

Chapter 6 AMUSEMENTS

ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. ~~MECHANICAL/COIN-OPERATED AMUSEMENT MACHINES~~ DEVICES AND AMUSEMENT GAME ROOMS

Sec. 6-19. Gambling devices prohibited.

Gambling devices, as that term is defined in O.C.G.A. §16-12-20~~(2)~~, are prohibited in the City, and the ownership, use, or transport thereof shall be a misdemeanor pursuant to State law, except as exempted pursuant to O.C.G.A. § 16-12-35~~(a) through (k)~~.

(Ord. No. AI-2013-165, § 1, 6-3-2013)

Sec. 6-20. Gambling places prohibited.

Gambling places, as that term is defined in O.C.G.A. § 16-12-20~~(3)~~, are prohibited in the City, and the operation thereof shall be a misdemeanor pursuant to State law.

(Ord. No. AI-2013-165, § 2, 6-3-2013)

Sec. 6-21. Definitions.

The following words, terms, or phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement game room means any location, as provided in O.C.G.A. § 16-12-35(b), (c) or (d), where one or more bona fide coin-operated amusement machine~~(s)~~ are operated that permit non-cash redemption, as provided in O.C.G.A. § 16-12-35(d)(1)(A), (B), (C), or a combination thereof.

Bona fide coin-operated amusement machine means the same as this term is defined in O.C.G.A. § 50-27-70(b)(2)(A) and any applicable regulations of the State of Georgia.

~~(1) — Examples of bona fide coin-operated amusement machines include, but are expressly not limited to, the following:~~

- ~~a. — Pinball machines;~~
- ~~b. — Console machines;~~
- ~~c. — Video games;~~
- ~~d. — Crane machines;~~
- ~~e. — Claw machines;~~

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- f. — Pusher machines;
 - g. — Bowling machines;
 - h. — Novelty arcade games;
 - i. — Foosball or table soccer machines;
 - j. — Miniature racetrack, football or golf machines;
 - k. — Target or shooting gallery machines;
 - l. — Basketball machines;
 - m. — Shuffleboard machines;
 - n. — Kiddie ride games;
 - o. — Skee-Ball[®] machines;
 - p. — Air hockey machines;
 - q. — Roll down machines;
 - r. — Trivia machines;
 - s. — Laser games;
 - t. — Simulator games;
 - u. — Virtual reality machines;
 - v. — Maze games;
 - w. — Racing games;
 - x. — Coin-operated pool table or coin-operated billiard table, as defined in O.C.G.A. § 43-8-1(3); and
 - y. — Any other similar amusement machine which can be legally operated in Georgia.

(21) The term "coin-operated amusement machine" does not include the following:

- a. Coin-operated washing machines or dryers;
- b. Vending machines which, for payment of money, dispense products or services;
- c. Gas and electric meters;
- d. Pay telephones;
- e. Pay toilets;
- f. Cigarette vending machines;
- g. Coin-operated vending machines;
- h. Coin-operated scales;
- i. Coin-operated gumball machines;
- j. Coin-operated parking meters;
- k. Coin-operated television sets which provide cable or network programming;
- l. Coin-operated massage beds; and
- m. Machines which are not legally permitted to be operated in Georgia.

Location means a business within the City that has complied with the provisions of the ordinances of the City relating to occupation taxes and ~~/or regulatory-business~~ licenses.

(Ord. No. AI-2013-165, § 3, 6-3-2013)

Sec. 6-22. License required.

No person, firm, ~~or~~ corporation, ~~or entity~~ shall engage in the business of an owner or proprietor of an amusement game room without first having obtained a license and without first having paid the applicable occupation tax required under this article.

(Ord. No. AI-2013-165, § 4, 6-3-2013)

Sec. 6-23. Issuance of license.

(a) Application for a license for operating an amusement game room within the corporate limits of the City shall be made to the ~~City Clerk~~ Chief Financial Officer upon a form to be supplied by the ~~City Clerk~~ Chief Financial Officer for this purpose. The license application shall include the following information:

- (1) Name, address, and age of the applicant and the date of the application;
- (2) Address or place where the bona fide coin-operated amusement machines are to be offered to the public for play and the other businesses operated at that place or places.
- (3) Name and address of the owner of the machines and a copy of the owner's master license;
- (4) Name and address of any other business owned or operated by the applicant within the corporate limits of the City;
- (5) List of any other licenses or permits from the City held by the applicant.

(b) Upon issuing a license for an amusement game room, the City ~~Official or employee~~ shall provide the licensee with a copy of ~~the ordinance from which this article is derived~~. The City shall not require a fee for licensure or registration of an amusement game room. A license issued in accordance with this article shall be valid until December 31 of the year in which the license was issued. The owner or operator of an amusement game room shall be required to pay occupation taxes in accordance with chapters ~~10 and~~ 34.

(Ord. No. AI-2013-165, § 5, 6-3-2013)

Sec. 6-24. Occupation tax required.

