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SECTION 1711.11 LICENSING OF CONCESSIONAIRES:

- (A) No person shall operate any concession at any fair or exposition conducted by a county or independent agricultural society or by the Ohio Exposition Commission without first obtaining from the director of agriculture a license to do so under division (B) of this section; nor shall any officer, agent, or employee of a county or independent agricultural society or of the Ohio Exposition Commission grant a privilege or concession to any person to do so, unless the person holds a license. For the purposes of this section, "concession" means any show, amusement other than an amusement ride as defined in section 1711.50 of the Revised Code, game or novelty stand operation at a fair or exposition, but does not include food or drink operations.
- (B) A license shall be issued by the director only upon a written application containing a detailed description of the concession. Blank applications for license shall be prepared and furnished by the director.
- (C) No license shall be issued until the applicant has paid a fee of seventy dollars to the director, except that no fee shall be collected from nonprofit organizations which are recorded as such by the Secretary of State or with the Internal Revenue Service. The director shall pay the fee into the state treasury to the credit of the amusement ride inspection fund established by section 1711.53 of the Revised Code.
- (D) A license issued under this section shall contain a detailed description of the concession licensed, shall expire on the thirty-first day of December following the date of issue, and shall be kept by the licensee in a conspicuous place where his concession is in operation.
- (E)(1) The director shall employ and provide training for a chief inspector and additional inspectors and employees as necessary to administer and enforce this section. The director may appoint or contract with other

meet the qualifications for inspectors established by rules adopted under division (G) of this section and are not owners or employees of owners of any concession subject to inspection under this section. No person shall inspect a concession who, within six months prior to the date of inspection, was an employee of the owner of the concession.

- (2) Before the director contracts with other persons to inspect concessions, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the board the director may proceed to contract for amusement ride inspectors and award the contract to the lowest responsive and responsible bidder in accordance with Section 9.312 of the Revised Code. In order to determine the lowest responsive and responsible bid, the director, with the advice of the board, shall adopt rules governing the terms of the contract between the department of agriculture and the inspector. The rules shall prescribe the training and work experience required of an inspector, any insurance or bonds required of an inspector, and all the services the inspector will be required to perform on behalf of the department in an efficient professional manner.
- (F) This section does not require the officers of any such county or independent agricultural society or of the Ohio Expositions Commission to grant any privilege or concession to any licensee.
- (G) The director shall enforce this section and, in accordance with Chapter 119 of the Revised Code, adopt all rules that are necessary for its enforcement. If the director finds that this section has been violated or that the licensee has been dishonest or has been fraudulent in his dealings with the public, the director, in accordance with Chapter 119 of the Revised Code, shall revoke the licensee's license or fine the licensee not more than \$1,000.00, or both. The director, for a period not exceeding two years from the date of revocation, may refuse to issue another license to a person for a concession for which his license has been revoked. Notwithstanding Section 119.12 of the Revised Code, all appeals from any fine by or order

of the director shall be to the Court of Common Pleas of the county where the place of business of the person is located or to the Common Pleas

Court of the county in which the person is a resident or in which the concession is located.

- (H) Any person holding a license issued to him under this Section who permits or tolerates at any place on the fairground where the concession is in operation, any immoral show, lottery device, game of chance, or gambling of any kind, including pool selling and paddle wheels, or who violates the terms of the license issued to him, shall forfeit his license, and the director shall not issue any other license to the person until after a period of two years from the forfeiture. For the purpose of this division, “lottery device,” “game of chance,” and “gambling of any kind” do not include the sale of lottery tickets by the state lottery commission pursuant to Chapter 3770 of the Revised Code at the state fairgrounds during the state fair. For the purposes of this section and section 1711.09 of the Revised Code, contests, games, tournaments, and other activities, the outcome of which is predominantly determined by the skills of the contestants, participants, or players, whether or not the contestants, participants, or players pay a price for the opportunity to win a prize, do not constitute a game of chance or gambling within the meaning, purpose and intent of this section and section 1711.09 of the Revised Code or sections 2915.01 to 2915.04 of the Revised Code. The foregoing definition does not apply where the contest, game, tournament, or other activity, contains or includes any mechanical or physical device which directly or indirectly impedes, impairs, or thwarts the skill of the contestant, participant or player.

SECTION 1711.12 FORBIDDEN ACTIVITIES:

During an Ohio state fair or county or independent agricultural society fair, no person shall cry, hawk, sell, or expose for sale any merchandise except the official fair or race program upon any public road at any point within one thousand feet of any entrance or exit of any fairground or, within the fairground, engage in any solicitation more than four feet from a concession booth assigned to such person, except vendors under contract may solicit within the immediate area of a grandstand or coliseum for the purpose of vending food, soft drinks, and souvenirs directly related to the program attraction.

