

ARTICLE IV. COIN-OPERATED AMUSEMENT MACHINES

Sec. 11-91. Definition.

Coin-operated amusement machine means every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player pursuant to O.C.G.A. § 16-12-35(b) through (g), and which can be legally shipped interstate according to federal law.

Sec. 11-92. License and fee required.

(a)

Every individual offering to the public the use of a coin-operated amusement machine at his business location shall obtain a license from the city for the privilege to operate such coin-operated amusement machine within the city. Said license shall be obtained from the city no later than December 31st of the preceding year and shall be valid for one calendar year.

(b)

The license issued by the city shall be prominently displayed in the business location where the business owner operates one or more coin-operated amusement machines.

(c)

Coin-operated amusement machine licenses are non-transferable and non-assignable as between owners or locations. Licenses issued pursuant to this section expire upon the death of the individual licensee.

Sec. 11-93. Application for license.

(a)

Every applicant for a license pursuant to this article shall file a written application with the city clerk on a form provided by the clerk, which shall specify at a minimum:

(1)

The name and address of the applicant, and if a firm, corporation, partnership or association, the principal officers thereof and their addresses;

(2)

The address of the premises where the licensed coin-operated amusement machine is to be operated, together with the character of the business carried on in such place;

- (3) A list of the number of machines to be maintained on the premises and a description of each such machine;
 - (4) The name and address of the owner of such machine or machines, if other than the applicant;
 - (5) A statement that the applicant has not been convicted of a crime of moral turpitude within the past two (2) years and has never been found guilty of violating any state law concerning gambling or coin-operated amusement machines.
- (b) Applicant must attach a true and correct copy of the state license issued for each coin-operated amusement machine.
 - (c) Applicant must have a valid current business license with the city for the location.

Sec. 11-94. Inspection of licensed premises.

Acceptance of a license pursuant to this article constitutes consent by the licensee for the city police and code enforcement to freely enter upon the licensed business premises during operating hours for the purpose of insuring compliance with this article. If a licensee or his employee or designee in any way interferes with the police or code enforcement's right of inspection pursuant to this section, then the city may revoke his license.

Sec. 11-95. Regulations for operation of coin-operated amusement machines.

- (a) *Machines to be kept in plain view.* Every coin-operated amusement machine within the city shall at all times be kept and placed in plain view. For purposes of this section, plain view requires that the machine be visible through a window from the exterior of the location and shall also be visible from the main entryway of the location. No coin-operated amusement machine shall be located behind a doorway, in a back room or side room, or in any other location that is not in plain view as defined by this section.
- (b) *Gambling prohibited.* Nothing in this article is intended to permit any gambling device as defined by O.C.G.A. § 16-12-20(2). Use of a licensed coin-operated

amusement machine for gambling in violation of O.C.G.A. § 16-12-21 shall be grounds for revocation of all coin-operated amusement machine licenses held by the person found to have offered or permitted gambling on the licensed premises.

(c)

No location may offer to the public more than six Class B coin-operated amusement machines that reward the player. Rewards are limited exclusively to noncash merchandise, prizes, toys, gift certificates, or novelties with a value of five dollars or less.

(d)

The owner or operator of a business location which offers to the public any coin operated amusement machine that rewards the player must inform all employees of the prohibitions and penalties set out in subsections (e), (f), and (g) of official Code of Georgia Section 16-12-35;

(e)

The owner or possessor of any coin operated amusement machine that rewards the player must inform each location owner or location operator of the business location where such machine is located of the prohibitions and penalties set out in subsections (e), (f), and (g) of official Code of Georgia Section 16-12-35;

(f)

Every location owner or location operator subject to paragraph (1) of subsection (b) of official Code of Georgia Section 50-27-84 must provide copy of each verified monthly report prepared in accordance with such Code section, incorporating the provisions of such Code section in the ordinance, providing for any and all of the penalties authorized by subsection (d) of Code Section 50-27-84, and allowing an annual audit of the reports from the location owner or location operator;

(g)

Every location owner or location operator of any business location which offers to the public one or more coin operated amusement machines must post prominently in the location a notice including the following language:

GEORGIA LAW PROHIBITS PAYMENT OR RECEIPT OF MONEY FOR WINNING A GAME OR GAMES ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON THIS AMUSEMENT MACHINE; PAYMENT

OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON THIS AMUSEMENT MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF THIS MACHINE.;

(h)

No license for a coin-operated amusement machine may be obtained for a location:

- (1) within fifty (50) yards of the property line of any single family residence;
- (2) within one hundred (100) yards of the property line of any public park, or the entrance of any church or library;
- (3) within two hundred (200) yards of the property line of any school or school grounds.

Sec. 11-96. Penalty for violation.

(a)

The city may revoke any license granting authority to manufacture, distribute, or sell alcoholic beverages, or any other license granted by the city as a penalty for conviction of the location owner or location operator of a violation of subsection (e), (f), or (g) of Code Section 16-12-35, after due process is provided pursuant to subsection (b) of O.C.G.A. § 3-3-2.

(b)

Violation of this article will be punished by a fine up to \$1,000 and/or imprisonment for up to six months.