

## CHAPTER 112 – AMUSEMENT DEVICES

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### § 112.01 LICENSE REQUIRED.

No operator as defined in this chapter shall keep, operate, maintain, or permit to be operated or maintained upon premises within his or her direct control within the city, any amusement device, unless the person, firm, partnership or corporation shall have first procured a license as provided for in the chapter.  
(Prior Code, § 340.01) Penalty, see § 112.99

### § 112.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AMUSEMENT DEVICE.** Any device of the following types: a machine or contrivance, including pinball machines, electronic video games, mechanical miniature pool tables, bowling machines, shuffle boards, electric rifle or gun ranges, miniature mechanical or electronic devices and games or amusements

patterned after baseball, basketball, hockey, and similar games and devices, machines, or games which may be played solely for amusement and not as a gambling device, and which devices or games are played by the insertion of a coin(s) or token(s) or at a fee fixed and charged by the establishment in which the device or machine is located.

**AMUSEMENT DEVICE LOCATION.** Any commercial premise where the operation of 1 or more amusement devices is available for use by non-employees as the principal or secondary use of the premise.

**LICENSED PREMISES.** A premises upon which licensed amusement devices are used or are intended for use.

**OPERATOR.** A person, firm, partnership, or corporation which manages and/or owns premises on which 1 or more amusement devices are available for use by persons not employed by the operator.  
(Prior Code, § 340.02)

### **§ 112.03 APPLICATION.**

The application for an operator's license under this chapter shall contain the following information:

- (A) Name, address, age, date and place of birth of the operator;
- (B) Prior misdemeanor or felony convictions of the operators, if any, but excluding traffic violations;
- (C) Prior employment experience of a supervisory nature;
- (D) Address of premises where amusement device(s) is to be displayed or operated, and the primary business conducted at that premises;
- (E) Owner of premises;
- (F) If the interest of operator be that of a corporation or other business entity, the names of any persons having a 5% or more interest in the business entity shall be listed;
- (G) Name and address of amusement device vendor (if applicable) and a copy of lease agreement, exclusive of confidential financial information; and
- (H) Number and type of amusement devices to be maintained on premises.  
(Prior Code, § 340.03)

(I) All applicants must disclose any misdemeanor, gross misdemeanor, and felony convictions that are in any way related to the business. All offenses shall be disclosed; however, only those offenses that are relevant to the license application shall be considered.

Penalty, see § 112.99

#### **§ 112.04 FEES AND TERMS.**

(A) *License.* The annual license fee for required licenses under this section shall be as set from time to time by the Council. Licenses shall be issued for an annual period from July 1 through June 30 of the following year. The fee for an initial license shall be prorated as of the date of the application.

(B) *Investigation.* At the time of application for an operator's license, the applicant shall pay in full an investigation fee as set from time to time by the Council. If at any time an additional investigation is required because of a change in ownership or control of a corporation or partnership previously licensed, the licensee shall pay in full an additional investigation fee as set from time to time by the Council. Investigation fees shall not be refunded.

(Prior Code, § 340.04) Penalty, see § 112.99

#### **§ 112.05 INSURANCE.**

(A) The operator shall also submit with his or her application, a policy of liability insurance applicable to the death or injury caused by the operation of the licensed amusement device(s) or the premises upon which it is located.

(B) The minimum amounts of insurance shall be \$100,000 for injury to or death of any person, or \$300,000 per accident and \$50,000 for property damage.

(Prior Code, § 340.05) Penalty, see § 112.99

#### **§ 112.06 ISSUANCE.**

A copy of each application shall be referred to the designated law enforcement agency. The designated law enforcement agency or its designee shall investigate the location where it is proposed that the amusement device(s) shall be operated, and shall ascertain if the applicant is of good moral character, and repute and who meet the requirements of state law. On the basis of the investigation, the law enforcement agency shall recommend either the approval or the denial of the license. The completed application, along with the investigative report and recommendation, shall be presented to the Council which shall in its discretion grant or refuse the license. If approved, the City Administrator-Clerk shall issue the license to the applicant.

(Prior Code, § 340.06)

**§ 112.07 DISPLAY.**

The license issued under this chapter shall be posted permanently and conspicuously at the location of the amusement device(s) in the premises where the device(s) is to be operated or maintained to be operated.

(Prior Code, § 340.07) Penalty, see § 112.99

**§ 112.08 TRANSFERABILITY.**

(A) *Devices.* One amusement device may be substituted for another similar amusement device under a single license issued under this chapter provided that the total number of amusement devices at any time shall not exceed the number approved under the license

(B) *Location.* Operator's licenses are issued for 1 location only and are not transferable between locations.

(Prior Code, § 340.08) Penalty, see § 112.99

**§ 112.09 LOCATION OF AMUSEMENT DEVICES.**

(A) No machine shall be located, placed, maintained or operated on any public street, avenue, boulevard, lane, alley or other public ground within the city.

(B) No machine shall be so located that its operation will create a nuisance.

(Prior Code, § 340.09) Penalty, see § 112.99

**§ 112.10 GAMBLING RESTRICTIONS.**

(A) *Cost per play.* No machine used or intended to be used as an amusement device shall be constructed, maintained or operated as to be capable of taking more than 1 coin, token or slug per player for any 1 game.

(B) *Use for gambling.* It shall be unlawful for a licensee under this chapter, or owner of any amusement device, or the owner or operator of any establishment where any amusement device is located, to permit the device to be used for gambling or for the making of bets or wagers.

(C) *Pay-offs.* It shall be unlawful for a licensee under this chapter, or owner or operator of any amusement device, or the owner or operator of any establishment where an amusement device is located, to give any money, token, merchandise, or any other thing of value or other form of reward or prize as payment for playing the

amusement device. It shall not be a violation of this chapter for the amusement device to award a free game pre-registered in the device and there shall be no device on the machine whereby the operator can cancel registered free games.

(D) *Automatic pay-offs.* No person shall keep, maintain, sell or permit to be operated in his or her place of business any amusement device which has been converted into an automatic pay-off device which shall award money, prizes, tokens, merchandise, gifts or any other thing of value, other than free games to the operator or player of the amusement device. No person shall convert any amusement device into an automatic pay-off device.

(E) *Abatement.* Any amusement device which is used in violation of this chapter or any other applicable state law or other regulation may be seized and destroyed in compliance with the provisions of state law relating to gambling devices. (Prior Code, § 340.10) Penalty, see § 112.99

### **§ 112.11 AMUSEMENT CENTERS.**

(A) *Hours of operation.* The operation of amusement devices shall be restricted to the lawful hours of operation of the location in which the devices are located.

(B) *Nuisance.* No amusement center, nor any coin-operated amusement device or coin-operated musical device within an amusement center, shall be operated so as to constitute a public nuisance.

(C) *Order.* It shall be the responsibility of the licensee to maintain order on the licensed premises at all times.

(D) *Fire regulations.* It shall be the responsibility of the licensee to see that the licensed premises do not become overcrowded so as to constitute a hazard to the health or safety of persons within the premises. The area Fire Chief may designate the maximum number of persons to be permitted on the licensed premises.

(E) *Attendant.* The licensee shall provide reasonable adult supervision, with the minimum of 1, taking into consideration the number of machines and patrons, the number, nature, type and proximity of other businesses in the premises or in the vicinity

(F) *Intoxicated persons.* The licensee of any amusement center shall not permit an obviously intoxicated person to remain on the licensed premises.

(G) *Code enforcement.* Any amusement center and any premise in which amusement devices are located shall conform to all building and fire codes for the city. The Building Inspector or Fire Inspector may enter the premises at any reasonable time during normal business hours for the purpose of inspecting the premises for fire hazards. All law enforcement personnel of the city shall have the right to enter the premises at any reasonable time during normal business hours for the purpose of enforcement of the terms of this section.

(H) *Lighting.* The interior of an amusement center shall be illuminated as to ensure the proper and complete observation of patrons at all times. The Building Inspector may require conformance with his or her recommended standards for lighting levels to carry out the intent of this division.

(I) *Owner responsibility.* It shall be unlawful for any person, firm, partnership or corporation engaged in the business of operating an amusement center to knowingly allow any illegal activity upon the licensed premises.  
(Prior Code, § 340.11) Penalty, see § 112.99

## **§ 112.12 SUSPENSION AND REVOCATION.**

The Council may suspend for a period of time not to exceed 60 days, or revoke any license issued under this chapter for any violation of any provision of this chapter, state law or other applicable regulation. No license shall be suspended or revoked unless the licensee has been given written notice and the right to be heard at a public hearing. The notice shall give at least 10-days' notice of the time and place of the hearing, and shall state the nature of the charges against the licensee.  
(Prior Code, § 340.12)

## **§ 112.13 CIRCUSES, CARNIVALS, SHOWS AND OTHER ENTERTAINMENT.**

(A) (1) Each person, desiring to conduct, stage or give a circus, carnival, theatrical exhibition, public show, athletic game or other entertainment, for which there is a charge for admission, shall first obtain a license and pay the license fee or fees as established by City Council by ordinance, as that ordinance may be amended from time to time.

(2) Local school entertainment, charitable organizations, lecture courses, and lectures on historic, literary or scientific subjects are not subject to the provisions of this section; provided, that the entertainment is not for profit.

(B) In addition to any other requirements, the applicant for a license shall give at least 1-week's notice in writing to the City Clerk or other authorized official, stating the dates of the performances and the location at which the performances are to be presented. The City Clerk shall give his or her consent to the issuance of the license if he or she deems that the location is suitable for the purpose; that it will properly accommodate the patrons; that the nature of the performance or exhibition does not pose a threat to the health, safety or general welfare of the public; and that the use of the location will not create too great a burden upon the Police Department or the Fire Department.

(C) No circus, carnival, theatrical exhibition, public show, athletic game or other entertainment shall be given for more than 2 consecutive days, except in cases where the City Council by resolution allows a longer period, or where the exhibition is to be conducted on municipal property and the use thereof for a longer period shall have been approved by the City Council. Penalty, see § 112.99

**§ 112.99 PENALTY.**

Any person who violates or fails to comply with any provision of this chapter shall be guilty of a misdemeanor and subject to a fine not to exceed \$1,000, or to imprisonment for a period of time not to exceed 90 days, or both, together with the cost of prosecution to the extent authorized by state law, the Rules of Court, and the Rules of Criminal and Civil Procedure. These penalties imposed may be imposed in addition to the suspension or revocation of the license. The licensee under this chapter, whether or not in direct control of an amusement device or the premises upon which the amusement device is located, may be charged under this chapter for any violation of this chapter by virtue of his or her implied direct control of the amusement device and premises resulting from being the licensee.

(Prior Code, § 340.13)