

755.03 LICENSE APPLICATION; REQUIREMENTS.

(a) No person, partnership, corporation, or other entity shall operate or conduct an entertainment device arcade without first obtaining an annual license to operate therefore from the Office of Consumer Affairs. The license to operate shall first be obtained prior to the initial operation of the entertainment device arcade and annually thereafter, with the subsequent annual application and associated fee due prior to the 1st day of January of each calendar year.

(b) Every person, partnership, corporation, organization or other entity shall make an application in writing to the Office of Consumer Affairs, which application shall set forth:

(1) The name and federal tax identification number under which the business is to be conducted;

(2) The location where the business is conducted, with a description of the premises, including a scaled diagram;

(3) The name, address, and government issued photo identification of any manager, supervisor, and all other employees;

(4) The name, address, and government issued photo identification of the owner or owners of the entertainment devices; and

(5) The name, address, government issued photo identification and principal occupation of every person with an interest in the business. If the business is conducted by:

A. A sole proprietorship, the name, home address, government issued photo identification and principal occupation of that individual.

B. A firm, limited liability company or partnership, the names, home addresses, government issued photo identification and principal occupations of each member of the firm or partnership.

C. A corporation, the names, home addresses, government issued photo identifications and principal occupations of all officers and shareholders and the statutory agent;

(6) If a corporation or limited liability company, a certificate of good standing from the Ohio Secretary of State.

(7) ~~(EDITOR'S NOTE: This subsection was repealed by Ordinance 2011-072, passed January 31, 2011.)~~ Proof of zoning approval from the jurisdiction in which the entertainment device arcade is operated, proof of a certificate of occupancy from the County of Summit's Department of Community and Economic Development, Division of Building Standards, and proof of a license from the Summit County Combined General Health District if the purchase of food is offered.

(8) The name, description, model number and serial number of each entertainment device on the premises and any other device on the premises that is necessary to the operation of the entertainment device;

(9) A. A list of each separate prize that may be given out and each separate dollar amount that may be given; and

B. The odds of winning any offered prize or dollar amount awarded for the participation in any game, activity, program, scheme or play, use or participation in any way in an entertainment device or participating in any other activity or promotion in the entertainment device arcade, whether or not the determination of the giving of the thing of value or the delivery of the thing of

value occurs totally within the confines of the premises or requires some event, occurrence or happening at another location;

(10) The name and address of any and all persons, businesses or organizations that provide games, computer software, equipment, or services or operate devices linked to the licensee's entertainment devices or to devices necessary to operate the entertainment devices, whether any such provisions are sold, leased or licensed; and

(11) A certificate or report, provided by an Authorized Independent Testing Laboratory, identifying the components of the entertainment devices and related systems, identifying the operational characteristics of the entertainment device and systems and verifying that each entertainment device identified in 755.03(b)(8), above, and the software therein, is either a skill-based amusement machine, as defined in Section 2915.01 of the Ohio revised Code, or is part of a sweepstakes game format. If the certificate or report verifies that the entertainment device and the software therein is part of a sweepstakes game format, the certificate or report shall verify the following information:

A. The sweepstakes game is governed by official rules, which are clearly posted and available to customers.

B. Sweepstakes entries are provided to customers upon purchase of a good or service, for which consideration is paid, and no consideration is paid for the sweepstakes entry itself. Additionally, the sweepstakes game provides for a method of free entry upon request, and the chance of winning the sweepstakes game does not vary between free entries and entries received as a result of purchase.

C. The total number of entries, the number of winning and losing entries and the number and nature of prizes of the sweepstakes game are finite, predetermined and established prior to the start of the sweepstakes. Additionally, all winning and losing entries are predetermined prior to the start of the sweepstakes game and the entries cannot be changed or modified once the sweepstakes game begins.

D. The sweepstakes game contains no element of skill and the customer has no ability to alter or affect the outcome or results of the sweepstakes game.

