

ORDINANCE NO. 379-1982

AN ORDINANCE REQUIRING A LICENSE UPON ALL ELECTRONIC AMUSEMENT GAMES AND DEVICES; REGULATING THE PLACEMENT AND USE OF SAID AMUSEMENT DEVICES; REGULATING THE NUMBER OF SAID AMUSEMENT DEVICES AT ANY ONE LOCATION AND FIXING THE PENALTY FOR THE VIOLATION THEREOF.

WHEREAS, commercial establishments which operate substantial numbers of coin operated amusement devices at any one location tend to attract unruly crowds, including juveniles, and provide an environment for illegal activity such as the sale and/or use of illegal drugs, and

WHEREAS, such establishments tend to create a substantial burden, financial and otherwise, upon the City of Dry Ridge, and its services disproportionate to the advantages and benefits they provide to the City and its residents, and

WHEREAS, this Council has determined that the health, safety, welfare, and best interests of the citizens of the City require that the operation of such machines and devices be regulated as herein provided;

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

ARTICLE ONE

The number of coin operated amusement devices, including electro-mechanical pinball machines, permitted at any one location shall not exceed the total number of five.

ARTICLE TWO

Any person desiring to place an electronic, coin operated amusement device on their business premises in the City of Dry

Kentucky, shall make application to the Mayor of said City, and upon payment of the appropriate fee according to Ordinance No. 268, the Mayor shall thereupon issue to such applicant a license certificate authorizing him to place such amusement on his business premises; provided that the regulations hereinafter promulgated are strictly complied with.

ARTICLE THREE

(a) All electronic, coin operated amusement games or devices located on business premises within the City of Dry Ridge shall be placed at least SIX (6) feet from the main entrance or exit of said premises to insure safe, clear exit in case of emergency evacuation. The room in which the game(s) are located shall be at least 150 square feet in size.

(b) All electronic, coin operated amusement games or devices located on business premises within the City of Dry Ridge shall be placed so as to have at least TWO (2) feet clearance on all sides; except where such game or devices located against a wall, in which case, TWO (2) feet clearance on three sides will be sufficient.

(c) All electronic, coin operated amusement games and devices located on business premises within the City of Dry Ridge shall be separately licensed and the license certificate shall be attached or affixed thereon, which license shall not be removed nor transferred except upon application to the Mayor.

(d) All businesses within the City of Dry Ridge which have electronic, coin operated amusement games and devices located on their premises shall upon request, permit inspection of such machines, by police officers or firemen to insure compliance with all regulations.

(e) "Pinball" machines shall also be included in determining the maximum allowable number of games and devices permitted under this ordinance.

(f) All electronic, coin operated amusement games and devices located on business premises within the City of Dry Ridge shall be used for amusement purposes only. Any form of wagering or gambling by use of such games and devices is prohibited expressly.

ARTICLE FOUR

Any person having an electronic, coin operated amusement game or device located on his premises shall have a duty to insure that users of said game or device shall maintain peace and decorum at all times. It shall be unlawful for any licensee ~~to permit any loud, boisterous, or obscene conversation, any noise~~ or nuisance, any lewd, indecent or immoral acts or gestures, any disorderly conduct, or any unlawful act by any users or spectators of such games and devices.

ARTICLE FIVE

Any person having an electronic, coin operated amusement game or device located on his business premises who shall violate any provision of this ordinance shall be fined upon conviction thereof in a Court of competent jurisdiction a sum of not less than TWENTY FIVE DOLLARS (\$25.00) nor more than TWO HUNDRED DOLLARS (\$200.00). Upon conviction of any violation, in addition to the penalties aforesaid, the Mayor may revoke the license authorizing the individual to place such amusement devices on his business premises and said license may only be reinstated by City Council.

Any party convicted of a second violation of this

ordinance within a One (1) year period of time shall be fined upon conviction in a Court of competent jurisdiction a sum not less than TWO HUNDRED DOLLARS (\$200.00) nor more than FIVE HUNDRED DOLLARS (\$500.00). Upon conviction of any violation, in addition to the penalties aforesaid, the Mayor may revoke license authorizing the individual to place such amusement devices on his business premises and said license may only be reinstated by the City Council.

ARTICLE SIX

Any conviction pursuant to the foregoing section and the imposition of a penalty thereunder, shall not excuse any person from the payment of the established fee or tax due and unpaid at the time of such conviction, nor shall it act as a bar in any civil action brought to effect the recovery of such fee, penalty and interest.

ARTICLE SEVEN

Any fee unpaid when due, and remaining unpaid for THRITY (30) days, thereafter, shall have added thereto a penalty of TEN PERCENT (10%) and interest on the principal sum at the rate of TEN PERCENT (10%) per annum from the due date until paid.

ARTICLE EIGHT

Should any 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 Council that such word, phrase, clause, paragraph or article is severable.