

## **Chapter 27**

### **RECREATIONAL FACILITIES**

#### **27.01.00 Prohibition**

It shall be unlawful for any person, partnership, firm, corporation, or any other organization to engage in any of the following activities, as subsequently defined, in the City of Sandusky, without first obtaining a permit and/or license therefore.

**27.01.01** Operation of billiard or pool room

**27.01.02** Operation of game arcade

**27.01.03** Distribution of game devices to arcades

#### **27.02.00 Definitions**

**27.02.01** *A billiard or pool room* is defined in this chapter as a room where pool or billiard tables are maintained for the use of the public for hire.

**27.02.02** *Game devices*: Any machine or device, including pinball machines, video games operated by means of insertion of a coin, token or similar object, or otherwise, for the purpose of a game or contest of skill or amusement.

**27.02.03** *Arcade*: Any place, premises or establishment or room set aside in a commercial establishment:

- A) In which a substantial and significant portion of the business carried on involves the operation of game devices, or
- B) In or at which six (6) or more game devices are located.

**27.02.04** *Distributor*: Any person, corporation, partnership or association engaged in the business of placing or who or which places game devices in arcades for operation by another.

#### **27.03.00 License Application**

##### **27.03.01 Application**

Every person desiring to obtain a license required by this article shall file at the office of the city clerk an application on forms approved by the city clerk together with the license fee. The application shall include the following information:

- A) The name, date of birth, address and telephone number of the applicant. If the applicant is a corporation, partnership, club, society or other organization or association, the names, dates of birth, addresses and telephone numbers of the principal officers shall be included.
- B) The location of the building or exact portion thereof to be used as an arcade, pool or billiard room.
- C) The business or assumed name to be used by the applicant.
- D) Such other information as may be required by the city clerk to aid in determining the qualifications of the applicant.
- E) Finger prints of applicant or principal officer.

### **27.03.02 Qualifications**

All applicants for a license under this article must be at least eighteen (18) years of age, and shall not have been convicted for an offense involving fraud, firearms, gambling, narcotics, or criminal sexual conduct, accosting or soliciting. Nor shall such applicant have been convicted of violating any of the provisions of this article for a period of two (2) years prior to the application.

### **27.03.03 Police Review**

The city clerk shall refer all applications for licenses under this article to the chief of police, who shall:

- A) Investigate the qualifications and background of the applicant, and
- B) Furnish a written report to the city council accompanied by the police chief's recommendation as to whether a license should be granted or refused.
- C) The city clerk may conduct any other investigation which he/she deems advisable for the purpose of determining whether or not a license should be granted to the applicant.

### **27.03.04 Permit issuance, renewal**

If the City Council finds, from an examination of such application and investigation of the Chief of Police, that the character and business reputation of the applicant is satisfactory [(in compliance with the requirements of this ordinance)], they shall authorize the City Clerk to issue a permit to such applicant and authorize the operation of a billiard or pool room or arcade or distributor in the City of Sandusky. Such permit shall be issued upon a calendar year basis and must be renewed on the 2<sup>nd</sup> day of January of each year.

### **27.03.05 License not transferable**

License issued under the provisions of this article shall not be transferable.

### **27.04.00 Inspection**

Before any license shall be issued there shall be an inspection of the premises to be licensed. The premises shall be in full compliance with all the pertinent rules and regulations of the inspection and fire departments of the City of Sandusky relating to safety, health, convenience, comfort and welfare of the public.

### **27.05.00 Police Chief approval of game device**

No license under this article shall be granted to any applicant until the game device for which the license is sought is approved, by the chief of police. For the purposes of this section, the chief of police shall, within twenty (20) days after submittal to him for approval, notify the city clerk of his approval of any game device, unless he finds that said game device is or may be modified to be a gambling device, in which case he shall notify the city clerk that said game device is or may be in violation of the state gambling act, and shall disapprove the game device in writing.

### **27.06.00 Fees**

Filing fees and annual license fees shall be set by city council from time to time.

#### **27.07.00 Responsibilities of Licensees**

**27.07.01** No licensee or persons in charge of licensed premises or connected with the management thereof, their servants or their agents, shall maintain the premises so as to:

- A) Permit disorderly or offensive conduct therein.
- B) Permit any intoxicated persons actually or apparently under the influence of intoxicating liquor or narcotic to be on the premises.
- C) Permit any known prostitute, male or female procurer, or narcotic addict to be on the premises.
- D) Permit any conduct or condition contributing to juvenile delinquency.
- E) Permit intoxicating liquor to be brought in, sold, given away or consumed on the premises, unless licensed to do so.
- F) Permit gambling in any form on the premises.
- G) Permit loitering on sidewalk in front of arcade so as to obstruct the free and uninterrupted passage of the public.
- H) Permit individually observed movies (aka peep shows).

**27.07.02** A licensee shall be personally responsible for the enforcement of this article as it applies to the operation of the licensee's arcade and shall be subject to the discretionary powers of the city manager.

#### **27.08.00 Minors and hours of operation; public safety and health**

##### **27.08.01 Arcade licensee responsible for minors**

Arcade licensees under this article shall be responsible for the protection and safety of minor children while such minors are on the licensed premises.

##### **28.08.02 Requirements**

A licensee under this article:

- A) Shall not permit operation of any game device or use of a billiard or pool table by any person under eighteen (18) years of age between the hours of 8:00a.m. and 4:00p.m. excluding Saturdays, Sundays, holidays, and days when school is not in session.
- B) Shall not allow persons under twelve (12) years of age to operate any game device or use any pool or billiard table at any time, unless accompanied by a parent or guardian.
- C) Shall not operate between the hours of 12:00p.m. and 7:00a.m.
- D) Provide at least two (2) on-premises and separate, public restrooms, one for female patrons and one for male patrons equipped with safety and convenience facilities to accommodate handicapped persons consistent with applicable state and federal requirements.
- E) Locate and space all game devices so that the playing area of each game device shall occupy a floor area which is four (4) times the floor area occupied by the game device.

#### **27.09.00 Distance from schools**

In no event shall an arcade or pool or billiard room be operated within five hundred (500) feet in any direction from the boundaries of any public, private or parochial school building and school grounds.

**27.10.00 Insurance**

**27.10.01** Each applicant for a license under this article shall file with the city finance director a public liability and property damage insurance policy in the amount of three million dollars (\$3,000,000) for injury to or death of each person, and in the amount of three million dollars (\$3,000,000) for damage to property. The city attorney shall examine such policy for compliance with the requirements of this section, and upon approval, the city finance director shall notify the city clerk of compliance with this section.

**27.10.02** Such insurance shall be carried on a firm or corporation duly licensed or permitted to do an insurance business in the state. Such insurance shall be kept and maintained in continuous force and effect so long as the applicant shall be licensed under this article to operate an arcade in the city. No license shall be valid in the event of the cancellation of such insurance.

**27.10.03** The policy shall not expire, nor shall cancellation take effect until after ten (10) days' notice in writing, by the insurance company shall have been given to the City of Sandusky at its office, said ten (10) days' notice to commence to run from date notice is actually received at the office of the city clerk.

**27.11.00 Violation**

Anyone violating this chapter shall be responsible for a grade A civil infraction.