

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

ORDINANCE #339

**AN ORDINANCE ESTABLISHING A UNIFORM LICENSE FEE  
FOR ALL VIDEO POKER MACHINES  
LOCATED IN THE UNINCORPORATED AREAS  
OF LANCASTER COUNTY,  
PROVIDING FOR THE TERM AND COST THEREOF,  
AND PENALTIES FOR FAILURE TO COMPLY**

**WHEREAS**, the Lancaster County Council finds that:

1. As a result of the 1991 South Carolina Supreme Court decision in State vs. Blackmon authorizing the disbursement of money to video poker machine players, there has been a proliferation of video poker machines in Lancaster County; and

2. The proliferation and continued existence of video poker machines in Lancaster County raises both the cost and demands on the County for increased law enforcement support, along with an increase on the other community requirements resulting from gambling activity.

**NOW, THEREFORE, BE IT ORDAINED** by the Lancaster County Council, in meeting duly assembled, after three readings, the following Ordinance:

**SECTION 1. AUTHORITY.** Pursuant to Part II, Section 60, of Action No 164 of 1993 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, counties are granted authority to impose a license fee on coin operated machines as defined in S.C. Code Ann. 12-21-2720(A)(3), as amended, in an amount not exceeding ten (10%) percent of the regular license fee imposed by the State of South Carolina pursuant to S.C. Code Ann. 12-21-2720(A), as amended, for the equivalent license period.

**SECTION 2. DEFINITIONS.** The coin-operated machine or device to which this ordinance applies is defined in S.C. Code Ann. 12-21-2720(A)(3), as amended.

**SECTION 3. LICENSE ESTABLISHED.** Every person who maintains for use or permits the use of, on a place or premises occupied by him within the unincorporated areas of Lancaster County, one or more video poker machines shall apply for and procure from Lancaster County a license/decal for the privilege of making use of the machine in Lancaster County.

**SECTION 4. TERM AND COST OF LICENSE.** The license required herein shall be a biennial license beginning July 1, 1999, and expiring twenty-four (24) months thereafter. The cost of the license shall be Three Hundred and Sixty (\$360.00) Dollars, or the highest charge allowable by State Statute, and the fee shall be paid to the Lancaster County Building and Zoning Department. The fee for any Lancaster County video poker machine license purchased after the beginning of the biennial period shall be prorated in proportion to the remaining months in the license period, calculated on a whole-month basis at the rate of \$15.00 per month per license or the highest charge allowed by State Statute. For the purpose of this subsection only, any part of a month shall be considered and treated as a whole month. If a majority of the qualified electors within a county vote to terminate cash payoffs for credits earned on coin-operated devices in a referendum as authorized by Section 19 of Act No. 164 of 1993 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Lancaster County shall refund to any person holding a license for the operation of video poker machines on a pro-rated basis the portion of any license fees previously paid the County for licenses which extend beyond July 1, 1999.

**SECTION 5. PROOF OF LICENSING.** Every person who maintains for use or permits the use of, on any place or premises occupied by him, any machine subject to the license imposed by this ordinance shall by way of proof of licensing have a current decal attached in plain view on each machine. The licensed location will be recorded on the decal. An application for no more than five permits will be issued to the owner of any new parcel or business location only within a B-4 zoning district. Application for a county license for a location or a business which the owner feels should be grandfathered should be accompanied with proof that commercial taxes were paid at the location prior to September 28, 1998, and that the video poker machines were State licensed at this location prior to September 28, 1998.

**SECTION 6. PENALTIES AND ENFORCEMENT.**

A. Any person who failed, neglects, or refuses to comply with the terms of this Ordinance is subject to a fine of Five Hundred and no/100 (\$500.00) Dollars or imprisonment for not more than thirty (30) days for each such failure per machine and for each day of non-compliance.

B. Violations of this Ordinance shall be enforced by any duly commissioned Code Enforcement Officer of the Lancaster County Building & Zoning Department.

**SECTION 7. USE OF REVENUES.** The proceeds from the collection of the County Video Poker License fees, and any fines collected, shall be deposited in the General Fund of the County and utilized as determined by the Lancaster County Council.

**SECTION 8. EFFECT OF LICENSE.** The issuance of a license under the provisions of this ordinance by the County does not make lawful the operation of any gambling machine or device, the operation of which is made unlawful under the laws of this State.



**SECTION 9. PRESUMPTION.** Upon application being made for a license to operate any machine or apparatus under this ordinance, the County may presume that the operation of the machine or apparatus is lawful and, when a decal has been issued for the operation thereof, the sum paid for the license may not be refunded notwithstanding that the operation of the machine or apparatus is prohibited, except as provided in Section 4 above.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall become effective on July 1, 1999.

**AND IT IS SO ORDAINED** this 27th day of July, 1999.

LANCASTER COUNTY COUNCIL

Ray E. Gardner, Chairman

Polly C. Jackson, Secretary

Approved as to form and content:

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William R. Sims, County Attorney

ATTEST:

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Irene Plyler, Clerk to Council

1<sup>st</sup> reading: 06-07-99

2<sup>nd</sup> reading: 06-21-99

3<sup>rd</sup> reading: 07-27-99

Public Hearing: 07-27-99

# COUNTY OF LANCASTER SOUTH CAROLINA

## VIDEO POKER INFORMATION SHEET

BUSINESS NAME \_\_\_\_\_

LOCATION \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

OPERATOR'S NAME \_\_\_\_\_

CORPORATE NAME (if applicable) \_\_\_\_\_

S. C. TAX COMMISSION RETAIL LICENSE NUMBER \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_ HOME PHONE \_\_\_\_\_

NUMBER OF VIDEO POKER MACHINES \_\_\_\_\_

The Lancaster County Building and Zoning Department will assign a decal number to each machine and return this form to you. Place the assigned decal in the upper left-hand corner of the video poker machine.

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For Building & Zoning Use Only

Property Zoning Classification \_\_\_\_\_

Commercial Property Taxes Paid Prior to 9/28/98 \_\_\_\_\_

State Video Poker License Number Prior to 9/28/98 \_\_\_\_\_

Decal Number \_\_\_\_\_

Decal Number \_\_\_\_\_

Decal Number \_\_\_\_\_

Decal Number \_\_\_\_\_

Decal Number \_\_\_\_\_

Video Poker Fee.ord