

**CHAPTER 34
REGULATIONS FOR GAMBLING AND/OR GAMING**

Section 34.1 Regulations of Video Draw Poker Devices

Section 34.2 Licensing of Video Draw Poker Devices

Section 34.3 Adoption of Video Draw Poker Device Ordinance

AN ORDINANCE TO ENACT CHAPTER 34 OR THE CODE OF ORDINANCES OF THE VILLAGE OF FOLSOM TO REGULATE AND RESTRICT THE EMPLACEMENT OR USE OF VIDEO DRAW POKER DEVICES; TO REGULATE THE LOCATION, DESIGN, AND CONSTRUCTION OF BUILDINGS, STRUCTURES, AND LAND FOR LICENSED VIDEO DRAW POKER OPERATIONS AT QUALIFIED TRUCK STOP FACILITIES; AND TO PROVIDE FOR RELATED MATTERS.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN, VILLAGE OF FOLSOM, STATE OF LOUISIANA:

Section 34.1 in accordance with R.S. 33:4862.21 (A), as enacted by Act No. 13 of the 1994 Third Extraordinary Session of the Louisiana Legislature, the following shall govern the placement or use of video draw poker devices and the location, design, and construction of buildings, structures, and land for the operation of such devices at qualified truck stop facilities within the incorporated are of Folsom, Louisiana:

- A. (1) A video draw poker device may be placed or used only in a licensed establishment.
- (2) “Licensed establishment” means an establishment that:
- (a) is not located with any area zoned “residential” unless the establishment was licensed prior to the effective date of the Ordinance, and
 - (b) (i) has a state and local Class “A” general retail or a state and local Class “A” restaurant permit, if applicable, for the sale of alcoholic beverages for on-premises consumption on the premises of a restaurant, bar, tavern, cocktail lounge, club only, or such an establishment located with a motel or hotel, or
 - (ii) is a Louisiana State Racing Commission licensed race track, pari-mutuel wagering facility, or off-track wagering facility, or
 - (iii) is a qualified truck stop facility.
- (3) “Qualified truck stop” means a facility that meets the criteria contained in R.S. 33:4862.6(A) (4) (c) and which has underground storage facilities for fuel.
- (4) “Licensed establishment” does not include and premises leased to or utilized by a bona fide-nonprofit organization for the conduction

of charitable gaming nor any convenience store, quick-stop, food-mart, service station, grocery store, barber shop, laundramat/washateria, package or discount liquor/cigarette establishment, movie theater, or beauty shop.

- B. (1) No video draw poker device may be operated in a truck stop facility if the facility is located less than three hundred feet from:
 - (a) Property that is on the National Historic Registry.
 - (b) A public playground
 - (c) A building used exclusively as a church, synagogue, public library, day care center or school
 - (d) Any area zoned residential within the municipality
- (2) This distance shall be measured as follows:
 - (a) As a person walks using the sidewalk from the nearest point of the property line of the property on the National Historic Registry, public playground, church, synagogue, public library, or school to the nearest point of the premises to be licensed.
 - (b) A straight line from the nearest point of the boundary line of a residential district to the nearest point of the premises sought to be licensed.
- C. No approval shall be given to the operation of any licensed video draw poker device at a qualified truck stop facility, unless the governing authority determines that the design and construction of each building and structure of the facility complies with or conforms to all applicable state laws and ordinances.

Section 34.2 Chapter No. 8 of the Code of Ordinances of the Village of Folsom imposing an annual license tax on every person engaged in the business of operating video poker devices or similar devices shall remain in effect.

Section 34.3 This ordinance shall become effective on January 1, 1995.

Said Ordinance has been introduced on November 14, 1994 by Mayor Darrell Magee, public hearing having been held, the title having been read and the Ordinance considered, on motion by Alderman Ezell, seconded by Richardson to adopt the Ordinance, a record vote was taken and the following result was had:

YEAS: Alderman Ezell, Alderman Richardson, Alderman Brumfield

NAYS: None

ABSENT: None

Whereupon, the presiding officer declared the above Ordinance duly adopted on December 12, 1994.

Darrell Magee, Mayor
VILLAGE OF FOLSOM, LA.

Merty Fitzmorris, Municipal Clerk
VILLAGE OF FOLSOM, LA.