

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 247

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 10 "AMUSEMENTS AND ENTERTAINMENTS," ARTICLE II "AMUSEMENT MACHINE OPERATIONS," BY ADDING THE DEFINITION OF "CLASS B COIN OPERATED AMUSEMENT MACHINES" TO SECTION 10-26 "DEFINITIONS," AND ADDING A NEW SECTION 10-33, "CLASS B COIN OPERATED AMUSEMENT MACHINES," SO AS TO ALLOW DINING FACILITIES WITH SEATING OF 40 OR MORE TO HAVE MORE THAN NINE OF SAID MACHINES IN OPERATION; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the County has determined that to serve the needs of the community certain revisions to the Code of Ordinances are needed; and

WHEREAS, Section 2-10(15) of the County Code of Ordinances declares that the Board of Commissioners has exclusive jurisdiction and control to exercise all powers now or later vested in county governing authorities by the constitution and general laws of the state of Georgia; and

WHEREAS, the Georgia General Assembly recently enacted SB 454 which regulates the operation of coin operating amusement machines, including the number of Class B coin operated amusement machines to nine (9) per establishment; and

WHEREAS, Chapter 17 of Title 48 of the Official Code of Georgia authorizes the County to set the limit of authorized Class B coin operated amusement machines per establishment; and

WHEREAS, existing businesses in the county currently operate in excess of nine (9) Class B coin operated amusement machines per establishment; and

WHEREAS, the limits on Class B coin operated amusement machines as set forth in SB 454 would have a negative impact on businesses currently operating in the County; and

WHEREAS, the Board of Commissioners therefore finds it in the best interest of the health, safety, welfare and morals of the community to establish a business permitting process that allows appropriate restaurants to exceed nine (9) Class B coin operated amusement machines per establishment; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 10 "Amusements and Entertainments," Article II "Amusement Machine Operations" by adding the following definition to Section 10-26 "Definitions":

"Class B coin operated amusement machine means a bona fide coin operated amusement machine that rewards a successful player with any combination of the following items:

- (i) Merchandise limited to noncash merchandise, prizes, toys, gift certificates, or novelties, each of which has a wholesale value of not more than Five Dollars (\$5.00) received for a single play of the game or device.
- (ii) Points, tokens, vouchers, tickets, or other evidence of winnings which may be exchanged for free replays or rewards set forth in subsection (i) of this definition."

Section 2. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 10, "Amusements and Entertainments," Article II, "Amusement Machine Operations" by adding a new Section 10-33 entitled "Class B Coin Operated Amusement Machines" and to add subsections thereunder so that said Section 10-33 shall read as follows:

"Section 10-33. Class B coin operated amusement machines.

- (a) Subject to the restrictions set forth in subsections (c) and (d), a restaurant, café, or dining facility which provides table seating for no less than 40 persons may apply to the Clayton County Department of Community Development for a special business permit allowing the establishment to provide more than nine (9) Class B coin operated amusement machines.
- (b) Establishments not meeting the criteria set forth in subsection 10-33 (a) may not provide more than nine (9) Class B coin operated amusement machines.
- (c) No establishment shall derive more than fifty percent of such establishment's monthly gross retail receipts for the establishment from Class B coin operated amusement machines. Gross retail receipts means the total revenue derived by an establishment at the location on the sale of goods and services but shall not include revenue from the sale of goods or services for which the business will receive only a commission. Revenue from the sale of goods and services at wholesale shall not be included.
- (d) Class B bona fide coin operated amusement machines shall meet the following criteria: (i) the machine rewards the player or players with tickets, tokens, or other non-cash representations of value redeemable for merchandise prizes; (ii) the outcome of the game involves some skill in its operation; (iii) the award of tickets, tokens or other non-cash representations of value is based solely on the players achieving the object of the game or player's score; (iv) only merchandise prizes are awarded; (v) the average wholesale value of the prizes awarded in lieu of tickets or tokens for a single play of the machine does not exceed Five Dollars (\$5.00); (vi) the redemption value of each ticket, token or other non-cash representation of value that may be accumulated by a player or players to redeem prizes of greater value does not exceed the cost of a single play of the machine; and (vii) any distributor or proprietor of Class B bona fide coin operated amusement machines shall comply with all the guidelines and criteria in this article that relate to amusement machines.
- (e) Applications for a special business permit under this Section shall be filed with the Clayton County Department of Community Development and considered by the Board of Commissioners at a meeting no sooner than thirty (30) days after the filing of such application.
- (f) Nothing in this Section shall be interpreted to supersede any restrictions on coin operated machines in the Code of Ordinances."

Section 3. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

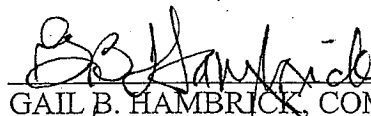
Section 5. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this the 14th day of December, 2010.

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

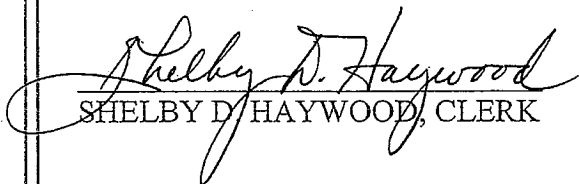

WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK