WEST VIRGINIA CODE: §29-22B-1202

§29-22B-1202. No limited video lottery retailer license for premises within 150 feet of another licensed premises; no two license retailer locations within a common structure.

(a) A limited video lottery retailer license may not be granted for operation of video lottery terminals on a premises if, at the time of application for the license, the applicant's premises are within 150 feet of, or has an external structural connection not amounting to a common internal wall to, a premises that already has a license for video lottery terminals.

(1) A measurement of the distance between two premises must be taken between the front door and the front door of each location, along the street or streets: *Provided*, That for the purposes of determining whether a limited video lottery retailer applicant that holds a private club license meets distance requirements for prohibited locations of licensees pursuant to §11-16-8(a)(5) of this code, the applicant's location is deemed compliant upon the issuance of a valid license pursuant to §60-7-1 *et seq.* of this code.

(2) When determining common ownership, the commission shall consider direct as well as indirect ownership.

(b) A premises for which a private club license to dispense alcoholic liquors, under provisions of §60-7-1 *et seq.* of this code, or a Class A nonintoxicating beer license, under the provisions of §11-16-1 *et seq.* of this code, was granted, was applied for, or the transfer of which was validly contracted for prior to January 1, 2001, is not subject to subsections (a) and (c) of this section: *Provided*, That a fraternal organization for which a private club license to dispense alcoholic liquors, under the provisions of §60-7-1 *et seq.* of this code, or a Class A nonintoxicating beer license, under the provisions of §11-16-1 *et seq.* of this code, which was granted prior to January 1, 2001, and which has remained in continuous operation since January 1, 2001, may, for good cause shown, obtain approval to be exempt from subsections (a) and (c) of this section, upon approval of the Commission.

(c) No more than one restricted access adult-only facility shall hold a limited video lottery retailer license to offer video lottery terminals in any single structure under one roof.

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