

**SECTION 410**  
**MECHANICAL AND ELECTRONIC AMUSEMENT DEVICES**

**410.01.        DEFINITIONS**

Subd. 1        The term "machine" as used herein means a mechanical or electronic amusement device of any of the following types:

- a.        A machine or contrivance, including "pinball" machines, bowling machines, shuffle boards, electric rifle or gun ranges, miniature mechanical or electronic devices and games or amusements patterned after baseball, basketball, hockey, electronic games, and similar 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 or coins, or taken, or at a fee fixed and charged by the establishment in which such devices or machines are located, and which contain no automatic payoff devices for the return of money, coins, merchandise, checks, token or any other thing or item of value; provided, however, that such machine may be equipped to permit a free play or game.
- b.        Amusement devices designed for and used exclusively as rides by children, such as, but not limited to, kiddy cars, miniature airplane rides, mechanical horses, and other miniature mechanical devices, not operated as a part of or in connection with any carnival, circus, show, or other entertainment or exhibition.

Subd. 2.        "Amusement Center" means the operation by any person, firm, partnership or corporation of: A business which is devoted primarily to the operation of mechanical or electronic amusement devices and consists of the operation of six or more machines in one location and is open for public use and participation.

**410.02.        LICENSE REQUIRED**

Subd. 1        No person, firm, partnership or corporation shall keep, operate, maintain or permit to be operated or maintained upon premises within his direct or indirect control within the City any machine, unless such person, firm, partnership or corporation shall have first procured a license as hereinafter provided for each machine.

Subd. 2        No person, firm, partnership, or corporation shall own, operate or permit operation of an Amusement Center on premises owned, leased or operated by him or engage in the business of operation an Amusement Center in the City unless an annual Amusement Center License has been obtained. Such Amusement Center license shall be in addition to any other license required by this ordinance.

Subd. 3        It is further provided that nothing in this ordinance be construed to required licensing of coin-operated music boxes, more commonly known as "jukeboxes" or amusement devices as defined in subd. 1(b) hereinbefore.

#### **410.03. APPLICATION**

The application for such licenses shall contain the following information:

- a. Name and address of the applicant, age, date and place of birth.
- b. Place where machine or device is to be displayed or operated and the business conducted at that place and the zoning classification.
- c. If the interest of the applicant be that of a corporation or other business entity, the names of the person having a five percent (5%) or more interest in said business entity shall be listed.

#### **410.04. LICENSE**

Subd. 1 Each applicant for a license to operate or maintain a machine of the type described in Section 410.01, subd. 1, subsection (a) or an amusement center as defined in Section 410.01, subd. 2, shall pay an annual license fee as established from time to time by the City Council. The fee schedule as set out in Section 402.01 indicates the fee established or required for issuance of this license. A separate fee shall be established for each machine and for each amusement center licensed.

Subd. 2 Licenses shall cover an annual period from January 1st through December 31st for each thereafter; provided, however, that the initial license fee for each applicant shall be prorated as of the date of the application therefor.

Subd. 3. Said application for license shall then be presented to the City Council for consideration, and, if approved, the city clerk shall issue the license to the applicant.

#### **410.05 INSURANCE**

If the machine is of the type described in Section 1, subd. a., subsection (1), the applicant shall also submit with his application a policy of liability insurance applicable to death or injury caused by the operation of the licensed machine, the minimum amount of \$200,000.00 for injury to or death of any person or \$600,000.00 for one accident.

#### **410.06. INSPECTION**

Subd. 1. Application for license shall be made in duplicate, and one copy shall be referred to the chief of police, or his designated inspector, who shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character, and he shall either recommend approval or disapproval of the application.

Subd. 2. Each machine licensed under this ordinance shall be inspected by the City Administrator.

#### **410.07. DISPLAY OF LICENSE**

The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

**410.08. TRANSFERABILITY**

Subd. 1. The license may be transferred from one machine or device to another similar machine if the licensed machine is replaced with a newly acquired machine.

Subd. 2. Not more than one machine shall be operated under one license, and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

Subd. 3. Licenses are issued for one location only and such licenses are non-transferable between locations.

**410.09. LOCATION OF MACHINE**

Subd. 1. No machine shall be located, placed, maintained or operated on any public street, avenue, boulevard, lane, alley or other public ground within the city. No machine shall be so located that its operation will create a nuisance.

Subd. 2. Maximum number of machines as defined in Section 1, subd. 1, subsection (1) shall be limited to five (5) in number at any one location of any one business establishment unless licensed as an amusement center.

