

ORDINANCE NO. 2023 – 32 AMENDED

**AN ORDINANCE ENACTING CHAPTER 716 ENTERTAINMENT DEVICE ARCADES
OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO**

WHEREAS, Council has made various recommendations relative to establishing regulations for Entertainment Device Arcades and has determined that these recommendations would be in the best interest of the City of Wickliffe.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WICKLIFFE,
COUNTY OF LAKE, STATE OF OHIO:**

SECTION 1. That **Chapter 716 Entertainment Device Arcades** of the City of Wickliffe, Codified Ordinances is hereby enacted to read as follows:

CHAPTER 716: Entertainment Device Arcades

- 716.01 Title, purpose, and objectives.
- 716.02 Construction, severability, and applicability of chapter.
- 716.03 Definitions.
- 716.04 Entertainment device license required.
- 716.05 Entertainment device arcade license required.
- 716.06 Authority of Safety Director.
- 716.07 Nature of licenses.
- 716.08 Application requirements.
- 716.09 Application review procedure.
- 716.10 License renewal.
- 716.11 Denial of license.
- 716.12 Conditions and regulations.
- 716.13 Prohibited conduct and conditions in entertainment device arcade.
- 716.14 License expiration, suspension, or revocation.
- 716.15 License fees.
- 716.16 Equal opportunity.
- 716.99 Penalty.

716.01 TITLE, PURPOSE, AND OBJECTIVES.

- (a) **Title.** This chapter shall be known and cited as Entertainment Device Arcades.
- (b) **Purpose and Objectives.** It is the purpose of this chapter and the policy of the City of Wickliffe to establish standards for licensing, regulation, and control of entertainment devices and such arcades, as may also be commonly referred to as internet cafés, sweepstakes cafés, or parlors, or similar activities and the premises upon which they are located and as may be operated for purpose of providing internet services and/or entertainment to the public. The objectives of this chapter are to prevent the establishment or perpetuation of various nuisance activities, including safety and fire hazards, disturbances, disruption of pedestrian traffic, disorderly assemblies, theft of personal property, and unlawful gambling within the City of Wickliffe.

716.02 CONSTRUCTION, SEVERABILITY, AND APPLICABILITY OF CHAPTER.

- (a) **Construction.** This chapter shall be liberally construed and applied to promote its purpose and objectives.
- (b) **Severability.** If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and neither the remainder of this chapter nor the application of such provision to other persons or circumstances shall be affected thereby.

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I, Sandra J. Fink, Clerk of Council of Wickliffe, Ohio, hereby certify the foregoing is a true copy of Ordinance No. 2023-32 AMENDED enacted by Council at its regular meeting on October 23, 2023.
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- (c) **Applicability.** This chapter shall apply to the operation of entertainment devices that are lawfully operated pursuant to the Ohio Revised Code and does not legalize or license any operation of a device that is unlawful to operate pursuant to the Ohio Revised Code. This chapter shall apply immediately to all entertainment device arcades that commence operations after the date of enactment of this chapter. All entertainment device arcades in operation at the time of enactment of this chapter shall come into compliance with all sections of this chapter no later than thirty (30) days after the enactment of this chapter, unless otherwise stated herein.

716.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Anything of value" shall mean cash, cash equivalents, tangible objects, credits to play, sweepstakes entry points, or any other tangible or intangible thing, no matter how slight the value. "Anything of value" includes playing a game, viewing a video display, hearing an audio transmission, or reading entries or outcomes from any other kind of device. A person who gives anything of value for a product, or service, whether tangible or intangible, in any way, directly or indirectly, in association with being given access to the use of an entertainment device, is deemed to have given value for access to the entertainment device.
- (b) "Board" means the City of Wickliffe Zoning Board of Appeals.
- (c) "Entertainment device" shall mean any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a person, for the purpose of playing a game, viewing a video display, hearing an audio transmission, or reading entries or outcomes from any other kind of device. "Entertainment device" does not include a vending machine, juke box, audio book, video player, or device where the only value given, directly or indirectly, is to play a video or audio transmission or the playing of a game with no expectation of receiving anything of value from the operator.
- (d) "Entertainment device arcade" or "arcade" means any business, establishment, room, or place where entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the entertainment devices or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premises or at the same time or a later time. Entertainment device arcades are, in addition to licensing herein, limited to premises permitted for such use pursuant to applicable zoning regulations.
- (e) "Licensee" means the person or persons who sign an application for a license hereunder and to whom such a license is issued.
- (f) "Operator" means the person or persons having authority to control the premises containing an entertainment device or entertainment device arcade.
- (g) "Owner" means any person who possesses a pecuniary interest, either directly or indirectly, of twenty-five percent (25%) or more in an entertainment device business.
- (h) "Person" means any natural person, firm, partnership, association, corporation, or any other form of business organization.
- (i) "Premises" means the building or portion thereof having any entertainment device or used for conducting the operation of an entertainment device business.
- (j) "Safety Director" means the City of Wickliffe Safety Director or his/her designee.

