

## GENERAL INFORMATION

### Subject

- |           |   |                                                                                                      |
|-----------|---|------------------------------------------------------------------------------------------------------|
| Request   | - | Amendment to TMC 517, 736, 1104, & 1116 to add licensing requirements for Electronic Gaming Parlors. |
| Applicant | - | Toledo City Plan Commission<br>One Government Center, Suite 1620<br>Toledo, OH 43604                 |

## STAFF ANALYSIS

The proposed Text Amendment to TMC Chapters 517, 536, 1104, 1107, and 1116 seeks to better regulate Internet Cafés, Sweepstake Terminal Cafés, and Electronic Gaming Parlors within the City. Ohio Revised Code Chapter 2915 *Gambling* prohibits gambling within the State while carving out exceptions. Internet Cafés as we know them are not defined within this chapter, but have attempted to fall within a variety of these exceptions over the past decade. They were originally considered Sweepstakes Terminal Cafés (hosting Games of Chance); however, statewide crackdowns and amendments to the Ohio Revised Code have forced them to operate their games with an element of skill. Games of skill are regulated by the Ohio Casino Control Commission, who issues licenses for such “skill-based amusement machines” if they comply with state regulations. The City of Newark recently implemented a change to their licensing requirements which ensured all internet-café-type businesses within their city obtained a license through the Ohio Casino Control Commission prior to the issuance of a local business license. Conversations with the City of Newark and the Ohio Casino Control Commission have revealed that this regulation has been successful in shutting down noncompliant businesses. The proposed text amendment seeks to implement a similar requirement. Staff believes this will be an effective way to regulate these types of businesses and seeks also to remove the Special Use Permit requirement for them.

### TMC Chapter 736: Licensing

TMC Chapter 736 currently requires Sweepstake Terminal Cafés to obtain an annual license through the Division of Taxation and Treasury. Sweepstake Terminal Cafés are a type of business which offers games of chance. As stated previously, state regulations have severely limited the number Sweepstakes Terminal Cafés in our city. Many instead offer games of skill and call themselves the undefined “Internet Café”. The proposed amendment to TMC Chapter 736 seeks to replace the chapter entirely with Exhibit “A” attached. This new Chapter 736 *Electronic Gaming Parlors* has been created by taking the current chapter and integrating the relevant sections of the City of Newark’s licensing chapter. It also renames the section to “Electronic Gaming Parlors” and defines such businesses as: “any business, establishment, or location operated for profit which employs the use of one or more Electronic Games of Skill or Electronic Games of

## **STAFF ANALYSIS (cont'd)**

### TMC Chapter 736: Licensing (cont'd)

Chance in any one location.” The effect of the new chapter, beyond the name change, is that internet-café-type businesses are licensed similarly to how they currently are, but they must include a copy of “A license issued by the State of Ohio showing compliance with State regulations.” The Division of Taxation and Treasury could then only issue a business license should the business provide a valid license issued by the State of Ohio.

### TMC Chapter 517: Gambling

TMC Chapter 517 is essentially an echo of Ohio Revised Code Chapter 2915 *Gambling*, which as stated previously prohibits gambling while carving out exceptions. As currently codified, this TMC chapter has not been amended to match recent amendments to ORC Chapter 2915. The proposed text amendment seeks only to bring the TMC chapter close enough to the ORC Chapter to ensure internet-café-type businesses are regulated in-line with the ORC Chapter. Proposed changes to TMC Chapter 517 are shown in Exhibit “B”.

### TMC Part 11: Planning and Zoning Code

Proposed amendments to the zoning code are limited in scope. Staff believes the proposed changes to the gambling and licensing chapters above will allow effective enforcement of current regulations without the need for a special use permit process. As such, the proposed amendment redefines Sweepstakes Terminal Cafés as Electronic Gaming Parlors and matches said definition with the one proposed in Chapter 736. It then removes the special use permit requirement for such use, instead permitting them by right in CR (Regional Commercial) districts. Lastly, the proposed amendment seeks to change TMC§1104.2500 *Sweepstake Terminal Cafés*, renamed to *Electronic Gaming Parlors*, so as to require that “Electronic Gaming Parlors shall obtain a license as required by Chapter 736 prior to occupancy.” The spacing requirement imposed upon Sweepstake Terminal Cafés by this section also remains.

### Enforcement

The proposed Chapter 736 levies Plan Commission Staff, and our Zoning Compliance Specialists, as the enforcement agency for its provisions. The Ohio Casino Control Commission, through our conversations with them regarding this text amendment, has agreed to assist with our efforts to enforce these provisions. Our Zoning Compliance Specialist may also seek assistance from the Toledo Police Department for any criminal charges.

### Forward Toledo Comprehensive Land Use Plan

One of the goals under the build theme is to Improve Decision-making. The goal details that zoning codes, subdivision regulations, and other development standards and permitting processes have grown increasingly complex with time. While these reviews are important and consider a wide range of impacts, it can be difficult to navigate the system and start a new business. The proposed text amendment is compatible with the Forward Toledo Plan as it streamlines permitting and enforcement of Electronic Gaming Parlors.

## STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend approval of M-1-25, a text amendment to TMC 517, 736, 1104, & 1116 to add licensing requirements for Electronic Gaming Parlors, to Toledo City Council for the following two (2) reasons:

1. The text amendment regulates Sweepstakes Terminal Cafés, Internet Cafés, and Electronic Gaming Parlors in a way that is consistent with the provisions of the Ohio Revised Code; and
2. The text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (**TMC§1111.0506(B)**).

ZONING TEXT AMENDMENT  
TOLEDO CITY PLAN COMMISSION  
REF: M-1-25  
DATE: May 8, 2025  
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE OF  
CITY COUNCIL  
DATE: June 11, 2025  
TIME: 4:00 P.M.

AS  
Four (4) Exhibits follow

**Exhibit “A”**  
Proposed Replacement

**CHAPTER 736**  
**Electronic Gaming Parlors**

[736.01](#) **Applicability.**

[736.02](#) **Definitions.**

[736.03](#) **License Required.**

[736.04](#) **License Fees.**

[736.05](#) **License Revocation.**

[736.06](#) **Miscellaneous operating requirements.**

[736.07](#) **Severability.**

[736.99](#) **Penalties.**

CROSS REFERENCES

Gambling - see GEN. OFF. [517.02](#) et seq.

