

ORDINANCE NO 1769-2022

*Introduced by: Ms. Snyder
First Reading: April 18, 2022
Second Reading: May 2, 2022
Third Reading: May 16, 2022*

AN ORDINANCE TO ADOPT THE STATE REGULATIONS REGARDING GAMING TYPE
BUSINESSES

Now, Therefore, Be it Ordained by the Council of the Village of Lakemore, County of Summit,
State of Ohio:

Section 1: Council approves to adopt the State regulations regarding gaming type
businesses.

Section 2: A copy of the State regulations are attached hereto and made part of as if fully
re-written herein.

Section 3: This Ordinance shall go into effect on and after the earliest period allowed by
law.

Passed: May 16, 2022


RICHARD COLE, JR. Mayor

ATTEST: 
MEGAN PITMAN, Fiscal Officer

I, Megan Pitman, Fiscal Officer of the Village of Lakemore, do hereby certify that the
foregoing Ordinance No. 1769-2022 was duly adopted by Council at its regular meeting held
on May 16, 2022.


MEGAN PITMAN, Fiscal Officer

CHAPTER ____
Gambling

- .01 Definitions.
- .02 Gambling.
- .03 Operating a gambling house.
- .04 Public gaming.
- .05 Cheating.
- .06 Methods of conducting a bingo game; prohibitions.
- .07 Instant bingo conduct.
- .08 Raffles.
- .09 Charitable instant bingo organizations.
- .10 Location of instant bingo.
- .11 Bingo or game of chance records.
- .12 Bingo operator prohibitions.
- .13 Bingo exceptions.
- .14 Instant bingo conduct by a veteran's or fraternal organization.
- .15 Skill-based amusement machines.
- .99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Lotteries prohibited; exception - see Ohio Const., Art. XV, Sec. 6
Contributing to delinquency of minors - see Ohio R.C. 2151.41
Search warrants - see Ohio R.C. 2933.21(E)
Licensing charitable bingo games - see Ohio R.C. 2915.08

 .01 **DEFINITIONS.**

As used in this chapter:

- A. "Bookmaking" means the business of receiving or paying off bets.
- B. "Bet" means the hazarding of anything of value upon the result of an event, undertaking or contingency, but does not include a bona fide business risk.
- C. "Scheme of chance" means a slot machine unless authorized under Ohio R.C. Chapter 3772, lottery unless authorized under Ohio R.C. Chapter 3770, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:
 - 1. Less than fifty percent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;

2. Less than fifty percent of participants who purchase goods or services at any one location do not accept, use or redeem the goods or services sold or purportedly sold;
3. More than fifty percent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in Ohio R.C. 3772.01;
4. The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;
5. A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;
6. A participant may use the electronic device to purchase additional game entries;
7. A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
8. A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or
9. A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this subsection, "electronic device" means a mechanical, video, digital or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries or contractors.

- D. "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.
- E. "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.
- F. "Gambling device" means any of the following:
 1. A book, totalizer or other equipment for recording bets;
 2. A ticket, token or other device representing a chance, share or interest in a scheme of chance or evidencing a bet;
 3. A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
 4. Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes;
 5. Bingo supplies sold or otherwise provided, or used, in violation of this chapter.
- G. "Gambling offense" means the following:
 1. A violation of Ohio R.C. 2915.02 to 2915.092, 2915.10 or 2915.11;
 2. A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (g)(1) hereof or a violation of Ohio R.C. 2915.06 as it existed prior to July 1, 1996;

3. An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
 4. A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.
- H. Except as otherwise provided in this chapter, "charitable organization" means either of the following:
1. An organization that is and has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
 2. A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal, income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10) or (c)(19) of the Internal Revenue Code.
- To qualify as a charitable organization, an organization shall have been in continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any game of chance as provided in division (D) of Ohio R.C. 2915.02.
- I. "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.
- J. "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this subsection, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.
- K. "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.
- L. "Fraternal organization" means any society, order, state headquarters, or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business of sodality of its members.

- M. "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization as defined in Ohio R.C. 4765.01.
- N. "Charitable bingo game" means any bingo game described in subsection (o)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.
- O. "Bingo" means either of the following:
 - 1. A game with all of the following characteristics:
 - (a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.
 - (b) The participants cover the space on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.
 - (c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.
 - (d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in subsection (o)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by a participant.
 - 2. Instant bingo, punch boards and raffles.
- P. "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.
- Q. "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.

- R. "Participant" means any person who plays bingo.
- S. "Bingo session" means a period that includes both of the following:
1. Not to exceed five continuous hours for the conduct of one or more games described in subsection (o)(1) of this section, instant bingo, and seal cards;
 2. A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in subsection (s)(1) of this section.
- T. "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:
1. The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.
 2. The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.
 3. The food and beverages are sold at customary and reasonable prices.
- U. "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which bingo is conducted.
- V. "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:
1. Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
 2. A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of Ohio R.C. 5739.02, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of Ohio R.C. 5739.02, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are

- donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;
3. A fraternal organization that has been in continuous existence in this State for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;
 4. A volunteer firefighter's organization that uses the net profit for the purposes set forth in subsection (k) of this section.
- W. "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.
- X. "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.
- Y. "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:
1. It owns, operates and maintains playing fields that satisfy both of the following:
 - (a) The playing fields are used at least one hundred days per year for athletic activities by one or more organizations not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association;
 - (b) The playing fields are not used for any profit-making activity at any time during the year,
 2. It uses the proceeds of bingo it conducts exclusively for the operation, maintenance and improvement of its playing fields of the type described in paragraph (1) hereof.
- Z. "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.
- AA. "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or

bingo blower. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

BB. "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

CC. "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

1. The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
2. The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

DD. "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

EE. "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

FF. "Net profit" means gross profit minus expenses.

GG. "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

1. The purchase or lease of bingo supplies;
2. The annual license fee required under Ohio R.C. 2915.08;
3. Bank fees and service charges for a bingo session or game account described in Ohio R.C. 2915.10;
4. Audits and accounting services;
5. Safes;
6. Cash registers;
7. Hiring security personnel;
8. Advertising bingo;
9. Renting premises in which to conduct a bingo session;
10. Tables and chairs;
11. Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;

12. Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;
 13. Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under division (B)(1) of Ohio R.C. 2915.08.
- HH. "Person" has the same meaning as in Ohio R.C. 1.59 and includes any firm or any other legal entity, however organized.
- II. "Revoke" means to void permanently all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- JJ. "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- KK. "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:
1. Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this State;
 2. Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this State.
- LL. "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.
- MM. "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (o)(1) of this section plus the annual net profit derived from the conduct of bingo described in subsection (o)(2) of this section.
- NN. "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:
1. It is activated upon the insertion of United States currency.
 2. It performs no gaming functions.
 3. It does not contain a video display monitor or generate noise.
 4. It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
 5. It does not simulate or display rolling or spinning reels.
 6. It is incapable of determining whether a dispensed bingo ticket or card is a winning or non-winning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
 7. It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
 8. It is not part of an electronic network and is not interactive.
- OO. (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
- A. It provides a means for a participant to input numbers and letters announced by a bingo caller.