716.04 ENTERTAINMENT DEVICE LICENSE REQUIRED.

No person shall display, for purpose of use, any entertainment device in the City of Wickliffe without having first obtained a license therefore as provided in this chapter, which license shall be designated as an entertainment device license. A separate license is required for each entertainment device, which license must account for every such device.

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716.05 ENTERTAINMENT DEVICE ARCADE LICENSE REQUIRED.

- (a) No person shall display, for purpose of use, any entertainment device in the City of Wickliffe without having first obtained a license therefore as provided in this chapter, which license shall be designated as an entertainment device arcade license.
- (b) Entertainment device arcade licenses will be limited to **two (2)** within the City of Wickliffe.

716.06 AUTHORITY OF SAFETY DIRECTOR.

Authority is hereby established and vested in the Safety Director or his/her designee to consider applications for licenses under this chapter, conduct investigations thereon, and issue or deny issuance of such licenses based upon the criteria set forth in this chapter.

716.07 NATURE OF LICENSES.

- (a) **Licenses Generally.** All licenses issued under this chapter shall have the following characteristics:
 - 1. Each such license shall be an annual license which covers a period from June 1 of each year through May 31 of the following year unless such license is earlier suspended or revoked. The fee for the first application for an annual license shall be pro-rated based on the date of the application.
 - 2. Each such license shall vest a personal privilege but not any property rights in the licensee.
 - 3. Each such license shall be required to be displayed permanently in a conspicuous place upon the premises for which it is issued in a font and size approved by the Safety Director or his/her designee.
 - 4. Each such license shall be in the legal name of the licensee.
 - 5. Each such license shall not be assignable or transferable, either as to person or location.
 - 6. Each such license, if lost, destroyed, or mutilated, upon application within thirty (30) days thereof may be replaced by a replacement license issued by the Safety Director bearing the word "Replacement" across its face and bearing the same license number as the license which it replaces. Any replacement license shall be subject to a replacement license fee under this chapter.
 - 7. Each such license shall be and remain subject to immediate revocation by the Safety Director upon violation by the licensee, subject to the revocation procedure herein.
 - 8. Each such license shall be subject to and/or contingent upon full compliance with zoning regulations, including applicable conditional use, building, and/or occupancy permits.
- (b) **Entertainment Device Licenses.** All entertainment device licenses issued under this chapter shall have the following characteristics:
 - 1. Each such license shall be issued for an individual entertainment device only.
 - 2. Each such license shall specify the name and address of each licensee, and the manufacturer, model number, and serial number of the entertainment device for which it was issued.
 - 3. Each such license, if changed, mutilated, erased, or in any manner defaced, shall be void, and any entertainment device which the same shall purport to license shall be deemed an unlicensed entertainment device.
- (c) **Entertainment Device Arcade License.** All entertainment device arcade licenses issued under this chapter shall have the following characteristics:
 - 1. Each such license shall be issued only for an individual business at an individual premise.

2. Each such license shall specify the name and address of each licensee, and the manufacturer, model number, and serial number of each entertainment device located upon the premises for which it was issued.

(d) **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 City of Wickliffe 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 City of Wickliffe is current and accurately reports the licensing information at the time of operation.