General business licensing provisions - see BUS. REG. [Ch. 701](#)

**736.01. Applicability.**

This Chapter shall apply to the operation of Electronic Games of Skill and/or Electronic Games of Chance that are lawfully operated pursuant to the Ohio Revised Code and does not legalize or license any operation of a device that is unlawful to operate pursuant to the Ohio Revised Code. This Chapter shall apply immediately to all Electronic Gaming Parlors that commence operations after the date of the enactment of this Chapter. All Electronic Gaming Parlors in operation at the time of enactment of this Chapter shall come into compliance with all Sections of this Chapter no later than thirty (30) days after enactment of this Chapter, unless otherwise stated herein.

**736.02. Definitions.**

As used in this chapter:

(a) “Electronic Games of Skill” means the same as a Skill-Based Amusement Machine as defined in Sec. 517.01.

(b) “Electronic Games of Chance” means the same as a Sweepstakes Terminal Device as defined in Sec. 517.01.

(b) “Electronic Gaming Parlor” means any business, establishment, or location operated for profit which employs the use of one or more Electronic Games of Skill or Electronic Games of Chance in any one location. The definition of “Electronic Gaming Parlor” shall not include any location or establishment operated by any charitable

organization as defined at ORC 2915.01(H), fraternal organization as defined at ORC 2915.01(M), or service organization as defined at ORC 2915.01(O) provided no such organization has on its premises for use at any given time ten or more Electronic Games of Skill or Electronic Games of Chance and provided that all proceeds from such Electronic Games of Skill or Electronic Games of Chance are applied to the charitable purposes of the organization.

(c) "Owner" means any person, partnership, or other entity having possession of any Electronic Game of Skill or Electronic Game of Chance or any person operating an Electronic Gaming Parlor.

### **736.03. License Required.**

(a) No person shall operate an Electronic Gaming Parlor without first obtaining an annual license to operate therefor from the City of Toledo Department of Finance, Division of Taxation and Treasury. The license to operate shall first be obtained prior to the initial operation of the Electronic Gaming Parlor and annually thereafter, with the subsequent annual application and associated fee due prior to the 1<sup>st</sup> day of August of each calendar year. For calendar year 2025, all applicants must file by August 1<sup>st</sup> and all license fees must be paid by September 30<sup>th</sup>, 2025.

(b) Any person, partnership, corporation, organization, or other entity applying for a license to operate a non-exempt Electronic Gaming Parlor in the City must be licensed by the State of Ohio and in compliance with all State regulations.

(c) An owner shall make an application in writing to the City of Toledo Department of Finance, Division of Taxation and Treasury. The application shall set forth:

(1) The name and federal tax identification number under which the business is to be conducted;

(2) A license issued by the State of Ohio showing compliance with State regulations;

(3) The location where the business is conducted, with a description of the premises, including a scaled diagram;

(4) The name, address, and government issued photo identification of all managers, supervisors, and all other employees;

(5) The name, address, and government issued photo identification of the owner or owners of the Electronic Games of Skill or Electronic Games of Chance;

(6) The name, address, government issued photo identification and principal occupation of every person with an interest in the business;

(7) If the business is conducted by:

A. A sole proprietorship, the name, home address, government issued photo identification and principal occupation of that individual.

B. A firm, Limited Liability Company or partnership, the names, home addresses, government issued photo identification and principal occupations of each member of the firm or partnership.

C. A corporation, the names, home addresses, government issued photo identifications and principal occupations of all officers and shareholders and the statutory agent;

(8) If a corporation or limited liability company, a certificate of good standing from the Ohio Secretary of State.

(9) The name, description, model number and serial number of each Electronic Game of Skill or Electronic Game of Chance on the premises and any other device on the premises that is necessary to the operation of the device;

(10) A list of each separate prize that may be given out and each separate dollar amount that may be given; and

(11) The name and address of any and all persons, businesses or organizations that provide games, computer software, equipment, services, or operate devices linked to the licensee's Electronic Games of Skill or Electronic Games of Chance, whether any such provisions are sold, leased or licensed.

(d) The person, partnership, corporation, or other entity operating or conducting the business shall have a continuing duty to inform the City of Toledo Department of Finance, Division of Taxation and Treasury to changes in the information required in this section. No person, partnership, corporation, or other entity shall operate an Electronic Gaming Parlor at any time unless the information on file with the City of Toledo Department of Finance, Division of Taxation and Treasury is current and accurately reports the licensing information at the time of operation.

(e) The City of Toledo Department of Finance, Division of Taxation and Treasury shall approve or reject an application within twenty-one (21) business days of receipt.

(1) If an application is rejected, the City of Toledo Department of Finance, Division of Taxation and Treasury shall notify the applicant in writing, with reasons for rejection.

(2) If an application is approved, the City of Toledo Department of Finance, Division of Taxation and Treasury shall notify the applicant in writing of said approval and shall issue a license to operate. No person shall operate an Electronic Gaming Parlor until such approval is granted and said license to operate is issued.

(f) The City of Toledo Department of Finance, Division of Taxation and Treasury shall not issue a license to any person, partnership, corporation, or other entity if any of the persons with an interest in the business or if any of the employees of the business have been convicted of a violation of a federal or state statute or of any local ordinance pertaining to gambling or other crime of moral turpitude within five years preceding the application. The City of Toledo Department of Finance, Division of Taxation and Treasury shall also not issue a license to any person, partnership, corporation, or other entity if they are not licensed by the State of Ohio showing compliance with all State regulations.

(g) As a prerequisite to the issuance of such license, an inspection shall be made of the premises by the City of Toledo Bureau of Fire Prevention. A license shall not be approved until the City of Toledo Bureau of Fire Prevention gives its approval.

(h) The Director of the City Plan Commission (Planning Director), or their designated representative, is authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this code provided that credentials are presented to the occupant and that entry is required and obtained. Where permission to enter has not been obtained, is denied, or the Planning Director has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard, the Planning Director shall have recourse to the remedies provided by law to secure entry.