- B. It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
- C It identifies a winning bingo pattern.
- (2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- PP. "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.
- QQ. (1) "Slot machine" means either of the following:
 - A. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;
 - B. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.
- (2) "Slot machine" does not include a skill-based amusement machine or an instant bingo ticket dispenser.
- RR. "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies, and, in the case of instant bingo conducted by a veteran's, fraternal or sporting organization, minus the payment by that organization of real property taxes, and assessments levied on a premises on which instant bingo is conducted.
- SS. "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to Ohio R.C. 2915.13.
- TT. "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:
 - 1. The name of the game;
 - 2. The manufacturer's name or distinctive logo;
 - 3. The form number;
 - 4. The ticket count;
 - 5. The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;
 - 6. The cost per play;
 - 7. The serial number of the game.
- UU. (1) "Skill-based amusement machine" means mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with

merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

- A. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;
 - B. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;
 - C. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
 - D. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play. A card for the purchase of gasoline is a redeemable voucher for purposes of division (uu)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.
- (2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:
- A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.
 - B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
 - C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.
 - D. The success of any player is or may be determined by a chance event that cannot be altered by player actions.
 - E. The ability of any player to succeed at the game is determined by game features not visible or known to the player.
 - F. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.
- (3) All of the following apply to any machine that is operated as described in subsection (uu)(1) of this section:
- A. As used in subsection (uu) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.
 - B. Advance play for a single game, play, contest, competition or tournament participation may be purchased. The cost of the contest, competition, or

- tournament participation may be greater than a single noncontest, competition or tournament play.
- C. To the extent that the machine is used in a contest, competition or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition or tournament.
- (4) For purposes of subsection (uu)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.
- VV. "Merchandise prize" means any item of value, but shall not include any of the following:
1. Cash, gift cards, or any equivalent thereof;
 2. Plays on games of chance, state lottery tickets, bingo, or instant bingo;
 3. Firearms, tobacco, or alcoholic beverages; or
 4. A redeemable voucher that is redeemable for any of the items listed in subsection (vv)(1), (2) or (3) of this section.
- WW. "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.
- XX. "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.
- YY. "Sporting organization" means a hunting, fishing or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this State for a period of three years.
- ZZ. "Community action agency" has the same meaning as in Ohio R.C. 122.66.
- AAA. (1) "Sweepstakes terminal device" means a mechanical, video, digital or electronic machine or device that is owned, leased or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:
- A. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
 - B. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
 - C. The device selects prizes from a predetermined finite pool of entries.
 - D. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
 - E. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

- F. The device utilizes software to create a game result.
- G. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
- H. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.
- (2) As used in this subsection and in Section .02 :
 - A. "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.
 - B. "Entry" means one event from the initial activation of the sweepstakes terminal device until all of the sweepstakes prize results from that activation are revealed.
 - C. "Prize" means any gift, award, gratuity, good, service, credit, reward or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
 - D. "Sweepstakes terminal device facility" means any location in this Municipality where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in Ohio R.C. 2915.02(G).
- BBB. "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Ohio R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by Ohio R.C. Chapter 3770, and casino gaming as authorized by Ohio R.C. Chapter 3772. (ORC 2915.01)

 .02 GAMBLING.

- (a) No person shall do any of the following:
 - 1. Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
 - 2. Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;
 - 3. Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;
 - 4. Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;
 - 5. Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:

- A. Give to another person any item described in subsection (vv)(1), (2), (3) or (4) of Section .01 as a prize for playing or participating in a sweepstakes; or
 - B. Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars.
1. Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the Attorney General as required by division (F) of Ohio R.C. 2915.02.
 2. With purpose to violate subsection (a)(1), (2), (3), (4), (5) or (6) of this section, acquire, possess, control, or operate any gambling device.
- (b) For purposes of subsection (a)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of subsection (a)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.
 - (c) This section does not prohibit conduct in connection with gambling expressly permitted by law.
 - (d) This section does not apply to any of the following:
 1. Games of chance, if all of the following apply:
 - A. The games of chance are not craps for money or roulette for money.
 - B. The games of chance are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.
 - C. The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance. A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof if the veteran's or

fraternal organization has already leased the premises twelve times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under Section _____.06(b)(1) when it leases premises from another charitable organization to conduct bingo games.

- D. All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.
 - E. The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section _____.13. No person shall receive any commission, wage, salary, reward, tip, donations, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.
- 3. Any tag fishing tournament operated under a permit issued under Ohio R.C. 1533.92, as "tag fishing tournament" is defined in Ohio R.C. 1531.01.
 - 4. Bingo conducted by a charitable organization that holds a license issued under Ohio R.C. 2915.08.
- (e) Subsection (d) hereof shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct games of chance, as granted by subsection (d) hereof, by any charitable organization that is granted that right.
 - (f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, gambling is a felony and shall be prosecuted under appropriate State law. (ORC 2915.02)

____.03 OPERATING A GAMBLING HOUSE.

- (a) No person, being the owner or lessee, or having custody, control or supervision of premises, shall:
 - 1. Use or occupy such premises for gambling in violation of Section _____.02;
 - 2. Recklessly permit such premises to be used or occupied for gambling in violation of Section _____.02.
- (b) Whoever violates this section is guilty of operating a gambling house, a misdemeanor of the first degree. If the offender previously has been convicted of

a gambling offense, operating a gambling house is a felony and shall be prosecuted under appropriate State law.

- (c) Premises used or occupied in violation of this section constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2915.03)

____.04 PUBLIC GAMING.

- (a) No person, while at a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall make a bet or play any game of chance or scheme of chance.
- (b) No person, being the owner or lessee, or having custody, control, or supervision, of a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall recklessly permit those premises to be used or occupied in violation of subsection (a) of this section.
- (c) Subsections (a) and (b) of this section do not prohibit conduct in connection with gambling expressly permitted by law.
- (d) Whoever violates this section is guilty of public gaming. Except as otherwise provided in this subsection, public gaming is a minor misdemeanor. If the offender previously has been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.
- (e) Premises used or occupied in violation of subsection (b) of this section constitute a nuisance subject to abatement under Ohio R.C. Chapter 3767. (ORC 2915.04)

____.05 CHEATING.

- (a) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of any of the following:
 - 1. The subject of a bet;
 - 2. A contest of knowledge, skill, or endurance that is not an athletic or sporting event;
 - 3. A scheme or game of chance;
 - 4. Bingo.
- (b) Whoever violates this section is guilty of cheating. Except as otherwise provided in this subsection cheating is a misdemeanor of the first degree. If the potential gain from the cheating is one thousand dollars (\$1,000) or more, or if the offender previously has been convicted of any gambling offense or of any theft offense as defined in Ohio R.C. 2913.01, cheating is a felony and shall be prosecuted under appropriate State law. (ORC 2915.05)

____.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.

- (a) No charitable organization that conducts bingo shall fail to do any of the following:
 - 1. Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

2. Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in Section .01 (v), or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with Ohio R.C. 2915.101.
- (b) No charitable organization that conducts a bingo game described in Section .01 (o)(1) shall fail to do any of the following:
1. Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars (\$600.00) per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars (\$450.00) per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars (\$450.00) per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three other charitable organizations per calendar week for conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine bingo sessions be conducted on any premises in any calendar week.
 2. Display its license conspicuously at the premises where the bingo session is conducted;
 3. Conduct the bingo session in accordance with the definition of bingo set forth in Section .01 (o)(1).
- (c) No charitable organization that conducts a bingo game described in Section .01 (o)(1) shall do any of the following:
1. Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay

compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

2. Pay consulting fees to any person for any services performed in relation to the bingo session;
3. Pay concession fees to any person who provides refreshments to the participants in the bingo session;
4. Except as otherwise provided in subsection (c)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than three bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;
5. Pay out more than six thousand dollars (\$6,000) in prizes for bingo games described in Section .01(o)(1) during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo;
6. Conduct a bingo session at any time during the eight-hour period between two a.m. and ten a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to Ohio R.C. 2915.12, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Subsection (c)(6) of this section does not prohibit the sale of instant bingo tickets beginning at nine a.m. for a bingo session that begins at ten a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney General for an amended license, pursuant to division (F) of Ohio R.C. 2915.08. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license;
7. Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;
8. Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

9. Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;
 10. Purchase or lease bingo supplies from any person except a distributor issued a license under Ohio R.C. 2915.081;
 11. A. Use or permit the use of electronic bingo aids except under the following circumstances:
 - (1) For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.
 - (2) The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.
 - (3) The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.
 - (4) An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.
 - (5) An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.
 - (6) An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.
 - B. The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.
 5. Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in Section .01 (o)(1).
- (d) (1) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.

(2) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo other than at a bingo session at the site of instant bingo other than at a bingo session.

(3) Nothing in subsection (d) hereof prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

- (e) Notwithstanding subsection (b)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.
- (f) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.
- (g) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (2), (b)(1), (2), or (3), (c)(1) to (11) or (d) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of subsection (a)(1) or (2), (b)(1), (2) or (3), (c)(1) to (11), or (d) of this section, a violation of subsection (a)(1) or (2), (b)(1), (2) or (3) or (c)(1) to (11) or (d) of this section is a misdemeanor of the first degree. Whoever violates subsection (c)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c)(12) of this section, a violation of subsection (c)(12) is a felony and shall be prosecuted under appropriate State law.

(ORC 2915.09)

.07 INSTANT BINGO CONDUCT.

- A. (a) No charitable organization that conducts instant bingo shall do any of the following:
1. Fail to comply with the requirements of divisions (A)(1), (2), and (3) of Ohio R.C. 2915.09;
 2. Conduct instant bingo unless either of the following applies:

- (a) That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in Section .01, is in good standing in the State pursuant to Ohio R.C. 2915.08, and is in compliance with Ohio R.C. Chapter 1716;
 - (b) That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under Section .14.
- 6. Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to Ohio R.C. 2915.08;
- 7. Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;
- 8. Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under Ohio R.C. 2915.081;
- 9. Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;
- 10. Sell an instant bingo ticket or card to a person under eighteen years of age;
- 11. Fail to keep unsold instant bingo tickets or cards for less than three years;
- 12. Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- 13. Pay fees to any person for any services performed in relation to an instant bingo game, except as provided in Section .09 (d);
- 14. Pay fees to any person who provides refreshments to the participants in an instant bingo game;
- 15. A. Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;

B. Subsection (a)(12)A. of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.

16. Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;
17. Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under Ohio R.C. 2915.081 as reflected on an invoice issued by the distributor that contains all of the information required by Section .11 (f);
18. Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;
19. Possess bingo supplies that were not obtained in accordance with Ohio R.C. 2915.01 to 2915.13.

CCC. A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.

DDD. Whoever violates subsection (a) of this section or a rule adopted under Ohio R.C. 2915.091(C) is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (a) of this section or of such a rule, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law.

(ORC 2915.091)

 .08 RAFFLES.

A. (1) Subject to subsection (a)(2) of this section, a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code may conduct a raffle to raise money for the organization or school and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.

(2) If a charitable organization that is described in subsection (a)(1) of this section, but that is not also described in subsection 501(c)(3) of the Internal Revenue Code, conducts a raffle, the charitable organization shall distribute at least fifty per cent of the net profit from the raffle to a charitable purpose described in Section .01 (v) or to a department or agency of the federal government, the state, or any political subdivision.

EEE. Except as provided in subsection (a) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

- FFF. Whoever violates subsection (b) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (b) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law.

(ORC 2915.092)

____.09 CHARITABLE INSTANT BINGO ORGANIZATIONS.

- A. As used in this section, "retail income from all commercial activity" means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.
- GGG. (1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.
- (2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five days per calendar year and not more than ten hours per day.
- HHH. Except as provided in subsection (f) of this section, no charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.
- III. The owner or lessor of a location that enters into a contract pursuant to subsection (b) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

The charitable instant bingo organization shall pay six per cent of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this subsection.

As used in this subsection, "expenses" means those items provided for in subsections (gg)(4), (5), (6), (7), (8), (12) and (13) of Section _____.01 and

that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. "Expenses" in the aggregate, shall not exceed six per cent of the total gross receipts of any deal of instant bingo tickets. As used in this subsection, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

- JJJ. A charitable instant bingo organization shall provide the Attorney General with all of the following information:
1. That the charitable instant bingo organization has terminated a contract entered into pursuant to subsection (b) of this section with an owner or lessor of a location;
 2. That the charitable instant bingo organization has entered into a written contract pursuant to subsection (b) of this section with a new owner or lessor of a location;
 3. That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of this chapter or Ohio R.C. Chapter 2915.
- KKK. Subsection (c) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars. (ORC 2915.093)

____.10 LOCATION OF INSTANT BINGO.

- A. No owner or lessor of a location shall assist a charitable instant bingo organization in the conduct of instant bingo other than at a bingo session at that location unless the owner or lessor has entered into a written contract, as described in Section _____.09, with the charitable instant bingo organization to assist in the conduct of instant bingo other than at a bingo session.
- LLL. The location of the lessor or owner shall be designated as a location where the charitable instant bingo organization conducts instant bingo other than at a bingo session.
- MMM. No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate any provision of Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of Ohio R.C. Chapter 2915.
- NNN. No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate the terms of the contract.
- OOO. (1) Whoever violates subsection (c) or (d) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c) or (d) of this

section, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law.

(2) If an owner or lessor of a location knowingly, intentionally, or recklessly violates subsection (c) or (d) of this section, any license that the owner or lessor holds for the retail sale of any goods on the owner's or lessor's premises that is issued by the State or a political subdivision is subject to suspension, revocation, or payment of a monetary penalty at the request of the Attorney General. (ORC 2915.094)

____.11 BINGO OR GAME OF CHANCE RECORDS.

- A. No charitable organization that conducts bingo or a game of chance pursuant to Section _____.02(d), shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:
1. An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number;
 2. An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;
 3. A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars (\$600.00) or more in value;
 4. An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in Section _____.01(v), Section _____.02(d), or Ohio R.C. 2915.101, a list of each purpose and an itemized list of each expenditure for each purpose;
 5. The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;
 6. A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from "gross receipts" Section _____.01(t);
 7. An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.
- PPP. A charitable organization shall keep the records that it is required to maintain pursuant to subsection (a) of this section at its principal place of business in this

State or at its headquarters in this State and shall notify the Attorney General of the location at which those records are kept.