ISKCON VS. EVANS COURT RULING:

(Ohio law and ODA rules upheld by Federal District Court)

When a religious group sought permission to move freely about the state fairgrounds during a state fair in order to engage in a religious practice known as Sankirtan which consisted of approaching members of the public and soliciting donations and explaining their religious beliefs, rules of the Ohio Expositions Commission which restricted all solicitors to an area within four feet of a booth or display, did not violate either of the constitutional guarantees of freedom of religion or freedom of speech when applied to the religious group as long as booths were available for rental to prospective exhibitors on a nondiscriminatory basis and without regard to the content of the exhibitor's message.

{Iskcon et.al. vs Evans et.al. 400 F. Supp. 414}

901:9-2-01 DEFINITIONS:

(A) "Agent" means any person who is employed, whether or not paid in any

manner, by a concessionaire to work in any game or novelty stand at a fair.

- (B) “Amusement” means an entertainment that is applied to activities , where no prize or where equal prizes are given by the operator to each participant, whether or not the object is accomplished. An example may include, but is not limited to, electronic arcades, or any pleasurable activity where a player places a stake, in the anticipation of little or no reward.
- (C) “Concession” means an activity that is required to be licensed under the authority of section 1711.11 of the Revised Code.
- (D) “Concessionaire” means any person who owns, operates, or leases a concession and has obtained a license from the department.
- (E) “Department” means the Ohio Department of Agriculture.
- (F) “Director “ means the director of the department.
- (G) “Fair” means the annual exposition conducted by any county or independent agricultural society or the Ohio Expositions Commission.
- (H) “Group Games” are those games where the skill of one or more players is pitted against the skills of other players playing the same game simultaneously.
- (I) “Inspector” means any person employed by the department or under contract with the department, the director or the director’s designee, assigned to work at county or independent fairs or the Ohio State Fair for the purpose of inspecting games, shows and sales of novelties.
- (J) “Novelty” means any inexpensive souvenirs for sale that list the fair’s name and/or logo and are approved for souvenir sale by the county or independent agricultural society or by the Ohio Expositions Commission.

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- (K) “Novelty Stand” means a location at a fair from which novelties are sold.

- (L) “Person” means any individual, partnership, corporation or agent of the same, acting either individually, or as a group, in any manner covered by this Chapter.
- (M) “Player” means any person who plays a game at a fair whether or not he is attempting to win a prize.
- (N) “Prize” means any item won by a player of a game at a fair upon completion of some task.
- (O) “Show” means an exhibition or demonstrative display but not a grandstand or other fair-sponsored event.

901:9-2-02 GENERAL PROVISIONS:

- (A) No game, show or sale of novelties shall be permitted at a fair, which does not meet with the approval of the inspector and the designated official of the fair board and/or the Ohio Expositions Commission.
 - (B) False or misleading advertising by banner, word of mouth, or otherwise is prohibited.
 - (C) Every concessionaire shall be responsible for all the actions of his agent while the agent is working a concession at a fair.
 - (D) Each department approved electronic claw amusement game must be individually inspected and approved, and must be individually licensed, before any operation as stated in rule 901:9-2-16 of the Administrative Code.
 - (E) No person shall interfere with any inspector in the performance of his lawful duties of inspection.
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- (F) To ensure the efficacy and consistency of all concession inspections, an inspector must have six months experience or training in concession regulation and operation and a knowledge of Ohio laws and rules

pertaining to fairs.

- (G) Any type of game not previously permitted must be submitted for approval review at the department campus in Reynoldsburg, Ohio prior to May 31st of the current year.

901:9-2-03 LICENSES:

- (A) No person shall operate any concession at any fair without first obtaining a license from the department or the designee of the department.
- (B) One license shall be required for each separate game at a fair. More than one unit may be included under one location as long as all of the units of play are in the same location, and are not separate from each other by any wall, canvas, or other partition. At all times the terms of the license must correspond with the sign in relation to the price, to the object of the game, and to all rules of play. A concessionaire may change a concession operation if he has a valid license to make the change.
- (C) Licenses issued under the authority of section 1711.11 of the Revised Code are not transferable. The license for each concession shall be issued only to the owner or lessee of the concession. A licensee who permits another individual to use the license issued to a licensee in a concession not owned or leased by the licensee shall be held in violation of section 1711.11 of the Revised Code.
- (D) Every novelty stand must have a separate license.
- (E) The license of every concession must be conspicuously posted in the concession while the concession is in operation.

901:9-2-04 PRICES:

- (A) Posting of cost of play. Every game operated at a fair shall have conspicuously posted at all times, while in operation, a sign stating the cost of play, how the game is played and exactly what is required of the player in order to win each prize offered.

- (B) Price of play.
 - (1) In no case shall any merchandise be displayed in a game at a fair which is not one of the prizes possible to be won in a single play of the game. Unless, the game is played in such a manner as specified in paragraph (B) of rule 901:9-2-08 of the Administrative Code.