No person, firm, ~~or~~ corporation shall engage in the business of an owner or proprietor of amusement game room without first having completed the occupation tax certificate form, paid the required occupational tax, and without first having obtained the license required under this article. A copy of said certificate/license shall be prominently displayed within the business location at all times.

(Ord. No. AI-2013-165, § 6, 6-3-2013)

Sec. 6-25. Distance.

Every amusement game room in the City shall comply with the proximity provision for businesses licensed to sell alcohol, set out in O.C.G.A. § 3-3-21.

(Ord. No. AI-2013-165, § 7, 6-3-2013)

Sec. 6-26. Number of bona fide coin-operated amusement machines at a location.

No amusement game room in the City shall offer to the public more than six Class B bona fide coin-operated amusement machines, ~~offering non-cash redemption in accordance with as defined in O.C.G.A. § 16-12-35(c) and (d)(1)(2), or both 50-27-70,~~ at the same location.

(Ord. No. AI-2013-165, § 8, 6-3-2013)

Sec. 6-27. Gross receipts from bona fide coin-operated amusement machines and from business.

Every amusement game room shall keep records available for inspection by ~~the City Officials~~ that set out separately annual gross receipts for the amusement games and the other products and services sold at the location. Income from the amusement games shall not constitute more than 50 percent of the income from the location, ~~as set forth in O.C.G.A. § 50-27-84.~~ Compliance with this section requires both the availability of records for inspection and compliance with the 50 percent of income requirement. The licensee shall forward to the ~~City Clerk~~ Chief Financial Officer a copy of each monthly report required in this section on a quarterly basis. Said reports for the preceding three months shall be received by the ~~City Clerk~~ Chief Financial Officer no later than 25th day of April, July, October, and January of the following year.

(Ord. No. AI-2013-165, § 9, 6-3-2013)

Sec. 6-28. Notice requirements.

(a) Every amusement game room shall post a conspicuous sign with the following or similar words:

"GEORGIA LAW PROHIBITS GIVING OR RECEIPT OF ANY MONEY FOR WINNING A GAME OR GAMES ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON AN AMUSEMENT MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF AN AMUSEMENT MACHINE."

(b) Every amusement game room shall post the license issued by the City conspicuously and permanently.

(c) The owner or possessor of any bona fide coin-operated amusement machine shall inform each business owner or operator of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this article, and of the penalties for violation of O.C.G.A. § 16-12-35 and this article. Additionally, the owner or proprietor of each amusement game room shall inform every employee of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this article, and of the penalties for violation of O.C.G.A. § 16-12-35 and this article.

(Ord. No. AI-2013-165, § 10, 6-3-2013)

Sec. 6-29. Compliance with O.C.G.A. provisions relating to master licenses, location licenses, and stickers for individual machines.

Bona fide coin-operated amusement machines may be used in an amusement game room within the City only if the machines are owned by a person who holds a valid master license in accordance with O.C.G.A. § 50-27-71, and each machine offered to the public for play has a valid permit sticker in accordance with O.C.G.A. § 50-27-78. In addition, the business owner where the machines are available for play by the public must pay a location

license fee in order to obtain a valid location license in accordance with O.C.G.A. § 50-27-71(a.1) and (b). The ~~City Clerk~~Chief Financial Officer shall notify the Georgia Lottery Corporation of any observed violation of O.C.G.A. § 50-27-71 or 50-27-78.

(Ord. No. AI-2013-165, § 11, 6-3-2013)

Sec. 6-30. Penalties for violations by owners or operators of amusement game rooms.

- (a) In addition to penalties set out in the O.C.G.A. provisions for failure to comply with the provisions of O.C.G.A. § 16-12-35~~(a) through (i)~~, the owner or operator of an amusement game room, after a hearing before the ~~Mayor and~~City Council, may be subject to the following penalties:
- (1) *Minimum penalty.* Suspension for not less than 15 days of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not less than 15 days.
 - (2) *Maximum penalty.* Permanent revocation of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not more than one year.
- (b) Penalties for violation of the provisions of this article or for the acts described in O.C.G. § 16-12-35 by the owner or operator of an amusement game room, after conviction in the Municipal Court ~~of the City~~ are as follows:
- (1) *Minimum penalty.* Fine not less than \$100.00 for each violation.
 - (2) *Maximum penalty.* Fine not to exceed \$1,000.00 for each violation.

Sec. 6-31. Fines and penalties imposed by Judge.

The fines listed in the penalties for violation of this article may be imposed by the Judge of the Municipal Court ~~of the City~~. Suspension or revocation of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City may be imposed by the ~~Mayor and~~City Council after a hearing.

Sec. 6-32. Violation of an order suspending/revoking license punishable by fine and/or imprisonment.

Offering one or more bona fide coin-operated amusement machine games in violation of an order suspending or revoking the license for the offering of any amusement game at the location is punishable, after conviction in the Municipal Court ~~of the City~~, by a fine not to exceed \$1,000.00, imprisonment not to exceed six months, or both such fine and imprisonment.

(Ord. No. AI-2013-165, § 12, 6-3-2013)

Sec. 6-33. Penalties for violations by those who play bona fide coin-operated machines in violation of law or ordinance.