(i) Failure to register or pay a license fee for an Electronic Game of Skill or Electronic Game of Chance shall be grounds for suspension or revocation of the license for the Electronic Gaming Parlor and said device shall be subject to seizure and forfeiture to the City.

#### **736.04. License Fees.**

(a) For the license of an Electronic Gaming Parlor, the fee shall be five hundred dollars (\$500.00) for each location plus an additional twenty dollars (\$20.00) for each Electronic Game of Skill or Electronic Game of Chance that will be located on the premises during the following annual period. This license fee shall be paid at the time of initial or annual application to the City of Toledo Department of Finance, Division of Taxation and Treasury and shall be non-refundable. For purposes of determining licensing fees, each device that is operable by one or more persons is a separate device.

(b) If an Electronic Game of Skill or Electronic Game of Chance is brought to the premises following payment of the annual license fee, such additional fee as required by Section 736.04(a) shall be paid upon informing the City of Toledo Department of Finance, Division of Taxation and Treasury as required by Section 736.03(d).

(c) Licenses issued under this article shall not be transferable to any other person, partnership, corporation, or other entity and the business may be conducted only at the location for which the license is issued. The license must be so placed as to be made conspicuously visible and shall list each Electronic Game of Skill and Electronic Game of Chance with serial number.

(d) License fees received by the City of Toledo Department of Finance, Division of Taxation and Treasury shall be deposited to the general fund and subject to appropriation by City Council for purposes consistent with the purposes of this Chapter.

#### **736.05. License Revocation.**

(a) An Electronic Gaming Parlor License Review Board is hereby created to hear complaints concerning electronic gaming parlor licenses. The Board shall consist of the Director of Law, the Safety Director, the Director of Inspection, the Finance Director, and the Director of the Toledo City Plan Commission or their respective designees.

(b) A license may be suspended or revoked at any time by the Board on satisfactory proof that violation of the laws of the State of Ohio, the Codified Ordinances of the City of Toledo or this Chapter occurs at an Electronic Gaming Parlor. In addition to any license suspension, the Board may assess the licensee a penalty fee of not less than \$500.00 or more than \$1000.00 for any violation of this Chapter. Each day a continuing violation exists shall constitute a separate violation for purpose of assessing penalty fees. Suspensions, revocations and assessments of penalty fees by the Board is in addition to and separate from any criminal liability and does not preclude criminal prosecution for any violation of this article or other County, State of Ohio or federal laws. Penalty fees shall be disposed of in the same manner as license fees as set forth in Section 736.04(d).

(c) Any resident of the City of Toledo may submit a written notice of complaint to the Director of the City Plan Commission (Planning Director), regarding any Electronic Gaming Parlor located within the City of Toledo. The notice of complaint may include the name, phone number and address of the resident, the address of the location, the OCA device number, if applicable, and the specific reasons why the resident is complaining. The Planning Director, or their designated representative, is authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this code provided that credentials are presented to the occupant and that entry is required and obtained. Where permission to enter has not been obtained, is denied, or the Toledo City Plan Commission has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard, the Plan Commission shall have recourse to the remedies provided by law to secure entry.

(d) The Planning Director may interview the complainant and inquire as to the specific reasons for the complaint. The Planning Director may dismiss the complaint if it is determined that:

(1) The specific reasons listed in the complaint are not proper grounds for suspension or revocation of the license; or

(2) There are not substantial credible facts to support the complaint by the resident.

(e) No appeal shall lie from the decision of the Planning Director to dismiss a complaint.

(f) If the complaint is not dismissed by the Planning Director, the Director will then notify the licensee and the owner of the devices on the premises, as listed on the license application, that a complaint has been filed and will set a date for a fact-finding conference on the matter. Extensions will be granted and necessary investigations will be conducted at the discretion of the Planning Director. The Planning Director may request the assistance of a law enforcement agency, including the Toledo Police Department, the Ohio Casino Control Commission, or the Ohio Attorney General, to assist in the investigation. The Planning Director and any assisting law enforcement agency officer shall have access to the Electronic Gaming Parlor and the records of the licensee during all times that the Electronic Games of Skill or Electronic Games of Chance are available for play.



(g) At the time of the conference, the resident, the licensee, and the owner of the devices will meet and attempt to amicably resolve the situation. If the resident, licensee, and the owner can reach an amicable solution, the Planning Director will issue a written notice directing the licensee to comply with the agreed resolution of the complaint.

(h) If the parties cannot agree upon an amicable solution to the problem, the Planning Director will transmit the complaint, together with its recommendation thereon, to the Electronic Gaming Parlor License Review Board. The Planning Director's recommendation may be for dismissal of the complaint, suspension of the license and assessment of penalty fees, or revocation of the license.

(i) The Board may accept, reject, or modify the recommendation of the Planning Director. The resident, the licensee and the owner of the devices, as listed on the license application, shall be notified in advance by any method or combination of methods consistent with the Ohio Rules of Civil Procedure regarding service of a complaint. Notice shall include the day, time and location of the hearing to consider the complaint; and shall advise the licensee, if they so choose, be present during consideration of the complaint. The licensee shall be advised of its right to have the right to be represented by counsel, and have the right to examine and cross-examine witnesses and to call witnesses on its behalf. Consideration of the complaint before the Board shall be a public hearing which shall be held within 30 days after said notice is given. The Board shall enter its decision the day of hearing. In the event of a decision and ruling adverse to the licensee, the licensee shall have the right to appeal such decision and ruling to a court of competent jurisdiction under authority of and pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.

(j) The complaint process set forth in this section is separate and distinct from any law enforcement action taken to enforce the laws of the State of Ohio or the Codified Ordinances of the City of Toledo and this Chapter, and is not a condition precedent or otherwise an impediment to enforcement of said laws by criminal prosecution.

#### **736.06. Miscellaneous Operating Requirements.**

(a) Any Electronic Gaming Parlor shall have an adult who is 21 years of age or over on the premises and supervising at all times the Electronic Games of Skill and/or Electronic Games of Chance during all hours of operation.

(b) The interior of the Electronic Gaming Parlor shall provide a minimum area of 30 square feet per Electronic Game of Skill or Electronic Game of Chance in each room in which games are located.