 - (2) All prizes which can be won must be displayed at all times the game is open to the public for play and no prize shall be given as a prize which is not on display.

901:9-2-07 PROHIBITED GAMES:

- (A) No gambling or game of chance shall be permitted.

- (B) No game shall be allowed which, either by its design or by its operation, is controlled by the operator to the extent that the outcome of the game is determined either partially or entirely.

- (C) No game shall be allowed in which the outcome depends upon the word of the operator against the word of the player.

- (D) No game shall be allowed in which hidden numbers are used.

- (E) No game shall be allowed which includes any mechanical or physical device which directly or indirectly impedes, impairs, or thwarts the skill of the player.

- (F) Such games include but are not limited to:
- (1) Corn game, bingo, keno, bean game, amazo, and any other such games;
 - (2) Dial striker (hand binger);
 - (3) Electric shuffle board;
 - (4) Climbing man game (run by electricity);
 - (5) Wheels of all kinds;
 - (6) Duck ponds (using hidden numbers and/or colors), or add-up game with a mirrored bottom.
 - (7) Roll downs (tip ups), beef roll, bottle roll downs (i.e., soda pop bottles, beer bottles, etc.);
 - (8) Add-a-ball;
 - (9) Devil's bowling alley, roll-a-ball alley and three-pin bowling alley;
 - (10) Marble trivoli, roll-down gum game;
 - (11) English pool;
 - (12) String game;
 - (13) Spot the spot, cover the spot;
 - (14) Jingle board;
 - (15) Swing ball game;
 - (16) Slot machine;
 - (17) Circular dart game, poker dart game, swinging dart game;
 - (18) Novelty dart shooting game;

- (19) Watch-a-la;
 - (20) Clothes pin and pin games with slanting pins or hidden numbers;
 - (21) Punch boards;
 - (22) Knife racks having curved pegs for merchandise prizes;
 - (23) Country store wheels;
 - (24) Ringing live ducks;
 - (25) Poly-poly boards;
 - (26) Shell game;
 - (27) Hurdle ladder game;
 - (28) Cone and baseball game;
 - (29) Coin and ten-pin game;
 - (30) Pop-em-in the bucket game;
 - (31) Red, white and blue ball game;
 - (32) Tumbler game;
 - (33) Short-range shooting gallery;
 - (34) Money pitch for money;
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- (35) Ping-pong drop-em-in ball game;
 - (36) Big Tom game;
 - (37) Grab bags or pick-outs;
 - (38) Penny fall games and/or all pusher type games;

(39) Five-pin bowling game.

901:9-2-08 GAMES: RULES OF PLAY:

- (A) Any rules of play issued by the department must be obeyed.
- (B) In no case shall any concessionaire or agent buy back for cash any prize from a player at a fair, nor shall any combination of prizes, articles, tickets, numbers or money be exchanged for other prizes; except, that a game may be played in such a manner that the player may accumulate up to three wins in order to win a large prize (i.e., one win/wins prizes on first shelf, two wins/wins prizes on second shelf, three wins/wins prizes on third shelf). If a game is played in this manner, only one price of play shall be allowed. Each level of prize must be plainly marked as to the number of wins.
- (C) In any game, the concessionaire or agent may designate a physical line or barrier a certain distance from the target behind which the players must stand to play the game, thus preventing the agent from judging the validity of the play. If the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set.

901:9-2-09 BALL AND BAG TOSSING GAMES:

- (A) In any game at a fair in which balls or other objects are rolled or slid on a platform of any kind, the platform shall be level laterally, unwarped, and have no obstruction of any kind between the players and the targets. Balls must be round, solid and firm.

- (B) Basketball-type games. Games resembling basketball, but having rims or hoops with an inside diameter of less, or greater than, eighteen inches. The difference between the inside diameter of the rim and the outside diameter of the ball shall be no less than three and one-quarter inches. All rims shall be circular. Rim size shall be posted on the backboard and the game may not be called basketball.
- (C) Basketball games. The basket or hoop shall be ten feet high and have an inside diameter of eighteen inches. A regulation-size basketball with a minimum circumference of twenty-nine and one-half inches and a maximum of thirty inches, with a weight minimum of twenty ounces and a maximum of twenty-two ounces shall be used for play.
- (D) Football toss and similar games. Operators of this game, where a tire or hole is used as a target, shall provide regulation-size footballs or similar objects to be thrown, and the clearance in the target shall be at least one inch measured from the largest part of the football or other object on one side. No obstruction shall be permitted.
- (E) Pan ball or box ball game. This game shall be operated in a level position at all times. The use of rubber, plastic or cork balls is prohibited. However, a plastic ball with holes (wiffle ball) may be used to play this game. The table or stand supporting the pans or boxes shall not exceed three feet in height from the ground. If the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set. The number of balls used to play this game shall not exceed four.
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- (F) Ping pong ball fish bowl game. The fish bowls shall be not more than one inch apart in any direction. The measurement shall be that at the location of the widest portion of the bowl in relationship to all adjacent bowls. The table or stand supporting the fish bowls shall not exceed four feet in height from the ground. If the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set. The width of the opening of the fish bowl shall be such that there will be not less than one inch from center position of the ball on one side.

