

ORDINANCE NO. 2024 - 17

AN ORDINANCE AMENDING CHAPTER 751 ENTITLED "MECHANICAL AMUSEMENT DEVICES AND INTERACTIVE ENTERTAINMENT AND COMPUTER SWEEPSTAKE DEVICES" OF THE PARMA HEIGHTS CODIFIED ORDINANCES

WHEREAS, the Director of Public Service and Chief Building Official are recommending that Chapter 751 of the Parma Heights Codified Ordinances be amended; and

WHEREAS, this Council desires to adopt the recommendation of the Administration.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Chapter 751 of the Codified Ordinances is hereby amended and shall henceforth read as shown by edits set forth in Exhibit "A", which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: March 25, 2024 Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen March 25, 2024
CLERK OF COUNCIL APPROVED

FILED WITH THE MAYOR: March 25, 2024 Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A

CHAPTER 751

Mechanical Amusement Devices and Interactive Entertainment and Computer Sweepstake Devices

751.01 Definitions.

751.02 License required.

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751.99 Penalty.

CROSS REFERENCES

Gambling - see GEN. OFF. Ch. 624

Seizure and destruction of gambling devices - see GEN. OFF. 624.10

751.01 DEFINITIONS.

As used in this chapter:

(a) "Cigarette vending machine" means any automatic vending machine used for the sale of cigarettes and matches, which is controlled by the insertion of a coin or coins. It shall not include machines or devices used solely for the vending of service, food or confections.

(b) "Interactive entertainment and computer sweepstake device" means any computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, wherein a product or service is provided, and may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which is not gambling under State or local laws. Machines designated by the State Lottery Commission are not interactive entertainment and computer sweepstake devices.

(c) "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.

(d) "Mechanical amusement device" means a machine which, upon the insertion of a coin or slug, 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.

(Ord. 2012-50. Passed 12-10-12.)

751.02 LICENSE REQUIRED.

(a) No person shall display or exhibit a mechanical amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device within the City without having first obtained a license therefore from the Department of Public Service Mayor.

(b) A separate license shall be required for each mechanical amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device displayed at any one time.

(Ord. 2012-50. Passed 12-10-12.)

751.03 APPLICATION FOR LICENSE.

(a) Application for a license to display a mechanical amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device must be made to the Department of Public Service Mayor upon such forms as are prepared therefore by the Department of Public Service Mayor.

(b) The application must be made by the owner or proprietor of the business or place at which the mechanical amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device is to be displayed.

(c) The application shall state:

- (1) The name of the owner of the place of business;
- (2) The address of the place for which the license is requested;
- (3) The residence of the owner;

(4) The serial number and name of the manufacturer of the mechanical amusement device, juke box, cigarette vending machine, or interactive entertainment and computer sweepstake devices;

(5) The owner of the mechanical amusement device, juke box, cigarette vending machine, or interactive entertainment and computer sweepstake devices;

(6) The name and address of the distributor of the mechanical amusement device, juke box, cigarette vending machine, or interactive entertainment and computer sweepstake devices;

(7) The nature of the business in conjunction with which the mechanical amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device is to be displayed; and

(8) Such further information as may be required by the Department of Public Service Mayor.

(d) The distributor of such mechanical amusement device, juke box or cigarette vending machine or interactive entertainment and computer sweepstake device shall be deemed to be the agent of the owner or proprietor of the business where such mechanical amusement device, juke box or cigarette vending machine or interactive entertainment and computer sweepstake device is displayed and shall be jointly and severally liable with such owner or proprietor for the filing of the application and for the payment of the annual license fee set forth in Section 751.04.

(e) An applicant and/or owner of a business shall permit a right of entry as per Section 727.07 of the Codified Ordinances.

(f) No operator shall fail to immediately permit entry to any such city officials.

(Ord. 2012-50. Passed 12-10-12.)

751.04 DEVICE LICENSE; FEE.

(a) A license to display a mechanical amusement device, cigarette vending machine, juke box, or interactive entertainment and computer sweepstake device shall be issued to the applicant upon the approval of the application and upon the payment of the fees set forth below:

(1) An operator and/or owner of a business displaying mechanical amusement devices, juke boxes or cigarette vending machines within the City shall first obtain a license from the ~~Building and Service~~ Department of Public Service upon the payment of the annual license fee of one hundred dollars (\$100.00). This annual license fee shall be for the year beginning January 1 of the calendar year or for any unexpired portion of the year.

(2) A device license to display one mechanical amusement device, cigarette vending machine, juke box, or interactive entertainment and computer sweepstake device shall be

issued to the applicant upon the approval of the application and upon the payment of an annual device license fee as follows:

- A. Mechanical amusement device \$100.00
- B. Jukebox \$100.00
- C. Cigarette vending machine \$100.00

(3) An establishment with 1-40 interactive entertainment and computer sweepstakes devices shall be required to obtain a license from the ~~Building and Service~~ Department of Public Service upon the payment of an annual license fee of five thousand dollars (\$5,000) and shall be required to further obtain a device license for each interactive entertainment and computer sweepstakes device upon approval of the application for same and the payment of an annual device fee of three hundred and sixty dollars (\$360.00).