(c) No operator shall fail to maintain order and quiet on the premises so as not to violate the public peace.

(d) No persons under the age of eighteen years shall be permitted on the premises of any Electronic Gaming Parlor.

(e) The owner shall require a photo identification of every person to whom anything of value is given in connection with the Electronic Gaming Parlor. By the second Tuesday of each month the operator shall cause to be delivered to the City of Toledo

Department of Finance, Division of Taxation and Treasury a copy of the record of things given to persons during the preceding month.

(f) The owner shall post in a conspicuous place on the premises in the room where Electronic Games of Skill or Electronic Games of Chance are located in no less than twenty point type:

(1) Each separate prize that may be given and each separate dollar amount that might be given.

(2) A complete statement of the rules and conditions pertaining to the giving of any prizes or anything of value to any person, whether or not the determination the giving of the thing of value or the delivery of the thing of value occurs totally within the confines of the premises or requires some event, occurrence or happening at another location.

(g) The owner shall keep a complete set of all records of the operations at the premises at all times, including all federal, state and local tax records, all records of payments and receipts, all records of expenses and revenues of the operation, all banking records, all contracts, leases and agreements affecting the premises, equipment and operation, licenses, all personnel records and all other records pertaining to the business, which shall be available for inspection and copying by any entity provided a right of entry under subsection 736.03(h). Records more than 10 years old are exempt from this requirement.

(h) No applicant or owner shall make a false or incorrect statement in an application for an Electronic Gaming Parlor license and no owner shall fail to update the information supplied to the City of Toledo Department of Finance, Division of Taxation and Treasury to reflect existing operations as required in Section 736.03(d).

(i) Any Electronic Gaming Parlor that engages in the sale of internet time or computer usage time in exchange for anything of value shall provide to the City of Toledo Department of Finance, Division of Taxation and Treasury no later than the 2nd Tuesday of each month a report detailing the daily amount of time sold in the preceding calendar month.

(j) It is the intent of this Chapter that owners are strictly liable for any violations of this Chapter.

#### **736.07. Severability.**

In the event any provision of Sections 736.01-736.99 shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

#### **736.99. Penalty.**

(a) Whoever violates or fails to comply with any of the provisions of this Chapter, for which no penalty is otherwise provided, is guilty of a minor misdemeanor and shall be fined not more than \$100.00 for each offense, said fine shall not be reduced or

suspended. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) Whoever violates or fails to comply with the requirement to obtain a license for an Electronic Gaming Parlor as provided in this Chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250.00, or imprisoned not more than 30 days or both, for each offense, provided said fine shall not be reduced or suspended. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

## **Exhibit “B”**

(Additions in blue underline. Deletions in red strikethrough.)

### **CHAPTER 517** **Gambling**

**517.01** Definitions.

**517.02** Gambling.

**517.03** Operating a gambling house.

**517.04** Public gaming.

**517.05** Cheating.

**517.06** Methods of conducting a bingo game; prohibitions.

**517.07** Bingo records.

**517.08** Bingo operator prohibitions.

**517.09** Bingo exceptions.

**517.99** Penalty.

#### ***CROSS REFERENCES***

See sectional histories for similar State law

Lotteries prohibited; exception - see Ohio Const., Art. XV, Sec. 6

Contributing to delinquency of minors - see Ohio R.C. 2151.41

Search warrants - see Ohio R.C. 2933.21(E)

Licensing charitable bingo games - see Ohio R.C. 2915.08

#### **517.01. Definitions.**

As used in this chapter:

- (a) "Bookmaking" means the business of receiving or paying off bets.
- (b) "Bet" means the hazarding of anything of value; upon the result of an event, undertaking or contingency, but does not include a bona fide business risk.
- (c) "Scheme of chance" means a lottery, numbers game, pool or other scheme in which a participant gives a valuable consideration for a chance to win a prize.
- (d) "Game of chance" means poker, craps, roulette, a slot machine, a punch board or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely or wholly by chance.

(e) "Scheme or game of chance conducted for profit" means any scheme or game of chance designed to produce income for the person who conducts or operates the scheme or game of chance, but does not include a charitable bingo game.

(f) "Gambling device" means:

- (1) A book, totalizer or other equipment for recording bets;
- (2) A ticket, token or other device representing a chance, share or interest in a scheme of chance, except a charitable bingo game, or evidencing a bet;
- (3) A deck of cards, dice, gaming table, roulette wheel, a slot machine, punch board or other apparatus designed for use in connection with a game of chance;
- (4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes.

(g) "Gambling offense" means any of the following:

- (1) A violation of Sections [517.02](#) to [517.08](#) or Ohio R.C. 2915.02 to 2915.11;
- (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (g)(1) hereof;
- (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
- (4) A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.

(h) "Charitable organization" means any tax exempt religious, educational, veteran's, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firemen's, senior citizen's, youth athletic or youth athletic park organization. An organization is tax exempt if the organization is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from Federal income taxation under subsection 501(a) and described in subsections 501(c)(3),(4),(8), (10), or (19) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firemen's organization, shall have been in continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any scheme of chance or game of chance as provided in Section [517.02](#)(c).

(i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.

(j) "Educational organization" means any organization within this State that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction, and that operates or contributes to the support of a school, academy, college or university.

(k) "Veteran's organization" means any veteran's organization or association that is incorporated by an act of the United States Congress or any auxiliary unit of that veteran's organization or association, and any post of a national veteran's organization the national dues paying membership of which numbers at least 5,000 persons, whether or not incorporated by an act of the United States Congress, which post has been in continuous existence as such in this State for at least twenty years and has been incorporated as a nonprofit corporation for at least five years.

(l) "Volunteer firemen's organization" means any organization of volunteer firemen, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company.

(m) "Fraternal organization" means any society, order or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business or brotherhood of its members and that has been in continuous existence in this State for a period of five years.

(n) "Volunteer rescue service organization" means any organization of volunteers organized to perform emergency medical service as defined in Ohio R.C. 4731.82(e).

(o) "Service organization" means any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment.

(p) "Nonprofit medical organization" means any organization, that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research or therapeutic services for the public.

(q) "Senior citizens' organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.