- (G) Pop bottle ball game, bottle tip-em-over. Bottles shall be kept at least twelve inches from any obstruction so bottles are free to fall over at all times. Bottles shall be placed side by side in an upright position, bottom down, on the supporting platform and shall be parallel with the front of the game. The ball shall be tossed underhand. A leather-covered ball, approximately the same diameter as a baseball and weighing no less than one and one-half ounces, shall be used. One ball shall be used to play this game. Both bottles over wins. Boards shall not be waxed. Operators who desire to operate with four bottles and two balls may play in similar fashion.
- (H) Roll-a-game. The board shall be rigidly mounted, level laterally and unwarped with no obstructions which could cause the ball to jump. All slots or holes shall be in an even row at the back of the board and shall not be staggered. The balls shall be solid and round at all times. The slope shall not exceed one inch per foot of board length. All openings or slots shall be of the same width.
- (I) Clown pop-em-in, stars, lion's mouth and similar games. This game shall have at least one-half of an inch clearance on one side of the ball, and the target shall not be over six feet in distance from the front barrier. Motion of the game will be permitted if constant and not erratic. The approval by the director or his designee is required for a moving target.
- (J) Huckla buck kegs, milk can or similar games. These games shall be set on a frame and kept level at all times. The use of rubber and/or plastic balls is prohibited. The width of the opening of the kegs in huckla buck, milk can or similar games shall be such that there shall be no less than three-quarters of an inch clearance on one side. There shall be at least a four foot clearance from any obstructions above or around the cans.
- (K) Milk bottle ball game. No bottle shall weigh over three pounds. All bottles shall be free from defects and each set shall be uniform in size. The base on which the bottles sit shall be not less than eighteen inches from the ground. If the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set. The front barrier shall not be higher than the base on which the bottles sit. The base shall be at least six feet from the front barrier. A rim not to exceed one-half of an inch will be permitted if operating the game "all over". No obstructions whatsoever will be permitted around the base on which the

bottles sit if operating the game “all off”. This game must be played with a rubber or leather-covered softball with a minimum weight of five ounces.

- (L) Break the bottle, plate and similar games. Targets shall be placed in a stationary rack at least twenty-four feet from the barrier (no exceptions for trailer-mounted games). A protective covering shall be provided on three sides and the top for public safety. A canvas drop shall be used. Balls must be inspected for embedded glass before being offered to the player. Plastic or bisque plates or discs shall have a minimum distance of six feet clearance from the front portion of the trailer. In the break the plate game, the distance between the plates must be less than the diameter of the ball thrown when the object of the game is to break two plates with one ball to win.
 - (M) Dunking machine or similar games. Persons seated on the target seat shall not use foul or offensive language and shall be properly dressed. The use of rubber, plastic or cork balls is prohibited.
 - (N) Cat rack. The rack may consist of one or more tiers. Shelves shall be level. Cats shall not weigh more than two pounds. Cats do not have to be knocked from the shelf to be considered over (same as if game is played when cats are hinged). Canvas backdrop shall not interfere with the falling cat nor shall there be any other obstruction to prevent the cat from falling. Front molding (rail) on the shelf shall not extend over one inch above the shelf and may be padded to lessen the chance of rebound balls. Balls must be the size of baseballs and weigh not less than three ounces.
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- (O) Slat racks. Hinges on racks using fixed targets shall work freely to permit targets to fall over when hit.
 - (P) Beverage can - bean bag can. This game shall be operated with either six or nine empty cans and may be played “all over” or “all off”. The platform shall be no greater than twenty-one inches in diameter or a twenty-one inch square with the height being no less than thirty inches and no higher than fifty-two inches from the ground. If the game is trailer-mounted, the inspector shall determine the height of the base on which the

game is set. Cans shall be placed no more than three-eighths of an inch apart. Two bean bags, three inches by three inches, with a minimum weight of two ounces shall be used. Cans shall have clearance of the can plus three inches. A lip not to exceed one-eighth of an inch will be permitted. Cans are to be stacked "4-3-2" or "3-2-1". No obstructions whatsoever shall be permitted around the base on which the cans sit if operating the game "all off".

(Q) Bank-a-ball game. This game will be operated with the following requirements:

- (1) Must be played with standard unaltered wiffle ball (a hollow plastic ball with holes).
- (2) Foul lines, edge lines and borders will not be permitted on bank board.
- (3) Baskets must be standard-size clothesbaskets and stationary to frame.
- (4) Edge shots count.
- (5) The angle of the bank board must be no less than sixty degrees off plumb, and no greater than seventy degrees off plumb, away from player. The operator must keep on location a tool to attest and maintain this standard.

