

**CHAPTER 10**  
**ELECTRONIC GAME PROMOTIONS**  
**OFFICIAL CODE OF CAMDEN COUNTY, GEORGIA**

**Sec. 10-1. Legislative Authorization.** This Chapter is enacted in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of Camden County, Georgia. It is established to regulate the use of electronic means to effect giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, and game promotions that do not otherwise violate Georgia law.

**Sec. 10-2. Area of Enforcement.** Camden County Board of Commissioners is acting herein as the governing body of Camden County, Georgia, and this Chapter shall be effective within its boundaries.

**Sec. 10.3 Intent.** The intent of the Camden County in adopting this Chapter is to regulate the use of electronic means to effect giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, and game promotions that do not otherwise violate Georgia law. This regulation includes but is not limited to electronic equipment used to display the results of a drawing by chance conducted in connection with the sale of a consumer product or service or game promotion by simulating a game or games ordinarily played on a slot machine. It also is intended to regulate the use of electronic equipment to conduct drawings by chance conducted in connection with the sale of a consumer product or service and game promotions, and to regulate all Operators (as defined herein) who utilize electronic equipment from that purpose.

**Sec. 10-4. General Prohibition.** Except as expressly regulated and permitted by this Chapter of the Official Code of Camden County, Georgia no Person, other than a De minimis Activity Facility as defined herein, shall conduct a drawing by chance, sweepstakes or game promotion, or any other game of chance on any electronic or mechanical device provided by an operator of the game of chance which displays the result by simulating a game or games ordinarily played on a slot machine.

#### ARTICLE I - IN GENERAL

#### **SEC. 10-5 DEFINITIONS**

- (a) "Person" means an individual, association, partnership, joint venture, corporation, limited liability company, not-for-profit entity, or entity of any kind authorized to engage in business in Georgia.
- (b) "Applicant" means the Operator for whom a permit application is submitted and in the name of whom, if the permit is granted, the drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion shall be conducted.
- (c) "Code Enforcement Officer" means a county staff member delegated to enforce this ordinance.
- (d) "Convicted" or "Conviction" means a determination of guilt in a criminal case by a court of competent jurisdiction, regardless of whether the defendant pled guilty, no contest, or *nolo contendere*, was found guilty by a judge or jury, or had adjudication withheld.
- (e) "Electronic Equipment" means any electronic or mechanical device provided by or on behalf of the Operator that is used or adapted for use to conduct and/or reveal the results of a drawing by chance conducted in connection with

the sale of a consumer product or service, sweepstakes or game promotions that display results by simulating a game or games ordinarily played on a slot machine. The electronic equipment shall not have nor be operated by a random number generator. The sweepstakes or game promotion shall be from entries drawn from a pre-created finite static pool of entries with assigned values.

- (f) “De minimis Activity Facility” means a facility operated by an organization exempt from federal taxation under Section 501 (c) of the Internal Revenue Code.
- (g) “Minor” means an individual under the age of eighteen (18) years.
- (h) “Operator” means any Person in whose name a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion that utilizes Electronic Equipment is conducted.
- (i) “Permit Holder” means the Operator in whose name the County has issued a permit under this Chapter.
- (j) “Premises” means the house, building, edifice, or location, along with its grounds, in or upon which the Operator conducts drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes or game promotions using Electronic Equipment.
- (k) “Rules” means the restrictions and covenants governing the operation of the drawing by chance, sweepstakes, or game promotion.
- (l) “Slot machine” means any mechanical or electrical contrivance, terminal that may or may not be capable of downloading slot games from a central server

system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any monetary consideration whatsoever, including the use of any electronic payment system, is available to play or operate, the play or operation of which, including any element of chance, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. Slot machines may use spinning reels, video displays, cathode ray tubes, microprocessors or other similar technology, and have as their object, the presentation or lining up, arrangement, or juxtaposition of symbols, alpha-numeric signs, colors, or figures to determine a result or outcome.

