner, person, persons, business, corporation or other entity operating an electronic gaming parlor within the City of Newark, Ohio pursuant to a license issued by the Director of Public Safety under authority of this chapter 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 officers of the Newark Police Department or other city official designated by the Director of Public Safety 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.

(Ord. 06-55. Passed 11-20-06.)

830.10 AGE RESTRICTIONS.

No owner, person, persons, business, corporation or other entity operating an electronic gaming parlor within the City of Newark, Ohio pursuant to a license issued by the Director of Public Safety under authority of this chapter shall permit any persons under the age of eighteen years to engage in the use, operation or play of any electronic game of skill within their electronic gaming parlor or under their control.

(Ord. 06-55. Passed 11-20-06.)

830.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter 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 and shall be fined no more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) Whoever violates or fails to comply with any of the provisions of this chapter 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 and shall be fined not more than one thousand dollars (\$1,000.00) and incarcerated for not more than six months for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) Whoever violates or fails to comply with the provision of this chapter regarding the minimum age requirement for operating, using or playing any electronic game of skill is guilty of a first degree misdemeanor and shall be fined not more than one thousand dollars (\$1,000.00) and incarcerated for not more than six months for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 94-26. Passed 6-6-94; Ord. 06-55. Passed 11-20-06.)