

APPLICATION FOR A GAME ROOM PERMIT

CITY OF LEWISBURG

I hereby make application for a permit to operate a game room within the City of Lewisburg as authorized under the provisions of City Ordinance 94-01, and base my application upon the answers to the following questions:

1. Full name of applicant (owner) _____

Social Security Number: _____

Person ___ Firm ___ Corporation ___ Partnership ___ Joint-stock ___ Syndicate ___ Association

2. List all persons, partnerships, firms, corporations, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business and give addresses of each (attach additional sheet, if needed).

3. What is your present home address? _____

4. Previous address(es) within last 10 years _____

5. Date of Birth _____ **Home Telephone** _____

Business Phone _____

6. Under what name will this business operate? _____

7. Location of business by street address or other geographical description

Business Address _____

Phone number of the business _____

8. Specify the identity and address of the person to receive annual privilege tax notices and any other communication from the City of Lewisburg

Name _____ **Address** _____

9. Give name and address of property owner, if other than business owner

Name _____ **Address** _____

10. Give name, date of birth, and address of any manager other than applicant.

Name _____ **Date of Birth** _____

Address _____

11. Has any person having at least a 5% ownership interest, any of the managers listed in questions 10, or any other employee of the business, been convicted of any crime (other than minor traffic violations) within the last ten (10) years? _____

Is so, give particulars of each charge, court and date convicted.

12. Give the name, relationship to applicant (if applicable) and address of any former game room permittee at this location.

I hereby acknowledge I have read and understand the rules and regulations of the City of Lewisburg pertaining to game rooms. I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other places of public gathering, or otherwise interferes with public health, safety and morals.

Signature of Applicant/Owner

Sworn to and subscribed before me this _____ day of _____, 200__.

Notary Public

My Commission Expires: _____

NOTICE: A non-refundable \$25 fee must accompany this application. If the application is approved you are required to provide documentation of sales tax registration to the City within ten days of approval. Any applicant making false statement in this application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten years.

Approved _____

Disapproved _____

Date _____

City Manger

CHAPTER 5

GAME ROOMS¹

SECTION

- 9-501. Definitions.
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9-501. Definitions. The following definitions are applicable to this chapter:

(1) "Game" means any amusement machine, video or device operated by means of insertion of a coin, token, or similar object or pool or billiard tables, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin-operated mechanical musical device.

(2) "Game room" means any place where games are displayed for use by the public and fees from the use or play of the games are the primary source of income to the permittee, whether or not another business is conducted on the premises.

(3) "Operator" means the person who manages controls or supervises the game room.

(4) "Permittee" is the person to whom the permit is issued.

(5) "Person" means any person, firm, corporation, partnership or association.

¹Municipal code reference
Privilege taxes: title 5.

(6) "Premises" means the interior of a building or structure including interior contiguous spaces which are not separated by a permanent solid wall from other interior portions of the building or structure under the same roof, and where applicable includes the parking area adjacent to and servicing the building or structure.

(7) "Proprietor" means any person who as the owner, lessee, proprietor has under his control a game room.

(8) "Video" means any game using computer technology and a type of video display. (1985 Code, § 5-401)

9-502. Permit required. No person shall engage in the business of an operator without first obtaining a permit which is non-assignable and non-transferable and shall apply only to the premises to which the permit is issued. No permit shall be used by any person other than the person who applied for and to whom it was issued. (1985 Code, § 5-402)

9-503. Permit application. A sworn to written application for a permit to open and operate a game room must be submitted to the city manager at least fourteen (14) days prior to opening a game room and contain the following:

- (1) Name and social security (Federal ID number) of applicant.
- (2) Applicant's permanent and local address, if different.
- (3) Address of premises.
- (4) Name and address of operator of game room.
- (5) Name and address of proprietor if different from operator.
- (6) Name and address of person owning game room premises if operator or proprietor is not owner.

(7) Criminal record, if any, of applicant, operator, proprietor or owner of premises of game room.