- (a) The Municipal Court ~~of the City~~ is authorized to impose the following penalties on any person convicted of receiving money as a reward for the successful play or winning of any bona fide coin-operated amusement machine from any person owning, possessing, controlling or overseeing such bona fide coin-operated

amusement machine or any person employed by or acting on behalf of a person owning, possessing, controlling or overseeing a bona fide coin-operated amusement machine.

- (1) *Minimum penalty.* Fine not less than \$100.00 for each violation.
- (2) *Maximum penalty.* Fine not to exceed \$1,000.00 for each violation.

(b) The Municipal Court shall have authority to place any person sentenced under this section on probation for the payment of fines for a period up to ~~one year~~ six months.

(Ord. No. AI-2013-165, § 13, 6-3-2013)

Sec. 6-34. Operating regulations.

All businesses operating as an amusement ~~game room center~~ under this article shall be subject to the following regulations:

- (1) *Devices to be kept in plain view; gambling devices prohibited.* All machines shall, at all times, be kept and placed in plain view of and open and accessible to any person who may frequent or be in any place of business where such machines are kept or used. Nothing in this section shall be construed to authorize, permit, or license any gambling device of any nature whatsoever.
- (2) *Inspection.* The Police ~~Department, Code Enforcement Department, or Chief Financial Officer~~ Chief or his designee shall inspect or cause the inspection of any place or building in which any such machines are operated or set up for operating, and shall inspect, investigate and test such machines as needed. Such building containing machines shall be fully enclosed to protect the electronic equipment required to operate such machines and shall be properly air conditioned and heated.
- (3) *Attendant required.* It shall be unlawful for any proprietor to open his business to the public unless an attendant is present. Said attendant shall be of sufficient mental and physical capacity so as to be able to provide aid to patrons if needed or desired. Said attendant shall not be less than 18 years of age.
- (4) *Loitering.* As used in this section, the term "loitering" means remaining idle in essentially one location and includes the concepts of spending time idly, loafing, or walking about aimlessly. It shall be unlawful for any person, firm, or corporation licensed to operate an amusement ~~game room center~~ to permit loitering on or in the immediate vicinity of any machine or business premises regulated under this section in such a manner as to:
 - a. Create or cause to be created a danger of a breach of the peace;
 - b. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
 - c. Obstruct the free passage of pedestrians or vehicles;
 - d. Obstruct, molest, or interfere with any person lawfully in a public place.
- (5) *Shirt and shoes required.* All proprietors shall require shirts and shoes to be worn at all times by any person frequenting their premises.

(Ord. No. AI-2013-165, § 14, 6-3-2013)

Sec. 6-35. Revocation of license.

In the event that it comes to the attention of the ~~Mayor and Council~~ City that an amusement ~~game room center~~ has created a nuisance to the surrounding community or the operator, or proprietor, or an employee of the

location has violated any provision O.C.G.A. § 16-12-35 or of this ~~section~~article, the following procedure will be followed:

- (1) The ~~City Clerk~~Chief Financial Officer shall issue a notice of objection which shall include the address of the location and the specific reasons why the amusement ~~game room center~~ in question is alleged to be a nuisance or alleged to be in violation of any provision of this ~~section~~article. The ~~City Clerk~~Chief Financial Officer will then notify the proprietor that a notice of objection has been filed and will set a date for a hearing before the ~~City Mayor and~~ Council. Extensions and necessary investigations will be granted and conducted at the discretion of the ~~City Clerk~~Chief Financial Officer.
- (2) At the time of the hearing, any resident, the operator, the proprietor, and the ~~City Clerk~~Chief Financial Officer or other witnesses may be heard. Thereafter, the ~~Mayor and City~~ Council shall issue a notice of decision which will call for the dismissal of the objection, removal of the machines, or such other remedy as they deem appropriate under the circumstances that are consistent with the purpose of this ~~section~~article.
- (3) The decision of the ~~Mayor and City~~ Council shall be in writing, shall state the reasons for their decision, and shall be based upon the merits of the case.
- (4) The decision of the ~~Mayor and City~~ Council shall be binding upon the proprietor and operator of the amusement ~~game room center~~ under consideration, subject to appeal to the Superior Court of Gwinnett County ~~by a writ of certiorari~~.

(Ord. No. AI-2013-165, § 15, 6-3-2013)

Sec. 6-36. Licenses and permits nontransferable.

- (a) Licenses required in this article are nontransferable. All businesses that have bona fide coin-operated amusement machines on the premises shall display, in plain view, the current license issued by the City.
- (b) The issued license shall not be transferred to another owner at the same site within the City. A new owner or proprietor must first obtain a new license if they are going to operate in the same or different location in the City.

(Ord. No. AI-2013-165, § 16, 6-3-2013)

Sec. 6-37. Enforcing officer.

The ~~Police~~-Chief Financial Officer or his designee is hereby designated as the enforcement officer and shall execute all requirements of this article.

(Ord. No. AI-2013-165, § 17, 6-3-2013)