**Sec. 10-6. Permitting and Fees.**

- (a) *Permit Required.* Every Operator using Electronic Equipment to conduct a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes or game promotion shall obtain a permit from Camden County through the Camden County Office of Planning and Development. Each permit is valid only for the Operator and Premises named in the permit. Each permit is valid for one year.
- (b) *Permits Limited.* The County shall limit the total number of permits issued pursuant to this section to (3). After the permits authorized by this subsection (b) are issued, no permits for new businesses shall be issued unless the issuance of the permit will not cause the total number of permits issued to

exceed 3 permits. All qualifying Operators who receive an initial permit as provided for in this subsection (b) shall be entitled to renew their permit if they otherwise qualify and pay required fees. In the event that a permit becomes available, all applications for the permitting of a new business shall, in addition to all permitting requirements set forth herein, be subject to the following procedures:

- (1) The Camden County Office of Planning and Development shall publish a notice in a newspaper of general circulation in a form prescribed by the Camden County Office of Planning and Development, regarding the availability of such permit and the prescribed time period of fourteen (14) calendar days from the date of such publication within which the County will accept applications, and the location and date of the public meeting at which the random selection of the application for permit shall take place.*
- (2) All applications shall be submitted within such provided timeframe. Any applications not submitted within such timeframe shall be automatically disqualified. Each Applicant shall be allowed to submit only one (1) application for each available permit. An Applicant shall be deemed to be the same as another Applicant and each of their applications shall be disqualified, if such Applicant is the same Person or consists of any variation of the same Person as another Applicant.*
- (3) Once the time period for submission of applications has expired,*

*the Camden County Board of Commissioners shall randomly select an application for consideration of the available permit at a meeting open to the public by the Camden County Office of Planning and Development in the presence of one or more witnesses at the time and place set forth in the notice.*

*(4) Once such application is selected, the Applicant shall proceed with complying with all other requirements set forth herein. Camden County's random selection of an application as provided herein shall not constitute the Camden County's acceptance or approval of the application, including for example, for purposes of determining the application's completeness. For purposes of all timelines and time periods set forth in this Chapter, including but not limited to the duration of review within which Camden County any of its Departments or Divisions are to conduct application reviews, such timelines and time periods shall be extended by the amount of time required to appropriately conduct the random selection of the application.*

*(5) The decision to deny a permit shall be considered non-final agency action subject to appellate review by the Camden County Board of Commissioners referenced. The decision of the Camden County Board of Commissioners shall constitute final agency action subject to judicial review. Any appeal of a permitting decision shall be made within thirty (30) calendar*

*days of denial by filing a written notice of appeal with the Camden County Office of Planning and Development. Failure to file a written notice of appeal within the prescribed time period constitutes a waiver of the right to appeal.*

(c) *Application Materials Required for Permit.*

*(1) Applicant shall file with the County the following materials:*

- i. a copy of a current Camden County, Georgia Occupation Tax Receipt in the name of the Applicant including the business address;*
- ii. a copy of Applicant's proposed Rules governing the drawing by chance, sweepstakes or game promotion which includes the odds of winning and the prize table;*
- iii. if the application is for a sweepstakes or game promotion over \$5000, a copy of Applicant's certification of a bond or trust account provided to the (Camden County), Finance Department, when required in section 19 (g) herein; and*
- iv. a complete list of all products and services offered and the prices charged therefore. In addition, for every principal, officer, shareholder and director of the Operator, a fingerprint card and letter certifying the results of a criminal background check generated by the Office of the Sheriff of Camden County.*

*(2) Applicant shall provide a sworn affidavit containing the following:*

- i. The identity of the Applicant and if the Applicant is:
  - a. an individual, his name, residence address, and date of birth;**





- charitable organization or corporation, the name of the primary organization and the street address of its principal office; and*
- vi. the name and address of an individual physically residing within Camden County, who is authorized to receive notices from Camden County on behalf of the proposed permit holder.*
  - vii. a statement certifying that all information on the application and any attachments thereto is true and that the Applicant understands that any misstatement of material fact in the application will result in the denial of the permit or, if it has been issued, in the suspension or revocation of the permit.*
  - viii. A certification that the computer software that is used by the Operator to conduct a drawing by chance in connection with the sale of a consumer product or service, sweepstakes or game promotion has been tested by and independent testing laboratory that has verified the manner that the software works properly. That verification of the manner that the software shall comply with all applicable state and local laws, including this Chapter. The certification shall be by a Certified Independent Regulatory Compliance Test Laboratory that is authorized to test regulatory gaming equipment by at least one state government gaming regulatory agency.*

*(3) Applicant shall file with the Camden County Office of Planning and Development the following:*

