

ORDINANCE NO. 520-1994

AN ORDINANCE OF THE CITY OF DRY RIDGE, KENTUCKY, PROVIDING FOR THE REGULATION AND LICENSING OF ALL AMUSEMENT GAMES AND DEVICES AND AMUSEMENT AREAS AND AMUSEMENT ESTABLISHMENTS WITHIN THE LIMITS OF THE CITY OF DRY RIDGE, KENTUCKY; LEVYING A LICENSING FEE UPON ALL SUCH AMUSEMENT GAMES, DEVICES AND AREAS; FIXING PENALTIES FOR VIOLATIONS; AND REPEALING ORDINANCE NO. 379-1982.

WHEREAS, places and establishments wherein amusement games, devices and whereat game and amusement areas are located or operated tend to attract a significant number of persons, including juveniles, and, therefore, create an environment conducive to potential and possible abuse and requiring the due attention and supervision of authorities, including the City of Dry Ridge;

WHEREAS, such areas, places and establishments wherein or whereat such amusement games, devices or amusement places and areas are located tend to create and cause a substantial burden, financial and otherwise, upon the City of Dry Ridge, and its services disproportionated to the advantages and benefits they so provide to the city and its residents and taxpayers; and

WHEREAS, the City Council of the City of Dry Ridge has duly determined that the health, safety, welfare and the best interests of the citizens of the city require that establishment and operation of game and amusement areas, places, businesses and establishments and the operation of amusement games, devices, machines and activities be regulated and controlled as herein so provided.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DRY RIDGE, KENTUCKY, AS FOLLOWS:

Section One

Definitions --

As used herein, the following terms have the following meaning(s) or definition(s):

A. "AMUSEMENT AREA, PLACE, BUSINESS or ESTABLISHMENT" means any site or situs wherein, whereat or whereupon any one (1) or more amusement game, device, machine or activity is located, intended to be located, operated or ongoing.

B. "AMUSEMENT GAME, DEVICE, MACHINE or ACTIVITY" means anything which to a user, vendee, customer or participant upon payment of consideration, or by the use or deposit of a coin, token, electromagnetic card, activation signal or object automatically or by some mechanical operation or the permitted use of same, results unto, provides or affords music or amusement of some character with or without vending any merchandise, but in addition to any merchandise, and shall not include any bona fide merchandise vending machine or device in or as to which there are no amusement features.

C. "VENDING MACHINE" means any machine or device which provides or dispenses merchandise or change only without an amusement feature.

Section Two

Any person desiring to continue, have, maintain or operate any amusement area, amusement place, amusement business, amusement establishment, amusement game, amusement device, amusement machine or amusement activity in or upon business premises or property within the limits corporate of the City of Dry Ridge, Kentucky, shall make written application to the Clerk of the City of Dry Ridge, Kentucky, for issuance of an amusement permit having duly attached thereto all data and relevant information as hereinafter set forth and so paying unto the said clerk, all charges and fees as hereinafter set forth.

Section Three

All applicants for an amusement permit shall have attached to the said required written application the following: (a) A certification as to the zoning classification of the applicant's property and premises; (b) A certification that the applicant has paid the annual license fee to the Grant County Clerk required pursuant to KRS 137.115(1)(e) for each billiard/pool table or bowling alley; (c) A certification issued by the Kentucky State

Marshall that the applicant's property and premises have been inspected and certified for use and occupancy by the public for its intended use and so thereon stating the maximum number of persons that may occupy and use the applicant's premises; and (d) A set of drawings or plans to scale showing the size and dimensions of the applicant's property and premises together with the location of all entrances, exits, aisles and the present and proposed site, location and area for each amusement game, amusement device and vending machine.

Section Four

A. All electric, token/coin-operated or electromagnetically activated amusement game, device or machine located on business premises within the City of Dry Ridge shall be placed/located at least SIX (6) feet from the main entrance or exits of said premises to insure the safe, clear exit of the premise in case of emergency.

B. All amusement games, devices or machines located on business premises within the City of Dry Ridge for which the user/customer pays a consideration to the owner for the use and enjoyment of same, shall be placed and located at least SIX (6) feet from the main entrance or exits of said premises to insure the safe, clear exit of the premises in case of emergency.