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- (6) The center of the basket must be positioned no further away from the player than the bottom edge of the bank board. It may be placed closer to the player.
- (7) The bottom distance between the edge of the bank board and the top of the basket shall be no greater than twenty-four inches.

(R) Slam dunk game (bank-a-ball type - Dobco Manufacturing). This game will be operated with the following requirements:

- (1) Must be played with standard unaltered wiffle ball (a hollow plastic ball with holes).

- (2) The angle of the bank board must be no less than sixty degrees off plumb and no greater than seventy degrees off plumb, away from the player. The operator must keep on location a tool to attest to and maintain this standard.
- (3) A sign must state: “When player hits plastic red zone area with ball, foul shot is created and player loses turn”.
- (S) Bushelbasket game. Game shall be played with a ball the same size as a softball. Basket must be a standard bushelbasket of four pecks having a height of at least twelve inches and a diameter of at least eighteen inches at the opening. Basket shall be at an angle of no less than sixty degrees off plumb and no greater than seventy degrees off plumb, away from the player. The operator must keep on location a tool to attest to and maintain this standard. Distance of throw shall be no greater than eight feet from toe line to the basket rim. Rim shots shall be allowed. Baskets shall be securely fastened to the backboard in a manner that they may be easily removed for inspection.
- (T) Tub Game. Game shall be played with a ball the same size as a softball. Tubs must have a height of at least twelve inches and a diameter of at least eighteen inches at the opening. Tubs shall be at an angle of no less than sixty degrees off plumb and no greater than seventy degrees off plumb, away from the player. The operator must keep on location a tool to attest

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to and maintain this standard. Distance of throw shall be no greater than eight feet from the toe line to the tub rim. Rim shots shall be allowed. Tubs shall be securely fastened to backboard in a manner that they may be easily removed for inspection.

- (U) For purposes of defining standard balls to be used in playing games, the following shall apply:
 - (1) Baseball: The ball shall be a sphere formed by yarn wound around a small core of cork, rubber or similar material and covered with two strips of white horsehide or two strips of white cowhide tightly stitched together. It shall be nine and one-half inches in

circumference.

- (2) Softball: The ball shall be a sphere formed by either a core of number nine long fiber kapok or yarn wound around a small core of cork, rubber or similar material and covered with a smooth seam stitch which is not visible on a flat surface. The ball shall weigh not less than six and one-fourth ounces nor more than seven ounces and be eleven and seven-eighths to twelve and one-eighth inches in circumference.
- (3) Football: The weight shall be from fourteen to fifteen ounces and it shall be inflated to a pressure of twelve and one-half to thirteen and one-half pounds. The measurements shall be as follows: long axis is ten and seven-eighths inches to eleven and seven-sixteenths inches; short circumference shall be twenty and three-fourths inches and the long circumference shall be twenty-seven and three-fourths inches to twenty-eight and one-half inches. Method of measuring shall consist of the following: all measurements shall be made after the ball is inflated to thirteen pounds; the long circumference should be measured ninety degrees from lace around the ends of the ball, over the groove but not in the groove; the long axis should be measured from end to end, but not in the nose indentation; the short circumference should be measured around the ball, over the valve, over the lace, but not over a crosslace.

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901:9-2-10 RING GAMES:

- (A) In any game at a fair in which rings are thrown over blocks or prizes, all rings must be round and unwarped, and the target must be vertically straight, level and horizontally level. No slanting blocks are permitted. A clearance of at least three-eighths of an inch on one side measured from the inside of the ring to the block or target is required.
- (B) Ring the bottle game. The table or stand supporting the bottles shall be of a height so that the top of the bottles to be ringed will not exceed four feet in height from ground level. If the game is trailer-mounted, the inspector

shall determine the height of the base on which the game is set. No obstruction shall be placed between, around or above the bottles at any time. The clearance of the ring shall be such that there will be no less than one-fourth inch clearance measured from the inside of the ring to the neck of the bottle. Ring bottle games shall be played on level surfaces, and the distance of all obstructions above or around all items to be ringed shall not be less than four feet.