- i. A copy of the sworn affidavit described in subsection (2) above;*

- ii. A complete list of all products and services offered and the prices charged therefore;*
  - iii. A verification that the prices charged for the products and/or services constitute a reasonable market value;*
  - iv. A copy of the certification report issued by an independent testing laboratory that describes and verifies the manner in which the software works.*
- (d) *Applicant Fee.* Each Applicant shall remit a non-refundable application fee of \$1200. This fee shall pay for the time and expense of Camden County, in enforcing the provisions herein, reviewing and ruling on the application, issuing the permit, and, if applicable, hearing any appeal. The cost for any and all reviews accomplished by agencies outside of Camden County, shall be paid for by the applicant in addition to the application fee noted herein.
- (e) *Review of Application.*
  - (1) *Duration of Review.*
    - i. By Camden County for Permit.* Within sixty (60) days of receipt of an Applicant's completed permit application and criminal history, the Camden County shall grant or deny the application unless the time for decision is extended by the Camden County Board of Commissioners. If any principal, officer, shareholder or director of the Operator has a pending criminal case for any crime the Camden County Board of Commissioners may delay its grant or denial of the permit until sixty (60) days after the final judgment in the case.

- ii. *By the Office of the Sheriff of Camden County for Criminal History. Within thirty (30) days of receipt from a principal, officer, shareholder or director of the Operator of a legible copy of fingerprints, social security number, full name, current address, sex, race, recent photograph, and date of birth, the Office of the Sheriff of Camden County shall conduct a criminal history check, certify the results in writing, and provide a copy of the results to the Applicant. If necessary, the Office of the Sheriff of Camden County may solicit assistance from other agencies to complete the criminal history check.*

*(2) Eligibility of Applicant. An Applicant is ineligible for a permit if:*

- i. *within five years of the date of the application, Applicant has been convicted of any felony under the laws of Georgia, the United States, or any other state unless said violation would not constitute a crime in Georgia, or has had adjudication for same withheld,*
- ii. *within three years of the date of the application, has had a permit under this Chapter revoked or been convicted for a violation of this Chapter,*
- iii. *the prices to be charged for the product(s) or service(s) offered, as listed on the permit application, do not constitute a reasonable market value, or*
- iv. *the application materials are incomplete or untruthful.*

*The Camden County shall deny the permit for any of the above reasons.*

*If an Applicant satisfies all permit filing requirements and is not ineligible, the Camden County shall approve the application.*

- (f) *Denial of Permit.* An Applicant whose permit application is denied may reapply at any time by completing all steps of the applications procedure, including payment of a new application fee. The decision to deny a permit shall be considered non-final agency action subject to appellate review by Camden County Board of Commissioners. The decision of the Camden County Board of Commissioners shall constitute final agency action subject to judicial review. Any appeal of a permitting decision shall be made within fifteen (15) calendar days of denial by filing a written notice of appeal within the prescribed time period constitutes a waiver of the right to appeal.
- (g) *Permit fees.* The eligible Applicant, before receiving the permit, shall pay:
- (1) *An Electronic Drawing and Game Promotion Fee of \$2,000 for Premises with six (6) or more pieces of Electronic Equipment, or \$1,000 for Premises with five (5) or fewer pieces of Electronic Equipment. The fee is for one year during which the permit is valid and shall be paid each time the permit is renewed. If an eligible Applicant fails to pay this fee on or before the thirtieth (30<sup>th</sup>) day after approval, availability, and notice of permit authorization, the application shall be deemed denied.*
- (2) *An annual fee of \$200 per piece of Electronic Equipment. If the eligible Applicant fails to pay the fee on or before the thirtieth (30<sup>th</sup>) day after approval, availability, and notice of the permit authorization, the application shall be deemed denied.*

- (h) *Duration of Permit.* A permit shall be valid for one (1) year from the date of issuance.
- (i) *Renewal of Existing Permit.* Existing permits shall be renewed upon compliance with this Chapter, notwithstanding the total number of permits issued. The Permit Holder shall apply for the renewal permit no later than sixty (60) days and no sooner than one-hundred twenty (120) days before the expiration of the current permit. The renewal permit application shall include all the materials and the application fee required for the issuance of an original permit, and shall include evidence of current lawfully existing operations consistent with the requirements of this Chapter. Renewal permit applications shall be processed using the same procedure and standards as required for review of an original permit application but shall be processed within 30 days. Upon approval, Renewal permit applicants shall pay the same fees as set forth in subsection (h) above and said renewals shall be deemed denied if an eligible Applicant fails to pay these fees on or before the thirtieth (30<sup>th</sup>) day after approval, availability, and notice of the permit authorization.
- (j) *Restriction on Transfers of Permits.*
- (1) *Transfer to Another Entity:* Permits may be transferred no more than one time to another entity, upon written notification and proper evidence of the proposed conveyance provided to the *Camden County Office of Planning and Development* seeking prior approval of the proposed conveyance. The proposed transferee of the conveyance shall meet the requirements of Section 10-6. Permitting and Fees: of this Ordinance prior to the transfer of

