

COUNCIL OF THE DISTRICT OF COLUMBIA

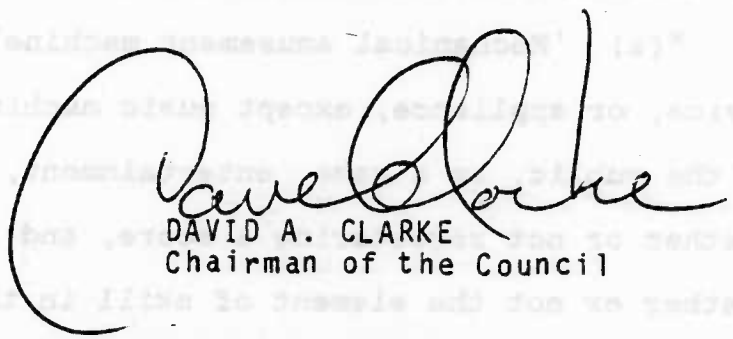
NOTICE

D.C. LAW 5-88

"Police Regulations of the District of Columbia/
Video Arcades and Mechanical Amusement Machines
Regulations Amendment Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-23 on first and second readings, April 10, 1984 and April 30, 1984, respectively. Following the signature of the Mayor on May 9, 1984, this legislation was assigned Act No. 5-129, published in the May 18, 1984 edition of the D.C. Register, (Vol. 31 page 2331) and transmitted to Congress May 15, 1984 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-88, effective June 29, 1984.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

May 15,16,17,18,21,22,23,24,30,31
June 1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,22,25,26,27,28

EFFECTIVE
DATE JUN 29 1984D.C. ACT 5-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 09 1984

To amend Article 36 of the Police Regulations of the District of Columbia to regulate the operation of video arcades and mechanical amusement machines in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Police Regulations of the District of Columbia/Video Arcades and Mechanical Amusement Machines Regulations Amendment Act of 1984".

Sec. 2. Commissioner's Order No. 301,904/1, effective November 1, 1948 (Article 36 of the Police Regulations of the District of Columbia), is amended to read as follows:

D.C.M.R.
Note,
D.C. Code,
sec. 22-200
36-521
(1981 ed.)

"Video Arcades/Mechanical Amusement Machines

"1. Definitions. As used in this regulation, unless the context otherwise indicates, the term:

"(a) 'Mechanical amusement machine' means any machine, device, or appliance, except music machine, offered for use by the public, as a game, entertainment, or amusement, whether or not registering a score, and irrespective of whether or not the element of skill in the operation thereof predominates over the element of luck, which may be operated or caused to operate by the insertion of a coin, slug, token, plate or disk: PROVIDED, That nothing in this regulation shall be construed to authorize, license, or

permit the display or use of any gambling device whatsoever, or any mechanism which has been or may be judicially determined to be a gambling device.

"(b) 'Mayor' means the Mayor of the District of Columbia.

"(c) 'Video arcade' means any commercial establishment whose primary business is the operation of 10 or more mechanical amusement machines.

"2. License Requirements.

"(a) Any individual, partnership, or corporation owning or operating a video arcade or an establishment in which mechanical amusement machines are offered for public use shall be required to obtain an annual license for the operation of the video arcade or mechanical amusement machine, and to pay the required license fee.

"(b) Any individual, partnership, or corporation desiring a license for the purpose of owning or operating a video arcade or offering mechanical amusement machines for public use shall file with the Mayor an application in a form that the Mayor may prescribe. The application shall contain any additional information the Mayor may require. The information shall include, but not be limited to, the name, age, and residence of the applicant, the address and nature of business conducted by the applicant in the establishment for which the application is made, the number of mechanical amusement machines to be offered for public use at any time during the license year in the establishment for which the application is made, and the location or

locations in the establishment at which mechanical amusement machines and their remote control devices, if any, will be stationed. The application shall be accompanied by a non-refundable fee, the amount of which shall be determined by the Mayor: PROVIDED, That the fee shall not be less than \$25.

"(c) Prior to the issuance of a license for owning or operating a video arcade or for offering mechanical amusement machines for public use the Mayor shall find:-

"(1) That the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers, is not less than 21 years of age, and has not, within 5 years prior to the filing of the application, been convicted of any felony: PROVIDED, That this paragraph shall not operate to deny a license to own or operate a video arcade or establishment in which mechanical amusement machines are offered for public use to any person (i) who, on the effective date of this act, is licensed to own or operate a video arcade or establishment in which mechanical amusement machines are offered for public use; and (ii) who has not been convicted of any felony after the date of the issuance of such license in effect on the date that this act becomes law.