The Office of Consumer Affairs shall publish, within fourteen (14) days after the enactment of this ordinance a list of Authorized Independent Testing Laboratories, and shall keep said list updated and current at all times. Only certificates or reports from the entities listed by the Office of Consumer Affairs as Authorized Independent Testing Laboratories shall satisfy the requirements of this Section. Said certificate or report shall be provided to the Office of Consumer Affairs for each entertainment device prior to an operator placing the device into service.

The certificate or report for an Authorized Independent Testing Laboratory required herein shall be updated annually for each entertainment device and the updated certificate or report shall be provided at the time of each annual application, and shall contain the information required in this subsection.

Any update to an entertainment device, or the software therein, during the course of the year shall be reviewed and inspected by an Authorized Independent Testing Laboratory, and a certificate or report from the Authorized Independent Testing Laboratory shall be filed with the

Office of Consumer Affairs prior to the operator placing the device in service, and shall contain the information required in this subsection.

No entertainment device shall be lawfully operated unless it is certified to meet the requirements of this subsection.

(c) Duty to keep information current. The person, partnership, corporation, or other entity operating or conducting the business shall have a continuing duty to inform the Office of Consumer Affairs as to changes in the information required in this section. No person, partnership, corporation, or other entity shall operate or conduct an entertainment device arcade at any time unless the information on file with the Office of Consumer Affairs is current and accurately reports the licensing information at the time of operation.

(d) Rejection or approval of application. The Office of Consumer Affairs shall reject or preliminarily approve an application within ten (10) business days of receipt. If rejected, the Office of Consumer Affairs shall notify the applicant in writing, with reasons for rejection. If the application is preliminarily approved, the Office of Consumer Affairs shall notify the applicant in writing of said preliminary approval. Upon notification of preliminary approval, applicant shall pay to the Office of Consumer Affairs the semi-annual license fee due in conjunction with the initial or annual application for each entertainment device that will be located on the premises during the following semi-annual period. Upon receipt of said semi-annual license fee, the Office of Consumer Affairs shall grant final approval of the application and shall issue a license to operate. No person shall operate an entertainment device arcade, until such final approval is granted and said license to operate is issued, unless otherwise permitted herein.

Any application submitted on or before February 15, 2011, may be submitted without the certificate or report provided for in subsection 755.03(b)(11), and may be preliminarily approved by the Office of Consumer Affairs without said certificate or report, provided, however, that the required certificate or report shall be provided to the Office of Consumer Affairs prior to final approval and no final approval or license to operate shall be issued without said certificate or report being provided to the Office of Consumer Affairs. An entertainment device arcade that has submitted an application prior to February 15, 2011, may operate until February 28, 2011 with the preliminary approval only, and shall submit said certificate or report on or before February 28, 2011 in order to continue operating after that date.

For all applications submitted after February 15, 2011, the required certificate or report shall be included in the initial or annual application, and at any other time as required by Chapter 755, and no entertainment device arcade shall operate without the final approval and license to operate being issued by the Office of Consumer Affairs.

(e) Prohibition as a result of conviction; fire inspection. The Office of Consumer Affairs shall not issue a license to any person, partnership, corporation, or other entity if any of the persons with an interest in the business or if any of the employees of the business have been convicted of a violation of a federal or state statute or of any local ordinance pertaining to gambling or other crime of moral turpitude within five years preceding the application. Also, as a prerequisite to the issuance of such license, an inspection shall be made of the premises by the township's fire department to seek and obtain the approval of said department.

(f) Right of entry for inspection. The entertainment device arcade shall be open to inspection and viewing of operations by the Office of Consumer Affairs, fire department personnel, and health department personnel at all times that the arcade is open for business. Law enforcement agency officers may accompany officials from the Office of Consumer Affairs, fire department and health department on any official business or inspection to the extent authorized

by Chapter 755 of these Codified Ordinances. No operator shall fail to immediately permit entry to any such officials.

(g) Suspension or revocation of license. Failure to register or pay a license fee for an entertainment device shall be grounds for suspension or revocation of the license for the entertainment device arcade and said device shall be seized and forfeited to the County.