**410.10. USE FOR GAMBLING**

It shall be unlawful for the owner of any such machine, or for the owner or operator of any establishment where it is located, to permit the same to be used for gambling or for the making of bets and wages.

**410.11 PAYOFFS**

It shall be unlawful for the licensee or for the owner or operator of the establishment where such machine is located, to give any money, token, merchandise or any other thing of value of any reward or prize in lieu of free games registered on such machine, and all free games so registered shall be played on the machine registering such free game, and there shall be no device on the machinery whereby the operator can cancel registered free games.

**410.12. AUTOMATIC PAYOFFS**

No person shall keep, maintain, sell, or permit to be operated in his, its, or their place of business any machine which has been converted into an automatic pay off device which shall automatically award money, prizes, tokens, merchandise, gifts, or anything of value, other than free games, to the operator or player of such machine. No person shall convert any machine into an automatic payoff device.

**410.13. DESTRUCTION OF ILLEGALLY OPERATED MACHINES**

Any machine which shall have been made use of in violation of Section 410.10, 410.11, or 410.12 of this code may be seized and destroyed in compliance with the provisions of the Statutes of the State of Minnesota relating to gambling devices. (M.S.A. 626.04).

**410.14 CERTAIN MACHINES NOT REGULATED**

Nothing in this ordinance shall be held to apply to any machine held or kept for storage for later sale or distribution.

**410.15 AMUSEMENT CENTERS – RESTRICTIONS**

Subd. 1. No amusement center shall be operated so as to constitute a public nuisance, including, but not limited to, vandalism of adjacent properties or loitering by patrons of the amusement center in and about adjacent properties.

Subd. 2. It shall be the responsibility of the licensee to at all times maintain order on the licensed premises and the adjacent common areas, such as sidewalks, parking lots and hallways. It shall further be the responsibility of the licensee to maintain the licensed premises and the adjacent common areas, such as sidewalks, parking lots and hallways, free from litter.

Subd. 3. It shall be the responsibility of the licensee to see that the licensed premises to not become overcrowded so as to constitute a hazard to the health or safety of persons therein. The city fire chief may designate the maximum number of persons to be permitted on the licensed premises.

Subd. 4. The licensee shall provide a full-time attendant, 25 years or older, upon the licensed premises during business hours.

Subd. 5. Each licensed premises shall be allowed one pool or billiard table.

Subd. 6. It shall be unlawful for any person, firm, partnership, or corporation engaged in the business of operating an amusement center to sell, offer for sale, or knowingly permit to be sold or offered for sale, or to be dispensed or consumed or knowingly brought on the licensed premises any alcoholic beverages or narcotic drugs, or to knowingly allow any illegal activity upon the licensed premises.

Subd. 7. Every amusement center licensed under this ordinance shall be affixed on its premises in plain view a decal evidencing the issuance of its license and each machine on the licensed premises shall have affixed to it a plate or sticker evidencing its being licensed under this ordinance.

Subd. 8. The license required and described in this ordinance shall be purely a personal privilege and shall not constitute property. A licensee shall not have any vested interest or property rights in a license. It is not transferable in any manner.

Subd. 9. Amusement centers shall be open only from 12:00 noon until 9:00 p.m. Monday through Thursday, 12:00 noon through 11:00 p.m. Friday and Saturday, and 10:00 a.m. through 5:00 p.m. on Sunday.

Subd. 10. The aforesaid restrictions may be amended and additional conditions or restrictions may be imposed or added.

**410.16 REVOCAION**

Council may suspend or revoke any license provided for herein for violation of any provisions or condition of this ordinance or any state law, except in the case of a suspension pending a hearing or revocation. Revocation or suspension by the Council shall be preceded by a written notice to the licensee in a public

hearing at which the licensee has been allowed to be present and to make a presentation. The notice shall give at least eight days' notice of time and place of the hearing and shall state the nature of time and place of the hearing and shall state the nature of the charges against the licensee. Council may without advance notice suspend any license pending a hearing on revocation for a period not to exceed thirty days.

**410.17        PENALTIES**

Any violation of any provisions of this ordinance or any section thereof shall be a misdemeanor. The penalty for a misdemeanor conviction may be imposed in addition to revocation and suspension of a license. The licensee under this ordinance, whether or not he is in direct control of a machine described in Section 410.10 of this code, or of the premises upon which said machine is located, may be charged under this ordinance for any violation thereof, by virtue of his responsibility as a licensee hereunder, and by virtue of his indirect control of said machine and premises, resulting from his being the licensee.