

## Chapter 851 - AMUSEMENT GAMES

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### **Sec. 851-1. - Definitions.**

For the purpose of this chapter, the words and phrases deemed in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

### **Sec. 851-1-D. - Distributor.**

"Distributor" shall include any person, firm or corporation which sells, leases, rents, owns, for the purpose of distribution, or otherwise distributes amusement games within the city of Cincinnati for profit.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

### **Sec. 851-1-E. - Exhibitor.**

"Exhibitor" shall mean a person, firm or corporation owning or conducting a place of business in the city of Cincinnati and operating or exhibiting one or more amusement games at such place of business.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

### **Sec. 851-1-G. - Amusement Game.**

"Amusement game" shall include any machine or device commonly or popularly known as a pinball machine, and any machine or device which registers a score and in which or on which a person can shoot or roll, either manually or mechanically, one or more pellets, balls or marbles upon the insertion of a coin, disc or other insertion piece or upon the payment of a consideration. "Amusement game"

shall also include any machine or device which is operated by the insertion of any coin, token, disc or upon the payment of a consideration which contains a video screen upon which the contest or game is displayed and which tabulates a score.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-3. - Operation Without License Unlawful.**

No person, firm or corporation shall engage in the business of selling, leasing, renting, operating or exhibiting amusement games without first obtaining a license to do so and conforming to the regulations provided for such business in accordance with the provisions of this chapter.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-5. - License Fees.**

Every distributor shall pay an annual license fee of \$75.00 plus a fee of \$75.00 for each amusement game maintained or exhibited. Every exhibitor shall pay an annual license fee of \$15.00 plus a fee of \$10.00 for each amusement game maintained or exhibited. An exhibitor operating at more than one location shall pay a license fee for each location.

All licenses issued under this chapter shall expire on the succeeding 30th day of June. Licenses issued on or after the first day of January will be at the rate of one-half of the annual fees mentioned in this section.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982; Emer. Ord. 463-2010, § 43, eff. Dec. 30, 2010)

**Sec. 851-7. - Application for License.**

Applications for distributor, exhibitor and amusement game licenses shall be made to the city treasurer on forms provided by the city treasurer. Applications for distributor's licenses shall set forth the places of business and residence of the distributor. If the distributor is a firm, the place of residence of all partners shall be furnished. If the distributor is a corporation, the place of residence of the chief business manager or other controlling executive officers shall be furnished. Applications for exhibitor's licenses shall in addition state the number of amusement games for which licenses are requested, the trade name, design or operation of each such machine or device and the location of the premises and the particular room on the premises in which such amusement games are to be exhibited.

If the city treasurer is satisfied that the applicant has complied with all of the provisions of this and the following sections and is otherwise eligible to be a licensee, the city treasurer shall issue the license on payment of the license fees. The treasurer shall if necessary inspect any machine or device sought to be licensed in order to determine whether it complies with the provisions of this chapter.

The license stamps for amusement games shall specify the locations in which they are to be exhibited or maintained. If a location consists of more than one room, the particular room shall be specified. Each license stamp shall be attached to the machine or device for which it is issued so as to be in plain view of persons playing the machine or device.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-9. - Requirement for License.**

No person shall be licensed as a distributor unless such person has been a bona fide resident of Hamilton County for a period of at least two years immediately preceding the application for such license and unless such person is of good moral character. No person shall be licensed as an exhibitor unless such person is of good moral character. No firm or corporation shall be licensed as a distributor unless the business is operated from a location within Hamilton County, unless all partners or the chief business manager or other controlling executive officers of such firm or corporation shall have been residents of Hamilton County for a period of at least two years immediately preceding the application for such license, and unless all of said persons are of good moral character. No exhibitor's license shall be issued in the name of a firm or corporation. A person convicted within the preceding 10 years of a felony or within the preceding 5 years of a misdemeanor involving moral turpitude or gambling shall be considered as being not of good moral character.

Any distributor operating in the city of Cincinnati and not in compliance with the residency requirements of this section shall be eligible to receive a distributor's license until June 30, 1984, regardless of the residency provisions of this section. After June 30, 1984, all applicants for a distributor's license must comply with the residency requirement.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-11. - Mechanism Requirement.**

No exhibitor or other person shall exhibit, operate or have in possession an amusement game which is so constructed as to make possible either directly or by the use of an adjustment the return of cash, tickets, discs, tokens or certificates of any kind whether or not such tickets, discs, tokens or certificates have any value. No exhibitor or other person shall exhibit, operate or have in possession an amusement game which is programmed so as to make possible either directly or by the use of an adjustment a free game.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-13. - Restriction on Minors.**

No person shall permit a minor under the age of 18 years to play any amusement game requiring a license as provided for by this chapter between the hours of 8:00 a.m. and 3:00 p.m. on any day the school in which the minor is enrolled is in session unless such minor has the consent of a parent or legal guardian.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-15. - Supervision of Premises.**

Each location exhibiting an amusement game requiring a license as provided for by this chapter shall be under the control and supervision of an adult of at least 18 years of age who shall be on the premises at all times the business is open.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-17. - Transfer of License.**

When the business of a distributor or exhibitor is sold or otherwise transferred the license of such

distributor or exhibitor may be transferred to the transferee with the consent of the city treasurer for the remainder of the license period if the treasurer is satisfied that such successor would be eligible to receive a new license.

The transfer of the exhibitor's license shall carry with it the transfer of the amusement game licenses issued, but such transfer shall be noted on the books of the city treasurer and upon the license stamps issued for amusement games.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-19. - Change of Location.**

No licensed amusement game shall be removed from one premises to another or from one room to another room on the same premises unless the new location shall be approved by the city treasurer and duly noted on the license stamp and on the city treasurer's records. Nothing herein however shall be understood to prevent the replacement of one machine by another and the transfer of the license to such substituted machine if such replacement complies with the requirements of this chapter.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-21. - Inspection by Police.**

All amusement games and all premises in which such machines or devices are maintained or exhibited shall be open to inspection by the police during business hours.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-23. - Revocation of License.**

Should any distributor or exhibitor be convicted of violating the gambling laws of the state of Ohio involving the use of any "amusement game," as defined in Section 851-1-G, Cincinnati Municipal Code, it shall be the duty of the city treasurer to revoke all licenses issued under this chapter of the distributor or exhibitor. Should any distributor or exhibitor be convicted of violating or failing to comply with any of the provisions of this chapter, the city treasurer may revoke or suspend all licenses issued under this chapter of the distributor or exhibitor. In the event four or more misdemeanors or felony convictions of a patron or patrons are obtained for offenses occurring during business hours on a premises licensed under this chapter, in a calendar year, the city treasurer may revoke or suspend all licenses issued under this chapter of the exhibitor or distributor. In the case of the revocation of an exhibitor's license, the license of all machines or devices operated by the exhibitor or on the exhibitor's premises shall be revoked and such machines or devices removed from the premises within 24 hours thereafter. A distributor or exhibitor whose license has been revoked shall not be eligible to apply for or receive a new license within the period of one year from the date of revocation.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)

**Sec. 851-99. - Penalties.**

Whoever violates any provision of this chapter shall be fined not more than \$100.

(Ordained by Ord. No. 249-1982, eff. June 16, 1982)