QQQ. The gross profit from each bingo session or game described in Section .01(o)(1) or (2) shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.

RRR. Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

SSS. The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

TTT. A distributor shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this State. The record shall include all of the following for each instance:

1. The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;
2. The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;
3. A description that clearly identifies the bingo supplies;
4. Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

UUU. A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this State. The record shall include all of the following for each instance:

1. The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;
2. A description that clearly identifies the bingo supplies, including serial numbers;
3. Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

VVV. The Attorney General, or any law enforcement agency, may do all of the following:

1. Investigate any charitable organization or any officer, agent, trustee, member, or employee of the organization;
2. Examine the accounts and records of the organization;
3. Conduct inspections, audits, and observations of bingo or games of chance;
4. Conduct inspections of the premises where bingo or games of chance are conducted;

5. Take any other necessary and reasonable action to determine if a violation of any provision of this chapter has occurred and to determine whether Section .12 has been complied with.

If any law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member, or employee of the organization has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this subsection.

WWW. No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance or premises where bingo or a game of chance is conducted, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the Attorney General or a law enforcement agency pursuant to subsection (h) of this section.

XXX. Whoever violates subsection (a) or (i) of this section is guilty of a misdemeanor of the first degree. (ORC 2915.10)

.12 BINGO OPERATOR PROHIBITIONS.

A. No person shall be a bingo game operator unless he is eighteen years of age or older.

YYY. No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.

ZZZ. Whoever violates subsection (a) hereof is guilty of a misdemeanor of the third degree.

AAAA. Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 2915.11)

.13 BINGO EXCEPTIONS.

A. Ohio R.C. 2915.07 to 2915.11 or Section .06 et seq. of this chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either subsection (a)(1) or (2) hereof:

1. (a) The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.
- (b) All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars (\$100.00).
- (c) No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and

- regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
- (d) The bingo game is not conducted either during or within ten hours of any of the following:
 - (1) A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section _____.06 et seq. of this chapter;
 - (2) A scheme or game of chance or bingo described in Section _____.01(o)(2).
 - (e) The number of players participating in the bingo game does not exceed fifty.
- 2.
- (a) The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents (25¢) to purchase a bingo card or sheet, objects to cover the spaces or other devices used in playing bingo.
 - (b) The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces or other devices used in playing bingo does not exceed one hundred dollars (\$100.00).
 - c. All of the money paid for bingo cards or sheets, objects to cover spaces or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.
 - d. The total value of all prizes awarded during the game does not exceed one hundred dollars (\$100.00).
 - e. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
 - f. The bingo game is not conducted during or within ten hours of either of the following:
 - 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section _____.06 et seq. of this chapter;
 - 2. A scheme of chance or game of chance or bingo described in Section _____.01(o)(2).
 - g. All of the participants reside at the premises where the bingo game is conducted.
 - h. The bingo games are conducted on different days of the week and not more than twice in a calendar week.

BBBB. The Attorney General, or any local law enforcement agency, may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with subsection (a) hereof. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action. (ORC 2915.12)

.14 INSTANT BINGO CONDUCT BY A VETERAN'S OR FRATERNAL ORGANIZATION.

- A. A veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to Ohio R.C. 2915.01 to 2915.12 may conduct instant bingo other than at a bingo session if all of the following apply:
1. The veteran's organization, fraternal organization or sporting organization limits the sale of instant bingo to twelve hours during any day, provided that the sale does not begin earlier than ten a.m. and ends not later than two a.m.
 2. The veteran's organization, fraternal organization or a sporting organization limits the sale of instant bingo to its own premises and to its own members and invited guests.
 3. The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State and executes a written contract with that organization as required in subsection (b) of this section.

CCCC.If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo pursuant to subsection (a) of this section is raising money for another organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State in order to conduct instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal or sporting organization will be distributing to the organization that is described in subsection 509(a)(1), 509(a)(2) or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State.

DDDD. (1) If a veteran's organization, fraternal organization or a sporting organization authorized to conduct instant bingo pursuant to subsection (a) of this section has been issued a liquor permit under Ohio R.C. Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or a sporting organization violates a provision of this chapter or Ohio R.C. Chapter 2915.

(2) No veteran's organization, fraternal organization, or a sporting organization that enters into a written contract pursuant to subsection (b) of this section shall violate any provision of this chapter or Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of this chapter or Ohio R.C. Chapter 2915.

EEEE. A veteran's organization, fraternal organization, or a sporting organization shall give all required proceeds earned from the conduct of instant bingo to the organization with which the veteran's organization, fraternal organization, or a sporting organization has entered into a written contract.

FFFF. Whoever violates this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law. (ORC 2915.13)

____.15 SKILL-BASED AMUSEMENT MACHINES.

A. (1) No person shall give to another person any item described in Section _____.01 (vv)(1), (2), (3), or (4) in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-prize game won on a skill-based amusement machine.

(2) Whoever violates subsection (a)(1) of this section is guilty of skill-based amusement machine prohibited conduct. Except as provided herein, a violation of subsection (a)(1) is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of subsection (a)(1), a violation of subsection (a)(1) is a felony and shall be prosecuted under appropriate State law. (ORC 2915.06)

GGGG. Any regulation of skill-based amusement machines shall be governed by this chapter and Ohio R.C. Chapter 2915 and not by Ohio R.C. Chapter 1345.

(ORC 2915.061)

____.99 PENALTY.

A. Financial Sanctions. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

1. Restitution.

- (a) Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.
- (b) If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.
- (c) All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.
- (d) If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.
- (e) The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants

the motion, it may modify the payment terms as it determines appropriate.

2. Fines. A fine in the following amount:
 - (a) For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
 - (b) For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
 - (c) For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
 - (d) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
 - (e) For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).
3. Reimbursement of costs of sanctions.
 - (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:
 - (1) All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
 - (2) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.
 - (b) The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section. (ORC 2929.28)

HHHH. Jail Terms.

1. Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:
 - (a) For a misdemeanor of the first degree, not more than one hundred eighty days;
 - (b) For a misdemeanor of the second degree, not more than ninety days;

- (c) For a misdemeanor of the third degree, not more than sixty days;
 - (d) For a misdemeanor of the fourth degree, not more than thirty days.
2. A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentenced in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.
- B. 1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.
2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.
3. If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.
4. If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:
- (a) The court shall specify both of the following as part of the sentence:
 - (1) If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
 - (2) If the person does not dispute the bill described in subsection (b)(4)A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.

- (b) The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4)A.2. of this section. (ORC 2929.24)
- (c) Organizations. Regardless of the penalties provided in subsections (a) and (b) hereof, an organization convicted of an offense pursuant to Section 501.11 shall be fined, in accordance with this section. The court shall fix the fine as follows:

Type of Misdemeanor	Maximum Fine
First degree	\$5000.00
Second degree	\$4000.00
Third degree	\$3000.00
Fourth degree	\$2000.00
Minor	\$1000.00
Misdemeanor not specifically classified	\$2000.00
Minor misdemeanor not specifically classified	\$1000.00

- (1) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this subsection (c).
- (2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (c), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.
- (3) This subsection (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 501.11, either in addition to or in lieu of a fine imposed pursuant to this subsection (c).