(4) An establishment with 41-60 interactive entertainment and computer sweepstakes devices shall be required to obtain a license from the ~~Building and Service~~ Department of Public Service upon the payment of an annual license fee of four thousand dollars (\$4,000) and shall be required to further obtain a device license for each interactive entertainment and computer sweepstakes device upon approval of the application for same and the payment of an annual device fee of three hundred and sixty dollars (\$360.00) for the first 40 devices and an annual device fee of two hundred fifty dollars (\$250.00) for all additional devices.

(5) An establishment with more than 60 interactive entertainment and computer sweepstakes devices shall be required to obtain a license from the ~~Building and Service~~ Department of Public Service upon the payment of an annual license fee of two thousand two hundred dollars (\$2,200) and shall be required to further obtain a device license for each interactive entertainment and computer sweepstakes device upon approval of the application for same and the payment of an annual device fee of three hundred and sixty dollars (\$360.00) for the first 40 devices; plus an annual device fee of two hundred fifty dollars (\$250.00) for the next 20 devices; plus an annual device fee of two hundred dollars (\$200.00) for all additional devices; provided, however, that the total of the annual license fee plus the device license fees for an establishment with more than 60 interactive entertainment and computer sweepstakes devices shall in no event be more than twenty-five thousand dollars (\$25,000).

(b) 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 named therein to display at or upon the premises therein described a mechanical amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device.

(c) All license fees under this chapter shall be filed with the application for license.

(d) The maximum number of interactive entertainment and computer sweepstakes device permitted at a licensed location shall not exceed 100, subject to the parking requirements set forth in Section 1187.06 of the Codified Ordinances.

(Ord. 2012-50. Passed 12-10-12.)

751.05 SEPARATE LICENSES REQUIRED; TRANSFERABILITY.

(a) A separate license shall be required for each and every mechanical amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device which is displayed by any person at any one time, but any license may change from the display of one approved mechanical amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device to the display of another approved amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device to the display of another approved mechanical amusement device, juke box or cigarette vending machine at any time.

(b) 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.

(Ord. 2012-50. Passed 12-10-12.)

751.06 PROXIMITY OF DEVICES TO SCHOOLS, CHURCHES, PARKS AND PLAYGROUNDS; DISPLAY OF LICENSES.

No license shall be issued for the display of a mechanical amusement device at a business, as defined in Section 751.08, which is located on premises which are 1,000 feet from any premises occupied by a school, church, playground or public park. It shall be the duty of the licensee to conspicuously display the license issued hereunder.

(Ord. 2012-50. Passed 12-10-12.)

751.07 GIVING OF PRIZES, AWARDS.

(a) No person shall, by himself, by another person or otherwise, directly or indirectly, give any prize, award, merchandise, gift or anything of value to any player, or to any operator of any mechanical amusement device, or to any contestant for a high score on the device.

(b) By the second Tuesday of each month, the operator shall cause to be delivered to the ~~City Income Tax~~ Department of Finance a copy of the record of things given to persons together with the above-required information given during the preceding month. The operator and the ~~Income Tax Division~~ Department of Finance shall not disclose the social

security number of any person to anyone except as required by the laws of the State of Ohio and the United States government.

(Ord. 2012-50. Passed 12-10-12.)

751.08 HOURS WHEN CLOSED.

(a) A business, a substantial portion of whose annual gross revenue is derived from mechanical amusement devices, juke boxes and cigarette machines or a substantial portion of whose occupied space is devoted to mechanical amusement devices, juke boxes and cigarette machines, shall be closed between the hours of 10:00 p.m. and 9:00 a.m. of the following day, and every day, except on Sunday, when the business shall be closed until 2:30 p.m.

(b) As used in this section, the term "substantial portion" means twenty percent or more of the annual gross revenue of the on-the-premises business and/or twenty percent or more of the occupied space being devoted to the use of the mechanical amusement devices, juke boxes and cigarette machines.

(Ord. 2012-50. Passed 12-10-12.)

751.09 ADMISSION OF MINORS.

The licensee shall not admit any person under the age of majority to any business, as defined in Section 751.08 and interactive entertainment and computer sweepstake device businesses, unless such person is accompanied by and in the direct personal charge of his or her parents, legal guardian or an adult person in charge of such minor.

(Ord. 2012-50. Passed 12-10-12.)

751.10 POSTING OF NOTICE.

An owner of a business defined in Section 751.08 or is designated as an interactive entertainment and computer sweepstake device businesses shall post in a conspicuous place a notice, which shall read:

"MINORS PROHIBITED UNLESS ACCOMPANIED BY PARENT, GUARDIAN OR OTHER RESPONSIBLE ADULT"

(Ord. 2012-50. Passed 12-10-12.)

751.99 PENALTY.

Whoever is convicted of or pleads guilty to a violation of this section is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. A separate offense shall be deemed committed each day during or on which a license or licenses held by any person who has violated any provision of this chapter.

(Ord. 2012-50. Passed 12-10-12.)