(r) "Charitable bingo game" means any bingo game that is conducted by a charitable organization that has obtained a bingo license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.

(s) "Bingo" means:

(1) A game with all of the following characteristics:

A. The participants use bingo cards that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces with each space, except the

central space, being designated by a combination of a letter and a number and the central space being designated as a free space;

B. The participants cover the spaces on the bingo cards that correspond to combinations of letters and numbers that are announced by a bingo game operator;

C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards;

D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in subsection (s)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card being used by the participant.

(2) Any scheme or game other than a game as defined in subsection (s)(1) hereof with the following characteristics:

A. The participants use cards, sheets or other devices that are divided into spaces arranged in horizontal, vertical or diagonal rows of spaces, with each space, except free spaces, being designated by a single letter, number or symbol; by a combination of letters, numbers or symbols; by a combination of a letter and a number, a letter and a symbol, or a number and a symbol; or by any combination of letters, numbers and symbols, with some or none of the spaces being designated as a free, complimentary or similar space;

B. The participants cover the spaces on the cards, sheets or devices that correspond to letters, numbers, symbols or combinations of such that are announced by a bingo game operator or otherwise transmitted to the participants;

C. A bingo game operator announces, or otherwise transmits to the participants, letters, numbers, symbols or any combination of such as set forth in subsection (s)(2)A. hereof that appear on objects that a bingo game operator selects by chance that correspond to one of the possible letters, numbers, symbols or combinations of such that can appear on the bingo cards, sheets or devices;

D. The winner of the bingo game is any participant who properly announces that a predetermined and preannounced pattern of spaces has been covered on a card, sheet or device being used by the participant.

(t) "Conduct" means to back, promote, organize, manage, carry on or prepare for the operation of a scheme or game of chance but does not include any act performed by a bingo game operator.

(u) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of a bingo game including, but not limited to, collecting money from participants, handing out bingo cards or objects to cover spaces on the bingo cards, selecting from a receptacle the objects that contain the combination of



letters and numbers that appear on the bingo cards, calling out the combinations of letters and numbers, distributing prizes to the winner of the bingo game and preparing, selling and serving food or beverages.

(v) "Participant" means any person who plays bingo by covering the spaces on a bingo card that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(w) "Bingo session" means a period, not to exceed five continuous hours, during which a person conducts one or more bingo games.

(x) "Gross receipts" means all money or assets, including admission fees, that a person receives from a bingo session that the person conducts without the deduction of any amounts for prizes paid out during the session or for the expenses of conducting the bingo session. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting a bingo session, or by a bona fide auxiliary unit or society of a charitable organization, at a bingo session conducted by the charitable organization, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to the bingo session;

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage;

(3) The food and beverages are sold at customary and reasonable prices;

(4) No person preparing, selling or serving the food or beverages at the site of the bingo game receives directly or indirectly any form of compensation for the preparation, sale or service of the food or beverages.

(y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which a bingo game is conducted.

(z) "To use gross receipts for a charitable purpose" means that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a veteran's organization, as defined in subsection (k) hereof, that is a post, chapter or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter or organization organized in the United States or any of its possessions, at least seventy-five percent (75%) of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets, or are spouses, widows or widowers of



war veterans, or such individuals, provided that no part of the net earnings of such post or organization inures to the benefit of any private shareholder or individual, and further provided that the bingo game proceeds are used by the post or organization for the charitable purposes set forth in Ohio R.C. 5739.02(B)(12), are used for awarding scholarships to or for attendance at an institution mentioned in Ohio R.C.

5739.02(B)(12), are donated to a governmental agency, or are used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups or other bona fide nonprofit organizations, promotion of patriotism or disaster relief; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a fraternal organization that has been in continuous existence in this State for fifteen years for use exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals and contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code; or that the proceeds of the bingo game are used by a volunteer firemen's organization and are used by the organization for the purposes set forth in subsection (1) hereof.

(aa) "Internal Revenue Code" means the Internal Revenue Code of 1954, 68A Stat. 3, 26 U.S.C. 1, as now or hereafter amended.

(bb) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.

(cc) "Youth athletic park organization" means any organization, not organized for profit, that owns, operates, and maintains playing fields that are used at least 100 days per year for athletic activities by youth organizations as defined in subsection (bb) hereof and are not used for any profit-making activity at any time during the year, and which uses the proceeds of the bingo game exclusively for the operation, maintenance and improvement of such playing fields.

(ee) "Skill-based amusement machine"

(1)

A. A mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars (\$10.00);

2. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars (\$10.00);

3. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars (\$10.00) times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

4. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

B. A card for the purchase of gasoline is a redeemable voucher for purposes of division (1) of this definition even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;

B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the players score;

C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;

D. The success of any player is or may be determined by a chance event that cannot be altered by player actions;

E. The ability of any player to succeed at the game is determined by game features not visible or known to the player;

F. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (1) of this definition:

A. As used in this definition of "skill-based amusement machine", "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

B. Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.

C. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the

awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (1) of this definition, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

(ff) "Slot machine"

(1) Means either of the following:

A. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain.

B. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.

(2) "Slot machine" does not include a skill-based amusement machine.

(gg) "Merchandise Prize" means any item of value, but shall not include any of the following.

(1) Cash, gift cards, or any equivalent thereof;

(2) Plays on games of chance, state lottery tickets, or bingo;

(3) Firearms, tobacco, or alcoholic beverages; or

(4) A redeemable voucher that is redeemable for any of the items listed in division (1), (2), or (3) of this definition.

(hh) "Sweepstakes." Any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance.

"Sweepstakes" does not include bingo as authorized under Ohio R.C. Chapter 2915, pari-mutuel wagering as authorized by Ohio R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by Ohio R.C. Chapter 3770, and casino gaming as authorized by Ohio R.C. Chapter 3772

(ii) "Sweepstakes terminal device."

(1) A mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

A. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

B. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize

C. The device selects prizes from a predetermined finite pool of entries.

D. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

E. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

F. The device utilizes software to create a game result.

G. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.

H. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) As used in this definition and in Sec. 517.02:

A. "Enter." The act by which a person becomes eligible to receive any prize offered in a sweepstakes.

B. "Entry." One event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.

C. "Prize." Any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

D. "Sweepstakes terminal device facility." Any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in Ohio R.C. Sec. 2915.02(G).