(ORC 2929.31)

ORDINANCE NO 1471- 2012

Introduced by: Mr. WOLFE

**AN EMERGENCY ORDINANCE TO ENACT A MORATORIUM ON THE
ISSUANCE OF ZONING PERMITS AND/OR APPROVAL OF
APPLICATIONS FOR ALL ENTERTAINMENT DEVICE ARCADES AS
DEFINED IN ORDINANCE 1430-2010 UNTIL SUCH TIME AS THE
STATE OF OHIO HAS ISSUED A DETERMINATION ON THE
LEGALITY OF SUCH ESTABLISHMENTS**

Be it Ordained by the Council of the Village of Lakemore, Ohio:

Section 1: Council hereby enacts a moratorium on the issuance of zoning permits and/or approval of applications for all entertainment device arcades as defined in Ordinance 1430-2010 until such time as the State of Ohio has issued a determination on the legality of such establishments.

Section 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the citizens of the Village of Lakemore, Ohio, for the reason that these establishments have not had legal opinions offered and therefore shall not be allowed until they are deemed specifically as legal entities by the State of Ohio. Therefore, this Ordinance shall go into effect immediately.

Passed: February 06, 2012



RICK JUSTICE, Mayor

ATTEST:



RICHARD QUAY, Fiscal Officer

I, Richard Quay, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1471-2012 was duly adopted by Council at its regular meeting held on February 06, 2012.



RICHARD QUAY, Fiscal Officer

**AN ORDINANCE AMENDING ORDINANCE #1272 - 1999
TO CORRECT THE AMOUNT OF ACREAGE IN THE ADDITION
TO THE PRD-2 CLASSIFICATION TO STATE 6.2788 ACRES AS
CORRECTLY SHOWN ON THE MYLAR**

WHEREAS, Ordinance #1272 - 1999, which created the addition to the PRD-2 zoning classification in the Village of Lakemore, erroneously stated that amount of acreage to be added to the district as being 6.3509 acres of land; and

WHEREAS, the correct amount of land is 6.2788 acres, which was correctly stated on the Mylar attached to the Ordinance.

Now, Therefore, Be It Ordained by the Council of the Village of Lakemore, Ohio:

- Section 1:** That Ordinance No. 1291 - 1999 is hereby amended to correct the amount of acreage in the addition to the PRD-2 classification to state 6.2788 acres as correctly shown on the Mylar.
- Section 2:** This correction shall apply to every instance the acreage of 6.3509 is listed in the Ordinance; each statement of acreage is hereby amended to read 6.2788 acres.
- Section 3:** This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: September 5, 2000



DAVID E. CARTER, Mayor

ATTEST:



SANDRA L. STAFFORD, Clerk

I Sandra L. Stafford, Clerk of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1291 - 2000 was duly adopted by Council at its regular meeting held on September 5, 2000.



SANDRA L. STAFFORD, Clerk

**AN ORDINANCE ESTABLISHING REGULATIONS
FOR THE OPERATION OF AMUSEMENT ARCADES**

WHEREAS, the Lakemore Police Department, Building and Zoning officials, and other officials have received complaints regarding the operation of certain amusement arcade businesses; and

WHEREAS, amusement arcade businesses typically involve the exchange of cash for an opportunity to play a game; and

WHEREAS, current law in Ohio allows skill-based amusement machines, but prohibits certain games of chance; and

WHEREAS, electronic and other arcade games may be either games of skill or games of chance and it is not always possible to distinguish one from the other simply by observing the game machine; and

WHEREAS, this State has recognized the secondary effects of gambling activities on its citizens and many current video arcade operations are extremely similar to gambling arcades in states where legalized. This Council agrees and finds that some of those secondary effects are:

- a. Certain persons are more vulnerable to the lure of adult arcade gaming activities than others. Because of the potential to win prizes of value, these arcades can provide a special challenge to such persons.
- b. Even if the Village adopts the position that such persons are totally responsible for their participation in these activities, the player's family members and friends, who cannot be regarded as responsible, also suffer.
- c. The resources of both charitable and public social service agencies are used to deal with the effects of excessive participation in adult arcade activities instead of being used for other beneficial purposes for which they might be used.
- d. Gambling, and consequently activities similar to gambling such as adult video arcades played for items of value, have the reputation of being associated with racketeering and organized crime. The suggestion of easy money is especially attractive to persons interested in acquiring wealth, but who lack the sense of obligation to return value to others in the form of services or products. Even legalized gaming activities threaten to become the focus of illegal activity, thereby costing the Village more to ensure the safety of its citizens.

- e. By failing to properly regulate those activities, which may be permitted under current Ohio law, the Village would be increasing the likelihood of all of the foregoing negative effects.
- f. This type of operation induces similar or like businesses to establish in the community; and
- g. The Village has investigated and/or prosecuted weapons violation, petty thefts, child endangering, and grand theft auto out of these establishments.

WHEREAS, a skill-based amusement machine, when played in exchange for something of value and which may pay a prize, is similar in nature to a gambling device in its setting, in its manner of play, and in its general attraction to players and participants; and

WHEREAS, it is necessary to protect the health, welfare, and safety of our citizens by regulating amusement arcades.

Now, Therefore, Be It Ordained by the Council of the Village of Lakemore, Ohio:

Section 1: The Village of Lakemore hereby adopts this ordinance regulating the operation of amusement arcades. The regulations are attached hereto as Exhibit A and incorporated herein as if fully rewritten herein.

Section 2: **PENALTY.** Whoever violates or fails to comply with any of the provisions of this Ordinance, for which no penalty is otherwise provided, is guilty of a second degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs.

Section 3: That all ordinances, resolutions, or parts of ordinances or resolutions inconsistent herewith are hereby repealed.


Section 4: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 7, 2007



DAVID E. CARTER, Mayor

ATTEST:



RICHARD QUAY, Fiscal Officer

I, Richard Quay, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1382 - 2007 was duly adopted by Council at its regular meeting held on May 7, 2007.


RICHARD QUAY, Fiscal Officer

MNB/1382.07

REGULATIONS FOR AMUSEMENT ARCADES IN THE VILLAGE OF LAKEMORE, OHIO

Section 1: PURPOSE AND FINDINGS.

- (a) Purpose. That the purpose of this Chapter is to establish reasonable and uniform regulations to minimize and control the negative effects of amusement arcades within the Village in order to promote the health, safety and welfare of the citizens of the Village. It is not the purpose or intent of this Chapter to restrict or deny access to recreational and skilled-based amusement machines.

- (b) Findings. The State of Ohio currently allows certain games of skill while games of chance are deemed illegal. Based upon experience within the Village, certain arcades identified as operating games of skill, have generated various complaints by citizens involving thefts, questionable pay practices, considerable sums of cash being transacted, food management concerns, fire code and access, and other issues of compliance with local and state laws.

These businesses are located throughout the Village in general business districts, in areas which attract adults and children. It is the specific finding that games of skill operated electronically, may easily be altered to illegal games of chance. Further, that the Village has a duty to its citizens to require businesses open to the public to maintain safe ingress and egress, to maintain adequate security where a considerable volume of cash is transacted, and to otherwise operate within the bounds of the law.

Section 2: DEFINITIONS.

As used in this Chapter, except where the context clearly indicates a different meaning:

- (a) "Amusement arcade" means any place of business where three or more amusement devices are located for the use or entertainment of persons patronizing the place of business.

- (b) "Amusement device" means any machine, device, or instrument which either may be activated for play by a third party, person or device, or upon the insertion of paper money, a coin, token, slug, or card, operates or may be operated as a game, contest, or test of skill, or other amusement of any kind. "Amusement device" does not include vending machines.
- (c) "Game machine" means any amusement device.
- (d) "Good moral character" means not having been convicted of a crime involving moral turpitude within five years next preceding the date of the application.
- (e) "Malfunction" means failure to operate in accordance with design.
- (f) "Moral turpitude" means a conviction for a theft offense, fraud, falsification, drug offense, sex offense, an offense involving gambling, or a felony.
- (g) "Operator" means any individual, corporation, or other entity conducting the business of an amusement arcade.
- (h) "Owner" means any individual, corporation, or other entity owning title to any amusement device or the real property at which an amusement arcade is operated.
- (i) "Playing area" means that portion of the premises where the primary use is for customer play on amusement devices.
- (j) "Skill-based amusement machine" means a skill-based amusement device, such as a mechanical, electronic, video, or digital device, or machine, whether or not the skill-based amusement machine requires payment for use through a coin or bill validator or other payment of consideration or value to participate in the machine's offering or to activate the machine, provided that all of the following apply:
 - (i) The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition, or tournament.
 - (ii) The outcome of an individual's play and participation is not determined largely or wholly by chance. For purposes of this Chapter, "largely or wholly" means at least by 51%.
 - (iii) The outcome of play during a game is not controlled by a person not actively participating in the game.

- (iv) The machine only charges one price to play a task, game, play, contest, competition, or tournament.
- (aa) All of the following apply to any machine that is operated as described in (j) of this section:
 - (i) As used in this section, "task," "game," and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single task, game, play, contest, competition, or tournament may be awarded prizes based on the results of play, the prizes or rewards shall be established prior to the individual placing a wager, and the individual shall be aware of what prize or reward will occur prior to the start of play.
 - (ii) Advance play for a single task, game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.
 - (iii) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of prizes without payment of additional consideration.
 - (iv) No machine shall have a guessing game at the end of a successfully completed task, game, play, contest, competition, or tournament.

Section 3: OPERATION; LICENSE REQUIRED.

- (a) No individual, corporation or other entity shall be an operator of an amusement arcade at any place of business unless such operator holds a valid amusement arcade license for the place of business where such amusement arcade is operated.
- (b) No individual, corporation or other entity shall permit or cause to be permitted any amusement machine, game machine, or amusement device to be operated, placed into operation, moved onto the area of play, or played, without a current and valid license for that machine displayed thereon.

- (c) No individual, corporation, or other entity shall play any amusement device unless it is validly licensed by the Village.

Section 4: APPLICATION INFORMATION.

The original and renewal application for an amusement arcade license and the license for each skill-based amusement machine, game machine, or amusement device shall be upon a form prescribed by the Chief of Police and shall set forth therein information such as the name and address of the operator, the address of the place of business which is to be the licensed amusement arcade, the year for which the license is sought, the number of skill-based game machines or amusement devices located at such place of business, the name and address of the owner of each machine, a detailed explanation of the machine operation, applicable software license authorization, player skills, and training required qualifying each machine as a game of skill, and such other information as the Chief of Police reasonably requires. The application shall be signed by the operator in whose name the Village licenses are to be issued as well as the owner of the real property.

Section 5: CORPORATIONS, TRUSTS, AND PARTNERSHIPS.

- (a) If the operator filing the application for a license under this Chapter is a corporation, the application shall list the names and addresses of all officers and directors and any individual, corporation or other entity owning twenty-five percent (25%) or more of the issued and outstanding shares of every class of stock of such corporation.
- (b) If the operator filing the application for a license is a partnership, the application shall list the names and addresses of all partners.
- (c) If the operator filing the application for a license is a trust, the application shall list the names and addresses of all trustees and/or co-trustees.
- (d) The listing required of any corporation, trust or partnership shall be repeated and further repeated for any corporation, partnership or other entity who or which appears as a shareholder, trustee, co-trustee, or partner on the application.

Section 6: AFFIDAVIT REQUIRED.

The application for a license under this Chapter shall be submitted on forms provided by the Chief of Police and be accompanied by an affidavit attesting that the operator and all employees and agents of the operation have not been convicted of a crime of moral turpitude and to the truth of the matters set forth in such

application. No person shall swear falsely in any affidavit required to be filed under this section.

Section 7: LICENSE ISSUANCE; EFFECTIVE PERIOD; FEE.

The Chief of Police is hereby authorized to issue amusement arcade licenses and amusement and/or game machine licenses, in such form as he or she determines to be appropriate, for a period of up to one year, upon satisfaction of all of the following conditions:

- (a) The operator of the amusement arcade has properly filed the application required by this Chapter. The owner of the game machines and the real property owner shall sign the application;
- (b) A fee of two thousand dollars (\$2000.00) per arcade location per year has been paid;
- (c) A fee of three hundred dollars (\$300.00) per machine per six months has been paid in advance annually;
- (d) The operator or any employee of the operator has not been convicted of a crime of moral turpitude within the past five years;
- (e) The Chief of Police has determined that no other reasonable cause exists to deny the issuance of such license;
- (f) Compliance with Section 726.09;
- (g) License fees are non-refundable except upon approval by this Council.

Section 8: LICENSE ADMINISTRATION.

- (a) It shall be the duty of the Chief of Police or his designee to administer the licensing regulations of this Chapter.
- (b) The Chief of Police or his designee is hereby empowered to adopt and enforce such rules and regulations relating to any matter or thing pertaining to the issuance, administration, and enforcement of this Chapter.
- (c) The burden shall rest on the owner, applicant, operator, and/or agent of the operator, owner, or applicant to timely produce the complete, accurate, and true records, documents, programs source codes, or other data or objects necessary to substantiate the licensing requirements of this Chapter. Absent such substantiation, the decision of the Chief of Police shall be final subject to Section 726.15.

- (d) A license shall be issued within forty-five days of receipt of complete application and compliance with this Chapter.
- (e) No arcade license shall be issued until all individual amusement devices are licensed.

Section 9: SUBMISSION OF SOURCE CODE FOR APPROVAL.

- (a) Each applicant, within forty-five days of submitting an application for an amusement arcade license, shall submit to the Chief of Police:
 - (i) A written report prepared by an independent laboratory satisfactory to the Chief of Police stating that the specific amusement device, including but not limited to the source code, has been tested and examined under the requirements of the Ohio Revised Code and this Chapter and the specific amusement device is largely or wholly a game of skill.
 - (ii) A report must be prepared for each amusement device to be licensed.
 - (iii) An exact and sealed copy of the source code for each device shall accompany the report. Such sealed code shall be deemed proprietary and shall be held by the Chief of Police or his designee until the license is expired, revoked, or there are reasonable grounds to believe a violation of this Chapter has occurred. If reasonable grounds exist, the sealed source code will be provided to law enforcement for investigation. Otherwise, the source code will be returned to the licensee.
- (b) The Chief of Police shall provide the names of at least two laboratories deemed satisfactory.