716.08 APPLICATION REQUIREMENTS

- (a) **Applications for Licenses.** All applications for licenses under this chapter shall be in writing on a form approved by and filed with the Safety Director. A license application shall be submitted along with an application for a zoning certificate. The application shall be signed by the owner or owners and shall contain information required by this section supplied in detail as to each such person, including general and limited partners, or partnerships, shareholders of corporations, and principals of any other type of business entity. In the event that no person owns twenty-five percent (25%) or more of the entertainment device arcade, such application shall be signed by an authorized representative. All applications shall contain a statement that the information contained therein is complete, accurate, and truthful to the best knowledge of all applicants. Every owner and operator of the entertainment device or entertainment device arcades therefore, as a condition precedent, shall be required to consent to a criminal history record check by the employer and sent to the Safety Director for review. No entertainment device shall be lawfully operated unless it is certified to meet the requirements of this section.
- (b) **Contents of Applications.** The application shall contain the following information as to all owners:
1. True name and all names used in the past five years;
 2. Date of birth;
 3. Permanent home address and all home addresses used in the past five (5) years;
 4. Business and home telephone numbers;
 5. Employment history for the past five (5) years;
 6. A statement as to whether the owner has been convicted of any crime other than traffic offenses and, if so, the date and place of conviction, the nature of the offense, and the penalty imposed;
 7. A statement confirming that all employees and operators of an entertainment device arcade have had a criminal history record check through the Ohio Attorney General's office and employees and operators have not had, within the last five (5) years, any felony or any misdemeanor offense for violation of building, health, or tax codes, involving the operation of a similarly licensed business activity, or involving physical violence, unlawful gambling activity, controlled substances, alcoholic beverages, minors, or any crime involving moral turpitude. These record checks will be performed annually and submitted with initial and annual licensing documentation. These records will be subject to inspection and confirmation as determined by the Safety Director or his/her designee.
 8. A statement as to whether the owner has ever conducted a game room, entertainment, or sweepstakes terminal arcade and, if so, when, where, and for how long;
 9. A description of the nature and operation of the main type of business activity to be conducted upon the premises;
 10. A description of the nature and operation of any business activity to be conducted in conjunction with the entertainment device arcade, and the anticipated percentage of gross revenue to be derived from each respective business activity;

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11. The address and telephone number of the premises of the business, if different from that premises;
 12. The name under which the business and premises will be operated;
 13. A statement as to whether the owner will directly operate the entertainment device arcade, or whether an operator who is not an owner will operate it, and if the latter, the application shall contain information required by this section supplied in detail as to each such operator;
 14. Building and utility drawings of the premises meeting all building requirements of the City of Wickliffe including floor plans of the premises showing devices, equipment, computers, internet distribution routing, and the immediate vicinity drawn to scale (24 x 36) showing the square footage and placement of the entertainment devices, exits, windows, storage spaces, bicycle storage racks, and off-street parking;
 15. Specification of the days of the week and the hours of the day during which the licensed activity will be conducted;
 16. A copy of the employer identification number, business registration form, and other evidence that the owner is in full compliance with the Regional Income Tax Agency for corporate and/or payroll tax collections;
 17. Confirmation that real property tax collections are current, not delinquent, or are otherwise subject to payment plan in accordance with law, and subject to verification in conjunction with building and/or occupancy permits;
 18. Certificate of Insurance for general and premises liability in an amount not less than one million dollars (\$1,000,000.00); and
 19. Any other information which the Safety Director may deem reasonably necessary for the full interest of the public in the application.
- (c) **Report Issued by an Authorized Independent Testing Laboratory.** 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 devices and systems, and verifying that each entertainment device, and the software therein, is either a skill-based amusement machine, as defined in Ohio Revised Code 2915.01, or is part of a sweepstakes game format.
1. The Safety Director or his/her designee shall publish, within thirty (30) days after the enactment of this chapter, 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 City of Wickliffe as authorized independent testing laboratories shall satisfy the requirements of this section. Said certificate or report shall be provided to the City of Wickliffe for each entertainment device prior to an owner or operator placing the device into service.
 2. The certificate or report issued by an authorized independent testing laboratory 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.
- (d) **Sweepstakes Game Format Requirements.** If the certificate or report issued by an authorized independent testing laboratory 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:
1. The sweepstakes game is governed by official rules, which are clearly posted and available to customers;
 2. 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;

3. 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; and
4. 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.