### **517.02 Gambling.**

(a) No person shall:

(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;

(2) Establish, promote or operate, or knowingly engage in conduct that facilitates any scheme or game of chance conducted for profit;

(3) Knowingly procure, transmit, exchange or engage in conduct that facilitates the procurement, transmission or exchange of, information for use in establishing odds or determining winners in connection with bookmaking or with any scheme or game of chance conducted for profit;

(4) Engage in betting or in playing any scheme or game of chance, except a charitable bingo game, as a substantial source of income or livelihood;

(5) Conduct, or participate in the conduct of a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:

A. Give to another person any item described in Sec. 517.01 (qq)(1), (2), (3), or (4) as a prize for playing or participating in a sweepstakes; or

B. Give to another person any merchandise prize or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of \$10 and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than \$10.

(6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the Attorney General as required by Ohio R.C. Sec. 2915.02(F).

~~(57)~~ With purpose to violate subsection (a)(1), (2), (3), ~~or~~ (4), (5), or (6) hereof, acquire, possess, control or operate any gambling device.

(b) For purposes of subsection (a)(1) hereof, a person facilitates bookmaking if he in any way knowingly aids an illegal bookmaking operation, including without limitation placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of subsection (a)(2) hereof, a person facilitates a scheme or game of chance conducted for profit if he in any way knowingly aids in the conduct or operation of any such scheme or game, including without limitation playing any such scheme or game.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

(d) This section does not apply to:

(1) Schemes of chance conducted by a charitable organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, provided that all of the money or assets received from such scheme of chance after deduction only of prizes paid out during the conduct of the scheme of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and provided that the scheme of chance is not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.09;

(2) Games of chance, if all of the following apply:

A. The games of chance are not craps for money, roulette for money or slot machines;

B. The games are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

C. The games are conducted at festivals of the organization that are conducted for a period of four consecutive days or less and not more than twice a year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games or on premises leased from a governmental unit;

D. All of the money or assets received from these games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

E. The games are not conducted during, or within ten hours of, a bingo game conducted for amusement only pursuant to Section [517.09](#). No person shall receive any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any scheme or game of chance.

(e) Subsection (d) hereof shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct schemes of chance or games of chance, as granted by subsection (d) hereof, by any charitable organization that is granted that right.

(f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree, if the offender has not previously been convicted of a gambling offense.

(ORC 2915.02)

### **517.03. Operating a gambling house.**

(a) No person, being the owner or lessee, or having custody, control or supervision of premises, shall:

(1) Use or occupy such premises for gambling in violation of Section [517.02](#);

(2) Recklessly permit such premises to be used or occupied for gambling in violation of Section [517.02](#);

(b) Whoever violates this section is guilty of operating a gambling house, a misdemeanor of the first degree, if the offender has not previously been convicted of a gambling offense.

(c) Premises used or occupied in violation of this section constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767.

(ORC 2915.03)

#### **517.04. Public gaming.**

(a) No person, while at a hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort shall make a bet or play any game of chance.

(b) No person, being the owner or lessee, or having custody, control or supervision of a hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort shall recklessly permit such premises to be used or occupied in violation of subsection (a) hereof.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

(d) Whoever violates this section is guilty of public gaming, a minor misdemeanor. If the offender has previously been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.

(e) Premises used or occupied in violation of subsection (b) hereof constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767.

(ORC 2915.04)

#### **517.05. Cheating.**

(a) No person, with purpose to defraud or knowing that he is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of:

- (1) The subject of a bet;
- (2) A contest of knowledge, skill, speed, or endurance that is not an athletic or sporting event;
- (3) A scheme or game of chance;
- (4) Bingo.

(b) Whoever violates this section is guilty of cheating, a misdemeanor of the first degree, if the potential gain from cheating is less than one thousand dollars (\$1,000.00), or if the offender has not previously been convicted of any gambling offense or of any theft offense as defined in Section 545.01.

(ORC 2915.05; Ord. 519-11. Passed 11-15-11.)

#### **517.06. Methods of conducting a bingo game; prohibitions.**

(a) A charitable organization that conducts a bingo game shall:

- (1) Own all of the equipment used to conduct the bingo game or lease such equipment from a charitable organization that is licensed to conduct a bingo game for a rental rate that is not more than customary and reasonable for such equipment;
- (2) Use all of the gross receipts from the bingo game for paying prizes, for the charitable purposes listed in its bingo license application, for purchasing or leasing



bingo cards and other equipment used in conducting the bingo game, hiring security personnel for the bingo game, or advertising the bingo game provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring or advertising, and for renting premises in which to conduct the bingo game, except that if the building in which the game is conducted is owned by the charitable organization conducting the game, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of two hundred fifty dollars (\$250.00) or twenty-five percent (25%) of the gross receipts from the session as consideration for the use of the premises;

(3) Conduct the bingo game on premises owned by the charitable organization, premises owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of two hundred fifty dollars (\$250.00) per bingo session, or premises leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size and quality but not in excess of two hundred fifty dollars (\$250.00) per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo games, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo equipment or any other type of service or equipment. A charitable organization shall not lease premises that it owned to more than one other charitable organization per calendar week for the purpose of conducting bingo games on the premises. A person who is not a charitable organization shall not lease premises that he owns, leases or otherwise is empowered to lease to more than one charitable organization per calendar week for conducting bingo games on the premises. In no case shall more than two bingo sessions be conducted on any premises in any calendar week;

(4) Display its bingo license conspicuously at the location where the bingo game is conducted;

(5) Conduct the bingo game in accordance with the definition of bingo set forth in Section [517.01\(s\)\(1\)](#).

