

**CITY OF ROSSVILLE
STATE OF GEORGIA**

ORDINANCE NO. 420

**AN ORDINANCE TO RELATING TO AMUSEMENT GAME ROOMS
IN THE CITY OF ROSSVILLE, GEORGIA**

WHEREAS, the duly elected governing authority of the City of Rossville, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Rossville, Georgia; and

WHEREAS, the duly elected governing authority of the City of Rossville, Georgia is the Mayor and Council therefore; and

WHEREAS, the Mayor and Council of the City of Rossville have enacted a temporary moratorium on the licensing of any Amusement Game Rooms in the City of Rossville, Georgia in order to study a more effective way of regulating this industry within the City; and

WHEREAS, the Mayor and Council of the City of Rossville have now completed their analysis of this matter; and

WHEREAS, the governing authority desires to adopt certain regulatory provisions in regard to the Amusement Game Rooms in the City of Rossville, Georgia.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ROSSVILLE HEREBY ORDAINS:

Section I

That Ordinance No. 398, adopted October 11, 2004, entitled "An Ordinance to Administer and Regulate Amusement Devices in the City Limits of Rossville, Georgia for Issuance of a Regulatory Fee" is repealed in its entirety, and the following is adopted in place thereof.

Section II

That the Code of Ordinances, City of Rossville, Georgia is hereby amended by adding thereto as Section 14-201 through Section 14-209 the following, to-wit:

"Section 14-201. Definitions.

The following words, terms, or phrases, when used in this Ordinance, 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 where one or more Bona Fide Coin-Operated Amusement Machines are operated that permit non-cash redemption as provided in O.C.G.A. § 16-25-35 (d)(1)(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. § 48-17-1 (2) and any applicable regulations of the State of Georgia.

Location means a business within the City of Rossville that has complied with the provisions of the ordinances of the City of Rossville relating to occupation taxes and business licenses.

Section 14-202. Issuance of License.

Application for a license for operating an Amusement Game Room within the corporate limits of the City of Rossville shall be made to the City Clerk upon a form to be supplied by the City Clerk for this purpose. The license application shall include the following information:

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

Upon issuing a license for an Amusement Game Room, the City official or employee shall provide the licensee with a copy of this Ordinance. The City shall not require a fee for licensure or registration of an Amusement Game Room. A license issued in accordance with this Ordinance 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 Section 74-36 *et. seq.* of the Code of Ordinances.

Section 14-203. Distance.

Every Amusement Game Room in the City of Rossville shall comply with the proximity provision for business licensed to sell alcohol set out in Section 10-58 of the Code of Ordinances. After a hearing, the Mayor and Council may waive the application of this provision to an individual Location if no alcohol is served or sold at such Location.

Section 14-204. Number of Bona Fide Coin-Operated Amusement Machines at a Location.

No Amusement Game Room in the City of Rossville shall offer to the public more than six (6) Bona Fide Coin-Operated Amusement Machines offering non-cash redemption in accordance with O.C.G.A. § 16-12-35 (d)(1)(B), (C), or both at the same Location. After a hearing, the Mayor and Council may, after consideration of the nature and character of the business, waive the application of this provision to an individual Location.

Section 14-205. Gross receipts from amusement machines and from business.

Every Amusement Game Room shall keep records available for inspection by 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 game or games shall not constitute for than fifty percent (50%) of the income from the Location. Compliance with this section requires both the availability of records for inspection and compliance with the fifty percent (50%) of income requirement.

Section 14-206. Notice Requirement.

Every Amusement Game Room shall post a conspicuous sign with the following 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 AWARDED ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF AN AMUSEMENT MACHINE.'

Every Amusement Game Room shall post the license issued by the City conspicuously and permanently.

The owner or operator 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 Ordinance, and of the penalties for violation O.C.G.A. § 16-12-35 and this Ordinance.

Section 14-207. Compliance with O.C.G.A. provisions relating to master 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. § 48-17-2, and each machine offered to the public for play has a valid permit sticker in accordance with O.C.G.A. § 48-17-9. The City official in charge of issuing business licenses shall notify the State Commissioner of Revenue of any observed violation of O.C.G.A. § 48-17-2 or 48-17-9.

Section 14-208. Penalties for violations by owners or operators of Amusement Game Rooms.

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.1) through (i), the owner or operator of an Amusement Game Room, after conviction in a court of competent jurisdiction, and a hearing before the Mayor and Council, may be subject to the following penalties:

1. First offense: suspension for not more than six (6) months of the owner or operator's license for offering any amusement game at the Location where the violation occurred.
2. Second offense: suspension for not more than twelve (12) months of the owner or operator's license for offering any amusement game at the Location where the violation occurred.

3. Third offense: suspension or permanent revocation of the owner or operator's license for offering any amusement game in the Location where the violation occurred, and suspension of other permits and licenses granted by the City for not more than six (6) months.

Penalties for violation of the provisions of Sections 3, 4, 5, 6, or 7 of this Ordinance by the owner or operator of an Amusement Game Room, after conviction by the Municipal Court of the City of Rossville are as follows:

1. First offense: fine not to exceed five hundred dollars (\$500.00) for each violation.
2. Second offense: fine not to exceed seven hundred fifty dollars (\$750.00) for each violation, suspension of the owner or operator's license for offering any amusement game at the Location for not more than three (3) months, or both.
3. Third offense: fine not to exceed one thousand dollars (\$1,000.00) for each violation, suspension or permanent revocation of the owner or operator's license for offering any amusement game at the Location, or suspension of other permits and licenses granted by the City for not more than six (6) months, in any combination of these penalties.

The fines listed in the penalties for violation of this Ordinance may be imposed by the Judge of the Municipal Court of the City of Rossville. Suspension or revocation of the owner 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 Council after a hearing.

Offering one or more bona fide coin-operated amusement games in violation of an order suspending or revoking the license for offering of any amusement game at the Location is punishable, after conviction in the Municipal Court of the City of Rossville, by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment not to exceed thirty (30) days or both such fine and imprisonment.

Section 14-209. Penalties for violations by those who play Bona Fide Coin-Operated Amusement Machines.

The Municipal Court of the City of Rossville, Georgia is authorized 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 or possessing such bona fide coin operated amusement machine or any person employed by or acting on behalf of a person owning or possessing a Bona Fide Coin-Operated Amusement Machine:

1. First offense: fine not to exceed two hundred fifty dollars (\$250.00) for each violation.
2. Second and subsequent offenses: fine not to exceed five hundred dollars (\$500.00) for each violation."

Section III

That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section IV

That the first reading of this Ordinance was held on February 12, 2007 by the Mayor and Council of the City of Rossville, Georgia.

Section V

PASSED on first reading this _____ day of _____, 2007.

Johnny Baker, Mayor

Attest: Sherry Foster, City Clerk

Richard A Buff, Councilmember

Lloyd N. Bain, Councilmember

Charles Dunn, Councilmember

Teddy Harris, Councilmember

PASSED on second and final reading this _____ day of _____, 2007.

Johnny Baker, Mayor

Attest: Sherry Foster, City Clerk

Richard A Buff, Councilmember

Lloyd N. Bain, Councilmember

Charles Dunn, Councilmember

Teddy Harris, Councilmember