716.09 APPLICATION REVIEW PROCEDURE

- (a) **Reports of City Officials Required for City Review.** Upon receipt of an application for a license under this chapter, the Safety Director shall request the following reports, which shall be rendered to him/her with copies to the applicant within thirty (30) days of the date of filing of the application:
 1. A written report for the Fire Chief shall be submitted to the Safety Director as to whether the premises and any entertainment devices thereon will create a fire hazard;
 2. A written report for the Lake County Building Department shall be submitted to the Safety Director as to whether all building codes have been satisfied. The report shall include a formal accredited plan review report verifying proper code compliance of the premises and operations, including any building or occupancy permits;
 3. A written report from the Building Commissioner shall be submitted to the Safety Director as to whether all zoning regulations have been satisfied. The report shall include a description of the status of any conditional use permit application(s) and clearly indicate whether final administrative approval has been issued; and
 4. A written report from the Police Chief of all criminal activity or investigations within five hundred (500) feet of the establishment. This report will include criminal or complaint activity generated from the premises and non-related entertainment device arcade activity within that radius.
- (b) **Determination Procedure.** All applications for licenses under this chapter shall be considered by the Safety Director, who shall, within ten (10) days after receiving the written reports, either issue such licenses or deny issuance of such license. In the event that zoning or building permits or final approvals remain pending, the Safety Director may issue a license conditioned upon said administrative determination. No license shall be issued, nor entertainment device operated in violation of zoning or building code requirements.
 1. **Appeal to Board.** In the event of the denial of issuance of such a license, the applicant shall be notified of such denial and the specific reasons therefore in writing. Such notice shall be mailed or delivered to the applicant at the address specified in the application. The applicant shall have thirty (30) days after issuance and delivery of such notice within which to appeal such denial, by filing a written notice of appeal with the Board of Zoning Appeals. Thereupon, the applicant shall have an opportunity to be heard in accordance with the ordinances and rules governing matters before the Board of Zoning Appeals. The appeal shall be heard by the Board of Zoning Appeals, which Board shall have the power after such hearing to confirm the denial, order the license to be issued, or, at its discretion, to issue a conditional or probationary license. In rendering its decision, the Board may, for good cause shown, modify or waive any of the provisions of this chapter in the interest of justice.
 2. **Appeal to Court.** The decision of the Board may, within thirty (30) days thereof, be appealed to a court of competent jurisdiction under Ohio Revised Code Chapter 2506.

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716.10 LICENSE RENEWAL

Each entertainment device license and entertainment device arcade license must be renewed annually. At the time of renewal, a statement shall be filed with the Safety Director that the information listed on the original application for the license is still complete, accurate, and truthful to the best knowledge of all licensees, or a statement shall be filed with the Safety Director listing each and every item of information which has changed since the original application. The Safety Director shall refer or circulate the renewal request for review and comment by policy, Fire, Police, Building, and Zoning Departments prior to any determination by the Safety Director to accept such statement and issue the renewal license. The renewal shall be governed by the standards and procedures for an original license, except as modified for renewal herein.

716.11 DENIAL OF LICENSE.

No entertainment device or arcade license shall be issued or renewed for any business or premises:

- (a) Where any of the owners or the operators has been convicted within the last five (5) years of any felony or of any misdemeanor offense for violation of building or health codes, tax codes, involving the operation of a similarly licensed business activity, or involving physical violence, unlawful gambling activity, controlled substances, alcoholic beverages, minors, or any crime involving moral turpitude;
- (b) Where the premises do not specifically designate at least twenty (20) gross square feet of floor area for each entertainment device to be located upon the premises, excluding areas used for other principal uses or as may otherwise be provided;
- (c) Where the premises do not provide a minimum of one (1) parking space per every five (5) entertainment devices, together with minimum of one (1) parking space for every full-time employee, or as otherwise may be provided pursuant to applicable parking regulations;
- (d) Where the premises are located outside of the business districts as identified in City of Wickliffe Codified Ordinance Chapter 1313;
- (e) Where it is reported that the premises or operation thereof would be in violation of any provision of the Building Code, the Zoning Ordinances, or the Fire Code of the City of Wickliffe or any other pertinent provisions of local, state, or federal law and where the application is not amended in response to such reports in order to demonstrate such compliance;
- (f) Where the application proposes to install more than the maximum number of one hundred (100) entertainment devices, terminals, computers, machines, and/or gaming stations within an entertainment device arcade;
- (g) Where the applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;
- (h) Where the application fails to provide all of the required information;
- (i) Where the application fails to comply with all terms and conditions under this chapter and all other applicable ordinances and regulations;
- (j) Where the proposed premises is delinquent on real property tax payments and fails to satisfy requirements related thereto in order to qualify for building and/or occupancy permit; or
- (k) Where the owners are delinquent on corporate or payroll tax payments or otherwise not in compliance with registration requirements.