(b) A charitable organization that conducts a bingo game shall not:

(1) Pay any compensation to a bingo game operator for operating a bingo game that is conducted by the charitable organization or for preparing, selling or serving food or beverages at the site of the bingo game, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell or serve the food or beverages;

(2) Pay consulting fees to any person for any services performed in relation to the bingo game;



- (3) Pay concession fees to any person who provides refreshments to the participants in the bingo game;
  - (4) Conduct more than two bingo sessions in any seven-day period;
  - (5) Pay out more than three thousand five hundred dollars (\$3,500) in prizes during any bingo session that is conducted by the charitable organization;
  - (6) Conduct a bingo session at any time during the ten-hour period between midnight and 10:00 a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to Section [517.09](#), or at any location not specified on its bingo license or on any day of the week or during any time period not specified on its bingo license. If circumstances beyond its control make it impossible for the charitable organization to conduct a bingo session at the location specified on its bingo license, or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its bingo license, the charitable organization may apply in writing to the Attorney General for an amended bingo license, pursuant to Ohio R.C. 2915.08(F). A charitable organization may apply only once in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its bingo license. If the amended license is granted, the organization may conduct bingo sessions at the location, on the day of the week, and at the time specified on its amended license.
  - (7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;
  - (8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;
  - (9) Permit the lessor of the premises on which bingo is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo equipment or any other type of service or equipment.
- (c) A bingo game operator shall not receive or accept any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, regardless of the source, for operating a bingo game or providing other work or labor at the site of the bingo game.
- (d) Notwithstanding the provisions of subsection (a)(3), a charitable organization that has, prior to December 6, 1977, entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person who is not a charitable organization that has prior to December 6, 1977, entered into written agreements for the lease of premises he owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease such premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, provided that the lessor organization or person has notified the

Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, provided that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and provided that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(e) Whoever violates subsection (a)(2) hereof shall be charged with violation of Ohio R.C. 2915.09. Whoever violates subsection (a)(1), (3), (4) or (5), (b) or (c) hereof is guilty of a minor misdemeanor. If the offender has previously been convicted of a violation of subsection (a)(1), (3), (4) or (5), (b) or (c) hereof, a violation of such provision is a misdemeanor of the first degree.

(ORC 2915.09; Ord. 485-83. Passed 5-24-83.)

### **517.07. Bingo records.**

(a) A charitable organization that conducts a bingo session or scheme or game of chance pursuant to Section [517.02](#)(d) shall maintain the following records for at least three years from the date on which the bingo session or scheme or game of chance is conducted:

(1) An itemized list of the gross receipts of each session or scheme or game of chance;

(2) An itemized list of all expenses other than prizes that are incurred in conducting the bingo session, the name of each person to whom the expenses are paid, and a receipt for all the expenses;

(3) A list of all prizes awarded during the bingo session or scheme or game of chance conducted by the charitable organization and the name and address of all persons who are winners of prizes of one hundred dollars (\$100.00) or more in value;

(4) An itemized list of the charitable recipients of the proceeds of the bingo session or scheme or game of chance, including the name and address of each recipient to whom the money is distributed; and if the organization uses the proceeds of a bingo session or the money or assets received from a scheme or game of chance for any purpose set forth in Section [517.01](#)(z) or [517.02](#)(d), a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or scheme or game of chance that is conducted by the charitable organization.

(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from the definition of "gross receipts" under Section [517.01](#)(x).

(7) An itemized list of all expenses incurred at each bingo session conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid and a receipt for all of the expenses.

(b) The Attorney General or any local law enforcement agency may:

- (1) Investigate any charitable organization or any officer, agent, trustee, member or employee of the organization;
- (2) Examine the accounts and records of the organization;
- (3) Conduct inspections, audits and observations of bingo games or schemes or games of chance while they are in session;
- (4) Conduct inspections of the premises where bingo games or schemes or games of chance are operated;
- (5) Take any other necessary and reasonable action to determine if a violation of any provision of Ohio R.C. 2915.01, 2915.02, or 2915.07 to 2915.12 or Section [517.01](#), [517.02](#) or [517.06](#) et. seq. of this chapter has occurred.

If any local law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member or employee of the organization has violated any provision of Ohio R.C. 2915.01 to 2915.12 or of this chapter, the local law enforcement agency may proceed by action in the proper court to enforce Ohio R.C. 2915.01 to 2915.12 or this chapter, provided that the local law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this subsection.

(c) No person shall destroy, alter, conceal, withhold or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede or interfere with any inspection, audit or observation of a bingo game or scheme or game of chance or premises where a bingo game or scheme or game of chance is operated, or refuse to comply with any reasonable request of or obstruct, impede or interfere with any other reasonable action undertaken by, the Attorney General or a local law enforcement agency pursuant to subsection (b) hereof.

(d) Whoever violates subsection (a) or (c) hereof is guilty of a misdemeanor of the first degree.

(ORC 2915.10; Ord. 485-83. Passed 5-24-83.)

#### **517.08. Bingo operator prohibitions.**

(a) No person shall be a bingo game operator unless he is eighteen years of age or older.

(b) No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the third degree.

(d) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree.

(ORC 2915.10)

**517.09. Bingo exceptions.**

Ohio R.C. 2915.07 to 2915.11 or Section [517.06](#) et seq. of this chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for amusement only if it complies with all of the following requirements:

(a) The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game;

(b) All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than twenty-five dollars (\$25.00).

(c) No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game;

(d) The bingo game is not conducted either during or within ten hours of:

(1) A bingo session during which a charitable bingo game is conducted, pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter.

(2) A scheme or game of chance other than a bingo game conducted pursuant to this section.

(e) The number of players participating in the bingo game does not exceed fifty.

The Attorney General, or any local law enforcement agency, may investigate the conduct of amusement bingo if there is reason to believe that a purported amusement bingo game is operated in violation of this section. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action.

Whoever conducts a bingo game that is not a charitable bingo game and that does not conform to subsections (a), (b), (c), (d) and (e) hereof is guilty of a misdemeanor of the first degree on the first offense.

(ORC 2915.12)

**517.10. Skill-Based Amusement Machines.**

(a) No person shall give to another person any item described in division (dd)(1), (2), (3), or (4) of Section 517.01 in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill-based amusement machine.

(b) Whoever violates division (a) of this section is guilty of skill-based amusement machine prohibited conduct. A violation of division (a) of this section is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the

offender previously has been convicted of a violation of division (a) of this section, a violation of that division is a felony to be prosecuted under appropriate State law.

(c) Any regulation of skill-based amusement machines shall be governed by this chapter or ORC Chapter 2915 and not by ORC Chapter 1345.