the conveyance being finalized by the *Camden County Office of Planning and Development*. Any change in a majority or controlling interest in any Permit Holder shall be deemed an impermissible transfer of the permit, except in the event of the one-time transfer, as envisioned by the above-stated requirements of this paragraph of the Ordinance.

(2) Transfer to Another Premises: Permits may be transferred to another premise upon application. The transferred location shall be approved within fifteen (15) days of submittal of a complete application (including all required supplemental information, including but not limited to any required certified maps depicting applicable locations and distances), if such use is a permitted use in an approved zoning district. Otherwise, the application shall be denied.

(k) Revocation of Permit. Camden County may revoke a permit for violation of any provision of this Chapter or due to a Permit Holder's cessation of the use of Electronic Equipment during its normal business hours for at least fourteen (14) consecutive days. Prior to revocation, Camden County shall provide to the Permit Holder, through their individual residing within Camden County authorized to accept notices from Camden County, the following:

- (1) A written notice of intent to revoke the permit.
- (2) A fourteen (14) calendar day opportunity to cure the alleged violation,  
and
- (3) An opportunity to be heard prior to revocation.

Revocation shall not take place before twenty one (21) days after a notice of

revocation, opportunity to cure, and opportunity to be heard is delivered to the Permit Holder. The decision to revoke a permit shall be considered non-final agency action subject to appellate review by Camden County Board of Commissioners. The decision of the Board of Commissioners shall constitute final agency action subject to judicial review. Any appeal of a revocation decision shall be made within fifteen (15) calendar days of revocation by filing a written notice of appeal with the Planning Department. Failure to file written notice of appeal within the prescribed time period constitutes a waiver of the right to appeal.

#### **Sec. 10-7. Inspection of Premises**

During business hours, the County Code Enforcement Officer, or his appointed agent(s) may enter the Premises for purposes of inspecting all areas of the Premises otherwise accessible to the general public, to ensure compliance with the provisions of this Chapter or any other ordinances within their authority, including but not limited to the right to enter the Premises and to select and remove any piece(s) of Electronic Equipment to inspect, test and/or have tested to determine compliance with this Chapter and that the equipment meets the definition of Electronic Equipment in Sec. 10-4 Definitions. Camden County may issue to the Permit Holder a show cause order requiring the production on Premises of documents or data relating to the game promotion. Production of the records or inventory shall only be for inspection and review to determine compliance with this Chapter. Within three (3) days of receipt of the show cause order the Permit Holder shall produce all requested records and inventory. Any tests required by this section shall be paid by the Permit Holder.

- (a) *Exterior of Premises.* Exterior signage shall be limited to the advertisement of the consumer produce and/or service sold on the Premises, and that a sweepstakes held in connection with the sale of said consumer product and/or service is offered. No signs shall be posted on the exterior of the Premises that suggest gambling takes place on the Premises or displays any image commonly associated with slot machines. All signage shall be further subject to Article 7; Unified Development Code (Sign Regulations).
- (b) *Interior of Premises.* The Permit Holder shall conspicuously post the name of the Permit Holder, a description of all products and services sold, and the complete rules for all service, sweepstakes or game promotions at the Premises' front or main counter. Rules for all game promotions shall include the following language in at least 26 point font: "State and local law prohibits this establishment from requiring an entry fee, payment, or proof of purchase as a condition of participating. No donation or contribution is required. You may obtain free entries upon request from any employee on the premises." The Permit Holder shall also post a sign which shall include the following language in at least 26 point type: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." The Permit Holder shall affix signage that shall include the following language in at least 10 point type of each piece of Electronic Equipment: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." A complete copy of the Rules, prizes, and odds of winning shall be made available on request without cost. Any consumer



product or service offered for sale shall be identified by description and price by conspicuous posting. A copy of the permit shall be posted conspicuously at the main counter or at the entrance.