716.12 CONDITIONS AND REGULATIONS.

- (a) In addition to any other condition or regulation contained in this chapter or in Federal, State, or Local statutes, the following conditions and regulations shall be applicable to and shall govern and control all licenses of entertainment devices and arcades:

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1. Each such licensee shall at all times when the premises are open to the public hold open each and every portion of the premises open to the public for inspection by the Police Department, and other City departments for the purposes of enforcing any provisions of this chapter, the Ohio Revised Code, and other Codified Ordinances of the City of Wickliffe;
 2. Each such licensee shall be present on the premises at all times when the premises are open to the public with at least one adult operator who has not been convicted within the last five (5) years of any felony or of any misdemeanor offense for violation of building, health codes, tax codes, involving the operation of a similarly licensed business activity, or involving physical violence, unlawful gambling activity, controlled substances, alcoholic beverages, minors, or any crime involving moral turpitude;
 3. No such licensee shall open the premises for business except between the following hours (local time) on the following days:
 - i. Sunday through Thursday, 9:00 a.m. to 11:00 p.m.; and
 - ii. Friday and Saturday, 9:00 a.m. to 12:00 a.m. midnight;
 4. No such licensee shall allow living quarters to exist with direct entry to the premises;
 5. No such licensee shall operate the entertainment devices or arcade business other than on street level;
 6. No licensee shall operate the entertainment devices or business that fails to maintain order and quiet on the premises as to not violate the peace of the public;
 7. No such licensee shall allow any person, other than an owner or operator over the age of twenty-one (21) years, who shall be readily identifiable, to be in control of the premises, nor allow such operator to be regularly situated in a place upon the premises other than a place from which he has an unobstructed view of the entire portion of the premises devoted to the operation of entertainment devices;
 8. No person under the age of twenty-one (21) years shall be permitted within premises of entertainment devices or arcade;
 9. Any and all sweepstakes rules and odds of winning shall be posted in a conspicuous place at the premises and displayed on the entertainment device at the start of each game and/or activity;
 10. Each such licensee shall operate the entertainment device arcade business in compliance with any and all pertinent Federal Trade Commission rules and regulations;
 11. The entertainment device arcade's license shall be posted in a conspicuous location at all times; and
 12. No such licensee shall operate the entertainment devices without a license for each entertainment device. The City of Wickliffe will periodically conduct random audits for compliance. Any additional entertainment devices or devices that have not been approved with a license will be subject to double the monthly fee for the next twelve (12) months and possible revocation of operating license.
- (b) All entertainment devices upon the premises of an entertainment device arcade shall be located thereon in conformity with the floor plan filed with the application for the license and in such a manner:
1. So as not to impair ingress or egress to the premises;
 2. So as not to interfere with free and unfettered passage through the premises;
 3. So that at least twenty (20) gross square feet of floor area is specifically designated for each entertainment device, excluding areas used for other principal uses;
 4. So that the maximum number of terminals, computers, machines, and/or gaming stations within an entertainment device arcade is one hundred (100);
 5. So that there is at least one (1) parking space for every five (5) devices or terminal, plus one (1) additional space for every full-time employee;

6. So as to permit a clear and complete view of the interior of the premises immediately upon entry; and
 7. So that the back of any entertainment device is not exposed to a window.
- (c) Entertainment device arcades shall be located in a business district as part of the City of Wickliffe Ordinance Chapter 1313.

716.13 PROHIBITED CONDUCT AND CONDITIONS IN ENTERTAINMENT DEVICE ARCADE.

No licensee of an entertainment device or such arcade shall, by himself/herself, directly or indirectly, or by any servant, agent, or employee, permit or fail to take active steps to eliminate the activities specified in this section from occurring upon the premises. All such licensees shall have a duty to diligently pursue enforcement of this section. The actions of the operator and the failure to take action by the operator shall be imputed to the licensees. No such licensee shall:

- (a) Permit any indecent, immoral, or profane language, or indecent, immoral, or disorderly conduct, upon the premises;
- (b) Permit the premises to become a gathering place for disorderly persons of any type;
- (c) Permit unlawful gambling in any form or the possession or use of unlawful gambling paraphernalia upon the premises;
- (d) Permit intoxication or the possession or use of alcoholic beverages upon the premises;
- (e) Permit the possession or use of any unlawful drug, narcotic or controlled substance;
- (f) Permit the public streets, sidewalks, alleys, or walkways in the immediate vicinity of any entrance or exit to the premises to become littered;
- (g) Permit the premises or the activity conducted thereon to become a public nuisance to the surrounding environs;
- (h) Permit the walkways to become obstructed in any manner so that pedestrian traffic is hindered;
- (i) Permit any entertainment device thereon to be operated at any time the premises is not open for business, or permit the entrance to be locked at any time that the premises are open for business;
- (j) Permit the premises to become overcrowded so as to constitute a hazard to the health or safety of persons therein or to be in violation of any of the City's fire codes;
- (k) Permit any entertainment device to be offered to the public for operation unless fully operable and in safe operating condition;
- (l) Permit the premises to be open for business without displaying the licenses therefore in a conspicuous place thereon;
- (m) Permit the operation of any unlicensed entertainment device upon the premises; or
- (n) Permit any violation of any ordinance of the City of Wickliffe or statute of the State to take place upon the premises.

