

## CHAPTER 14. LICENSING; AMUSEMENTS AND ENTERTAINMENT

### **ARTICLE II. Arcades and Pool Halls**

#### **Section 14-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Arcade.* Means any business establishment, building, structure or tract of land which devotes 30 percent or more of its floor space to the public used of the following amusement or any combination of any of the following amusements:

- (a) Foosball, air hockey or pigeon hole tables;
- (b) Pinball machines;
- (c) Shooting gallery machines;
- (d) Any electric or electronic device or game patterned after table tennis, hockey, and similar games, including electric rifle or gun ranges;
- (e) Any mechanical or electrical device which is designed to be played by a contestant or contestants and upon which the contestants receive a score or rating based upon their performance.

The calculation of floor space shall include the area occupied by or reserved for persons who use or are waiting to use the amusements.

#### **Section 14-32 thru 14-50. Reserved.**

#### **Sec. 14-51. License Required.**

No person shall operate an arcade or pool hall without first paying a license fee and obtaining and having a current license as herein provided. The license required under this section shall be in addition to any license or licenses required to be obtained under any other provision of this Code.

#### **Sec. 14-52. Application.**

Any person desiring to operate an arcade or pool hall or to renew his license to conduct such activity shall file with the City Clerk an application on forms provided by the City Clerk for that purpose. The application form shall contain the following, together with any other information which the City Manager may require:

- (a) Full legal name, date of birth and address of applicant;
- (b) Address of the proposed arcade or pool hall, and a diagram of the proposed floor plan of the premises;
- (c) The full legal name, date of birth, and address of all persons owning or having an interest in the licensed premises and in the proposed business. In the case of a corporation, this shall include the full legal names, dates of birth, and addresses of the officers and directors of the corporation and all shareholders who own alone or in conjunction with their spouse or children more than ten percent of the issued share of the corporate stock;
- (d) If the licensed business is owned by a corporation, a copy of the certificate of incorporation, articles of incorporation and bylaws of the corporation;

- (e) The full legal name, date of birth and address of the manager or managers who will supervise the licensed activity;
- (f) Whether any of the persons listed in subsections (1), (3) or (5) of this section have been engaged in the business of operating an arcade or pool hall in the last five years;
- (g) Whether any of the persons listed in subsections (1), (3) or (5) of this section have been convicted of a crime or have had an application for an arcade or pool hall license denied, revoked or suspended within the last five years;
- (h) The applicant's plan of security for the licensed premises.

**Section 14-53. License fee.**

The license fee shall be for the calendar year and must accompany the license application. The license fee shall be set by the Council which may set a higher fee for the first year than for license renewals.

**Section 14-54. Bond.**

- (a) At the time of filing an application for an arcade license under this section, the applicant shall file a bond with a corporate surety with the City Clerk in the amount of \$5,000.00. Alternatively, the applicant may file a cash bond in the same amount. All such bonds shall be kept in full force and effect throughout the license period and shall be conditioned as follows:
  - (1) The licensee shall obey the laws relating to the licensed business;
  - (2) The licensee shall pay to the city when due all taxes, license fees, penalties and other charges provided by law;
  - (3) In the event of violation of any law relating to the business for which the license has been granted, the bond shall be forfeited to the city.

**Section 14-55. Investigation and recommendation.**

- (a) All applications for licenses shall be referred to the Chief of Police and to such other persons on the city staff as the City Manager shall deem necessary for investigation and recommendation. The persons to whom an application has been referred shall make their report and recommendations in writing.
- (b) Upon receipt of the written reports and recommendations, the City Manager shall cause to be published in the official newspaper, at least ten days in advance, a notice of public hearing to be held by the City Council setting forth the day, time and place when the hearing will be held, the name of the applicant and the location where the business is to be conducted.
- (c) The application, together with the City Manager's recommendation, shall be submitted to the City Council at the hearing. After the hearing, the Council may grant or deny the license. In granting the license, the Council may impose special conditions as it deems such conditions to be necessary because of particular circumstances related to the application.

**Section 14-56. Ineligibility.**

- (a) Existence of any of the following conditions shall render the applicant ineligible for a license:

- (1) If the applicant or manager of the licensed business is:
  - a. Under 18 years of age;
  - b. An alien, a non-U.S. Citizen;
  - c. A foreign corporation.
- (2) If the applicant, manager or persons owning the licensed activity:
  - a. Is not a person of good moral character and repute; and/or
  - b. Has been convicted of an offense which relates to the conduct of the licensed business.
- (3) If the applicant has operated a similar business elsewhere which operation did not substantially comply with the provisions of this section relating to the manner in which the business is conducted;
- (4) If the applicant has been denied a license to conduct a like or similar activity or has had such license suspended, revoked or canceled.

**Section 14-57. Conditions of License.**

- (a) Issuance and retention of licenses shall be subject to each of the following conditions:
  - (1) Only premises which are located in a zoning district where the licensed business is authorized in the City may be licensed;
  - (2) No premises may be licensed unless sufficient visibility exists from outside the entrance to the premises for a person of average stature to visually survey the entire premises and all possible locations of patrons therein;
  - (3) Arcades shall prohibit the consumption of alcoholic beverages, whether classified as intoxicating or non-intoxicating, or the use of any controlled substance upon any part of the licenses premises;
  - (4) Arcades shall not be open for business prior to 10:00 a.m. or after 9:00 p.m. Pool halls shall not be open for business between the hours of 1:00 a.m. and 9:00 a.m.;
  - (5) No person under the age of 14 years shall be permitted to enter or remain upon any part of the licensed premises unless accompanied by his parent or legal guardian;
  - (6) Adequate off-street parking for automobiles must be provided in compliance with the current Code requirements;
  - (7) The licensed premises shall fully comply with all applicable state and local regulations dealing with health, zoning and building requirements;
  - (8) The licensee shall be responsible for maintaining order on all parts of the licensed premises;
  - (9) Only amusements with a current valid city license sticker attached may be offered for use or kept on the licensed premises;
  - (10) No wagering or betting for a consideration or any other gambling shall be permitted on the licenses premises;

- (11) The licensed activity shall be conducted in such a manner and located in such a place so as not to be likely to result in injury or damage to persons or property in the neighborhood or injurious, annoying or disruptive to patrons of other businesses located in the area;
- (12) The applicant or manager or assistant manager designated in the license application shall be present on the premises during all times the premises are open;
- (13) A uniformed security officer shall be present on arcade premises during all times that the premises are open;
- (14) No more than ten amusement devices shall be allowed on any one premises licensed as an arcade.

**Section 14-58. Suspension or revocation of license.**

- (a) The license may be revoked or suspended in accordance with this article whenever the licensee, its owner, manager, or any of its employees or agents have engaged in any of the following conduct:
  - (1) Fraud, deception or misrepresentation in connection with the securing of a license;
  - (2) Conduct inimical to the interests of public health, safety and welfare;
  - (3) Conduct involving moral turpitude;
  - (4) Conviction of an offense involving moral turpitude by any court of competent jurisdiction;
  - (5) Failure to comply with any of the provisions of this section or engaging in conduct which would be grounds for denial of an initial application for licensure.

**Section 14-59 thru 14-80. Reserved.**