"(2) That in the case of an application for a license to own or operate a video arcade, the place for which the license is to be issued is consistent with these regulations, considering such factors as the character of the premises, its surroundings, and the views of the persons

residing or owning property in the vicinity of the premises for which the license is to be issued: PROVIDED, That in the event an application for a license to operate a video arcade is denied, the Mayor shall provide the applicant with a written statement setting forth the reasons for the denial within 30 days of the date of the denial, as evidenced by any written or verbal notification to the applicant that his or her application has been denied. Any applicant may appeal an adverse decision of the Mayor to the Board of Appeals and Review of the District of Columbia.

"(3) Prior to the issuance of a license for the operation of a video arcade, the Mayor shall give notice by advertisement published twice a week for at least 2 weeks in a newspaper of general circulation published in the District of Columbia. The fee for the advertisement shall be paid by the applicant at the time of the filing of the application. The published advertisement shall contain any information that the Mayor shall prescribe, and the information shall include, but not be limited to, a statement that interested persons are entitled to be heard prior to the granting of a license and designating the date prior to which any statements shall be considered in determining whether to grant the applicant a license. The applicant shall be required to post 1 notice, for 10 days, in a conspicuous place on the outside of the premises for which the license is to be issued. The notice shall contain any information that the Mayor shall prescribe, and the information shall include, but not be limited to, a statement that interested

persons are entitled to be heard prior to the issuance of a license and informing them of the date prior to which their statements shall be considered in determining whether to grant the applicant a license.

"(d) The Mayor shall not issue a license for the operation of a video arcade or for offering mechanical amusement machines for public use to any establishment located within a radius of 600 feet of the property lines of the lot or parcel of ground upon which is located a public, private, or parochial school in the District of Columbia: PROVIDED, That the provisions of section 2(d) shall not be construed to apply to owners or operators of video arcades or establishments offering mechanical amusement machines for public use in operation on or prior to the effective date of the Police Regulations of the District of Columbia/Video Arcades and Mechanical Amusement Machines Regulations Amendment Act of 1984.

"(e) Licenses granted for owning or operating a video arcade or for offering mechanical amusement machines for public use under the terms of these regulations may be assigned or transferred on application to the Department: PROVIDED, That the transferee satisfies the conditions applicable to the granting of a license after the effective date of these regulations. Any license issued to a person or establishment owning or operating a video arcade or offering mechanical amusement machines for public use and exempt from the provisions of section 2(d) of these regulations shall not be transferable or assignable.

"(f) The Mayor shall be authorized to establish and change from time to time the period for which any license to own or operate a video arcade or offer mechanical amusement machines for public use may be issued.

"(g) Licenses for owning or operating a video arcade or for offering mechanical amusement machines for public use, issued at any time after the beginning of the license year, shall date from the first day of the month in which the license was issued and end on the last day of the license year prescribed by the Mayor, and payment shall be made of the proportionate amount of the annual license fee: PROVIDED, That no fee shall be prorated to an amount less than \$10.

"(h) In the case of an application for renewal of a license to own or operate a video arcade or offer mechanical amusement machines for public use, the Mayor may require a fine to process a late application: PROVIDED, That in no case shall a fine exceed \$50.

"(i) Licenses issued to own or operate a video arcade or offer mechanical amusement machines for public use shall be renewed annually at a time and in the manner prescribed by the Mayor. The Mayor may refuse to renew a license where the licensee fails to file an application for renewal of his or her license within a reasonable period after expiration of that license.

"(j) The license shall specify the number of authorized machines. If one mechanical amusement machine for which the license fee has been paid is replaced within

the license year by another, the other mechanical machine shall not be considered as an additional machine.

"4. Display of License.

"The license for owning or operating a video arcade shall be posted conspicuously in the premises of the licensee: PROVIDED, That the face of such sign shall be no less than 2 feet square.

"5. Prohibitions and Restrictions.

"(a) No person, firm, association, or corporation owning or operating a video arcade or offering any mechanical amusement machine for public use shall permit any person under the age of 16 years to operate any of its machines between the hours of 8 a.m. and 3 p.m. on any day on which the public schools of the District of Columbia are in session during the regular school year. It shall be an affirmative defense to prosecution under this subsection that the defendant reasonably believed that the child was 16 years of age or older or that the child was not truant or unlawfully absent from school.