- (C) Ring the pin game. Operators of this game shall arrange pins so they remain stationary at all times. Pins shall be so arranged that it is possible to ring each and every pin. The top row of pins shall not be higher than four feet above the ground. If the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set.
 - (D) Cane rack and ring the cane game. Canes shall be so arranged that each and every cane can be ringed, including all canes with hooked handles. All canes to be ringed shall have the end which is to be ringed perpendicular with the ground. The clearance of the ring shall be such that there will be no less than three-eighths of an inch clearance measured from the inside of the ring to the head of the cane. The measurement shall be made with the ring held next to the head of the cane.
 - (E) Ring the wooden duck game. The clearance of the ring shall be not less than three-eighths of an inch on one side measured horizontally from the back of the duck's neck to the tip of the duck's beak.
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- (F) Hoop-la games and ring the block game. These games shall have three-eighths of an inch clearance on one side. Blocks shall be flat, solid, and not more than two inches high, uncovered. No prize shall project over the block. Each block shall be placed on the table with sufficient clearance to permit any hoop to surround the block unobstructed by merchandise. Blocks need not be placed under cigarettes. All prizes displayed on blocks entitles the player to win all prizes on the blocks. Hoops shall be round and uniform in size.
 - (G) Pitch till you win hoop-la game. Operators shall provide targets that are vertical and maintained in a level position at all times (no slanting blocks will be permitted). All rings shall be round and unwarped and have a three-eighths of an inch clearance on one side.

901:9-2-11 SHOOTING GAMES:

- (A) Cork shooting gallery. Games using wooden-type targets or shoot until you win game or a game giving a prize every time shall adhere to this rule. Guns shall be in good mechanical condition. No chipped or crooked corks are permitted. The target shelf shall not exceed four inches in width. No obstruction shall interfere with the prize target falling off the target shelf. No target shall be used which patrons cannot shoot off the shelf. All targets are to be placed the same distance from the counter or "foul line". Paper soft drink cups shall not be used as targets. Targets shall be uniform in size, shape and weight. No prize shall be attached to the targets. Games giving a prize when obtaining the object with a limited number of shots shall adhere to this rule.
- (B) Long range, flip or sling-shot galleries. The guns shall be attached to the counter in a manner to protect the public. Lead galleries shall use non-splatter bullets only. Galleries shall have good side and back wall protection at all times. Galleries shall be operated for amusement only unless otherwise specified.
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- (C) Can shooting gallery. This game shall be played with different sized beverage cans. The cans shall be empty and devoid of any matter. The object of the game shall be to knock over two or more cans of a matching size. No prizes shall be attached to the cans. In all cases, all of the cans must be able to be knocked over.
- (D) Shoot out the star games. These games may be licensed by the department which shall establish standards under which the games shall operate. Such standards may include, but are not limited to:
- (1) The size of the star to be shot out must be no greater than one and one-quarter inches.

- (2) The targets are to be approximately nine feet from the gun muzzle.
 - (3) Each load is to be at least one hundred shots.
 - (4) All guns must be chained down so as to prevent them from being turned toward player or midway.
 - (5) All stars are to be on seventy-pound velum paper as approved by the department.
 - (6) The guns shall operate between 125 and 150 pounds of air pressure.
- (E) Archery. The operator of this game shall provide a protective covering on three sides. If the state inspector and/or representative of the fair board determines a covering must also be erected across the top to protect the public, such covering shall be required. The department has the right to require the operator to chain the device to the counter so as to make it impossible to shoot other than towards the target.

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901:9-2-12 COIN OR WASHER PITCH GAMES:

- (A) In any game at a fair in which washers, disks, or coins are thrown, the target must be level horizontally. In games where coins are used, in no case shall the coin tossed or pitched be larger than a quarter.
- (B) Washer or coin pitch games including pitch for glass. Each and every prize shall have a large enough opening and be so arranged that it can be won. When a target is used for "choice", it must be stated on a sign how a "choice" prize is won. Metal washers or coins can be used at the option of the fair board.
- (C) Washer or coin spot pitch games. The boards on which spots are arranged shall be level and unwarped and shall not be greased, waxed or powdered. Spots, washers and coins shall be of contrasting colors. The diameter of

each and every spot shall be three-sixteenths of an inch greater than the diameter of the washer or coin used to play the game. The entire washer or coin shall be in the spot to “win”. When washers are used, only steel washers shall be used. Metal washers or coins can be used at the option of the fair board.

901:9-2-13 DART GAMES:

- (A) All darts used in dart games must be weighted, balanced, and have no frayed, broken or missing feathers. The use of plastic darts is prohibited.
- (B) Add-em-up dart game. This game shall be operated with no more than four darts. No major prize winning numbers or colors shall appear in extreme outside rows. At least four major winning numbers, both high and low numbers, and colors shall appear per one hundred numbers or colors on boards. No squares shall be less than one square inch.
- (C) Dart suction cup. This game shall have a minimum of three-sixteenths of an inch clearance on all sides after the cup is stuck to the target.