Section 10: LICENSE VALIDITY AND DISPLAY.

Each license under this Chapter shall be valid for only so long as the amusement arcade is operated by the operator listed on such license, at the place of business listed thereon. Each skill-based amusement machine and/or amusement device shall be valid for operation or use only so long as the game machine and/or amusement device has displayed on it a current license, or until the license is revoked by the Village or until such machines are determined to be games of chance or otherwise deemed illegal by the State of Ohio or a court of competent jurisdiction.

Section 11: OPERATION OF ARCADE.

- (a) No person under the age of 18 years shall be permitted on the premises.

- (b) No doors shall be locked preventing ingress or egress by members of the public while patrons are on the premises.
- (c) The operator shall adopt and enforce a no loitering policy on the premises.
- (d) The premises of every amusement arcade shall be equipped with exterior lighting of sufficient intensity to illuminate every means of ingress and egress and adjacent parking areas.
- (e) Each arcade shall be maintained so that it is handicap accessible throughout.
- (f) The arcade shall comply with Ohio law regarding smoking.
- (g) The operator shall maintain a record of each game machine taken out of play for any reason, including but not limited to, machine malfunction. The record shall include, but not be limited to the following: name of operator taking the device out of play; name and address of player who last played; the amount reflected as won but not paid or lost by the arcade; a description of the malfunction; a description of how the game machine was designed to operate; time and date of removal from play; make, model, and serial number of the game machine. Said record shall be maintained on the premises for at least 2 years from date of removal. Further, the record shall be available for inspection to the Chief of Police, his agents, and designees during regular business hours.
- (h) No arcade shall operate during the hours of 2:00 a.m. to 7:00 a.m.
- (i) Each operator shall maintain a record of the full name, address, telephone number, date, tax identification number, and gross value amount for each player receiving consideration or anything of value exceeding \$200. This record shall be filed with the Director of Finance for the Village of Lakemore at least quarterly. Further, such record shall be available for inspection to the Chief of Police, his agents, and designees during regular business hours for a period of two years.
- (j) Each operator shall clearly post in a conspicuous place all circumstances in which a player may not "cash out", be reimbursed, or receive a cash payment for the value of winnings, credits, rewards, or prepayments.
- (k) Each operator, employee, and agent thereof shall wear a full name identification nameplate during working hours.
- (l) All on premises food service shall comply with state and local health regulations.
- (m) Each operator shall conspicuously display by posting with each skill-based amusement machine the established prize or reward for each play. This information shall be posted so that the player can observe it prior to and during play.

- (n) Each operator shall make available and have on display forms as prescribed by the Chief of Police for the recovery of losses pursuant to R.C. 3763.
- (o) No weapons, firearms, or dangerous ordinances are permitted on the premises.

Section 12: LICENSE REVOCATION.

It shall be cause for revocation of any license required under this Chapter, by the issuing authority, or for non-renewal of such license, for an operator or operator's officers, directors, agents, or employees, trustee, twenty-five percent of the shareholders of an operator, or any other person to:

- (a) Operate an amusement arcade without a valid license;
- (b) Operate or permit to be operated an amusement device or game machine without a valid license for that machine or device;
- (c) Fail to display any license required by this Chapter;
- (d) Provide any false or misleading information in the material submitted during the application process;
- (e) Permit any violation of (1) an ordinance or regulation of the Village; (2) regulation of the County, including but not limited to rules of the Summit County Department of Health; or (3) statute of the State, any for which a criminal penalty may be invoked, to take place at any amusement arcade operated by such operator; or
- (f) Knowingly allow gambling on the premises;
- (g) Transfer or alter any license issued under this Chapter;
- (h) Failure to comply with any provision of this Chapter;
- (i) Be convicted of a crime involving moral turpitude.

Section 13: REVOCATION PROCESS.

- (a) The Chief of Police shall notify the licensee in writing, at the address of the amusement arcade, of the reason for revocation. Service shall be made by regular first class mail with proof of service or personally.
- (b) When the Village revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the Village finds,

subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date the revocation became effective.

Section 14: TRANSFER OF LICENSE.

- (a) An amusement arcade license is not transferable from one licensee to another or from one location to another. Any purported transfer of an amusement arcade license shall automatically and immediately revoke that license.
- (b) A skill-based amusement machine or amusement device license is not transferable from one machine or device to another or to a machine or device moved to a different location. Any purported such transfer of a license shall automatically and immediately revoke that license.

Section 15: APPEAL.

- (a) Any licensee may appeal the decision of the Chief of Police for the denial of the issuance of a license, the denial of a renewal of a license or the revocation of a license. An appeal must be filed within ten days of notice of non-issuance, non-renewal or revocation, in writing, to the Licensing Appeal Board, c/o The Village Administrator, P.O. Box 455, Lakemore, Ohio 44250 stating the reason for the appeal.
- (b) The Licensing Appeal Board shall consist of five residents of the Village, appointed by the Mayor, for terms of four years. Appeals shall be heard within five days of filing. Such Board shall determine whether the denial of any license under this chapter was arbitrary, capricious, or unreasonable.
- (c) Any decision of the Board shall be a final, appealable order, and the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.

Section 16: INSPECTION.

- (a) The Police Department shall, from time to time and at least four times a year, inspect that portion of the arcade business open to the public licensed hereunder in order to assess compliance with the provisions of this Chapter.
- (b) The Chief of Police shall, from time to time, request the Summit County Health Department to inspect that portion of each arcade business open to the public and licensed hereunder, in order to assess compliance with the provisions of this Chapter and relevant Health Department regulations.

- (c) That the Fire Marshall and Building Official shall, from time to time, and at least four times a year, inspect that portion of the arcade business open to the public and licensed hereunder in order to assess compliance with all applicable fire, building, and zoning code regulations.

Section 17: NUISANCE.

A violation of this Chapter shall constitute a nuisance and is subject to civil proceedings, including an injunction, in addition to prosecution for criminal violations of the State of Ohio and the Codified Ordinances of the Village of Lakemore.

Section 18: EFFECT OF PARTIAL INVALIDITY.

If any section, subsection, or clause of this Chapter shall be deemed to be unconstitutional or otherwise invalid, the validity and enforcement of the remaining sections, subsections, and clauses shall not be affected.

Section 19: FEES COLLECTED.

All license fees collected shall be deposited into a Law Enforcement Gaming Fund. Such monies shall be used for criminal investigations, police weapons, training and equipment, electronic and gaming experts, consultants, and other costs related to gaming activities. Up to 25% of such funds shall be allocated to the Fire Department for training.

