

PART 5

AUTOMATIC AMUSEMENT DEVICES

§501. Definitions.

AUTOMATIC AMUSEMENT DEVICE –

- A. The term automatic amusement device shall include mechanical amusement devices and shall mean any machine, which, upon the insertion of a coin, slug, token, plate, or disc, may be operated by persons generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machine, baseball or bowling machines, video machine, and all games, operations, or transactions similar thereto under whatever name they may be indicated.
- B. Specifically excluded from the foregoing definitions under this Part are mechanical devices commonly known as “vending machines.”
- C. Pool tables, billiard tables, whether coin operated or not, are specifically covered by this Part.

DISTRIBUTOR — any person, firm or corporation partnership or association, who sets up for operation by another, any device as herein defined, whether such setting up for operation, leasing or distributing is for a fixed charge or retail, or on a basis of a division of income derived from such device, or otherwise.

PROPRIETOR — any person, firm, corporation, partnership, association or club who, as the owner, lessee or proprietor, has under his or its control any establishment, place or premises, in or at which such device is placed or kept for use, or play, or on exhibition for the purpose of use or play.

(Ord. 9-82, 11/10/1982, §1)

§502. License.

- 1. License Required.
 - A. No person shall operate, maintain or use in any public or quasi-public place or in any building, store or other place where the public is invited, any automatic amusement devices without first obtaining a license.
 - B. No automatic amusement device license shall be issued to any person who has been convicted of a crime involving morals crimes, or convicted of any crime involving disorderly persons, or convicted of a crime of gambling.

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2. Application for Automatic Amusement Device License. Applications for automatic amusement devices shall be made in writing to the City Manager or his designee on a supplied form. All information requested will be supplied in full, before review takes place. [Ord. 11-98]

(Ord. 9-82, 11/10/1982, §1; as amended by Ord. 11-98, 9/23/1998)

§503. Fees.

1. Fee for License; Proprietor. The license fee for each proprietor shall be established from time to time by resolution of the Board of Commissioners. [Ord. 11-98]
2. License Displayed. All licenses will be displayed in a conspicuous place.
3. License Term. All licenses will run from January 1 through December 31. Any permit processed after June 1, will be 1/2 of the fee schedule.
4. Fee Exemptions. The provisions of this Part requiring fees shall not apply to any church, charitable or nonprofit organization which operates a coin-operated amusement device exclusively for the use of its members and their guests on the premises owned and/or controlled by it. They, however, will be required to be licensed.
5. Exchange of Machines. A machine or device may be transferred or exchanged for another similar machine or device upon notification within 24 hours to the Manager or his designee to such effect and the giving of a description and serial number of the new device. A fee may not be levied on the exchange provided the exchange does not increase the number of machines. [Ord. 11-98]

(Ord. 9-82, 11/10/1982, §1; as amended by Ord. 11-98, 9/23/1998)

§504. Inspection.

The Police Department shall make periodic inspections of all automatic amusement devices licensed under this Part to insure that the license is in compliance with all of the terms and provisions of said license. The inspection will be made during hours of operation and will not be pre-announced. Refusal to cooperate will be grounds for forfeiture of license.

(Ord. 9-82, 11/10/1982, §1)

§505. Investigation.

All applications will be investigated by the Police Department for correctness as to information contained thereon. All devices will be inspected for serial number and name for tagging.

(Ord. 9-82, 11/10/1982, §1)

§506. Approval or Denial.

1. Approval. If the application(s) is approved, the license shall be issued by the City Manager or his designee, and the fee shall be remitted to the City Clerk. [Ord. 11-98]
2. Denial. If the application(s) is denied, the grounds for denial shall be set forth in writing. The applicant shall be entitled to a hearing before the Board of Commissioners within 30 days. At this time he/she will be permitted to submit pertinent information on their behalf. The applicant will be given 10 days notice of the date and time of the hearing.

(Ord. 9-82, 11/10/1982, §; as amended by Ord. 11-98, 9/23/1998)

§507. Regulations.

1. No proprietor holding a license to operate coin-operated amusement devices shall permit a person under 10 years of age to play or operate a coin-operated amusement device unless such person is accompanied by an adult. This limitation shall not apply to the use of jukeboxes or to the use of mechanical carousel horses or similar amusement devices designed especially for the amusement of children. This limitation also shall not apply to pool and billiard rooms which have their own specific set of regulations, as provided for in Chapter 13, Part 2.
2. The proprietor shall not permit any person to bet or gamble on the licensed premises.
3. The proprietor shall at all times maintain good order and shall not permit any disturbance, congestion or loitering upon the licensed premises.
4. No music machine shall be operated in a manner to be heard out of doors.
5. No licensed premises shall be without adequate sanitary facilities nor contain any fire, safety or health hazard.
6. Each distributor and/or proprietor shall, within five days, report in writing to the City Manager or his designee any change by addition or deletion of the informa-

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tion furnished on the license application during the term of any license or renewal thereof. [Ord. 11-98]

7. No distributor or proprietor shall refuse to cooperate fully with the City Manager or his designee and any law enforcement officer or agency. [Ord. 11-98]

(Ord. 9-82, 11/10, 1982, §1; as amended by Ord. 11-98, 9/23/1998)

§508. Enforcement.

The City Manager, or his designee, and all members of the Police Department, are authorized to enforce the provisions of this Part.

(Ord. 9-82, 11/10/1982, §1)

§509. Revocation of License.

1. Every license issued hereunder is subject to revocation by the City Manager or his designee for the violation of any of the provisions of this Part. Any material mis-stated or omitted in the license application shall constitute grounds for revocation. The revocation shall occur only after a hearing. [Ord. 11-98]
2. The licensee shall be given 10 days notice of the date of such hearing, and such notice shall state the grounds therefor. At such hearing, the licensee may submit pertinent information on his own behalf.

(Ord. 9-82, 11/10/1982, §1; as amended by Ord. 11-98, 9/23/1998)

§510. Violations and Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense. [Ord. 11-98]
2. Upon such conviction, no licensee shall thereafter transact the business of distributing or operating coin-operated amusement devices in the City.

(Ord. 9-82, 11/10, 1982, §1; as amended by Ord. 11-98, 9/23/1998)