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901:9-2-14 MISCELLANEOUS GAMES:

- (A) Guess weight, age or birth month. Operators shall not touch the patrons. The scale dials shall have clear figures which shall be illuminated at all times in order that they may be read by the public. In guessing age, the operator shall guess within two years of age and shall write the age down. In guessing birth month, the operator shall write the birth month down. The operator must guess within one month of either side of the patron’s actual birth month to be correct. In guessing weight, the operator shall write the weight down and must guess the weight within three pounds of either side of the patron’s actual weight.
- (B) Rope ladder game-climb the ladder game. The operator shall not touch the ladder. A safety chain shall be attached to the ladder at both ends, in addition to the existing chain or cable and ring, which will act to hold the

ladder in the event the single chain or cable or ring breaks. The ladder is not to hang loose; it must be taut, must have a thirty-six inch fence or the equivalent on three sides and adequate padding on the deck.

- (C) Bumper car. Barriers or foul lines shall not be permitted. A starting line only shall be permitted. The car does not have to hit a backstop to win. The car shall be completely released by the patron. A prize shall be given every time.
- (D) Pool game. Pool games shall have pegs so spaced that the total clearance is at least one-fourth of an inch greater than the diameter of the ball.
- (E) Shuffle boards or alleys. The slide board shall be level laterally and unwarped with no obstructions and shall be maintained smooth at all times. When numbers are used, they shall be plain, with no blank targets.
- (F) Spoke wheel game. The wheel shall be stationary at all times. The ball shall have one and one-fourth clearance on one side.

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- (G) Fishing pole or bottle set-up game. The playing surface on which bottles are placed shall not be less than twelve inches square for a minimum of one hundred forty-four square inches per square area. Bottles shall be placed in the center of the playing surface. The playing surface shall be level at all times. The use of grease or wax on rings and playing surfaces or bottles is prohibited. The string shall not be more than fifty-four inches long and not less than thirty-six inches long. The pole shall not be longer than thirty-six inches and shall not be shorter than twenty-four inches.
- (H) High strikers. The equipment shall be in good condition at all times. The slides or wires shall be straight and free of any obstruction. The slide board shall be plumb at all times. All mallets shall be in good condition. There shall be a fence of sufficient strength and not less than thirty-six inches high around strikers to protect the public. The fence shall be constructed so a child cannot crawl through. Patrons shall not be permitted to swing the mallet unless both arms are used, but individuals with permanent limb physical disabilities may use one arm. Only one

player shall be permitted at one time to play where adjacent high strikers are located.

- (I) Skee ball. This game shall be permitted under the following conditions:
 - (1) The use of coin slots or aprons will be permitted.
 - (2) The operator must reset the score by a reset device in full view of the participant when operating from an apron.
 - (3) The balls shall be solid, firm and round and not less than three inches in diameter.
 - (4) The game shall be run with a minimum clearance of one inch between the ball and ring on all target scoring areas.
 - (5) The ball rolling alley surface shall be smooth.
 - (6) If any coins are lost due to mechanical failure of machine, the coins will be replaced when reported to the game owner.

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- (J) In any game at a fair, including the Ohio State Fair, where coin-activated games are played, the following shall apply:
 - (1) The device, when reset, must be done so in full view of the patrons.
 - (2) The operator shall replace the patron's money due to mechanical failure of the machine.
 - (3) An attendant must be present.
- (K) Mirror duck pond. This game shall be played for amusement only as defined in paragraph (B) of rule 901:9-2-01 of the Administrative Code. The water in the pool where the selection is to be made must be kept slow and the object to be selected highly visible. This game shall not be operated in the add-up or match-up version.
- (L) Cane rack signage. Each owner of a cane rack shall post a sign containing, at a minimum, the following language: "Canes are to be used

as walking sticks only. Any improper use of canes is prohibited and may be cause for removal from the fairgrounds.”

- (M) Bowler roller game. All trailers must be level.

901:9-2-15 GROUP GAMES:

The department may license group games. In establishing rules to regulate group games, the department may consider, but shall not be limited to the following:

- (A) All group games will be licensed under the provisions of division (D) of section 1711.11 of the Revised Code.
 - (B) No group games shall be permitted to operate at any Ohio fair or the Ohio Exposition Center without first being inspected and licensed by the department, and without first being reviewed and approved by the appropriate fair board or the Ohio Exposition Center in the initial year of operation, and reflected in the official minutes of such board or commission.
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- (C) No group games will automatically be licensed. Such games shall be licensed by state inspectors on a game-by-game basis and only after such games meet all other rules and standards of the department for licensing non-group games.
 - (D) There may be more than one winner in group game competition or there may be only one winner. In either case, the rules of the group game shall stipulate whether more than one winner is permitted and such rules shall be posted in a conspicuous place in the concession while it is in operation.
 - (E) The department shall have the authority to seal any group game’s timers, master controls or any other device of the game which the department believes needs sealed to protect the public against fraud in the game’s operation. Any unauthorized tampering with such seals is prohibited. A violation of this rule will be brought to the immediate attention of the director who shall hold a hearing. Violation of this rule is subject to the penalties found in divisions (F) and (G) of section 1711.11 or division (A) of section 1711.99 of the Revised Code.
 - (F) No licensee shall change, alter or modify any critical component of any

group game at any time for any reason without first notifying the department and receiving written approval to do so from the department. Any licensee found in violation of this rule is subject to the penalties found in divisions (F) and (G) of section 1711.11 and/or division (A) of section 1711.99 of the Revised Code. The department shall determine what are critical components of each group game upon consultation with the game's manufacturer or in accordance with generally accepted engineering standards and practices.