(ORC 2915.06)

**Exhibit “C”**

Existing

**CHAPTER 1104  
Use Regulations****1104.2500 Sweepstake terminal cafes.****1104.0107 Use Categories.**

<i>Use Category</i>	<i>RS12</i>	<i>RS9</i>	<i>RS6</i>	<i>RD6</i>	<i>RM (all)</i>	<i>R MH</i>	<i>CN</i>	<i>CO</i>	<i>CM</i>	<i>CS</i>	<i>CR</i>	<i>CD</i>	<i>IL</i>	<i>IG</i>	<i>IP</i>	<i>POS</i>	<i>IC</i>
Sweepstake Terminal Cafes	-	-	-	-	-	-	-	-	-	-	S [32]	-	-	-	-	-	-

[32] Subject to standards of Sec. [1104.2500](#), Sweepstake Terminal Cafes

**1104.2500 Sweepstake Terminal Cafes.**

The following standards apply to Sweepstake Terminal Cafes as defined in Sec. [1116.0200](#) of this code.

**1104.2501 Spacing Requirements.**

A. A Sweepstake Terminal Cafe shall not be located within a 2,000 foot radius of another Sweepstake Terminal Cafe. This spacing shall apply to Sweepstake Terminal Cafes operating pursuant to a Special Use Permit or operating without such Special Use Permit, by virtue of having been in operation prior to the requirement to obtain such permit.

B. A Sweepstake Terminal Cafe shall not be located within a 1,000 foot radius of a church, school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

C. The distances specified in this section shall be measured per TMC § [1106.0208](#), Distances for Spacing Requirements.

## CHAPTER 1107

### Parking, Loading and Access

#### 1107.0304 Schedule A.

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required
<b>Commercial Use Types</b>		
Sweepstake Terminal Cafes	1 per 300 square feet	1 per 10 parking spaces

## **CHAPTER 1116**

### **Terminology**

#### **1116.0191.1 Sweepstakes Terminal Cafes.**

Any business, establishment, room or place where four (4) or more games of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.

#### **1116.0247 Sports and Recreation, Participant.**

Provision of sports or recreation primarily by and for participants. Spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

A. **Indoor.** Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers, but not including sweepstakes terminal cafes.

B. **Outdoor.** Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, swimming pools, and golf courses.

#### **1116.0248 Sweepstakes Terminal Cafes.**

Any business, establishment, room or place where four (4) or more game of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.



**Exhibit “D”**

(Additions in blue underline. Deletions in red strikethrough.)

**CHAPTER 1104  
Use Regulations****1104.2500 ~~Sweepstake terminal cafes~~Electronic Gaming Parlor.****1104.0107 Use Categories.**

<i>Use Category</i>	<i>RS12</i>	<i>RS9</i>	<i>RS6</i>	<i>RD6</i>	<i>RM (all)</i>		<i>R MH</i>	<i>CN</i>	<i>CO</i>	<i>CM</i>	<i>CS</i>	<i>CR</i>	<i>CD</i>	<i>IL</i>	<i>IG</i>	<i>IP</i>	<i>POS</i>	<i>IC</i>
<del>Sweepstake Terminal Cafes</del> <u>Electronic Gaming Parlor</u>	-	-	-	-	-		-	-	-	-	-	<del>SP</del> [32]	-	-	-	-	-	-

[32] Subject to standards of Sec. 1104.2500, ~~Sweepstake Terminal Cafes~~Electronic Gaming Parlor

**1104.2500 ~~Sweepstake Terminal Cafes~~Electronic Gaming Parlor.**

The following standards apply to ~~Sweepstake Terminal Cafes~~Electronic Gaming Parlors as defined in Sec. ~~1116.0200~~1116.0213.1 of this code.

**1104.2501 Spacing Requirements.**

A. An ~~Sweepstake Terminal Cafe~~Electronic Gaming Parlor shall not be located within a 2,000 foot radius of another ~~Sweepstake Terminal Cafe~~Electronic Gaming Parlor. This spacing shall apply to ~~Sweepstake Terminal Cafes~~Electronic Gaming Parlors operating pursuant to the licensing requirements of Chapter 736. ~~a Special Use Permit or operating without such Special Use Permit, by virtue of having been in operation prior to the requirement to obtain such permit.~~

B. An ~~Sweepstake Terminal Cafe~~Electronic Gaming Parlor shall not be located within a 1,000 foot radius of a church, school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

C. The distances specified in this section shall be measured per TMC § 1106.0208, Distances for Spacing Requirements.

**1104.2502 License Required.**

A. Electronic Gaming Parlors shall obtain a license as required by Chapter 736 prior to occupancy. No Electronic Gaming Parlor shall be permitted without an active license to operate.

**CHAPTER 1107**  
**Parking, Loading and Access**

1107.0304 Schedule A.

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required
Commercial Use Types		
<del>Sweepstake Terminal</del> <del>Cafes</del> <a href="#">Electronic Gaming Parlor</a>	1 per 300 square feet	1 per 10 parking spaces

## CHAPTER 1116

### Terminology

#### ~~1116.0191.1 Sweepstakes Terminal Cafes.~~

~~—Any business, establishment, room or place where four (4) or more games of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.~~

#### 1116.0213.1 Electronic Gaming Parlor

Any business, establishment, or location operated for profit which employs the use of one or more Skill-based amusement machines or Sweepstakes terminal devices, as defined in Section 517.01, in any one location. The definition of “Electronic Gaming Parlor” shall not include any location or establishment operated by any charitable organization as defined at ORC 2915.01(H), fraternal organization as defined at ORC 2915.01(M), or service organization as defined at ORC 2915.01(O) provided no such organization has on its premises for use at any given time ten or more electronic games of skill.

#### **1116.0247 Sports and Recreation, Participant.**

Provision of sports or recreation primarily by and for participants. Spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

A. **Indoor.** Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers, but not including ~~sweepstakes terminal cafes~~ Electronic Gaming Parlors.

B. **Outdoor.** Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, swimming pools, and golf courses.

#### ~~1116.0248 Sweepstakes Terminal Cafes.~~

~~—Any business, establishment, room or place where four (4) or more game of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.~~