If any person named in the application is a corporation, a certificate of existence from the Secretary of State of the State of Tennessee and the name and address of registered agent must be submitted with the application. If any person is a natural person, a recent photograph must be submitted with the application. (1985 Code, § 5-403)

9-504. Fees. A non-refundable fee of \$25.00 shall accompany each application and a non-refundable fee of \$10.00 shall accompany each renewal application, said fees to be used by the city for processing the applications. (1985 Code, § 5-404)

9-505. Premises design. Premises shall be of such design that the interior can easily be seen from the exterior and no curtains, drapes, shades, blinds, or other thing shall be used to hinder a clear and unobstructed view of the interior of the premises from the exterior and shall have adequate and

separate toilet facilities for men and women. The city manager shall approve the design of the premises prior to issuing a permit. (1985 Code, § 5-405)

9-506. Permit issuance or refusal. Each application shall be submitted to the chief of police for investigation who shall report his findings to the city manager within 72 hours. If as a result of such investigation, the chief of police reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the city manager shall notify the applicant that his application is disapproved and no permit will be issued. If, on the other hand, the chief of police reports the moral application and business responsibility of the applicant are satisfactory, and all other requirements have been met, the city manager shall issue a permit upon the payment of all applicable privilege taxes. The city manager shall keep a permanent record of all applications, his decision on each application and permits issued. (1985 Code, § 5-406)

9-507. Appeal. Any person aggrieved by the action of the city manager in the denial of a permit may appeal to the city council by filing with the city manager within fourteen (14) days after notice of the action complained of a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for hearing on such appeal and notice of the time and place of the hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the appellant at his last known address at least five (5) days prior to the date set for the hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for the hearing. (1985 Code, § 5-407)

9-508 Posting permit. Permits issued by the city manager shall be posted in a conspicuous place inside the premises. (1985 Code, § 5-408)

9-509 Enforcement. The provisions of this chapter shall be enforced by the city manager, or his designee, and the police. (1985 Code, § 5-409)

9-510 Permit revocation or suspension. (1) After notice and hearing, the city council may revoke any permit issued under the provisions of this chapter for any of the following causes:

- (a) Fraud, misrepresentation or incorrect statement contained in the application for any permit;
- (b) Violation of any provision of this chapter;
- (c) Conviction of any crime or misdemeanor; or
- (d) Operating a game room in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to health, safety or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city manager in writing, setting forth specifically the grounds for revocation

and the time and place of the hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for the hearing.

(3) When reasonably necessary in the public interest, the city manager may suspend a permit pending the revocation hearing.

(4) At the hearing, the permittee may be represented by counsel. (1985 Code, § 5-410)

9-511. Hours of operation. It shall be unlawful for any person to open, maintain, conduct or operate a game room, or play or operate a game in a game room between the hours of 2:00 A.M. and 6:00 A.M. each and every day of the week including Sunday and, in addition, between the hours of 6:00 A.M. and 12:00 Noon on Sunday. (Ord. #97-06, April 1997)

9-512. Minors. It shall be unlawful for any person to knowingly permit any person under the age of 15 years to play or operate a game in a game room without first obtaining the written consent of a parent, guardian or other person having legal control of such person. (1985 Code, § 5-412)

9-513. Prohibited activities. Possession, sale or consumption of alcohol, or any unlawful act or conduct shall not be permitted on the premises at any time. (1985 Code, § 5-413)

9-514. Re-application. No new permit will be granted to a person, or the person's immediate family, for six (6) months immediately following the revocation of the person's permit. (1985 Code, § 5-414)

9-515. Permit expiration and renewal. Permit shall expire on the same date that the permittee's privilege license expires. Permits issued to permittees who are not subject to the privilege license shall be issued for one (1) year. An application for a renewal permit shall be made substantially in the same form as an application for a new permit. (1985 Code, § 5-415)

9-516. Penalty. In addition to revocation of a permit, the city manager may cause a warrant to be issued for violation of any provision of this chapter and the city court may assess a penalty of not more than five hundred dollars (\$500.00) for each violation: Each day a violation occurs shall be considered a separate violation. (1985 Code, § 5-416)