"(b) No person, firm, association, or corporation owning or operating a video arcade or offering any mechanical amusement machine for public use and allowing persons under the age of 18 years on the business premises shall sell, deliver, distribute, or provide any obscene, indecent, or filthy mechanical amusement machines displaying specified sexual activities or specified anatomical areas as defined in section 1202 of the Zoning Regulations of the District of Columbia on the premises. It shall not be a

defense to prosecution under this section that the defendant reasonably believed that the child was 18 years of age or older.

"6. Revocation of License.

"Every license issued under this regulation is subject to the right, which is expressly reserved, to revoke the license should the licensee permit directly or indirectly the operation or maintenance of any video arcade or mechanical amusement machine contrary to the provisions of this regulation or any law or regulation in force in the District of Columbia. The license may be revoked by the Mayor of the District of Columbia after written notice to the licensee, setting forth the reasons therefore: PROVIDED, That before any license is revoked the licensee shall be given an opportunity to answer and be heard.

"7. Penalties.

"(a) Any person, firm, association, or corporation owning or operating a video arcade, or offering mechanical amusement machines for public use which violates any provision of these regulations shall, upon conviction, be fined not more than three-hundred (\$300) dollars or imprisoned for not more than ninety (90) days for each offense.

"(b) Any person, firm, association, or corporation convicted of selling, delivering, distributing or providing any obscene, indecent, or filthy mechanical amusement machines displaying specified sexual activities or specified anatomical areas as defined in section 1202 of the Zoning

Regulations of the District of Columbia in a business establishment which allows persons under the age of 18 years on the business premises shall be subject to a fine of at least \$1000 but not more than \$3,000 upon conviction for the first offense or at least \$1,000 but not more than \$5000 upon conviction for the second and subsequent offenses:

PROVIDED, That upon conviction of a second violation of any provision of these regulations all licenses and certificates granted any person, firm, corporation or association by the Department, for the establishment and operation of a video arcade, or for the purpose of offering mechanical amusement machines for public use, shall be automatically revoked.

"8. Issuance of Rules - Protection for Violations.

"(a) The Mayor shall issue rules to implement the provisions of these regulations within 90 days of the effective date of the Police Regulations of the District of Columbia/Video Arcades Mechanical Amusement Machines Regulations Amendment Act of 1984.

"(b) Prosecution for violations of any provision of these regulations shall be conducted in the name of the District of Columbia in the Superior Court of the District of Columbia by the Corporation Counsel or by an Assistant Corporation Counsel."

Sec. 3. Severability.

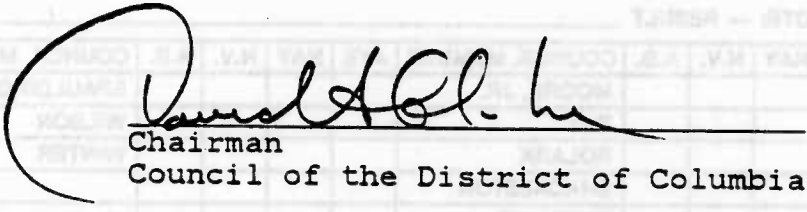
If any such provision of this act or its application to any person or circumstances is held to be unconstitutional or beyond the statutory authority of the Council of the District of Columbia, or otherwise invalid, the invalidity

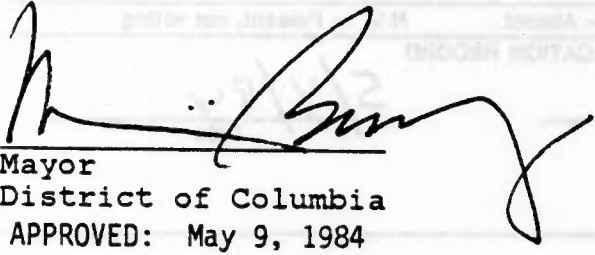
Note,
D.C. Code,
sec. 36-521
(1981 ed.)

shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 4. Effective Date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: May 9, 1984



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Five — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 5-23

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 4-10-84

☒ VOICE VOTE: By Majority, Members Mason and Kane voted no

Recorded vote on request

Absent: Ray, Smith and Spaulding

☐ ROLL CALL VOTE: — RESULT () () () ()

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

5/4/84
Date

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 4-30-84

☒ VOICE VOTE: Unanimous

Recorded vote on request

Absent: Smith

☐ ROLL CALL VOTE: — RESULT () () () ()

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

5/4/84
Date

☐ Item on Consent Calendar

☐ ACTION & DATE: _____

☐ VOICE VOTE: _____

Recorded vote on request

Absent: _____

☐ ROLL CALL VOTE: — RESULT () () () ()

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date