C. The entrance or customer/participant use area or zone of all other amusements deemed or classified as an "amusement activity" on business premises within the City of Dry Ridge, shall be placed and located at least SIX (6) feet from the main entrance or exits of said premises to insure the safe, clear exit of the premises in case of emergency and be also in location and have a size and area sufficient to accomodate the "amusement activity".

D. All business premises within the City of Dry Ridge having or proposed for one (1) or more amusement game, amusement device, amusement machine, or amusement activity or which is to be, in whole or in part, to be used as an amusement area, amusement place, amusement business or amusement establishment, shall have aisles not less than THREE (3) feet in width.

E. All amusement games, devices or machines, whether for payment of consideration only or electric, token/coin-operated or electromagnetically activated, shall have at least TWO (2) feet clearance on all sides thereof, except where such amusement game, device or machine is permanently placed or located against a wall, in which case, TWO (2) feet clearance on three sides will be sufficient.

F. The minimum area for a business premises within the City of Dry Ridge having two (2) or more amusement games, amusement devices, amusement machines or amusement activities, or proposed for use and classification, in whole or in part, as an amusement area, amusement place, amusement business or amusement establishment to have therein two (2) or more amusement games, amusement devices, amusement machines or amusement activities, shall be not less than ONE HUNDRED FIFTY (150) feet in area.

G. Business premises not having at least ONE HUNDRED FIFTY (150) feet of area dedicated for use exclusively as an "amusement area", "amusement place" or an "amusement establishment", shall not be allowed or permitted to have an amusement permit issue for the operation of an "amusement area", "amusement place" or an "amusement establishment"; and shall be allowed or permitted to have a permit issued to operate ONE (1) amusement game, amusement device, amusement machine or amusement activity only, if such applicant's application evidences an area and location sufficient for such amusement game, device, machine or activity.

Section Five

A. The maximum number of amusement games, devices or machines allowed within business premises initially determined from the submitted scaled plans to be sufficient in area dedicated for use exclusive as an amusement area, shall be as follows: The area total on such scaled plans shown as being dedicated for use exclusive as an amusement area (total area) minus the required or dedicated areas shown on the scaled plat for aisle and set back distances from the main entrance and all exits (reserved emergency area) which equals the "net area remaining" divided by the area/space required to (a) accomo-

date the actual area circumscribing or occupied by an amusement game, device or machine to be placed permanently against a wall plus the area sufficient surrounding each such game, device or machine to provide the 2-foot spacing/clearance on three sides of each such game, device or machine plus the area/space required to (b) accomodate the actual area circumscribing or occupied by a "free-standing" amusement game, device or machine plus the area sufficient surrounding each such "free-standing" game, device or machine to provide the 2-foot spacing/clearance on four sides of each such game, device or machine.

B. The number of "amusement activity areas" shall be the number shown upon the applicant's submitted scaled plans as long as such "amusement activity areas" are sufficient in size and area to accomodate the intended use and activity shown for such place and area and the same has the approval and certification of the Kentucky State Fire Marshall and has other aisles and set backs servicing such areas and places as hereinabove required.

Section Six

Any person having or maintaining on business premises an "amusement area", "amusement place", "amusement business", "amusement establishment", "amusement game", "amusement device", "amusement machine" or "amusement activity", shall have the affirmative duty and responsibility to insure that users of any such "amusement area", "amusement game", "amusement device", "amusement machine" or "amusement activity" shall maintain peace and decorum at all times within, upon or about property and premises. Further, it shall be unlawful for any amusement licensee/holder of an amusement permit to allow or permit within, upon or about property and premises any loud, boisterous, or obscene conduct or conversations, any noise or nuisance, any lewd, indecent or immoral acts or gestures, permit any acts of disorderly conduct, or any unlawful act by any user or spectator of such games, devices, machines or activities. Further, all amusement games, devices, machines, activities and amusement areas shall be use for amusement purposes only, and any form of wagering, gambling or betting by use of such games, devices, machines or activities is expressly prohibited.