716.14 LICENSE EXPIRATION, SUSPENSION, OR REVOCATION.

- (a) **Expiration.** Any entertainment device or such arcade license issued under this chapter shall expire upon the transfer or sale of a majority interest in the business, or the discontinuation of the business for a continuous period of thirty (30) days. Any entertainment device or arcade license issued under this chapter shall expire upon the transfer or sale of such equipment or device, or other change in ownership of the business.
- (b) **Suspension and Revocation.** All licenses issued under this chapter shall be suspended or revoked by the Safety Director upon finding of the occurrence of any of the following events:
 1. A false statement by any licensee as to a material matter made in an application for license or in a hearing concerning the license;
 2. Conviction of any licensee of any felony or of any misdemeanor offense for violation of building, health, or tax codes, involving the operation of a similarly licensed business activity, or involving physical violence, unlawful gambling activity,

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controlled substances, alcoholic beverages, minors, or any crime involving moral turpitude; or

3. Any violation of the terms and conditions of the license, the standards and regulations of this chapter, or other applicable laws or regulations, or upon any violation of law committed by any applicant, owner, operator, or licensee with respect to the licensed premises and its operation herein.
- (c) **Hearing.** The suspension or revocation of any license under this chapter shall not be made without a hearing. The licensee shall be given at least ten (10) days prior written notice of intent to suspend or revoke, which shall set forth the time and place of the hearing and the specific reasons for such suspension or revocation. The licensee shall have the right at the hearing to present testimony and other relevant evidence and to orally examine any person offering evidence as to the reasons for suspension or revocation.
- (d) **Appeal.** The decision of the Safety Director may be appealed to the Board of Zoning Appeals and thereafter to a court of competent jurisdiction under Ohio Revised Code Chapter 2506.

716.15 LICENSE FEES.

All fees are payable to: City of Wickliffe

- (a) **Entertainment Devices.** The fee for each entertainment device license shall be forty-five dollars (\$45.00) per device, per month. This fee may increase after forty-eight (48) months of operation at the discretion of the Safety Director with a fee cap of an additional twelve percent (12%) over or during the next forty-eight (48) months. This fee is payable on or before the 10th day of the month for the previous month.
- (b) **Entertainment Device Arcade.** The fee for an entertainment device arcade shall be five thousand dollars (\$5,000.00) per year. This fee is due once the application to operate the entertainment device arcade is approved but prior to issuance of the license. This fee is payable on or before June 1st annually. This fee may increase after forty-eight (48) months of operation at the discretion of the Safety Director with a fee cap of an additional twelve percent (12%) over or during the next forty-eight (48) months.
- (c) **Replacement License.** The fee for a replacement license shall be twenty-five dollars (\$25.00).
- (d) **Filed with Application.** Initial license fees under this chapter shall be filed with the application for license.
- (e) **Return of Fee.** In the event an application is denied under this chapter, one-half of the license fee therefore shall be returned to the applicant. In the event any license is suspended or revoked under this chapter, no portion of the license fee shall be returned to the owner.

716.16 EQUAL OPPORTUNITY.

No person shall be denied any license or the right to use a licensed entertainment device under this chapter in the City of Wickliffe based upon race, color, creed, gender, religious belief, national origin, or sexual orientation.

716.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

I, Sandra J. Fink, Clerk of Council of Wickliffe, Ohio, hereby certify the foregoing is a true copy of Ordinance No. 2023-32 AMENDED enacted by Council at its regular meeting on October 23, 2023.
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SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed: October 23rd, 2023

Attest: [Signature]
Clerk of Council

Submitted to the Mayor for approval on
October 23rd, 2023

First Reading September 25th, 2023

Second Reading October 9th, 2023

Third Reading October 23rd, 2023

Edward A. Fink
Council President – Presiding Officer

Approved: October 23rd, 2023

[Signature]
Mayor

Passed October 25th, 2023

Yes 5 No 2

I, Sandra J. Fink, Clerk of Council of Wickliffe, Ohio, hereby certify the foregoing is a true copy of Ordinance No. 2023-32 AMENDED enacted by Council at its regular meeting on October 23, 2023.
Sandra J. Fink, Clerk of Council