**Sec. 10-8. Limitations on Operation of Business.**

- (a) *Alcoholic Beverages.* Permit Holders shall not sell or permit any individual to consume or possess any alcoholic beverages on any Premises unless in total compliance with Article 10, of Camden County's Alcoholic Beverage Ordinance.
- (b) *Minors.* Permit Holders shall not permit Minors (individuals 18 years of age) to enter the premises, operate the equipment or work in the Premises.
- (c) *Conditions of Alternative Means of Entry.* Entries that are available without purchase or financial donations shall be made available on request. The Permit Holder shall not limit the number of such entries offered per day per individual to less than the equivalent amount of entries that Permit Holder provides to individuals who make a donation, or purchase of a product or service valued at least \$1.00.
- (d) *Limitation on Electronic Equipment.* Permit Holders shall not operate more than fifty (50) pieces of Electronic Equipment. Replacing an existing piece of Electronic Equipment due to a defect or upgrade shall not be deemed a reduction pursuant to this subsection, provided that such replacement occurs within thirty (30) days.
- (e) *Zoning.* Game promotions utilizing Electronic Equipment shall be permitted or permissible by special exception, as applicable, as set forth in the Unified Development Code of Camden County, Georgia, subject to all applicable

requirements, restrictions and limitations set forth in the Unified Development Code of Camden County and the Official Code of Camden County, Georgia.

(f) *Additional Restrictions.* No drawing by chance in connection with the sale of a consumer product or service, sweepstakes or game promotion shall:

- (1) design, engage in, promote, or conduct a game wherein the winner may be predetermined or the game may be manipulated or rigged;
- (2) arbitrarily remove, disqualify, disallow, or reject any entry;
- (3) fail to award any prize offered;
- (4) print, publish, or circulate literature or advertising material which is false, deceptive, or misleading; or
- (5) require an entry fee, donation, payment, or proof of purchase as a condition of entering.

(g) *Additional Requirements.* An Operator conducting a drawing by chance in connection with the sale of a consumer product or service, sweepstakes or game promotion shall be required to:

- (1) *maintain a list of the names and addresses of all persons who have won prizes which have a value of more than \$25 for one (1) year.*
- (2) maintain a trust account or bond in favor of Camden County in an amount equal to the total announced value of the prizes offered or \$50,000, whichever is less.

**Sec. 10-9. Safety and Security Requirements.**

On Premises, the Permit Holder shall maintain the following security devices and standards:

(a) a security camera system operating during business hours and capable of

- recording and retrieving an identifiable image for a period of six months from the occurrence of any event;
- (b) a drop safe or cash management device for restricted access to cash receipts where there are more than five (5) pieces of Electronic Equipment on the Premises;
  - (c) a conspicuous notice at all public entrances to Premises stating cash register contains limited amounts of cash;
  - (d) at exits to Premises, height markers displaying height measures;
  - (e) a cash management policy limiting cash on hand;
  - (f) a silent alarm system capable of notifying law enforcement; and
  - (g) during nighttime hours when the Premises is open for business and where there are more than five (5) pieces of Electronic Equipment on the Premises, at least one licensed, armed security guard. The fact that a licensed armed security guard may not be required, is not intended to immunize or forgive a Permit Holder from any statutory or common law obligation to maintain reasonably safe premises at any time.

### **Sec. 10-10. Zoning**

Zoning for any use under this section shall be a special use only in the C-G, General commercial zoning district as defined in the Unified Development Code of Camden County, Georgia.

### **Sec. 10-11. Violations**

- (a) It shall be unlawful for any Person, Operator, Manager, or Permit Holder to violate any of the provisions of this Chapter.
- (b) Violations of different provisions of this Chapter shall constitute separate

offenses. Each day a violation occurs shall constitute a separate offense.

(c) A first violation of any of the provisions of this Chapter constitutes a civil infraction punishable by up to \$300 fine. Any subsequent violation of any provision of this Chapter shall be punishable by up to a \$500 fine.

(d) Any person violating any provision of this ordinance, upon conviction, shall be punished pursuant to Section 1-19 of the Camden County Official Code and Ordinances. Each day a violation occurs shall be considered a separate and distinct violation. Original jurisdiction for any violation of this ordinance is in the Magistrate Court of Camden County.

**Sec. 10-12. Severability**

If any portion of this Chapter is determined to be invalid for any reason by a final non-appealable order of any court of competent jurisdiction, then it shall be severed from this act. All other provisions of this act shall remain in full force and effect.

That this Ordinance shall become effective immediately upon its passage and approval. ADOPTED in legal assembly this \_\_\_\_ day of \_\_\_\_\_, 2011.