Section Seven

In addition to the payment of any fee or charge for the issuance of an occupational license to maintain, operate and engage in business within the City of Dry Ridge, Kentucky, the applicant for issuance of an amusement permit, shall pay to the City Clerk of the City of Dry Ridge, Kentucky, the following fees and charges at the time of application and forthcoming issuance of any required or appropriate amusement permit, and annually or hereafter as so provided, to-wit:

A. For issuance initial of an amusement permit, the applicant and prospective permit holder, shall be required to pay a fee in the sum and amount of TEN DOLLARS (\$10.00) for each, separate and identifiable type, class and category of amusement game, device, machine or activity, and the sum and amount of FIVE DOLLARS (\$5.00) for each like or similar amusement game, device, machine or activity for which the foregoing TEN DOLLAR (\$10.00) was determined, levied or exacted by the Clerk of the City of Dry Ridge.

B. Thereafter, in July of each, subsequent calendar-year, the said holder of an amusement permit shall be required to renew such amusement permit and pay to the Dry Ridge City Clerk, the fees and charges as determined for each amusement game, device, machine or activity in such sums and amounts as herein provided or so hereafter amended.

C. If at any time after the initial application for and issuance of an amusement permit, or at any time after the date of renewal of amusement permit, the holder of an amusement permit, shall add additional amusement games, devices, machines or activities, then the amusement permit holder shall advise, in writing, the Clerk of the City of Dry Ridge of such additions and immediately remit and pay all fees and charges as may be determined by the Clerk of the City of Dry Ridge.

D. Any failure to timely pay the fees and charges herein provided, shall result in the immediate suspension and revocation of the amusement permit with reinstatement had by action of the Mayor and City Council of the City of Dry Ridge, Kentucky, affirmative and in the majority whole.

Section Eight

Sanctions & Penalties --

A. Any person who, without issuance or possession of a valid and current amusement permit or who fails to time pay the costs and charges due for such amusement permit or the costs and charges due for amusement games, devices, machines or activities, maintains or operates on business premises an amusement area, amusement place, amusement business, amusement establishment, amusement game, amusement device, amusement machine or an amusement activity, shall (1) have the issuance of any required amusement permit denied by the Clerk of the City of Dry Ridge and, thereafter, be duly required to present any request and application for an amusement permit before the Mayor and City Council of the City of Dry Ridge at a hearing on the merits requiring a vote and decision affirmative and majority of the whole to grant an amusement permit to the applicant; (2) have any amusement permit then current immediately revoked or suspended upon written notice of any such revocation or suspension of amusement permit being forwarded by the Clerk of the City of Dry Ridge to the delinquent amusement permit holder who, thereafter, may have such amusement permit reinstated only by action of the Mayor and City Council of the City of Dry Ridge affirmative and in the majority of the whole made at a hearing on the merits of the amusement permit holder's written request; (3) be subject to prosecution in the Grant District Court for unlawful operation of a business or unlawful conduct of a business activity and, upon conviction, be fine not less than TWENTY FIVE DOLLARS (\$25.00) nor more than TWO HUNDRED DOLLARS (\$200.00) for each day of unlawful business operation or unlawful conduct of a business activity; and (4) have such conviction result in or be a ground or reason to deny the issuance or reinstatement of amusement permit.

B. Any person who shall violate any of the provisions set forth within Section Six of this Ordinance, shall be subject to criminal prosecution in the Grant District Court; be fined upon conviction not less than TWENTY FIVE DOLLARS (\$25.00) nor more than TWO HUNDRED DOLLARS (\$200.00) per violation or for each days' violation; and have such conviction result in or be a ground or reason to deny issuance or reinstatement of amusement permit.

Section Nine

Should any section, article, paragraph, sentence, clause, phrase, or word of this Ordinance be declared, by a Court of competent jurisdiction, to be invalid, such invalidity shall not effect the remainder of this Ordinance which shall remain in full force and effect, it being the intent of the Dry Ridge City Council that such word, phrase, clause, paragraph, article or section is severable.

Section Ten

Repealer --

Upon passage, approval and publication of this Ordinance, prior City of Dry Ridge Ordinance No. 379-1982 is hereby repealed.

First Reading: September 12, 1994

Second Reading: October 3, 1994

PASSED, APPROVED, ORDAINED AND ORDERED PUBLISHED THIS THE 3rd DAY
OF October 1994, 1994.

(X) *Norman Ferguson*
NORMAN FERGUSON, MAYOR

ATTEST:

Cindy L. Harris
CINDY L. HARRIS, CITY CLERK