**AN ORDINANCE AMENDING ORDINANCE 1101 - 1989
[KNOWN AS LAKEMORE ZONING ORDINANCE] BY AMENDING
AND SUPPLEMENTING ARTICLE II AND SECTION 501.3, TO CONDITIONALLY
PERMIT AMUSEMENT ARCADE BUSINESSES**

WHEREAS, Council deems it necessary for the health, welfare, and safety of the residents of the Village to conditionally permit amusement arcade businesses; and

WHEREAS, Planning and Zoning Commission has considered this matter; and

WHEREAS, Council held a public hearing on this matter on April 2, 2007.

Now, Therefore, Be It Ordained by the Council of the Village of Lakemore, Ohio:

Section 1: That Ordinance 1101 - 1989 [known as the Lakemore Zoning Ordinance] is hereby amended by adding the following definitions to Article II of the Lakemore Zoning Ordinance, to provide as follows:

Amusement Arcade: Any place of business where three or more amusement devices are located for the use or entertainment of persons patronizing the place of business.

Amusement Devices: any machine, device, or instrument which either may be activated for play by a third party, person or device, or upon the insertion of paper money, a coin, token, slug, or card, operates or may be operated as a game, contest, or test of skill, or other amusement of any kind. "Amusement Device" does not include vending machines.

Section 2: That Section 501.3 of the Lakemore Zoning Ordinance is hereby amended to add subsection j, which new subsection shall provide as follows:

j. **Amusement Arcades**

1. **Purpose:**

The Purpose of this regulation is to declare Amusement Arcades a conditionally permitted use in the Village of Lakemore and to establish reasonable and uniform regulations governing said conditional use. The Village Council specifically finds that this section promotes the health, safety and welfare of the citizens of the Village of Lakemore.

2. Location

- (a) Amusement Arcades shall only be permitted as a conditional use in B-1 (Retail Business) and B-2 (General Business) zones. Amusement Arcades are prohibited in all other zones.
- (b) No Amusement Arcade shall be located on any lot within 1,000 feet of any other Amusement Arcade.
- (c) No Amusement Arcade shall be located closer than 500 feet to a church, public park, or school in regular use.
- (d) No Amusement Arcade shall be located within 500 feet of any residentially-zoned district or any residentially-used lot.
- (e) All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.

3. Design Standards:

- (a) Exterior lighting shall be maintained of sufficient intensity to illuminate every means of ingress and egress and adjacent parking areas.
- (b) The premises shall be maintained so that it is handicap accessible throughout.
- (c) A glass storefront is required allowing full visibility at the sidewalk or right-of-way from the front through the arcade area to the rear of the facility, exclusive of restrooms. No amusement devices shall be placed in restrooms, offices, or private areas.
- (d) Windows shall be free and clear of tint. No Obstructions shall prevent observing at least 50% of the amusement devices from outside the storefront.

4. Use Standards:

- (a) Arcades shall be open not earlier than 6:00 a.m. and shall close not later than 1:00 a.m.
- (b) All doors to the business used for ingress by patrons shall remain unlocked for purposes of egress during business hours of operation.

(c) The owner, lessee, and sublessee of the property shall independently provide a written narrative of the business operation.

(d) The arcade shall comply with Ohio law regarding smoking, and adequate signage shall be posted conspicuously.

(e) On premises food consumption provision and services shall comply with state, county, and local health regulations.

(f) The names, residence addresses, and telephone numbers of the owner(s), operator(s), and all managers shall be maintained current on file with the Police Department of the Village of Lakemore, Ohio.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption 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 action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

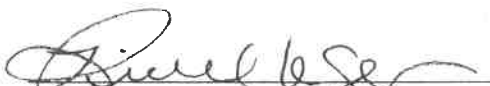
Section 6: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 7, 2007




DAVID E. CARTER, Mayor

ATTEST:


RICHARD QUAY, Fiscal Officer

I, Richard Quay, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1383 - 2007 was duly adopted by Council at its regular meeting held on May 7, 2007.


RICHARD QUAY, Fiscal Officer

ORDINANCE NO 1441 – 2010

Introduced by: MR. JUSTICE

AN EMERGENCY ORDINANCE AMENDING ORDINANCE 1430-2010 REGULATING AMUSEMENT ARCADES SECTION 115.03 LOCATIONS (A), (B) AND (C)

Now, Therefore, Be It Ordained by the Council of the Village of Lakemore, Ohio:

Section 1: Council hereby amends Ordinance 1430-2010 Regulating Amusement Arcades; Section 115.03 Locations (A), (B) and (C). The Amended Section shall read:

115.03 Location

- A.** No license shall be granted to an entertainment device arcade that will conduct its business at a location that is within fifteen hundred (1,500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public playground, church or any establishment that has been issued a liquor permit by the State of Ohio.
- B.** No license shall be granted to an entertainment device arcade that will conduct business within fifteen hundred (1,500) feet of another entertainment device arcade.
- C.** This section shall not apply to any entertainment device arcade locations in existence at the time of the passage of this Ordinance, and shall not apply to any duly licensed entertainment device arcade locations in existence at the time a school, public library, public playground or any establishment that has been issued a liquor permit by the State of Ohio moves within fifteen hundred (1,500) feet of said entertainment device arcade. However, any change in ownership of the entertainment device arcade or change in location will remove said entertainment device arcade from this exception. "Change in ownership" in the case of partnership or corporation for the purpose of this sections means more than fifty (50) percent change in partners or shareholders from the partners or shareholders owning the partnership or corporation as of the date the school, public

library or public playground moves within fifteen hundred (1,500) feet of said entertainment device arcade.

Section 2: Any Ordinances or Resolutions or parts of Ordinances or Resolutions in conflict with this Ordinance are hereby repealed. Any Ordinances or Resolutions or parts of Ordinance or Resolution not in conflict with this Ordinance shall remain in full force and effect.

Section 5: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the citizens of the Village of Lakemore for the reason that these regulations must be in place to properly regulate entertainment device arcades. Therefore, this Ordinance shall take effect immediately.

Passed: August 02, 2010




Michael A. Kolomichuk, Mayor

ATTEST:



RICHARD QUAY, Fiscal Officer

I, Richard Quay, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance 1441-2010 was duly adopted by Council at its regular meeting held on August 02, 2010.



RICHARD QUAY, Fiscal Officer

ORDINANCE NO 1455 – 2011

Introduced by: MR. JUSTICE

**AN ORDINANCE AMENDING ORDINANCE 1430-2010
REGULATING AMUSEMENT ARCADES SECTION 115.06
CLOSING HOURS**

**Now, Therefore, Be It Ordained by the Council of the Village of Lakemore,
Ohio:**

Section 1: Council hereby amends Ordinance 1430-2010 Regulating Amusement Arcades; Section 115.06 Closing Hours. The Amended Section shall read:

115.06 CLOSING HOURS

Operations of the Amusement Arcades shall be permitted on a twenty four (24) hour basis.

Section 2: Any Ordinances or Resolutions or parts of Ordinances or Resolutions in conflict with this Ordinance are hereby repealed. Any Ordinances or Resolutions or parts of Ordinance or Resolution not in conflict with this Ordinance shall remain in full force and effect.

Section 3: This Ordinance shall take full force and effect on and after the earliest period allowed by law.

Passed: April 18, 2011



Michael A. Kolomichuk, Mayor

ATTEST:



RICHARD QUAY, Fiscal Officer