

INTERNET SWEEPSTAKES CAFÉ/GAME ROOM/ELECTRONIC GAMING

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INTENT

In the development and adoption of this Section, it is recognized that some uses can have objectionable characteristics if not properly monitored, thereby having a deleterious impact upon property values, public safety, and the quality of life. The purpose of these regulations is to preserve the integrity and character of internet cafes, to deter the spread of urban blight, to protect the public from activities prohibited by state law.

DEFINITIONS

As used in this Section only, the following terms shall be defined as set forth below. All other terms shall have their customary meaning

INTERNET CAFÉ. An internet café is a place where one can use a computer with Internet access, usually for a fee, either per hour or minute; or with a pass for a day or month, etc. It may serve as a regular café as well, with food and drinks being served. This definition does not include internet sweepstake cafes.

GAME ROOM. Any place of business that principally operates mechanical games or pay devices or tables for which charge is made either directly or indirectly. Examples, by way of illustration and not limitation, are pool rooms, bowling alleys, billiard halls, amusement centers, video game rooms and the like.

ELECTRONIC GAMING DEVICE. Any electronic device (computers, terminals, etc) that is capable of visually displaying information to sweepstake entrants in the form of game play, or simulated game play, including but not limited to:

A video poker game or any other kind of video playing card game, video bingo game.

A video craps game, video keno game, video lotto game, eight liner, pot-of-gold.

Video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.

INTERNET SWEEPSTAKES. Any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance.

PERMIT REQUIRED

- (A) Every operator of a game room shall be required to pay a permit fee in accordance with the guidelines contained in this code. Fee shall be \$100 per machine, per year. Fee amounts subject to change as apart of the Town's Fee Schedule.
- (B) In addition, every operator of a game room shall apply for and obtain a permit from the Town Manager, or his or her designee, to operate a game room. Application for a permit shall be made upon forms provided by the Town Manager or his or her designee.
- (C) An application fee shall be paid when the application is submitted to cover the cost of administration of this chapter.
- (D) The permit shall expire on June 30 of each year and shall not be transferable.
- (E) A new permit must be applied for and obtained, by the operator of the game room, annually, in accordance with divisions (B) and (C) above.
- (F) It shall be unlawful to operate a game room within the town without a permit as required by division (B) above.
- (G) Internet sweepstakes cafes shall be permitted in HB Highway Business District as a conditional use, subject to the requirements of this section.

CRIMINAL HISTORY CHECK AUTHORIZED

- (A) A criminal records background check is required for applicants for permit under this chapter, in order to protect the public health, safety and welfare.
- (B) The background check shall be conducted by the Town Police Department in conformity with state law. The result of the background check can determine the suitability of the applicant.

DISQUALIFICATIONS

- (A) Permit shall not be issued to any applicant who:
 - (1) Has been convicted of unlawfully selling alcoholic beverages, intoxicating liquors or narcotic drugs;
 - (2) Is not a resident of the state; or
 - (3) As a result of the criminal background check, the Town Manager, or his or her designee, determines that the applicant's operation of the business for which the permit is applied would create a risk of illegal activity, because of the applicant's previous conduct involving moral turpitude.
- (B) If the Town Manager, or his or her designee, denies a permit to an applicant, the applicant shall be notified, in writing, of the decision within 15 days of the decision and the applicant shall be notified of his or her right to appeal the decision to the Board of Commissioners.
- (C) If an applicant, who has been denied a permit, requests an appeal in writing to the Board of Commissioners within 30 days of the date the notification letter was mailed from Town Hall to the applicant, he or she shall be granted a hearing of appeal by the Board of Commissioners. The hearing shall be held by the Board of Commissioners within 30 days of receiving written notice, from the applicant, that a hearing is desired.

PROHIBITED CONDUCT

Permittees under this chapter shall not, and neither shall their employees:

- (A) Suffer or permit any gambling on the permitted premises at any time; nor the sale or use of any racing, football or other parlay cards, or gambling boards or devices;
- (E) No loud noises shall be allowed to emanate beyond the permitted premises.
- (B) Suffer or permit the permitted premises to become disorderly; or permit any profane, obscene or indecent language thereon;
- (C) Suffer or permit any alcoholic beverages, intoxicating liquors or narcotic drugs to be sold or kept or consumed on the permitted premises;
- (D) Employ, in carrying on the business, any person who has been convicted of unlawfully selling alcoholic beverages, intoxicating liquors or narcotic drugs;
- (E) Employ, in carrying on the business, any person who has been convicted of an unlawful sex offense; or
- (F) Employ, in carrying on the business, any person who has been convicted of any offense against a minor, as defined by State and Federal Law.

RULES FOR OPERATION

The following rules shall be observed by all operators of game rooms within the town.

- (A) All game rooms are allowed to remain open from 7:00 a.m. until 10:00p.m., seven days per week.
- (B) No play on any game shall be allowed during the times when game rooms are required by this chapter to remain closed.
- (C) All game rooms shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.
- (D) No screens, curtains, blinds, partitions or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room, so that a clear view of the interior may be had from the street.
- (E) No electronic gaming device shall be used for sweepstake activities prohibited by State law and Federal Law.
- (F) Use of "fish tables" or related game/machines are prohibited.

SIGNAGE

- (A) In addition to the sign regulations of the zoning ordinance, signs shall not obstruct the view of electronic devices from exterior of the building.
- (B) Window signs shall cover no more than 25% of the window surface area.

REMOVAL TO ANOTHER LOCATION

- (A) The removal, from one location to another, of any business designated above shall require a new and separate permit to operate and privilege permit.
- (B) The owner must apply for and obtain the required permits prior to relocating the business. All provisions of this chapter shall apply to the business at its new location.

REVOCACTION OF PERMIT

After giving the operator of a game room adequate notice and an opportunity to be heard, the Board of Commissioners may revoke the permit of any game room operator who:

- (A) Violates any provision of this chapter; or
- (B) Is convicted of unlawfully setting alcoholic beverages or narcotic drugs.

Ordinance Adopted By Town of Biscoe Board of Commissioners, January 14, 2019