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- (G) Where possible, the state inspector will gear his inspections of group games so such games maintain the manufacturer's original purpose and operation of said game, unless such game has been modified, changed or altered under the conditions of paragraph (F) of this rule.
- (H) Any group game which has been legally modified, altered or changed under the conditions of paragraph (F) of this rule shall be reinspected by the department prior to that game operating in the modified, altered or changed condition unless the department, in writing, agrees that the game so changed, altered or modified may continue to operate without reinspection.
- (I) The owner of the game shall have the responsibility to ensure that the game's manufacturer shall:
 - (1) Train and otherwise acquaint the state inspectors (at the manufacturer's cost) with the manufacturer's group games. This training shall include, but is not limited to, the physical characteristics of the game; the critical components of the game;

the game's electrical system; the proper operation of the game; a review of all mechanical parts, all electromagnetics or switches, pneumatic or hydraulic functions; and all other items requested by the department.

- (2) Submit to the department the manufacturer's schematic or other appropriate manufacturer's manuals and a copy of any changes, modifications or alterations recommended by the manufacturer to the game. The department reserves the right not to license any group game unless the materials set forth in this rule is received by the department.

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901:9-2-16 ELECTRONIC CLAW AMUSEMENT GAMES:

The department may license electronic amusement games. In establishing rules to regulate electronic games, the department may consider but shall not be limited to the following:

- (A) All electronic games will be licensed under the provisions of section 1711.11 of the Revised Code.
- (B) No electronic games shall be permitted to operate at any Ohio agricultural fair without first being inspected and licensed by the department.
- (C) Such games will be licensed by state inspectors on a game-by-game basis and only after such games meet all other rules and standards of the department for licensing.
- (D) The department shall have the authority to seal or require to be sealed the game's timers, motors, controls or any other devices of the game which the department feels should be sealed to protect the integrity of the game. Any unauthorized tampering with such seals is prohibited. Any violation of this rule is subject to the penalties found in divisions (F) and (G) of section 1711.11 of the Revised Code and section 1711.99 of the Revised

Code.

- (E) The owner of any electronic game shall have the responsibility to ensure that the game's manufacturer shall:
 - (1) Train and acquaint the state inspector (cost borne by the manufacturer) with the manufacturer's electronic games. This training shall include, but is not limited to: the physical characteristics of the game; the critical components of the game; the game's electrical system; the proper operation of the game; a review of all mechanical parts, all electromagnetics, all switches, pneumatic or hydraulic functions; and all other functions of the electronic game; and

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- (2) Submit to the department the manufacturer's schematic or other appropriate manufacturer's manuals and a copy of any changes, modifications or alterations recommended by the manufacturer to the game. The department reserves the right not to license any electronic game unless this rule is observed.
- (F) The price of play, game instructions and time of play (when applicable) must be posted.
- (G) The operator must replace a patron's money due to mechanical failure of the machine.

901:9-2-18 FISH-O-RAMA:

- (A) Winning discs may be less magnetic and may be of a smaller size than losing discs. All winning discs must be able to be picked up from moving water.
- (B) Rules of play must be posted and must include the following or similar

language:

- (1) “Winning discs are less magnetic. Pick a winning and losing disc at the same time, and the game shall be played over.”

901:9-2-19 GUN BALL:

- (A) Gun ball shall be played with three cylinders of the same size, shape and weight. If played all off, playing surface shall have no lip. The playing surface must be marked or scribed to show placement of cylinders. All cylinders shall be placed on the same horizontal and vertical plane. The top cylinder must be centered evenly between the bottom cylinders.

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901:9-2-20 TEE POOL:

- (A) The playing surface shall be at least twenty inches wide. The shot shall not be over four feet. The cue ball and two object balls must be of regulation size and weight and the golf tee must be a standard size. All necessary spots on the playing surface must be indicated in the fashion used on standard pool tables. All equipment should be of the best quality and in excellent condition. The playing surface should be level and true and of sufficient weight to maintain this condition.

901:9-2-21 CRAZY BIKE:

- (A) There must be a marked start and finish line. The front wheel of the bike must be behind the starting line. Patrons are to hold the handle bars and ride the bike with all wheels on the ground.

(B) The rear wheel must cross the finish line for the patron to win. The game is over and the patron loses when any body part has contact with the ground after the starting line and before the rear wheel crosses the finish line.